

**ICANN Costa Rica Meeting
GNSO Wrap-Up Session - TRANSCRIPTION
Thursday 15th March 2012 at 12:30 local time**

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Coordinator: Excuse me, this is the operator. Just need to inform all parties today's conference is being recorded, if there are any objections you may disconnect your line at this time.

Stephane van Gelder: Hello everyone. Welcome to the GNSO Council Wrap-Up. Can I ask councilors that are in the room to try and grab some lunch as quickly as they can so that we can start the meeting and we'll look to start in about five minutes.

So GNSO councilors please start getting some lunch. Thank you. And everyone else obviously.

Okay GNSO councilors can I ask you to get to the table as soon as you can please and we'll start the meeting. I know there are other meetings that people want to get to afterwards so I'd like to start as soon as possible. Thank you.

((Crosstalk))

Stephane van Gelder: Okay welcome everybody. Can I please ask the operator to start the recording? Can I ask the GNSO councilors to take a seat and we will start his

wrap-up. As a reminder the wrap up is more of an informal discussion than something with a set agenda.

We generally do not carry an agenda for this meeting. We had some interesting discussion at yesterday's meeting that we may want to carry on or we may want to choose other topics or we may want to look at some of the work that we are going to have to be doing in the next few weeks and just touch on those items and prepare them.

However I would like us to discuss one item which came in during our week's work in which we haven't had a chance to discuss yet and that is the letter that I received and that was also sent to Heather Dryden, the GAC Chair, from Rod Beckstrom and Steve Crocker on protecting the IGO names.

I think that is of specific and particular relevance to us especially in the light of the debate that we had yesterday on the Red Cross and IOC names. So I would like to either open it up to - well, yes, let's just open it up to discussion.

Man: A quick clarifying question.

Stephane van Gelder: Yes.

Man: We received some new information on IOC and RC names from Steve Crocker and Rod?

Stephane van Gelder: No I'm talking about the letter - is everyone familiar with the letter that I'm talking about which is one that was dated 11th of March, which I sent to the Council list on that day and which has as its subject IGO requests regarding registration and use of IGO names in DNS.

It is a letter requesting us - sorry, Mary I'll just - it's a letter requesting us to - let me read that without - the ICANN Board formally requests that the GAC and the GNSO provide policy advice to ICANN regarding the IGO's requests.

And my - the first question that I - that brings to my mind is is there really a specific case for IOC and Red Cross or - in which case what's our answer just there's nothing to consider because they're not in that same category? Or do we have to look at this in greater detail? Thomas.

Thomas Rickert: Just as a follow up to what I tried to say or said yesterday - I think the mic is not up can you...

((Crosstalk))

Stephane van Gelder: Just get closer to the mics and don't forget to mention your name the first time you speak please.

Thomas Rickert: Yes, but there's a guy at the mixing console who is, you know, also pushing faders back and forth so sometimes it's not just the distance. My name is Thomas Rickert and I'd like to follow up basically responding to your question to what I said yesterday.

Our discussion yesterday was surrounding at least in my humble opinion an implementation detail where everything else concerning TLD protection or protection at the top and second level would actually require further discussion including policy development.

So I think our answer at the moment should be that we're dealing with this in terms of policy response and that would certainly cover the questions raised in the letter.

At the same time, Stephane, I would very much like you to contact Steve or somebody else at the Board to see how good or bad the chances are for the Board to actually make a decision even if we have the next GNSO meeting relatively quickly. But I think, you know, we should know whether it's realistic that we get results or not.

Stephane van Gelder: If I understand your request properly at this stage the Board has passed a request onto us. Our response should be to that request. And we can ask if they'll consider our response but I think that goes without saying.

Thomas Rickert: Maybe I didn't make myself clear. Our response to this letter should be that the GNSO is working on policy surrounding this which will address the questions asked in the letter.

Stephane van Gelder: Okay. I have Alan, Jeff, Bill, Mary, Zahid.

Alan Greenberg: My question - concern is the same one as I raised with the Board and that considers the use of the word policy in that case. Other issues related to protection like that have not been deemed to be policy but have been deemed to be implementation.

If it is deemed to be a capital policy I don't think we have any choice but to go through a full PDP which implies what the drafting team is supposed to be doing at the second level with a nine-month or so delay also has to go through a PDP as that too is policy.

I would really like to see that made a lower P policy - or the word policy taken out. And they asked for our advice. It may well be possible we can do it in reasonable timeframes then. Deeming this to be policy sets all sorts of precedents that I don't think we need to enter into right now.

Stephane van Gelder: Thanks, Alan. Jeff.

Jeff Neuman: Yes, so this is Jeff Neuman. The (unintelligible) yesterday and I think Wolfgang I don't see here. But he took me - I talked to him after as well. There's an (unintelligible) to in the drafting team get away from specifically naming the IOC and the Red Cross but rather general (unintelligible) so one

of those things that we would like is to request specifically from the GAC the criteria that (unintelligible) put these two organizations on (unintelligible).

I think - (unintelligible) request. So I think - I think the first thing we should formally request of the GAC (unintelligible) research and other (unintelligible) that was done to put these two names on the list. I think that'll help on the next (unintelligible) second level and moving forward. It'll help with the (unintelligible) as well.

The other point I want to move past that I think (unintelligible) PDP with a policy process. Technically we do have (unintelligible) PDP for policy. We do a PDP if we - if, one, we think it's going to affect the contracts or, two, if we want to basically put the Board in a position where they have to vote yes to it or if they don't they have to provide rationale.

So let's just be careful of the terms that we use. It may in fact have to be a PDP because if it takes us longer than the first contract being signed then it's got to affect a contract and therefore it would have to be a PDP. Sorry if I'm talking in circles for many people.

But so I think the next step really is to just make that request to the GAC, get that information. And I truly believe that after we have that information and talk about this in the drafting team that will lead us down a path to be able to respond or at least provide further input than the policy questions raised by Steve Crocker and Rod Beckstrom.

Stephane van Gelder: Thanks, Jeff. So I've written down (unintelligible) requests that the GAC provide us with the legal reason that has allowed them to state that the IOC and Red Cross have special protection. Right now I'll just jot these things down as the discussion progresses and then at the end ask your - which points you want to leave on the shopping list.

Jeff Neuman: On the second part of that is - if a short note - if everyone agrees here - I don't know if everyone agrees...

Stephane van Gelder: Just brainstorm for now and we'll get the answer.

Jeff Neuman: Right, a short note to Steve and Rod saying that we've taken this under advisement and we are working on it through a GNSO Council drafting team. I mean, let them know that we're actually working on it.

Stephane van Gelder: Thank you. I have Bill next.

Bill Drake: This is Bill Drake. I'm pleased to say - in fact elated to say that I agree 100% with Jeff. We do need to have - and we should have had long ago a clear sense of the rationale, the legal basis and so on so I'm all for doing that.

In fact more generally, I mean, I think, you know, some of us have been saying for some time that we thought that this - that we were concerned about the precedent dimensions and the intergovernmental organizations were going to come and etcetera, etcetera. And some folks say that's a red herring, you shouldn't worry about it. They're assessing that now, etcetera, etcetera.

But we are going to have to deal with this stuff in a broader way. And I think having a principled based approach to it would be very desirable. And I would certainly encourage any kind of activity - I would certainly participate in it.

But (unintelligible) I wonder whether we couldn't inquire of these international organizations about their own legal grounding and what kinds of instruments there are behind them.

I suspect that if you look at what - 25 or whatever it was they wrote - there's great variation in their host country agreements and legal status and so on.

That'd be helpful to know as a starting point when we start to think about these issues.

By the way I don't know if everybody remembers everything about the letter from the international organizations. Maybe it would be helpful, Stephane, if you could at least summarize the main operative sentences or two if you have them in front of you?

Stephane van Gelder: The letter (unintelligible). It's a full page letter - so no...

Bill Drake: (Unintelligible).

Stephane van Gelder: No, I can read out (unintelligible) in relation to (unintelligible). And if ICANN's commitment (unintelligible) plans. We formally request ICANN to make provision for a targeted exclusion of third party (unintelligible) names and acronyms of IGOs both at the top and second level at least during ICANN's first application round and until further appropriate policy can be developed.

We request - we request (unintelligible) community and included in an updated version of the Applicant Guidebook before (unintelligible). I believe that (unintelligible) and I have sent it to the list.

I have Mary next.

Mary Wong: Thanks, Stephane. Mary Wong for the record. A couple of things. First I too agree with Jeff's suggestion; I think that would be very helpful, that would be very constructive and in particular when we go forward on the second level type of discussion in the next round especially given that our new constituency has made proposals that might also be relevant in that regard. So I think I would support that suggestion.

Another suggestion - and, Stephane, I'm just offering this as part of the brainstorming session - is to - if there's a way to find out maybe a small request of ICANN staff how many of those signatories - how many of the signatories to that letter are observers or participants in some way or involved with the GAC in the way perhaps that the FBI and other agencies or the Council of Europe. I haven't looked recently but I don't think there's a list of those on the GAC Website. So I think that would be somewhat useful to us.

The third point I'd like to make is, you know, that letter was sent in December. And as you said the timeline was until January. We did not get the request from the Board until about four days ago. So the question I would have for us as a group and also I suppose in some ways for the Board is are we talking about doing something before the first round closes or can we agree that it's just practically impossible - whether we do it as a DT, a PDP, a working group, an urgent group, whatever we want to call it.

I mean, if we are talking about something for the first round then we do have to respond. I don't think even the policy versus implementation discussion is relevant.

Stephane van Gelder: Well I can give you my own personal opinion. The letter states that the Board is asking for policy advice. There's no date. There's no prerequisite to do it in the first round. It is March the 15th; I do not see how anything could be done before April the 12th by the GNSO at this stage.

But if you're willing to stay here for another three weeks then perhaps you can get to it.

Mary Wong: Can I follow up on that? And that would be the specific question posed to us. My personal view - we haven't really discussed it within our community so I can't say this is the SG view. But my personal view is exactly the same as Stephane's. And it may then be that that is our response to the Board.

Obviously the initial request was to be in time for the first round. And we could have I suppose if we had had some request then have done something for the first round and said let's do the second round together with all the other things.

Stephane van Gelder: So I didn't get any of that obviously because I was distracted...

((Crosstalk))

Mary Wong: I agreed with you; you missed that.

Stephane van Gelder: I am sad - I'm sorry I missed it. Zahid.

Zahid Jamil: Right, first of all I'm totally in favor of staying here as long as we need to...

((Crosstalk))

Zahid Jamil: ...and they're work, man, they seriously are very good for my case. Anyway I think we're mixing two things here. We have two separate mandates from the Board. One is a mandate about two organizations and the separate mandate has recently arrived with related to IGOs.

And I think we're thinking about how do we solve these problems together in one go or in a package. I'm cognizant of the fact that the Board may be waiting for a response in the case of IOC RCRC especially since there has been noise within the GAC in connection there too which we don't hear with respect to the IGO letter.

So I'd like to distinguish between the letter and the mandate we received from the IOC RCRC and the letter we received from the IGO. So if we're going to plan this unless we get a clarification from the Board that oh, yes, no worry. Take your time; you've got all the time in the world, do both of these together.

Come up with one policy, it's perfectly okay and we'll just hold off the deadline that's about to approach us, that's fine.

But if the expectation of the GAC and the Board is that their initial letter gets a response soon, quickly, I don't think we should overburden that work that we need to do in a short space of time by also saying well let's do the IGO letter with it as well. I think that may be a bigger challenge than we can take on, one.

Two, I again would like to sort of suggest, as I did yesterday, that we should sort of set up very quickly from a process point of view the next date of our meeting. And then whatever want to do in between that should be done with that in mind because that's the practical way of doing it. Otherwise we really - this is an academic discussion in my thoughts otherwise.

Stephane van Gelder: I have Wolfgang, Joy, Chuck, Alan and Jeff.

Wolf Ulrich-Knoben: Yes, thank you, Stephane. I had a lot of discussion yesterday during the gala dinner and my impression is because it was discussed over yesterday in the meeting was a - the deferral was (weakened) nor strengthened the Board.

If the GAC made the mistake and the Board makes the mistake and the GNSO Council argues we do not follow your mistake; we have our own position we have to rethink it. This is not a symbol of the weakness of the GNSO Council this is the symbol of the strength of the GNSO Council.

I think this is really important. And we've got probably more credibility by making this decision than, you know, doing something under the pressure of, you know, certain circumstances.

I think the way out is already more or less on the table. Chuck has referred to the language proposed by the Portuguese delegation that means all the special things we have now in the motion, you know, can be more or less

kept if we do not refer directly to the names of the two organizations but they just international - intergovernmental organization.

This is a very neutral formulation because this is in the business document and this describes the whole set of the organizations which are involved in (unintelligible) corporation. So it's a very tricky way to do it but, you know, this covers more or less everything and then it's up to the concrete case to say whether they fall under this protection or not.

And the other criteria is what Susan always said in the GAC that the uniqueness for this special kind of protection is they are protected in international law and in national law.

If you go to Article 4 of the Articles of Incorporation of ICANN then Article 4 says exactly that ICANN operates in the framework of international law and national law. But it means we just have to refer to Article 4 of the Articles of Incorporation. And they (unintelligible) intergovernmental international organization, you know, meets this criteria that is has special protection in international and national law.

Then, you know, all the things we have in the motion are done. And then so far so this, you know, a kind of compromised language which is difficult to argue against. So - and keeps us open, you know, that means - or to define (unintelligible) case by case. You know, if a case arrives, if somebody has a question then, you know, we have to look into the procedure if it's available in the - in the process. Thank you.

Stephane van Gelder: Thanks. And just as a reminder that people in the room are welcome to make comments as well. Joy.

Joy Liddicoat: Thanks. Joy Liddicoat. Thanks, Stephane. I just wanted to echo the support for Jeff's suggestion of asking the GAC for its advice, you know, the legal basis for its advice. I think that would be very helpful.

My points on one that - it hasn't been discussed so far and that's just in relation to the Board's letter. The Board requested the GAC and GNSO provide policy advice to ICANN regarding the IGO's request. And certainly I think one of the things that has been unclear to me as a newcomer to the GNSO Council space is how does that process of the GNSO and the GAC working together actually work?

Because it seems that during the drafting team process we were really talking to legal council representing a couple of organizations. We weren't really communicating with the GAC directly.

And I think leaving aside the reason for - the valid reasons for why that may have been - I think for the purposes of sort of trying to work together I'm unclear in a more generic sort of process in relating to, for example, the IGO request how it is the GAC and the GNSO would actually work together on this.

I think it would be unproductive and unhelpful to see a long separate parallel GAC process that doesn't interconnect with whatever the GNSO Council processes we might set up. And I just wonder whether there shouldn't be some discussion even informally with the GAC about how that process might work.

Stephane van Gelder: Thanks, Joy. Chuck.

Chuck Gomes: Thanks, Stephane. I really think with regard to the request from the Board and also from the IGOs that there's a bigger issue than whether - than their request. And the bigger issue has to do with setting a precedent for every time somebody wants something they go to the Board, they ask the Board, the Board sends it to us and says give us advice.

That doesn't work. And I think you need to make that point first of all to the ICANN Board because they did it that way. And secondly, you know, whether we respond directly to the IGOs or not, you know, we have a structure and we have processes in the bottom up process for organizations and individuals to work through.

And that's what I think you should encourage them to do. They are governmental organizations. I assume that they're a part of the GAC. And if we don't encourage people to go through the existing processes and structure you think we're overloaded now; we're going to spend all our time responding to special requests.

Stephane van Gelder: Thanks, Chuck. I wonder if that's something - if there's a consensus view on that I wonder if that's something that we might want to communicate as we respond to this request from the Board saying that we have acknowledged this letter and we have a drafting team work on it. That's just an idea that I'll throw out there. I'll go to Alan, Jeff, Jonathan, Zahid, Mason and John. So, Alan next please.

Jeff Neuman: Yes, Alan actually had to leave so...

Stephane van Gelder: Oh yes so...

Jeff Neuman: He asked me to just - I'll do his comment and then I'll do mine.

Stephane van Gelder: He actually asked you to do that? I find that very hard to believe. Go on, Jeff.

Jeff Neuman: He was over here. So he said - his comment was that he thinks the ship has sailed on the first round for the IGOs. And he said he agreed with Wolfgang. And he said that if we could find the rationale behind the IOC and the RCRC then that could be applied to every organization down the line that meets that criteria. So he was supportive of that.

Okay now to my comment. So I just want to comment on something Zahid said and then come back to something that you just asked, Stephane.

Stephane van Gelder: Yes.

Jeff Neuman: So we're not - I think what we're doing is we're not discounting the IOC RCRC, we know (unintelligible) separately. I guess my point was if we get the legal research behind the rationale for protecting the IOC and the RCRC now as we're working through that my guess is that will help inform us for the next part.

And so I think, you know, I agree with Chuck that we need to remind everyone to go through their appropriate channels and I think it's very important.

I will note for the IOC and the RCRC that's what they did but remember before we can - we don't want the GAC going straight to the Board asking for this; we want them to come to us where it affects GNSO policy or it affects something - the policy around the gTLDs.

So I agree with Chuck in maybe that we should let the GAC kind of vet out the IGOs first before we address it; that may be one way to do it as well. But once the GAC does address it then I favor us addressing it before it gets to the Board because they'd just provide advice to the Board but the policy is developed by us.

So I guess I'm supporting your comments, Chuck, but just a little bit of caution that we want to make sure that that's not the only challenge. If they go through their channel but make sure that we're included where appropriate.

Stephane van Gelder: Thanks, Jeff. Jonathan.

Jonathan Robinson: I think - not withstanding Chuck's point which is very well made. I just want to make a - check a point of clarification. What I heard in the original letter to the Board was what they were requesting was that in the absence of a bottom-up consensus-driven policy or in the absence of policy could they have a special request.

So I think in some ways we need to address that and I'm sure there are plenty of ways we could. But that was what I heard them saying. The fact is that it was a preemption because there was no time. So they're acknowledging that this can't go through the correct process and therefore require urgent special protection. So I think we have to probably address that.

Jeff Neuman: To clarify that original letter went to the Board I believe in December. The Board just chose to forward it to us now which tells me that the Board had no interest in seeing this in the first round. And it was really sending it to us for advice on an ongoing basis as opposed to the first round.

So I don't feel compelled in any kind of way to respond to the Board request in a quick timeframe. If they wanted that they could have done that several months ago.

Man: (Unintelligible).

Stephane van Gelder: Zahid.

Zahid Jamil: I think that inference that Jeff just raised is one I'd raise as well. But I think we need to be very careful before we make assumptions. I've had discussions with certain Board members in the corridors and on not just as with many other things our assumptions on how we're proceeding don't necessarily have to be correct every single time. So I think we should be careful, one.

Two, I forgot to say this, Jeff, I completely support the fact that we should as GAC for explanations as to what the basis is. I didn't want my comment to seem like I was disagreeing with you; it was in addition to - it was a process issue apart from the fact that we should ask them so I support that.

I also support that there should be - in a perfect world there would have been one principle that applied to everybody; we wouldn't be looking at different entities separately. That would have been great.

I'm looking at the political and practical and pragmatic situation that we're stuck with right now; that's what I was talking about. And so therefore I have a question. And this is probably directed at staff and anybody else who can answer this.

If supposing we - I assume that the deadline, I mean, you know, as somebody informed me I think it's the 29th of March that the TAS application deadline closes, is that right? Okay.

If we don't input this into the Applicant Guidebook by then the assumption is, as you said - Alan said, the ship has sailed. And if that is the case then does the Board, after this meeting, tomorrow or any time thereafter before the 29th, make a decision that okay the GNSO has not sent us anything. We're up against a deadline; we can't wait for this so we need to take a decision by supporting a staff proposal or something else.

So my first question is what does this mean for the application deadline and for the applicants? Does that mean that these protections would not be there for that deadline?

And the second question is can the Board decide to resolve this issue by themselves?

Stephane van Gelder: I suggest that we don't - those questions aren't for us. We don't need to ask ourselves what it means. We have a request from the Board with no specificity with regards to that. But I would suggest - a personal opinion - if the Board comes back and says the GNSO Council hasn't had time to answer so we will do this then we run into the problems that we've talked certainly in this past week about Board intervention or bottom-up becoming top-down.

Zahid Jamil: A quick response to that; they've done that before.

Stephane van Gelder: Yes.

Zahid Jamil: The post delegation dispute resolution policy that's in the Guidebook now, and many other things, they never came to the GNSO for a policy decision. They were considered implementation as - and they seemed - the balls are I think going back and forth. There is this implementation on policy. So I'm asking a practical question.

Stephane van Gelder: Except that this time they've asked for policy advice.

Zahid Jamil: True but then if you remember the SDI a lot of things the way they were implemented weren't necessarily the way we sent it to them. They can change anything they want currently in the way things are running.

So my question from staff is a policy - not a policy but a bylaw question or something that may happen. Maybe the staff can answer this? Could the Board go ahead and resolve this themselves? Yes or no? I mean, you don't have to; they're not giving me the decision of the Board; they're saying that they could or could not. I'd like that answer.

And the second is what does this mean for the applicants in the TAS if this is not there?

Stephane van Gelder: So let's give staff time to look at that while we carry on with the queue.

And I have Mason next.

Mason Cole: Thank you, Stephane. Mason Cole speaking. I just wanted to echo what Chuck said a moment ago which I agree was very well put. I'm becoming increasingly - increasingly concerned about our ability as a Council to special request our way out of relevance.

I'm not going to suggest that the GNSO is irrelevant, it certainly isn't. But as an important part of the ICANN policy making machinery more and more is happening outside of the realm that the GNSO was meant to deal with.

And I'm becoming concerned - and I speak also as a contracted party in this realm - that the freelancing of policy development in areas other than where multiple stakeholders have a voice and an ability to contribute is becoming troubling.

And I would encourage us to get as much clarity as we can before we tackle special project after special project because Chuck is right, they won't stop coming our way.

Stephane van Gelder: Thank you. I have John next.

John Berard: So I'm sure all of you were pleased to see the table of organization of ICANN in the insert to the Business Constituency newsletter. And I think it reinforces visually the point that Chuck has made.

And my own experience as a business consultant which is to try and focus on the issues at hand and keep the emotional stuff outside the edge. And so we have these two letters - the IGO letter of December, which was sent to the Board, and we have a request from earlier this week from the Board to help respond to it.

And we of course are dealing with the deferral of the IOC Red Cross Red Crescent motion. Each is separate but certainly intertwined.

I would recommend that with regard to the letter from the Board that we be clear - it's important that we be clear especially in light of what Mason has just said - that there is, in our view, that this cannot be done in a timely manner; we cannot accomplish this for the first round and that it is not something that should be considered.

However the policy implications for future rounds is quite open to discussion. However the first stop for that discussion needs to be the GAC because the organizations that are requesting the help are governmental organizations.

And so let them decide first what it is they think is the best policy approach. And they can send that advice to the Board as is their right. And the Board recognizing advice affecting policy would then engage the GNSO Council to discuss it.

I think the simplicity, the clarity and sticking with the way that we are organized I think all will help reinforce each organization's position and helps maintain the integrity of the Council.

Stephane van Gelder: Thanks. Chuck.

Chuck Gomes: I'll be pretty brief on this but I heard someone say in the absence of consensus policy. We should not do that. There isn't an absence of consensus policy. The consensus policy are the new gTLD recommendations that the Council approved by a super majority vote.

Now we all know there have been changes to that. But there isn't an absence of policy. The policy is reflected in the Guidebook the way it's been implemented to date. And it's very important that we don't agree to anybody that says there's an absence of consensus policy. That is not true.

Stephane van Gelder: Thank you. Mary.

Mary Wong: Thanks, Stephane. A couple more points I'd like to make. I think going back first to the IGO letter in December what they said - I mean, one of the things that they said as - and this is a quote - consistent with the rationale - and then it goes on - that was given for the IOC and the Red Cross.

Their request was then to have the same kind of third party exclusions in the first round. And then they make a more general request for second level. So it seems to me - not that you want to read between the lines too much - but they were basing their request on the exemptions already granted for the IOC and the Red Cross based on the GAC. That seems to me very clear from the letter. Then they request top level exclusions and then generally at the second level.

The second point I wanted to make was that - and I was poking around on the correspondence - that there was also a letter sent by Rod back to the legal counsels of the IGOs on the same day that they sent us the request.

And that letter is kind of curious. And it says basically ICANN's Board cannot unilaterally just exclude things. To date no marks, names or acronyms of any IGO have been placed on the reserved names list. Didn't like reading that phrase.

And they said as a result of significant discussions and in response to specific advice from the GAC a limited number of names identified by the Red Cross and IOC prohibit it from registration in the first round pending further policy advice from us and the GAC.

So then they go on to describe all the existing legal rights, objections, you know, in the manner that's already familiar to us. I'm not sure what to make of this. I mean, I don't think it's for us to interpret what it means.

But then the final point I wanted to make is to follow up on Mason's and other's point. Will we be comfortable communicating back to the Board possibly before the end of this meeting, possibly even this afternoon in the public forum first the concern about the endless bypassing and special projects.

And secondly very clearly saying that we received your letter, we're considering it very seriously but we do not believe that we can offer any good policy advice that must go through a bottom-up process before the 29th of March.

Stephane van Gelder: Let's open that up. If - on the first point of the question, are we ready to draft something that I should read out this afternoon? Wendy.

Wendy Seltzer: Thanks. I wanted to follow up and agree with Mason's comments around the - the importance of keeping policy making happening here. But to ask a question about what that means on special project requests - because one way of seeing those requests is as yes these are policy therefore we're sending them to the GNSO because that's where they should be dealt with.

And then we have to figure out here how we prioritize between those special projects given to us by others and those that we dream up ourselves. And I might say we need to be stiffer about focusing on some of the ones important to us that originate here.

And then sort of to ask whether there are ways we could speak more directly to those who are initiating the requests up to the Board and back down to us to cut out some of the loops. We've of course invited the GAC to have direct discussions with us or liaisons with us in the past and not gotten those.

So they do seem intent on leaving the loop in the communications. But when we hear requests that come to us months later perhaps that's a way to

encourage them, you know, there are more direct ways of initiating and perhaps initiating faster consideration.

Stephane van Gelder: Thanks. John.

John Berard: First I do think that we should arm you to be able to say something this afternoon. And I think that what you should say should be along the lines of the very, you know, simple and straightforward statements that in our view there is not time, that the initial discussion with the - the initial discussion with the IGOs should take place at the GAC as it is a government function. And we certainly wouldn't want to intrude on that.

The fact that we don't want to adopt that mess that they've created is something else as well. And then - I'm sorry, go ahead.

Stephane van Gelder: I was just going to say can you draft that very quickly, send it to me.

John Berard: Sure.

Stephane van Gelder: And then I'll send it to the Council list. I mean, if I'm to do this the turnaround needs to be now so...

John Berard: Okay.

Stephane van Gelder: ...it would help a lot if you can draft an initial statement.

((Crosstalk))

Stephane van Gelder: I'm sure it doesn't need to be very long.

John Berard: All right I'll jump off the sports pages and get on that.

Stephane van Gelder: I knew that was what you were doing. Okay so I have no one else in the queue. Marika.

Marika Konings: This is Marika. Just then moving on to some other items coming from yesterday's meeting and just, you know, to confirm that everyone is all right with that.

So first of all, you know, the locking of a domain name subject to UDRP proceedings the charter was approved so the next step there will be to draft a call for volunteers that then will go out through the usual channels, notify Glen and different mailing lists and the Web sites so we'll start a formation of a working group there.

On the PDP on thick Whois the next step there will be to form a drafting team to develop a charter so that can be put in process and, you know, get that group together to work on that.

And then there was also the discussion on the fake renewal notices report. That drafting team recommended to the GNSO Council to put out the report they prepared for public comments before the Council decides what next step to take.

And I'm just wondering if there's any objection to that proposal? And then if not we can just go ahead and actually put it out for public comment already. And then as soon as the comment forum closes the Council can, you know, consider the issue further and decide what to do next. I don't know if that's a - if the Council wants to discuss that further whether to open a public comment forum or not or whether this is something we can just, you know, go ahead with.

Stephane van Gelder: Jeff.

Jeff Neuman: Yes, on - there was one other request I'd like to add to it that the issue of deferrals gets sent to the SCI so they can immediately start work and figuring out what is an appropriate reason for a deferral or not reason, sorry, when are deferrals appropriate? When - is there any circumstance in which deferrals can be overwritten? Things like that -- I think that should go to the SCI group because there is nothing in the formal policies written. So even if it's just, yes, to the current practice, we just got to get it codified.

On the issue of thick WHOIS, the registries made a proposal. It may have been lost in the voting. But the registries' proposal was that we not start on the PDP, including drafting a charter, until next year, until early next year, until after all the negotiations are done for CALM agreement so that we figure out exactly where we are. I don't want to be like the RAA -- in the middle of doing a PDP while negotiations are going on for contracts and getting completely lost as to where everything is. So while true, we voted to initiate the PDP, the Council does have some discretion to extend some deadlines out if that's something we want to do.

Stephane Van Gelder: Thanks, Jeff. On the action items that Glen took down for me from yesterday's meeting, apart from the consent agenda approval recommend - sending the (IRTP) (unintelligible) to the Board which is a formality there was, but the request for an expedited Council meeting, which we should discuss those dates now, and a request for me to the SCI to look at the referrals. So, those are in the - what did I say? Referrals. Referrals. So, those are in the works. Jonathon?

Jonathon: Two things. One's a quick follow-up to Jeff's point, because I - the registry's point. I think we were explicit in saying it was the contract negotiations going on, and there was also a cognizance of the workload. And implicit in that is that there will be a delay to when we initiate the PDP. I'm not sure we were specific about a date, but nevertheless it's implicit that it's likely to be a date somewhere near where Jeff mentioned before we're able to commence that work at the earliest.

Second point is that we - I don't believe, and with a mild degree of reluctance I mention this, I'm not sure that we have done anything or said anything going on where the work on CWGs goes next. And I'm actually - frankly, I'm a little unsure as to what happens next, because it's we've done our work. We've acknowledged that this is something that needs to be taken up by the broader community, but I'm not quite sure how that gets initiated or developed further.

Stephane Van Gelder: I think the way it does is perhaps to publish those recommendations and for me to send them in a report or some kind of document - let's not call it a report - to the other SO in (unintelligible) for information services. And I think at that point we've done our job and we will just handle any feedback. So is there any opposition to that?

Jonathon: I think - it's Jonathon again. I think that's certainly be - we should certainly go ahead. And in any event, we need to communicate that out that this is the work we've done with the covering letter saying what exactly we've discussed before. We're not opposing this but are offering it out for further work. It's just a question of how that ball might be picked up in the future.

Stephane Van Gelder: So can I ask you to send me that covering letter with the recommendations? I know you didn't expect some more work, but there it is. And I will send that on. Thank you. Bill.

Bill: Thank you. Just on the point about the deferrals, I think it's always good that we get clear about all these kinds of procedural matters and how we're going to go forward. And I would simply suggest again what I - or repeat again what I said yesterday. It seems to me that if we're going to do an assessment of under what circumstances, it's good to do it informed by empirical information about what has been done in the past.

So I would suggest that the SCI should also look at what has been the pattern. When have deferrals been used? Under what circumstances? By

whom? That will give us a better sense of what we're talking about, and then we can more effectively design tweaks if appropriate from there.

Stephane Van Gelder: Marika.

Marika Konings: (Unintelligible) I have some concerns with regard to, you know, delaying the process on developing a charter. What wasn't specifically included as part of the motion is that the PDP manual does say that this task is completed as soon as possible and does not unnecessarily delay the formation of a working group. So, you know, there are certain provisions in there where it doesn't foresee a delay of going into a PDP.

So, I'm just wondering indeed if there's, you know, agreement in the Council whether that should maybe then require another motion to formalize that or whether there's opposition in, you know, starting the process and already working on a charter, which might say it may take some time or the charter might include certain - how do you say - provisions or safeguards making sure keeping an eye on the other processes that are ongoing to ensure that there's no overlap or taking into account developments that might take place in other environments.

Stephane Van Gelder: Jeff, you want to respond to that?

Jeff: Yes. My response is the PDP manual is just that and can be overruled by the Council if they feel like there's special circumstances or that they want to. I'm not sure if it has to be done by a motion or not. We just have to stop being wasteful. We have to stop doing work that we know is either not going to be of use or is just going to really frustrate people -- that work -- and then all of a sudden realize that it's going to be delayed or not happen.

And so I just want to the best of our extent to stop doing that. And if we as a council believe that or want to actually push this out until next year until after the contracts are negotiated so we avoid the hassle and everything we're in

with the RAA right now, let's just instruct you to do that. And if that's something that we have to do a motion on, we'll prepare the motion for the next meeting. But I would instruct no work to be done until then, because again, we have to be efficient. I know Steve's trying to do that with the Board, and we actually should try to do that amongst ourselves.

Stephane Van Gelder: Let's get an idea of whether there would be opposition to us determining that we want to do that or is there a request for this to be done through a motion? I don't see any opposition to that, in which case let's consider that that is a decision of the Council and please update the pending projects list as required.

Marika Konings: Yes, it might be helpful to do - include it in the minutes or something of this meeting, because I presume there is expectation in the community after the adoption of the PDP that you -

Stephane Van Gelder: There is a transcript.

Marika Konings: Right, but -

Stephane Van Gelder: There's no minutes.

Marika Konings: Okay. But maybe there's a way we can actually (unintelligible) people are aware and don't expect us indeed to (unintelligible).

Stephane Van Gelder: I would just update the pending projects list.

Marika Konings: Okay.

Stephane Van Gelder: Thank you. Zahid.

Zahid Jamil: So, I'm going to try and get Jeff into trouble here. Since we're talking action items, one of the things that happened yesterday was a liaison was, I think,

discussed for the URDP working group drafting team. And I think there was some confusion, because someone looked at me, and I believe Joy had already said something. I'd just like to say I think I didn't realize that and she's already volunteered, so we could just update that. Sorry. I think something went wrong. Jeff, it's all your fault.

Joy Liddicoat: Point of clarification.

Stephane Van Gelder: Yes, actually, Joy, throwing it back to you, actually.

Joy Liddicoat: Yes, yes, and I'm more than happy to defer to my friend and colleague from Pakistan and (unintelligible). I'm very happy to do it, and thank you for offering that. I really appreciate it.

Zahid Jamil: No, no. No, no, no. Go ahead and - Jeff buying you a drink (unintelligible).

Jeff: So I was on the other side of the table. I saw no one volunteering. Zahid had raised his - raised a comment, and then all of a sudden Stephan called for a volunteer. I didn't see Joy. I saw no one, and I looked at Zahid and said, "Well, you going to make a comment on it, you better volunteer." That was it.

Zahid Jamil: I'm just messing with him. But, you know, seriously it was a confusion on our party. It wasn't meant to be anything else. Please go ahead.

Stephane Van Gelder: Of course, yes.

Joy Liddicoat: In which case I'm happy to revert to the original position with Zahid as the liaison person.

Stephane Van Gelder: There's a strong desire to do this, isn't there?

((Crosstalk))

Zahid Jamil: (Unintelligible), no, no, she gets (unintelligible).

Stephane Van Gelder: Well, who's doing it?

Zahid Jamil: Joy is who - go ahead. Okay, thank you so much. Thank you.

Stephane Van Gelder: Okay. Any further comments on what - yes, Mary.

Mary Wong: Not so much on this but a quick update to go back to the IGO issue. Thanks to Marika for sending the list, and I did a quick skim, seems to me that of the signatories to the IGO letter, four (unintelligible) the OECD, the Universal Postal Union I think, UNESCO and WYCO. The -

Man: And the Council of Europe.

Mary Wong: And the Council of Europe, that's five I guess. So obviously the letter was written by the legal counsel who may or may not be the same people who come here as observers if they come here at all. But there is therefore an overlap between the signatories to the IGO letter and observers to the GAC.

Stephane Van Gelder: Any further comments?

Man: (Unintelligible) discussion on this issue?

Stephane Van Gelder: Mm-hm.

Man: Yes, I mean so - so we called and we asked yesterday for a special meeting for to discuss specifically the resolution that was deferred on the IGO and Red Cross. The comment period, someone please correct me, I think is the 23 or 24? 23. I'd like a meeting as soon as we can after that simply because the window closes as Zahid said on the 29th. So, I notice it requires 14 days' notice which would be technically the 28th since we asked for it yesterday. I'd like to do it the 24th or 25th.

Stephane Van Gelder: Of March?

Man: Yes, sir.

Stephane Van Gelder: Those are weekends.

Man: Some of us work on weekends.

Stephane Van Gelder: Yes, not all of us. I think we can do it on a Monday.

Man: So what day - the 23rd is a Friday?

Stephane Van Gelder: 23rd is a Friday. The 26th is a Monday. I'm mindful that - I certainly don't want to ask staff to work on the weekend, so I don't think that's fair. But we can do it on the Monday.

Man: So, we can make it an early UTC time on Monday the 26th.

Stephane Van Gelder: Don't worry. I'll make it so it's unpleasant for you. Mary?

Mary Wong: So then just clarify what I probably incoherently stated at the end of the meeting that the NCSG is happy (unintelligible) but happy to agree to after a quick consultation with the members of the TC and EC that were the (unintelligible) and executive committees. We said that we would be willing to have a special council meeting called soon after the 23rd of March provided that the drafting team would have had adequate time between the closure of that period and whenever the meeting is.

For practical purposes, and I do know that the drafting team is reconvening next week, so I'm sure that the process is starting. But I think that having a meeting the very next day, the 24th of March, would be very difficult quite

aside from a possible weekend issue and I think therefore will send the wrong signal to the community.

And frankly, I do - I agree that we need to do it by the 29th. But if - whatever comes up at the motion if it is that the IOC and the Red Cross can apply for their own names, I would imagine that they would be gearing up to at least be in (unintelligible) by the 29th.

Man: So, I just want to clarify something. The - although the drafting team is going to do some work next week, technically the public comment period is not for the drafting team. It's for the council, right? It's not for the drafting team. So it's for the Council to pay attention to the comments and for the Council to suggest. We're trying to help because there's a lot of counselors on the drafting team, but again, I think we have a pretty good flavor of the comments that are on there.

I doubt that in the last day there's going to be really that many things new. If there are, then we could always figure that out. But there's a lot of comments on there, as been pointed out by a number of people that have tweeted on them and certainly people taking surveys and all sorts of other things. So I hear what you're saying, but look, we wanted to vote now and we really need to be considerate of the applicants and not have it on the very last second before the window closes.

Mary Wong: I'm not suggesting a 11:59 p.m. on the 28th of March. I don't think - in our group, we are coming up with a specific date. I honestly don't think we're going to do that and we don't intend to do that. I think that we just want to be able to give - and you're right, the Council. But the drafting team is the one who is going to have to look at the motion and see if there's going to be amendments. The Council is going to have to monitor all the developments, and I really do think that having it immediately on the next day sends the wrong signal.

Monday could be possible. It's still three days before the close of (unintelligible) and then two weeks and three days before the applications actually close. And like I said, any organization that is intending or toying or thinking about applying would be gearing up in some way, shape or form. And if they're not ready to go into that on 24 March, I doubt that they'll be ready on 26 March or the other way around. I'm getting confused.

Man: So I just wanted to say I agree with Jeff. The final comments have to be discussed within the drafting team. I don't see why - I think it's an important enough issue for the drafting team to keep track of what's coming into the public comments. And again, just like Jeff, I doubt that on the last day of the public comments will see sort of a surge of these different comments coming through. But if it happens, there's I think enough commitment within the drafting team to continue to monitor that. I think it's something we all backed as a community and so we should do that.

So I'm not so concerned about seeing, "Well, let the comment period close, and then everybody considers it and takes two or three days." I don't know what kind of signal it will send. I'm just thinking of efficiency. If you're going to have it on a Saturday, that'll be fine by me. But it has to be on a Monday, that's fine as well. But the sooner we can, the better it will be. I just rephrase that.

Stephane Van Gelder: Can we not back and forth on this? Can we just to determine the date? You - you know, you can have your own private conversations, but there's a suggestion that we do it on the 26th or on the 27th.

Man: Not (unintelligible).

Stephane Van Gelder: Okay. So there's a request that we do it on the 26th, which is the Monday. And I'd like to try and be practical and see if we can do that. If we can honor that request, if there's a - if the NCSG is opposed to do, let's know about that now.

Mary Wong: I don't believe we're opposed to it. I mean I - we stand by our comments yesterday. We really believe that we just want the time for people to review, absorb, and not prejudice 29 March date. I think...

Stephane Van Gelder: Can we do a - can we do a meeting on the 26th?

Mary Wong: Yes three however, I think we would like a commitment from the drafting team who's chair is here that between the 23rd in the 26th the drafting team will at least, even if they just have a five-minute phone call and it's Jeff in Zahid, right, and nothing new came in between today and then, have it on the record. We look...

Stephane Van Gelder: The chair of the drafting team has just told you that the comment period is for the Council to have a look at it.

Mary Wong: Well, then whoever the appropriate person is, that there was some communication between the 23rd and the 26th that all comments were considered or something like that.

Stephane Van Gelder: I think I have to go back to my fairness point of yesterday. Zahid, please. No, hang on. We have to be fair both - fairness works both ways. And I think it's fair to expect to do a meeting as soon as possible. And I also think it's fair to accept that the drafting team and the counselors will uphold their responsibilities to do this properly.

So I understand the comments that you're making. All I would like to know is, is it okay to do a meeting on the 26th. If you think it's too early, then say so, we'll program it later on. If you don't, then can we just try and get that data in the agenda? Bill.

Bill: I would think the 27th would give you more margin of error to take care of any kind of loose stuff. But if that's going to make anybody's head explode, I'm

sure that we can all figure out how to deal with it. Having it one day more is really not an issue that should be making anybody stressed out or PO'ed.

Stephane Van Gelder: So can we entertain the 27th?

Bill: Yes, we can.

Stephane Van Gelder: Did you just suggest that?

Bill: I prefer (unintelligible).

Stephane Van Gelder: Sorry.

Bill: Yes, I did suggest that. I think it would be better, but if it's going to make everybody unhappy, then let's do the 26th.

Man: From a procedural standpoint, the whole council has to be okay with it, because technically in the rules, which is probably why Margie is raising her hand, we can't do a meeting until the 28th. So it has to be pretty much universally accepted in the Council that we do the 26th.

Stephane Van Gelder: Yes, go on, Margie.

Margie Milam: No, I actually wasn't going to make that point. The only point I was going to make was that the public comment forum was opened by the drafting team, not the Council. So if that, you know, changes the viewpoint, that's what happens.

Stephane Van Gelder: That is useful.

Man: Sort of, it's useful, because there was never supposed to be a public comment period. It was just supposed to just go to the Council. As an accommodation, the drafting team - as an accommodation to certain

members of the drafting team, we opened it. We asked for special comment, because it was the drafting team and not an official GNSO Council or Board activity. And we were told no, we had to a 21 day comment period because that's the way everyone does it.

So now I'm going to really frustrated. When it's convenient to say it's the GNSO Council, we do the full 21 day public comment period. And now all of a sudden the comment period is the drafting team's public comment period. We've got to be consistent (unintelligible).

Stephane Van Gelder: Now hang on, hang on, hang on.

Man: (Unintelligible) frustrated.

Stephane Van Gelder: Okay. Let's not get our knickers in a twist as we like to say in the U.K. just a minute. Let's work with the proposal, okay? And there is a procedural issue here. We should ask the Council's authorization on non-opposition to do a Council meeting before the 28th. Is there any opposition to that? John?

Jonathon: It's Jonathan. I have another comment on the procedural issue. I think it's clearly very important that we have everyone in attendance. So in relation to the date of the 26th and 27th, we need a commitment from everyone here that they are able to attend that meeting with - because that will determine for me. That's the key -- is we need attendance at that meeting.

Stephane Van Gelder: Wendy?

Wendy Seltzer: I cannot attend, but I am happy to give my proxy to a fellow counselor.

Stephane Van Gelder: Jon?

Jonathan: I can make a meeting before 7:00 p.m. UTC.

Stephane Van Gelder: Zahid?

Zahid Jamil: Just a quick point, (Drew) don't say that we have to wait for the 14-day period. In fact, if you read the rules, the rules say if it's reasonably practical to do so, then the 14-day period. So if you want to have it one day afterwards, the rules allow for it, by the way.

Stephane Van Gelder: Yes.

Zahid Jamil: So I just wanted to say that.

Stephane Van Gelder: Yes.

Zahid Jamil: Second, I just wanted to sort of say, I think not excepting for the reason that Mary's pointing out that the drafting team should get together by the commitment to some people or the Council, but I think generally just as efficiency, maybe we should have a call on the 23rd just to have a short conversation. But that - I don't want to, you know, create that as an expectation or commitment, but I think we should maybe just have a call on the 23rd.

Stephane Van Gelder: Okay. So let's get some dates here. Is there any opposition to us doing a meeting on the 26th? Please, if there is, voice it now. Glen, can you please schedule a meeting for the 26th?

Glen DeSaintgery: I will do that, Stephane. At the same time, I would also ask consensus on the time of the meeting (unintelligible).

Stephane Van Gelder: Oh, well, you and I will work through the time.

Glen DeSaintgery: Okay.

Stephane Van Gelder: That will be consensus. Bill.

Bill: I just want you also to know that I will be traveling, so I'll be giving my proxy to somebody.

Stephane Van Gelder: Okay.

Bill: I don't want anybody to get excited.

Stephane Van Gelder: Actually -

Marika Konings: I might be deepening on the time, but (unintelligible).

Stephane Van Gelder: Once again, I understand, Jonathan, the comment that you made. But I think that's the case with every Council meeting. I see counselors at every meeting make all reasonable efforts to either attend or provide a proxy, so I don't see why this should be any different.

Jonathan: We just need a quorum.

Stephane Van Gelder: Yes, we need a quorum like we need a quorum at every meeting. Okay, so thank you for working through that. I would like to go back to the statement that we decide to make earlier on, because we need a decision on that. And John has very kindly drafted one I would like to read to you even though it's - oh, no, it's just been sent to me. So I'd like to read it to you and try and get some consensus on that. And hang on, let me just to send it to the Council list as well so that you can read it yourself if you need to.

The GNSO Council was asked this week by the Board to work with the Governmental Advisory Committee to provide policy advice in response to a December 13 letter from Intergovernmental Organizations legal counsel seeking provision for a targeted exclusion of third-party registrations of the names and acronyms of IGOs both at the top and second level, at least

during ICANN's first application round of new gTLDs. The timing of this application process does not allow adequate time for the GNSO Council to address this matter.

It is an issue, though, that needs to be addressed for future rounds at both the first and second levels. But, as the legal counsel represent - is there a word missing there perhaps representing - Intergovernmental Organizations, the focus first needs to rightly be on them working with the GAC to provide advice to - no, sorry, there's no word missing. But, as the legal counsel represent Intergovernmental Organizations, the focus first needs to rightly be on them working with the GAC to provide legal advice - sorry, I lost my place - to provide advice to the Board. The Board can, as is explicit in the organizational design of ICANN, then ask the GNSO Council to deal with the policy implications. In the near term, the Council will re-visit a motion on providing top tier considerations for the IOC and Red Cross to meet the deadline of the first round of the new gTLDs.

Mary.

Mary Wong: First of all, huge thanks to John. Sorry about the sports pages.

John Berard: (Unintelligible).

Mary Wong: Yes. Just a - okay, this is the process geek speaking again, sorry. I don't think we will have to work with the GAC. As I recall, I think 11 March letter to us asked the GAC and the GNSO for policy advice. And they will be, that was supposed to work with them, we want to work with them, but I'd rather avoid mentioning that. So, I changed the first part to just, you know, for the GNSO to provide policy advice to the Board. Secondly...

Stephane Van Gelder: Hang on, hang on, hang on. You're going too fast (unintelligible).
What would you change it to?

Mary Wong: I think that the first - in that first paragraph something about asking the GAC and the GNSO to work together, can we just say asking the GAC and the GNSO to provide policy advice to the Board?

Stephane Van Gelder: The GNSO Council was asked this week by the Board to work with the Governmental....

Mary Wong: Yes.

Stephane Van Gelder: So, you'd rather have the GNSO Council was asked this week by the Board to provide policy advice, correct.

John Berard: Stephan, if I may. I think it's important that we keep the two organizations together at the front, so that we will we split them at the back, people will appreciate the reason. So I would say the GNSO Council and the Governmental Advisory Committee were asked this week by the Board. It's a bit of artifice, but I think it (unintelligible).

Stephane Van Gelder: Okay. So I've got the GNSO Council and the GAC - upside of the GAC is I can't pronounce the other one - was asked this week by the Board to provide. Okay?

Mary Wong: Second nitpicky comment. The request for the top levels was the third-party exclusions. The request of the second level was more general. I think the way that we have it, at least the way I heard it, it sort of said - it implies at least to someone hearing it and not maybe paying attention that it was talk about exclusions at both top and second level.

Stephane Van Gelder: What I've got was seeking provision for targeted exclusion of third-party registrations of the names and acronyms of IGOs both at the top and second level.

John Berard: That's a direct cut and paste on the letter.

Mary Wong: It is? Oh. Okay, then I withdraw that knit. I guess the third is more - it's a question to everybody. I think that there's a reference there to - that we need to do something at - maybe at the end, John. I know that the word need is sort of after that paragraph.

John Berard: It says it is an issue, though, that needs to be addressed, so it doesn't offer any indications as to how. But certainly, the question's been raised, an answer needs to come from someone at some point.

Mary Wong: And I think, you know, it's a half-formed question as in - because then after that, there's some language about the upcoming motion on the IOC and the Red Cross.

Stephane Van Gelder: It says that it is an issue, though, that needs to be addressed for future rounds at both the first and second levels. We could take that out. The point of that paragraph being the second - what comes after this.

Chuck Gomes: A suggestion there. This is Chuck. I guess - are we being recorded? Do I have to say that?

Stephane Van Gelder: Yes.

Chuck Gomes: Okay. Might want to say this deserves a response instead of needs. It'd be cleaner, I think, and then it doesn't presume.

Stephane Van Gelder: So, it is an issue, though, that deserves a response for future rounds. Sorry?

Mary Wong: I would suggest deserve due consideration and a response. And then I would (unintelligible).

Stephane Van Gelder: That deserve due consideration and a response for future rounds.
God, no. No. I won't connect my computer to anything. So, do I need to read that out again? Yes.

So, what I've got now is The GNSO Council and the GAC were asked this week by the Board to provide - sorry - to provide policy advice in response to a Dec 13 from IO legal counsel seeking provision for a targeted exclusion of third party registrations of the names and acronyms of IGOs both at the top and second level, at least during ICANN's first application round of new gTLDs.

The timing of the application process does not allow adequate time - that's not very. Can we say the timing of the application process - no, okay, let's not get into detail. Sorry?

Man: A deadline.

Stephane Van Gelder: Okay, yes, sorry.

Man: Close of the application period.

Stephane Van Gelder: The deadline of the application process does not - your suggesting as well?

Man: The close of the application period.

Stephan Van Gelder: Close...

Mary Wong: The pending close.

Stephane Van Gelder: So, the - can I say the April 12 close of the application window does not allow adequate time for the GNSO Council to address this matter. It is an issue, though, that deserves due consideration and a response for

future rounds at both the first and second levels. But, as the legal counsel represent Intergovernmental Organizations, the focus first needs to rightly be on them working with the GAC to provide advice to the Board.

The Board can, as is explicit in the organizational design of ICANN, then ask the GNSO Council to deal with the policy implications. In the near term, the Council will re-visit a motion on providing top tier considerations for the IOC and Red Cross to meet the deadline of the first round of the new gTLDs.

Man: Maybe I'm getting something wrong, but where we actually encouraging the GAC to provide GAC advice on this?

Woman: (Unintelligible).

Man: But, you know, if they just provide or, you know, if they give us correspondence, then the response that we provide can be different rather than responding to GAC advice. You know, the question is, are we asking for these formalities? You know, because GAC advice will be harder to turn down.

Man: The letter says the GAC and the GNSO was to provide feedback, that's what the Board is asking for. Like, what we're saying is, no, change that process. First, the GAC should provide advice, then it'll come down to us, and we'll give our response. One, it delays. Two, it's - the issue was just raised in the comments.

And third, I'm a little uncomfortable with the language that is but as the legal counsel representing Intergovernmental Organizations, the focus first needs to rightly be on them working with the GAC. It's sort of - I think the language is not diplomatic enough for governments. Need to work on that a little bit. It's just it sounds like we're telling them what their job is or something.

Stephane Van Gelder: That should be (unintelligible). John.

John Berard: I think the point here is that we want to avoid getting sucked into the fact that we have no clue. We can guess at how the International Olympic Committee and Red Cross decisions were made, but we need to know what the basis was. As we said earlier, we were thinking it would be good if we knew that basis so that we could then move forward with regard to the IGO letter. We've now taken a step back and said, "You sort this out first, and then we can be helpful." And so I don't want - this is a way for us not to adopt the difficulties that might accrue when that particular - as we say in business, that onion begins to be peeled.

Stephane Van Gelder: Okay.

Man: The question is just - if I may respond to this because it's (unintelligible). I'm also interested in receiving this communication, right? So there should be communication from the GAC to the Board. The only thing that I'm not sure about is whether we want to stimulate them issuing GAC advice on it, because GAC advice is strong.

Man: So just - let's forget - let's remember the Board GAC meeting that took place. One of the governments actually said, "We are looking forward to working with the GNSO -" maybe within the GNSO, I'm not sure - but, "working with the GNSO on this issue together." That was a (unintelligible).

Stephane Van Gelder: And so - I'm sorry. I'm getting - it's obviously - it's clear to me that we won't reach consensus on this in just the minutes that are left.

Mary Wong: May I suggest something? May I suggest something for just quick consideration on this issue?

Stephane Van Gelder: I was just about to suggest something.

Mary Wong: I'm sorry.

Stephane Van Gelder: So what I would suggest is that we don't make a comment in the public forum. I don't want to make a half-baked comment that not everyone is comfortable with. And take it offline with (unintelligible), take a bit longer, say, throughout the week to work on it, and I can always send it to Steve and Rod as a letter, as a correspondence. Isn't that more practical, Mary?

Mary Wong: It may be more practical, and either way we go, one might be more strategic than the other. I don't know what folks' feelings are on that. And I'll wait for Stephane to turn around again.

Stephane Van Gelder: Sorry, Mary.

Mary Wong: Got you.

Stephane Van Gelder: I'm receiving advice from the GAC.

Mary Wong: You're receiving - expert formal advice A. So just one suggestion that - for that troublesome sentence. I hear Tom is in I hear John's response. Could we not say something like to the extent that the GAC provides advice to the Board on this matter, the GNSO Council looks forward to reviewing the policy implications of such advice in accordance with our role within the organizational framework of ICANN.

Stephane Van Gelder: I didn't capture that. It sounds good, but I'm not...

Mary Wong: Do you want me to send it?

Stephane Van Gelder: Yes, please.

Mary Wong: Yes.

Stephane Van Gelder: Okay. So we'll do that. Thank you.

Woman: Just back on the previous point on the (unintelligible) report, is there any objection to just opening the public comment forum? Okay.

Man: You know, there seems to have been - maybe I was in a bit of a fog at the end of that meeting. But when I asked Mikey what was it that led him to conclude when thinking - when looking at either smoke or fire to decide it was fire, he said, "Well, we've seen enough of these." He said, "Of course, they mostly come from one source." So there - I'm not quite sure - yes, I think we should - I'm not objecting to putting it out there. But was I the only one that heard that yesterday?

Stephane Van Gelder: So, any opposition? Okay, no opposition. Thank you very much. Any further - any other business? Zahid.

Zahid Jamil: I just came from court this morning. I was cross examined. I'll just throwing it out there because of the incident that you know that happened with me with the (unintelligible). I just wanted to make a point that the way the Costa Rican government and our hosts have actually been dealing with me and I know with other people in their situations as well, I just wanted to sort of say would it be possible for us to write a letter? And oh, by the way, also staff, the way staff has dealt with the situation, and I'm grateful to both of them. Is there something we can do to sort of maybe write a letter to the Costa Rican government thanking them? They've been extremely helpful. And also to thank the staff in the situation. Thank you.

Stephane Van Gelder: As a Council?

Man: Maybe having somebody from staff write it to - maybe Kirk can write it or maybe...

Stephane Van Gelder: That - isn't that a personal issue, to be honest. I mean I'm sure you...

Man: No, I understand that. I'm not saying you should...

Stephane Van Gelder: One thing that will have been is that, as you know, there is a chairs report tomorrow. In the slides that I've drafted, I am thinking the meeting organizers. If my brain is still relatively active, I will try and remember to add those that were great help for specific members of the community who ran into problems. May I suggest that if you want to drop a letter, that's nice, but you can do it yourself. Yes.

Any further comments? In that case, Wendy.

Wendy Seltzer: Sorry, I just wanted, since I didn't get to earlier, give a brief update from the WHOIS survey working group that while we've - that group has encountered some schedule delays. (Unintelligible) Michael Young has - is working hard to get members reengage and thinks that the work will be back on track. They're all eager to hear about WHOIS again.

Stephane Van Gelder: Thank you very much. Good news. Okay, so Yoav.

Yoav Keren: Just a very short submission for our next meeting. I already told you in person. Maybe we can have the wrap-up session early morning so we have the rest of the day to kind of see where we are, not only the hotel, what we have around it. Just a suggestion.

Stephane Van Gelder: Yes. (Unintelligible). Define early morning. This is my definition of early morning. No, you're right. It's a good point. Perhaps we can try and schedule it a little earlier on. I agree.

Jonathan: It's Jonathan, just to make a comment about my perception is that there is at least rough consensus for that suggestion.

Woman: Just a notice, of course, I know of other meeting scheduled as well, so we need to make sure that I - I mean (unintelligible) meetings scheduled right now that it conflicts with but just to make sure that it's...

Stephane Van Gelder: Yes, that's a good point. A lot of this is a balance between what else is on the agenda. It's quite hard to balance that. We'll look through it. So I want to bring this meeting to a close. I want to thank you all for what has been a very interesting week of work, and it's, once again, been a pleasure to be part of it.

I do want to thank both Wolf and Jeff for the excellent support that they provided to me constantly in managing and leading the Council. I also want to thank Wolf personally. I know it's been a difficult time for him recently. And he has constantly worked to manage our agenda and deal with some of the issues that Yoav has just highlighted to us. So Wolf, thank you very much for that.

I want to thank you all once again. And as you know and as you've seen from this morning's discussions, we still have a lot of work on our plates. So enjoy what time off you can. I'll be sending an updated draft of the comments. There are some action points from yesterday's meeting, and will all be meeting by teleconference again very soon.

Get home safe. Enjoy the rest of the meeting, and thank you all once again.

Man: Stephane, (unintelligible) thanks to you and the vice-chairs in particular. You chaired a pretty difficult session yesterday, and I think you've navigated it with aplomb.

Woman: Stephane, just one more point, please. Who will help the agenda for Prague?

Stephane Van Gelder: It's a good question, but we did rotate that, didn't we? Yes.

END