

ICANN 48-Buenos Aires

20 November 2013

GNSO Council

>>JONATHAN ROBINSON: Hello, everyone. And good afternoon, Buenos Aires time. Good afternoon to you, ICANN staff, participants. Very warm welcome to ICANN 48 and to the GNSO Council meeting today, Wednesday, 20th of November. Just a reminder this is just one of two public meetings that the council is holding. We'll welcome participation -- okay. We can deal with that. Just one moment.

So we commence with item 1 on the agenda, which is to take a roll call of councillors present.

Glen, if I can ask you to take the roll call, please.

>>GLEN de SAINT GERY: I'll do that Jonathan.

Jeff Neuman.

>>JEFF NEUMAN: Present.

>>GLEN de SAINT GERY: Ching Chiao.

>>CHING CHIAO: 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.

>>YOAV KEREN: Present.

>>GLEN de SAINT GERY: 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: I'm 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 Knoben.

>>WOLF-ULRICH KNOBEN: I'm here.

>>GLEN de SAINT GERY: Maria Farrell.

>>MARIA FARRELL: Present.

>>GLEN de SAINT GERY: Wendy Seltzer.

>>WENDY SELTZER: Here.

>>GLEN de SAINT GERY: David Cake.

>>DAVID CAKE: Present.

>>GLEN de SAINT GERY: Magaly Pazello. Magaly?

Joy, are you on the phone? Is Joy on the phone?

>>JOY LIDDICOAT: Yes, I'm on the phone.

>>GLEN de SAINT GERY: Good. Thank you. We can hear you. Thank you, Joy.

>>JOY LIDDICOAT: I'm on the phone. I'm speaking.

>>GLEN de SAINT GERY: And can I also note that, in case there are any connectivity issues, you have given your proxy to David Cake?

And we have not got councillor Wolfgang Kleinwachter anymore. But we've got our new councillor, Klaus Stoll, with us. Klaus.

>>KLAUS STOLL: Present.

>>GLEN de SAINT GERY: Lanre, are you on the phone?

>>LANRE AJAYI: Yes, I am.

>>GLEN de SAINT GERY: Thank you, Lanre. And may we also note that, if there are any connectivity issues, your proxy has gone to Thomas Rickert.

Jennifer Wolfe?

>>JENNIFER WOLFE: Present.

>>GLEN de SAINT GERY: Alan Greenberg, the ALAC liaison.

>>ALAN GREENBERG: Present.

>>GLEN de SAINT GERY: And Patrick Myles, the ccNSO liaison.

>>PATRICK MYLES: Present.

>>GLEN de SAINT GERY: And for staff, David Olive, Marika, Rob, Mary, Lars Hoffman, Berry Cobb, myself, Glen de Saint Gery. And perhaps the other staff in the room, too. Thank you, Jonathan. I give it to you.

>>JONATHAN ROBINSON: Thank you, Glen. Just to note that Magaly has joined us at the table. So, if you could mark Magaly as present.

>>GLEN de SAINT GERY: Yes, thank you.

>>JONATHAN ROBINSON: So our next item is that we call for a statement of -- an update to any statements of interest. Can I call for any updates to statements of interest, please.

Seeing none, we'll move on to item 1.3, which is an opportunity to comment on, review, or amend the agenda.

>> This is Ching.

>>JONATHAN ROBINSON: Go ahead.

>>CHING CHIAO: If you can distribute the Adobe link for the council, we're having a problem finding that link. Thank you.

>> It's not here.

>>GLEN de SAINT GERY: It's on the meeting page.

>>JONATHAN ROBINSON: If you could go to the main meeting page, there's a link to the Adobe room from the main Buenos Aires meeting page, Ching. Thank you.

>>NANCY LUPIANO: Excuse me. May I ask that all of you turn your microphones off after you finish speaking? Otherwise, we will have feedback. Thank you.

>>JONATHAN ROBINSON: So we now note the status of the minutes from the previous council meetings per our operating procedures. And that the meetings of -- the most recent meeting the 31st of October will still be posted on the 21st. That's tomorrow.

Item 2, I think I'll just make it remind you that this is a -- one of two meetings we are due to hold. We're holding the first one here in which case we'll deal with substantive and the majority of the council business. Once we're finished, we intend to move to a different room, recommence the meeting, at which point we've got two main agenda items, which you'll be able to see on the publicly

available pages. But, just for the avoidance of doubt, we'll be covering the election of the chair and a meeting with the ATRT2 team.

We no longer, as part of these public meetings, as of Durban, are commencing with stakeholder group and constituency presentations to the GNSO. But -- to the GNSO Council and for GNSO benefit.

But, just to remind those that were previously presenting, that we welcome any written input and record of proceedings that have gone on in the stakeholder groups or constituencies.

I've reviewed the project list, and I think it seems to me that the majority of items on the action item list we've either covered in the Buenos Aires planning. With respect to the GNSO review, we'll cover that as part of the main agenda item. Similarly, with PDP improvements. And, with respect to the SCI charter, that is dealt with. So, as far as action items are concerned, we'll either be picking them up during the course of this meeting and/or they have previously been closed.

Item 3, we move on this to the consent agenda. And here we have an item that came out of -- has been removed and came out of the second motion on our agenda today. And this derives from the work of the working group on IGO, INGO names where there was some discussion about the adequacy of the consensus levels within the working group and a requirement to refer these -- or a request to refer these to the standing committee -- the GNSO Council standing committee on improvements implementation.

We have discussed this both during the course of our weekend sessions and in the interim. And it seemed that there was no opposition to this referral. And, therefore, it has ended up on the consent agenda.

So can I just check that there are no objections to this item being on the consent agenda? Any comment? Any input? Seeing none, we will move on. And that is -- and we will proceed, then, to act according to that recommendation and refer this item to the standing committee on improvements implementation.

Item 4 is our first motion of the day, which is to approve the charter for the translation and transliteration of contact information PDP working group.

Now, this motion was previously on our agenda and was withdrawn in order for the drafting team to revise the charter, which they duly did in good speed and with considerable effort. So I think we owe our thanks to the drafting team and others involved for the rapid response on that interim work and for ensuring that this did come back to the council in the shape that was satisfactory to all.

The motion has been made by Yoav Keren, councillor Yoav Keren. Can I call for a second to that motion?

>>CHING CHIAO: Thank you, Jonathan. I'd like to second that motion.

>>JONATHAN ROBINSON: That's Ching Chiao to be recorded as a second to the motion. In addition, we also need a liaison to the working group from the council. So I'd like to call for a liaison.

>>CHING CHAIO: Thank you, Jonathan. As discussed with Yoav before the meeting, I'll be glad, if there are no objections, to serve as a liaison for the group. Thank you.

>>JONATHAN ROBINSON: Thank you, Ching. Any comments or concerns? Seeing none, let it be recorded Ching Chiao will serve as liaison to the working group.

Yoav, as the maker of the motion, it would be great if you would -- since it's a short motion, I think it's perhaps appropriate to record -- read to us both the whereas and the resolved clauses, if you could go ahead and bring forward to the council.

>>YOAV KEREN: Sure. Okay. Motion for approval of the charter for the translation and transliteration of contact information policy development process working group. Whereas, on 13 June 2013 the GNSO Council initiated a policy development process on the translation and transliteration of contact information and decided to create a PDP working group for the purposes of fulfilling the requirements of the PDP. Following a call for volunteers, a drafting team was formed. And its members have developed a charter for consideration by the GNSO Council.

The GNSO Council has reviewed the charter submitted by the drafting team.

Resolved: The GNSO Council approves the charter as it appears on the Web site. And appoints to be confirmed as the GNSO Council liaison appoints Ching Chiao as the GNSO Council liaison to the translation and transliteration of contact information PDP working group. The GNSO Council further directs that the work of the translation and transliteration of contact information PDP working group be initiated no later than 14 days after the approval of this motion. Until such time as a working group can select a chair and that chair can be confirmed by the GNSO Council, the GNSO Council liaison shall act as interim chair. The working group shall follow the rules outlined in the GNSO working group guidelines.

>>JONATHAN ROBINSON: Thank you, Yoav.

Are there any comments, questions or discussion in relation to this motion? Those include participants not on the council. So, if there are any comments, questions, or input, please feel free to provide them at this stage. Yoav.

>>YOAV KEREN: Yeah. I just want to say that we're happy that the changes were made as requested in the charter. It was made on time. Quickly. I think it's a good charter right now. It will cover the different issues. This is a very important PDP. It has a lot of implications for the community, mainly for the non-English speaking community. It shouldn't be kind of mixed with IDNs. It's not only necessarily related only for IDNs, but it's very important. And, hopefully, the entire council will support it. Thank you.

>>JONATHAN ROBINSON: Thank you, Yoav. Ching, go ahead.

>>CHING CHIAO: Thank you, Jonathan. I'd like to echo what Yoav has just mentioned. And I think this kicks off one of the four recommendations from the internationalization registration data working group report. So I guess we're moving forward with one of the fundamental works for the registration data project from the council level.

And, having said so, understanding -- and also the council has been receiving updates from the Expert Working Group, which is -- actually, there are two. One is the EWG on the registration directory services. And the second one -- and we were told over the weekend session on this particular internationalization registration data.

So I guess, from my standpoint and also from many of us here, is that much of the coordination is needed, as we discussed over the weekend, understanding that both council -- at the council level and the community and also the staff wish to put this thing forward simply because the needs of the non-ASCII registrants.

So I just simply would like to -- just to suggest to applause the work of the progress made so far and also offer a simple word of caution that much of the coordination is needed in the future. Thank you.

>>JONATHAN ROBINSON: Thank you, Ching, Wendy, I see your hand is up.

>>WENDY SELTZER: Thank you. I apologize if this seems like a very basic question. But I've been reading the materials, and I'm puzzled by the motivation for particularly translation of contact information. I can see transliteration to match storage where character sets are unavailable, perhaps, although I would hope that we're getting to the point where IDNs are available everywhere needed. But in what circumstances would it be logical to translate contact information? And, if not, why is -- why can we not leave that out of the charter entirely?

>>JONATHAN ROBINSON: Ching.

>>CHING CHIAO: Thank you, Jonathan. If I may answer, perhaps the staff can offer a more comprehensive answer or at least a response at this stage. This is, actually, the working group is about to find out. So the IRD actually identifies several sets of questions. So, actually, two of the questions. So the first question is to have the working group really to address if there's a need for translation or transliteration. So this working group is going to take us to embark on that journey. So thanks for the question. This is what it's about to find out.

>>JONATHAN ROBINSON: Thanks, Ching. I see a prospective comment from the -- okay. No.

Just a comment to set the record straight, although my paperwork doesn't show that the motion was seconded. It was, in fact, seconded by Zahid over the weekend. So, Glen, if you could update the record to note that Zahid did second the motion already. And, obviously, Ching will remain as the liaison. Thank you.

So, seeing no other hands up or comments, I think we will move to vote on this. I think, if we were on the telephone, we might do a voice vote. I think we can do it by show of hands. So, if I could call for anyone who is not in favor of the motion to raise their hand?

Anyone who would like to abstain from voting for the motion? Wendy.

And all those in favor to raise your hands.

Can I call for the people on the phone, please. That's Joy and Lanre.

>>JOY LIDDICOAT: I'll vote in favor.

>>JONATHAN ROBINSON: Lanre?

>>LANRE AJAYI: I vote in favor.

>>JONATHAN ROBINSON: Thank you, Lanre. So I believe the motion is carried. Wendy, it's customary to provide a reason for an abstention. If you could just make any comment in that respect, that would be great.

>>WENDY SELTZER: Thank you. Given the workload of the council and the GNSO community, I think focusing resources on the question of translation seems unnecessary. And I would have removed that from the charter.

>>JONATHAN ROBINSON: Thank you, Wendy. Jeff?

>>JEFF NEUMAN: This is a question for Wendy. Wendy, did you participate in the working group that made that recommendation?

>>WENDY SELTZER: No.

>>JEFF NEUMAN: Yeah, I guess -- I would love to get to a point where, when the working groups make recommendations and we get to a final report and then we get to the council, that those kinds of notes, that while very important, should be made at the working group level. It would be great if we could get to that point. Thanks.

>>WENDY SELTZER: And I would love to get to a point when all of us have all of the time necessary to participate and be informed by all of our communities of all of these issues in development, too.

>>JONATHAN ROBINSON: Thanks, Wendy. Thanks, Jeff.

John.

>>JOHN BERARD: This is John Berard. I've missed Wendy this past year.

>>JONATHAN ROBINSON: Thanks, John. I suppose it's something which, notwithstanding anything that Wendy has or hasn't said, I think it's something -- the integrity of the process, the bottom-up process is something we've all been acutely focused on. And, in fact, it's pretty pertinent to this next motion as well.

So let's move on to item 5, which is our next motion on the agenda today. It carries the unique distinction of being, we believe, to be the longest ever motion put before the GNSO Council.

I think whilst that's in a sense as a side issue slightly amusing, it's also reflective of the substance of the issue and the work that's gone in to producing the motion. But all the hours and hours and hours of committed work that's gone on in the working group. So I think we owe an especial recognition of thanks to those who worked tirelessly in the working group, probably most especially the working group chair but also recognizing all of those in the working group and the very committed staff support they had in undertaking this work which runs right across the community. And I guess even recognizing some of the work prior to it because there was work that went in to this topic prior to the commencement of the working group as well.

So I think given the size of the motion it may not be appropriate to read the entire motion, or we'll be here for the full two hours dealing with that, but I know we do have a presentation for us to inform the council, who is largely well informed based on our weekend sessions, but also those of you who -- in the room who perhaps didn't have the opportunity to participate in the weekend sessions. So Thomas Rickert, our Non Com appointed councillor to the contracted parties house has been the working group chair, and Thomas, you will present to us an update on the work of the working group. So please, go ahead.

>>THOMAS RICKERT: Thanks very much, Jonathan. Just waiting for the slides to be put up. It's under my control already. Good. Here we go.

So I would like to present to you a couple of facts about the work of this working group. We have taken -- it has taken us a little bit longer than the calculated minimum time that a working group or that a PDP takes. So I think we -- we have been working on this for a little bit more than 13 months. And prior to the work of this working group, there was a drafting team that only dealt with two questions or a subset of questions, i.e., protections for the International Olympic Committee as well as the Red Cross. And I would like to take this opportunity to thank the drafting team and Jeff Neuman who chaired the drafting team at the time particularly for the hard work and excellent work that they did at the time.

Now, I guess that this PDP working group is an excellent example of a good working collaborative effort of all stakeholders in the ICANN environment. And we've been working very hard. We had very diverse views, and when we started our work everybody was standing very firmly by their positions. And it was only over time and when we exchanged thoughts and when we tried to better understand the other group's views that we were able to compromise. And that's what the ICANN PDP process is about, that we find solutions and that -- that the solutions you now find in front of you, the recommendations that the working group came up with, have been the end result of a long, long process where we met weekly. We had two-hour conference calls, and I think the attendance of this working group calls has been great. We had four -- more than 40 members of the working group and more than 50% of those have regularly attended our meetings. Also we had face-to-face meetings. We did meetings to reach out to the community, to solicit input from the community to get their views, because there were times during our work when the working group got stuck, when we ran out of ideas, and when people came up to me and said Thomas, I think we run into a dead end street. There's no consensus in sight. But nonetheless, we kept trying very hard, and we found ways to proceed. And what you find in front of you is actually the working result of every group in the GNSO being participating as well as other people outside the GNSO community that provided their input.

So this has been tagged a case study for a PDP by both the Governmental Advisory Committee as well as the ICANN board a little bit more than a year back. And I think that it really deserves being looked at more closely. We were asked to work on this in an expedited manner, and some of us would have hoped to complete our work faster, but given the complexity of the task that we have been challenged with, I think we still came up with results in a very reasonable period of time.

So what you have read, or hopefully some of you were not forced to read all the report but the -- but the final report that has been produced has more than 80 pages to read, and it's a very good read and I -- I will dive into that in a moment.

So basically, the structure of the final report is that we put the recommendations that we came up with at the very top. So the format of this final report is slightly different than the final reports that you read elsewhere which start with the management summary. We've chosen to focus on the recommendations. And as you will remember, we have been tasked with looking at recommendations for potential protections for both the Red Cross/Red Crescent movement, the International Olympic Committee, International Governmental Organizations as well as International Non-Governmental Organizations. And there were recommendations that reach consensus level. There were others that were mere proposals that did not reach even strong support inside the working group. And that's what you find in there. We also discussed exception procedures because the working group felt that whenever such privileges are granted, that nonetheless they should not limit space for legitimate third party use. You find also considerations about how to implement the recommendations that we came up with to existing gTLDs. As you will remember, the GAC focused its advice on new gTLDs. But the GNSO council, when it -- when it started this work, felt that it was important to also think about existing name spaces in order to provide for a consistent level of protections in all name spaces. And that certainly brings a lot with it, a couple of questions as to how to deal with existing registrations and so on and so forth. And the working group has spent some time thinking about solutions there.

Then you find a section about the working group deliberations. So you can learn about the methodology that we applied to come up with the solutions that we're now presenting to the GNSO community. And for those who think that despite the length of the motion that this is all very clear and that one could have done that very fast, I really recommend that you dive into that section of the report in order to find out what the complexity was and what the hurdles were. Particularly when it came to the legal questions, we've asked the ICANN general counsel to do some research for us, and we've been waiting for that research report for a couple of months, to be better informed about what the legal situation is internationally as well as nationally because we would not want to do something that takes out of consideration what's existing law. Because fundamentally what we tried to do should have a basis in international law in particular because that's also being part of the GNSO recommendations for the new gTLD program as such.

Then you'll find a lot of information about background and community input -- and I'll get back to community input in a moment -- as well as appendices such as the charter, information on attendance, and so on and so forth. And I would like to point your attention in particular to minority positions. So I think that it's the nature of a PDP that not everybody gets their will. Nonetheless, those that did not reach what they've originally asked for wanted to make sure this is part of the working group guidelines as well, that their view's adequately presented to the wider audience for them to see what their original asks were and what the rationale for their asks were -- was. So you find minority positions in several appendices to this report.

Also, there is the consensus call tool which is a document that I recommend you to take a look at because we recorded the positions of those that have responded to the consensus call. And I would like to add to that that determining whether recommendations reach full consensus, rough consensus, strong support but significant opposition, is not something that you would do by counting noses. It's not a voting process. But it is a determination of the consensus level of those that have responded and that there is more to -- more required to do that. So this -- the burden on determining the consensus level is on the working group chair. But I pretty much made this a

collaborative effort with the working group. We've had hour-long discussions to see whether the determination of consensus level adequately reflected the views of the working group. And I guess it's worthwhile taking a look at that and then you will also find out who supported what and who was against what.

Then you find the public comment review tool, and I'll get back to that in a moment, as well as lists of identifiers to be protected, and that's also going to be part of my little presentation.

I have asked staff to put together this very slide because there are those in the community who claim that participation in public comment period is a moot exercise because they wouldn't be heard anyway. This working group went through each and every public comment we received one by one individually and discussed them one by one. And as you can see in the upper line of this slide, there - - this is just an example of multiple reports that -- comments that were received, but there you can see the public comment review tool. You can't read it, but I just want you to get an idea of how this works. So it's basically a summary of the public comment that we received, then there's another column that speaks to what the council -- what the working group deliberations on that specific comment were, whether the item had already been addressed or whether action needs to be taken. And in this specific case you can see that the public comment received, which in this case was a comment received from the business constituency, that made it way to the consensus call tool. So it went on record there. And then it actually made its way to the red line version of the final report. So it was reflected all the way through. And the lower -- the lower example that you -- that you see there is the public comment made by an individual, in this case Brian Beckham, who had an idea of something that we then thought should be highlighted more in our final report. So you can see how the public comment went into the red line version of the final report and then actually made its way into the language of the final report. So take this as an encouragement, please, to make yourself heard in public comment periods. It's a worthwhile exercise.

Let's talk about the dimension of the protected -- of the protections that we discussed. As I mentioned earlier to you, we were tasked to look at protections or potential protections for the Red Cross/Red Crescent movement, for the International Olympic Committee, International Governmental Organizations, and International Non-governmental Organizations, and I would like to highlight that the working group has looked at all of those individually. There have been allegations in the past that we would group those and make decisions, lumping them all together, and that is certainly not the case. The working group has conducted its deliberation for each of those four types separately, and the consensus calls was structured in a way that we would also ask for support or for the lack of support for each and every organization, for each and every recommendation. And that actually made an awful lot of recommendations, as you can well remember, and this is why the working group came ultimately up with 29 recommendations.

Then we talked about top-level protections versus second-level protections. We looked at the scope of the identifiers, our protections for full names, for acronyms, for exact matches, but also there was a discussion surrounding whether similar strings should be reflected in protection mechanisms. We were looking at languages. We also looked at various options for protection, i.e., having names reserved, putting names into a central repository such as the trademark clearinghouse, we deliberated whether protections should be based on a claim service only, whether the claim service should be granted for a 90-day period or for permanent -- or permanently. We're looking at sunrise

protections, but also we were looking at curative mechanisms such as the URS, the Uniform Rapid Suspension system, as well as the Uniform Dispute Resolution Policy. Also we discussed whether the beneficiaries of the protection should be granted fee waivers or some other financial assistance so that they could deploy, for example, the legal rights objection for future rounds. And all that has gone into the recommendations that I'm going to present to you in a second. These -- I guess the slides are going to be made available to you. But on this slide you find some additional information on what the identifiers are. So, you know, to help you with the terminology. We have different scopes for different recommendations. And I'll get back to that in a moment. And also, the languages that we were -- that we were including in the recommendations.

A few words about scope. We have distinguished various levels of protection. So not all identifiers that the various groups have asked to be protected could be recommended to be protected in the same way. So we need to -- to group identifiers and then associate to these groups the various recommendations, i.e., the protection mechanisms. And for the Red Cross/Red Crescent Societies there are scope 1 identifiers which are the strings in front of you that you see up on the slide. I am not going to read them out to you and also the languages in which they are being asked for protection. And then we have scope 2 identifiers which are a little bit more, which are national Red Cross and Red Crescent Societies as well as some additional strings and acronyms.

For the International Olympic Committee, there are only scope 1 identifiers, i.e., the full names that you find there, and I should point out that the IOC has never asked for acronym protection. There has been some confusion surrounding that, so this is just to clarify that there was never an ask to take that into the equation.

When it comes to IGOs, we have based our recommendations on the list produced by the GAC. There have been extensive deliberations as to how and if so in which way we could task somebody -- we also talked about who that could be -- to amalgamate a list or to produce a list of IGOs but ultimately our recommendation is to take the list that has already been produced by a third party, and in this instance that is the GAC. So we have the full name -- full names in scope 1 and the acronyms in scope 2. For International Non-governmental Organizations we were also looking for solutions whereby we would not be tasked with producing the list of International Non-governmental Organizations and so we decided that going with the ECOSOC list as a basis for protection would be something to be included in the recommendations. There we have the general consultative status list as well as the special consultative status list. Now the recommendations that we put together, it's 29 in total, can be grouped as followed. And I guess this makes it easier for you to understand the mind-boggling motion which as Jonathan said is claimed to be the longest motion in the GNSO's history. But unfortunately there is no simple answer to multi-faceted and very complex question that's been posed to us. But let me nonetheless try to put it in a nutshell for you to better understand, although I have to make a disclaimer that if you want to get the full story, if you want to understand all the niceties, you need to read the motion as well as the final report. Now, there has been support for top-level reservation protection for full names. That means the full names are ineligible for registration. So that's something that certainly doesn't apply to this round, but that is a protection mechanism for future rounds. Also the working group recommends that when these protections are granted that an exception procedure should go along with it to allow for third party legitimate use. And that protection is granted to all four categories of organizations.

At the second level there is consensus that there should be protections for the full names of the RCRC, IOC, and IGOs, and it's important to note that there is no reservation protection for INGOs in this instance. What does this reservation protection mean? It's what you now find in specification 5 to the Registry Agreement. So those names can't be registered and also, as well as for the top level, an exception procedure should go along with this type of protection.

Then we have a third class of protections that were recommended and not all of them reached consensus level but some of them only reach the level of strong support but significant opposition. And that would be that identifiers are bulk added to the trademark clearinghouse. So not each and every beneficiary of these protections needs to go into the trademark clearinghouse individually and apply for inclusion but they would be bulk added which makes it easier for these organizations. And they would get the 90 days claims notification and that would apply for the additional RCRC names as well as the IGO acronyms, the RCRC additional strings, and the INGO full names. So again, you will remember the INGOs did not -- have not been granted reservation of their full names at the second level, but nonetheless, they would be included in the trademark clearinghouse. And then there was also the recommendation that received strong support but significant opposition with respect to the question as to whether those names that go into the trademark clearinghouse should also benefit from sunrise services.

Another recommendation that we received consensus on was the request for an issue report for a PDP to determine how IGOs and INGOs can use the curative mechanisms of the URS as well as the UDRP. Not all of these four organizations can make use of these curative mechanisms, and the working group felt that it was appropriate to open that up so that they could actually take action against unlawful third party registrations in the instances covered by the UDRP as well as the URS.

And the last item is the item that we already dealt with in the consent agenda. And that's a formal request that we have with respect to consensus level. And I'm not going to dwell on that more.

We also discussed proposals that did not receive strong support but significant opposition. And that is acronym reservation. So the working group decided not to support those. And even more so, there was something which -- which can be called consensus against because only the organizations that would benefit from the IGO -- from acronym protections were actually in favor of those.

Also fee waivers did not make their way to reaching strong support or consensus as well as a permanent team stage claim service. So the claims service granted is limited to a 90-days' period.

I should point out there is some difference to the GAC advice that the board received. And that is with respect to the reservation of acronyms. Acronyms did not make their way to get reservation protection. We have one recommendation that deals with the inclusion of IGO acronyms into the trademark clearinghouse which received strong support but significant opposition and which did not achieve consensus level. And I think we speak to that in a moment when it comes to the motion. And also the INGOs have not been covered by the GAC advice. But, since it was the purpose of the PDP to look at question of the protections for both IGOs as well as INGOs holistically, we included that in our charter and in our work. I think I'll leave it at that for the moment. Here you find links of the final report, public comments, and the web page with all the documents that were reflected in the PDP work.

And I'm more than happy to answer any questions there might be.

>>JONATHAN ROBINSON: Thank you, Thomas, for the more than comprehensive background on the nature of the work, the detail of the deliberations of the working group, and all that went into this very comprehensive PDP. I think that that is helpful in ensuring that we -- by not reading the full motion, which would be too lengthy, as I said earlier, can ensure that we -- that is, the council -- who were previously well informed but also everyone in the room is properly and appropriately informed on this.

So the motion contains 22 "whereas" clauses and goes on to present 7 "resolved" clauses, the first six of which have the consensus support of the working group that Thomas described and the 7th of which has a lower level of support than consensus described as strong support but significant opposition from the working group.

Nonetheless, they are all recommendations of the working group. What we have discussed and I believe are in agreement on is, therefore, splitting our vote on this motion into two categories -- those components of the resolved clauses, that is, 1 to 6 that have the consensus support of the working group, and 7, which has the strong support but significant opposition behind it as a recommendation to the council.

So, before we proceed to vote on the motion, it is customary that we should have any discussion or input. And that is from the council, questions indeed for Thomas and/or the staff that worked on this, and comments from within the room.

So let me pause and see if there are any comments or input from within the room or the council. Brian, I see your hand is up. Please go ahead.

>>BRIAN WINTERFELDT: Brian Winterfeldt, intellectual property constituency. I want to thank Thomas and their group for the work. Even reading the motion is exhausting, so I can only imagine what it went into drafting it and doing so much work. We really want to thank you.

The IPC definitely supports the motion. And also, as Thomas mentioned in his presentation, there were minority reports. And I wanted to call the council's attention to the fact that, when the GAC and the board met yesterday, that the minority position that's included from the Red Cross and the Federation was actually on the agenda. And there was some support voiced, so there may be something coming out of the GAC. And I know we're in the process of making sure that we have more communication back and forth, but I just wanted to make sure that the council was aware that that was something that was discussed and we might be seeing something else with that. So I just wanted to draw attention to it again. But thank you, Thomas. And appreciate your hard work.

>>THOMAS RICKERT: Thanks, Brian. Just to respond to that, Glen, if you can note then that we will make a special effort over and above whatever we would normally do to communicate the outcome of this vote on the PDP to the GAC immediately after the meeting, I think that would be very helpful to make ensure that the leadership group of the GAC, and indeed the GAC as a whole, are informed. Klaus?

>>KLAUS STOLL: I would like to make a statement. Some of you might know that my constituency, NPOC, is very closely connected with this discussion and question.

And I can tell you we definitely didn't get in this report what we wanted. And there is a lot of questions which are not -- we wouldn't approve and we would write it different.

But I want to tell you that we had a very, very close look in the complete procedures of the working group and that the working group has worked exceptionally well and fine, open and transparent. And what came out is a compromise we can live with. I just want to say this for us is one of the perfect examples where nobody gets everything they want. And, secondly, this is how multistakeholder process of policy making should look like.

And I just want to, again, completely recommend the working group and tell you that we will vote yes.

>>JONATHAN ROBINSON: Thank you, Klaus. Any other comments, questions, or input? John Berard.

>>JOHN BERARD: John Berard from the business constituency. Interestingly enough, there's been a thread through the first four days of the meeting here in Buenos Aires about the work of the working groups. The ATRT2 discussions. It's come up in other meetings that the essential element of the bottom-up, consensus-driven multistakeholder process is founded and built on the strength of the working group.

Often we see working groups that are understaffed because of the amount of work, as we have heard, that the community has us perform. But, in this instance, I think that the working group showed that a broad group from almost every corner of the full community, not just the GNSO community, can come together and reach decisions that, in my view, we, at the council level, need to support. The last thing I think we want to do is undermine the value of the commitment that individual members of the community make when they say yes to participating in a working group. So I commend the working group in this instance as an example of what can be done and perhaps as a case study for those that come next in being able to create a broad range of -- a wide roster of talented people.

>>JONATHAN ROBINSON: Thanks, John. Zahid.

>>ZAHID JAMIL: Just wanted echo what John just said. This is an example that demonstrates an extremely difficult problem with highly sort of polarized issues when they started having come to consensus. And, for those who said that maybe in some sense the GNSO can be bypassed because, you know, there are things that just cannot be done here, they have to be done elsewhere, I think this is an example that shows we are able to arrive at policy making. So I commend, obviously, Thomas as well as Jeff for the hard work they've done. It's incredible. It's also an example, not just a case study of how this can work and maybe the GAC needs to look at it, but also an example of how they've interacted with our structures and our constituencies directly. So much appreciation there. Thank you.

>>JONATHAN ROBINSON: Thank you. Before I turn to Wolf, who is next in the queue, just to emphasize that GNSO working groups are open to all to participate. So, echoing and understanding those prior two comments and emphasizing the openness of the working groups. Wolf-Ulrich.

>>WOLF-ULRICH KNOBEN: Thank you. Wolf-Ulrich Knobén speaking. On behalf of the ISPCP constituency also, I would like to say we give full support to the outcome of that working group and how the working group has been dealing with that.

Having that said, so I would like also to emphasize this is a really good example of how it works. And it's a good example to make -- to produce more awareness about a PDP and how the PDP is working. Awareness from all inside ICANN. So, specifically, I think, that was one of the reasons why, for example, Fadi in his opening speech, also made this remark about the PDP, that we do not have to defend how we are going to work here and how we will fulfill our work.

This model, this PDP model is working. And that's one of the best examples here. Thank you.

>>JONATHAN ROBINSON: Thank you, Wolf-Ulrich.

Alan.

>>ALAN GREENBERG: I didn't realize I was up next. I guess I'm in an unusual position. I'm -- without detracting everything from Thomas and the working group in which I participated very actively, I guess I have to highlight some of the negative aspects of things that have come out in this process. This is probably the first PDP that I could remember where not a single one of the recommendations received unanimous approval of the working group. And that's something that has to be noted because that's unusual and probably inevitable based on the participants and the subject matter. And also, the recommendations that are being put forward with consensus or strong support are ones that, essentially, rose to the top of the pile from a large number of alternatives looked at. It's not 100% clear to me or to ALAC whether it's actually a consistent and cohesive set of recommendations that could be -- that can be implemented as a single entity. And I think all of those issues highlight the difficulty of the problem and the difficulty of the PDP process in reaching -- in setting or recommending good policy as opposed to reaching consensus. And, after all, good policy is the name -- is the target of what we're looking for. I'm not saying this isn't. It's going to be a complex process to analyze the bits and pieces of the recommendations and see how they stand as a single entity.

But it's to Thomas's credit and the working group's credit that we got as far as we did. And some of us weren't predicting we'd get this far. But it also illustrates the difficulty in using the current process to address really difficult and contentious issues.

>>JONATHAN ROBINSON: Thanks, Alan. If I could just add, in my opinion, the fact that it was complex and didn't necessarily reach and accurately reflected a lack of full consensus is not necessarily a negative. That's just a thought. But -- no need to respond. We've got first Petter and then Volker.

>>PETTER RINDFORTH: I just wanted to add that, first of all, we have done a great job on a difficult task. And I heard some comment yesterday that there's too many things in the same basket.

Well, I'm not a basketball player. I'm a lawyer. So I'm fairly used to it, and it's novel. As I said, IPC fully support.

>>VOLKER GREIMANN: Volker Greimann speaking. I want to add my voice to the choir of people that commend the working group for the excellent job that they have done, because this has been a very contentious issue -- a bunch of very contentious issues for a lot of stakeholders and members of the community. And the amount of debate that has gone on is a reflection of that.

I think the case that there is no full consensus determination recommendation in the work -- from the working group is also a reflection of that. And, therefore, those recommendations that did receive consensus are a very good example of the ICANN process working very well. I'm not going to disparage the recommendation that did not receive consensus but only strong support. I just would like to say that, because they are very contentious, the significant opposition that has been voiced is also a very compelling case why these recommendations would probably not be a good idea. So I'm a bit conflicted on what the best policy for this would be, what the best practice is going to be. But I have my opinion, and I'm going to vote accordingly.

>>JONATHAN ROBINSON: Wendy.

>>WENDY SELTZER: Thank you, Jonathan. And thank you, Thomas, for sharing the detailed explanation of the long work of the group.

I think that's important. Because my personal position and the positions of many in the non-commercial stakeholders group differs from the consensus that the group reached. Many of us opposed the reservation of these names in any circumstance and, yet, participated through the process and in the discussions toward these consensus and, in some cases, were in the dissent on the strong support with reservations.

So I think this kind of extended debate reflects the best of ICANN's policy process when groups whose positions start out very different can get a bit closer together and those who oppose can have some influence on the eventual consensus positions. And so, for that reason, I find that I will support the recommendations that reached a consensus despite the opposition individually to many of their elements.

>>JONATHAN ROBINSON: Thank you, Wendy. I was going to call the queue to a limit after Thomas, but we have a contribution from the room. So, Chuck, please go ahead.

>>CHUCK GOMES: Thank you. Chuck Gomes from VeriSign and a member of the working group. But just one of a large number of people. And several of you had kind of hit at this, and Wendy just illustrated it.

But one of the things that impressed me about this working group that, in spite of the huge differences we had, everyone, without exception, participated in a very professional way showing respect for one another even when we didn't get what we wanted. And it was -- as several have said, it was an impressive example of how we can work together effectively even when we have huge variances in terms of the issues we're dealing with. So my compliments to every member of the working group. It was an exemplary example for us.

>>JONATHAN ROBINSON: Would you like to go before or -- I'm going to have one last contribution from the table from Maria. And then we'll go to Thomas, somewhat fittingly, I think, for last word before we bring this to a vote.

>>MARIA FARRELL: Thank you, Jonathan. I think this motion gets to the heart of the sort of debate or our evolving perspective of whether the GNSO Council is a legislative body or whether it is a management and oversight body. And, obviously, it's neither one nor the other. But I think we do very little bit as we're going on. And those things have changed over the last few years to the point that, when a working group presents full consensus on something, it's definitely not our job to go against it. And it's our job to respect and continue to motivate working group participants.

But I would say this also illustrates some of the points raised in the ATRT2 report and the research materials it was based on where there is a problem with the narrowness of the working groups in terms of their geographic unprofessional representation and the numbers of people on them who were able to be supported by their employers in participation. Now that is not at all to impugn the hard work, dedication, and good faith that the people in this working group clearly went about their task with. But I think Wendy has pointed out this is the best that the PDP can offer. And it is. But it's the best for now. And I think we really should take a hint from this and look at the broader participativeness of the GNSO, of working groups in terms of geography, culture, language, and professional orientation.

So I'm going to be voting in favor of all of the consensus parts, because I think that's our job as councillors. But I personally take it on myself that, you know, I need to do better helping you to get more representativeness in our working groups. And I think it's something we all should do going forward.

>>JONATHAN ROBINSON: Thanks Maria.

I think, Thomas, you have the privilege of the closing remarks.

>>THOMAS RICKERT: Just one thing, I've already thanked working group members and applauded them for their excellent collaboration. And I certainly will convey your positive feedback to the working group. But one aspect we haven't really spoken about, and I have intentionally reserved that for this very last minute. And that is that sometimes there have been -- we heard people say that the collaboration between working groups and ICANN staff was not as it should be and that there was too little support.

But, in this case, I guess the staff support that the working group got and I, in particular, has been nothing short of excellent. We've been -- you know, they've been available always. The work results that they produced were excellent. And they're working virtually day and night. So, if I could, I'd like to ask Berry, Mary, and Marika to please stand up. And let's give them a big hand.

[Applause]

>>JONATHAN ROBINSON: Thank you, Thomas. Thank you, working group. Thank you, ICANN staff. Let's move to the vote on this. Now, just to remind you once more. We have split the vote into two components. The first dealing with the first six resolved clauses, that is those which received consensus support in the working group. And the second vote dealing with number 7, which is that which received strong support but significant opposition. Jeff?

>>JEFF NEUMAN: Can we also just -- just wanted to point out that, after we go through this vote, right, we're -- some of them are actually capital C, capital P consensus policy. So, even after we vote

1 through 6, if it's not unanimous, we'll have to go and make sure that we hit those thresholds to determine how we recommend that to the board.

>>JONATHAN ROBINSON: Thank you, Jeff. You raise a very good point. Depending on the level of support, those components of the motion received will impact their future implementation. So that is something to be aware of as well. It's quite subtle, but it's not simply a matter of carrying each component of the motion. It's also a matter of the extent of the support they receive will have an impact on how these are implemented and what action is taken following our vote.

So, Glen, I think we'll -- given the substance and nature of the topic, I think we'll do a roll call vote on this. So to remind councillors to be crystal clear, voting 1 through 6 as recommendations -- as a cluster those recommendations as a working group that received consensus support of the working group. Glen.

>>GLEN de SAINT GERY: Thank you, Jonathan.

John Berard?

>>JOHN BERARD: Yes.

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

>>WOLF-ULRICH KNOBEN: In favor.

>>GLEN de SAINT GERY: Yes.

Wendy Seltzer?

>>WENDY SELTZER: Yes.

>>GLEN de SAINT GERY: Maria Farrell.

>>MARIA FARRELL: Yes.

>>GLEN de SAINT GERY: Joy Liddicoat. Can you hear me?

>>JOY LIDDICOAT: I can. I have a comment before voting. My comment is to say that ---
(indiscernible)

>>JONATHAN ROBINSON: Joy, could you please repeat your comment?

>>JOY LIDDICOAT: Sure. My comment was to say that I support the recommendations that have been developed by consensus. And I'm voting in favor of them because I support the process of consensus and not necessarily the substance of the consensus itself.

>>JONATHAN ROBINSON: Thank you, Joy. We've got that.

>>GLEN de SAINT GERY: Thank you, Joy.

>>ZAHID JAMIL: Yes.

>>GLEN de SAINT GERY: Jeff Neuman.

>>JEFF NEUMAN: Yes.

>>GLEN de SAINT GERY: Lanre Ajayi.

>>LANRE AJAYI: Yes.

>>GLEN de SAINT GERY: Thomas Rickert.

>>THOMAS RICKERT: Yes.

>>GLEN de SAINT GERY: Mason Cole.

>>MASON COLE: Yes.

>>GLEN de SAINT GERY: Brian Winterfeldt.

>>BRIAN WINTERFELDT: Yes.

>>GLEN de SAINT GERY: Osvaldo Novoa.

>>OSVALDO NOVOA: Yes.

>>GLEN de SAINT GERY: Ching Chiao.

>>CHING CHIAO: Yes.

>>GLEN de SAINT GERY: Jonathan Robinson.

>>JONATHAN ROBINSON: Yes.

>>GLEN de SAINT GERY: Petter Rindforth.

>>PETTER RINDFORTH: Yes.

>>GLEN de SAINT GERY: Klaus Stoll?

>>KLAUS STOLL: Yes.

>>GLEN de SAINT GERY: Magaly Pazello.

>>MAGALY PAZELLO: Yes.

>>GLEN de SAINT GERY: Volker Greimann.

>>VOLKER GREIMANN: Yes.

>>GLEN de SAINT GERY: David Cake.

>>DAVID CAKE: Yes. And I would just like to put a similar caveat to Joy.

>>GLEN de SAINT GERY: So the motion passes unanimously.

>>JONATHAN ROBINSON: Thank you, Glen. So the motion passes unanimously.

[Applause]

At least that component of the motion to be clear. That is resolved clauses 1 to 6. And we will be clear in communicating with the council as soon as possible on the impact and consequences of that unanimous vote.

That resolved clauses 1-6, and we will be clear in communicating with the council as soon as possible on the impact and consequences of that unanimous vote so that everyone is 100% clear.

Now, the second vote on this is to deal with resolved clause 7, and so Glen, if you could take a similar roll call dealing with resolved clause 7, that component of the recommendation of the working group that did not receive consensus support.

>>GLEN de SAINT GÉRY: I'll do that, Jonathan. Ching Chiao.

>>CHING CHIAO: No.

>>GLEN de SAINT GÉRY: Volker Greimann.

>>VOLKER GREIMANN: No.

>>GLEN de SAINT GÉRY: Joy Liddicoat.

>>JOY LIDDICOAT: No.

>>GLEN de SAINT GÉRY: Magaly Pazello.

>>MAGALY PAZELLO: No.

>>GLEN de SAINT GÉRY: David Cake.

>>DAVID CAKE: No.

>>GLEN de SAINT GÉRY: Klaus Stoll.

>>KLAUS STOLL: No.

>>GLEN de SAINT GÉRY: Petter Rindforth.

>>PETTER RINDFORTH: Yes.

>>GLEN de SAINT GÉRY: Wolf-Ulrich Knoblen.

>>WOLF-ULRICH KNOBEN: No.

>>GLEN de SAINT GÉRY: Yoav Keren.

>>YOAV KEREN: No.

>>GLEN de SAINT GÉRY: Wendy Seltzer.

>>WENDY SELTZER: No.

>>GLEN de SAINT GÉRY: Jonathan Robinson.

>>JONATHAN ROBINSON: No.

>>GLEN de SAINT GÉRY: Osvaldo Novoa.

>>OSVALDO NOVOA: No.

>>GLEN de SAINT GÉRY: Brian Winterfeldt.

>>BRIAN WINTERFELDT: Yes.

>>GLEN de SAINT GÉRY: Mason Cole.

>>MASON COLE: No.

>>GLEN de SAINT GÉRY: Maria Farrell.

>>MARIA FARRELL: No.

>>GLEN de SAINT GÉRY: John Berard.

>>JOHN BERARD: Yes.

>>GLEN de SAINT GÉRY: Jeff Neuman.

>>JEFF NEUMAN: No.

>>GLEN de SAINT GÉRY: Thomas Rickert.

>>THOMAS RICKERT: No.

>>GLEN de SAINT GÉRY: Lanre Ajayi? Lanre, can you hear us?

>>LANRE AJAYI: Yes. No. I said I vote no.

>>GLEN de SAINT GÉRY: Thank you. In the contracted party house they are 7 no votes and in the non-contracted party house -- Zahid.

>>ZAHID JAMIL: Yes.

>>GLEN de SAINT GÉRY: Yes. In the contracted party house 7 votes against, 7 no votes, and in the non-contracted party house we have 4 votes against -- 4 votes in favor and 10 votes against. Hang on. Sorry, we had 9 votes against and 4 votes in favor in the non-contracted party house.

>> Jeff.

>>JEFF NEUMAN: I would like to -- I think maybe the council might, in a wrap-up session, this is kind of interesting because a number of the representatives from stakeholder groups and constituencies that supported this notion in the working group have actually voted against the recommendations here, which I find interesting, the registries were the only opposition in the working group to this particular part and so the registries voted no consistent with what we did. I -- I'm actually kind of really surprised that the stakeholder group representatives and constituencies that -- I mean, Thomas

was very right in his report to say that it had strong support with those that participated. So it's -- may not be something for discussion now, but I think we do owe an explanation as to why there's such a differential between what happened in the working group and what happened here, especially because everybody's comments was in such high praise of what happened in the working group and how this is the model. So I think we just need to explain because others are going to see this and others will question how that could happen. And I think maybe during the wrap-up session this is something the council may want to take up as an issue. Thanks.

>>JONATHAN ROBINSON: Thanks, Jeff. It's a good point and a good question, and it may be that there are issues around the level of consensus and it may be that there are issues of consistency between the work in the working group and that -- and then the vote of the council. So I think it's a very useful topic to pick up and appreciate your suggestion. Alan.

>>ALAN GREENBERG: You know, I'm not sure how our time is going but I would suggest that if anyone has any ready answers, people who voted against it but voted -- supported it in the working group have any short and concise answers to put forward now in the formal meeting, that might be worthwhile.

>>JONATHAN ROBINSON: I'm happy to hear that. I think we have enough time to hear that. I think I'm reluctant to get into a full discussion on it, but I think if you're right, I heard you, Alan, that's great. I think if there's a short and concise explanation or any kind of indication of the motivation, I'm open to hearing it. Anyone have any comment they'd like to make at this stage. Osvaldo.

>>OSVALDO NOVOA: I participated in the working group and in the case of our constituency we made a lot of concessions to reach -- a lot of concessions in order to reach consensus in several of the positions. We were very much against a lot of the protections we have given in this case. So I think that what happens is in the working group on some occasions we would say yes to see if we could get consensus with the other, even though we were not totally glad with the decision. And now that hearing the council we finally see that we couldn't reach consensus and since we were against it from the beginning, we voted no.

>>JONATHAN ROBINSON: Thanks for the question, Jeff. Thanks for your input on the answer, Osvaldo. I think that's very helpful to illustrate some of the thinking. Does anyone else have any comment or input on a related point? Thomas.

>>THOMAS RICKERT: Certainly I can't speak on behalf of the groups that have expressed a view differently in the working group level against what we see today in the council, but I would like to offer a potential explanation for it and that is that you can support something at the working group level, wait for the consensus call to be completed, but then have -- make a determination that you want only consensus positions to be passed on to the board. And this recommendation that we have included is one that did not reach consensus level but only strong support with significant opposition. And I think that we need to continue our discussion on that one. As I said during the working group session over the weekend, there is no clear guidelines -- guideline for working groups as to whether they should only pass on consensus recommendations to council or whether they can also include strong support but significant opposition positions to the council. And I think that maybe the outcome clearly demonstrates that there might be the -- the need for clearer guidance to working group that they should only pass on consensus positions, giving the voting behavior today.

>>JONATHAN ROBINSON: Without offering a view, I'll just posit that it could be equally so the counter position that this creates a level of -- and so there is a flexibility in the process and there is an opportunity to discuss this, which I'm reluctant to get into in the full now. I don't think it's perhaps appropriate but at least timely to do so, but, you know, there may well be counter views as well. Great. Well, thank you very much, everyone. I know there's a tremendous amount of work. Not only from the working group as we've amply acknowledged but councillors have genuinely talked with their groups and attempted to come to a considered and well-thought-out position. So thanks, all, for all of your work and effort on getting this piece of work to the position it is now in.

The next item brings us down to earth a little more in the sense that it deals with how we -- it's item 6, deals with prospective improvements to the Policy Development Process. This is part of a theme of the council's work which is to take on the role ourselves of ensuring that we continually seek to improve the way in which we work and the effectiveness and efficiency of our outputs. This is something we sought staff help with and Marika from ICANN policy staff has been great in compiling a series of suggestions which we had seen previously and reviewed, and now further moving that on to integrate what has been proposed with the work of the ATRT2 and in many case ways I hope this prepares us a little more for our later discussion with the ATRT2 team, and so Marika, if you could just provide us with a brief review and really, I guess, the -- the obvious questions that it throws up for the council for our discussion or conclusion or next steps.

>>MARIKA KONINGS: Sure. Thanks, Jonathan. So this is Marika. So basically I circulated an updated version of the table just before I think you all left for Buenos Aires or maybe when you were already on the plane. So I'll just briefly go through it. You'll see it in the Adobe Connect room and I think Lars has also posted a link to it in the public one. Maybe taking a little bit -- one step back as basically council started discussion -- discussing this in its meeting in Durban where we actually had kind of a brainstorming session on, you know, what elements of the PDP could be improved or streamlined without, you know, having a major overhaul of the process as such but within the current flexibility that it offers. So from that discussion we basically narrowed it down to a number of items that we then discussed over the various council meetings that we held between Durban and now. And the last iteration of that is what you have currently on your screens and was circulated, is basically an overview of those proposed improvements. And for each of those detailed set of proposed next steps, the ideas that we maybe start trying out or experimenting with these proposed improvements and as well in a certain amount of time actually see how these are working out. Are they having an impact? Are they, you know, speeding up the process where we can? Did it bring indeed new elements to the process where I think we've spoken before about, you know, getting new participants to the table, making sure that people feel integrated and understanding of the process and don't drop out after -- after one working group. And what the table does as well, and Jonathan already referred to it, that the ATRT2 has also made a number of recommendations in relation to the GNSO PDP. So what we tried to do as well is to track those recommendations and how they actually align with some of the improvements and streamlining we're already considering.

So maybe would be worth I think as many of you may not have had a chance to look at this proposed next steps is just take you through it, if that's okay, and hopefully get your feedback on whether you think it's something we can start working with or whether you need a little bit more time to consider those and maybe at the next meeting decide whether you want to move forward with all of these or some of these.

So the first proposal was to actually look at the chartering of a working group and the proposal was there to actually include a proposed charter as part of the issue report. So basically, staff would prepare a first draft which would be part of the preliminary issue report which would allow then the community as well to comment on that, then also go into the final issue report and be submitted together with the final issue report to the GNSO council to allow you the option to vote at the initiation of a PDP at the same time as adopting the charter which basically would reduce one step in the process for those instances where you think it's appropriate.

So we got some feedback there where people expressed some concern about making that the standard default option and also noting that there should be enough flexibility for council members to basically say well, we actually do prefer a drafting team to look at this or start from scratch. So we made some changes to the document as a result. So now the proposal is basically that we would update the issue report request from -- to include -- specifically include an option to request a draft charter as part of the preliminary issue report. So the requester can indicate whether or not they would like that, and that would then be clarified as well as part of the motion. And then basically as well communicate at the time of the consideration of the initiation of the PDP to all council members that it would be treated as a kind of a consent item. One only needs to say that they don't want to vote on it and it would automatically go to a drafting team for further consideration.

And again, I think this is one where, you know, in the 6-, 12-month period of time where we maybe had some additional issue reports, whether we review whether that's working or not and again, if we think it's working, whether we would need to make some changes to the operating procedures or the PDP manual to actually formalize that option.

On intensity of PDP working group meetings, we also discussed having, you know, more meetings or longer meetings may help speed up the process, but several of you also pointed out that there may be limitations to doing so due to volunteer availability. So our suggestion is here that maybe as a first step staff would actually gather further information on the duration of the working group phase in a number of hours, so we have a better idea as well what are we actually talking about? What does it take to complete a PDP? Then maybe also review some of the recent efforts that have actually used an intensive schedule like the IGO, INGO PDP and then maybe analyze different options that exist to increase intensity of meetings including pros and cons of each of these options, and then based on that analysis hopefully the council would be in a position to decide which of those options it would like to pursue, if any.

The next one is on the increase of the pool of PDP working group volunteers. As I think several of you are aware, there are various efforts ongoing that deal with outreach, getting new people in, so our suggestions here would be that the first that would be for the council to actually review the existing outreach efforts and determine whether there are any actions the GNSO council should be taking to increase the pool of PDP volunteers. Another suggestion we made here that -- make here is that the council should consider sending invitations to each stakeholder group constituency chair and executive committee to encourage them to -- to recruit for the particular PDP working group and make sure as well the stakeholder groups and constituencies are kept up to date by representatives from their groups on the progress of the PDP. And something we're actually already actively working on is exploring this option of setting up a welcome webinar for new PDP working group members to provide them with an introduction to the process and the tools that we have available to hopefully

make participation easier and ensure their continued engagement in the PDP activities. We're hoping to launch a pilot of that together with the support of Mikey, who I think is here in the room, shortly after Buenos Aires for some of the new efforts that are starting off. I think the idea really behind it is just to have a kind of open door -- have a very brief introduction and just open it up for questions and really giving them an opportunity to ask anything they want to know or learn about what it means to be a member of a working group.

And we had another option of requiring working group representatives or participants from each stakeholder group constituency and possibly also liaisons from Supporting Organizations and Advisory Committees. So I think this is where the council may want to discuss this option with the stakeholder group constituency and constituency chairs whether the option of requiring at least one representative per stakeholder group or constituency per PDP working group would be acceptable. Because of course partly this is also a resource question. And I think similarly Jonathan may want to discuss with the SO/AC chairs whether the assigning of informal liaisons to each PDP working group will be welcomed or an option to ensure that early engagement and communication is ensured to the various parts of the ICANN community.

Improving online tools and training. Again, there are various efforts that are ongoing. Some of you may know the learn.icann.org platform was launched at this meeting which already provides a number of training courses and tools. It also provide the options for community members themselves to develop courses. So the suggestion here would be for the council to review the existing online tools and training efforts and determine whether there are any additional actions that should be taken by the GNSO council and/or provide input on how existing activities may be further improved or modified in order to contribute to the success of the PDP. And again, I think that from a staff perspective in combination with the newcomer webinar we'll be looking at that as well to make sure that the tools that we think should be there or the presentations that we believe would help new participants are included there.

Then there was also the option to explore having a PDP working group rapporteur. So instead of having the working group jointly drafting the report, consider appointing a PDP rapporteur that would actually, for example, liaise with the different working group members or groups involved and on the basis of that provide a first draft. Here we have suggested that staff may want to explore this option further and provide more details on how this would or could work in practice. For example, how would a rapporteur be elected, how would interaction go with the staff and the working group members. And then the council may want to review that feedback and decide whether or not you would like to pursue that option or not.

Just two more. The professional moderation of facilitation and improvement of experts, and there's also one of the -- I forgot to mention for the previous one but also one specifically called out by the ATRT2 as one of the options to explore. So again here, I think we're suggesting that staff may want to first gather some further information on potential costs of involving professional facilitators and issues that we need to be considered should the council decide to pursue this option further. And then again, the council can review on that basis whether or not it's worth considering that option further.

And we also had option of organizing workshops and discussions at the outset. Here we're suggesting that when a request for an issue report is received the council should consider, discuss in

close collaboration with the requester, whether there would be value in organizing a workshop discussion on the issue before formally requesting -- considering the request. And lastly, on better data matrix, I think here something we discussed over the weekend as well, I think for the council to basically monitor the efforts of the GNSO metrics and reporting -- metrics reporting working group closely and identify whether they're indeed addressing the needs that would help PDP working groups work more efficiently and effectively.

So these are some of the ideas we've put on the table. And I think it's really now for you to either review those or indicate that you think, you know, we should start exploring these next steps. As I said, I think for most of these we would be coming back to you with more information or more options to discuss. For some of them, you know, we may concretely start implementing those, and again, I think the ideas that over as time goes on we basically review this on a regular basis to see where things stand and if it's really indeed improving the efficiency and effectiveness of the PDP.

>>JONATHAN ROBINSON: So thanks, Marika. I hope what you've hopefully heard in our public meeting is a good faith attempt to summarize where within the constraints of the existing processes and rules how we might improve the efficiency and effectiveness of the PDP and essentially a proposal to kick off with one or more of these on a trial basis for later review. So really the question I think for us is about what way forward. And we don't necessarily have to conclude that now. We can conclude it at our December meeting. But I'd like to start to -- I'd like to get some guidance because this has been with us for a couple of meetings now and there is a real opportunity to start perhaps in the new calendar year with implementing one or more of these on a trial basis. And so it's really the mechanics of how we get from proposal to action that would be very helpful to hear from any of you on either now or in the -- in the near future such that we can really make the decision on one or more of these items as soon as possible. And ideally no later than our December meeting. Any comments, questions, or input? I've got Maria, Alan.

Go ahead Maria.

>>MARIA FARRELL: Thanks, Jonathan. And thanks, Marika. First of all, I want to say Marika has staff has done a terrific job on taking on comments that personally I've made to this and that other people have made going forward to sort of -- to meet some of the concerns and anxieties that we have about the staff role and the community member role. So I appreciate that very much.

On working group membership and whether there should be -- whether we should look again at the notion of having defined or at least minimal representation from each stakeholder group, I think we probably should. Because, in a way, it's sort of going back to things we've done before where, in the previous task force model, there was always representation from each stakeholder group. And, you know, while this isn't simply a numbers game and we're looking for consensus, I think we do have issues when not every constituency or stakeholder group can put the same number of people on the same working group all of the time. So we can find ourselves having proportional inequalities on those groups and, you know, a lack of -- or certainly a less loud voice or ability to really focus and drive through to conclusions together. I also appreciate Marika taking on proactively some of the ATRT2 recommendations, both for looking at facilitators and for having more face-to-face meetings. And it would be terrific if, instead of having to wait for the ATRT2 process to come to an end, if staff could begin to look at what the budget feasibility would be for those. And I think, if we were to do that, I think the ATRT2 recommendations are that the community and, in this case, the GNSO should

also begin to think about, well, when do we use facilitators and how? So I think that's something we might consider taking on board. And, finally, I suppose the other topic that the ATRT2 report does pick up, which staff hasn't been able to here, is the overrepresentation in working groups of -- particularly, of people who are able to be supported by professional bodies, by their employers, and others. So I think that is something that we should somehow continue to look at and try to think about how we could redress the balance so we can make sure that all the voices on the working groups can make themselves easily heard.

>>JONATHAN ROBINSON: Thanks, Maria. Alan.

>>ALAN GREENBERG: Two things. On the mandatory participation, that has a smell of slave labor or forced labor. I think at best it will get someone to sign up for the mailing list and not participate. But what I would suspect might be useful is that, if a group is not participating, it shouldn't just be the absence of volunteers; but the leadership of that group should say, yes, we are not participating. You know, it's a conscious decision as opposed to a tacit one. And I think that's an important -- there's an important message that goes along with it.

I'll add one more idea that I haven't heard mentioned before, and it came up yesterday in an ATRT meeting. And the discussion matter was how do you get people to actually volunteer for these things since the subject matter is so complex?

And the idea was, essentially, a subject matter -- a subject matter webinar that either precedes or goes along with the call for participants to try to attract people in and then tell them what it's about instead of having a terse title that has very little meaning to people.

>>JONATHAN ROBINSON: Thanks, Alan. Good suggestion. I've got Thomas in the cue, but Marika wants to respond first.

>>MARIKA KONINGS: Yes. On the participation, on the second thing you said. Making sure someone is on the mailing list, ideally, they participate in calls, but at least that they are following the discussions but have a responsibility within their groups to provide regular updates. And they don't necessarily need to be on calls for that. But, at least, if there's someone there that takes on responsibility for each group to make sure that they can flag or that groups are up to date. So, when it comes to the council, they can't really say, oh, we had no idea. We didn't know what was going on.

And I think your suggestion on the webinar is a fantastic idea. We definitely should consider that on -- for example, on the translation transliteration thing, it's a really good one, which is a relatively complex issue. So, indeed, in combination with the call for volunteers to have a call to explain what it is about and what the group is expected to address. And that may help people decide as well whether they want to join that or whether they consider themselves to stay far way from it.

>>JONATHAN ROBINSON: Thomas.

>>THOMAS RICKERT: Thanks, Jonathan, I guess there might be instances where certain groups do not wish to participate actively because there's really nothing they can add to. For example, IRTP is something which is very technical. So not every group might have a vital interest in contributing to those discussions. I would respect that. Nonetheless, I guess it becomes the nuisance and is detrimental to the development -- policy development process as such, if such a group that was

silent during the working group's work, then actually stepped up and asked for a deferral when the council wants to hear the motion.

So I think that one might use as a sanction, so to speak, a mechanism whereby, if you don't participate, you forfeit your right to ask for a deferral or the -- we would authorize the council chair to exercise its discretion when it comes to requests for deferrals based on the attendance and the respective groups.

>>JONATHAN ROBINSON: Thanks, Thomas. John, Volker. And I'm going to cut the queue at that point. So John.

>>JOHN BERARD: This is John Berard, business constituency.

I like Alan's suggestion, because it begins to get at the notion of accountability that I think would be well to invest into the working group set of activities. I certainly appreciate as well Thomas's offer of a stick. I suspect that there probably should be a carrot as well. And it might be that we could take advantage of ICANN's overall continued investment in technology and, perhaps, find a way to use a little of that to support the working groups.

But a big part of the working group is in the issue report. And so, when we're talking about a webinar, we're talking about a grounding in what the working group is going to be discussing. You know, the issue report becomes an essential -- essentially, the source code for the program that the working group will create. So maybe we should be thinking about how the nature of the issue report can affect the effort of the working group.

>>JONATHAN ROBINSON: Volker.

>>VOLKER GREIMANN: I think there are a lot of valuable contributions and proposals in this -- on the table. And I think we should pursue and analyze them. However, I do not think, for example, that required or mandatory participation is possible. Whatever the case may be, the number of volunteers in each stakeholder group is limited, regrettably. And sometimes resources are stretched as -- very far, as it is. Requiring a participant who might not even be voluntarily there, just present because he was assigned to that having to take time out of his work day, might not be conducive to the proper work of the working group and might even be counterproductive.

The proposal that Thomas raised, I also don't think that that is workable if a stakeholder group did not participate in the working group to forfeit the right to deferral because the right for deferral is not just because of participation in the working group. It may also be just a lack of time between the publication of the report and the possibility to discuss the report in the stakeholder group itself.

So -- or maybe just because of a discussion is still ongoing because it's a contentious subject. So a deferral is a valuable tool to ensure that every issue is properly discussed by each stakeholder group. And, therefore, eliminating that just because participation resources were not there when the working group was active, I feel that that would be going too far.

>>JONATHAN ROBINSON: Thanks, Volker. Thanks to all of you for the discussion. I feel it's a useful discussion. We may need to bring this up in the wrapup session. I'm very keen to bring one or more of items to a conclusion so we can move it forward. I think what we need to do is to agree on a

method that will allow us to pick off one or two of these items to begin to experiment with the improvements. I can understand there are varying tweaks and suggestions that have been made.

So let's review what has been said in this session, pick it up in the wrapup, and see if we're still in a position to undertake some work on one or more of these in the new year.

We have a relatively short amount of time left. We have item 7 on the agenda. And we put in items 8 and 9, which were options, if time permitted. We can expect motions relating to items 8 and 9 to come up in December. So I'll draw your attention to them, but I don't think we will have time to cover them.

I think, in the meantime, we will cover item 7, which deals with a prospective review of the GNSO. This is the board-initiated review, which is in the -- within the remit of the structural improvements committee of the board.

We did meet with the board during the course of the weekend sessions and had the opportunity to hear from Ray Plzak who heads up the structural improvements committee. We have already in place a set of volunteers to potentially help with this effort. And included in that volunteer group is a group leader in the form of Jennifer Wolfe.

And so Jennifer and I picked this up and had the opportunity to meet with Ray Plzak this morning. And he gave us a good indication of his thinking, which I'll just remind you all councillors should have seen his draft paper. And, if you haven't seen it, either search the list for it or have a look on the thinking of where the framework that the structural improvements committee where it's going and where they're thinking of heading and how that might be applied to the GNSO.

I'm wondering if we have a time for a very brief input from Rob. But I think maybe it's best we just hear an update from Jennifer, since we had the opportunity to hear from Rob during the weekend sessions. And then this is something which we will pick up in the weeks and months to come.

So, Jennifer, if you're okay, I think it would be good to give the council and the community -- the GNSO and the attendees some update on our session with Ray and where this looks like it might be headed.

>>JENNIFER WOLFE: Thank you, Jonathan. Yes. We had the opportunity to meet with Ray actually earlier today and have a deeper conversation about the board's approach to the review, specifically the framework, which really takes the form of more of a typical type of audit that you might expect that is very metric-driven, very data-driven. And so the discussion that we had concluded with the idea that we would form a committee or a task force, if you will, from the GNSO to collaborate with the board review so that we can understand the framework that's being utilized. And, at the same time, build our own framework for self-review with the goal being that we would run a self-review concurrent with the board review so that we can have data and metrics that parallel one another so that we can actually have good data to compare and also contribute to the process of the review.

So that's where we are. I don't think the time frame has been officially determined with regard to the review.

So, at this point, we are simply collaborating, communicating, understanding what's happening. And we'll be working to build a plan as we know more about the definitive time frame.

>>JONATHAN ROBINSON: Thanks, Jennifer. I think there's clearly an opportunity for the council to, within this framework, review the processes that are within its purview, in particular, the policy development processes. And so that's -- that's a real tangible over and above collaborating with the tools and structure of the review process. As the structural improvements committee develops their work, there is also an opportunity for us to commence work on that. Quite how that fits with the review of the GNSO, which, typically, might be more diversified within the stakeholder groups and constituency themselves, has yet to be determined. And that may well be something for further discussion. Is there anything that the councillors or anyone in the room would like to add, comment, question in relation to this work? Zahid.

>>ZAHID JAMIL: Thank you. I think it's a great idea that we're also going to be doing something which is similar to the self-review. But I heard the word "audit," which I like.

My only concern or suggestion would be that the scope of this audit, as it's being described at the moment, also include, as you would in a self-review, looking at what improvements can be made to the structure, well, to the council at the moment and then think about going into structures. I just wanted to make sure that it's not just an audit of seeing that and also recommendations that might be helpful. Thank you.

>>JONATHAN ROBINSON: Just I don't know if, Jennifer, you want to comment. But just to explain that, we can expect to see coming out of the work of the structural improvements -- of the -- yeah, we all battle with this SIC and SCI, structural improvements committee of the board. We can expect to see coming out of their work quite a comprehensive framework and description of the methodology. And, through that, I think it will become amply clear what the opportunities are for both measuring the metrics and performance of the organization and structures and processes to be audited as well as the potential for recommended change in future.

I think Jen is being modest. But I think she's -- it's clear to me from her background that she's very well qualified to cooperate with and work with -- within this kind of approach. So it's something that we should be in good shape to work on.

Seeing no other comments or questions on this item, I think we'll -- given the time at eight minutes before the hour and our requirement to finish and wrap up in this room by no later than the top of the hour, I think we'll move -- we'll skip items 8 and 9, as I said, and move on to item 10, which gives us an opportunity to thank our outgoing councillors. And that's quite a sizeable list this time for a variety of reasons, including a recent surprise addition.

All of these councillors -- let me just mention it's Lanre Ajayi who is on the phone, our NomCom appointee; Mason Cole, who's served both as a registrar stakeholder group representative and vice chair; Zahid Jamil from the business constituency; Wolf-Ulrich who has served as CSG rep, ISPC constituency rep, I guess, and vice chair of the council. I should say that it reminds me of that -- I think it's an Oscar Wilde quote "To lose one parent can be considered an accident. To lose two is unfortunate."

And I think we could say that of the vice chairs of the council. To lose one is an accident. To lose two at one time is not perfect. But I -- we do have some very well-qualified candidates coming up. But particular thanks to all of those councillors. Joy Liddicoat of the NCSG; Jeff Neuman, who I know many of you will know has put in a substantial performance as a councillor and as a representative of the registry stakeholder group; and Wendy Seltzer from the non-commercial stakeholder group.

It's difficult to pick out any particular one. I think I'd just like to thank particularly the vice chairs and Wolf-Ulrich Knoben on this particular instance for all of his tremendous effort in going into the organization, which is a key responsibility of the vice chairs. But all of these councillors will know that the effort and contribution that you have to make is not insubstantial for a whole lot of reasons both in volume of work, in extraordinary times of day, huge commitment on the weekend before the ICANN meeting or right through the ICANN meeting.

And so I think a real warm vote of thanks to all of these outgoing councillors from all of us here within the council and within the GNSO as a whole. So I hope you'll join me in giving them a heartfelt round of applause and thanks.

[Applause]

So each of those councillors will have received a small gift of appreciation that has been distributed by our amply capable and well-qualified support, Glen De Saint Gery.

There's one other item I'd like to cover under the AOB before I see if there's anything else anyone would like to add to the AOB. And that is to recognize, since we're in the thanks and awards season, the participation of some within the GNSO who have been at many, many ICANN meetings. And so what we have here is a recognition of a number of participants who have been at a number of meetings. I'm going read them out in no particular order. But they -- I guess they're listed on my list in alphabetical order.

That's Adrian Kinderis who has been a participant in 40 or more ICANN meetings. Tony Harris who has been himself a participant in 40 or more,

David Taylor in the 30-39,

James Seng, 40 or more,

Jean-Christophe Vignes, 30-39,

Ken Stubbs, 40 or more,

Michael Heller, 30-39,

Nick Wood, 30-39.

Steve Metalitz, 30 or more,

Teresa Sobreviela, 30 or more,

And Mason Cole 30 or more.

So congratulations to all of you for your long service to the ICANN community. And we should really recognize that. There are some lapel pins here for those in the room with a 40 or more or a 30 or more. So please come up to me afterwards. I'll be very happy to provide you with those.

And I think we could also join together in a round of applause for tremendous contribution from all of you.

[Applause]

And last, but not least, for some reason under item 10 -- I think because he has gone to even greater responsibilities that we forgot the departing Wolfgang Kleinwachter, who those of you may well recall has been, through the NomCom process, placed on the ICANN board. And so -- and that was a recent announcement that came just prior to this meeting. So I'm not -- I don't think -- I think Wolfgang is possibly already immersed in board activities. But I should like to go on record as recording his not insubstantial contribution and also that's clearly been recognized by the NomCom in putting Wolfgang on the ICANN board. So thanks very much to Wolfgang as well.

Are there any other items that anyone would like to raise under any other business before we bring this part of the meeting and this first part of the meeting to a close? Right.

Well, that brings the formal proceedings to a close. Thank you once again to the outgoing councillors for all of your tremendous work and service to the community. And those of you -- and we'll be welcoming the new councillors to the council in our follow-on meeting, which will take place just a few minutes from now. Thank you. We can stop the recording.

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