
SINGAPORE – GNSO Council Meeting
Wednesday, March 26th 2014 – 13:00 to 15:00
ICANN – Singapore, Singapore

JONATHAN ROBINSON: Everyone, it's 5 minutes past the hour so, if I could ask everyone on the council to take their seats and prepare for the meeting, please.

Right. Let's start things going. If I could have your attention and we could comment the meeting then.

I assume we have a recording running already. I see the scribe is up, so I'll assume we have a recording running.

Welcome, councillors. Welcome, everyone in the room, to the GNSO's public meeting here in Singapore. Wednesday 26 of March. It is a public meeting meaning that you are all able to participate in and be actively engaged in the meeting. We have a microphone here. I mean, in the interests of trying to keep what is quite a tight agenda going, I'd appreciate it if you were thoughtful about whether you wanted to talk during the course of the meeting. If you feel it's absolutely necessary, we'll accommodate that. But we'll certainly do our best to have a public mic session, time permitting, at the end as well. So very mindful of this being a public meeting and providing the opportunity for comment and input but also that we have a full agenda today.

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We have five motions plus a number of discussion items. And I'll just draw your attention to a properly submitted motion that was in time but wasn't included on an earlier draft of the agenda. It was included on a later draft. And that is the item number 8, which is something we discussed on the weekend sessions as well. And that's the motion to adopt revised GNSO operating procedures. So that is now properly included on the agenda.

So, Glen, if I could ask you, before we begin, to take a roll call and record who is present from the council.

GLEN DE SAINT GERY: Thank you, Jonathan. I will. Bret Fausett.

BRET FAUSETT: Here.

GLEN DE SAINT GERY: Ching Chiao.

CHING CHIAO: Present.

GLEN DE SAINT GERY: Jonathan Robinson.

JONATHAN ROBINSON: Present.

GLEN DE SAINT GERY: James Bladel.

JAMES BLADEL: Here.

GLEN DE SAINT GERY: Yoav Keren.

YOAV KEREN: Here.

GLEN DE SAINT GERY: Volker Greimann.

VOLKER GREIMANN: Present.

GLEN DE SAINT GERY: Thomas Rickert.

THOMAS RICKERT: Present.

GLEN DE SAINT GERY: Gabriella Szlak.

GABRIELLA SZLAK: Present.

GLEN DE SAINT GERY: John Berard.

JOHN BERARD: Yes.

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: Mikey O'Connor.

MIKEY O'CONNOR: Here.

GLEN DE SAINT GERY: Maria Farrell.

MARIA FARRELL: I'm here.

GLEN DE SAINT GERY: Avri Doria.

AVRI DORIA: Here.

GLEN DE SAINT GERY: David Cake.

DAVID CAKE: Here.

GLEN DE SAINT GERY: Magaly Pazello.

MAGALY PAZELLO: Here.

GLEN DE SAINT GERY: Amr Elsadr.

AMR ELSADR: Present.

GLEN DE SAINT GERY: Klaus Stoll.

KLAUS STOLL: Present.

GLEN DE SAINT GERY: Daniel Reed.

DANIEL REED: Present.

GLEN DE SAINT GERY: Jennifer Wolfe is not with us, but she'll be on the line during the council meeting. She is participating remotely. And it is midnight for her, so she will come on in due course.

Alan Greenberg.

ALAN GREENBERG: Present.

GLEN DE SAINT GERY: Patrick Myles.

PATRICK MYLES: Present.

GLEN DE SAINT GERY: Thank you, Jonathan. We have everybody present.

JONATHAN ROBINSON: Thanks, Glen. So, if I could call now for any statement of interest updates and item 1.2. Seeing none, no hands, we'll understand that there are no updates.

If I could call for any comments to review or amend the agenda. Thank you.

The minutes from the previous council meeting are not yet posted. And I think I have to personally apologize for not having yet reviewed those. Normally, we're relatively prompt about getting those done. And that has been overlooked in the deluge of e-mails and communication running up to this meeting. So that will get done in short order as soon as possible.

So on to the next item if -- which is item 2, an opportunity to review the projects and action lists. We will pick up on all the actions in composite and review that in the wrapup session. I'm not going to dwell on that. I'm just going to ask for comments or input on any of the outstanding actions item list and/or the projects list. Any comments, questions, or input on those two items?

Seeing none, I'll move on to item 3, which is our consent agenda. And here we confirm a number of points. I think it's probably just recording that we confirm that chair and cochairs for the data and metrics policy making non-PDP working group. That's naming Mikey O'Connor as chair and Rudi Vansnick -- as well as Rudi Vansnick, in addition to Jonathan Zuck and Olevie Kouami as cochairs. Furthermore, we can confirm that the GNSO liaison for the data and metrics policy making non-PDP working group will be Klaus Stoll.

So now we can come on to item 4, which is the first of our five motions for this -- for the course of this meeting. And here we have the opportunity to approve the charter for the cross-community working group to develop a finalized framework for operating principles for future cross-community working groups. I recall that the motion is made by John Berard, but I don't have it here in front of me. Is it you, John?

JOHN BERARD: Yes, Jonathan, it is.

JONATHAN ROBINSON: Thanks, John. If you could present the motion to the council, please.

JOHN BERARD: I don't have it in front of me either. Hold on just one second.

It's not there.

JONATHAN ROBINSON: We have paper copies here, so there should be a paper copy available for you.

JOHN BERARD: There wasn't one here in front of me. Okay.

The motion for approval of a charter for a cross-community working group to develop a finalized framework of operating principles for such cross-community working groups. I want to thank Mikey for seconding the motion.

Whereas -- or should I just do the resolved? Okay.

In March 2012, the GNSO council approved a set of initial draft principles relating to the formation and operation of cross-community working groups and directed ICANN staff to solicit feedback on the principles from the other ICANN supporting organizations and advisory committees.

2: In June 2013, the ccNSO provided detailed feedback suggesting further clarifications and possible additions to the initial draft principles.

3: In October, 2013, the GNSO Council approved the formation of a drafting team to develop a charter for a new cross-community

working group to take forward and synthesize the initial work of the GNSO and the ccNSO feedback and develop a final framework of operating principles that can function effectively across all SO/ACs relating to the formation, operation, decision making and termination of future cross community working groups.

4: The drafting team, cochaired by the ccNSO and GNSO has now completed its work on a proposed draft charter for this new cross-community working group.

Resolved, 1, the GNSO Council approves the charter and appoints -- and at this point, we don't have anybody who has stepped up to -- Avri. Okay. Thank you very much. And appoints Avri Doria as the GNSO liaison to the cross-community working group that will develop the final framework.

2: The GNSO will collaborate with the other SOs and ACs to issue a call for volunteers for the cross-community working group each in accordance with its own rules. And 3: Until the cross-community working group selects its cochairs for the working group, the cochairs of the drafting team shall serve as the interim cochairs of the cross-community working group. And those cochairs are me for the GNSO Council and Becky Burr for the ccNSO council.

JONATHAN ROBINSON: Thanks, John. Can I ask for any discussion, comments, or input on this? I should note for the record that all of these motions were discussed at the council's weekend sessions. So we have had an opportunity to discuss these. And this is an opportunity for -- if anyone has any comments as well from within the room to make any comments or ask any questions.

Seeing none, and if there are no objections, I think we can call for a vote by a show of hands.

So I will ask first for anyone who is not in favor of the motion to raise their hand, please. Any abstentions? All those in favor, please raise your hand. Thank you. Glen, if you could record, there were no abstentions and no "no" votes.

Right.

The next item is a second motion. And this is to adopt the charter for a cross-community working group to develop the framework for use of country and territory names. This is a motion, again, made by John. And I should say, given the length of the motion and indeed for all of the motions in this meeting, we may just want to read out the "resolved" clauses and assume that the "whereas" clauses are taken as read. However, if the maker of the motion would like to make sure that they do cover the "whereas" motions, I'll leave that to your discretion.

So, John, if you could make that motion, accordingly, please.

JOHN BERARD:

Sure, Jonathan. I'd also like to note that Bart from the staff for the ccNSO is here for questions that might arise that would stump me. And that would probably include anything other than what's my favorite color.

This is -- as a preamble, I think this is an important initiative for us to take. Because, in the past, the GNSO Council has been seen, perhaps, to be getting out in front of some of the other SOs and ACs on matters. This is an instance where the ccNSO has come to us and asked us to participate in something that is important to them. And, if successful, could lead to policy -- a unified policy across both ccNSO and GNSO. So I think it's important in that regard.

Because of the discussion that we've had in preparation for this vote today, I would like to read the whereases. I do think it's important. And I would encourage people who have an interest in this subject to take a look at the report that was produced by the ccNSO that led to this motion.

So I'll try and be quick. Motion on the adoption of a charter for a cross-community working group. It's interesting how we are developing -- we're impaneling cross-community working groups before we have a methodology. But that seems to be the way of the current world -- to develop a framework for the use of country and territory names as top-level domains. Whereas, 1, the ccNSO study group on the use of names for country and

territories published its final report in September 2013. The first of the two recommendations of the study group to the ccNSO council was to establish a cross-community working group to further review the current status of representations of country and territory names as they exist under current ICANN policies, guidelines, and procedures; provide advice regarding the feasibility of developing a consistent and uniform definitional framework that could be applicable across the respective SOs and ACs and, should such a framework be deemed feasible, provide detailed advice as to how -- as to the content of the framework.

2: The ccNSO council adopted the recommendations and, as the objective of the proposed working group is considered to be of common interest to the broader community, the GNSO, in addition to the other supporting organizations, advisory committees and others, was invited to participate in the working group on an equal footing. The ccNSO submitted a proposed charter, which is available online, for this cross-community working group which the GNSO council has reviewed and discussed.

So be it resolved, 1, the GNSO council approves the charter, 2, and appoints -- no, that's the second one, yes. Did we settle on a chair this weekend?

JONATHAN ROBINSON: John, I don't believe we have. So what I expect we'll do is appoint someone -- we'll seek an appointee to that position in the interim. And then we can put that on to the consent agenda next time. David?

DAVID CAKE: I was going to say as we don't have a co-chair, we should remove the words "and appoints as the GNSO cochair."

JOHN BERARD: But we can say that Gabby Szlak will serve as the GNSO liaison to the cross-community working group to advise on the feasibility of a framework for the use of country and territory names as TLDs and develop such a framework, if deemed feasible. And, finally, the GNSO will collaborate with the other SOs and ACs to issue a call for volunteers for this cross community working group each in accordance with its own rules.

JONATHAN ROBINSON: Thank you, John. And thank you for setting the motion in proper context and taking us through. I think that was helpful. Ching, I think you wanted to say something.

CHING CHIAO: Thank you, Jonathan. And thank you, John, for the motion. And, just between now and then, if I could be of service and this issue

is actually taken in terms of names, not only for the ASCII TLD, which may represent countries and territory names but also ID and TLDs as we have seen but the IDN fast track in the ccTLD spaces I think in proper term, I mean, in future rounds or even in many of the contexts within the discussion of ICANN, I think, this issue for me is taken also. For the interim, if I can put my name forward to serve as the co-chair for this working group, I'll be happy to do so. Just to --

JONATHAN ROBINSON: Thank you, Ching. Let's note that and keep your name in the hat. And then we can put that -- and unless -- we'll see if anyone else comes forward. And we'll work with that suggestion. And then we can, as I said, put it on to the consent agenda for the next meeting. So David.

DAVID CAKE: Bearing in mind that we don't have a co-chair, we should probably formally amend the motion to make that clear, perhaps. So just remove the words "as the GNSO cochair and" if that's acceptable to the mover.

JOHN BERARD: Quite acceptable.

GLEN DE SAINT GERY: Got that, David.

JONATHAN ROBINSON: Ching.

CHING CHIAO: Also my point is that, whether others in the room or in the council would like to appoint me as an interim chair, I'll be happy to take the role. But, if others feel that we need further discussion within each constituency, I'd be happy to wait as well. But the options are here.

JONATHAN ROBINSON: Brian.

BRIAN WINTERFELDT: Brian Winterfeldt IPC. We're, actually, hoping that Heather Forrest, who has extensive experience, could serve as cochair. Unfortunately, she is in Australia and not here. So we're reaching out to her. So we just kind of wanted to put that as a placeholder. And also I'm happy to serve as council liaison with Gabrielle as well.

JONATHAN ROBINSON: Thank you, Brian. So my thought here, Ching, is to be grateful for your offer. But, if Heather Forrest comes forward in short order,

then it may be unnecessary to have to go through the cycle of -- so let's see -- let's note your offer and thank you for it. And then let's just see if Heather comes forward within the next day or two, which may resolve the position or not.

Is there any other discussion or comment or input on the motion? Okay. Marika confirms that she will amend it, as per the suggestion from David. And, of course, to include Brian as an additional liaison.

So, given the -- given that those are straightforward amendments, I think we can proceed to vote on the understanding that those amendments are being and have been made. That's the addition of Brian as liaison and the striking of the appointing of cochair until such time as we're in a position to do that. So, having said that, let's proceed to a vote by a show of hands in the same order as we did previously.

If I can have a show of hands for anyone who is against the motion. Anyone from -- anyone would like to abstain from voting on the motion? And all those in favor, please raise your hands.

So, Glen, for the record, you can note that there were no abstentions and no "no" votes.

Right. Item 6 is the third of the motions before the council today and here we have the opportunity to approve the charter for the GAC-GNSO consultation group on GAC early engage in the GNSO

PDP. This motion is brought to the council by one of our councillors obviously and one of the working group members, Mikey O'Connor, and seconded by Amr Elsadr. And Mikey, would you like to present the motion to the council, please.

MIKEY O'CONNOR:

Thanks, Jonathan. It's Mikey O'Connor for the transcript. This one's an interesting motion in that normally when we approve a charter we're approving it before the project starts. In this particular case the working group has been underway already for about three months or so. It really started right after the last meeting. But one of the very first things that the working group did -- and we aren't even a working group, I need to correct myself on that, we're a consultation group -- we decided as a way to organize ourselves to write a charter and we also decided to take this charter back to our respective organizations, the GNSO and the GAC, for approval. And that's what we're about today. So that's the context for this. This is a pretty short motion. I think I'll go ahead read the whole thing, if that's all right, Jonathan.

Whereas there's a wide agreement on the need to engage the GAC early within the GNSO Policy Development Process and whereas this issue has been identified by the GAC board joint working group, the JWG, the Accountability and Transparency Review Team number 1, the Board GAC recommendation implementation working group, BGRI-work group, and the

Accountability and Transparency Review Team 2. So we have a pretty solid list of work that precedes this, all of which recommend the idea of early engagement, and whereas 3, the GNSO council and the GAC jointly formed a consultation group to begin work on this topic in November of 2013 and whereas 4, the consultation group co-chaired by the GAC and the GNSO has now completed its work on a proposed draft charter for this new consultation group. Therefore, be it resolved that the GNSO council approves the charter and approves Mikey O'Connor as the GNSO council liaison to the consultation group. Back to you, Jonathan, to lead the discussion.

JONATHAN ROBINSON: Thank you, Mikey. Can I call for any comments or discussion? I think we are making reasonably good progress through the agenda. I shouldn't speak too soon, but if anybody should like to contribute from within the room, I just want to flag that. Mikey.

MIKEY O'CONNOR: Thanks, Jonathan, it's Mikey again. Now speaking personally. This has been a wonderful experience for me as an individual, and I think one of the things that's been the best in this particular process has been our repeated discovery that there are things that both GAC members and GNSO members of this consultation group came in thinking were going to be really hard issues to resolve and in many cases we found that they're not as hard as we

think. And so I think all the members of the group have been having a pretty good time at this and coming up with really good ideas and I'm very hopeful of the work of this group. So it's just been a great start. I just want to amplify. And Jonathan, as our chair of that group, has done a fabulous job. It's off to a really good start.

JONATHAN ROBINSON: Thanks, Mikey, for those encouraging and positive words. I mean, I've also found the experience very positive, and I think without making this a sort of love-in between the two of us, I think we do owe you a vote of thanks for your work today. You made a great contribution there. And so it's been a positive experience so far, and I'm hopeful for some, you know, very constructive outcomes.

Any other comments or questions in relation to this motion? I've got Bret followed by Alan. Brian and Volker.

BRET FAUSETT: Thank you. I fully support the motion. I had a quick question before we move to the vote and that is where is the work for this group going to take place? Is there a mailing list? Is it possible to watch what is happening and will there be meetings that -- what will be the membership of the group and is it open and can other people participate?

JONATHAN ROBINSON: Bret, that's a really -- it's an interesting question for more than one reason. I mean, the work is available on an open mailing list and more recently on a wiki as well, and the reason it's interesting is because it wasn't a given going into that group. It wasn't a GNSO working group which as you well know are all open and it was something we had to discuss with the GAC in advance, you know, the mechanics of how we would run the working group, the principles we would operate to and indeed, whether it would be an open group. But that has been agreed and it is. So, I mean, we can publish that on our mailing list as a reminder. Mikey, I'm not sure if there's anything you would like to add to that specific point.

MIKEY O'CONNOR: Well, I think Bret had two questions, and I'm not sure we answered his second question and that was whether people can join the group now. Was that the second half of your question? You might want to address that one.

JONATHAN ROBINSON: Yeah, Bret, in my view we can't add to it at the moment, the reason being none other than we have formed the group. We formed it with a balance of GNSO councillors and GAC members. It may not be exactly evenly split but it's approximately even split. I suppose if someone felt really strongly it would be possible, but I think it's one of those things where we don't have a set of rules

and I think from my point of view it feels like the understanding that that is the group. I think should someone leave the group, and we should bear that in mind, that if any of the councillors are feeling it's too stretching or challenging at the moment it includes myself, both of the vice chairs, Mikey, Amr, I'm sure I'm going to forget somebody. Brian. Sorry, Brian. I knew I was going to do it. My apologies. So that's who the group is. So it's relatively representative and it's evenly balanced. So whilst there is no written rule that no one can be added, my feeling of the sense of things is that it's set up and running at the moment. But I'm open to challenge or comment on that. So I've got -- on this specific point, I think we'll just run with this for a moment with Brian followed by David.

DAVID CAKE:

I mean, perhaps a less detailed answer than Jonathan's but -- is that I think that is a question the group itself would have to discuss because we would want to get -- any changes to the group composition would have to be okayed by the GAC representatives as well. So I think it's something we will probably talk about on the next call or two and we'll see what we get.

JONATHAN ROBINSON:

Yes. So for the transcript, that was David and now we will follow David's comment with one from Brian.

BRIAN WINTERFELDT: Brian Winterfeldt, IPC. I just want to say that I know from talking to Suzanne Radell, the U.S. GAC representative, that her hope was potentially to increase participation in the group by other GAC members, particularly to have maybe more of a global stakeholder presence from the GAC folks. So that might be an opportunity to add more GNSO council members who are interested.

JONATHAN ROBINSON: Point taken, and I'll raise that with Manal, the co-chair from -- from the GAC and perfectly happy to discuss that with the group as David suggested. Amr, do you want to come on this specific point?

AMR ELSADR: This is Amr, and yeah, I just wanted to note that typically in GNSO working groups the GNSO working group guidelines dictate the rules on working group membership. This being a consultative group that is atypical and new, these rules do not exist and to be completely honest, we did not think to include that in the charter. But as we move forward, I think the -- the group itself, both from GAC and GNSO sides, will determine, based on the activities we take up, on how -- how useful it would be to broaden the membership of this group.

JONATHAN ROBINSON: Right. So just to try to conclude on that little subpoint, I think it's pretty clear that there's -- there's a potential interest in others joining and we should discuss that within the group and report back to the councillors to -- the sentiment on that. And I just -- just to reiterate I guess Amr's point, the fact that the group is not run according to our standard working group guidelines which means we're, to that extent, feeling our way. John, did you want to respond on this particular point?

JOHN BLADEL: I thought the information on the presentation that was offered at the joint GAC-GNSO council meeting was particularly helpful in understanding what this consultative group is up to and how it's up to it. Are those slides on our wiki? Can we make them available for, you know -- for everybody?

JONATHAN ROBINSON: Good point, good question. And I think we should do that. They certainly are available, as far as I'm aware, on the group's wiki, but let's send them to the council. Mikey, if I could ask that you would do that, that would be great, as the author and obviously the working group member as well. So Alan, you've been very patient. Let me come to you.

ALAN GREENBERG: Thank you very much. I'm -- and in this case I'm speaking purely on my own behalf. But I was -- as the principal author with Avri of the ATRT2 recommendation on GAC involvement in GNSO processes and I personally had voiced the opinion that some of these problems are not all that hard but we have to get out of the mode of believing they're hard and therefore not trying to fix them, and very often it's terminology that is the problem. So I was very encouraged by what Mikey said, that there seems to be a general movement within the group to acknowledge that maybe some of these things that for the last ten years we've said are impossible aren't. Thank you.

JONATHAN ROBINSON: Thanks, Alan. Brian, I have you next in the queue but we may have to -- are you still in the queue? Please go ahead.

BRIAN WINTERFELDT: Brian Winterfeldt, IPC. I just wanted to thank Jonathan and Mikey for all the work they have done so far in this group, and I just wanted to echo the sentiments that they've shared that I think the group is very productive and it's been a huge learning opportunity for me. And I feel like the more we understand our colleagues in the GAC and how they function and how their role is and look for opportunities to work together, I think hopefully we can, you know, form a more productive collaboration moving forward. So I just think it's great work that we're doing and I do

think it's good that we're going to share the information with the broader council because there's a lot of learning moments I think in there about how the GAC is very different than the GNSO.

JONATHAN ROBINSON: Thanks, Brian. Volker.

VOLKER GREIMANN: Yes, thank you, Jonathan. Volker Greimann, for the record. I was very pleasantly surprised by the positive reaction that the GAC showed in the interest in participating in GNSO policy and policymaking in general as evidenced by their interest in working in the working group. The presentation we held with the GAC was very well-received. We even had some GAC members visiting our weekend meeting, which I also thought is a very, very positive sign, and would like to thank those GAC members who took the time off from their busy schedules to visit us here. I think we are facing a very great opportunity to integrate the GAC more into the ICANN processes, into the policymaking processes within the GNSO, and help them remove themselves a bit from their satellite position that they currently have rotating around ICANN and giving advice at the last minute or very late in the policymaking process. And being -- and integrating their opinions into the early work as well. So that friction can be reduced and even contrary positions of the GAC and the GNSO can be avoided more easily in the future. And I think that's a very good choice and a very good

way forward for ICANN to go. So it's time that we -- that we do this work and this work is very, very valuable.

JONATHAN ROBINSON:

Thank you, Volker. I think that takes us to the end of the queue on comments or discussion. Thanks, councillors, for a welcomed series of inputs and additions to that. Let me pause a moment and just see if there's any other comment or question from within the room. Seeing none, we'll proceed to vote on the motion. So this is to remind you to approve the charter for the GAC-GNSO consultation group. If I could seek a show of hands from anyone who is against the motion. Anyone who would like to abstain from voting on the motion. And all those in favor please raise your hands. Thank you. Glen, if you could record we had no votes against and no abstentions. I think it's self-evident the motion was carried. I haven't said that in the previous cases but I think that's self-evident.

So moving on then to the next item, item 7, is a motion to close the joint IDN working group or JIG and to approve the next steps for certain IDN-related issues. This motion was brought to the council, in fact, was made by me but I suspect -- maybe I could -- I'm sure you've heard enough of my voice so as someone who's been very actively involved, Ching, I wonder if you would consider making the motion on my half.

CHING CHIAO: Thank you, Jonathan. This is Ching. Honored to do so for you, Jonathan. So should I just go over the results or would you prefer that --

JONATHAN ROBINSON: I think so. I said it was up to people's discretion. This is a pretty long whereas set of clauses because there's a history, there's a long history to this. So you may want to make a couple of remarks on the history and then just go to the resolve clauses.

CHING CHIAO: Thank you, Jonathan, I would love to do so. So as you all know, it's been several years on this JIG joint IDN group among the GNSO and the ccNSO. There's a good model set for a cross-community working group, a great example that two constituencies could actually work together, produce some useful policy accommodations such as the one character -- single character IDNs, the variant project now is being taken over by the AIDN VIP groups at the Board level, and then the universal acceptance of the TLDs now is -- is also a project, an ongoing project. So I would like to -- I mean, acknowledge both co-chairs from the G and the CCs, Edmon Chung and Xinsheng, for their contribution. And just one final remark on this is that it is -- it doesn't mean that the -- the council and the GNSO community overall will stop here. We'll continue to monitor the progress by potentially -- and this could be a subject to discussion in the --

tomorrow's wrap-up session is to potentially to appoint someone to liaise with the ongoing work that is happening right now on both the IDN VIP project and also the universal acceptance project. So allow me to go to directly now to the resolved clause. So being resolved number 1, GNSO council believes that in view of the ongoing community work at ICANN on those issues, the JIG may now be closed and will terminate the extension of the JIG as outlined in the charter. Sorry. Number 2, the GNSO council will continue to monitor the progress of the various community-based efforts to resolve the issues raised by the JIG and will evaluate the need for any further policy work on a periodic basis and, number 3, the GNSO council thanks the JIG for all its hard work in ensuring that solutions to this important issues that developed through community-based efforts, so thank you.

JONATHAN ROBINSON: Thank you, Ching. Can I call for any comments or discussion on the motion? No comments? Mikey.

MIKEY O'CONNOR: This is Mikey, for the transcript. I just want to echo Ching's thanks to the co-chairs and the members of this group. This is a really hard working, long running group that's facing a really difficult task and did it with good will and good spirit and did a fabulous job. So I just want to join Ching with that.

JONATHAN ROBINSON: Thanks, Mikey, and thank you, Ching. Let's proceed then to vote on the motion -- I beg your pardon. Avri.

AVRI DORIA: Thank you. Avri Doria speaking. And apologies for being late to comment. I was an observer on this group through most of its history and I just wanted to reiterate the amount of work that was done, especially by Edmon but all the members of the group, was truly amazing. So I wanted to add that as an observer.

JONATHAN ROBINSON: Thank you, Avri. And from my rapidly fading memory, I think we did acknowledge that in the weekend session which was as well attended, if not more so, than this. So I think it's great that you've gone on record as doing so, both yourself and Mikey and Ching. Right. Let's go to the vote then. If I could ask for anyone who is not in favor of the motion. Anyone who would like to abstain from voting on the motion. All those in favor, please raise your hand. Thank you. This is making our job easy today. Glen, there were no abstentions and no no votes.

Final motion of the day is to adopt the GNSO operating procedures to address the resubmission of a motion and working group self-assessment. This motion arises out of the work of the Structural Improvements Committee of -- I'm never quite sure of

the GNSO or the council. I think it's of the GNSO. Anyone -- of the GNSO?

GNSO standing committee on improvements recommendation.

JONATHAN ROBINSON: Thank you. Standing. Mixed up between the standing, the two different standing committees -- the SIC and SCI. I've got tongue tied on the two now. So this is an opportunity -- this is a motion to adopt the revised operating procedures for the revised GNSO operating procedures for resubmission of a motion working group assessment. Let me check who made that motion. Avri. I'm sorry, I should have know that. Avri, go ahead, please.

AVRI DORIA: Thank you. I won't read all of it but I will read part of it. And I want to note that I am making the motion as the liaison to that group. This is a decision that came out of the standing committee for improvements unanimously as all recommendations from that group need to be. The reason I want to read some of them is since it's a change to our working procedures, just wanted to make sure that there was one last chance for people to comment on them.

So starting at 3, the SCI developed procedures to be inserted in section 4.3, motions and votes, of the GNSO operating procedures that provide for the resubmission of a motion to the GNSO council

for consideration at a subsequent meeting of the council, if three criteria are met. A, providing an explanation for the resubmission, B, timely publication of the resubmitted motion, and C, seconding of the resubmitted motion by a councillor from each of the two GNSO houses.

The proposed new procedures would include limitations and exceptions for the resubmission of a motion concerning the timing of its submission, disallowing any material changes to the original motion, and clarifying that a previously submitted motion not voted upon by the GNSO Council is considered a new motion and not resubmitted if it is brought before the council again. In addition, the SCI developed and tested a working group self-assessment questionnaire, as a result of which the SCI is recommending that the procedures for administering the self-assessment be added as a new session 7.0 to the GNSO working guidelines which form annex 1 of the GNSO operating procedures.

So the resolved -- also note there were no comments received in the public forum. The SCI deemed that no further changes were necessary nor was a public comment reply period was needed. The GNSO council adopts the revised operating procedures including the new provisions concerning the resubmission of a motion and a working group self-assessment. And then there's a reference to the URL, which I won't read.

Two, the GNSO instructs ICANN staff to post the new version of the GNSO operating procedures effectively immediately upon adoption. Thank you.

JONATHAN ROBINSON: Thank you, Avri. And thank you for your work in relation to the standing committee on improvements.

Can I ask if there are any comments, questions, or points of discussion relating to the motion? Thomas.

THOMAS RICKERT: Yeah, this is Thomas, for the record. Just a comment, we're talking a lot about the consensus-driven bottom-up Columbia multistakeholder model these days. And these are the principles we're working on. I'd like to reiterate and applaud the work of this group, which is led by Ron Andruff very ably, where we sometimes twist words for quite some time to reflect everybody's wishes. And what is brought before council is actually the result of a sometimes lengthy process to suit every group and every individual's needs to actually have some tools at our fingertips that everybody's happy with. So I think that's -- you know, just wanted to put that on record.

JONATHAN ROBINSON: Thanks, Thomas. Brian.

BRIAN WINTERFELDT: Brian Winterfeldt, IPC. I want to thank Avri and everybody for their work on this. For someone who has experience resubmitting a motion, which may have led to the analysis and look at this, I think they've done a really excellent job of coming up with a good procedure. And I just want to thank them for that.

JONATHAN ROBINSON: Thank you, Brian. John.

JOHN BERARD: This is John Berard. You know, we had fun over the weekend in talking about the bottom-up consensus-driven multistakeholder model as being slow, loud, and messy. And, as much as I like that as sort of a snarky bumper sticker, the fact is the work of committees like the standing committee on improvements and where they are streamlining processes and making things clear, will go a long way in speeding things up and making them a little more discrete and a little bit less messy. I think the work of SCI is ultimately all to the good.

JONATHAN ROBINSON: Thanks, John.

Go ahead, Mikey.

MIKEY O'CONNOR: You know, when we had that fun over the weekend, I was thinking of the opposite, which is the thing that the multistakeholder bottom-up multistakeholder model is all about is rigor. And I think that the SCI is one of the best examples of that. Because, in normal working groups, it's possible to move something forward without complete consensus. But the SCI will not advance a proposal without unanimous consensus.

So, if you're thinking in terms of rigor, the SCI really exemplifies the most rigorous of what is a very rigorous process.

JONATHAN ROBINSON: Great. I like many of those thoughts. That's great to have that kind of support for this. And, personally, I find it, as a chair of the council, reassuring that we've got the mechanism that's encapsulated by a standing committee to assist us when we come in to dealing with items that are either not envisaged or have evolved to cause us process challenges.

So great. I think we probably -- that probably brings the discussion to a natural conclusion. So let's proceed to vote on this, the final of our motions for today's meeting.

If I could, in the same sequence as previously, 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, please raise your hand. And all those in favor, please raise your hand.

Thank you.

It seems we have a pattern today, Glen. And so you could record, please, that there are no votes against and no abstentions. And this, the 5th of our motions is, therefore, carried unanimously. And that's a great result and, hopefully, stands us in good stead having voted in favor of and passed all five of the motions today. Thank you, everyone, for some interesting discussion and commenting in and around these motions. And we're now in a position to move on to some of the discussion items on the agenda.

Right.

So the first of our items -- and I think it's possibly worth trying to put this in a little context -- is item 9 on the agenda, an opportunity for some discussion. And this is a very broadly labeled item, which gives me as chair some concern to have something as wide open as this. It's entitled "Internet governance issues."

And, of course, this -- we could spend the rest of the day talking about this. So I suppose my thoughts are -- and I -- of course, these aren't exclusive. But we should think about what we discussed in this context in terms of the council's role and position within the GNSO and what specific value the council can provide in this context. And/or in some ways, one of things that's been occurring to me is -- I'm not even sure leadership is the right

word, although at times it might be correct. But, you know, I found myself in position, as chair of the GNSO Council, being seen in sometimes as representing the GNSO. And, to the extent that that is or is ever appropriate, I need help to make sure that that is done correctly and with the support of the component parts of the GNSO. So there's a real challenge in there. Because if we sit back and say we can't say anything, it makes us look mute. But, if I go too far ahead, it's presumptuous. So that's a challenge I have personally have in and around this subject. Those are a few opening remarks, really. And I think I suppose the big new news is clearly and self-evidently this whole issue in and around the IANA function that's come up over the last week or so which wasn't on the agenda when we discussed this previously. And I think we were really just making sure we and -- we're facilitating a flow of information for the council and for the GNSO ahead of NETmundial and anything else that was going on. And, of course, that's changed quite substantially, I think, at least since the announcement.

So I think I'll stop there. I don't want to dominate the discussion. But I thought it was, perhaps, useful to say a couple of framing remarks. And I expect to see some hands up now. And I've got a first one from Thomas and Mikey.

THOMAS RICKERT: Thank you, Jonathan.

I think that it's premature for us to discuss potential solutions for a transition of the IANA functions, because this news is so new. And yesterday only was the first opportunity for the stakeholder groups and constituencies to start a discussion about this. But, nonetheless, the 18 months are going to be over very quickly. And I think we need to make sure that this is done in a truly consensus-driven, multistakeholder, bottom-up fashion.

And, when you walk the corridors these days, everybody has ideas and shares them. But I guess what's really needed is somebody to make this a concerted effort so that we are ready as a community on time to present this sound proposal. And, therefore, I urge ICANN to set aside a very experienced and senior project manager and allocate resources to this important project. That does not mean that ICANN staff should take over finding the solutions. So that really needs to be coming from the community, but ICANN needs to provide a framework to enable the community to work on a consensus position for this in a timely fashion. Thank you.

JONATHAN ROBINSON: Thanks, Thomas. I've got a queue building which includes Mikey, Volker and Bret. So Mikey.

MIKEY O'CONNOR: Thank you, Mikey O'Connor again. This goes back to the slow, loud, messy and my response, which is rigor. And I think that one

of the things that the GNSO can do to help this is bring the experience that we have, not that we pound the table and demand that it be done our way, but that we do have a lot of experience in running -- have I mentioned working groups?

Working groups that build consensus across very diverse groups of people. We're getting pretty good at it. And I think that that's a contribution that we can make to this process. And I hope we do in whatever way is appropriate along the way. Thanks.

JONATHAN ROBINSON: Thanks, Mikey. I'm going to go to Volker next and insert Chuck who has come up from the floor before going to Bret, David, and James.

VOLKER GREIMANN: Thank you, Jonathan. It's Volker. Personally, I'd rather be presumptuous than mute; because, when you're mute you can't influence anything. But being presumptuous, even if you might be going too far, you might have some good ideas that otherwise wouldn't have been raised.

I think our work with regards to the coming 18 months is two-fold. The main issue for us is process-related. How can we assist the ICANN board, Fadi, ICANN in general, building the framework of what is to come and define what the future ICANN should look

like? That's Mikey's working groups. That's various other factors where the GNSO has experience.

The second part is the result. What role should the GNSO play in the future ICANN? I don't think we should reinvent the wheel. We have a very valuable and functional role in the current ICANN as a policy making body. We should continue in our role. But we should also look that maybe additional roles might be in order that the GNSO could fill in oversight of ICANN in accountability functions. In preparing work that is subordinate to these functions. And these two -- these two factors we should take into consideration -- process, how can we do it; and result, what should we do?

JONATHAN ROBINSON: Thanks, Volker. I'll go to Chuck next.

CHUCK GOMES: Thanks, Jonathan. Chuck Gomes.

I agree with Thomas that ICANN should provide resources, whatever that may be, to support this effort. But I don't think we or the other SOs and ACs need ICANN staff to provide us a framework. We have one. And we have one that we can work together with other SOs and ACs to refine because we have variations in those. If the multistakeholder approach is really going to be successful, then the multistakeholder bodies should

be defining that framework. And I think our process in the near term is to come together as a community, GNSO plus all the others, even those outside of the ICANN world, in developing a process. Mikey -- what did he -- what was that thing he mentioned?

You know, we've got a multistakeholder model that is slow and messy, but it works. And it's open to everybody. And it doesn't have to be the GNSO version precisely, because there are other stakeholders that use different models. But lets us, the whole community, the multistakeholder community, define that framework and come together in the next few weeks and develop a process where we can examine the options and evaluate them, make sure that the key principles are met like security, stability, resiliency. Make sure we don't add new risks to a system that's already working. And there are things that -- there are ways we can do that. We don't have to have one big working group. We can have multiple working groups for the different elements of the IANA functions that will -- because they really are very different. Couple of them might even be fairly easy. Because they already have separation of functions and, therefore, have some separate accountability outside of just the ICANN organizations. So there are things we can do. We've been doing it, guys. We need to broaden the group that participates, but we can do it.

JONATHAN ROBINSON: Thank you, Chuck. I see a couple other hands coming up. Let me make sure I record those. Is that your hand? Okay.

I've got Dan, Mikey, Yoav. I'm going to add you to the queue.

I'm just going to make one quick remark. That is that there is an opportunity for me to as a so-called SO/AC leader to talk at the public forum tomorrow. So I'm starting to hear some things. It will be a real challenge to synthesize those. But, nevertheless, I'm hearing some common threads perhaps. So I wouldn't mind if you addressed, in addition to your comments that you make, a view as to whether you think I should contribute attempt to do this and contribute a GNSO position or the things that I've learned during this discussion at tomorrow's public forum. So that would be helpful guidance. And I see we've got

Maarten up at the microphone. So let's go to Bret, and then we'll go to Maarten and then follow the remainder of the queue.

BRET FAUSETT: Thank you, Jonathan. I want to -- my comment sort of follows along what Thomas and Volker and Chuck have said. But, since I formulated it differently, I'll go ahead and say it. That is that I think we want to think, from a council perspective, when and how we're going to have an opinion on the IANA transition. And I do think as a council we're going to want to have an opinion. And I see as least two places where we'll want to express that opinion.

One is probably early where I think we'll want to articulate the measures by which we'll judge the success of the IANA transition. What are the principles that we think are key to that transition? And then, at the end of that transition, I think we'll want to judge the outcome based on the principles that we articulated earlier. And, hopefully, we will heartedly endorse the outcome whatever we have in 12, 18 months, two years. But I think we want to think both from a principles perspective and then think about expressing opinion principles again at the ends.

JONATHAN ROBINSON: Thanks, Bret. Just to let you know what I'm going to do, I'll alternate between the table and the floor or the room given that that is the intention of this meeting is to commit and encourage additional contribution. We'll go to the floor mic now, which is Maarten.

MAARTEN BOTTERMAN: Maarten Botterman. Just to point out that there's great work that the GNSO council does and brings a lot of parties around the table. In the discussion about the IANA transition, you may not want to be one voice. You may even want to have separate voices there to make sure that those important factors that are all for different reasons so important are at the table as equal voices in that process rather than a diluted GNSO voice. That's just a

warning for you, Jonathan. You don't want to be squeezed in there.

JONATHAN ROBINSON: Thank you, Maarten. Wise words, I'm sure. I'll go next to David in the queue.

DAVID CAKE: I just wanted to add -- I mean, the IANA transition, of course, isn't the only, by any means, only Internet governance issue that's looming up on us. We have, of course, NETmundial which we'll discuss a lot of Internet governance principles and things.

I -- while I don't believe that, as a council as a whole, it's really our position -- we should be so taking positions on things. One thing it would be nice to sort of feel that we had support from the council is, as Stephane, former GNSO Council chair, said on the weekend that, as leadership to be -- feel that we can stand up and defend the GNSO Council model and that's -- as a practical model and productive because that is -- we are getting a lot of sort of misinformation and discussion about -- well, ICANN in general and the GNSO in particular on a lot of the discussion lists. And I think we really need to stand up -- actively stand up and defend what we do right, so to speak.

JONATHAN ROBINSON: Thanks, David. Let's go on then to the next in the queue from the mic, which is Keith.

KEITH DRAZEK: Thanks very much, Jonathan. Keith Drazek, VeriSign, registry stakeholder group. I'm going to suggest that the GNSO work as closely as possible with the ccNSO on this particular topic. The reason being, if you look at the various IANA functions, they sort of fall into two main categories, naming and numbering. The gTLD registries and the ccTLD registries are the direct customers of IANA with regard to the naming functions. And, as the bodies responsible for policy and for the -- sorry, the gTLDs and the ccTLDs, then I think there's a real significant opportunity for the two bodies to work together or at least to discuss this issue. And I would actually suggest that, in the joint council session, if it's not too premature, that this is something that be raised as the possibility for engagement moving forward. I'll stop there.

JONATHAN ROBINSON: Thanks, Keith. And, as I heard you speak, I was going to note for all of us that we do have that meeting with council with the ccNSO later today. And, to the best of my knowledge, that has been inserted as an item on the agenda since it became the news that we're all now familiar with.

So I'm just going to define the queue, because I think this could take up all afternoon. And I'm very conscious both not to call short the discussion on this but also that we have some other items that we need to cover. So I think we're more or less okay now. But let you know who I've got in the queue at the moment. I've got James, Milton, Dan, Mikey, Yoav, and Osvaldo. So over to you, James.

JAMES BLADEL: Thank you, Jonathan. James Bladel speaking. In the interest of time, I'll just say I'd like to amplify Maarten's statements that the GNSO is representative of a spectrum of stakeholders. And it's important that we make sure all of those are channeled -- it's going to be a difficult task, I think, to channel those into a single voice into this process.

JONATHAN ROBINSON: Thanks, James. I'll note that this is providing useful information all of this for me to try to synthesize something. Milton.

MILTON MUELLER: Yes, I wanted to emphasize that the IANA transition process determination seems to be on a very fast timeline, and having looked at the list by which ICANN is using to get suggestions for process, I have to say I'm not impressed. I also was not impressed

with the results of the morning session when they were asking for suggestions on how to manage this process.

The reason I'm saying that to you under this agenda item is I think the GNSO is an organ for cooperative action that could be and should be used as part of this transition. You're ready. You already have representatives of the key stakeholder groups, and particularly I'd like to, surprisingly, I came up here to suggest something very similar to what Keith Drazek just said which is especially when it comes to the registries that you have an established registry stakeholder group. I don't know how much registrars need to be involved in it but certainly they're not as directly interested in IANA as the registries. But certainly you should be taking quick action, maybe even at this meeting, to come up with a statement about how you can contribute to the process because ICANN is going to shut down the suggestions, I think tomorrow or the next day, something like that. And based on what I've seen in terms of the suggestions they already have, there's not much there.

We have put up a suggestion regarding putting together registries to talk about requirements for an IANA transition, and I think you guys need to kickstart something and get something moving very quickly. Thank you.

JONATHAN ROBINSON: Thanks, Milton. I wouldn't mind a clarification for the record as to when that list -- how long that list is going to run for. I have a memory of something like April 4, but if anyone can -- does anyone else know when that -- ICANN's -- we're talking about ICANN's email suggestion list in and around this process. So if anyone could clarify that, that would be useful. But let's go next to Dan.

DANIEL REED: Thanks, Dan Reed. I just want to pick up on a couple of comments, somewhat related to what was just said but something that Chuck said earlier. And I think one of the things we struggle with is Internet governance is one of those phrases that's a bit like happiness. It means different things to different people. And if I've learned anything over the years, it's important to separate the simple from the complex. Because you can make progress on the simple and straightforward. But if you mix it up with the complex and controversial, you struggle with everything. And I do think there is some urgency subject to the importance of engaging everyone in a multistakeholder process. The date of the meetings is going to happen soon, and sometimes that conflict between the timescale and the desire for broad input means that things stall. I don't think we can afford to do that.

JONATHAN ROBINSON: Thank you, Dan. Claudio next.

CLAUDIO DiGANGI: Thanks, Jonathan. Claudio DiGangi, IPC. I just wanted to follow up on Bret's comment and it's really just a process question and David touched on it, I think, a little bit in his response. Just in terms of the role of the council and weighing in on these issues and opining on different topics that are out there for the community. And I'm not sure if it's a question for Jonathan or for Marika or somebody on the staff, but are there things in your operating rules and procedures that help set boundaries in terms of, you know, what your role is in terms of weighing in on these issues? I know there was a big reform process. I see Roberto is here and the council's obviously taken on a different role now. And so I'm just wondering, do you have guidelines to help form this so it's not just an opinion-based issue or something we can point to.

JONATHAN ROBINSON: Thanks, Claudio. I'll have a stab at that, but I think there are some well-qualified people in this room who may want to answer as well. What I would say is this, there's probably two things to consider. One is our remit or if you like our scope as defined by the bylaws really and, you know, the definition of the GNSO and the GNSO council within it is one issue. And the second is when we then go to conduct our work, it's our operating procedures. We've got some -- some good operating procedures which equip us well, as others have touched on. But there's -- there's a

balance. And I think the contributions that have been made about being mindful of ironically and trying to consolidate we might dilute. So there's some real food for thought in this. But we do have some good processes. We do have a defined role within the ICANN structure. And I don't know if anyone would like to respond briefly to that specific question or point. I'd be open to that. Mikey.

MIKEY O'CONNOR: This is Mikey O'Connor. I think the thing we always need to remember is that this council is managing the policymaking process. It does not make policy. It doesn't speak for the whole GNSO. And we as councillors are pretty acutely aware of that. And so I think we're going to keep to that line.

JONATHAN ROBINSON: Thanks, Mikey. I've got -- I think you're actually next in the queue, so carry right on.

MIKEY O'CONNOR: I didn't want to confuse things. So this is Mikey off on his own little rant. I have a couple of points. I really want to stand behind Chuck on the point that he made. And I also want to caution us, Thomas I'm a little edgy about the idea of ICANN staff being in that project management role. I think that's -- it's fine to have ICANN staff as project administrators to keep all the gears and bits

and bobs running and the pieces flying back and forth, but in terms of leadership, which is another piece of the project manager's role, I really want to stand with Chuck and say this has got to be community-led. And so just a quick point on that.

To stand with Milton who's no longer here, but I think another thing we need to really do is short-circuit the stumbling around. In Buenos Aires we launched what on the outside looking in looked like three months of stumbling around. We really can't do that again. I mentioned that in our meeting with Fadi.

And then just a very mundane thing. Could somebody circulate the list address? You know, Milton mentioned a list that's collecting suggestions, so when somebody digs up the date could they also dig up the address because I have no clue what either of those are. I certainly want to -- Marika's -- have I mentioned that Marika, in addition to being the lead guitar player in a rock band and a brain surgeon, is also supporting us here on the GNSO? Anyway, thanks, Marika. And that's it for me.

JONATHAN ROBINSON: Thanks. Marika has provided the date as the 27th of March, which sounds tight, which is what Milton was correctly referring to it as tomorrow, and in addition, there is a URL available which I think we can send to the council list.

Next in line I have Yoav.

YOAV KEREN:

We had a thorough discussion about this issue in several sessions during the weekend, and at one point we also discussed this with Fadi and I was asking him a question that I feel I didn't really get a full answer. The question I want to remind people is that the letter of the NTIA doesn't say that ICANN is going to actually take over the IANA. It says ICANN needs to manage the process of transferring IANA. That doesn't mean that it can't happen, but my question was, for Fadi, why is he so sure. Because people -- it's like a -- like a given. People are talking like it's a given that it's going to happen. It's still not a given. So I want to stress that. And there are some requirements that need to happen for that to really be in the responsibility of ICANN.

One of those is making sure the process is a multistakeholder process. And at the same time we've been hearing from different people during the weekend on things that happened that have circumvented the GNSO and the GNSO council trying to do things not really in a multistakeholder model and of course -- and we were talking about the council and not being appreciated or taking part in the process in some cases. So I think one of the -- one of the -- one of our things that we need to make sure is that we take on a very active part in this process and make sure that later on the GNSO is an important part of this multistakeholder process. Milton has left the room. I totally disagree that the registrars don't have an interest in this. We are -- our business -- the IANA, we don't have a direct relationship with IANA but IANA

is managing things that if they don't function, our businesses are gone. So this is a big interest for us. It is a big interest for everyone around this table. And we should take a serious part of it. Thank you.

JONATHAN ROBINSON: Thanks, Yoav. I'm going to define the queue and close the queue at that point. So I'm just going to let you know what I've got here. I've got Thomas responding to Mikey, previous comment, and then I've got Osvaldo, John, Volker, and Avri and then we'll close this item in the interest of completing our agenda today.

THOMAS RICKERT: Thanks. In response to Mikey. I think, Mikey, that we are not of different opinions in terms of substance. So for the avoidance of doubt let me state that the -- the substance needs to be done by the community and somebody appointed by the community. But as you know, looking at working group chairs we had on various projects, we had those that are more or less experienced in the respective areas required, we have those that are good facilitators, but that doesn't make them good project managers, right? So I guess we need somebody who's very good at guiding the process to be ready on time. And I -- I think that ICANN needs to help find such person, maybe in collaboration or consultation with the community full time as of today and pay for it. You know, so I guess we need somebody very professional and not

take the risk that we have somebody who's knowledgeable but yet fails to see the process to a successful result.

JONATHAN ROBINSON: Mikey would like to continue the dialogue and so we will acknowledge him for a moment.

MIKEY O'CONNOR: No, I just want to change one word from project manager to project administrator and then we're perfectly aligned. I think there's absolutely a need for a full-time concentrated thing. But the problem with manager is that it implies the leadership role, and I really want us leading that, not a staff person.

JONATHAN ROBINSON: Thanks both. I've heard the use of the word "facilitator" used as well, which might be a softer term. But I've heard ICANN use that word, "facilitator," although not exclusively. Osvaldo.

OSVALDO NOVOA: Thank you. Now, I just want to reiterate what somebody else said, that Internet governance is not just IANA transition. And I think it's IANA oversight transition that we were talking about. Anyway, I think that the GNSO as a whole, we have all the stakeholder groups represented here and as such we should ensure that our stakeholders and our constituency participate in

the process. I think that's what we should impose. We shouldn't let others take decision on this big issue that is so important for the future of the Internet in general. That's it. Thank you.

JONATHAN ROBINSON: Straight on to John.

JOHN BERARD: Thank you, Jonathan. John Berard. I'm thinking in terms of what the council can do. We seem to fix ourselves on what can we say, what letter can we write, what position can we take, when in fact the constituencies and stakeholder groups that we are from represent the base course of the multistakeholder bottom-up consensus building process. And so the question may better be, what tools can we create that allow them to be more effective, more quickly, more effectively. And I sat in the -- as an observer today, the cross-community working group on Internet governance. And I saw there an outline of what a cross-community working group can look like, what it can do, how it can engage. The ccNSO was there, the -- you know, all of the elements of the GNSO were there, and it was hindered only by the lack of a charter. Because they had not given themselves the rails on which to run but just the destination that they sought to reach. And so there are many things I believe from a tools perspective, if I can define that broadly, that we can create that

will help make more effective, more efficient, and more clearly understood the policies of the GNSO.

JONATHAN ROBINSON: Thank you, John. I've got Volker and then Avri.

VOLKER GREIMANN: Yes, I would like to chime in with the people that are thanking Milton because it reminded me of a concern that I first had when I saw Fadi do his welcome stump speech where he presented the timeline estimate with three little bubbles where they had very small bubble which was planning which was suggestions and then you had the large bubble which was implementation planning and the smaller bubble again which was integration or something like that. I don't see the chart in front of me. But -- and now having heard that the suggestions deadline is tomorrow, this surely feels a bit like the -- that this community is being steamrolled in a bit. If this is intention or not, I'm aware that we have a short deadline with the 18 months that we are going ahead, but everybody came here with a full schedule already, learned about this on the plane or shortly before boarding the plane, and the motion deadline for the GNSO had certainly passed already when this news broke. So the -- the ability to -- of the community to reflect what this actually means and to formulate paths, suggestions, the opportunity simply has not been there. I think this meeting should have been taken as the opportunity to discuss what this

means for us and the time after this meeting would be a valuable time to formulate suggestions within the stakeholder groups and to think about this, what path forward would be acceptable to all and what would be helpful. So I would like you to suggest at your public forum speech, Jonathan, that the timeline be reconsidered, that the community has a time to react to this news that we just are trying to digest.

JONATHAN ROBINSON: Just ask clarification there. When you say the timeline should be reconsidered, you're referring specifically to the 27th of March deadline for email contributions.

VOLKER GREIMANN: Exactly. I think two more weeks would be very helpful.

JONATHAN ROBINSON: Thank you. Avri.

AVRI DORIA: Thank you. Avri speaking. I agree first of all with John, that the cross-community working group without a charter is indeed lost. I was in that same meeting, and the lack of a charter is really -- they had nothing to rely on in terms of how to pick themselves up and move forward. So I -- I think that that's -- and that's something that we need to look at in the future and avoid and that no matter

how important the work is, get the charter nailed down. The importance of the work and the need to get to the work is actually the kind of thing that drives getting a charter done, if you can't start the work until it's done.

I thought the suggestion about a multitude of working groups that I think was coming out earlier at the microphone in terms of coming up with these processes and sort of slicing and dicing the set of problems that are ahead was a really good idea. And I think that that is something that can come from the GNSO in terms of listen, you know, the ability to divide a project up into work and into working groups and drafting teams and all these other things is something we have experience in. It's something we can do. So if we have to indeed make a recommendation soon and if we can't push the deadline out, then that's something I think we could safely say is that, in terms of pushing the process out, I don't think it's going to stop. I think we could suggest that it slow down, but there's an 18-month, you know, sort of drive on, it's a steamroller, but I don't know that we can actually stop or defer the steamroller. We can just miss the train. And so -- so that's one of the things, while asking is good, I'm not sure how it would help.

The thing that's important, and this goes to Mikey's question where he was relating to we don't make policy, this has nothing to do with gTLD policy. This has to do with ICANN, with the GNSO's

role within ICANN, with the future of how we continue to work and, you know, we can quibble later on whether, you know, the GNSO council has any role at all in making policy and there's divided opinions on that among the community, so that's a great discussion for us to have going on. It's not the point at this point. The point is that this is sort of an existential ICANN issue. We have a problem where Fadi is assuming that IANA is already ICANN. Sort of forgetting the notion that it's a temporary contract that we almost didn't get and then had to apply for again and finally were able to get it. And so -- and is trying to go into this -- and it's quite understandable, you know. You've got something you want to hold on to. You presume it's yours. You know, possession is whatever percentage of the law it's supposed to be. And you march forward saying, it's ours, it's not discussable, we're going to keep it. I don't think the rest of the world will accept that, and if ICANN takes that position and plants its feet on it, I don't know that it's defensible in the long run. It's something we'll have to see.

So I agree, finally, with Osvaldo saying the subject is a whole lot broader that we're going into of ICANN and IANA, but we have to now figure out how this little piece of it that is ours is situated and doesn't get overrun with all the other processes that are going on. So I think that at the very least we should be able to empower our chair to say we've got methods. We -- we've got ways of dividing up the -- the work, of giving each group work they can do and of

focusing on issues. So if you need something to say, I'm hoping that that's the kind of thing we can empower him to say. Process, it's a process question at the moment. Let's use our, you know, wisdom as process people to set them on the right path. Thanks.

JONATHAN ROBINSON: Thank you all. Thank you for a very -- ah, Kristina.

KRISTINA ROSETTE: I just would like to make an administrative point. As of about three minutes ago there is no agenda yet for the public forum. So to the extent that you all have spent a lot of this discussion about what it is you will say tomorrow, we don't know for a fact that there will actually be a time slot for that. So I would perhaps suggest/request that it might be appropriate for you to reach out to whomever the appropriate person is and ask that that agenda be made available so that your efforts and the rest of the council's efforts aren't wasted.

JONATHAN ROBINSON: Thank you, Kristina. And I can help with clarifying that. Two things. One, this discussion would have taken place and has taken place independent of that, but I take your point. The opportunity to now speak and communicate at the public forum seems to be here for the taking. I was aware that there -- there was the prospect of that being put on the agenda, notwithstanding the

fact that no agenda has yet been published. So I think that that point is well taken and will be made, that we would like to take that opportunity to be on the agenda. So thank you very much for that.

All right. I've let this discussion run on for quite a long time for two reasons. One, because it -- it's been tremendous quality and two, because it seemed that there was a lot of people with something to say. However, I was -- I hadn't quite recognized how long the agenda is because there's a pagination missing in my paper or inserted in my paper, I think. So we're going to have to work quite hard to complete the agenda. That said we've had very nice quality input from within the room as well, so I feel that if we do compress the public mic session, we won't be doing ourselves a disservice, having included that here.

So I think we're in moderately good shape, and let's just keep things moving now as we go into item 10 which is an opportunity to discuss the data retention waiver and apparent conflict of national data protection laws within the 2013 Registrar Accreditation Agreement. Now those of you who were in on the weekend sessions will know this is a significant issue for at least some of us within the GNSO and it came on to the agenda as a result of the weekend sessions which is great because it comes out -- it percolated out of the weekend sessions. But there were some reservations that it, by definition, has come onto the

agenda late, so it's presented as a discussion item and we're really seeking to air the issue properly and not make any specific decisions right now but to give it an apparent and high-level airing, is the way I understand it. And the person who requested to have this on the agenda while councillor is James from the registrar constituency. So James, I think we should give you the opportunity to lead into the discussion.

JAMES BLADEL:

Thanks, Jonathan. James speaking. Yes, you're correct, this issue arose during our weekend sessions and was a very lively topic of discussion yesterday in various constituencies. Just as a bit of background, the new 2013 registrar accreditation agreement has a data retention specification that requires registrars to retain specific data regarding domain name registrations throughout the life of a domain name and in some cases for a period after the domain name is no longer active at that registrar. It was anticipated during the drafting of this agreement that that could cause problems in some jurisdictions with data privacy laws. And so the specification contains a mechanism by which an affected registrar could apply for a waiver of this obligation and -- and for those of you who have been following this issue closely might note that the EU in particular, the data protection officers -- and I'm probably messing this up -- but the Article 29 working group has specifically noted their concerns with this requirement, and so

various registrars under this specification submitted a request for a waiver. Now we're going back to, I believe, late last year, November. Those -- a few of those waiver requests have been granted, but most are in what we would consider a pending state and while in that state the registrar is unable to execute the new agreement and unable to participate in the launch of new gTLDs.

This has been, I think, a very contentious issue, particularly for the affected registrars.

There is a concern amongst all registrars -- I represent a North American registrar -- that this issue is proliferating, that many of those who are weighing in on this have noted that their concerns followed the location of the registrant, not the location of the registrar. So it is conceivable that registrars outside of the EU will soon be affected. We heard yesterday from a particular board member that various jurisdictions in Asia are also examining this requirement and looking at data protection laws as well. So we have a very practical concern on the part of registrars. And then we have a more principled concern, I think, raised from other areas of the community is that how ICANN reconciles conflicts between its commercial agreements with contracted parties and the different -- or the differing requirements and obligations under various jurisdictions' data privacy laws. And I think that is a much larger question that we wanted to raise.

So, all in all, there's really not, as Jonathan mentioned, not a decision to be made here. What we wanted to do as a council was to highlight this issue, raise the awareness of the discussions that occurred over the weekend, open the -- and broaden the conversation to other interested members of the community to make sure that there is adequate intake of all the different perspectives on this issue.

But I think it is clear that this is a problem, that it is a stuck gear right now in terms of many registrars' ability to participate in the new gTLD launch.

And we are looking for potential remedies that we can get this gear unstuck and get staff and registrars addressing this immediate question but also provide some guidance on how we can address these issues going forward.

I don't know if I left anything out, Jonathan. We have Volker, who is much more of an expert on these issues than I am, if he wanted to chime in as well. But I think, primarily, we were seeking feedback from the room as well.

JONATHAN ROBINSON: Thanks, James, for setting that scene. We've got both Thomas and Volker wishing to speak. I don't know if, Thomas, you'd like to go or defer to Volker. Yeah. You're next in the queue.

THOMAS RICKERT: Thanks, Jonathan. I have to preface that I come from a jurisdiction that is very strict when it comes to data retention. There is a European community -- a European community data retention directive that has been transformed into German law. And that law has been declared unconstitutional by our constitutional court.

But, even if one thought that this was not unconstitutional, the data retention directive could not be the legal reason to do data retention. Because that was crafted for different purposes.

The article 29 group consisting of data protection commissions of the various member states have made clear that data retention is nothing that can be agreed upon between private parties and a private contract but that for -- that should data retention be made, that it is up to the sovereign states to come up with legislations as a basis for that.

This has been made clear in legal opinions that have been used by registrars and presented to ICANN. Yet, ICANN has refused so far to grant the waiver and has sort of insisted on data retention taking place. We were confronted with statements such as, "I can't believe that a registrar is deleting all the data on the first day after the contract expires."

And that is true. They don't. They can't. There are duties for the registrars to perform the contract with the customer, i.e., to be able to restore a name during the deletion grace. For example,

there are obligations to preserve data such as invoices under commercial law for even 10 years. But that shall not be mixed up with data retention.

You know, those -- that preservation of data is meant for specific purposes that are embedded in our national laws. So, for example, the invoices can be -- would be data that has to be blocked in data processing systems. And that can be revealed when, for example, tax authorities perform an audit or when law enforcement -- competent law enforcement authorities request such data with, you know, following due process.

So we can't negotiate this. We can do certain things. The registrars are obliged to do certain things, but they are not data retention. And it was with a certain frustration that we saw that this has not made its way, obviously, to those in ICANN that have made the decisions, although there has been expert advice from Jones Day. And even further we've now seen a public comment period opening where the community is encouraged to weigh in and present ideas on purposes for collecting and revealing that data.

That suggests that European data protection laws, as well as other national laws, are up for negotiation with the community. And even more, it suggests that data retention can be justified to the extent that -- you know, to the limits of our imagination of what we can provide during the public comment period.

Now, having said that, I guess it will take some more time for us to discuss with ICANN potential way forward, which is why I think it is very much needed that there will be an interim solution protecting the registrars that have legal limitations to fulfill the data retention requirements from ICANN compliance or, if they did perform the contract as it is written, from enforcement actions from the competent authorities in their various jurisdictions.

So I have had very long discussions and fruitful discussions with ICANN staff over the weekend. And I would like to commend ICANN staff for having the time to discuss with me and others for those -- this matter is a concern. And I think that there might be light at the end of the tunnel.

The potential approach could be for ICANN to waive the data retention requirement which is a very broad term under European law and German law, at least, which is the jurisdiction that I know best. And, in return, the registrars would confirm what they can do,; i.e., they would state, which is I think also a good idea also for transparency reasons, what data fields they can collect and store to say -- to use an unlegal term, for what period. That would be the commercial law requirements as well as other requirements to be able to do things like deletion grace and others. The registrars, by doing so, would just confirm what they already need to do under their respective laws, but it would not be data

retention. We will need some time to do that. And I think for the interim it would be a solution to request ICANN to waive the data retention requirement but yet remind the registrars to fulfill their statutory requirement to the maximum possible extent permitted by law. I think that would give a way for both parties. ICANN would not run the risk of having the registrars do less than what they're doing. I guess that's their hesitation on ICANN's side that if the waiver is granted that the registrars might actually delete everything. So just to confirm that there are statutory requirements but still give a sufficient time to get the formal process done. And I suggest that the council sends a clear message to ICANN requesting a waiver of four months in total. I think that would in adequate time consisting of three months for further discussions with ICANN plus one month, which I think will be needed for the waivers to be put out for public comment. Thank you.

JONATHAN ROBINSON: Thanks, Thomas, for that extensive point. I'll note there's a queue and just remind you that, notwithstanding your suggestion, by all means make the suggestion. But we're not going to take any specific action coming out of this meeting.

So the queue is Volker, Michele at the mic, Maria, Bret, John, and Yoav and James. And I'd like to close the queue at that point,

because we do have a time constraint on the meeting. So next is Volker.

VOLKER GREIMANN:

Volker Greimann speaking. I would like to raise two issues. One is totally separate from the problem at hand. What we're seeing here is not only a problem that different registrars are facing. It's also a total failure of ICANN to adhere to an agreed-upon process and to implement that process in a form that had been agreed upon.

Originally, ICANN had agreed that they would engage on a legal level as a registrar would provide a legal opinion by reputable law firm or a data protection official from the country that states a certain position that they believe is the legal position, and ICANN would then in good faith negotiate about that position.

Now, it was always our opinion that this was -- would be a legal negotiation as in ICANN would then look at the law of the country through their legal representation, and point out any inaccuracies. Instead, it turned out to be more of negotiating at the bazaar, which is bizarre.

I'm very pleased that the talks with ICANN have in the week at least shown a flashlight to a possible solution. However, I'm not confident that a limited -- time-limited provisional waiver would

be sufficient given the time that ICANN has taken so far to get to this point.

Such a waiver would have to be open-ended, in my view. And ICANN will, of course, have the opportunity to revoke it if the legal facts of the matter negotiated in good faith would give a different result that the waiver would no longer be covered. Otherwise, the waiver could become permanent, in my view. Yeah, that's all I wanted to say.

JONATHAN ROBINSON: Thanks, Volker. I'm very mindful of ensuring that people have the opportunity to speak. We're tight on time. It's 10 to. So, if you try to be as succinct as possible, I'd be grateful. Michele.

MICHELE NEYLON: Thanks Jonathan. Michele Neylon. I'm going to be speaking on my own behalf personally and also as chair of the registrar stakeholder group. As chair of the registrar stakeholder group, this issue affects a lot of our members. So it is an important issue not just for one registrar or two registrars but for a lot of registrars. I appreciate that in -- with respect to the GNSO's processes and everything, at this juncture for today's meeting you cannot take any action. However, I would ask you to strongly consider putting something on the agenda, something more tangible, whatever way you want to do that, for your next

scheduled meeting within the correct time frames that you operate under.

But I do thank the council for taking the time to consider this and open this up for discussion today, because it is helpful.

Speaking on my own behalf and not speaking for the entire registrar stakeholder group, because otherwise the members might kill me, speaking as a registrar impacted by this, a lot of the points that other councillors have raised here are valid. This is something which has been dragging on for a very long time. The understanding that a lot of us were operating under was that it was meant to be a simple, straightforward process. And it would be a question, as Volker says, of validating it, not opening up negotiation among points of law. And the article 29 and others have told ICANN repeatedly that there were issues with respect to the language in the contract, primarily the lack of language, the lack of clarity about the purpose and various other aspects of the data retention specification. What I find a little bit bizarre is that this failure is -- they're now attempting to address this failure through crowd sourcing. That, to me, is bizarre. It also means as well that the timing is impacted. Because we've already seen a situation where there are registrars who submitted waiver requests in the latter half of 2013. And we're now moving towards -- what month are we in? March, April? Four months in practically into 2014, and they're still going backwards and

forwards with ICANN on this. Now, unfortunately, due to the way this has been handled, there's no way for any of you to see who has submitted a waiver request. You see them only at -- when the ICANN has decided that the thing has been dealt with and that they're happy with it and they open it up for comment. You can't see the list of the companies who have submitted waivers so far.

And also, due to the way that ICANN is treating each jurisdiction differently, it wouldn't make much sense for 5 or 10 registrars in the same jurisdiction to submit a waiver request. So the number of registrars impacted would be significantly higher than, say, 15 or 20. And also -- I don't know. What else can I say on this one? It's -- the timing thing is a problem. A lot of us entered into the 2009 contract early in good faith. And we're now being penalized. If I had stayed on the 2001 contract until it expired, then I'd be on the 2009 contract with a couple of years to spare. And now to face the situation where my registrar will lose its contract within a couple months' time. And I don't feel particularly optimistic at this juncture. So the concept of suspension, as Volker and a couple of the others mentioned, that would be incredibly helpful for us. We're not saying never, ever do it. Just suspend it pending resolution. Thank you.

JONATHAN ROBINSON: Thanks, Michele. I'm just going to keep things moving. Maria.

MARIA FARRELL:

Thank you. So I'd hate anyone to get the impression that the only people who concerned about this are the registrars. And, indeed, my colleague at the nomination committee appointee to this committee, the non-commercial stakeholders group has deep, deep concerns and reservations about the way this issue has been handled in two ways really.

One, ICANN staff, we believe, have shown a lack of respect for the laws of the sovereign nation and the largest political and economic trading block in the world. And, two, a lack of urgency.

The 2001 RAA was concluded when the European data protection directive was already six years old and 2009 when it was 14 years old and 2013 when the 1995 European data protection directive was -- not my math may be horribly wrong -- but 18 or 19 years old. ICANN is not the first to deal with these issues. There are many well-worn paths of how to deal with these. But you know where you start? You start by recognizing that you do not use private contract to try to renegotiate sovereign national law. ICANN does not have standing to do that. It's not ever going to have standing to do that. And the sight of ICANN writing letters or even refusing to acknowledge the letters of the European article 29 working party -- they wrote to ICANN on January 8th, got a response yesterday morning -- that is appalling. It shows such a lack of respect to our laws and to our agencies.

But, of course, this isn't just a European issue. The national laws of Chile of Colombia of Argentina of New Zealand, all of those countries have laws with very, very similar models to the European data protection law. All of those countries and registrars in those countries are dealing with the same problem. So there's that lack of urgency and that lack of respect.

ICANN seems to think it can pick and choose which laws it observes and which agencies it deals with and privileges. We're constantly hearing about law enforcement agencies, but we don't somehow hear about data protection. Why is that? I'll tell you why that is. ICANN is judge, jury, and executioner on WHOIS policies and on data retention. ICANN is a beneficiary of a particular set of policies. ICANN is dealing on its own behalf. It is a fallacy to say that it's possible to have an open, equitable, and structurally fair policy process on this issue because ICANN, as an institution, has a policy stake in a very particular view of WHOIS. So I think that's something we all have to keep in mind when we're looking at this issue going forward.

What I would propose as a couple of practical measures are, one, that the legal advice that ICANN staff have requested to allow them to untangle the various knots that they seemed to have tied themselves into that they be made public and shared with us all. I think it's very important to increase the quality and level of legal advice that is available to us in this issue.

Secondly, I do believe that, because of the lack of urgency that has been shown on this issue, that we should, as a council, at our next session prepare and vote on a resolution to advise and encourage ICANN compliance to stop compliance on this particular issue until the issue as a whole is dealt with. And that's really all I have to say on the issue.

JONATHAN ROBINSON: Thanks, Maria. We're hearing some very high quality inputs. But I'm very, very mindful of time. I'll just keep things going and remind you that we're coming right up against the top of the hour now and still have nominally a couple items to cover on the agenda. Bret.

BRET FAUSETT: I'll be very quick. This is also a registry issue. We have 26 registrars who are hung up in our on-boarding process because they're still on the 2009 RAA. So that's a significant percentage of our supply channel that we can't bring on-board. And, obviously, that doesn't just affect us. It affects registrants because they're registrants who now don't have access to the supply of domain names.

Second thing, we called this a discussion session because we were inside the motion deadline. I think there's, at least at the Sunday session, from what I'm hearing around the table now, there's a

strong consensus for teeing this up as a motion at our next meeting. It might be worth a show of hands to put together a drafting team for a motion that we can bring at our next meeting.

JONATHAN ROBINSON: Thanks, Bret.

That's a practical suggestion. But, in the interest of time I think we can quickly fix that up on the list. So I'll move on to another contribution from John.

JOHN BERARD: John Berard. I don't think we know enough to move to drafting a motion just yet. And I would encourage us to get something in writing from staff and perhaps have that conversation at our next meeting.

I want to talk about the third R in all of this. When the subject came up over the weekend, it struck me as odd. Because I and many of my business consistency colleagues were under the impression that the waiver was a fairly routine designation. And then we find that it's not. And so it's not just a registrar problem. It's not just a registry problem. But it is a reputation problem for ICANN at a time when it's probably not good to be picking fights with national governments. Just saying, right? So I think that -- if we -- if our little spotlight of attention can help move things along, then I'm glad we had this conversation.

JONATHAN ROBINSON: Thanks, John. I've got Yoav and then James to wrap up.

YOAV KEREN: I'm always surprised from these things. It's like everyone is surprised that things should be done. This was agreed. This was discussed for a long time. We're discussing it again. Why are we discussing it again? It was discussed. It was agreed. We had the discussion on the RAA for a long time. We're doing this new gTLD process for 8 or 10 years. So why do we need to discuss this again? ICANN staff should have taken care of this already.

It is almost a wrongdoing. I don't understand why even we need a motion. Okay? Why should we wait 30 days? We should -- so I think our chair -- maybe that's a suggestion -- should go on the mic tomorrow and ask the board to make sure the staff starts moving on this. This is just -- this is a process that should have been taken care of long time ago. And it's -- and it's the same thing I keep saying -- I'm sorry for being so, you know, anxious about it. But it's the same thing about we've been talking about asking about errors. Hey, we're surprised. We need an on-boarding system for the registries and registrars. It will be ready when we're all on-boarded. Seriously, these are things that should be taken care of on time, not after.

JONATHAN ROBINSON: Thanks, Yoav. With that punchy comment, we've hit the top of the hour. It's 1500 now. I understand this room needs to be reused at 1530. That means we've got a few minutes to move over. Thomas, it's got to be very brief, please.

THOMAS RICKERT: I want to say that ICANN doesn't have to wait for us to urge them. They can take proactive action on this.

JONATHAN ROBINSON: Let me say it's my hope and expectation -- notwithstanding whether I say I represent the level of discussion that's taking place in this meeting at the public forum tomorrow or not, my sense is that the temperature of this issue in a very important forum for ICANN, that is the GNSO Council meeting, whilst the representation hasn't been -- has clearly not been universal from all groups, there's a sizeable component within the council and, therefore, representing the different groups in the GNSO that clearly feels this is an issue of substance. Mikey. Please be very brief.

MIKEY O'CONNOR: I'm just fine with conversation. I am entirely opposed to the idea of resolutions and motions coming out of this group on that kind of schedule. I told you that yesterday in the meeting. So let's be careful here, boys and girls. This is getting a little crazy.

JONATHAN ROBINSON: There's no resolution and no motion at this point. We've had a substantial discussion, which is what we said and intended to do. And that's it for now. The only action that I've heard proposed is that I say something at the public forum. What I've heard, if I were to say anything at all, would be to represent that there was a substantial discussion. And I recommend that staff and/or the board pay attention to the discussion that took place on this minute in respect to this item. Brian, did you want to say anything, or are you okay?

BRIAN WINTERFELDT: I'll make it very brief. Brian Winterfeldt for the IPC. I just want to second what Mikey said. I, frankly, thought this was more of a discussion. And so we didn't jump in. The IPC does have some serious concerns about setting a precedent where contracted parties who negotiate the contract with ICANN would direct staff to not enforce part of a contract. And, again, it's not necessarily that there are issues here that need to be addressed. And I know that there's a process in place that sounds like people are not happy with and we need to address that. But I think suspension of enforcement of the contract is something that is very concerning and that we do need to have a real discussion over before there's any statements made in support of that.

JONATHAN ROBINSON: Thanks, Brian. I think that, with your input, that means we've had input from every group as far as I recall. At least I won't assume that my memory is correct. But it's a pretty comprehensive set of inputs. So let's draw a line under that and say we've aired the issue very thoroughly, which is what we intended to do. Just hold off on any precipitous action right now. Because it may well be that by simply airing it, it helps to unblock the log jam.

We have discussed previously item 11, our work with -- and engagement with the strategy panels. We had extensive input from Theresa on the weekend. I suggest we pick up any further action on this on lists, given where we are in the schedule. And particularly as a courtesy but also recognizing the size of the issue with respect to the review of the GNSO, we have our councillor Jennifer Wolfe on the phone at some very unfortunate hour for her in the United States. And I think we should just give Jennifer Wolfe the opportunity to give us a brief update on this item. So I am proposing -- and just will pause for a moment -- that we suspend any discussion on item 11. That's our work on the engagement with the strategy panels. I'll pause for a moment to see if there's any objection to that. I'm not saying we bury the issue. I'm saying we take it forward on lists. And I think we have an intention to act in that respect. Any comment or input on that?

DAVID CAKE: Of course, the council can discuss it. But is there anyone in the room who wants to comment on this issue?

JONATHAN ROBINSON: Thanks, David. So Jennifer, let me -- we did hear from David -- I'm sorry from Ray Plzak on the weekend. And just to remind people that this is the forthcoming review of the GNSO, something we've actively monitored and engaged with with the help of Jennifer Wolfe. And Ray Plzak did update the GNSO on the weekend with the latest thinking, which is quite well-informed now. And this item simply ensures that we are -- continue to be informed and take position on the relevant action. So, Jen, over to you for a few minutes. And then we'll see if there are any discussion or comments in addition to what was said on the weekend?

JENNIFER WOLFE: Great. Thank you. Can you hear me okay?

JONATHAN ROBINSON: Yes, we're hearing you loud and clear, Jen. Thanks.

JENNIFER WOLFE: Great. Well, thank you so much for (audio problem) I know we're running a little over, so I'll be very brief. There are just a of couple points with regard to the review. First is the scope. Ray was very clear that the scope will be (audio problem) estimate and not

broader issue of the GNSO continuing to have business in the global. So that will be an effort (audio problem) structure focus on the effectiveness of the organization.

So, in terms of the timeline, planning process will (audio problem) 2014, which includes finalizing and preparing the 360, selecting an outside auditor or investigator. The actual review (audio problem) 2014-2015, which will include report and recommendation. And we are discussing, as a council and as the GNSO, conducting our own self-review so that we can match up the measurement criteria and be able to evaluate if our own self-assessment matches up with the independent auditor assessment. Once that completes the implementation phase of the recommendation (audio problem) would move forward on February 2015. As I mentioned, the intent is to have an independent 360 review by an outside auditor and also to run (audio problem) reviews through a survey process --

JONATHAN ROBINSON: Jen, sorry to interrupt. But, Jen, if I could interrupt for just a moment, the audio isn't very clear. So, if I could ask you to speak deliberately, that would be helpful.

JENNIFER WOLFE: Sure. Im sorry. I'm hearing a big echo as well. So apologize. I'll just wrap up and say in a moment the review process will begin

May 2014 through January 2015. That will include the independent 360 review as well as an internal review by survey.

So I guess I'll stop and pause for any questions there.

JONATHAN ROBINSON: Any comments, questions, or input for Jennifer? Jen, I'm not seeing any hands up at the moment.

JENNIFER WOLFE: Okay. Thank you.

JONATHAN ROBINSON: All right. So this is clearly something -- thank you, Jennifer. Thank you for coming on and providing that update. This is clearly something that's going to be on our agenda for some time and gives us an opportunity. John?

JOHN BERARD: I do have one question. May I? Jennifer, this is John Berard. When Ray spoke to us over the weekend, he said that it doesn't seem as if structural -- the potential for structural changes are going to be included in this review. Yet, the language of the review clearly allows for that. Can you offer any clarity? Is it -- are structural changes possible coming out of this review?

JENNIFER WOLFE: I think the intention is that it's focused solely on the organizational effectiveness. But the actual measurement criteria will be determined in this preparation phase, which continues through May of 2014. So I think we need to pay close attention to those measurement criteria that are being developed.

JONATHAN ROBINSON: I'd just add one comment I received in clarifying with Ray. My understanding is the same as Jennifer's. That, as you can imagine and as would be reasonable, on the back of an organizational effectiveness assessment, that doesn't preclude the suggestion of structural change following on from that. So I think my sense from him is there's a sequence. And he's often described an analogy in conversations I've had with him with an audit. And, on the back of an audit, some remedial action or other change might take place. So I think, in his mind, this is me interpreting what I've understood him to say -- is that, whilst there is initially the organizational effectiveness review, but that doesn't preclude any action that results from the outputs from that review. Okay.

I think we're up against it time-wise. We've had lots of engaging discussion both from the council and from participants in the room, which is great. I'm aware that there is one other contribution within the room we need to hear. Let me just pause a moment to receive that.

GUNELA ASTBRINK: Thank you very much. And I realize the meeting is nearly its end. My name is Gunela Astbrink from ISOC Australia. And I wanted to inform the council about a new ad hoc at-large accessibility task force. It's brand-new. It had its first meeting on Monday. And this is looking at accessibility for people with disability, principally. And, just to put context around this, there are one billion people across the world, according to the World Health Organization, who have a disability. 80% live in developing countries.

There are a number of objectives that the task force is looking at -
- building a culture of accessibility within ICANN, increasing web accessibility, and ensuring minimal barriers to ICANN processes and practices.

And, if we can just focus for a second on increasing web accessibility, that particular objective. Underneath that, there are a number of suggested actions. And one of them is for the ICANN Web site to be made accessible according to W3C's web content accessibility guidelines and also looking at the possibility of a development of an ICANN policy on web accessibility. And, through that, the possibility of ccTLDs having a best practice guide on web accessibility and also looking at registries and registrars, making use of a best practice guide such as that, and informing registrants when they are developing Web sites. This is very much a new group, an ad hoc group. We will see how the work progresses. But I wanted to take the opportunity of bringing this

to the GNSO's attention. And, hopefully, we can work together in the future to look at some of these suggested actions. Thank you very much.

JONATHAN ROBINSON: Thank you very much, Gunela. Could you just state clearly your name for the record, so we've got that on the transcript, please.

Gunela Astbrink.

Thank you very much.

DAVID CAKE: I think this is a great initiative. The work at guidelines web accessibility and so on have been around for a long time. And where ICANN and related organizations provide essential infrastructure for the Internet, we should ensure that's accessible.

ONATHAN ROBINSON: Thank you. Klaus.

KLAUS STOLL: I'd just, for the record, would like to fully welcome that initiative. And I offer all participation and support. Thank you.

JONATHAN ROBINSON: Thanks then for that contribution, Gunela. We're going to have to close the meeting or close the open microphone session now and recognize that we've come to the final item on the agenda, which is any other business.

And there was a recorded item on that before the meeting. That's to note that the very likely requirement and the currently scheduled additional council meeting on Thursday 10th of April, 2014, to deal with the matter of the ICANN board seat '14. Are there any other items anyone would like to add under any other business? Seeing no hands in the room, we'll take it as that item, item 14, is closed. And, with that, we complete the meeting.

So thank you very much for a good quality meeting. Lots of interesting discussion and substantive contributions from both within the council and the floor. Very much appreciated by me and I hope all of you. Thanks very much, everyone. Meeting is now closed.

[Applause.]

[END OF TRANSCRIPT]