

**ICANN**

**Moderator: Maryam Bakoshi  
December 15, 2015  
10:00 am CT**

Coordinator: Your recordings have started.

Tapani Tarvainen: (Unintelligible).

Coordinator: You may now begin.

Tapani Tarvainen: Hey.

Maryam Bakoshi: Thank you (unintelligible).

Tapani Tarvainen: Thank you again, everybody.

Maryam Bakoshi: Thank you very much (unintelligible).

Tapani Tarvainen: The recordings (have started). Maryam, you do roll call.

Maryam Bakoshi: Yes, thanks, Tapani. Good morning, good afternoon, good evening. This is the NCSG Open Policy meeting on the 15 of December 2015. On the call, today,

we have Tapani Tervainen, Joan Kerr, Bram Fudzulani, Remmy Nweke, Ed Morris, Akinremi Peter Taiwo, Amr Elsadr, Marilia Maciel, Klaus Stoll, Joao Carlos Caribe, Christopher Dennett, Nora Abusitta, Sam Lanfranco, Farzaneh Badii Shane Kerr, and from staff, myself -- Maryam Bakoshi.

I've left your line open (unintelligible) so please state your name before speaking for transcription purposes. Over to you Tapani. Thank you very much.

Tapani Tarvainen: Thank you, Maryam. Our first agenda item today is (unintelligible) talking about (DPRD) updates and (without), if we don't have a - that long agenda today so you can take a fair amount of time that you like, Nora, but over to you.

Nora Abusitta: Thank you. Thank you very much. I think I want to give you an overview of (DPRD) first but allow a little bit more time for questions and a discussion. Thank you for inviting me today.

We were hoping to update you all of the department and its work in Dublin, but the meeting was extremely busy and I'm very happy that I have the opportunity to speak to you now. And just in - for purposes background, the development (and public) responsibility department was - is probably the newest department of ICANN. The activities themselves are not all new, but it was really an effort to streamline and formalize all our public responsibility activities within ICANN and add to them any missing links or pieces.

It came as a recommendation from the panel on public responsibility but also came from the will and the need from ICANN leadership to give more important and more attention to programs that (unintelligible) the community in a very measurable and specific way. So the focus areas for the department,

as you probably know already, are currently three and we review them very regularly.

The reviews are a result of discussions with the community, with staff, to try and identify gaps. So we work very closely with the regional offices of ICANN and the regional representatives of ICANN to try and understand what every region needs and we update the focus areas accordingly. So the first area is supporting education academic outreach.

Then - (Lauren), you're going too fast - thank you - then supporting the next generation. And for the next generation, it's really the next generation of ICANN community members, the next generation of ICANN staff -- anybody who really operates in our world. And then finally, we enhance and we support participation in global internet corporations (events).

Next slide, please. So many of you are familiar with and have gone through some of our programs for next generation. The fellowship program has proved to be one of the most successful programs of ICANN and we are constantly reviewing and working on this program to make it more effective and more inclusive. We also focus a lot on newcomers; we work with them on their orientation and try and make ICANN meetings for them as painless as possible.

We have started a new program called Next Gen. We've had a few rounds of that and it's proved to be very successful. It's - it focuses on a younger crowd and the - we literally hold their hands through and ICANN meeting.

Just from our very short experience with these - this program has been amazing because a lot of these young people remain engaged and try and find their way into existing ICANN structures so that they can participate more

effectively. And then most recently, we've become responsible for removed participation of ICANN meetings as well - sorry - as well as the remote hub that connect different regions with ICANN meetings.

Next slide, please. Then - so, for fellows in Next Gen, very quickly, we are receiving more and more applications for both fellows in Next Gen. And our - unfortunately, our budget allows for limited numbers.

For Marrakech, we are looking at expanded - expanding those numbers just because the Africa meeting, it says it's going to be a little bit bigger. But we try and select the - kind of the most qualified or the most promising participants for both programs. Next slide, please.

As far as supporting education academic outreach, we have two tracks. The first one is the online learning platform which we established in order to house a lot of the materials that already exist for training purposes, a lot of the presentations. And so we've made it available and open to the community and anybody who's interested in learning about ICANN or internet governance.

And - but it also now houses a lot of new courses that were identified as needed by the community. For academic outreach, we create a lot of materials that is used by our global stakeholder engagement team when they go out and speak to either university of school - or schools. But we also support things like presidents or board members going out into universities to speak when we're at ICANN meetings.

Most recently, we're collaborating with (USC Annenberg) schools on internet diplomacy course. Next slide, please. I hope many of you have seen ICANN Learn. If you haven't, please go - log on and see it.

I would like for you to either contribute with content or let us know if you see any gaps or any materials that are missing there. This, too, has proven to be a successful platform, but it needs to grow a little bit more. We are now testing some courses and languages that are not usually covered by our language services team, so we are prompting community members to contribute with local content in order to grow that section of the platform.

Next slide, please. Very quickly on participation in global internet corporation and development, we've been very active with several organizations -- the World Economic Forum, the World Summit Awards, (unintelligible) Initiative. Sometimes we sponsor parts of the events if they fall into the departments (unintelligible).

The - sometimes we support them with creating content for them either on the online learning platform or materials. So our participation there varies greatly. And we are always looking at other organizations that - we would either benefit from or that would be effective for us to be - sorry, as - organizations where we can be effective.

Next slide. This is a very quick overview of what we've been doing with the World Economic Forum. I don't need to go into those details but it's just to give you an example of the kind of work that we've been involved in with the World Economics Forum.

Next slide. I - this is the end of the slide deck. The one other thing that our department is involved in is supporting a few of the discussions that have been ongoing with the community around certain things. And I think this group, in particular, is interested in the discussion around public interest.

So I will - I think the slide decks, now, are over, but I'm happy to talk to you a little bit about where we are with public interest. But before that, I'd like to stop and see if there's any questions about our programs themselves before we move into the kind of meatier discussion.

Tapani Tarvainen: Okay, I see Marilia has her hand up. Marilia, go ahead.

Marilia Maciel: Thank you. Thank you very much, Tapani. This is Marilia for the transcript.

Thank you very much for your presentation, Nora. My only question with regards to ICANN Learn is that I haven't been through all of the materials but I have taken a look and it seems that we have interesting materials there that - for educational purposes and as part of larger courses on internet governance. My question is we had a group of people organizing ICANN coming from different universities from global north and south that got together some meetings before trying to identify how it could be better organized among ourselves to include ICANN-related issues on our practices.

And I remember that (Olga Cavali) was on the convener of this particular meeting. So my question is do you have plans to reach out to this group or at least to some academics because I think that they're a quite extensive group of academics involved in ICANN. And sometimes, having the information out there is not enough.

We need to reach out with information to make sure that - to arrive the destination. So if these contacts have been made and, of course, volunteer myself to follow up and discuss how we could use it in the - in this part of the group. Thanks.

Nora Abusitta: Thank you, Marilia. It's - so we're always thinking to connect the community members who have concerns. We have been working with groups but I will take you up on your offer and follow up with you.

I know that there is a space on the online learning platform that houses a lot of Spanish content for the Spanish-speaking community. But any other efforts that - where we can support or we can take the content curators and put it on a platform, I welcome, so thank you.

Tapani Tarvainen: Okay, thank you, Marilia and Nora (unintelligible). (Christopher Dennett) is next on the queue. (Christopher), please.

Hello, (Chris). Okay, it sounds like his mic isn't working so maybe I'll read out his question from the chat. Oh, Maryam, would you care to do the honors and read it from the chat?

Maryam Bakoshi: Sure, Tapani. So the first question we have is from (Fazani). And she said can you - on - her question is on Slide 8 - can you elaborate on how you choose the meetings and organizations that support financially or in time?

Nora Abusitta: So there's two things. One, we do get a lot of requests for sponsorship and we've developed a very robust criteria for going through them. And the criteria was developed in collaboration with the Global Stakeholder Engagement team and other parts of ICANN.

And so this is kind of the - one of the ways we - respond to requests -- is that we take them, we put them through the assessment process, and then we come up with a recommendation. A lot of times, it is not (DPRD) itself that is - kind of follows through, but we recommend this to a different ICANN department or even community.

The other way we do this is, more recently, we've been working with the regions to try and understand if they have had any gaps in engagement. And so we look at their regions to see where we've been effective, where we've had gaps and we (identify) organizations there that we need to do more with.

Maryam Bakoshi: Thank you, Nora. There is a quick - a question here from (Christopher Dennett). He says, "I'm part of the Next Gen group - ICANN54. I was part of the Next Gen group with ICANN54.

One thing we spoke about was fellowship funding for courses predominantly on countries with lower GDP. I was just wondering if there was any discussion about making the scholarship program up - more access to people from other countries.

Nora Abusitta: Thank you. This is an excellent question. And we've heard a lot from community members about the selection criteria for fellowship. We've used agreed-upon criteria from the World Bank in the past, but this seems to not work very well with us in the past few years.

Some of the countries that seem to be in much need of help have been identified as, you know, having higher GDP and, thus, not qualifying. And so we are currently looking revising this criteria. Very soon, we will announce a group first within ICANN to try and study what is out there in terms of other criteria that we can potentially adopt.

And then, we will start a discussion with the community to see how best to update this criteria and make it more inclusive. So not only are we looking at people from, you know, areas with lower GDP, but we're also looking at underrepresented society members or community members. So, right - we're

looking at (people) with disability, we're looking at indigenous groups and so on and so forth.

This is not an easy task, I'm sure you can imagine, but I'm hoping that we would start working on it sometime in January. We would update the community in Marrakech, and, hopefully, by June, July of next year, we would have something to share with you.

Tapani Tarvainen: Okay, thank you for questions. And Nora, do you want to continue? You had anything else? I understand you want to have some (unintelligible).

Nora Abusitta: So, very quickly, I wanted to update the group on the discussion on public interest. And many of you have been involved either in one-on-one conversations or in sessions even at Dublin and others. The definition of public interest, I think we've attempted to work on it.

The panel on public responsibility has produced a definition, and that was accepted by some and not really accepted by others. So we decided to revisit it and to start the conversation again with the community. And from our side of staff, we see our role as a support role and so we've taken the past few months to do some desk research to try and understand what the definition of public interest would mean for ICANN in terms of operations.

We've also looked at other definitions for different organizations and corporations. We agreed with the community members that we would put all our research findings in our Wiki that we would share with all of you. And this is almost ready; I'm just waiting for the last findings from a couple of departments for ICANN.

And then, we are happy to support any discussions around a few and I believe that Marrakech will have a session on that. This is the update around public interest, but I'm happy to answer any questions because I know this group in particular is very interested in that.

Tapani Tarvainen: Thank you, Nora. Let's see; do we have any difficult questions for Nora about public interest? Sure we have many people interested in that.

Questions, comments, anyone?

Woman: Hi, Tapani. We have a question from (Rafik). He says, "Can we get..."

Tapani Tarvainen: Okay.

Maryam Bakoshi: "...an exact date when the research findings will be online? Please, not be (ASAP)."

Tapani Tarvainen: Yes, (ASAP) (is too late)...

Nora Abusitta: I'm sorry. Can you repeat that? I didn't quite get that.

Maryam Bakoshi: This is from (Rafik). "Can we get an exact date when the research findings will be online? Please not be ASAP."

Nora Abusitta: Yes, (Rafik). I know we've had some delay and the delay was really caused by the fact that we expanded our research internally to cover all operations within ICANN. So I'm hoping by Monday, even if we're not complete, and then we can update it later that our research would provide.

Maryam Bakoshi: Thank you very much, Nora. We've got a question from (Robin Graff). What criteria was used to determine public interest commitment or PICs for new gTLDs?

Nora Abusitta: Thank you for the question. I think it's going really into the specifics and, certainly, I wouldn't determine any criteria. Again, all of these things are going to be looked at in detail by the community and wherever research or background is needed, we're happy to support that.

But I think it's important to clarify that we're, in no way, going to be leading the conversations. We will just be working in the background.

Maryam Bakoshi: Thank you very much, Nora. This is a question from (Fazani). She said, "Can you please brief us on why some agreed and some didn't agree with this definition?"

Nora Abusitta: This is my personal view. I think it - the definition itself didn't have any problems; it is how we got to the definition. Some people felt that the panel was representative enough or that the process - the proper process wasn't followed in creating the panel.

So it's more about how we got there rather than what the output was. And we recognize that and that's why this time around, we're kind of taking a backseat and allowing our - you know, supporting the community in that discussion and allowing it to progress at its own pace.

Maryam Bakoshi: Thank you, Nora.

Tapani Tarvainen: Thank you.

Maryam Bakoshi: Ed Morris is asking how is public defined in public interest.

Nora Abusitta: Public hasn't been defined. So this is another thing if - it - the one point that was - it - from the panel's work, I think that the phrase that was underlined was within ICANN's (unintelligible). Public, itself wasn't really considered.

I think maybe the background to it is the public is everyone. But again, another thing to look at or to note when we're working on background research.

Maryam Bakoshi: Thank you, Nora. (Farzane is asking, "So the process will be set by the community?")

Nora Abusitta: The process, yes, will be defined by the community so we're just doing background research to support any process. We have had indication and discussion from the community that there is a need to have a formal discussion on the definition and, you know, in parallel, we started doing the research.

But the process will be defined by the community.

Maryam Bakoshi: Thank you very much, Nora. Farzaneh is asking, "Are we going to discard the work that has been done if people weren't happy?"

Nora Abusitta: Sorry, which work that people were unhappy with? The panel's work, honestly, I mean, it's not that people were not happy with it; it's more they were not satisfied with the process. Now, in terms of the panel work, there's - it's two-fold.

Part of the recommendations of the panel were to establish the department of (CPRD), so basically, for ICANN to focus on public responsibility programs in a very measured way and to have a department that focuses on that. And the other part of the panel's work was to develop a definition.

And so it's - I don't think all the work was lost, to be honest, and I think there's a - a lot of the background research that was put into defining the public interest from the panel will be very useful. So, you know, I see it as a - as the - you know, part of the process.

Tapani Tarvainen: Thank you, Nora. At this point, I noticed Marilia has her hand up, so, Marilia, please go ahead.

Marilia Maciel: Thank you, Tapani. This is Marilia speaking. So it seems to me that this discussion is, indeed, very important and really popping up in different scenarios.

If we look at just recent processes, it was included -- the notion of public interest and (unintelligible) outcome document. It is included in the (unintelligible) doc. It is, of course, a part of ICANN discussions.

It is included in the document that has just been published with the support of the (unintelligible) government on what is the public core of the internet, how to manage it as a global public group. So I think that, regardless of the fact that we have legitimate issues with this concept and regardless of the fact that it is still very slow, there is a general interest from the community in not only ICANN community to better pinpoint and pin down this (unintelligible) into something that would be useful.

So, my suggestion to Nora and her team would be maybe to issue a call like ICANN issue calls for studies on the domain name industry in certain regions. (Unintelligible) in Latin America more recently -- a serious call that asks for organizations or research groups to present themselves in order to conduct a serious research on not only the basis of this concept and try to track back where it comes from and the different meanings that the concept has been given in different regulations and legal cultural and political environments but also, how it has been applied recently in internet governance feebates.

And if we can have this background - and maybe it gets to a point in which we can anchor ideas through more - down-to-earth and concrete (unintelligible), maybe we can do something useful with it. I don't think that it is a luxury to do it because it has been something that has appeared from different sides.

So it is clear that the interest is out there. So if ICANN has the resources, I think that it will be a very good way to apply these resources to issue a call for a study on this. Thanks.

Nora Abusitta: Thank you, Marilia. This is very helpful and, I mean, first of all, once we publish the Wiki, you will have access to all the research that's been done.

Hopefully, we'll be able to identify gaps there and, you know, ask for further work if needed. But I agree with you; there's a lot - I mean, from what I've seen, there's so much and it's (unintelligible). And so just kind of pulling it all together and looking at what's available will be a big task in itself.

Tapani Tarvainen: Okay, thank you, Nora. Do we have any more questions here for Nora? Are we - have we totally exhausted the issue of public interest already?

Oh, maybe the remaining questions are too difficult to answer here. So, Nora, do you have anything else you want - I want to tell us at this point? Shall we move on already?

Nora Abusitta: No, thank you for your time. And, you know, as always, happy to kind of join your call every now and then to update you on our programs. This is a particularly important group for us because the - and many of you have gone through some of our programs and you all support us very well.

So thank you, again, for inviting me.

Tapani Tarvainen: Okay, thank you very much for being for us. It's very interesting to hear what your group's doing and at least starting the discussion of - having a little discussion of what the public interest actually is. So thank you very much.

Okay, let's move on with our (unintelligible) agenda here. But next ICANN is the preparations for the GNSO meeting that are on Thursday. At this point, I'd like to hand over to our Political Committee Chair, Amr, if you could lead on this discussion. Amr.

Amr Elsadr: Thanks, Tapani, this is Amr. Okay, well, normally, we go through the GNSO Council agenda -- particularly, the motions for this part of the NCSG Global Policy meeting. I believe we have four motions for Thursday's meeting -- first one being the motion to initiate a PDP -- a policy development process -- on new gTLD subsequent procedures.

The - this is basically a PDP that will effectively launch another new round of gTLD applications. So this motion was made by a counselor from the registry stakeholder group (unintelligible) second idea. I've gone over the issues report but to be very honest, this is topic that is generally not one that I've been very

involved in, so I don't think I'd necessarily be the right person to flag any problems with the issues report.

I was wondering if there's anybody on the call today who would like to make any comments on this issues report or, perhaps, point out things we like, things we don't like. But again, this is a final issues report and in the GNSO's process to develop gTLD policies. This - the issues report will not be changed.

The GNSO Council will simply either vote to adopt the issues report or not. If it chooses in favor to the issues report, that means a PDP will be formed - will begin and a PDP working group will be formed. And the voting threshold for an issues report, I believe, is a simple majority.

So if anyone has any comments on this right now, I, for one, would be grateful to hear them. Thanks. Okay, Klaus, you have your hand up.

Klaus Stoll: This is Klaus.

Amr Elsadr: Please go ahead.

Klaus Stoll: Thank you very much. This is Klaus for the record. I find it very interesting that we talk about this in a week where basically you might have seen in (unintelligible) (ID) and other publications. The danger of existing and new gTLDs are failing.

And my question here is quite simply do we have to rush into a new round of new gTLDs? Wouldn't it be much more important to look what happened in the first round, do some research analysis, and have some lessons learned before we start thinking about a second round -- just straightforward coming from me. Thank you.

Amr Elsadr: Thanks, Klaus. Yes, I believe that is a legitimate concern and, probably, a sound way to move forward. My understanding is that there was a group that convened to try to look into the issues you mentioned.

And this was a - sort of the preliminary step prior to the publication of the preliminary issues report for this PDP. So although they didn't really - to my knowledge - I don't think they achieved the sort of outcomes that would have addressed the concerns that you've raised, but it is something that they have looked at and I believe there are some topics in the issues report that sort of ask the PDP working group to look at these things.

I will also mention that this is something that's been in the works for a while now; this isn't a new topic. We've been discussing this PDP on the GNSO Council for quite a few months. There was an amendment made to the motion a while back - I think it was in Buenos Aires, maybe, when the original motion was submitted to the GNSO Council to request the preliminary issues report.

So - but beyond that, if there is - if there are specific concerns you have, Klaus or anyone else, please let me know. We can at least bring this up...

Kathy Kleiman: Yes, this is Kathy. I don't know if you can hear me; I'm in the car.

Amr Elsadr: Yes, we can hear you, Kathy.

Kathy Kleiman: Okay, perfect. I join Klaus in wondering why we're doing this now. My sense is the group that convened on the new gTLDs was those who wanted to push a second round as soon as possible.

Some of us aren't out of first round now. Their communities have stuck in endless limbo. The International (unintelligible) communities are still stuck in independent (unintelligible) processes that created an artificial appeals process, so we're not getting all this information.

Those who wanted to, like, lead the way are (unintelligible) portfolio applicants and I think there's a lot of issues learned from small registries and the community registries. And they're not even through this round yet. I think it's really premature to come out with an issues report yet 'till we better assess and really horrendous problem that is still taking place.

And that, frankly, has occupied some of our attention so that we couldn't participate in these other rounds. We kind of figured let's finish Round 1 before we analyze it and go on to Round 2. There's a lot of missing data here.

Amr Elsadr: Okay, Kathy. So I - if I could ask you a question on this, the missing data in the analysis that is required, is this something that can be done as the PDP working group is doing its work or is it something you feel has to be done prior to...

Kathy Kleiman: I don't know. I haven't read the issues report, Amr. Amr, there's too much stuff...

Amr Elsadr: Okay.

Kathy Kleiman: ...on the table. Don't want to summarize that I haven't read it but I know that's - that there are a number of voices missing from the process because they're still trying to get through Round 1. A lot of communities are stuck.

Amr Elsadr: Yes, okay, I see your meaning - I think, your meaning in that. And my assumption was that these issues would be brought up during the course of the PDP working group's efforts. But that was my assumption; it was my hope as well and I would have also assumed that folks who do have - who have been suffering problems as a result of the previous rounds might've or should have really brought these things up when the public comment period for the initial - preliminary issues report was open.

But the way I see it, there will be an opportunity to discuss these issues once the PDP has started. And the impression that I got as well as that there wasn't enough pushback during the public comment under preliminary issues report to sort of hold this PDP back. But again, I'm not very well-versed (unintelligible).

Kathy Kleiman: Let me ask a different question. How many PD - Amr, how many PDPs are we going to have in parallel? We've got the rights protection that's (unintelligible) PDP (unintelligible)...

Amr Elsadr: Well, we've got - yes, we've got this one, the rights protection...

Kathy Kleiman: How many (unintelligible)?

Amr Elsadr: ...post-(EWG), PDP. Yes, so there's going to be at least these three big ones. There's also going to be the cross-committee working group on the option proceeds.

Kathy Kleiman: Yes. Can I urge that maybe...

Amr Elsadr: (Unintelligible).

Kathy Kleiman: ...that this is a good one to delay because we haven't finished Round 1, if we're going to delay any of these. Why don't we delay this one and then look at the issues report once again when we finish? We've got so much stuff on the table and we can't staff all this stuff in parallel anyway.

Amr Elsadr: I have no personal issue with delaying this PDP. We could make a request based on that, but I would prefer if we do that based on concrete reasoning. One of them, obviously, is the huge number of quite large PDPs that will be running in parallel.

I would have preferred that we had brought this up a little earlier in the process so we could (unintelligible).

Kathy Kleiman: We've been a little busy.

Amr Elsadr: ...to do is (unintelligible).

Kathy Kleiman: We've been a little busy.

Amr Elsadr: Yes, I know, I know. And what we could also do is ask for this motion to be deferred, but then, that would only give us a month 'till the next GNSO Council meeting when we would have to vote on this motion. And of course, alternate scenarios would be that the council decides that, yes, we could delay this PDP.

I don't see that - I don't believe that will be necessarily realistic. I think that, particularly, the registries have been pushing for this PDP to move forward and the voting threshold to (unintelligible)...

Kathy Kleiman: I'm sure they have.

Amr Elsadr: ...is rather low. Yes, yes, and the voting threshold to an issue that PDP is rather low, so it's not easy to block. But we could ask for a deferral for this motion, we could have that a discussion over the next month and see who's thinking what.

Those are my thoughts. If others have any other thoughts, please share them. Thanks. I'm sorry; I missed the queue.

Marilia, you have your hand. You can go up - you can go next please.

Marilia Maciel: Thank you, Amr. This is Marilia speaking. I completely agree with everything that has been said so far. I don't think that we are in the position - we have the necessary information to start another round.

I just think that it is virtually impossible for us to block this decision to be made because the contracted party house wanted this very badly and they have Verizon in the contracted side. So I think that we should prepare and there is an ongoing process that, in my view, there are three different tracks that are already on motion. And this is the very - the ground for us to start a new round - maybe not now.

Probably, this will be a PDP that will last for at least two years of discussion. So we're not looking at the new round now, but we have a process that is (unintelligible) that we're going to discuss as another point in the agenda that is forced to analyze consumer trust and consumer choice. We have all the evaluations that are being produced by staff.

We have the subsequent procedures starting and underlaying all that, there is just - there is a lot of metrics and studies on acceptance of the new gTLDs that

have been published. So I think that the ground is laid and it will be very hard for us to stop this now. I don't know if you saw it, but they are going to vote the charter together with the approval of the issues report.

So actually, if we ask for a deferral, we would need to ask for a deferral on those. And I don't think that this would be very useful because, as you mentioned, this will give us another month. So I'm going to stop for now, but when you move on to the charter, consider (unintelligible) that I don't think that we will be able to block this.

I think that since the holidays are coming, we need to start to think strategically what are the key points for us in this PDP. The working group would be divided and broken into five different subgroups and I don't think that we can start them all equally. So I think that we would need to define where our priorities are. Thanks.

Amr Elsadr: Thanks, Marilia. This is Amr again. Yes, that is - what you said is absolutely true about the charter as part of the staff effort to improve the efficiency of GNSO processes.

It was suggested that charters now be included in final issues reports. But, again, of course, the GNSO Council could opt to ask for a charter-drafting team. So that is one thing we could possible work on if we feel this might be helpful -- if we feel that we could ask for a deferral for this motion.

We could consider whether we think a charter-drafting team might be a good idea and whether the charter-drafting team can somehow make sure that all the concerns that have been voiced here today or others that may come up over the next month could be included in the charter to make sure that it is in scope of the PDP working group. But then, of course, this does not - it doesn't

address the issues of just a lot of work overload on a limited pool of volunteers.

But, yes, I'm getting a sense that, so far, folks are in favor of not just deferring this motion, but actually postponing this PDP. We have a couple of days to work out a sort of a - a statement, if you will, or, perhaps, some sort of unified position on why we think this PDP should be postponed, if there are other reasons out there besides volunteer overload which is a problem that every group is having, would be good to try to sort of make a list of the reasons why we think the PDP should be postponed.

Kathy Kleiman: Yes. Again, Amr, that's - there might be a reasoning to do it after the end of Round 1. And we're still - hundreds of TLDs are still in contracting, and others are still not even at that point.

Amr Elsadr: Okay, so...

Kathy Kleiman: We may not have learned all our lessons yet. We, you know - often (unintelligible) it's the trailer.

Amr Elsadr: Yes, I...

Kathy Kleiman: Okay, anyway, just wanted to add that. And I knew you know but I just thought I'd say it.

Amr Elsadr: No, yes, you're perfectly - you're absolutely right; there are a lot of new TLDs that are still in contracting. I think there are some that's still - have been contracted but still have not been delegated, if I'm not mistaken. There still is a lot from the previous round that are still up in the air and that is also a valid point that we could make on - during Thursday's meeting.

(Klaus Stoll): And, Amr...

((Crosstalk))

(Klaus Stoll): And, Amr, this is...

Amr Elsadr: Yes, Klaus, you're next in the queue, so please go ahead.

(Klaus Stoll): Yes, Amr, as far as I understood you on the one side, the PDP basically starts to - a new round. On the other hand, we are saying the research will be done during the round. (Unintelligible) it would make sense (unintelligible) that.

I don't find it consequence. I think it would be much, much more consequence to really wait 'till everything is implemented, if everything is run for a while, and then we can actually really have a look just in order to get some more business going for people I don't think is very wise at that point. And I will - I'm aware that we will lose at that point, but at least we should make a point at that point in saying, "Look, we know we lose, but we think for that (unintelligible) reason, it doesn't make too much sense".

Amr Elsadr: Okay, sounds good. Any other comments on this motion? I think we should probably - considering the number of comments we have received, we should probably follow up with this topic on list and just make sure that we've captured everything that's been said.

I don't know if the transcripts of this call will be made available before Thursday's meeting. But the recording probably will be our reminder. I'd probably go back to the recording and make sure that all the points have been captured accurately.

Is there anything else on this motion? Okay, not seeing any, move onto the next motion. Okay, the next motion is a motion for the GNSO Council to adopt the final report of the privacy proxy services accreditation issue PDP working group.

Yes, this is the PDP that has been going on for a while and I'm going to give the mic to - the floor to Kathy Kleiman to talk about this. But yes, I'll note that there's (unintelligible) - and Kathy Kleiman knows this better than any here. Yes, but we just got an updated final report circulated to the council list just a few minutes ago, I believe.

But, Kathy Kleiman, would you please speak to this final report? Thank you.

Kathy Kleiman: Okay. Can you hear me, Amr?

Amr Elsadr: Loud and clear.

Tapani Tarvainen: We can hear you fine.

Kathy Kleiman: Good. Can you hear me now?

Amr Elsadr: Good ahead. Yes, we can hear you, Kathy Kleiman.

Kathy Kleiman: With apologies, there's an echo; I'm now in a parking garage. Okay, I don't know what was circulated to you 15 minutes ago because I'm not on the council list.

But, in brief, here's what's happening. The Proxy Privacy Accreditation group, as you know, has been meeting for two years to try to come up with the

rules for requesting - for accrediting proxy privacy service providers and accrediting them. It's a - we opened up an interim report over the summer -- 21,000 comments came in.

We, therefore, delayed our final report to council and created sub-teams that reviewed each and every comment. It was a very long process. And still not sure we've got all of them but we made - it's good enough for (unintelligible) because we really made a good faith effort to get these comments.

We have a final report that both talks about - there were some speaking points at the very end. One was whether we have to accredit law firms and then the other is what we do with law enforcement. So we printed our law enforcement; we have what's called the Quest Template for Intellectual Property Owners to request proxy (unintelligible), you know, data -- the customer's data under a proxy privacy provider.

But law enforcement, we basically said that proxy privacy providers and registrars will follow their applicable laws. And so we're not mandating any rules on disclosure on that because it became very difficult. If you mandate disclosure to law enforcement in a different country, it became very, very complicated.

We didn't go down that path. In terms of law firms, obviously, you could just expect there was a huge pushback from lawyers about the confidentiality of client relationships. And so, basically, it's going to be less (unintelligible) abuse (unintelligible).

If the law firms abuse - basically become proxy privacy providers just to shelter their clients, then there may be a problem and that will be developed further and there could be complaints to ICANN on that. And those customers

- that law firm could be de-accredited or could kind of be taken offline by the proxy privacy provider or the registrar they're working with.

But, basically, we did not define law firms to be registered privacy providers. Sorry, that's - probably a good way of saying - how we got to the endpoint. We now - we had a final report, but to the working group, there was no circulation - we kept asking for the final, final report that had everything in it.

And then, when we finally got it, it didn't have everything in it and it, particularly, didn't have something that was very important to us -- the jurisdictional waiver. If intellectual property owners or their agents mishandle the data of the customer - mishandle that battered women's shelter, the diffident, or the advocate data and say publish it, we wanted a place where we could sue them.

So we went and - we may not be able to reach them; they may be, you know, in some place that they're not suable. And so what we did was we went to the precedent, which they required of us 15 years ago, which is that registrants have to agree to be sued on domain name issues where the registrar is located. So we said, "Okay, well it's good for the goods, it's good for the gander."

And now, intellectual property owners and their agents - which we called the requestor - the requestor and the rights-holder - has to be - have to agree to waive jurisdiction to be sued where the privacy provider is located, or where they designate. Sometimes it's unclear where the provider is located.

And so that was agreed to. It didn't make the final report. We raised a ruckus and I think that may - I think it was already circulated because (Stephanie) sent it to me. So I think it was circulated a few days ago.

I don't know what corrections were circulated 15 minutes ago. Sorry, that may be too long, but that's the wrap of the two-year's worth of work. Thanks, very much.

Back to you, Amr.

Amr Elsadr: Thanks for that, Kathy Kleiman. Okay, I was - first, I - before I - (Sam), I see your hand going up and down in the (AC) room. I'll ask you to speak in a moment.

I just wanted to make a one point and ask one question to Kathy Kleiman. From - my understanding from the Council list is that business constituency are going to ask for a deferral of this motion to the next council meeting in January. And the reason being that they believe that this is a very loaded final report that needs careful consideration and a really thorough read before the Council votes on it.

So I just thought it was noteworthy to mention that right now. My question to you, Kathy Kleiman, though, is - and - overall, how do you feel about this report? Has the report gotten full consensus of the PDP working group?

I don't recall anyone from NCSG filing a minority statement on this report. But this is something that would be helpful to help guide our counselors on whether we vote to adopt the final report or not. So do you feel good about this report in general and has the report gotten full consensus of the PDP working group?

Kathy Kleiman: Well, let me ask, Amr, since I'm not on the Adobe Connect. Are (Stephanie) or (James Gannon) on this call? If so, we should ask them as well - and (David Cake) -- all members of the working group.

So let me pause for that. If there is anybody there, we should (unintelligible).  
In terms...

Amr Elsadr: I don't see (David), (Stephanie), or (James) in the Adobe Connect room.

Kathy Kleiman: Okay, then I'll speak for myself because I know (Stephanie) has some ongoing concerns. But this was a case in which we had the time to raise our concerns and I have to say we painstakingly raised each and every one of them - at least all the ones on my checklist.

Did we get all the answers we wanted? No, no. That - you never do in a policy like this. But we worked very, very closely with the registrars who shared many, many of the same concerns in terms of not wanting to really know we have to hand over data from their customers.

There was a strong privacy link between non-commercial stakeholders group and the registrars on this. Registries, frankly, were very quiet. And I'm surprised the business constituency is delaying this now since they've been pushing it the whole time -- particularly, the intellectual property constituency.

So maybe you can explain to me what deferral means. But I think this is a awful lot better than where it started. And we worked very hard for a balance.

Do I love the fact that this existed? No, but we're mandated to create it by the GNSO Council. I think we've created something that's as fair and balanced as it can be.

But I'd love your thoughts too; you're part of the working group.

Amr Elsadr: Thanks, Kathy Kleiman. Yes, I'm listed as a working group member, but as you know, I haven't really participated on this PDP -- not as attentively as I would have liked to. Anyway, yes, just on the point of deferral, the GNSO operating procedures allow a GNSO counselor to defer a motion to the next meeting in the event that a stakeholder group or constituency requires more time to consider the subject of the motion.

The approval to defer a motion is of the GNSO Council chair's discretion. To date, I don't believe there has ever been a case where the council chair has refused a deferral. But, however, the operating procedures do specify that a motion can only be deferred for one meeting.

So if we defer it once, it cannot be deferred a second time. So that's just a short briefing on how motions are deferred. Okay, but just to be clear, my understanding is that it's understandable that we don't - we won't get everything we want to out of any single PDP.

But my understanding, if - please correct me if I'm mistaken - so we do have a full working group consensus and we don't have any minority statements in the final report, correct, Kathy Kleiman?

Kathy Kleiman: There were no minority statement filed as far as I know by anyone in any constituency including the non-commercial stakeholder's group, (MPOC 4) and (unintelligible) and...

Amr Elsadr: Okay, thanks. And...

Kathy Kleiman: ...I didn't - there were rumors about them but they were never filed. And again, everybody seemed to fight long and hard and, frankly, fairly to try to get a balanced report and that's what we tried to deliver. Thanks, Amr.

Amr Elsadr: Okay, thank you, Kathy Kleiman. Thank you so much and that's to (Stephanie) and (David), and (James) for the huge effort you put on this PDP. So, would you recommend that our counselors vote in favor for this motion?

Kathy Kleiman: Operator, are you there? I hear a noise. Hello? Am I disconnect?

Tapani Tarvainen: (Unintelligible).

Amr Elsadr: No, you are on; keep talking.

Kathy Kleiman: Okay. Yes, I would - in terms of - let me just double-check that voting in favor of the motion is sending it up to the board for approval. Hello?

Tapani Tarvainen: Yes, sounds good to me. Amr, you happy with that?

Maryam Bakoshi: Hi, Tapani. Amr is gone off for a few minutes. We're trying to get him back on the line.

I'll let you know as soon as he gets back. Thank you very much.

Tapani Tarvainen: Okay. In the meantime, it seems that (Sam) has his hand up. When we've - maybe we let (Sam) talk. (Unintelligible), (Sam).

(Sam), are you on? Also (unintelligible). Seems we are having audio problems here and there.

Kathy Kleiman: Tapani, this is Kathy Kleiman. Can I do a little more talking in the background?

Tapani Tarvainen: (Unintelligible) keep talking because nobody else can, apparently. Go ahead.

Kathy Kleiman: Okay. It's my understanding - and I could be wrong because I haven't been on council in about a million years - but it's my understanding that if this vote, whenever it takes place, is approved, then these guidelines - this report - goes up to the board. If the board approves it, then it goes to the implementation review team.

I'm not quite sure how those are structured, but it will go in implementation review team to work out the details of creating this new class of industry -- this accredited proxy and privacy service providers. ICANN compliance will then play around and kind of a new set of entities will be created.

So that's an interesting and exciting prospect. But that's what I understand the next steps are. And, again, no opposition from non-commercial.

I think somebody summarized it well, I think, in the registrars which is, you know, it's not perfect, but it's the best we could do; it's balanced and probably a lot more than we expect.

Tapani Tarvainen: It's always nice to hear that something can come up better than we expect.

Kathy Kleiman: We worked hard for that. I also hate to say it; I have to leave the call now, Tapani. So I apologize to everyone for leaving.

I will take a look at the most recent version that's circulated to make sure that nothing's being inserted that we don't expect. We understand some clerical

errors are being circulated. I would recommend that we do not vote to defer, but, obviously we're not going to object to someone else wanting time to read a 93-page report more closely.

But I - you know, I would urge people to read it, to ask us questions. And if our counselors are comfortable with it, to move - you know, to move forward. It does have another PDP, it doesn't create another working group, except for the implementation review ones.

So it's a different issue in terms of time and other allocations for the future. We will need people on the implementation review team. Thanks so much.

Tapani Tarvainen: Thank you, Kathy. Do we still want to go into what (DPSI)? I think we had that fairly well-covered at this point. No, Amr, do you have other items on the agenda (unintelligible) cover?

Are you online again, Amr? (Unintelligible) - no. Okay, Amr is also still out. Does any of our counselors present want to speak out some agenda items and talk about them?

Do we want to talk about any of the public comments that are open? It seems that our counselors are not - don't find any of them too interesting. At this point, I might put in a little piece of advertisement.

There's one big item we are not talking about today -- is the CCWG and that's because we're having a special call on that on Wednesday at 16:00 UTC. So if that's your item of interest, dial in on Wednesday. Let's see.

Do we want to talk about the (ccTRT)? The problem there is - okay, let's talk a little about that. The problem is that we don't really know still exactly how it's going to be decided.

At the - the last plan I heard from James Bladel circulating around was - that each stakeholder group would have to acute - nominate three people to endorse. And if that holds, it seems to me that we will have a reasonably easy election, although, of course, it's up to the counselors to choose.

But I'm still waiting for confirmation that I hope that James doesn't hold it all the way until Thursday and (unintelligible) the way we do our (unintelligible). But that's about all I really know at this point. Anybody else want to - okay let's go back to the (pretense) we don't have any of the agenda items otherwise. Nobody wants to talk about anything? Since we are (unintelligible) - okay Amr back, you want to pick up this just to have something in the agenda items we missed -- I (haven't) been covering it (summer).

Amr Elsadr: Oh, hi Tapani apologies -- my line had dropped for a few minutes. I'm actually not sure where we are on the agenda.

Tapani Tarvainen: Oh, basically whatever's in the - so (Thursday) agenda if we have - you haven't covered it -- pick up with (unintelligible). We talked a few more minutes about the (CCCRT), but we don't have anything more to say about that. So any of the other stuff -- you pick up with...

Amr Elsadr: Well (Stephanie's) not on the call and she worked on the GNSO review of the (GAT Communicate) from - I don't think it was the (Dublin) meeting, but that she - I don't see her on the - on today's call. So I would like her to speak to this, but that should be a fairly harmless exercise.

So - or did you guys already cover the (Competition Consumer Trust & Consumer Choice Review) team?

Tapani Tarvainen: I just briefly pointed out, but I know of the situation, but it - I did not talk about the candidates or anything. Just too...

Amr Elsadr: Okay.

Tapani Tarvainen: We still don't.

Amr Elsadr: Yes.

Tapani Tarvainen: Okay, we still don't...

Amr Elsadr: I don't...

Tapani Tarvainen: Okay.

Amr Elsadr: ...know - we can talk about the candidates and there's quite a long list of candidates with a lot of information. I am a bit concerned with the process the GNSO Council follows through - it's following through to make its selection. Just because I think the GNSO Council is really not...

Tapani Tarvainen: Oh, not an...

Amr Elsadr: ...a (election) endorsement actually. The GNSO Council is - I feel it's never been a very good group that comes to either endorsing an individual or selecting an individual. And, you know, we had to - we had a full discussion about selecting a participant to the (GGWG) to travel to LA and process a GNSO. I just think it's - it usually gets kind of messy.

Like I said, we - there is a long list of candidates. There's a number of NCSG members who are candidates asking for GNSO endorsements. And just to be clear, GNSO endorsement does not mean that you will be, you know, the GNSO does actually endorse any of the NCSG member -- but that doesn't mean that you're on the review team. It just means that you have GNSO endorsements -- and then the folks who make the actual selection will take that as a consideration.

But the item - it - does anyone have any questions on this and - or any concerns that they would like us to raise on Thursday? Thursday, the GNSO Council, I believe, is going to vote on who to endorse and we don't actually have - we don't even have a short list of candidates of who the council should be voting for. So I will push maybe a (unintelligible) just to see how the council manages do pull this off.

I would like to hear thoughts from others on this -- I think it's kind of a messy situation. Thank you.

Tapani Tarvainen: I can add a little to - I guess you missed when you were off call. A few days ago, (James) played out (such likely) that proposal - all this among care. And the last proposal was basically that each -- a color group -- will get to name three candidates who will be endorsed.

But I have not find a confirmation yet basically. No relation - nobody objected to it, but I haven't heard him to call it - that's the way we do it. So - and time is running short.

Amr Elsadr: Okay, so the NCSG basically has between now and Thursday to decide on three candidates that we would like the GNSO to endorse, right?

Tapani Tarvainen: That's the way it would be, but as I said it, it's still not been confirmed. I am waiting for (James) to do whatever he does and what...

Amr Elsadr: Okay, well what we could do I guess is try to prepare ourselves for that scenario in the event that it does happen. And maybe over the next two days, we can try to determine - kind of take three names out of that list and go on the (unintelligible) and put a link to the - to that list of candidates - let the Adobe Connect to them so the folks can take a look at it if they like.

Okay, I just put into (Chat) and we can probably take this on the Policy Committee List and try to figure out what - if there are three names of that list that we would like the GNSO to endorse. Thanks.

Tapani Tarvainen: Yes. Anything else about the first agenda you want to talk about on the (unintelligible) or anybody else?

Amr Elsadr: This is Amr Elsadr again. I believe we've gone through the motion. There is also going to be a discussion item on the Cost Committee Working Group. And the process by which the GNSO as a chartering organization will either vote in favor or against the (CGWG) as the Third Draft Report.

((Crosstalk))

Amr Elsadr: I know (Ed's) on the call and I believe (Robin's) also on the call and they're two of the very active bench (G) members on this...

Tapani Tarvainen: Yes, and...

Amr Elsadr: ...and it would be great to hear some thoughts from them. Thanks.

Tapani Tarvainen: Amr Elsadr, because we are going to have a separate call on (CGWG) tomorrow, so...

Amr Elsadr: True.

Tapani Tarvainen: ...no need to discuss too much about it today.

Amr Elsadr: Okay, so the discussion we'll have tomorrow on tomorrow's call is going to be - to prepare our counselors for a Thursday's discussion?

Tapani Tarvainen: Yes, about the (CGWG) (stuff), yes.

Amr Elsadr: Okay, wonderful. All right, thanks. So as far as I'm concerned, then I think we're okay with the agenda unless there's any others who would like to bring up anything else?

Tapani Tarvainen: It sounds like it's - how about to open public comments - we have any of them that any of our counselors or anybody else has an interest in? Doesn't sound like it. So it seems to me we are...

Amr Elsadr: No, it doesn't really.

Tapani Tarvainen: ...basically - yes?

Amr Elsadr: I do - there is one open public comment that I would urge folks to take a look at and this is - it's a public comment period on the work of an Implementation Review Team -- not a PDP Working Group. And this is the proposed implementation of the SIC Whois Policy.

So I would ask folks to take a look at that report -- it's not a very long document. And especially those of us who are active on Whois topics and then maybe we could prepare something on that. Did you - there's a lot of work done by the - by ICANN staff and by ICANN legal and the (Unintelligible) Team on the - on sort of a process to mitigate any risks involving a conflict between the SIC Whois Policy and Privacy and Data Protection Laws.

I'm not very happy with the process they came up with. It kind of gives registrants a - the option to either give a waiver of their right to privacy or lose their domain name registration. But, like I said, I would urge folks to just take a look at this.

I think we still have until maybe by mid-January to provide a comment, but that's the only open public comment here that I am aware of that I am kind of interested in. Thank you.

Tapani Tarvainen: Okay, thank you. I believe there the deadline for that one is for 18 January -- the one I'm looking at.

Amr Elsadr: Yes, I believe it's in a - yes, I think so -- that is correct.

Tapani Tarvainen: And none of the others is of an interest to anybody? Maybe the (GTLA Marketplace) Help Index Proposal expiring 8th January. It's going to run when my (unintelligible) working. Oh well, that's not those - thought you might be interested in them. Nothing else.

But it seems we've covered our agenda -- and in record time or more or less -- so I'm not going to hold you if you don't want to talk about anything else. Anybody want to comment anything of interest at this point? No? So let's call the meeting -- okay Marilia, you have your hand up.

Marilia Maciel: Thank you Tapani. My (ballistics) and just a quick information on how the Cross Committee working Friday on Human Rights is going. After our last meeting, we have decided to divide ourselves into some groups.

So right now, we have some groups dedicated to different things such as there's one dedicated mapping of ICANN policies and procedures and how they interrelate with Human Rights and presented in a more visual way.

There is another one devoted to collecting case studies of where Human Rights and which Human Rights have been implicated in ICANN and building up kind of a case studies database.

There is another one only devoted to Whois in privacy issues. One on new details (unintelligible) and how this interrelates with Human Rights.

So just to say that all these groups -- I think they have had their first calls in the past two, three weeks. And they have created kind of short charters -- not charters, because it's not formal -- but documents, kind of to guide what those are -- and kind of to do a timeline of what are the things that they want to deliver.

And it's all taking place and being circulated in the main (lease) of the (CCWP) and other (lease) have been created for these (new) groups. So just to let you know if you want to join any of these (new) groups, there are specific mail lists for that. Just send an email to the (CCWP) to Niels who is (unintelligible) the work or to Maryam and you can be added to the list easily. Thanks.

Tapani Tarvainen: Thank you, Marilia that was a useful update on that. Let's see Amr wants to speak again.

Amr: Yes, please, thank you Tapani. Very quickly, I just want to say that the NCSG Policy Committee had begun a discussion quite a while ago following the call for volunteers that Tapani had circulated regarding the GNSO (Standing) Committee on improvements implementation.

The discussions took a little longer than it was supposed to, which is probably my fault. But I believe we have more or less settled on two candidates from the non-Commercial Stakeholder Groups for a primary and alternative representative to this GNSO Committee.

I will circulate an email to the Policy Committee List just to ask them for confirmation of this. And then hopefully Tapani can announce the - who the Policy Committee has selected to be the NCSG Discuss List for the next year.

So I just wanted to mention this right now and hopefully we can finalize this - - (June) the (SCI) is going to have begun a process to elect a chair for the new year. And it would be a good thing for the NCSG as the primary alternate representative to be confirmed before this election cycle is over. Thank you.

Tapani Tarvainen: Thank you Amr, that would be nice to get done. Any other items? Nobody else wants to speak? Okay. So as noted -- even though we still have time -- but if we have nothing urgent, I think we all have other urgent things to do -- so let's call this meeting closed. Thank you everybody.

Man: Thank you all. Bye-bye.

((Crosstalk))

Man: Thank you, goodbye.

Woman: Bye.

Man: Thank you.

Man: Bye.

Maryam Bakoshi: (Montay), you may now stop the recording. Thank you very much.

Man: Bye.

END