ICANN

Moderator: Maryam Bakoshi
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8:00 am CT

Maryam Bakoshi: Good morning, good afternoon, good evening. This is the NCSG Open Public

meeting from 16th of February 2015. On the call today we have Tapani

Tarvainen, Avri Doria, Ayden Fedeline, Bram Fudzulani, Marilia Maciel,

Patrick Lenihan, Rafik Dammak, Sonigitu Ekpe, Amr Elsadr, Ed Morris,

Chris Dillon. And on the phone bridge we have Akinremi Peter Taiwo and

Carlos Gutierrez. And from Staff myself Maryam Bakoshi. I would like to

remind all participants to please state your name before speaking for

transcription purposes. Thank you very much. Over to you Tapani.

Tapani Tarvainen: Thank you. My apologies for not having a more detailed agenda in vast but

we do have lots of things to cover. Let's - so let's get moving. Looking at the

council meeting on Thursday, I'm going to call out Raul Guttierez to talk

about them but looking at the agenda I hope you got it. Can you get us the

agenda for the council meeting? We're looking at (that besides) administrative

matters and you want to put remarks there. First items are the PDP for RPMs

and the CCWG. And I propose we stop the order of this and start with CCWG

because some of the people involved in that will have to leave early. So let's start with the CCWG. So Ed Morris could you please pick up this for us before you leave?

Ed Morris: Yes thanks Tapani and thanks for altering the order a bit. My apologies. We're at a B&B in Ireland and we have no reception there. So I'm in the big city right now with some phone reception and internet connectivity. On council, the big vote is coming up. We don't know when the big vote is coming up largely because there's an effort by our commercial colleagues to have us vote before we get to Morocco. The initial proposal was for the vote to be on a call on January 29. Now I've been fighting this as best I could. The reason being on March 4 there is a special CCWG meeting in Morocco at which my - I personally believe our commercial colleagues along with other interested parties such as the board are going to do their best to neuter work stream two, human rights and a lot of the things that with (unintelligible) in the NCSG community. The basis for my fear are talks I've had with members of other parties offline.

So my goal is to make sure that the GNSO does not vote until after that March 4 meeting because if we go into the March 4 meeting already having to prove work stream one, we have absolutely nothing to bargain with in terms of trying to create a work stream two that respects the same view we're trying to do in it. The registry, the business constituency, the registrars have all come out in favor of an early call and vote. What has changed as a result of the pushback is some of them are saying oh we just want to talk about things. I don't mind talk but I do question why we need to talk further. We already have a GNSO position and quite frankly I'd like to think our councilors, including myself, when trying to figure out how we're going to vote we should be looking to our participants and our members on the CCWG and we

shouldn't be looking to keep (unintelligible) James Bladel or Heather Forest to name a few for advice on how to proceed in this way.

So my personal view is there should be no call four days before we're all in Morocco and certainly no vote. I will not be on the call because I have work commitments that night that frankly the chair of the GNSO knew about before he selected this date and this time. I'm sure it was an accident. I'm sure. Yes outside of the fact that he's getting a lot of blowback to the GNSO response to the third proposal is too NCSG centric. In any event, I have asked my fellow councilors to get involved on this. Nobody has felt like they wanted to or have. So right now it's me pushing back and I'm begging the other councilors to please think a little bit about it before the call why we would want to vote before we set the parameters for the next round - or for the next round for work stream two.

Why are people pushing a vote and further talks before our vote? Why can't we do this in Morocco? And I'll also tell you one other thing. I know what's going to happen voting-wise, at least as of now. So maybe I should fill you in on that. In the CSG, all its votes will be in favor of all 12 recommendations. If something changes, I'm sure I'll find out and I'll let everyone know. So the only way any of these recommendations are going to go down is if all six NSG councilors vote against them and they're joined by Julf the NCA. So in terms of how we approach this in the NCSG, as far as I know we're not going to be binding our councilors. I think each councilor should have the freedom to vote the way he or she wants having examined the issues because the votes really aren't going to matter. I think it would be great if instead of all votes in searching to zero with the ifs and tens and threes because I think we might be splitting some of these issues. I think that's fine.

The one caveat I would have with that, when we get to Morocco we talk to Julf. Now if he goes to vote against one of those recommendations that the NCSG has stated is their response to the third draft that we opposed, then I think the six of us need to sit down with Julf and if we still feel that way then we try to vote as a block. Otherwise, I'm free. Stephanie Perrin actually put on list that, you know, she's not sure. She doesn't like some of the compromises. And my word to Stephanie is giving up her vote probably won't matter, you should vote your conscience. All of us should. We may have some differences but given that it seems to be set up that our votes will not matter in the final outcome, I suggest we all councilors vote the way they actually feel they should without regard for the consequence - for the implication on the transition given the fact it likely will have none whatsoever.

But right now what I'm most adamant about and what I'm trying to stress is we need on the call (unintelligible) day to ensure that there is no vote on January 29. That is not in the interest of the NCSG going forward. It would neuter the ability of Robin, Avri, myself to go into the meeting on the 4th and get something good for human - get a good placement for human rights, get a good placement for WSG going forward. Because at that point, and this has happened time and time again, I fully assessed our friends from some of the other organizations, particularly (ALAC), to walk in the night before and say if you don't give us A, B, or C we're not going to approve something. We had that in Turkey. We had that in Paris. So please do not neuter the GNSO as we walk into that meeting. Please make sure there's no vote on the 29th. Thank you.

Tapani Tarvainen: Thank you Ed. If anybody wants to comment on that, I see in the chat that councilors seem to generally agree on this. Robin you're…

Ed Morris: Tapani can I add one last thing?

Tapani Tarvainen: Okay. Go ahead Ed.

Ed Morris: Yes I'm sorry. It's just for my fellow councilors. When your - this is complicated stuff if you haven't been following it every day. And I know there's a desire to actually try to sort out what's the right thing to do. And my suggestion is to turn not to the other constituencies and groups but turn to the great resources we have here in the GNSO. Briefly if you're looking for advice on the whole package, my suggestion turn to Robin or Avri. Both - Avri is our member. I mean Avri is our ATRT - is the ATRT rep and she's been there all the time and she understands the whole package pretty well. Robin's our member and has been involved in everything.

If you're looking for advice on the structure, on the escalation model, I suggest in addition to those two you can turn to Matt and Brett. They understand this stuff far better than I do and they've sort of made it their passion or their area of special interest to understand how the process - the community process will function in fact. If you have any questions about recommendation 10, Farzi is your expert. He knows that upstairs and downstairs. ATRT, you have Avri. You can't reach her, James Gannon has done some great work in ATRT. Who - he's who I'd turn to for that. And anything to do with transparency or infection or the DIDD and that stuff, that's my bailiwick.

So what I'd suggest is we go through until the final vote. You've looked at this and said I don't understand this. Those are the people to reach out to. Reach out to our people. I know there's a lot of push in ICANN to get us think of us as ICANN-ers or with the meeting in Los Angeles as NCPH-ers. But at heart, we're NSG-ers. And so when we're looking for positions to vote on for the final vote, I suggest it's best for us to look within rather than outside. Thanks.

Tapani Tarvainen: Okay thank you Ed. I see Amr wants to speak. Amr please go ahead.

Amr Elsadr: Thanks Tapani and Ed thank you so much for that briefing. I have two quick questions. First one I'm not exactly sure why our votes don't matter. You sort of indicated that but I'd be grateful if you could clarify that. And the second question I have is regarding an email Avri sent earlier today to the policy committee list asking if the NCSG is interested in submitting some sort of minority statement. We only - we have I believe a tight timeframe to do this. I'm not aware that we are interested in this but just in case I missed something I just figured it'd be a good opportunity to bring it up now. Thanks.

Ed Morris: Sure I can take this. On the first question, I should have further extended my statement. Our votes will not matter in the final outcome. In other words, if we all voted at - as long as the NCA is voting lie along with the DSG, the seven votes are there to pass it. The Contracted Parties House I'm told is going to pass everything. I do think our votes matter in that it would be better in my view if some of these recommendations had ten to three, ten to fours or nine to fours or even eight to five outcomes. They're not perfect. We're going to be split internally on some of these recommendations and that's fine. Now if (Uhar) comes in, Julf rather comes in and says I'm opposed to one, ten, five six, then I think we all in Morocco need to sit down.

We need to sit down with Avri, with Robin, with those who have been involved and deter - that's when you get to the point where how do I want to vote if it means an entire transition is at stake. I guess what I was trying to say is our votes are not going to impact the eventual outcome of whether this thing passes our house or not because if the CSG lined up with six votes in favor of all 12, then Julf's indicating to me at the moment he intends to vote the same way. Our votes will not affect the outcome. However if a few of us - your and

make sure it's not a statement of unanimity I think that's great. But I would suggest that's up to the individual councilor.

In terms of the minority statement and I've engaged in conversation with Avri today because I missed the 6:00 am call. It appears that in the past I'll read my own minority statements that have been published. But apparently they've gone to the charter and are interpreting it in a way that the only folks that can issue minority statements, and Avri can correct me if I'm wrong, are the members. Our member is Robin Gross. So it's really in Robin's bailiwick with whoever there is a minority statement. Obviously Robin would consult with us like she always does. I have no knowledge of any plans for a minority statement. If Robin wakes - is Robin on the call.

Amr Elsadr: Yes she is.

Ed Morris: Well why don't I turn that over to Robin then?

Tapani Tarvainen: Thank you Ed. I hope Robin will be waking up - awake enough to council that...

Robin Gross: Yes.

Tapani Tarvainen: But let's give it to Marilia. You want to speak now Robin because you were called upon?

Robin Gross: Oh well I was - sure. I was just going to answer the question about the minority statement. So there are basically 12 recommendations that we can have an approval or disapproval of. And the - in the past we've had a - when it came to recommendations one and recommendations ten and recommendations 11, I did issue a minority statement as folks already know

on the issues of government empowerment and on recommendations 1 and 11. And when it comes to recommendation ten, the statement there had to do with some of the top down nature of the way some of the review teams are set up and the fact that GAC was being exempted from accountability. So those were some of the issues that we've had in each one of the reports before and the minority statements that we've issued before. So I don't see any change in the positions that we've held before. So I'll be issuing a minority statement of my own tomorrow I think. Thanks.

Tapani Tarvainen: Okay thank you Robin. I see Marilia has been waiting to speak for a while. Marilia please go. Marilia are you there? Marilia we can't hear you. I'm not sure if your mike is muted. Are you trying to speak? Okay. While waiting for Marilia to reconnect, anybody else want to butt in and? Okay I see in the chat that Avri is objecting to a minority statement without a group discussion whereas so. Avri would you like to speak on that? No? Okay. Okay Ed go ahead.

Ed Morris: Yes I'm not going to disagree with Avri. I don't think Robin would ever create a minority statement without consulting with the group. But by the charter the way the chairs appear to be reading it now, minority statements are limited to members. So whatever statement that would be issued would be that under the name of Robin Gross. In the past it's allowed members and participants to write minority statements. I've had two in there in the past. So although I understand why we should have a group discussion, the right for a minority statement as I read it now, and I actually don't agree with this interpretation of the chairs, but as I read it now the way they seem to be interpreting it, the right to issue a minority report is exclusively Robin's.

Tapani Tarvainen: Okay I see Milton Mueller wants to speak. Milton go ahead.

Milton Mueller: Hello. Can you hear me?

Tapani Tarvainen: Yes we can hear you. Go ahead.

Milton Mueller: Okay. So I think it would be better rather than debating a procedural issue to deal with the substance which is which recommendations do we now actually oppose. And my impression was that recommendation 11 has been put into largely acceptable form. I believe that ten is still not fixed and we still don't like it. And I think on one, that really has to do with how bad or how good you think the amendments to recommendation 11 were. My impression is that since GAC cannot vote on its own recommendations and since we're never going to win not having GAC in the overall decision-making mechanism, that we may want to just agree to accept that or we may want to vote against the whole thing. But that's pretty much what it comes down to with recommendation one.

In other words we kind of have to - if you really think recommendation one is completely unacceptable and is worth ending the transition or stopping the transition about then you would want maybe to do that. But if you just think it's a, you know, an undesirable but acceptable compromise then we can probably live with recommendation one also. So substantively that's where I stand. I think that with recommendation 11 taking GAC out of the picture of decisions about its own advice we can live with it. And I wouldn't mind having a minority statement about recommendation one just to make our point. And I would certainly like to see an opposition to recommendation ten but I think overall we're going to - I would probably say we're going with the deal.

Tapani Tarvainen: Okay thank you Milton. Ed I see your hand is up? Do you want to comment on this?

Ed Morris: Yes. And thanks Milton for that. There are still issues we're still trying to sort out. Brett Schaefer has brought one up which I'm - I'll put my own two cents in on the list. Because we do have a last minute proposal from the board by where before the community can go - can try to dump the board or an individual board member they want us to go to an IRP over consensus GAC advice. They want us to go to an IRP first. The problem we have with that is the scope of the IRP is smaller than that of the scope of issues under which GAC gives consensus advice.

But we could have GAC consensus advice under an issue relating to a DTLD which would be in ICANN's bylaws association agreement and mission statement to deal with. But for some reason, the community is in uproar over this board decision on the basis of GAC consensus advice. This proposal from the board, which is still being developed, would require us to go to an IRP which is - they can't handle it. They'll have to reject it which would then shift us to a state of unanimity where the GAC could then block community objections to GAC consensus advice which makes sense.

Now (Becky Burr) does - that's being taken care of. Brett isn't so sure and we're waiting for revised language. So that could be a reasonably major issue in this whole 1, 10, 11 debacle. But I do agree with Milton in that the dearth of the (Burr, the Burr roots), the whole GAC (unintelligible) makes this is a much more palpable plan than the one previously but recommendation ten is still absolutely horrid. It allows the board to come in and basically in terms of their review restructure in (unintelligible) a community SOs and ATs down to the SG level. So we actually opposed the board and wanted to do things they could use this vindictively to get rid of us.

In addition, it still exempts the GAC from the normal review processes of the other decision-making participants. To me that's just wrong. And so I would concur that recommendation ten is still the one that's most onerous. Also in terms of recommendation one, I don't see any way in the near future that GAC is ever going to opt in to being the decision maker. As Mark Carvell has written, they don't have consensus on that and I suggest they probably never will. So the practical matter one bothers me less than it would if there was a unified GAC ready to get involved. Thanks. Is anybody there?

Amr Elsadr: So Amr, I am. I have a question actually. I had my hand up in the chat room. Ed could I just go ahead and ask the question?

Ed Morris: (Unintelligible).

Amr Elsadr: Thanks. All right. Yes it's just actually just wanted to repeat a question Marilia asked in the Adobe chat a little earlier. I think it's an excellent question. It's one I don't have an answer to so I figured you may be able to tell us. With - what exactly is the agenda for the full day CCWG meeting on March 4? What is up for discussion? What could change that may be problematic either for the GNSO or the non-commercial stakeholder group? It would be helpful if we had some indication or idea what...

Coordinator: You've been placed on hold. Please wait.

Amr Elsadr: Was that me? Am I on hold?

Ed Morris: Am I on hold? Can you hear me all right?

Amr Elsadr: We may be on hold together on a private line. I don't know.

Ed Morris: All right I'll try to do my best.

Woman: No we're here.

Ed Morris: Okay. There is no fixed agenda yet. I can tell you a little bit of the history of the meeting. The CCWG wanted to have this meeting and ICANN initially rejected funding and space for it stating that it would be CCWG 2 and they're not going to fund it. There was a lot of give and take. So this meeting is officially a CCWG 1 meeting but in terms of what I anticipate to be discussed is the way forward, how we're going to organize WS2 is my principal concern.

We have in the charter it sort of looks like WS1 are the issues that need to be dealt with before the transition and WS2 are those that need to be dealt with after the transition. So when you look at our charter it's like okay there's no big difference but there is. Budget, we basically have had a blank check for WS1. That's no longer going to be the case and my understanding is that was discussed initially earlier on the call today. So our retention of legal counsel and to what level, a very important issue. I'm not sure what work was done on that this morning but that's something that again it's part of the overall discussion.

My biggest concern as an NCSG member, as a perspective rather, is that we're hearing from the board that their idea is that okay we have a bunch of issues left but we're just going to make CCWG groups for each of them and act like normal CCWG groups. That would not be good from our perspective. We need to have the impetus of an accountability structure that - and we need to get things done in rapid fashion because certainly if you're going to tell me that transparency and DIDP review is going to be done on a normal timeframe and we're not going to see the results of it for four years, I'd vote against the transition. I'd vote against all 12 recommendations.

We need to keep this process in my view of a unified CCWG going forward to ensure that we have timely completion of our activities. So those involved in human rights, this is a counter proposal. It's a separate CCWG with a membership somewhat like the current CCWG. That wouldn't be good for our folks particularly if they try to restrict the number of members because we have a lot of participants. Because we have lots of folks that are into that issue but I think there may be an attempt to sort of to restrict entry into this discussion.

I don't know what they're going to do. I don't know the extent they're going to do it but what I do know if we have already approved the initial package, the transition, work stream one to go forward, we have absolutely no negotiating strength to go into that meeting with. That's why I really want to make sure the vote is after that meeting so if they present something that mirrors the things that we care about and a lot of the stuff in WS2 is - are NCSG issues, human rights, transparency, this obnoxious little thing called the CEP. Those were the issues for me and for this entire group. And we somehow see more of our issues shifted to WS2 than any other community has seen their issues shifted there.

So I want to make sure that they have a safe landing ground and that we have the ability to ensure that they do wind up in a good place. So in direct answer to your question Amr there is no - that I'm aware of there is no agenda set but the scope, direction and structure of the accountability effort going forward will have to be but by nature of the timing the principal thing going on there. Thanks. Sorry since Milton spoke I've looked in the chat. I didn't say PDP, I said CEP which is the constructive engagement process. This is a part of an IRP or a (unintelligible). And ICANN uses it as discovery when it's not intended in that way. I thought I had that filled in one of those subgroups.

ICANN legal revised it without me seeing what was going on. Robin has been in one of those. They're horrid little things. And so that's one of the things we need to kill in WS2.

Tapani Tarvainen: Thank you Ed. Can you hear me now? The audio is still working?

Woman: Yes Tapani. Yes we can hear you perfectly.

Tapani Tarvainen: Okay thank you. I see Marilia Maciel wants to speak. Marilia please go ahead.

Marilia Maciel: Thanks Tapani. Just a quick follow-up question after Amr. If I understand correctly then what you are going to discuss on the 4th is how to proceed with work stream two and there are no substantive discussions that are going back on what has been defined in work stream one. It's to guarantee we have the necessary means to move forward to work stream and really implement the things that matter to us. So what we would be doing by pushing the vote to the 4th meeting is just to guarantee that we have some kind of bargaining power to make sure that these conditions are met. And I agree with you. My only follow-up question if this is correct is do we know exactly in terms of timeline if pushing this to Marrakesh would cause any problems? Or this is what is expected in terms of timeline? Are we delaying something where other SOs and ACs are in terms of voting? Just to try to push back some argument that they may throw us in the next call. Thanks Ed.

Ed Morris: Yes no thanks Marilia. The deadline for us to respond is March 8 or the 8th and 9th. It certainly is after Tuesday night. We could not vote until the Tuesday night informal reception and still meet the deadline. The handover itself is expected on Thursday. So we would be fully meeting our obligation or at least with the request because actually the CCWG is obliged to respect us not the other way around if you want to get technical. But in terms of the

deadlines that have been set by the CCWG we could vote on this as late as Tuesday evening which to me is ideal because we could discuss things during constituency day. But certainly if we were to vote on Saturday or Sunday or Tuesday, we're not objecting to deadline at all and we're getting our response in in perfect timing. I've talked to this to my friends in the GAC over the weekend. They certainly don't expect to have this done by the 29th. I don't believe - as long as we get it done by the - by that Wednesday, I know days now with the meeting. As long as it's done by that Wednesday we've met all of our obligations in a timely manner. Thanks for the question.

Tapani Tarvainen: Thank you Ed. So do we actually have a consensus among our councilors that we should resist an attempt to vote before the March 4 meeting? Anybody object to that notion? So can we consider that's what we're trying to do? Okay, that's something at least. Anybody else on this (matter subject) here? Ed, do you want to speak again?

Ed Morris: Old hand, sorry.

Tapani Tarvainen: Marilia, (unintelligible) the agenda for the (29 stuff). Anybody know better testing the 29th? So it seems we don't know it. The next (unintelligible) meeting, we do not going on so (unintelligible). I think that is - Ed, yes.

Ed Morris: ...(iPad) here. (Excuse) my hand. As far - yes, as wanted - if we're not going to vote, and if you read the council's list, (unintelligible). I'm not sure what (Radonna) has or the others.

Now they are just going to talk about things. I see no reason to have a special call four day before we're all getting together in Marrakesh to talk about something many of us have been talking about for 15 months.

At the same point, I'm not going to attend the call. I've got to work that night but I see no harm in the call. But understand, the other groups are bound on this issue.

So I could go up and give the greatest speech known to mankind that have women swooning, then collapsing because of the brilliance of my rhetoric and nothing is going to change on their vote.

So the purpose of this call, in my view, from a political stance, is to make sure the NCSG (is in line) to present - it's going to pick off our individual counselors it we're not.

So I see no other reason for the call. It's not going to change anybody's perspective. It's just designed to pressure us, so that's why I'm opposed to the call. I'm opposed to the vote.

The call I can live with. I suggest that if you guys have something better to do with your time, do it. But a vote is something that we just can't have happened because this could seriously damage us going forward.

And I should note, for those who are very adamant about human (rights), I had discussions over the past week with members of the BC (unintelligible). People that have supported human rights, and I can tell you that their support is more support to give it to us to get the transition done that it is for support for the concept that many of you are pushing for.

In short, that once the transition is done, it wouldn't surprise me if some of the folks that have been supportive may not be so. It's not happy news but it's realism.

Tapani Tarvainen: Okay, thank you, Ed. Amr, if you want to speak up. These go ahead.

Amr Elsadr   Yes, thanks, Tapani and then thank you, again, Ed. Thank you so much. This is Amr and I know I sometimes for people on process rather than substance.

But I did just want to point out that if we do have an extraordinary call on the 29th for the GNSO Council and, if indeed, there is an intent to hold a vote on the 29th, we should know about this at least ten days prior to the February 29th call is it takes place.

And then - the form of a motion to vote on something. If we don't have a motion ten days prior to the 29th - the call on the 29th, then a motion may be submitted past the ten day deadline, but then it will be subject to some of the rules, including one which is that - if one counselor objects to a vote taking place on a motion that was submitted past the deadline, then the but will not take place and the motion will not be officially submitted.

So we will have time to determine whether - what we want to do on the 29th if the motion is submitted in time prior to the ten day deadline. If not, then we're in a pretty good position to postpone the vote until Marrakesh. I just want to point that out and I hope it helps. Thank you.

Tapani Tarvainen: Thank you, Amr. I note that ten days is just one day off to the (first day) meeting. I presume this will come up there and maybe you'll want to (voice) opposition to (your call) and make sure that there will be a vote. Ed, do you still want to speak? Your hand is up.

Ed Morris: Yes, briefly Tapani. That's why, and though I've been given assurances informally by those who set the agenda and online by (Phil), for example that,

gee, okay, well, we were never intending to do the vote. That's why I'm still suspicious.

The council meeting is the 18th. They set our special call the first day they can actually schedule a vote. It comes out of the council meeting that way. So although I'm being told informally, "Oh, no, we're not going to officially vote, you're not going to have a vote," the meeting Thursday (key) is it wouldn't surprise me those private (occurrences) or (negated) - or not followed in a public action. It will be the first time here.

Tapani Tarvainen: Okay, thank you, Ed. So the message to our counselors should be to be on the alert first on Thursday, and then on the 29th call, if it happens, to make sure that the vote doesn't take place.

Anybody else on this? Shall we move on? Okay, I guess we're done with what we can with the CCWG at this time. Looking again on the Thursday agenda, moving actually backwards to Item 4 which is the PDP for approval the charter for PDP working group (to all our) PMs. Who would like to speak on that? Amr, please go ahead.

Amr Elsadr   Thanks, Tapani. This is Amr. And just to be clear, this question is not to adopt a charter for the PDP, rather just to approve the final issues report. The charter will be considered in a later council meeting because the council has agreed that it may require further work and this is something we need to work on.

My personal take is that the final issues report, which is up for vote on Thursday's call is fine. Procedurally, it's a staff report so we're not supposed to really make changes to it.

We can make changes or what we should make changes to is the charter. And this motion I had originally submitted with a tight deadline without actually having a chance to go over the final (issues) report and a draft charter that was prepared by staff and that I later withdrew the motion because it came to my attention that draft charter did require a lot of work and that left of any great number of issues that the NCSG raised in our public comment on the preliminary issues report for the PDP.

Since then, there has been improvement to the charter, namely, most, not all, of the NCSG issues have now been included as within scope of the PDP. We do need to work on making sure that the rest of the issues have also been included.

The second improvement I think is that the issues were listed in an annex to the final issues report. Now they are still present in the final issues report but they have also been attached to the charter itself, so it makes it helpful for the actual working group members to have easy access to it and to understand the relevance to the scope of the PDP.

So that's all good. The one point that we are missing, and then the one thing that I think we really need to work on is the approach the PDP working group will take to tackling this policy development process and that is that right now the charter says that there's going to be a two phased approach beginning with a review of the RPMs for the new gTLDs followed by a review of the UDRP.

This is a result of the preliminary issues report having three options that the community was asked to pick from in terms of how to go about managing the process for this PDP.

The NCSG, in our comments, drafted mainly by Kathy, and I see her hand up, and I'm going to hand over to her in a minute, but the NCSG suggested a fourth option which was beginning the review with a UDRP review followed by a review of the RPMs for the new gTLD.

And for many reasons, I believe that make sense. I'm sure Kathy can make that point a lot more effectively than I can. And I will give her the opportunity to do that in a minute.

But the way I see it right now, and I want to be clear on this, I don't believe we can change the status quo of the review - the RPM review beginning first followed by the UDRP because the majority of the public comments submitted supported that approach.

But what we can, and what I believe we should do, is that we should amend the charter to make sure that the PDP working group has the opportunity to also consider the NCSG input, which was not up for public comment, and was not available for consideration at the time of the preliminary issues (forum) because that option just didn't exist.

So in terms of (unintelligible) that the PDP working group should have the opportunity to discuss the NCSG input and make changes to the work plan of the PDP if the working group decides to do so and possibly begin with a review of the UDRP first.

And this possibility should be reflected in the charter language, specifically under (two) Section 1 which is (mission instilled) an the second one under timeframes and deliverables.

I've tried to communicate this as best I can to my fellow counselors and under the policy committee - on the policy committee list. I've tried to do so also on the counselor list and I'll continue to do so. But at this point I would like to hear from Kathy and anyone else on this topic. Thank you.

Tapani Tarvainen: Thank you, Amr. I'm sure we all want to hear from Kathy and I see Kathy wants to speak, too. So Kathy, please go.

Kathy Kleiman: Great. Thank you. And I want to thank Amr for all his work and also for trying to wake me up as this was coming forward. So I'm concerned about the approach and about the goals.

When Amr shared with me what's been drafted, the approach just seems to me to be all wrong after all these years. The goal, as it's set out, is only to protect rights. It's to protect intellectual property rights.

And really the goal, and this is part of our comments as well, it's part of every edit I would put into this charter, the goal should be to balance intellectual property rights and everybody else's rights.

Biblical is solely about intellectual property rights, and they can shove more and more and more in. It's about the balance, then at least this group is starting out completely one-sided. How much more can we do for the intellectual property constituency?

I've got to tell you, it's completely unbalanced right now, all the language, the mission, the goals and the bullet points. All we are - all of our comments or concerns, I balance, our protection of free speech and protection of expression and fair use is reduced to the working group will consider the following points, not to the working group has, in its mission, to balance intellectual

property rights with all the other balances that exist in the real world under law.

So I wouldn't go forward with this until the approach is - until the approach takes into account all working groups. Further, the UDRP first, I saw the comments. Somebody forwarded them to me, or several people did, which I appreciate.

Yes, yes, we are asking the public comments be overridden because there's no longer a reply period. We had fun initially for public comment that had an initial period and then a reply period.

This would have been - had been perfect for that dialogue but ICANN staff kind of unilaterally, in the dark of night, killed the reply comment period a year or so ago.

And, so there's no way for us really to debate this, but if you start with the new gTLD rights protection mechanism, that's code for we want to shove a lot more protections in, to the - two we want to take the new gTLD rights protection mechanisms and make them consensus policy for all gTLDs.

That's what they want. ICANN wants that. IPC wants that. And then to expand what's being offered. If you start (by looking) at UDRP, you're going to find that people are pretty happy. They think it's pretty balanced.

And UDRP is really the trunk of the tree. And UDRP works, everything else will kind of work and everything else is a tangent on to the UDRP trunk. But if you look at the branches first, you're going to find that they're all incomplete and insufficient in and of themselves.

Shove a whole bunch more stuff in and it will be very difficult for us to do find because we haven't done the UDRP analysis. That shows that really fundamentally the trunk of the tree is fair and balanced.

Not completely. There is a lot of stuff we would all change, but fundamentally. So I'm just concerned about the whole approach of this paper. It seems completely one-sided and it's going to make it very difficult for us when we get into the PDP. Thanks.

Tapani Tarvainen: Thank you, Kathy. I see that Ed wants to speak on this as well. Ed, please go ahead.

Ed Morris: Yes, thanks, Tapani. I echo what Kathy says. First, I do support what Amr is trying to do but when it comes time to vote on Thursday, by the will easily, definitely, unequivocally be no. It won't stop anything that it might make me feel a little bit better.

And the reason for this is the public comments, when we look at who submitted comments, there is basically the IP and commercial industries. So when we evaluate the public comments, you're evaluating those who are economically motivated to comment, as we often to here at ICANN.

I mean, this (stems) - part of its our fault for not getting our people up and commenting but to say, well, see, the public comments went this ways so we must do Y, it just as a wash for me.

There is absolutely no rational reason that we shouldn't be doing the oldest RPM first to see how it works and how it doesn't. And then the new RPM should be based upon, A, that process, that analysis, and then an analysis of

those URS and those RPMs that were pretty much forced upon us that were not developed through PDP.

So this whole process (has it ass-backwards). And I understand what Amr is saying that, well, gee, we have to support it. No, this just so bad, so tainted, I suggest we vote no.

It'll still go forward but at least we'll have made a point and then we can work to the level that Amr has suggested. We try to make the charter better, et cetera, et cetera. In some ways, if we don't at least (avoid) strong opposition in this issues report, we're a little bit weaker going down the line we make arguments.

Tapani Tarvainen: Okay, thank you, Ed. Kathy, your hand is still up. Do you want to come back?

Kathy Kleiman: Actually, I should have taken it down but let me respond to Ed as well, and others. Can we delay this? Can we delay this one more month and keep fighting for something more balanced?

Otherwise, I (support) the voting no, but I'd just as soon - I'd much rather get more changes into it. Amr's really started the process but he - you know, he can share that he got even more pushback and that we'd like more changes and that from the get-go we would like more balanced language into - as to what the goals of the group are. Thanks.

Tapani Tarvainen: Okay, thank you, Kathy. I see Marilia. You've had your hand up. Marilia, go ahead.

Marilia Maciel: Thank you, Tapani. That would be exactly my question to Amr. What is the space that we have to negotiate for postponing this particular analysis and just

wanted to know little bit of the history because, from what you said and from what I understand, it's very clear and straightforward that we should start with the (unintelligible) UDRP.

But what's made us - and with this charter and with this inverted process, what is the history there? Maybe this will help us (bring our - the council) call. Thanks.

Tapani Tarvainen: Thank you, Marilia. I hope Amr has an answer to you. Amr, please go.

Amr Elsadr: Yes, I'm sorry, I didn't really capture Marilia's question, but Marilia, if you could just repeated again quickly and then I will go to it as well as some feedback I have on Kathy and Ed's last comments. Thanks.

Marilia Maciel: Sure. Two questions. The first one is - first is there space for us to change or postpone this issue and how much time do we have? And second question is, how did we end up with the charter the way it is starting with (a newer process) not starting with UDRP because your arguments and Kathy's seem (fair to me). So what's the background there? Maybe this will help us during the call. Thanks.

Amr Elsadr: Okay, great. Thanks, Marilia. Those are great questions and I think I'll start with those before I address what Kathy and Ed just spoke about. Okay, the first question on how much time and then what opportunities do we have to make changes to the charter.

Like I said, the charter is not, not up for a vote in this council meeting. And James Bladel, who submitted the motion, made that point a clear in his email while submitting the motion.

This motion is only to adopt (unintelligible) and this is something that should not be contentious because the GNSO council does not make changes to issue reports anyway.

Those are purely staff produced documents. So we will not have to - I'm guessing we won't have to vote on the charter until Marrakesh at the earliest. If the charter is not ready by then, there may be no motion to adopt it.

If there is and we believe that it still requires more work, there will be an opportunity to ask for a deferral to beyond Marrakesh until we can work on it further.

So in terms of time, we do have plenty of time to work on this. So I'm assuming it's coming from Kathy saying the wording (unintelligible) the PDP. That is correct, Kathy.

Initiating the PDP is a step to adopt the final issues report. So - but initiating the PDP and adopting the PDP working group charter are not the same thing and they take place in two separate votes.

So the PDP will more than likely be initiated on Thursday's meeting, but the charter will not be adopted until Marrakesh or beyond. So we do have time to keep working on this and we should keep working on it.

Okay, and then in terms of Marilia's second question of how we got to where we are, well, basically the preliminary issues report which was prepared by staff has three options in terms of how to approach this PDP.

None of the three options included a review of the UDRP first. The NCSG provided this option in our public comment, and because it was provided in

our public comment - so the absence of a public comment reply period, as Kathy pointed out, the NCSG comments were not subject to consideration by the community.

And so what I believe is a good approach for us to take would be - is that our counselors request that the PDP working group have the opportunity to consider the NCSG input which has not been considered by anyone yet.

And it's not a very - I mean, to me, this is not a very extraordinary request. Most PDP working groups work out their own method for how they're going to (tackle) them.

All PDP working groups work out their own work plan. So it's not a very strange request. My interpretation of what staff has been doing as that they are always trying to streamline PDPs, make them quicker, and part of the PDP improvement includes that now that a draft charter be included in the issues report which was not the case previously.

So - but now it is and we have to deal with that and we have to comment. But that's okay because we separate the motions of adopting the issues report and emotions to adopt the charter.

So we do need to keep working on those charters - on the charter for this PDP. Regarding what Ed and Kathy have been thing about this and I'll try to comment on a few points individually.

First in terms of the fairness of the PDP and whether this PDP is totally geared toward rights protections for IP interest as opposed to balancing them with non-commercial interest and then trying to make sure that these processes are fair, that is true.

I'm sorry, I'm getting a lot of noise on the line. I can hear myself speak. Is everybody else hearing that as well? Okay, it seems to be gone now. Okay, so yes, I do think that the issues report, the charter was very geared towards the interest of intellectual property and trademarks.

I believe that, including a lot of the issues that the NCSG submitted in our public comments has helped to balance that. It hasn't completely done the job because the purpose of the PDP still seems to be to work on all these rights protections.

But now the PDP working group needs to consider these other issues that we pointed out. I'm not sure there is much more we can do about this and I'd be happy to, over the next month or so, to kind of work out a strategy on how we could improve this further.

And then, of course, I do count on the support and help from Kathy and others to do this. And the second issue of whether to vote yes or no for a draft charter, I think it's really premature to determine this now because we don't have a final version of the charter yet.

So when we say we unequivocally should don't know for this, I think we're still at a stage where we're largely uninformed on what we will be voting on. So it's not really helpful to really take that position.

What we do need to work on is making the changes we deem fit to the charter. But I would like to point out one thing - the voting threshold on council for adopting issues report charters are very, very low.

It's just basically one-third of each house or two-thirds of one house. So they can - the GNSO Council could easily push this through without the support of the NCSG.

It will not be a problem. They can push this through without the support of the NCSG and the non-contracted parties - the NonCom appointee as well. All they need is the commercial stakeholder group from the non-contracted parties to get this through or a unanimous vote of the contracted party's side.

So effectively, a very little to say about this, but the way I see it is that staff, approaching an NCSG counselor to submit the motion in the first place, will be pretty - will have a pretty good move.

I think they're very aware that we're largely opposed to a lot of the issues that are going to be within scope of this PDP. And think that then - and they're approaching us to work with them on this as a show of good faith that they want it on board.

They want to make this a PDP charter that everyone can live with and we can all sort of get on board with. And I would like to sort of approach this in a way where we can try to work with the rest to get the best charter we can come up with.

Like I said, we still have plenty of time to do this. This is not an urgent matter, not yet. We - like I said, this will not come up until Marrakesh and possibly beyond, so I just wanted to make that clear.

I think we should try to get in as many changes as possible to what is within scope and what is not in scope. There are a few issues that we have identified

that have made their way into the charter, actually great number of them have like the reverse domain name hijacking issue.

But then there are a few others that I've identified that don't seem to have made it in. For example, UDRP panelists unilaterally increasing the scope of their authority and then that is something that the NCSG submitted in our comments and didn't find its way to the charter but should.

And then this is the sort of thing we need to work on. And, of course, the issue that we had been speaking of in terms of beginning with the UDRP review followed by an RPM review.

In my personal take on this is that the best way for this to amend the (charter) language to allow and actually require the working group members to consider this before proceeding with their work plan. So that's just my take and, again, I know not everyone may agree with my take on this but I would be more than happy to hear from others. Thank you.

Tapani Tarvainen: Thank you, Amr. At this point I know that we are run down one hour (going) from the 19 minutes we have, so take that into account if you want to talk about other stuff as well. But next, Kathy, please go ahead.

Kathy Kleiman: Actually why don't I wait and I'll catch up after the comments of Marilia and Ed,

Tapani Tarvainen: Okay, Ed, you're next.

Ed Morris: Yes. So, my (friend) Amr and I - I think we disagree on - we want the same things that I think we disagree on approach. I looked at staff asking the NCSG accounts where to bring this up as an attempt to (co-op) the NCSG.

It's a different view. And not one that's initially right or wrong, but in my view, the strongest message we can send to those who we'll be working with on the charter that we really don't like what's been done with this (issuance) report is to vote no.

We don't know and then we go to work on the charter. Will our no have any real impact on the thing? No. And as Amr correctly points out, it's the whole (clear threshold), then it's gone.

But by voting no we're sending the message that the NCSG is strongly opposed to the content in this (issuance) report and we're giving our colleagues in the other groups fair warning that this is important to us and that we're going to fight for the issues that we believe going forward so they need to be prepared to compromise. At least that's my view. Others may have a different take.

Tapani Tarvainen: Thank you, Ed. Marilia.

Marilia Maciel   Thanks, Tapani. Just to clarify what you're suggesting, Ed, are you saying - because the only route that we could have is the approval of the issuance report. Are you suggesting that we should vote against it as a sign or are you talking about when the actual charter is going to be discussed and approved? And I'll make my question, but let me just ask Ed to clarify.

Ed Morris: Thanks, Marilia. Obviously we can't - as Amr says, our vote do- again, when I say our vote doesn't matter, that is the symbolic expression of the views of our group, but it's not going to impact the outcome. This thing is going to go.

I suggest that what our vote - a vote - a no vote would do is say hey guys, (Steve), how're you doing, (Steve), how're you doing, (Jen) - we don't like the fact that some of our comments have (unintelligible). We do like the fact that the UDRP - the logical place to start.

We're not considering economic interest and we need to (re-wash), the second round, bring in money for a somewhat Ponzi scheme called (unintelligible) keep coming.

You know, principally, as a matter of principle, the UDRP should go first. Okay, we know it's going down the road but what we're saying in our no vote is we're strongly opposed to what's in this report. You need to expect strong opposition. Your attempt to impose this new nepotism, the new RPM onto everybody which is the ultimate end of all of this (review). This big, new stuff that may have to replace the old stuff in the UDRP which would be worse for our members.

So (all in all) what its saying is, no, we're not going to (unintelligible) this. We don't agree. If our vote meant something for passage, I suspect the issues report would be a lot different than it did today. They know they don't need us for that.

Tapani Tarvainen: Okay.

Marilia Maciel: Okay. Thanks. Yes, my question with regards to that, the only way that I understand that they are discussing the new approaches first and then leaving UDRP for later is to think about the correlation with the new (unintelligible) subsequent procedure working group. Because our discussion on the charter of that working group, there was a moment in which we were trying to draw the line and separate what would fall under that particular working group and

what issues (which is to write) protection mechanism we would leave to the other working group that (unintelligible).

And afterwards the only way that I could see that they could justify not talking with UDRP to make this correlation and to make kind of both tracks work together and collaborate each other's work. Do you think asking Kathy and (unintelligible) mostly? Do you think that this is a valid argument or this is something that's not (unintelligible) because for me that would be the only thing that could make me think about it. Thanks.

Tapani Tarvainen: Thank you. Amr, do you want to comment?

Kathy Kleiman: This is Kathy.

Tapani Tarvainen: Okay, Kathy, go ahead.

Kathy Kleiman: Amr, is it okay for me to give it a (unintelligible)? Really, I can understand why the new (GTOD) group would want that but the danger here is that this is a consensus policy A PDP and the drive to extend the new (GTLD) write protection mechanisms which were created under (unintelligible) by non-commercial. We were forced into it.

And with very little time. And fundamentally unfair in of themselves. And this A PDP is going to drive that to be consensus policy across all (GTLDs). And so by reviewing, it's one thing to review, for me at least, to review new (GTLD) mechanisms in the context of new (GTLDs). The scope is at lease defined. You know that it won't hit outside of the new (GTLDs) specifically to (.com), (.org) and (.net). But doing it this way is very, very dangerous because we will wind up extending. I mean it's built in that the push is going

to be there from the very beginning to extend what was created to new (GTLDs) into all (GTLDs), into legacy (GTLDs).

I don't know if that makes sense but that's the concern is that by taking it out of context, you make it very easy to extend it into everything and in perpetuity and expand it. Thanks.

Tapani Tarvainen: Okay, thank you Kathy. I note at this point that since we are not going to bind our counselors (anyway) because there's no time for it, it will be up to each of you to think if your no vote on this would be a useful, symbolic gesture.

Kathy Kleiman: (Unintelligible), can I add another thought?

Tapani Tarvainen: Yes. Please go ahead.

Kathy Kleiman: I want to read something that Sam wrote into the chat which is, we have to press for balance now and win or lose, we have to continue to balance in the IP area for the long haul.

So to kind of put a ribbon what I'm saying, what I think Ed is saying, Amr and Sam is there any way, starting with the issues report, with the opposition to the issues report, that we can draw a line and say for the first time in 16 years we don't want to be fighting, right, to protection mechanisms. We don't want to be on the defensive from the get-go.

We want, when you do something (saying who is), you're always talking about access to information, privacy, and due process. We're not doing that in the right to protection mechanisms. All we're talking about is how much one group can get and how much more they want.

So from the get-go, from the issues report, from the mission, not just from the bullet points but from the issues report, from the mission of the charter, can we build balance into it? We want to balance intellectual property rights with non-commercial right or intellectual property rights with (vary) use rights, whatever. We can work on the wording.

But with freedom of expression rights. Can we build that balance into the mission, to the scope, into the issues report? Not just into kind of issues that will be considered. Can we build it into the top as a goal? That will make our lives much easier for the next three years. Thanks.

Tapani Tarvainen: Okay, thank you Kathy. Sam, do you still want to speak? At least be brief. We want to (unintelligible).

Amr Elsadr   Yes, apologies for that Tapani. And I just wanted to just reiterate something I said in the chat. Voting against an issues report from a symbolic perspective to me has no value. I believe that the GNSO should perform a review of the UDRP so I support A PDP going forward on this. I believe that the RTN developed for the new (GTLD) in response to (GAC) advice, is something within the mandate of the GNSO and should not have come into existence without going through a GNSO PDP.

So I also support an issues report and a PDP that is mandating the GNSO to undertake this project. I think voting against an issues report on those two items send a bad message from the NCSG side. I don't think it's symbolic. I think it's just, I think it's something contrary to what we actually believe and what we have been asking for for a significant period of time.

If we have problems with this PDP, how it is shaped, how it's scoped, what the PDP working group will be required to undertake, then by all means we

should address these in the charter but not the issues report. I believe a no vote on the issues report at this time is, I think it sends a bad message and I would encourage folks to vote yes for the issues report and we can duke it out with the rest of the GNSO on the charter for as long as we can. Thank you.

Tapani Tarvainen: Okay, thank you Amr. Anybody else want to add on this subject or shall we move on?

((Crosstalk))

Tapani Tarvainen: Okay.

Ed Morris: I respect Amr but I still disagree. It's a bad issues report. It's the equivalent of having a book review. You read a crappy book and say well, you know, maybe the next book is going to be better because we'll have good input. It's not a good issues report.

It's not balanced and the reason frankly it wasn't balanced is the public comments that led to the input themselves weren't balanced. Frankly the rest of us were focused on (CTWG) and for that reason, to send a message to folks, because it is unusual to send an issues report. To send a message that these are issues that are integral to the NCSG, we don't like it.

We know it's going to pass. But listen, when you get to the next stage, please be prepared to negotiate in good faith and not try to run upshot over us like you've done in the past on these issues. But I do respect with Amr is coming from. It certainly is a reasonable, respectful position. I just don't agree with him.

Tapani Tarvainen: Okay, thank you Ed. So I see that we agree on that but we don't agree on this. But anybody else still want to speak on this? No, okay. Let's move on. Looking at the council agenda, the next item is the GNSO review. Would anybody want to pick on that one? Everybody's so afraid that they don't want to speak or? Okay, Kathy, please go ahead.

Kathy Kleiman: Hi. Okay, my comments will be short on this one which is I don't understand where we're going to get the time to do a GNSO review too. So maybe someone can explain briefly how this is being, what is, is looks like it is a discussion point. But what is being, you know, kind of queued up? What the time, what you think the goal is? What you think the timeframe is? And how it fits with the three million other things we've got in the next three years? Hopefully, simple questions.

Tapani Tarvainen: Thank you Kathy. I have no idea of the answers so would anybody else care to comment? Okay, Ed, please go ahead.

Ed Morris: Kathy, to your comments, I have no idea either but I have an additional question. During the Los Angeles meeting, luckily before I was able to arrive there, we apparently have created a non-commercial (working party) (unintelligible) on the same issue. Does anybody know, A, where we're going to get staffing for that? B, how that's going to interplay with the GNSO review and see what the heck's going on with both of them because I honestly don't know. And how do we find out?

Tapani Tarvainen: Okay, thank you Ed. Does anybody know? Amr, please.

Amr Elsadr Yes, I haven't been a member of the GNSO working parties for a little over a year now but I've somehow managed to stay on their mailing list and I've been participating on all their calls anyway.

There's actually very little progress going on on that front. The GNSO review working party has gone over all the recommendations produced by (West Lake) and sort of came up with a framework to sort of prioritize what should be implemented, if anything else is being implemented through other, by other means and what should not be implemented at all.

And I'm pretty sure there was one recommendation where the GNSO working parties saying that we don't understand what this is about to begin with. But what I can say is that the GNSO review working party has attempted (to offer) it's responses to all of these. Some of these that were especially concerning to the NCSG, those, the GNSO working party has pretty much recommended that the Board take no action on them. And I believe that they will not.

Right now, my understand is that the GNSO working party is going to share its findings with the GNSO council and sort of determine whether the GNSO council itself would like to take some sort of position and maybe address the Board on this as well. And the Board committee responsible for this which was the Structural Improvement Committee and now it's called something else. I can't recall. Organizational Effectiveness Committee, that's what it's called.

So the OEC is meant to sort of follow-up on the (West Lake) recommendations as well as the working party's recommendations on (West Lake's) recommendations. And then my understanding is that the OEC will work closely with the GNSO working party to see what it should do about these.

In general, from what I've seen so far, I believe the Board Committee has been giving the working party a lot of room to do what it needs to and that to

me is a good sign that there, that they would like to cooperate on this. There's been a lot of criticism in the (West Lake) report, how they've done their work and the recommendation from across the GNSO not just from a (unintelligible).

I believe, the indications that I've seen so far seem to suggest the Board is willing to hear these issues and then work with us on how or what to implement. So, but like I said, there's been little to no progress on this for months now.

There's going to be, there's going to be a briefing during the weekend sessions by (Jen Wolfe) who's Chairing the working party and curious to see if there is going to be an update. There's also a working party call later this month.

So we might have more information by then but as of now, I don't believe there's much, there's new information. I'm curious about what (Jen) is going to discuss, what she's going to say about this in terms of a discussion item on Thursday. I'm looking forward to hearing from it myself. Thank you.

Tapani Tarvainen: Thank you Amr for that summary. Anybody else want to comment on this subject? Okay, I guess we don't know enough to have anything more at this point so let's just move on. Next we have the (RDAP) implementation. Who could tell us about that? I hope some of our councilors have some idea what it's about. Kathy, please go ahead.

Kathy Kleiman: Okay, not a councilor but I did get an update from (Holly Raiche Elloc) last night because I asked her the same question. I said what's going on with them? And (RDAP) is, as you probably know, it's a new technical implementation that I think it comes out of the (WRDS) group of (IETF) kind

of opening up with one of the oldest protocols on the Internet right now which is the who is.

And opening it up for more types of flexibility and screenability. So tiered access is a feature that can be impended in (RDAP). The big question I have here and if people want a more technical explanation, we can get it. There was a presentation that I missed in Dublin on this when I had to leave early and so there's slides out there.

But what I'm hearing from the registrars and as you guys know, we work closely with them on proxy privacy. What I'm hearing from the registrars is the same issue we have with policy overload they're getting with technical overload, that they've got (FICU) who is coming. They've got (RDAP) coming. And they're looking at (RDS), may restructure everything, may change everything on the technical side.

They're looking at enormous amounts of time and cost and redoing a lot of efforts. For small registrars, this is getting really difficult and really expensive. From our perspective, I think the question is does (RDAP) properly protect privacy because I'm hearing concerns again from the registrars in Europe about privacy protections and their concern that certain features might be implemented that don't, that are less privacy oriented than others.

So I actually raised more questions than I can answer but I think you're going to hear from the registrars that there's some real concern here and my gut sense is that philosophically we probably support what they're concerned about because on this issue, they're concerned about their businesses but also about their customers.

Sorry I couldn't give you more information but I was just hearing a lot of concerns yesterday on another call about (RDAP). Thanks.

Tapani Tarvainen: Thank you Kathy. I'm sure we all certainly would like to have an implementation (date) by itself. It's not incompatible with various privacy legislation in Europe, for example. It's easy enough to make, implementation makes it difficult to (unintelligible).

But I guess it's just for our councilors to ask these questions since we don't have the answers now. Anybody else wish to comment on this? No? Okay. Let's move on. Remaining item, there is the (Mericache) meeting planning and I see it Amr is going to (give an update on Thursday) for the councilors so maybe he would like to give a pre-update to us at this point. Amr.

Amr Elsadr   Oops, I seemed to have missed that agenda item. Good to know that I will be giving this update on Thursday. There's really very little to go over. There's just, the work we've done is mainly on organizing the weekend sessions with (unintelligible) so but we've also tried to mitigate some of the problems in terms of conflicting meetings throughout the entire week and we have been having I guess it's not so difficult to imagine that this is a problem.

And there's no way to make sure that all the meetings do not conflict. But what we have managed to do is make sure that no meetings of GNSO groups' conflict with each other and when I say that I mean GNSO working groups specifically, groups that are chartered by the GNSO council. And we've also made sure that there are no meetings that were set up by (GDD) staff particularly regarding implementation of review team conflict with GNSO meetings either.

But there are a bunch of meetings that are, that have been set-up by the GNSO stakeholder group constituency that clash with a number of GNSO meetings and those are of concern I would say. It's not just the NCSG. There are other groups as well. But for me, there is one that really spit out and I find it to be extremely unfortunate that a clash exists and that is a meeting of the (committee) working party on ICANN's corporate social responsibility to respect human rights.

That, there's a meeting for that that conflicts with the first face-to-face meeting with the (RGS PDP) working group. And I think that's going to be problematic and only from the perspective that a lot of folks who would normally want to be in the CCWP will not be in there. And I'm not just talking about NCSG people. I'm talking about registrars. I'm talking about policy people from the commercial stakeholder group. Folks from (BARGE).

A lot of these people who normally want and probably do want to be in the (cross-committee) working party meeting will probably skip it to attend the (RDS PDP) meeting. And I think that is extremely unfortunate. I think it's not strategically a good idea for the (cross-committee) working party. I have reached out to (Connie), Niels and Rafik trying to work around this but it doesn't seem that it's going to - anytime we schedule that meeting, we'll conflict with something else and the reality of an ICANN week.

That's all I have on this for now unless there are specific questions people would like to ask. Thanks. Am I still on the call? Hello?

Woman: Yes. I think maybe we lost Tapani.

Amr Elsadr   Oh. All right. Does anyone have any questions that you'd like to ask me on this or? No? Okay. Well seems we're done with the (GNSO) council agenda.

Until (Tijani) gets back on the call maybe we should move onto other items that were on the NCSG agenda namely public comments. Are there any open public comments? For example, right now before people leave, we need to pay any specific attention to? Be glad to hear from folks on those. Thanks.

Tapani Tarvainen: I'm back. Can you hear me now?

Amr Elsadr   Yes, can hear you Tapani.

Tapani Tarvainen: Okay, good. Did you finish up the GNSO agenda already?

Amr Elsadr   I believe so but I, to the satisfaction of others, I cannot be sure.

Tapani Tarvainen: Okay. Does anybody to have anything to say on the GNSO agenda on Thursday? Like if anybody heard any rumors that might be on the business there? If not, let's move on. I don't have any specific discussion items here so the next thing I would be looking at is public comments. If anybody wants to have something on that (we can move from there).

We have a number of public comments. Do any of our councilors or anybody else? Are you working on any of these public comments? Maybe we could have a quick review of what's going on. I was kind of expecting somebody to be working on the GNSO privacy and (unintelligible) (services accreditation policy) which is closing on 16 March, so just open.

Anybody care about that? Somehow I would expect somebody to, would hope someone would take a look. Is there (RDAP) public comments open as well, 18 March is the closing date. Just spoke about that. I think we'll get back to that.

And there is the proposed implementation of the GNSO (unintelligible) consensus policy requiring consistent labelling. I'm not sure if we have anything to say about that? We'll have again March 18 as the final date for that. Nobody working on that either?

And there is a final report, recommendation of the geographic regions review working group closing on March 24, April 24 actually. That's a (long) one.

Rafik Dammak: So Tapani, I'm not sure that we can get (unintelligible) here. I would think it's maybe possible just to list the, you know, open public comments, what we think we should reply. I mean we give some priority to the list of NCSG and to see if there are some interest there.

Before I tried, for example (unintelligible) with the (unintelligible) there and just to give kind of kickoff and somehow it works to get some attraction. Sometimes not. But I think maybe we may get some result at least for example we have related public comments about (unintelligible). And get (unintelligible) for example. They are (unintelligible). It's quite important.

The other one about (unintelligible). I think we should cover them somehow. We have sometimes think it's better to (unintelligible). So that's what I wanted to say.

Tapani Tarvainen: Okay, thank you Rafik. I agree (unintelligible) as well. Kind of roll call to hear if anybody's already working on some of these, find some of these interesting but I guess we can do that on the list as well and hope we get someone to work on them. But if anybody wants to comment? If any of these are interesting? No?

Seems we actually reached the end of our agenda then. Except, any other business? So does anybody have any other business or do we end up closing this call before time? Rafik, your hand is still up. Do you want to go? Okay, there's one item I'd like to bring up anyway.

That we have the policy committee Chair going on. Started today. And I would very much like to appeal to our councilors and observers in the policy committee and appointees to consider volunteering for the task or perhaps nominating others that they think would be willing to do so.

Anything else? I will be perfectly to close this call early even though we have almost half-an-hour to go, if we need to. Marilia, please go ahead.

Marilia Maciel: I'll see if we have an update on the (policy) working group, how things are going there. And a quick update on the new (unintelligible) (subsequent) procedures that (unintelligible) has been circulated for us to define the day of the first meeting.

The (meeting's first) date on February 25 that was suggested by staff but a lot of people could not make it so now we're trying to define a first date meeting. And there will be some activating going on in (Mericache) so the first, in the first meeting we'll probably be discussing what exactly the activities that we're going to conduct there as working group. Thanks.

Tapani Tarvainen: Okay, thank you for that Marilia. Anybody else? Maybe just a quick item. Something that might be interesting? Questions? Anybody else? Amr, please go ahead.

Amr Elsadr: Yes thanks Tapani. I was just wondering if you wanted me to say anything about the policy committee Chair elections or not? Kathy is saying yes she

does. There really isn't much to say except for a schedule's been posted to the policy committee list. As (Tijani) said, the nominations began today. They will close on February 22, end of day February 22. And then there will be a week for policy committee members to cast their votes.

For those that don't know, the NCSG policy committee consists of the six non-commercial stakeholder group councilors as well as two appointees from each of the NCSG constituencies. And the non-commercial stakeholder group Chair.

The members of the policy committee, the non-commercial stakeholder group Chair, (Tijani) is the only one who is ineligible to run for the policy committee Chair position. I have been serving as the policy committee Chair for the last year and I don't plan on running for a second year.

And I've made this known to the policy committee and right now with the opening of the non-nation period we're just waiting to see who is willing to put their name forward and I certainly encourage those who are willing to put in the time and effort to do so as soon as possible. Thank you.

If there are any questions, be happy to answer them. Thanks.

Tapani Tarvainen: Thank you Amr. Are there any questions, comments? Anybody volunteering for the Chair already? Okay. Any other items you want to discuss before we close this call? No? Okay. So let's go. Meeting closed. Thank you everybody.

END