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**ICANN**

**Moderator: Maryam Bakoshi**  
**November 17, 2015**  
**10:00 am CT**

Maryam Bakoshi: Thank you very much (Michael). Good morning, good afternoon, good evening. This is the Monthly NCSG Policy Call on Tuesday, 17 November 2015.

On the call today we have Tapani Tarvainen, Amr Elsadr, Adam Peake, Marilia Maciel, Sam Lanfranco, Stephanie Perrin, Carlos Raul, Robin Gross, Swati Goyal, Klaus Stoll, (Sonya Ear), Daniel Opperman, Joan Kerr, (Sonya Iar), Jeremy Malcolm, Tatiana Tropina, Patrick Lenihan, Avri Doria, (Joel Careba), Joy Liddicoat, Kathy Kleinman.

We have apologies from Bill Drake, Matthew Shears and (Graham Futzlani). I'd 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 Maryam. This is Tapani for the record. Thank you everybody for joining the call. This is our regular monthly call we always have before GNSO Council meeting, which will be on Thursday.

We also going to more introductions, more on the agenda. We have a little different order on the agenda just to accommodate people's schedules. Some people are busy. And Adam is at (a rather) inconvenient time zone. So I'll hand it over to Adam Peake who wants to have a brief introduction on the (new) Civil Society Engagement. So Adam, over to you.

Adam Peake: Thank you Tapani. Hello everyone. Adam speaking. And I hope you can hear me. Now what I wanted to do is briefly reintroduce the engagement document. It was sent around - a new version was sent around at the end of last week that included the link to the Google doc, which we can now see on the screen shared there.

And it also had some previous versions of the document showing track changes and also the version that had been online as a Google doc with all the comments that have been received. And so hopefully that provides a comprehensive sort of update on how the document has evolved over time.

So the draft obviously reflects these earlier comments but also the various meetings we've been having, the call that we had before and meetings that have been ongoing throughout Dublin and so on.

So this is the new version and I hope it's - I hope it's useful to you and I'm looking forward to seeing comments. And I think the idea should now be to leave this document online for about a month and hoping that the NCSG members and also the At Large will as relevant will make some comments.

And I'm thinking that probably we should close this off around the end of the first week of December and then try to see where we are in a Webinar soon after that to review that document as it's emerged - the comments and so on.

The strategy will be a living document after that but we do need some cut off point where we then start to focus on the work to be done in terms of communications and content. So sometime around the middle of December a Webinar to see where we're at and try to finalize things and move forward.

In the document I don't know if you've got scroll control on that. But if you go down and you do have scroll control, you'll see that under the content and communications there's a long list of ideas - a long list of different thoughts on how we're going to go forward with this. And these need prioritization.

So comments on what is the priority there and what you think we should be focusing on would be very helpful. And from there I think we can go on and see what we're going to be doing for the rest of the financial year up until the middle of June of 2016.

It would also be very helpful if there were people from the various groups - a couple of volunteers from the various groups who might act as liaisons back to their groups and work more closely with myself and (John Jack) on the policies and what we're doing and particularly to update calendars of events that are relevant to civil society. And those would be events that go beyond just the usual Internet governance ecosystem type.

And so if there are volunteers who wish to get more involved at the working party or contact group that would be great. And also similar to that we are hoping to have a regular civil society section in the various regional newsletters that are published.

These are now going to be published on a monthly basis. And it would be great if there were volunteers from civil society who would point out events that are happening or content that we should be looking for.

We'll also be trying to have regular features from civil society but we also need some way of notifying for future events as they're coming out to the newsletters and anything that's relevant to civil society in the Africa region or APAC or Latin America, et cetera. So if there are volunteers willing to join from each of the regions so that we have a contact point that would also be great.

I think the last thing to say is really that you'll see obviously the whole document is for comment but there are some particular bits of text that we put in square brackets, the usual way of noticing - noting that something is sort of under debate. And that's what it's there for.

If you have a - if you can look at the square bracket and particularly concentrate on that should that text be included or not then that would be particularly helpful. But really of course the whole document is there for comment, so.

I think that's all I need to say at the moment. Thank you very much for the work that's gone into it so far helping us get this far with it. And back to you Tapani. Thank you.

Tapani Tarvainen: Thank you Adam. This is Tapani again for the record. That was delightfully quick introduction. And I do hope we will get volunteers that Adam called for. I'm quite sure we will. I trust you are all coming up.

But without further ado on this since we have a tight schedule and some people are going, I'll hand over to Kathy Kleinman who wants to talk about the privacy...

Kathy Kleinman: No, no. I have a question. Tapani, I have a question for Adam - several questions for Adam. Is that okay? And it looks like there's a queue. It looks like Sam and Joan also have questions.

Tapani Tarvainen: Oh. I missed them. Okay.

((Crosstalk))

Kathy Kleinman: So thank you. Great. Adam, this is nice. Let me recommend a change, an expansion and ask a few questions. So second paragraph, for purposes of this plan civil society would include non-governmental organizations, individual Internet representatives. I would say and public interest attorneys as well as academics. That's what has brought some of this in since the very beginning.

And to that end - and so under internal organizations - end of the second page is a list of a number of people who I presume are all ICANN staff members. Are - is everybody on this list full time dedicated to this Civil Society Engagement process?

And my last question - I'll just queue them all up and then go on mute. Last question is with the (crop) fellowships we're stuck with our own areas. It's really kind of a way to go to meetings in your own areas, which is a place people already hear from us a lot.

Given this massive expansion of interest, how do we help you and go to some of these international meetings where we can help you recruit from areas that we don't have a lot of people but we'd like to help but we would need funding to do that? So thanks.

Tapani Tarvainen: Okay. Thank you Kathy. Adam, you want to comment at this point or shall I move to the next one?

Adam Peake: I might - this is Adam. I might as well jump in with the three answers there. I think first of all thank you, yes. Public interest attorneys noted. The staff members are representatives of the various regions - of the five regions and they're from the Global Stakeholder Engagement Teams whose responsibilities - well engagement on all issues.

And they picked up this as part of their portfolio of work. So they're not dedicated to civil society. They also have other work to do in their respective regions. But they are the contact points specifically for that particular - well, for this particular aspect of work. So and you'll also see that Heidi Ullrich is there from the At Large.

On funding, this is always a problem in the sense that we now have to look for budget and we will be doing that. So at the moment I don't have any answers as this has come in at halfway through a budget year. But we are certainly working on this and hopefully we will be able to expand. I recognize the need that you identified. Thank you.

Tapani Tarvainen: Okay. Thank you Adam. The next in line is Sam Lanfranco. Sam.

Sam Lanfranco: Thank you Tapani. Can you hear me?

Tapani Tarvainen: Yes.

Sam Lanfranco: Okay. Adam, two questions. One, the version that is on the screen in this teleconference is not the version that's in the Google docs where we're to make comments. So that's one issue.

Two, some of the language that is in that document, not in this document, is germane to some of the issues that have to be addressed, in particular, how to deal with (social divides, vcorp, life) organizations (that comes up) with respect to Kathy's comments about public interest lawyers.

Similar issues come up with respect to public interest in doctors, public interest in nurses, there's public interest in whomever. But there's an area there that needs to be (unintelligible). There's an area there that needs to be looked at that has disappeared from this version. So first (question is) what happened with - what's the inconsistency in the two versions? I'll stop there.

Adam Peake: It's Adam again. Thank you Sam. I didn't notice as I was speaking while its ongoing that that - you're quite right. That's the document from July. I sent the Google doc link into the chat window earlier on when I joined the call. So up in the - up in the screen of the chat window everyone should be able to find that link. And if Maryam is able, then we could probably try and pull it up. But it would be a live URL. So that might not be possible immediately.

And I'm sorry. I missed the second part of your question or comment. It was - the line was crackling. Apologies for that.

Sam Lanfranco: The second comment can wait. We'll deal with it later.

Tapani Tarvainen: Hey Sam. Want to clarify the second part?

Sam Lanfranco: Oh. Just briefly (you practically bundled) up in some of the wording is in the Google doc but it has to do with constituencies that are made up of professional groups but it's a non-professional activity and that Kathy referred

to. And the emergence of the corporations and (V) corporations and social enterprise who seem not to have a constituent link inside ICANN.

Adam Peake: It's - it might be my phone but this is still a bad line for me Sam. I apologize. Sorry. This is Adam speaking again for the record.

If I heard you correctly, I think what we have are all organizations that should be eligible as - for membership under the NPOC or NCUC or the NCSG. Or if they are the self-declaring or self-selecting At Large structures that identify themselves as not for profit organizations, then they would also be eligible under this particular structure. Or at least that is the suggestion.

What we finally come up with should be something that you all agree on. So that's the suggestion on the paper (as I know it). So if this isn't covering what you want it to do - want it to cover, then please put comments into the Google doc to express what you're, you know, how you would like the sort of membership or how you would like civil society to be described for this particular effort. Thanks.

Tapani Tarvainen: Okay. Thank you Adam. Next in line seems to be Amr. Amr, over to you.

Amr Elsadr: Yes. Thanks Tapani. I think Joan had her hand up first. I'm not sure if she took it down because she doesn't want to ask her question or - Joan, should I go ahead?

Tapani Tarvainen: Joan, do you want to speak?

((Crosstalk))



Joan Kerr: Sam actually asked the question I was going to ask, which was about the document being...

Amr Elsadr: Okay. Thanks. So I'll go ahead then. This is Amr. Adam, thanks for being on the call with us at what I imagine as the middle of the night where you are right now.

I have a question also on a section that Kathy brought up earlier regarding internal organization. The list of staff members that I see who are involved with this initiative - at least some of them seem to be some of the folks from the Regional Stakeholder Engagement Teams.

I was wondering to what extent you are coordinating with them on the regional strategies because at least for the Middle East and adjoining countries strategy for that region, some which I am to an extent engaged with, there were originally some ideas on how to - or some desire at least to engage with civil society in the region here. Didn't work out as well as I would have hoped.

I'm sure there are many challenges involved. But the end result was that the regional strategy was a lot more focused on industry as opposed to civil society.

So I was wondering because my understanding as well is that some of these regional strategies including the one for the Middle East and adjoining countries are up for review next year; sort of like a cyclical - I think over a three year period there's a review every three years.

I was wondering if there was - to what extent there is coordination between your team and the regional teams on developing the needs for engaging with civil societies in each of these regions and to what extent there will be follow

up to make sure that goals that are placed will be achieved or to at least measures to what extent they have been achieved or to what extent there may have been some failures. Thanks.

Adam Peake: Thanks Amr. Adam again - Adam Peake. Yes. We're coordinating and these - the members that you see on their internal organization list are the coordination points. So as the regional strategies are updated then what we're seeing in this strategy document should start to be more strongly represented within the regional strategies.

And I can't speak to metrics and performance measures at the moment as we're still in the early stages of this particular document. But the point of the strategy is to strengthen civil society across the board in this regard.

So yes, I think you will see - I hope you will see because that's the point of what we're doing - I hope you will see this reflected in the strategies as they're developed over the coming months and years or coming - I'm trying to think of the date and I can't remember it. But it is - you're quite right. It should be the middle of next year as those strategies are developed. Thanks.

Tapani Tarvainen: Thank you Adam. The next in queue is Stephanie Perrin. Stephanie.

Stephanie Perrin: Thanks very much. Stephanie Perrin for the record. This is a very interesting document. I just wondered if you are interested in incorporating in it the kind of skill set that we need from additional civil society participation.

I hate to sound like I'm looking for worker bees. But I certainly am. That would be one of my goals. And I'm - obviously, you know, put that in the document as we need help to avoid burnout.

But the skill sets that we find missing in the participation at civil society - would that be an interesting addition? And of course that then means you have to figure out what skill sets are required and which ones you got represented and which ones you don't. I feel that geographic participation is not all that we need. Thanks.

Adam Peake: Thanks Stephanie. Adam speaking again. I hadn't thought of that in that particular way. We're certainly trying to strengthen the volunteer contributions that are ongoing.

I know that people work many, many hours on this and you need support and cannot be expert in absolutely everything although seem to be doing a pretty good job on things at the moment. Is that something that we can put in this strategy document? I don't know. I haven't thought about it and I don't know how it would fit and be represented.

The only thing that's similar that I thought of was that the new membership system that we're waiting to be implemented will have the ability to better identify the skill sets of existing members. And people should be able to identify that there are certain groups interested in certain issues in specific topics, that there will be expertise in those topics.

So if you were leading a working group on a particular issue, you might more easily be able to identify from the - I don't know, must be 500 plus members and that would be excluding member organizations and that would be excluding the ALSes of - at least of the NCSG. Then you may be able to do a quick search and find out that yes we've got 25 organizations that say they are expert in that particular topic that I'm interested in.

I think this would also help with recruitment. An organization might see the strengths of the NCUC and the NPOC and think yes, I want to be part of that because these are people who I want to work with.

So not quite answering your question because I hadn't thought of what - thought through what you're thinking about. But I hope you get an idea of some of the opportunities. Thanks.

Tapani Tarvainen: Thank you Adam. Seems nobody has any more questions to you at least at this time. So let's move on with the agenda. So now for the (unintelligible) starting with Kathy Kleinman and privacy proxy accreditation. Kathy.

Kathy Kleinman: Hi. Yes. Can you hear Tapani?

Tapani Tarvainen: Yes.

Kathy Kleinman: Okay. Great. This is - I don't have any slides on this. And Stephanie's on the phone as well. So I'll ask her to jump in. We've been kind of in the trenches on all of this. James Gannon too but I don't think he's on the call.

We've been kind of manning these every Tuesday calls for the Proxy Privacy Accreditation Working Group that have been going on for almost two years. And we're about to come out with the final report. And we've worked very, very hard on it.

We didn't get everything we wanted but I can't tell you how hard we fought in the trenches for - this is a process by which proxy privacy providers that do their registration in conjunction with the registrar.

So when you go on to GoDaddy's Web site and you register a domain name, it will say do you want to pay for privacy services. Those privacy services are not done by GoDaddy. They're done by an independent company called Domains by Proxy that just happens to be co-owned by the owners of GoDaddy.

But it is an independent company. But for purposes of this, it's an affiliated proxy privacy provider. So the registrar can't use a proxy privacy provider in its registrations unless its affiliated and now it's - we'll be recommending that it be accredited.

And then there'll be certain rules by which - general rules by which someone can request information from the proxy privacy provider about a customer - about the underlying customer, about the real registrant.

And then the provider - we fought for the provider frankly to have a lot of discretion before it turns it over. The providers in most cases will go to the customer. Law enforcement may occasionally ask them not to go to the customer. But in general they will go to the customer; ask the customer what's going on.

The customer can say hey look, they're really trying to harass me or stop me. You know, they're not trying to get this for a legitimate purpose and not trying to get my data. Don't hand it over.

So we put in a lot of protections, a lot of discretion for the providers. But this is a reveal short of a court order. And that's what's happening with this accreditation.

And the report will be coming out. We'll be circulating it. And that's about it.  
Stephanie, is there anything you want to add?

Tapani Tarvainen: Stephanie, do you have any comments?

Kathy Kleinman: Tapani, I'll just add we found very hard for as much due process and privacy protection as we could get into this document. We really pushed the working group on that. Thanks.

Tapani Tarvainen: Okay. Does anybody have comments on this? Marilia. Marilia, you have your hand up.

Marilia Maciel: Yes. Thanks Tapani. This is Marilia speaking. Hello everyone. Just a question to Kathy or Stephanie. I remember that during the GNSO Council meeting there were concerns being discussed (on this type) channel with regards to the charter. Concerns that maybe some points of the charter could still be changed or amended.

If people still have strong feelings about it. Do you think that it will be kind of useful to try to change anything at this stage or should we just go ahead and approve the motion, approve the charter?

My second question is about timeline. Probably we will be asked during the call that once we approve the motion, the next step would be to start a call for volunteers. That signals to us in meeting that maybe the call for volunteers could wait a little bit and not be issued straightaway if we feel that we need a little bit more time or we can make a call that lasts for a little longer.

The people have feelings about that should we issue the call immediately, how long do you think that the call should remain open? Are there any rules about that?

And my third question is about the substance. I don't know if it will have positions with regards to that and it's okay if we don't. We will have plenty of time to discuss that. But just (to think) I was looking at the charter and the document following - accompanying the motion. And it seemed like the work is divided into two main tracks.

And if the second track there (has a place) or not will depend on how we feel with regards to the extent in which the, sorry, the Whois - that they should be changed or not. If we feel that we can implement changes to the ways as it is, then the second phase would not take place.

If we feel that we do need a completely new framework, then we would go to second (queue) - to Phase 2 to draw this framework. Do people have any feelings about that?

I ask just because - I mean I imagine that if the process and a process of this magnitude has been started, most of the people feel that we do need a completely new different framework.

But of course there are many risks and when we starting this from scratch or sort of from start. In terms of a councilor to me it would be useful to understand at least from those that are more involved in the process; if you take for granted there will be a second phase and it really will be started again with a new framework or do we - do you have impressions on that? Thanks.

Kathy Kleinman: Let me work backwards on this. In terms of the substance of the final report of the Proxy Privacy Accreditation Working Group, the final report should be out this Friday just in time for the holidays in the United States next week.

But we're going to be asking - kind of taking the pulse of the stakeholder groups. So if people want us to hold a Webinar or teleconference to talk about the report - it's a lengthy report but it's similar to the interim report that came out and got 22,000 comments over the summer.

If people, you know, that's something I'd like to discuss if people want us to hold some kind of meeting to discuss the report with the NCSG, we could certainly do that.

In terms of modifying the charter, I wouldn't - I don't think we can modify the charter for proxy privacy at this point because the final report for two years has been kind of a response to the charter questions.

But Marilia, I think you may be touching on a related point, which is the beginning of the Whois 2 process. And that's a different ballgame. We're not designing - the Proxy Privacy Accreditation Group is not touching the Whois other than when a proxy or privacy provider puts their data into the Whois in lieu of the underlying - the beneficial registrant or the underlying customer.

But in terms of Whois 2, I defer to you. That's a whole different ballgame coming in. Kind of related in parallel and we've expressed concerns with ICANN about dealing with privacy issues in so many different places.

But I think that's a different issue and I think that's something about to kick off rather than something being completed. So I would love to talk with you about Whois 2 issues but I have no answers; just more questions. Thanks.



Tapani Tarvainen: Okay. Thank you. I see Stephanie has her hand raised. Stephanie.

Stephanie Perrin: Yes. Hi. Thanks. Just for those not seeing the chat, Kathy, sorry. I think Marilia's concern relates with the fact that we are voting in the GNSO this week on starting the new PDP for - I call it Who 2, the next iteration of Whois.

Marilia is raising a really important question that folks who've been working on Whois studied for the last ten years might have the answer to. I'm looking at me, Avri and Kathy and (Milton) if he's on.

Do we really need a new Whois database? Where's that demand coming from? Is it really the consensus of the community that we need it? Do the technical guys feel that the current system is unsustainable? I would urge anybody interested in these issues to read the SSAC -- I think it's Number 55, three blind men and an elephant I think it's called -- about Whois stuff.

They've written on it over the years. And, you know, I'm convinced that it's mostly the IPC folks who want this and the guys that are making a pile of money off Whois, value added service providers.

So that's just my two bits. But these are fundamental questions that need to be asked at the beginning and possibly in the charter. So I think that's - I think that's - it's good to raise that. But we probably haven't got time to discuss it. Maybe we need a Webinar on that as well. Thanks.

Tapani Tarvainen: Thank you Stephanie. I see Amr wanting to speak next. Amr.

Amr Elsadr: Thanks Tapani. And thank you Kathy for the briefing. This is Amr. Yes. I want to head back to PPSAI and ask a question about that. But since we did kind of bring up the whole Who 2 issue, I was just wondering, and I guess this is not something that will really influence our input to the final - the working group's final report.

But I was wondering to what extent all this work on privacy proxy accreditation is going to actually be useful considering that the GNSO is not considering (at the past) but the ICANN Board to redo the whole Whois system and then sort of (clap) this Who 2 model.

Is this something as privacy proxy accreditation the way it is - the way the working group is working out now something that we expect to have a sort of lasting impact that will influence the PDP on the next generation of registration directory services; just sort of a point of interaction between the two PDPs? Thanks Kathy.

Kathy Kleinman: Sure. I'll give it a shot Amr but, you know, your crystal ball is as good as mine. Probably better. Next generation Whois services I'm going to be is years down the line. Again, I don't even know if we need a new Whois. I think the Intellectual Property Constituency is pushing it because they want an all you can eat policy.

They want all access to all individuals across all gTLDs. And they - that's what they've always wanted. That's what they've been pushing for from the beginning.

I think it's much more likely that this - the - so the market developed a privacy response called proxy and privacy services. They didn't exist when we started in this Whois privacy work, I don't know, 12, 13 years ago.

But the market developed a response because people didn't want to put their home addresses in the database. I think it - my guess, and this is just one person's opinion. My guess is that proxy privacy accreditation rules - the specific rules that we're drafting will go into effect long before any next generation database is created. But that's just my guess. That we're going to live and die by the rules we're about to accept just like UDRP.

Tapani Tarvainen: Thank you Stephanie. There are no more entries in this topic that I can see. So let's close it and we'll go on. Next on my list is the CCWG (stuff). And Robin has volunteered to talk about that. Robin.

Robin Gross: Hi. This is Robin Gross. Can you hear me okay?

Tapani Tarvainen: Yes.

Robin Gross: Okay. Okay. So let me give you a quick update on where we are in the CCWG and the next steps and some good things, some things that are concerning and then see if we have any questions or discussion on any of these issues.

So basically the CCWG group on accountability just published it's - what is now being called an update on our work since the Dublin meeting. And that came out yesterday, the 15th or excuse me, two days ago on the 15th. And it's called the preview of the third draft proposal and Workstream 1 recommendations.

So we're working to finalize these Workstream 1 recommendations. We've made some progress since Dublin. There are some remaining open issues. And so our final or I should say our third, not final necessarily, draft report will be coming out on November 30. So it's just a short while from now. And

so we're working pretty fast and furiously to close up some of these open issues and agree to specific text on some of the final matters as well.

But we have got some significant recommendations and some significant changes since the Dublin ICANN meeting a couple of weeks ago. And so let me just run through what some of those are.

So the first is the group is now recommending a switch away from creating a membership corporate structure and towards creating or I should say reinforcing and empowering the existing designator legal structure that ICANN has.

So the idea is to establish this - what's being called a quote empowered community. And the idea is to no longer use the membership route, which - and now - and it switched to the designator route, which is much easier in terms of a corporate structure.

And, you know, frankly I've said all along I thought we could get most of the powers that we wanted as a community as a designator structure without some of the powers that we don't want under a membership structure like dissolving the corporation and derivative lawsuits and things like that.

So there seems to be a consensus around the concept that we can get where we want to go in terms of empowering the community with a designator legal model. So that's one significant change that's emerged since Dublin.

Some of the other ultimate recommendations of the working group are to basically take ICANN's bylaws and define them as either standard bylaws or fundamental bylaws, which are more difficult to change and would require approval - affirmative approval of the community to actually change.

There's an important recommendation to ensure there's involvement in the decision-making process. And so basically the CCWG is recommending the creation of five or actually six new community powers.

These would be the power to reject ICANN's budget or strategic operating plans; the power to reject changes to the standard bylaws; power to remove individual ICANN Board members by the SO that appoints them or AC; the power to recall the entire ICANN Board of Directors, sort of a vote of no confidence that they all have to go. Although frankly I suspect this is a power that will never be actually used because it is such a large stick.

Also the power to approve changes to the fundamental bylaws. And then there's an important new power being created to launch a separation cross community working group and basically to provide for the separation of the IANA functions from ICANN should it be misbehaving so badly.

So those are basically the new community powers that we're talking about creating in this work. So we would also be some - changing some aspects of ICANN's mission, its commitments and core values.

One I think really great thing that's coming out of this working group is a recommendation to reaffirm ICANN's commitment to respect internationally recognized human rights as it carries out its mission. This is a pretty significant outcome from Workstream 1 and its working group.

We've also got a recommendation to strengthen independent review process, which many have felt has been badly broken for a long time. We've also got a recommendation to improve the reconsideration for requests process, which also has been badly broken for a long time.

We're recommending that the Affirmation of Commitments and reviews in ICANN's bylaws be incorporated into the bylaws. There's also recommendation to enhance the accountability of the supporting organizations and the advisory committees.

I think that's important because as the Board will be sharing power so to speak with the community. It's important that the community is able to itself be accountable. So that's one important recommendation.

And then of course there's this commitment to further accountability in what's being called Workstream 2, which are those accountability reforms that don't necessarily need to be undertaken before we can have an IANA transition.

And so this work will be ongoing through next year in this Workstream 2. And some of the things that have fallen into that bucket so to speak are improving ICANN's transparency, which is one of the biggest problems I would say at ICANN.

And so this would be including enhancements - well they call it enhancements but really turning the documentary information disclosure policy, the DIDP into something that is actually about providing information it had about providing reasons for - arbitrary reasons for why information mustn't be disclosed. So that would be a significant reform and that's being kicked into Workstream 2.

More transparency around ICANN's interactions with governments and also improving ICANN's whistle blower policy. There was a real sense that there needs to be a sense of transparency that is put into all of ICANN's operations

and all of its decision-making processes. So that's going to be one of the big focuses of Workstream 2.

So if anyone is interested in working on that - on transparency, I would definitely encourage you to get in - start getting engaged in Workstream 2 for that issue.

Also in Workstream 2 would be working more to have accountability of the supporting organizations and advisory committees. I think I just mentioned that a moment ago.

The jurisdictional question whether or not ICANN could or should leave the United States in terms of its headquarters. And also some clarifying work on how ICANN will in fact respect human rights as it says it's going to do in Workstream 1. So those are some of the issues that will be worked on further in Workstream 2.

So in terms of sort of a next steps, the third report on the issues that are in Workstream 1 will come out on the 30th or I should say it's scheduled to come out on November 30. And then there'll be public comment on that report. So it's really important that folks take a look at that when it comes out and start formulating positions and comments on that.

It's going to be pretty long, probably in the neighborhood of 100 or more pages. So it's going to require a lot of time and energy but it is important. And so I think public comment will go until around the 22nd or so of December. I don't have the exact date at this point but I know when public comment actually is cut off.

But I think it's around then because I know that we're supposed to - we being the CCWG members, we're supposed to be analyzing that public comment between the dates of December 24 and December 30. So that's what I get to be doing over the holidays when I was planning on spending time with my family.

And so then if there are any changes that need to be made to that report, we should know about it generally by January 1 or so. And so that can be dealt with.

And then the process for actually approving this report is that it will go out to the supporting organizations and the SOs that are chartering it. And they will approve it or reject it. So basically this would go to the GNSO Council for approval or rejection.

And then it goes to the ICANN Board who said they, you know, they've sort of said they're going to accept it. But, you know, there's a lot of weasel words in there too. So it really does remain to be seen what the ICANN Board is going to actually do with this report and these recommendations.

So some of the really good things that I think are in it are the creating ICANN's commitment to respect human rights. That's a first. You know, it was only a year ago when the Chairman of the Board here at ICANN when NCSG was pressing him in the matter simply said, "I don't know what human rights and ICANN have to do with each other."

And so now, you know, the fact that we're actually going to get a commitment into the bylaws to respect human rights is a pretty big deal. There's also part of the clarifying ICANN's mission is to include a prohibition on content regulation.



And there's a little bit of disagreement about the exact wording of that but I think we're - I think we are coming to closure on that issue and there will be an explicit prohibition on content regulation for ICANN and its mission. So I think that's another really good thing in this report.

I think the commitment to improve the transparency at ICANN that's really good. Personally I wish we had that in Workstream 1 rather than taking it into Workstream 2. But I think we will have some of the power necessary to actually make it happen in Workstream 2. So that's a good thing.

I think the improvements that we recommended to the independent review panels and the reconsideration process, I think those are good things coming out of this working group.

And then there's a couple things that are pretty concerning to me about the report or recommendations overall. One is the empowerment of the GAC, the Governmental Advisory Committee, and to a lesser extent but still the At Large Advisory Committee sort of devaluing the role of the GNSO and the ccNSO and the ASO to these other advisory groups.

Basically in the past, you know, the SOs are where the policy recommendations are actually made to the ICANN Board and then the role of the advisory committees is one of advisory. It isn't one of decision-making.

However, one very significant and in my view negative outcome from this work is that we are changing the role of the GAC for example to being an advisory role, to being a full-fledged decision maker. And there is significant concern as to whether or not this would pass muster with the U.S. Congress,

whether this would pass muster with the NTIA and frankly it doesn't pass muster with me.

And it isn't what the NCSG said in its comments that it supplied on this issue. In fact many of - the majority of the comments on this issue of decision-making was specifically against this kind of a change in the role of the GAC and the empowerment of ALAC at the expense of the supporting organizations, at the expense of the GNSO.

So this is something that's of significant concern to me. And - but it doesn't seem to have or at least I'm not sure - we never really took a full consensus call. The Chairs just declared that I was a minority view on this.

So that's one of the really, really bad things I see coming out of this work. But again, it's not all bad. There are some really good things that we're doing as well.

And let me just leave it there and open this up for questions or comments or discussion to anyone who has any. Thanks.

Tapani Tarvainen: Thank you Robin. See if there any - are question. Let's start with Amr. Amr.

Amr Elsadr: Thanks Tapani. And Robin, thank you very much for that very comprehensive briefing. Before I ask my question, I just want to say it very - extremely surprising that - well not empowering the GAC is a minority view. I think that's very odd. But look forward to hearing more on that.

But I have actually two things to say. First one is you just made quite an impressive long list of items that need to be addressed in Workstream 2. And my understanding is that the ICANN Board has committed itself to going

through the Workstream 2 process (unintelligible) to Workstream 1 and so I think that's a win that's great. Thank you. And everyone else from NCSG I think will help make it happen.

The second question I have is regarding the public comment period that's coming up. My understanding at least - correct me if I'm wrong on this. That this public comment will not result in changes to the recommendations or the report but it's more of a guide to the chartering organizations to determine whether they're going to support the final report and recommendations. Is that correct Robin?

Robin Gross: Well, I don't think there really is an official word. I know that the - ICANN would certainly like for that to be the case. You know, they're really trying to - and it's not only ICANN. There's a lot of people in the community that are sick to death of working on this and just want it to end.

And so the idea that there would be any changes to this is just - is a nightmare. And so, you know, I would think that they would claim that, yes, this is just all about how we're going to vote it, up or down.

But I disagree. I think if there are serious concerns - I think for example the fact that I don't think public comments were - have been really adequately taken into account by the CCWG. A couple of comments said please don't empower the GAC. But instead of making any changes in that direction, the CCWG made changes in the opposite direction.

And, you know, so I don't think there was a lot of discussion or true consensus calls on some of these issues. So I think that they should be brought up in public comment. And there is something that should be said about that even if

the Chairs and ICANN and those who want this to end say oh well, that's outside the scope of this public comment period. I disagree.

And, you know, and you asked about whether or not it is truly a minority opinion that we shouldn't be empowering the GAC. I think it, you know, it really is in the - the devil is in the details and the way things are framed. And so when you say it that way, it is - there would be an agreement that we shouldn't be empowering the GAC.

But then, you know, that isn't the way it actually gets framed. They say well, this is just consensus decision-making. It's not voting. And somehow that, you know, these words magically change the meaning of the way things are operationalized, which of course they don't.

So it is an empowerment of the GAC. We are giving the GAC a decision-making role on issues like the budget and removing Board members and approving the operating plan. And, you know, all of the community powers that I mentioned the GAC will have an equal decision-making role should it choose to exercise it.

So that is the - that's pretty significant. And, you know, people are kind of afraid to be difficult and, you know, not want to go along with the program. So they just kind of mumble to themselves about it or complain to themselves about it. But they really haven't fought against it adequately frankly in this working group. So it's been somewhat disappointing.

Tapani Tarvainen: Thank you Robin. I have - at this point I'd like to remind you but try to keep it brief so that we can get through our entire agenda today. And handing next to Avri Doria. Avri.

Avri Doria: Thank you. Avri Doria speaking. I (unintelligible) disagree with Robin on the issue of the GAC. I think that what we have to acknowledge is first of all a difference between SOs and ACs.

The SOs are about policy in a specific area. They're not about the general well-being of ICANN. In fact the ACs have actually a stronger role because they are the ones that are empowered to comment on anything under the sun as opposed to just things that do with numbers (unintelligible) ccTLDs, or gTLDs.

Now I think that yes it is increasing the influence of the GAC in perhaps some absolute sense but not really because what we're doing is we're increasing the power of the entire community. Everyone sort of the vote of the GAC rising with the same level as everyone else in terms of things that are not the policy issues with the SOs but are really about the overall ICANN and its situation within its entire context.

So I do not see this as in fact increasing the power of GAC but as keeping them in a relatively equal sense to where they are now. And, you know, and to say that we are moving to voting when we're calling it consensus I think is also inaccurate.

We are moving to a consensus basis in the same sense that the GNSO and all the other organizations have defined the method by which they reach consensus. And it isn't a majority vote type situation.

So I very much disagree with Robin on this. I guess in this case I fall in the majority. I'm certainly not afraid to talk about it. I'm not saying this because I want to go along to get along. I think that people generally believe that there is room for both SO superiority in terms of policy on the specific issues but

equal footing when it comes to ICANN's well-being and existence in the world. Thank you.

Tapani Tarvainen: Thank you Avri. Going down the queue has Stephanie next.

Stephanie Perrin: Stephanie Perrin for the record. I don't want to wade in on one side or the other on this issue of GAC empowerment. But, you know, we have this expression that something is just a little too subtle for parliament out there. And I'm just wondering if this debate and the language surrounding it is just a little too subtle for Congress.

If I were cynical, God knows I'm not, I might think this was the poison pill because if Congress looks at this explaining as Avri has done, what the subtleties of consensus versus voting are might - just might not do it, you know.

The GAC's role right now is weird enough if you ask me in terms of as an assemblage of government officials. So this is - it's hard to follow even for folks like me whose worked in government for 35 years, you know. So want you thoughts on that maybe Robin and Avri. Is it a poison pill?

Robin Gross: This is Robin. Can you hear me?

Tapani Tarvainen: Yes. Go ahead Robin.

Robin Gross: Yes. I think it - I think it might well be a poison pill. The NTIA, the Congress has said time and time again that changing the role of government from advisory to decision-making would kill the transition -- would make them vote against it.

So I do have that concern that, you know, those so sort of, you know, blinded by the rhetoric of equal footing and what not, can't see the reality that the changing of the roles may very well kill the acceptance of the proposal overall.

It's not the ICANN community that has to approve of this; it's important to recognize this. This has to be approved by Congress which means a lot of people who are going to make a lot of patriotic arguments about governments that they like to rail against for election purposes, and so this really does feed right into their hands. And I worry about what it could ultimately mean to the success or failure of the IANA Transition.

Tapani Tarvainen: Thank you Robin. I guess it will not get to a definite position in this year, so let's leave it at that.

But I see Joy Liddicoat is wanting to speak.

Joy Liddicoat: Thanks Tapani. Can you hear me?

Tapani Tarvainen: Yes.

Joy Liddicoat: Thanks. Robin, thank you so much for that really comprehensive overview. And I just want to say thank you also for your stewardship, really, of the NCUC's involvement in this working group. You know, you've been through the whole process now and I think your sort of granular knowledge of where we're at has been really critical to our engagement. And thank you very much.

I'm really sorry you had to give up time over the holiday period. And I think if there's any way others can assist you, then please reach out on the list and others. If I can do so, I certainly will.

I just wanted to take a moment to pause and look backwards and then forwards. I think you are certainly right to celebrate the successes that we've had in terms of NCSG input, you know, through your leadership and the comments of others. For example, in the human rights area, I do think that is a considerable success to even have those words, and indeed, some framing of some shared understandings around that through that process.

And I think we've also had some areas where, you know, maybe we haven't got what we've achieved either. So I think we're at an interesting juncture and I'm just wondering what your thoughts are about and into next year and where this working group is going. What should be the key areas of focus for us to have input, and where you need the most help?

Robin Gross: This is Robin. Can you hear me?

Joy Liddicoat: Yes.

Robin Gross: Okay, thanks. Thanks very much Joy; I appreciate that.

Yes, so sort of turning towards the future and what to expect coming forward and how we can get involved. They want to work to have the Marrakech meeting, which takes place in March -- the co-chairs that is. They want to have us be refining the scope of the Work Stream 2 issues during that meeting.

So presumably, we should have some sense of where we are on Work Stream 1. Before that it should be in the hands of the SOs and the ACs on its way up to the Board or thereabouts. So then in March, we're going to be defining the scope of the Work Stream 2 issues.



So the important issues there for people to get engaged on are again the human rights aspect. One of the issues that has been explicitly flagged for Work Stream 2 is to clarify what the framework of interpretation is for ICANN's human rights commitment.

We were able to get the commitment in very vague sort of simple -- although rather elegant I think -- language in Work Stream 1. And, you know, Neils and Tatyana had a lot to do with that; they drafted that language. And so we're really grateful for their input on that.

However, it really remains to be seen what that actually is going to mean for ICANN. And so that's something that Work Stream 2 is going to focus on. So those who are interested in focusing on that, that's definitely going to be a hot issue and lots of work there.

Also the transparency issues, those who have done research on or filed a documentary information disclosure, a policy request -- DIDP request -- again, that's an issue that will be in Work Stream 2. So also looking at - if you're concerned about or would like to know more about ICANN's interactions with governments, that should be in Work Stream 2; the improving of ICANN's so-called whistle-blower policy.

So all of these issues around transparency will be dealt with in significant detail in Work Stream 2, so I would say that's another area to get a lot of people focused in on.

And there is a saying that the intention of Work Stream 2 should be completed by the end of 2016. That may be a bit unrealistic, but maybe not. I don't know; we'll see how it goes. I mean we've been working so fast and furiously, you

know, there's literally been hundreds of emails and meetings every other day or every day in many cases with all the subgroups.

So I've never been -- in my life -- been on an ICANN working group, and, you know -- we're talking 15-some years here -- that has required so much time and so much energy, and where, you know, significant decisions are being made and changed within a couple of days period of time.

So, you know, I would like for it to slow down a little bit and become a manageable process because the speed at which things are happening is actually impedes people's ability to access and participate in the working group. And so that's, you know, rather exclusionary actually.

So I would like for it to slow down a little bit, but ICANN sure doesn't want it to go on for much longer. So, you know, there's going to be a lot of pressure to hurry it up -- hurry it up, hurry it up -- going forward I expect also.

So there are important issues, there will be new subgroups set up, you know, year basically where we're going to need a lot of people to participate to direct and steer this.

And I think we've seen - we've been able to do that on a number of issues, and I think we can continue to do that should we be able to have the people participate in all these working groups.

And, you know, there's a lot of burnout from those of us who've done it this last year, so we're really going to need fresh legs going forward in 2016.

Thanks.

Tapani Tarvainen: Thank you Robin. (Unintelligible) participant (unintelligible) to say that we have to hurry up in this meeting; sorry.

Robin Gross: Sorry.

Tapani Tarvainen: Anyway, but let's move on.

Would Amr, would you speak a little bit about what our public permanent situation is? Amr?

Amr Elsadr: Yes Tapani, this is Amr. Can you hear me?

Tapani Tarvainen: Yes. Was asking you to...

Amr Elsadr: Thanks. Yes, yes, I got that. I'm sorry, could you hold for just one second?  
Thanks.

Tapani Tarvainen: He's counting seconds. That's only five.

Amr Elsadr: Again, this is Amr again. Can you hear me Tapani?

Tapani Tarvainen: Yes, go ahead.

Amr Elsadr: Sorry, apologies. I was dropped off the call and then switching between the AC Room and the phone bridge again.

Okay, I believe we have had a few public comments pass us by where we didn't submit any comments as a stakeholder group. There were some individual comments submitted by NCSG members. One of those was the new gTLD Option Proceeds Discussion Paper.

There was a lot of interest expressed from the NCSG members on this project, but I guess most of that was directed towards the substantive inputs to what would be done with the funds that were collected from the gTLD auctions. This public comment was more about the process to deal with it, so we didn't submit one on that.

And as far as I'm aware, we also missed submitting a comment on the preliminary issues report for the new gTLD subsequent procedures. So those are two public comment periods that some ended over the past few weeks that we didn't submit anything on.

We do have a few open public comment periods that we do need to submit comments on. One is a group that I believe both Stephanie and James Gannon have been active on which is the initial report on revisions of the ICANN policy for handling WHOIS conflicts with the privacy laws. So that's open until November 17th. It would be great to get something done maybe under the guidance of the NCSG members who are participating in that discussion, so I'm looking at you Stephanie and James.

Tapani Tarvainen: If I may interrupt you. We're momentarily two days November 17th. So we have about six hours to the deadline on that one.

Amr Elsadr: You're right about that. Okay, so we do have a bit of a deadline. But I think if we get something done by tomorrow or by the day after, we can still submit it. But that's also assuming that the policy committee can endorse it quickly enough.

So Stephanie, if you do have anything - if I'm not mistaken, you and James had already begun work on that. If you do, please share it with the rest of

NCSG membership or at least with the policy committee, we can try and see what we can do about that over the next few days.

I think there was something - yes, those were the biggest - that was the main open public comment that I believe is relevant to the NCSG right now. I don't know if there are any other open public comments that folks think we need to pay particular attention too.

I went over the list. I go over them fairly frequently and I don't think that any of the other ones are necessarily interesting to us.

Tapani Tarvainen: All right, thank you Amr. On that IAG, (unintelligible), Jeremy Malcolm has submitted something on his (unintelligible), and we might have (unintelligible).

But let's see, we have Joy next in line to speak so let's hand it to Joy first. Joy?

Joy Liddicoat: Thanks. Sorry, I just left my hand up from the last time.

Tapani Tarvainen: Okay.

Joy Liddicoat: Sorry.

Tapani Tarvainen: Jeremy?

Jeremy Malcolm: (Unintelligible).

Tapani Tarvainen: Jeremy, we can only barely hear that your mouth is stuck in something. Can you try to speak close to the mic or something because it's very bad out here.

Jeremy Malcolm: (Unintelligible). Is that better?

Tapani Tarvainen: Not much.

Jeremy Malcolm: No?

((Crosstalk))

Jeremy Malcolm: (Unintelligible).

Maryam Bakoshi: Jeremy, this is Maryam Bakoshi. Sorry to interrupt you. We couldn't hear you and that will be really hard to transcribe. If you could please give me your number and send you number to me, and I will dial out to you if that's okay.

Jeremy Malcolm: (Unintelligible).

Tapani Tarvainen: Okay, Jeremy, if you're going to dial in, let Marilia speak in the meanwhile until you get back when you get through okay. So let's hand it over; Marilia.

Marilia Maciel: Thanks Tapani, this is Marilia speaking.

Just to flag there's another public comment that may be interest for the group open. We have a little bit more time for that one, so the date it's near the (unintelligible) Review Draft Report.

There are different sections in it and they have quite different natures (sic). So my proposal would be that we kind of divide sections among ourselves to write the comment.

For instance, there is one on applicant (unintelligible). I could draft something about that, but there's another one related to application evaluation that I think that some of us are more involved in community application discussions could kind of offer their views. So maybe this is another thing to work on as, as I said, we have a little bit more time; we have 20 days. So maybe we should get organized and share that. Thanks.

Tapani Tarvainen: Thank you Marilia. So Jeremy (unintelligible), but we posted a link up there about the (unintelligible). I remember people take a look at it and see if we can get something done about that.

And let's hand over to Amr, he wants to continue.

Amr Elsadr: Yes, thanks Tapani, this is Amr. I also wanted to mention another open public comment period that I completely forgot about and it's quite unforgivable that I did.

But there is a public comment period open until November 30th for a PDP (unintelligible) All Rights Protection Mechanism -- all the RPMs. So this is going to be an extremely important PDP, and we definitely want to take a close look at the Preliminary Issues Report and see whether we want to offer any inputs to that as a stakeholder group.

As far as issue reports go, we don't always have to submit input if we feel that we don't need to because this is just really an issue scoping phase of the PDP just to make sure that everything that needs to be addressed has been pointed out and is really in there. So it wouldn't be a comment that NCSG would have to submit on substantive issues, just one of the flag things that the Issues Report might have missed and make sure that it gets into the PDP Working Group charter.

So yes, I just wanted to point that out. And we have, well, a little under two weeks to go over that Issues Report and see if we want to comment on it or not. Thanks.

Tapani Tarvainen: Okay, thank you Amr. We are running short of time so let's move on. And I'll hand it back to Amr if you want to review the forthcoming GNSO Council Meeting Agenda if there's something you want to highlight or if we want to talk about a few things since there are some issues anyway.

So Amr, do you want to go on with that?

Amr Elsadr: Sorry, thanks Tapani. This is Amr again.

Well, we have, I believe, three motions on the agenda for the Council Meeting on Thursday. And then we to pick up later on in the meeting I guess, we have to pick up on the Council Chair Elections which the GNSO Council did not manage to conclude in Dublin. So this is going to be an unusually long Council Call; it's going to be three hours instead of two.

So we have those three motions. One of them is the topic that Marilia had been addressing earlier. It's a big topic. It's probably one of the biggest ones the GNSO is going to see for the next few years. It's a motion to vote to adopt the charter for the PDP Working Group for the next generation; gTLD Registration Directory Services or (Who's Who).

So this motion was submitted prior to the Dublin -- the Council Meeting in Dublin -- and it was deferred to this meeting. So this is the second time this motion is going to be - is on the GNSO Council's agenda and cannot be



deferred a second time. So we're going to have to either vote yes or no on this motion.

I know that Kathy a little earlier was asking us to try to postpone or delay this PDP. I'm not sure that we can do this. However, in the language of the motion to call for volunteers is not going to take place immediately; it's going to, I think, be after the holidays which isn't a very long time.

But yes, there are obviously some folks in the GNSO who are very eager to get this PDP going as soon as possible. There are others who would have preferred to sort of slowdown and make sure that we're -- the GNSO's -- are ready to take on this project which is enormous.

But one way or another, we have to vote on adopting the charter -- or not -- on Thursday.

I know Avri had an issue with the charter regarding -- I think -- we're getting some of the work done over each of the phases of the PDP as they are outlined in the framework in the charter. And maybe she can talk about that a little. Apart from that, I don't think it's a terrible charter, but like I said, it's going to be a lot of work.

The two other motions, one is a request from the GNSO to the SCI, the GNSO Standing Committee on Improvements, to go over the GNSO operating procedures and try to work out some of the kinks on the Council Chair elections and Vice-Chair elections.

But I think it's a fairly straightforward motion asking the CI to look into some of the particulars of how this is done. I think one of the major issues flagged here is that incoming councilors are not eligible to be candidates for the chair

elections, which is not something I think many on the GNSO Council are too crazy about. But that they are eligible in the first round of elections. But then when you have a situation like the one we've had this year, then they do become eligible in further rounds.

But it's a fairly straightforward motion. Nothing important is really being decided by voting yes or no. just really asking the SI to look into this, try to come back with some recommendations and so forth. I think it's fairly straightforward. I would vote yes for this one, but of course ICANN would be happy to hear from others.

The third motion is to adopt a GNSO review of the GAC Communiqué which I believe Stephanie Perrin can probably speak to much better than I can because she actually did the work on this. So I will either hand off to her or back to Tapani. Thanks.

Tapani Tarvainen: Thank you Amr. And Jeremy, do you want to talk?

Jeremy Malcolm: Can you hear me better now? (Unintelligible).

Tapani Tarvainen: Okay Jeremy, sorry about your audio problems. Let's move on to Avri and you can write in Chat whatever you have to add. Avri.

Avri Doria: Thanks, this is Avri speaking. Just to respond to what Amr brought up.

Yes, my issue with the charter is that it doesn't include the right impact analysis that I believe should be done at the end of every - but especially at the end of the first phase, and then it can just be checked and perhaps incrementally dealt with at each of the other phases.

So there was a disagreement between the proposals that it be at every phase, and then I believe an IPC or other proposal that it only be at a later phase. And therefore, the Staff did not want to resolve that issue themselves and left it open.

So I think that that's the deficiency in the charter that needs to be dealt with. We need to have rights impact analysis in there, and the draft phase of the Issues Report is the listed time for getting that into the set of concerns. So I think that's an important point and that's why it was part of the comments sent in. Thanks.

Tapani Tarvainen: Thank you Avri. Let' see. Amr wants to respond. Amr?

Amr Elsadr: Yes, thanks Tapani and thank you Avri for that. And for those who don't know, Avri -- who just ended her time on the GNSO Council very recently -- was part of a group of GNSO Councilors and ICANN Board who really came up with the sort of framework and how to approach this PDP. So I doubt there is anyone in NCSG who knows more about this topic than she does.

But yes, I have follow-up question to what you just said Avri. Going over the charter I noticed that, like you said, there isn't a Rights Impact Assessment at the end of every phase. But there does seem to be some sort of exercise to assess risks involved with the policies being developed.

But yes, but those are not assessed with each phase. It seems like an iterative process to sort of kind of like determine what the risks are at one phase, and then kind of like design the risk assessment in the other, and then sort of like guidance on how to mitigate them in the third. So it really doesn't seem to be the way to - or thinking about it.

But my question to you is, I mean is this something that will be extremely detrimental to non-commercial interests in the PDP to the point where would you recommend we actually vote against the charter if we can't get it amended? Or is there sort of a middle ground of some sort of solution we could try to suggest perhaps in the working of the motion if that would be at all helpful between now, and maybe suggest an amendment to the motion?

So I'm just really looking to you for guidance on how to approach this.  
Thanks.

Tapani Tarvainen: Thank you Amr. Back to Avri, you want to respond?

Avri Doria: Yes, thanks. First of all, I want to point out the Risk Analysis is a different beast than the Rights Impact. The Risk Analysis is not looking at rights so much as it's looking at stability, security, operationalization and such as that. So I wouldn't risk to include to Rights Impact.

I think you should be able to get it in as an amendment. You may not be able to get it into every stage as a friendly amendment, but you could certainly get it in at one of the stages; the ones that IPC were willing to agree with a second which I suppose would be a compromise.

I think while we're pushing, you know, respect for rights in bylaws, to not use a tool that was established to make sure that human rights and rights of all sorts, and that's why it's just right to impact analysis -- not human rights impact analysis -- are considered as part of every PDP.

To give that up at this point, you know, I think rights are important to non-commercial organizations. We certainly and NCSG have put a lot of effort into human rights everywhere, so I would hate to see it go by.

But I think you should be able to get a compromise and get an amendment to the charter that an Impact Analysis will be added at stages. I would prefer to see every stage. But if you get it at least Stage 2, that's something. Thanks.

Tapani Tarvainen: Thank you Avri. I see Stephanie wants to talk.

Stephanie Perrin: Yes, Stephanie Perrin for the record. Just to say that I just got the invitation for the GNSO Review Meeting this week. And that Rights thing was one of the - you know, the Rights Impact Assessment -- the broader Rights Impact Assessment -- has name (sic) to that as a recommended - one of the few recommendations from that review that was worth salvaging in my humble opinion.

So I think we can keep up that refrain. I recall putting this into all the comments that the risk assessment needed to be broader; I've been harping on that since the EWG. So I'm certainly happy to make that refrain.

Whether we hold it up in the GNSO, I mean as Kathy said, Congress would like to hold it up indefinitely because we're bloody exhausted after the PPSAI. But, you know, I think it's appropriate to insist that some of these things cross fertilize.

And if we've got the rights in several other committee activities, then it doesn't make sense to not try to couple them into this one because we're going to be at least five years if not eight years on this project. We mine as well make it worthwhile. Thanks.

Tapani Tarvainen: Thank you Stephanie. Are there any other items in the motions?

One thing we should talk about a little is the Chair Election and Vice-Chair Election. Amr, would you like to comment on that first?

Amr Elsadr: Sure Tapani; this is Amr. And before I do, I would also like to point out that there is another item on the GNSO Council Agenda that is not a motion but is a discussion item, and I think it is something that does also matter to quite a few members of our stakeholder group which is...

Tapani Tarvainen: Okay.

Amr Elsadr: ...what it's called -- the Review Team for Consumer Trust Choice. And we have quite a few members of the NCSG I believe who have submitted application.

Tapani Tarvainen: Yes, the application (unintelligible) yesterday.

Amr Elsadr: Yes, sorry, but great. That's also in the Council Agenda as a discussion item.

Yes, but as far as the Council Elections go, we have only one candidate right now which is James Bladel from the Registrar Stakeholder Group. And my understanding is that he has the full support of the Contracted Parties House who nominated him. My understanding is also that the Commercial Stakeholder Group plan on supporting his nomination -- his candidacy.

So I guess it's up to us to also either decide we will support him or not. From the discussions on the policy committee list, it seems that the majority of the councilors are willing to go ahead and vote in favor of him. So I hope that the elections will proceed more predictably than they did in Dublin.

But of course, if there is anyone who does have any concerns with James as a candidate, then you have about 48 hours to speak up before any of our (unintelligible) are required to vote on this.

There is also the matter of the Vice-Chair. I believe the Non-Commercial Stakeholder Group and the Commercial Stakeholder Group constituencies -- three constituencies there -- have made quite a bit of progress on selecting a vice-chair which will likely be Heather Forrest of the IPC.

To be honest, well we've had quite a few discussions with our Commercial counterpart in the Non-Contracted Parties House over a leadership list that was set up I think a little over a year ago but is largely dormant, and become active again over the past few weeks.

I'm really not sure at this point whether the NCSG has an official position and how that position will be reached. My understanding is that it is not in the mandate of the policy committee to do this since this is something that is more of a council issue, and so Councilors need to make their decisions independently.

But from, again, from what I've seen on the policy committee list, it seems that the majority of our councilors -- if not all of them -- are going to support Heather's candidacy to the Vice-Chair from the Non-Contracted Parties House over the next year.

It would be a good idea if we can perhaps settle this now or tomorrow -- by the end of day tomorrow -- over the policy committee list because I think it would be a good thing for us to send the GNSO Council a message. By us, I mean the Non-Contracted Parties which is the Comments Stakeholder Groups, Constituencies and us -- the Non-Commercial Stakeholder Group -- just sort

of informing them that, you know, we've settled on Heather and she can take over, I guess, at the conclusion of the conclusion of the Council Meeting tomorrow from David Cake -- who is one of the NCSG's Councilors and has been serving as the Vice-Chair for the past two years and is doing Interim Vice-Chair until we've settled on a permanent replacement for him. Thanks.

Tapani Tarvainen: Thank you Amr. Before handing over to Perrin -- Stephanie -- I comment on this we actually have been discussing this in the PC -- at least (unintelligible).

So far, just about every comment I've heard - yes, let's go forward. And no objections to Heather, but at this point, if any of the councilors present would still want to object Heather or if they (unintelligible) appropriate to consider the proposition that we support Heather, then I would like you to speak up now. Otherwise, I'm going to notify the (NCP) that at least it seems we have consensus support in Heather.

But let's move on. Stephanie wanted to speak. Stephanie? Hello?

Stephanie Perrin: Sorry, that's an old hand. Drop me.

Tapani Tarvainen: Okay, thank you. Then let's move if nobody wants to object or comment on this Vice-Chair. Let's go into other business because we have other things that we need to get done.

The intercessional has been planned. The proposed dates have been February 3 to 5 of (unintelligible) of actual meeting and possibly a third for - and this around for stakeholder group or (unintelligible) meeting (unintelligible).



And we need to decide the date like right now. There have been some concerns that if it's too soon it will be difficult to arrange, but there are other alternatives into being difficult as well.

And I see the traffic (sic) is not present to all of this - most concerned with this. But if there's anybody here who wants to raise concerns about the possible dates, and also tell if they can't make it, or if there any of the councilors or NT members who most likely would be there.

Okay, Amr.

Amr Elsadr: Yes, thanks Tapani. You said February - I'm not sure. Where is this going to be?

Tapani Tarvainen: Los Angeles.

Amr Elsadr: Los Angeles; okay. So I guess those who need Visas to get there should probably get started on that quickly.

Tapani Tarvainen: Yes.

Amr Elsadr: All right, thanks. So yes, just pointing that out because we may need to have quite a few of us deal with the constituency travel on this, and we're coming up to a holiday season where most consulate services would shut down for a couple of weeks. So, yes, time is tight in that regards.

So, of course, those who don't need Visas will have less trouble getting there than those who do. Thanks.

Tapani Tarvainen: Thanks Amr. Yes, I know the timing is tight, but we have to have travelers like this week is possible. But still, there doesn't seem to be any real alternative, so it's (unintelligible). But we'll have to make do with that -- the best compromise we can do.

Okay, then we have one or two more items on our list, and one more that's perhaps small. Important now is another council item namely the Consumer Trust and Review Team Applications and whether we want to endorse anyone.

I have the link to pick up any applicants. I can press the Chat as well. And I would like to invite all the applicants to speak for themselves. Okay, (unintelligible) contemplate (sic) doesn't seem to work.

Anyway, Carlos Raúl seems to want to have something to say at this point, so go ahead Carlos.

Carlos Raúl Gutierrez: Yes, thank you Tapani. This is Carlos for the record. I hope you can hear me.

Tapani Tarvainen: Yes.

Carlos Raúl Gutierrez: Thank you. I don't agree with Marika's mail that we have to take a decision on Thursday on supporting or not supporting people because of two reasons.

One was a reaction by Volker Greimann that we don't even know how many people of the GNSO will have a slot in the Review Team. The second is that there is time until December 14 for the ACs and SOs to support or not support candidates.

So I don't feel pressured that there is a decision to be made during the Council Session. I wrote a note that I was participating and I don't expect to come out next Thursday with support or non-support motion of the Council.

If you want to hear in a few minutes what the reason I participated, I will be glad to do it. But I just wanted to make this note before we get into a very long discussion now. I think it will be a short issue in the Council Meeting, and we have bigger issues to discuss than to look at 17 names and things like that. Thank you Tapani.

Tapani Tarvainen: Thank you Carlos. It may not have been decided, but nonetheless, let's give our applicants a little introduction and briefing. We don't have all that much time, so if you can keep it to like three minutes to explain why you would be a good candidate and for the meeting.

And Carlos, you might start since you already started.

Carlos Raúl Gutierrez: Thank you very much Tapani, this is Carlos again for the record.

I have been in different positions in the private sector and in the public sector in anti-trust cases. And I have to make decisions on mergers and acquisitions in the (unintelligible) sector in Costa Rica, and the (unintelligible) are really fond about this situation of competition and consumer protection.

In particular, I worry that we might end up doing a very short analysis and say listen, we're having a lot of new gTLDs spread around the world so we have competition. That's the worst scenario I can think about because I think TLDs are becoming more a wholesale business because people have to add more value to their domain names and put more things into the (unintelligible).

And so for me, we have to make an oral (sic) example analysis of domain names being a wholesale business. And we have to analyze the power that the domain name holders have on other agents downstream. So we have to look at more horizontal analysis because it's not so much about market share as it is about the possibility that domain name registrars or registries or even registrants can exercise power, government positions over other agents in the Internet.

So this is very short, but my particularly approach is on account on this situation. It's not an easy path just to count market share since nobody has the (unintelligible) decision. I think we need seriously analysis here between wholesale and retail (unintelligible) in the domain names. Thank you very much.

Tapani Tarvainen: Thank you Carlos. That was delightfully brief and timely introduction to (unintelligible). And you noted, we will - that's a discussion item on Thursday and no decision will be made and we'll have to come back to you probably in the next (unintelligible).

But still, Carlos' brief introduction (unintelligible). So let's go on. Klaus Stoll wants to go next. Please keep it brief.

Klaus Stoll: Yes, I'm also one of the candidates who put his name quite simply because I think this is one of the most important and interesting (unintelligible) group which will be coming up because basically we're looking at everything. And what I find in particular interesting is that basically, from every different group, they will interpret competition consumer trust and consumer choice as something very, very difficult with very specific aspects and interests.

And I think this is one of the opportunities where we really can look at the new gTLDs and make observations and learn lessons and look at things which will be very important also as input for the second round if it ever happens. So that's one - this is the reason because I feel confident that I can contribute -- not only from a lot of different perspectives and viewpoints into it.

As I said, I'm absolutely looking forward to that group and hope that I'm chosen. Thank you.

Tapani Tarvainen: That was really fast, thank you Klaus. And we even have time (unintelligible).

But moving onto - I have no idea how to pronounce the name, but let's try (Somia Yer).

(Somia Yer): Yes, hi everyone.

I actually put up my name for interest (unintelligible) team. (Unintelligible) wanted to (unintelligible) my name to the purposes (unintelligible), and that's why I put my name in.

And I think my (unintelligible) with ICANN has been very (unintelligible) which has been a (unintelligible) opportunity to contribute to what is (unintelligible) actually is an opportunity to (unintelligible). And that's why I actually (unintelligible).

Tapani Tarvainen: Actually, sorry, your sound is - the audio is very bad. Could you please try to...

((Crosstalk))

Tapani Tarvainen: Very noisy.

Maryam Bakoshi: (Somia), do you want to dial out? If you do, can you give me your number please and I'll dial out to you. This is Maryam speaking. And then we can...

(Somia Yer): Sorry. Should I (unintelligible)? I just (unintelligible).

Maryam Bakoshi: Okay, thank you very much (Somia).

Tapani Tarvainen: Okay, I can't even hear if she wants to, but let's move onto the list. I see that Sam Lanfranco wants to speak.

Sam Lanfranco: Okay, thank you Tapani. Sam Lanfranco for the record. I'm (unintelligible) with moving with the parties interested in this process in Dublin.

And one thing I wanted to say is whoever is on that group, (unintelligible) is hardly ever mentioned there. (Unintelligible) interest of the providers and not the consumers. But whoever is on there from our constituency should keep that...

((Crosstalk))

Tapani Tarvainen: Sam?

Sam Lanfranco: Okay, hang on. Let me try to adjust something.

Tapani Tarvainen: We can hardly make out your (unintelligible). Perhaps I can ask if everybody who wants to speak please dial in or ask for dial-out because there is audibly (unintelligible) unusual or most difficult.

Sam, can you dial in or have dial-in? Just like we really could not make out what you were saying.

Okay, I'll move onto Amr wants to speak something at this point at least.  
Amr?

Amr Elsadr: Thanks Tapani. I'll make this very quick.

I just wanted to point out that I didn't apply to be a member of this review team, but I just want to point out to those who have and to others that I think - I believe -- there will be conflicting interests on this review team of the sort of approach to consumer trust and choice between the perspectives of Internet users versus Registrants. And I think this is something that we need to be very aware of in terms of how this review team does it work.

We need to make sure that whoever from the GNSO is going to be on this review team that perspective of Registrants is taken into consideration when it comes to consumer choice and trust, and not just Internet users. And I see this as sort of - well, it's going to be one of the very dicey sort of topics or issues that is going to be discussed on this review team. So I just wanted to point everyone's attention to this. Thanks.

Tapani Tarvainen: Okay, thank you Amr. I see Stephanie wants to speak. Stephanie?

Stephanie Perrin: Thanks; Stephanie Perrin for the record. And I'm trying to hatch shouting, so tell me if I'm too loud. I just wanted to echo what Amr just said and possibly be a little bit more explicit.

In the sites we've been having at the Privacy/Proxy Working Group, those in the Intellectual Property Constituency have found themselves as consumer

protection advocates basically because every consumer needs to know that they're buying true trademark goods -- not a fake or counterfeit Mickey Mouse tape or video for instance.

So this is what we're up against. I believe there are two things. Number one, corporate interests on both sides on the Contracted Parties House and on the Trademark side of the House representing end-users as a consumer that needs to be protected, and they're the ones to do it because they're their customers.

And B, encouraging into what I regard very strongly as not ICANN's remit -- namely activities on Web sites which is not - it's something that we as civil liberties experts care about, but it's not part of ICANN's remit. And it's pretty hard to keep drawing that line. Thanks.

Tapani Tarvainen: Thank you Stephanie. So we've noted that this is not a discussion at this point and will come again.

I want to point out that there are a few other members who have applied for this theme. And Jeremy Malcolm, who had audio problems, and (unintelligible), and Sam I think is the last (unintelligible) who is not present on this call. They have not been (unintelligible), not GNSO reps in the trade, but we'll come back to this.

And we have one more item in our agenda. It seems that James Gannon is not present, but maybe others who are in IGF would like to comment, and at least Klaus Stoll and Robin was there; I don't know if she's still around.

And anybody who was in IGF wants to talk, Klaus maybe? Want to comment on IGF experience?



Klaus Stoll: Yes, I mean the IGF experience seems to be -- in a way -- the same old come up every time -- every IGF. And on the other hand, there might be some (unintelligible), but I think it is still a very, very excellent space for discussing things which we are not able really to discuss inside the context of ICANN meetings and, you know, the whole Internet Governance (unintelligible).

I would only - I don't want to go into specific sessions, but I would like to congratulate those people from NCUC and other civil society organizations who've been there in (unintelligible). The session which are coming from a lot of people who are on this call were most excellent, and we might not agree with everything.

For example, there was a session with Milton Mueller on the IANA Transition and I think it was enlightening. And a lot of people who never were aware of the discussions we are having about the working groups which are going on, and came out of these sessions and had a much much better understanding what the different constituencies in ICANN are doing and that there is actually very serious, thoughtful and good discussions going on.

I have to be saying that it was really, really nice to observe, and also a lot of people commenting positive about civil society engagement at the IGF.

I think, only as a little comment, I know it's not decided yet, but it looks like we will have at least another ten IGFs in the front of us. So I guess the doubt of if the IGF can go on will go away, which will strengthen the IGF.

And it's time to - next time - it's another good platform we should use, maybe even more so than it has been used in Brazil for civil society. Thank you.

Tapani Tarvainen: Thank you Klaus. I see Avri has raised her hand. Would you like to talk about IGF or whatever? Avri?

Avri Doria: Yes, thank you. Avri speaking. Having been at all of them now, I must admit I was really quite excited by this one.

I think this one was not like all the others. What really managed to happen this time is that we've actually taken quite a step forward in some of the (CSGD) mandated improvements which include majorly the ability to actually work on stuff during the year and doing things to the IGF that would be considered as output and distributed as input to other organizations both within the U.N. system and elsewhere.

So really made quite a step in doing that this time. And as said, that's moving so that very soon now we're going to have to start working on the so-called intercessional work for next year. We may be delayed until the December UNGA decision before we can really get going, though in the dynamic coalitions -- where we're working on a sort of dynamic coalition of these coalitions -- we're probably going to have our first meeting next week. So that was that.

Otherwise, I've heard an amazing amount about some really good sessions, and I've started catching up on some of them on the video replays. And I recommend whether, you know - the discussions around (Rating) were really sort of quite all over the place and it was considered interesting; some of the closing speeches. Sometimes, for example, that one (Binat) was very moving.

And I think there was a lot of stuff -- that people that didn't go -- when you're in your own work avoidance mode, when you want to do something sort of related to work but you don't want to do the work you've got to do, I say go

and check out some of the sessions that were had. There was really a lot of good stuff. Thanks.

Tapani Tarvainen: Thank you Avri. I was about to say just about the same. I really found some of the sessions and some of the speeches very much worth listening and hearing. And without going into any more detail, I really must recommend that (Unintelligible) speech because it was really good.

But now we have about 20 seconds left of our meeting. Anybody have any final comments before I close this call?

No, that's - okay, Amr, you want to have last second, but last word. Go ahead.

Amr Elsadr: Okay, thanks Tapani. This is Amr. I just wanted to congratulate you on sharing your first NTSG all-a-monthly policy call, so congratulations on that; looking forward to many more. Thank you.

Man: Thank you Tapani.

Tapani Tarvainen: Thank you. So we have - we are exactly on time at the moment, so thank you very much for all. And it seems I did survive my first call as the Chair, so maybe I'll (unintelligible) the next one for ten minutes (unintelligible).

Until next time, thank you everybody and good night.

Man: Good night everybody.

Tapani Tarvainen: You can stop the recording.

Maryam Bakoshi: (Michael), you may now stop the recording. Thank you very much everyone for attending the meeting. The meeting is now finished. Bye.

END