

ICANN

**Moderator: Maryam Bakoshi
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10:00 am CT**

Coordinator: The recordings have started.

Maryam Bakoshi: Thank you very much, (Aubrey). Good morning, good afternoon and good evening. This is the NCSG Policy meeting on Tuesday 22 September, 2015. On the call today we have Rafik Dammak, Amr Elsadr, Klaus Stoll, Avri Doria, Sam Lanfanco, Stefania Milan, Adam Peake, Rudi Vansnick, (Jyoti Pandey), (Karel Douglas), Marilia Maciel, (Farzaneh Badii), Tapani Tarvainen. We have apologies from Joy Liddicoat. And from staff myself, Maryam Bakoshi.

I'd like to remind all participants to please state your name before speaking for transcription purposes. Over to you, Rafik. Thank you.

Rafik Dammak: Okay. Thanks, Maryam. Thanks for everyone for joining to the call. So as usual we have the call usually before the GNSO Council call on Thursday. And for this month we have twice GNSO Council call so we will try to cover most of the GNSO agenda and then we will try to see if any - about - regarding the update of the ongoing policy development process and if there is anything that we should respond.

So let us start with the GNSO Council agenda. Maryam, can you please share that in the Adobe Connect? Thanks. So we have the agenda in the Adobe Connect. As usual the first item the consent agenda. I don't see anything controversial here but if any of our councilor want to make a comment he or she can. Otherwise we can move to the next agenda item or motion.

Okay, since there is no comment here we can move to the next agenda item which is a motion with regard to the public comment period for new gTLD subsequent issue report. And it was presented by David Cake. So, yes, so this is (unintelligible) to do present about it. David, please go ahead.

David Cake: Yeah, okay this is Adam which (unintelligible) with staff. So I didn't write the motion. And I requested that we take a bit of a longer public comment period on this. In general I don't think the NCSG particularly is racing to get the next new gTLD round - to get started any quicker so I don't think we're trying to, you know - and staff but we needed a longer comment period. I agree.

So I'm not particularly strongly in favor of this motion but if staff think is the right thing to do I don't think we in general are trying to push this process to be as quick as possible. I don't think we want in the new gTLD process is going to be a very long, very complicated process.

And I think we shouldn't try to rush - we shouldn't try to do it with unseemly haste so to speak. So I don't think this will be controversial but it might be a little bit. Anyway I'll be voting for it but I don't think this a huge issue that will be terribly divisive.

I did - we did decide to take it off the consent agenda because we thought, you know, it might not pass. So happy to hear what any other NCSG councilors think on this issue. Thanks.

Rafik Dammak: Thanks, David. At least I think from - for NCSG at least give - can give us some time to work on the comment. Last time I shared the Google doc to try to get input so if we have maybe few weeks it will help a little to get more volunteers to work on the topic anyway. Any other comments from other GNSO councilor? Yes, Amr, please go ahead.

Amr Elsadr: Hi. This is Amr. Can you all hear me?

Rafik Dammak: Yes, we can hear you.

Amr Elsadr: All right great, thanks. Yeah, in - just for not following this this is - this is a public comment on an issues report which means following this according to the GNSO policy development processes after this is the final issues report is approved by the GNSO Council then we would be moving forward with a policy development process on the procedures for a new round of gTLD applications.

Regarding the public comment period here, if I recall correctly this was something that was - this was something that was being pushed for mainly by the business constituency and the IPC and the - their reasoning was that this is a very complex issue; the issues report is a - quite a large and substantive document. It requires more time and care and it's a big topic as well so they had - they were I think if I recall correctly they were the first to ask for an extension of the public comment period which was originally posted for the standard 40 days. So the preliminary issues report was posted for public comment on August 31 with a deadline on October 10.

I'm also in favor of extension of the deadline for public comments. I think that's a good thing. We, the NCSG, will probably need time to prepare a comment on this. And so any extra time is welcome. There were a few - there are a few concerns that may be just folks should be aware of as far as the extension of the public comment period is concerned.

First of all, extension would mean that the deadline is a lot closer to the ICANN 54 meeting in Dublin. And this has sometimes proved to be a bit problematic because then it will overlap with a lot of other things that we and other members of the community will probably need - will need to be doing in terms of preparing for that meeting.

Another issue that may be of concern, and forgive me, I'm not sure what the proposed extension is on the GNSO Council, we had discussed several extensions whether it be extended to 60 days instead of 40 or maybe 65. But one of the other concerns that I also had a problem with is when - in terms of timeline if the public comment period was extended too much then once it was over and staff had a chance to integrate any comments into the final issues report there may be very little time for the GNSO Council to review the final issues report and there will be very little time between when the final issues report is ready for review by the GNSO Council and when the GNSO Council may be expected to vote on adopting it and launching a PDP.

So I think we should be aware of all these things. I'm not saying that we shouldn't approve extension of the public comment period for the preliminary issues report but in doing so we should be aware of what may or may not come next and we should be prepared for it. Thanks.

Rafik Dammak: Okay, thanks Amr. Okay any further comment here? So I understand about your concerns. I guess it's more like - sounds like a kind of project management at the GNSO Council side here to be sure about - to keep things done in time. Okay, Amr, do you want to add something because I see that your hand is still raised here.

Okay so any further comments? Any questions? Well sounds not controversial topic here. And probably most of the councilor will vote yes. Okay. I think we can move to the next agenda item. Which is quite interesting because we also have explored it the last time in the - I see that for the GNSO Council you are going to have a discussion about it and representation from the vice president of ICANN development and public responsibility. So okay I think that's quite interesting development.

Did you - I mean, this is question for councilor, did you receive any update about this or any information that we should be aware about? Yes, Amr, please go ahead.

Amr Elsadr: Thanks, Rafik. It's Amr. No, to my knowledge we did not receive any update on this. I believe this is going to be sort of like a briefing by (Nora Brasilia). If folks remember this - the whole thing was exploring the public and ICANN's remit is sort of a - is a result of one of the five strategic panels that ICANN launched I think was it last year or the year before. There was one on public responsibility framework and so this is kind of as a follow up to that - the work of that strategic panel.

I believe we will be - like I said, we will be getting a briefing from (Nora) about where this - what direction this is headed in or maybe just to start a discussion with us on where we all think - what direction it should head in. But this - the issue of public interest also came up in regard to the previous

agenda item, which was new gTLD round because the GNSO Council received a letter from the ICANN Board Chair, Steve Crocker, asking the GNSO Council to consider how public interest lays in terms of restriction of - restriction of some generics to specific applicants, generic new gTLD top level domains.

And I'm sorry, I'm a bit distracted right now. But, yeah, so this topic did come up sort of - it sort of crosses over from the new gTLD issues the board wants the Council to consider public interest issues regarding some gTLDs and how they will be handed off to certain applicants. So I don't - I'm not sure if there's going to be sort of an interrelation between the two agenda items or not. But as far as I know the second one is only a briefing, maybe others have more to add on this. Thanks.

Rafik Dammak: Okay thanks, Amr. I guess that (Nora) approached the Council here and I think that she was kind of maybe trying to start kind of a process so and trying to reach the different SO and ACs for this process. So I guess we get much more information during the Council call. However, we have Bill and Marilia in the queue. Yes, Bill, please go ahead.

Bill Drake: Hello, everybody. So this is a conversation we've had in many contexts and there's no point in repeating all of this, the various back and forth in terms of people diverse views just to say what will actually happen. I've been talking to (Nora) a bit because we've had sort of a bit of a coordination relationship, the - of this panel. And so I'm kind of like trying to get her a little help with this. I think she's trying to figure out her way through it.

Essentially what's going to happen based on the conversations we've had, is that really there were I think - there's an understanding that through the Dublin meeting people are just going to be way too distracted with other

matters to purely focus their brains in any serious way about this. But yet nevertheless it keeps coming up over and over in many contexts, whether it's accountability or whatever else, the standard is constantly being invoked as a baseline for evaluating policies. So at some point you have to try to think about it.

So the idea is, to my understanding, that in the fourth quarter of the year after Dublin there will be an effort to try to sort of socialize the concept with the community. I've been trying to encourage her to share the background work that they've been doing, and they seem reluctant, I'm not quite sure why but hopefully that'll change.

She's got staff doing some research and they've been doing some outreach to various board members and other people to get a preliminary take on how different people view the issues. And I think it would be sensible at some point for a lot of that to be publicly accessible. And I've encouraged her to put it on a wiki so that people can comment, etcetera.

In any event, so in the fourth quarter there will be this discussion. And then in the first quarter 2016 there will be some sort of a community process perhaps sort of cross community working party or something like that, that doesn't have to be chartered, could be relatively informal where there would be sort of group discussion. And then in Marrakesh we would have kind of a serious working - first working meeting to try to get people together around sort of at least bounding the range of possible viewpoints.

Oh and I'm also organizing as a big workshop at the IGF in November that has a number of the ICANN board members and others will be on so that will also kind of use that to try to start some of it.

And then in - after Marrakesh, between Marrakesh and the Latin American meeting in June will be some effort to try to like output some kind of written text that would at least allow them to say that that they have done this from the standpoint of the strategic plan and Fadi and perhaps others are heading out the door.

So that's basically where that is. So I think you're going to be getting a very preliminary update at the Council. Thanks.

Rafik Dammak: Okay thanks, Bill. Yeah, I can concur about one point that it's - and during Buenos Aires meeting when kind of (Nora) tried to approach as I discussed with her and she said that her staff will work on some background paper that will be shared later. It was supposed to be in summer but interesting to hear from you that there is some reluctance to share that. And I wondering what kind of process and how it will work here.

Yes, Marilia. Please go ahead.

Marilia Maciel: Thank you, Rafik. This is Marilia speaking. I tell you I raised my hand to explain kind of the background (unintelligible) that just to say that I think that it's time that we start to engage (unintelligible) because she will be concerned for new gTLDs and also when we are called to (unintelligible) in the board request on public (unintelligible).

It seems to me that they're expecting (unintelligible) over and over and we don't have any guideline on how to interpret or apply it. So I think that we do need to have this conversation and it's good to know from Bill that they already have a plan and to discuss this. But on the other hand, we know how hard it is to get a single view about this issue or at least about consensus even between us in our community so I imagine what it is to reach an agreement on

this item as a whole. So I don't have clarity of how this is going to move forward and maybe (unintelligible).

We had a discussion on the human rights call this week briefly if we should (unintelligible) because for many human rights advocates there is a clear connection with public interest because there is no single view around how this interest (unintelligible) keep them separate. But they may (unintelligible) the role and this is something that we need to explore further. Thanks.

Rafik Dammak: Okay. Thanks, Marilia. I guess we will know more after the call this Thursday. But anyway any further comment or question here? Okay. I guess we can move to the next item which is about the discussion paper and new gTLD auction proceeds which is also published for public comment.

And so we should submit comment here but so - but looking to hear from GNSO councilor if there was any discussion on the Council mailing list or they are aware what it will be presented exactly in the Council call this Thursday about this topic. I think it is Amr. I can't share the - yes, Marilia.

Marilia Maciel: Hi, Rafik. This is Marilia speaking. Well there was a discussion last week on the Council mailing list. Glen announced that the public comment period has been open. And with regard to why this issue is arising for us right now and where it is coming from. There was a perception that it was come from previous Council discussions in which we need to create the cross community working group to examine what to do with the money - with the auction money.

But staff presented it as an outcome for a high interest topic session with SOs and ACs coming from Buenos Aires. And there was a discussion about that. There may be kind of background on what was discussed on the list. And it

seems that although we mentioned that a cross community working group would be kind of (unintelligible) way to move forward staff has kept open the door for other possibilities of advancing this work.

And they are suggesting it so that maybe an extension to this topic, the public comment period about this topic could be granted. And I think that this is one of the things we're going to discuss. I think that given our agenda it would be a good thing, otherwise the public comment period would end in Dublin and we kind of have an agreement that this is not a good thing so maybe we should extend it as well and it would give us more time to comment. Thanks.

Rafik Dammak: Okay, thanks. Yes, Amr, can you speak up?

Amr Elsadr: Yeah, thanks. This is Amr. Yeah, just in response to Marilia, I don't mind an extension of this public comment period especially that I believe it was today or yesterday there was an announcement circulated that ICANN would be holding an information webinar on this topic I believe on October 7 which is relatively close to the Dublin meeting as well.

So considering the public comment deadline is close to the meeting as well as the webinar they're planning to hold I wouldn't mind an extension to this public comment period.

I would also say that this is a topic that has gained a lot of interest from NCSG members. Recall when we had a call for our membership to the charter drafting team of a potential cross community working group we had a lot of people put their names forward to the NCSG list. Maybe we should be a bit more diligent in sharing this information. I don't believe we have the announcement of the public comment period, you know, the webinar. I think

our members need to do this and it's probably an action item to take up after this call is over. Thanks.

Rafik Dammak: Okay, Amr, just to clarify. I think I shared information about the public comment in the mailing list and also I shared the Google doc to ask people to volunteer and James started to put some comments already. About the webinar, I only saw the information today so it's quite new announcement here. So it will be shared soon. I think can you - anyone can share also this kind of information so.

Yes, Bill, please go ahead.

Bill Drake: Just to say obviously extending makes sense but marginally. I think they're really at a loss at how to manage this process which is, you know, not surprising because there's - I think there's a lot of concern that everybody is just going to kind of come out with favorite projects and there's no organizing principle for the discussion.

The high interest session that we did on it I thought was abysmal in some respects because they kind of strategically loaded the stage with ridiculous number of people so that we couldn't have a coherent conversation. And so they're not effective, of course, the optics that anybody was coming away - come away from that session with was oh, you know, there's no agreement and it's all over the place and it's all chaos.

It's actually I think possible to sort of address this in a principled structured way and to bound the range of issues. And I think that (unintelligible) certainly should play a role in trying to do it. But it doesn't seem to me that something that we need to have right in our face right now, it's an issue that's going to be with us and not going to go away. So we should try to engage

more people but recognize that in the short term there's massive overload and people are spread too thin to actually pay attention to these things. I'll admit I haven't read the paper. So (unintelligible). So anyway thanks.

Rafik Dammak: Yes, Bill, I mean, I was planning to send a reminder anyway. Yeah, I mean, we are quite overloaded and also the timing is not that perfect. It just before and during Dublin meeting so it can be kind of maybe confusing here. I will share all information later. We got just a few public comments to handle basically about the proceeds auctions and the subsequent rounds on new gTLD. So anyway any further comment here?

At least maybe just some suggestion if we think and how we should proceed. I think it's just a position paper. I'm not sure also about the process if we will have the cross community working group or not here since it sounds like the board want to take over of the process so.

Yes, James, please go ahead.

James Gannon: Hi. It's James Gannon. So sorry I obviously just joined so I may have missed something similar to this conversation before. I think we should push for this to be resolved by the cross community working group model. It's at the basic level these auction proceeds are as a result of gTLD policy as created by the GNSO supposedly.

So it's - while there is points to be made for making sure that there's a broad spectrum of agreement CCWG led by the GNSO really is the most appropriate vehicle for this and for the board to come along and subvert that at the end will be a bad step in my opinion. Yes, the board has fiduciary duties and the CCWG should be well informed on what those fiduciary duties are and the (unintelligible) of it.

But at the end of the day I believe that it should be a community-led position on how this goes forward. And I think we should push for the CCWG to be a vehicle for that community process.

Rafik Dammak: Okay. Thanks, James. Yes, Amr, please go ahead.

Amr Elsadr: Thanks, this is Amr again. Yeah, when we first started discussing this we weren't actually - I don't want to call that the GNSO Council was asked to look into this but, you know, the GNSO Council did begin discussing it and then we did kind of quickly come to the conclusion we think a cross community working group should be - should work on recommendations and what to do with the auction proceeds.

We received - the Council received a letter from the ICANN board saying that it would basically be okay to have a cross community working group and that they would take the recommendations of that group into consideration along with other considerations that they need to do.

And as James mentioned, they have fiduciary responsibilities. And so there was a lot of discussion about this. And there were a lot of questions on why the board can't just interact with a group consisting of the ICANN SOs and ACs and kind of bring those concerns to the group so that they can be discussed openly and collaboratively.

But I just wanted to address one thing as well that James mentioned regarding a cross community working group led by the GNSO, I was very much in favor of this when we started talking about it. The more we thought about this I've become a bit more in favor of a GNSO working group handling this as opposed to a cross community working group.

And my reasoning for this is not because this is the result of gTLD policies developed by the GNSO, it's more about the nature and structure of the GNSO working group as opposed to cross community working group. GNSO working groups are open to membership by everyone whether they are members of GNSO, constituencies and stakeholder groups or from other SOs and ACs or even if people are from outside of ICANN altogether and not affiliated to any of the community structures.

So - and being a member of a GNSO working group means that you are a part of the consensus building of the final recommendations of the group. Cross community working groups only allow membership from chartering organizations and also open to participation by others who do - who then are not part of the formal consensus of those groups.

So that was a thought that I had on whether I would prefer GNSO working group over a cross community working group. And if I'm not mistaken it's part of the agenda of the next Council meeting that we will be discussing the process and kind of reviewing whether a cross community working group is preferable to a GNSO working group.

I'm pretty sure there are many who would disagree with me especially from outside the GNSO but probably others from within. But I'm just thinking out loud here and these are the thoughts that I've had over the past few weeks thinking about this. Thanks.

((Crosstalk))

Avri Doria: Hi, this is Avri speaking. I initially was in favor of the cross community model but now given that the board has basically declared that any cross

community wrangling that needs to be done it's going to do using its own methods I think it becomes quite appropriate for the GNSO itself to establish its position in a GNSO working group.

So now I would prefer that the board has sort of accepted a cross community recommendation that it would deal with as that recommendation since it has declared its unwillingness to do that and the fact that it will be the one to do the cross community balancing, GNSO really should do its own thing. So I won't be there for that discussion but I just wanted to indicate that my view on it has changed given the board's position. Thanks.

Rafik Dammak: Okay thanks, Avri. And thank you for sharing your points of view here. Okay any comment or question here? So I understand that's kind of - we still have this discussion if it will be cross community working group or should be that by GNSO and so on. So maybe we can get more (unintelligible) after the Council call. Anyway is there any question any further comments?

Okay so we can move then to the next item is also a discussion topic which is about the final report in the GNSO review. So I think - yes the report is - final report is published. And the review team is having ongoing discussion. But who can maybe give some briefing here or maybe to explain about the context and what's going on about this report.

Okay, Amr.

Amr Elsadr: Hi. Are we talking about the GNSO review right now?

Rafik Dammak: Yes.

Amr Elsadr: I would prefer a member of the working party do a briefing. I can jump in later.

Rafik Dammak: Okay I see, Bill, that you want to speak here. Yes, yeah, Bill want to speak. Yeah, please go ahead.

Bill Drake: Actually I don't really want to because I'm so sick to death of it. But I will. Just briefly for those who are the background is that there is a mandated review of the GNSO every few years. The contract was given to a consulting group that then went off and structured a very interesting model for conducting the review where it would not talk to any of the chairs of the various constituencies or stakeholder groups.

And carefully selected the people that it deemed worthy and then wrote a first draft review that was released while we were in Singapore that the members of the working party had not seen. Which in the minds of many of us had rather inflammatory language about NCUC and NCSG generally and which led then to NCUC writing a 10-page reply to that.

And then there was a second version of the report came out after the board had had a conversation with the senior staff person coordinating with this and indicated that indeed they were not comfortable with how things were being handled at least some of them.

And the next iteration of the report was reasonably more amandine and, you know, offered a series of fairly, you know, straightforward and not terrifically exciting but okay recommendations about the various aspects of GNSO work processes. And still had a few random bits of nastiness in it but was not too problematic.

And then there was a consultation, if you want to call it that, on Constituency Day in Buenos Aires where the consultants came around. And in the case of NCUC the meeting was fairly lively and animated and people expressed their concerns about the way these guys have been operating in a rather blissful way.

And lo and behold the final report comes out without having been vetted at all with the working party and it has a Recommendation 23 in it saying that essentially the GNSO should be organized as constituencies because constituencies should all have hard-wired Council seats.

And what everyone's views about that may be, the fact that it was done in the way it was done with the members of the working party not having been privy to the fact that they intended to pull this rabbit out of their hat at the last minute and do it in a way that there was no longer a possibility for public comment or anything else, was roundly aggravating to pretty much everybody.

And so we had two calls within one week to discuss this. First with the consultants who characteristically did not give a damn what we were saying, and then secondly one without them where we talked about how to put forward a text perhaps on the part of the working party and have that go as well through the GNSO Council for them to perhaps bless or at least be aware of.

The problem has been, and I will stop talking in a second, that the working party - participation in the working party has been very uneven. Many of the constituencies and stakeholder groups really have not been very represented in many of the sessions or deeply engaged in the work. So we find ourselves in a situation where a few people from a couple of groupings are trying to put

forward a text for adoption by the working party expressing our joint concern with the way this was handled and the fact that it simply wasn't thought through by Westlake Consultancy.

And, you know, the problem is that most of the other parties in the GNSO have not been engaged and are not responding to emails. So I don't know how this is going to work. But the part of the board that is supposed to review this, formally called the Structural Improvements Committee, or SIC, which I really thought was a great acronym, it is now the Organizational Effectiveness Committee, which is far more boring, is supposed to have their meeting on Monday, an initial meeting to begin to look at the report.

So in the event that we are not able, which I think is highly likely, to have a shared position among all members of the working party in advance of that meeting on Monday, what I think will happen probably is that Jen Wolfe will send a note as the chair to the OEC saying hey, we have concerns about Recommendation 23 and there will be something forthcoming. So to try to buy us some time and then we'll see if more consensus can be built.

The draft letter that Chuck Gomes did, that I made a lot of revisions to, and now Amr has added a couple as well, has been circulated and I believe that's going to go to the Council on - for a look on Thursday. And I hope people who have not been engaged in the process will not be entirely too baffled.

And I think it would be important that people from NCSG are there to explain the concerns so the people who have not been engaged from other parts of the Council community don't try to go, hey, what's this? We don't know what this is. We can't support this. You know, there's got to be some ground laid for this. So that's out there. Sorry it was a little long but that's the whole background.

Rafik Dammak: Okay thanks, Bill, for this brief - briefing. Okay, yes Stephanie, please go ahead.

Stephanie Perrin: Thanks very much. And thanks, Bill, for that summary because I think it's pretty good. I wanted to bring up the point that Chuck had made in his original letter. And I just commented immediately and gave him typos. I did not change any of the substance except to add one more line.

So I haven't read your amended version of his letter. But it's out of scope. This last minute recommendation, which, you know, I heard the Westlake people saying well they'd thought long and hard about it, if they thought long and hard about it six months ago why wasn't it in the report that went for consultation?

I'm deeply concerned with - if ICANN is spending all the time that it's spending on accountability, the process has got to be improved. These last minute ambushes, and we're experiencing a number of them in the privacy proxy accreditation issues working group, it has to stop. This is not acceptable to wed something in.

So there's a process issue. There's an out of scope. Yes I understand I'm reading the chat. Bill, I understand, this is the oldest tactic in the book. We know that. But that doesn't mean we don't call it. So my question as a - I'm not a councilor but how do we get a vigorous discussion of this going in the GNSO on Thursday? Because I think it needs to be dealt with on a procedural and scope from that perspective. Thanks.

Rafik Dammak: Yes, thanks Stephanie. We have Sam in the queue. Yes, Sam.

San Lanfranco: Thank you. Can you hear me?

Rafik Dammak: Yes, we can hear you. Yes.

Sam Lanfranco: Okay, I believe Rudi - I believe Klaus Stoll is on the phone and would like to make a comment. Is there a way that he can be patched in?

Klaus Stoll: Can you hear me?

Sam Lanfranco: Yes.

Klaus Stoll: Okay. Bill, I just would like to make a clarification or a statement and ask you a question from what you said before. From what you said before it was not clear if you objected against the process Westlake used between Buenos Aires and the new report. And we are actually surprised that NCUC had a meeting with the Westlake people because the NPOC constituency was not granted the privilege. In fact we didn't have any contact with them.

So for me it's - but the important for me is did you - are you mainly objecting against the process to which to Number 23 or are you completely against the content? Thank you.

Bill Drake: Thank you, Klaus. I guess what I'm saying is I would think that everybody in the GNSO regardless of their views on the substantive issue, would have a problem with the process and the way this was done. And so if we're going to take this into the context of the GNSO Council where a lot of people have not been following the conversation I think it is important to focus on the process aspects. Because as to the larger issue of whether what they are suggesting is advisable or not, that's a point that properly should be discussed by the Council and the GNSO community.

And I don't know if you've read the comments that I asserted into Chuck's text but - which are now part of the integrated text, but there are I think, from the standpoint of a lot of people, some questions that at least have to be raised about that whether it's the wisest approach or not.

So this merits a discussion within stakeholder groups and within the GNSO as to whether it is advisable to go down that route. Separately from the question of these jokers coming in at the last second and pushing this through with their own private agenda, I think we can all agree that that was not handled correctly. Selective consultations, the partial interactions, the non-answer answers, it's just been ridiculous.

We have - and I will stop - we have consistently been presenting these guys with factual information saying, no your characterization is wrong in the following way. And they just don't respond to it. They don't interact it. They - it's just like nothing that comes out of anybody from NCSG matters about this. They have their agenda, they have their mission wherever it came from. So I think that the Council should be able to get behind questioning that. Thanks.

Klaus Stoll: Can I respond to this?

Rafik Dammak: Okay yes, Klaus, yeah.

Klaus Stoll: Okay. Bill, if there are problems with the procedures I completely agree with you. On the other hand I think we shouldn't throw out the baby with the bathwater. I think if we procedurally try to stop 23 there will be no discussion of the substance in the NCSG. And I would very much like to see a discussion of this at whatever the outcome. And I know - and I have read your paper that

you think that the outcome is already in a way pre-predicted. And I really don't think so. And I just at least want to make sure is that we discuss it in the NCSG and having a lot of time and a lot of attention towards it. Thank you.

Rafik Dammak: Yes, Amr, please go ahead.

Amr Elsadr: Thanks. This is Amr. A couple of quick points. First one just to clarify the role of the Council in this, the GNSO Council actually does not have any role in terms of approving or not approving the recommendations. This GNSO review was initiated by the Board Structural Improvement Committee which is now the Organizational Effectiveness Committee.

And they will - they're kind of acting as the sort of the chartering organization of this project. And they're the ones who are going to have a say. So although the GNSO Council can have an opinion on this it is adoption of the Westlake recommendations is not something the GNSO Council is required or actually has the authority to do. And so I just wanted to make this very clear so there's no confusion about the role of the GNSO Council in this.

The second thing is in terms of process and substance of the recommendations I think those two are very intertwined at this point because if it were presented that, you know, we can't have a substantive discussion on this because we are going to focus on process that isn't really accurate because there was a lot of substantive input from members of the Non Commercial Stakeholder Group and yes and members of the NCUC as well.

These were submitted during the public comment period. They were also very well collected. I mean, the sessions in Buenos Aires where the Westlake team interacted with different members of the community were very well documented by ICANN staff and presented as part of the public comment

period. So if you look there was a submission by (Charla Chambly) and in that you will find a spreadsheet of all the sessions that Westlake attended in Buenos Aires and transcripts of interactions they had so you will find a lot of input from - during the GNSO working sessions on the weekend. You'll find the input from the NCUC meeting with Westlake.

It's all there in the public comments. And it should have been - it really should have been part of the consideration that Westlake took into account when they were preparing their final recommendations but apparently they either didn't take them into consideration or did take them into consideration but decided that heck no, all these people are wrong and they don't know what they're talking about and we're going to just disregard what they're saying and add this recommendation anyway.

From a process perspective I think the real problem here is that in reviewing the public comments that were submitted including the feedback received during sessions in Buenos Aires, the Westlake team did not work with the GNSO review working party at all. This is not a practice that we are accustomed to. Usually the working groups will review public comments together and try to work out what the appropriate response to the different comments is.

Westlake unilaterally reviewed all the public comments on their own; they didn't discuss these at all with the members of the working party. And to be honest, I put some blame on the working party itself for not asking Westlake to do this. But the end result is that they reviewed all this on their own and then they came up with this very surprising recommendation against the flow of all the input they had been receiving on this. And they did receive quite a bit.

So I think from both a process and from a substance perspective this is all wrong and I think that both substance and process here are very interrelated and cannot be separated. Thank you.

Rafik Dammak: Okay thanks, Amr. Yes, Bill.

Bill Drake: I just want to add one other point amplifying something about what Amr was saying. This is sort of what kind of a search one would do for information and background is trying seriously to engage these kinds of structural questions in a way that could possibly facilitate community consensus building around different kinds, you know, around reform.

And, you know, it is very obvious if you read anything they've done or if you've talked with Westlake they did not review at all the discussions that were held on this issue at length in Seoul and prior after when we were formulating the original agreement about this. This was dealt with extensively. And the board made a decision for reasons. And it's quite clear from talking to Richard Westlake that they didn't bother with that. They didn't bother to look into any of the actual history of how things have played out. They've not, you know, they just didn't engage in that manner.

So this is not, in my view, I mean, just from a professional standpoint I mean as I said in a very aggravated way on this last call with Westlake if I had had undergraduates submit a report like this I would have wanted them because their methodology of making sweeping generalizations based on very selectively represented and sometimes distorted business information from selected respondents was just not in any way a real effort to get the group where the full range of considerations here. There was no serious effort to do this and to engage the community on it.

So the report when it deals with these issues it's not just that whether I like what they're recommending or don't like. At this point frankly I'm so exhausted with this kind of crap I don't, you know, if NCSG wants to become CSG, and if the Registries want to do the same then God bless, let them all go do it. I don't care.

But just from the standpoint of doing good work this is just not good work. There was just no effort. The whole thing was engineered. And it was just appallingly bad and people need to acknowledge that. This can go on. And (Ed) filed a DIDP trying to find out how much these guys were paid and was turned down.

But I would really like to know how much they got paid to do an assessment of the GNSO where rather than actually doing any research on what goes on within stakeholder groups and constituencies or the GNSO in general they just kind of like asked a few selected people, hey what are your impressions about the other kids on the school yard and then wrote something based on that. It's an absolutely astonishing piece of work. And I hope everybody learned something from it. And I hope that we will make clear to the Council just how awful this has been done. Awfully. Thanks.

Rafik Dammak: Okay, Thanks Bill.

Bill Drake: Is the sound completely gone? Nobody can hear me either?

((Crosstalk))

Avri Doria: I can hear you.

Rafik Dammak: Hello...

Bill Drake: Or we just lost Rafik. Oh there's Rafik.

Rafik Dammak: Yeah, I am here. Yes. Okay so let's go with Amr and then Stephanie. Sorry for this (unintelligible).

Amr Elsadr: Thanks. This is Amr again. Just to revisit Bill's first statement on this, he very accurately said that this is the final report and recommendations so we were all blindsided with this new recommendation that we cannot at this point submit a comment on. What the working party I believe is doing right now is preparing the comments particularly on Recommendation 23. Bill mentioned this as well.

This will be a sort of a note from the working party members to the OEC, the Organizational Effectiveness Committee of the board, which is in charge of this project noting their objection to the recommendation. I guess we'll have to wait and see if the working party can reach consensus on this letter were not.

And another possible step that was discussed on the last working party call was should the working party achieve consensus on this that they will also ask the GNSO Council to take a position on this and perhaps submit a letter of the room to the board either supporting the findings of the working party or submit something of their own.

And this I believe is something that Jen Wolfe, who is chairing the working party or coordinating it, she will be discussing with the GNSO Council on Thursday as part of her briefing on the update. Thanks.

Rafik Dammak: Okay thanks, Amr. Yes, Stephanie, please go ahead. Stephanie.

Stephanie Perrin: Hi. Stephanie Perrin for the transcript. Can you hear me now? Hello?

Rafik Dammak: Yes. Yes, we can hear you.

Stephanie Perrin: Yes. Can you hear me?

Rafik Dammak: Yes.

Stephanie Perrin: Okay good. Okay I just want to be crystal clear that we have a - to the extent possible at least a discussed position when this comes up in Council. And while I understand the concerns about methodology and all of this, we've commented to that effect, this business of bringing in such a key structural change at the last minute without community consultation, is in my view, a complete aberration of the multistakeholder model. They are independent. If they're stupid and we are hiring the wrong consultants, that's an issue to deal with with staff through the DIDP process.

But we cannot tolerate and accept such a substantive thing being just slipped into a final report. And I would just like to say in the Privacy Proxy Accreditation Working Group, which is, you know, eating a lot of our time these days, the same thing is happening only it's happening - it's not quite clear how it's getting in. So we need to send a very strong message that if ICANN is an accountable multi-stakeholder organization, we need to stick to procedures. So that's what I want to talk about.

And I realize the GNSO can't do much but it could write a letter to the board or to the Structural Improvements Committee and say that they have these concerns about this. And these are concerns I think that are shared by most certainly by Chuck Gomes and the Registries Stakeholder Group and possibly we could get support from the registrars as well. Thanks.

Rafik Dammak: Okay thanks Stephanie. I don't see anybody in the queue. And looking to see if there is any further comments or questions about this topic. Okay, I think we can move to the next item. We already passed one hour - more than one hour on the call today (unintelligible).

And the next item is the - which a kind of irony is also about accountability and Cross-Community Working Group is kind of getting (unintelligible) because they're coming face to face Los Angeles meeting starting I think this Friday. And there is a lot of discussion and I think concerns about what will be the outcome and what we are trying to go for - what we are trying to achieve in this face-to-face meeting.

Maybe looking here, maybe to hear first from Robin if you had some kind of thoughts and if you want to share with us any - some briefing here to get everyone in the same board. Robin, can you speak?

Robin Gross: Yes this is Robin. Can you hear me?

Rafik Dammak: Yes, yes, Robin. Go ahead.

Robin Gross: Okay. So we put out the draft report for public comment about a month and a half ago. And we got significant comment, quite a lot of comment back. Much of it was very supportive. I would say most of it was very supportive of the main goals and the main objectives that the CCWG wants to gauge. But there were some concerns about different aspects of that.

And for example one of the main concerns for NCSG in our comments had to do with the redistribution of power among the supporting organizations and advisory committees and basically raising the relative power of the advisory

committee relative to the supporting organization like the GNSO. So that was, you know, one issue of concern.

And then the board came in and issued or put in the comment on the last day that said that it basically agreed with our overall objectives but didn't agree with the methodology of the single member model and wants to try more of an arbitration proceeding similar to the existing model.

And they also - in addition to that, although that's the main objection that the board had, but they really tried to roll back a lot of the reforms on all of the different issues, the reconsideration requests and the IRP and the fundamental bylaws and you know right on down the line.

The board's proposal really tries to water down and roll back a lot of the reforms on all of the different issues that we worked on. So there's a lot of concern about the discord between the board and the CCWG on the draft report.

Now we have a meeting next weekend in Los Angeles - the CCWG does - where we're going to discuss the public comment input including the board's, and it happens to be at the same time as the board will be meeting in LA also for its board retreat. So there will be many board members at this meeting and, you know, we fully expect them to come prepared to arm twist us into changing the CCWG's report into being much closer to what the board and Jones Day put forward as their alternative proposal a week or two ago.

So I don't - you know, some people are concerned that this is going to turn into a negotiation between the CCWG and the board. I'm not really sure that's what I think. I think that that's certainly what the board hopes will happen, but

I think that there's - I don't see a lot of people in the community really being willing to give up on a lot of the key fundamental points.

I think that there's flexibility in many of the issues, but not so much the key fundamental points. So it will be interesting to see where we stand basically a week from now coming out of the L.A. meeting. I will be there. Anyone can participate remotely, and I would like to encourage as many NCSG members as possible to join in the meeting via Adobe Connect. Everyone's welcome to participate.

So that's really the update on that. The CCWG did say that we likely will not be ready in Dublin to have the draft report voted on by the SOs and ACs which you know is no surprise. You may recall when this process started I told you that the timeline, we were pretending was realistic was obviously unrealistic. So it's not much of a surprise actually that we're not ready for prime time quite yet.

But we are very serious about wanting to refine the proposal and listen to all the comments and take them into consideration, including the board's. I think it will help to create a better report or a better proposal at the end of the day, having such scrutiny on the draft report.

So I don't know if anyone has any questions or - I'm sure there are other participants in the CCWG that also have viewpoints that they would like to share with the group, so please join.

Rafik Dammak: Thanks Robin. So we see any question here or comment? Yes Amr, please go ahead.

Amr Elsadr: Hi, thanks. This is Amr. I just want to thank Robin for the briefing and say that I completely agree that hopefully this meeting in L.A. will not turn into a negotiation between the CCWG and the board and will instead be an opportunity for the CCWG to review all input received, whether this is by the board or by other parties during the public comment period.

And only reviewing these recommendations and working together to see how any of the public comments submitted will improve the actual report or the proposal of the CCWG as a recommendation. I can tell you I hope that this will not turn into a binary sort of negotiation between the CCWG and the board, but just to treat the board input just as they would any other entity by anyone else in the public comment period. Thanks.

Rafik Dammak: Okay. Thanks Amr. Okay, anybody else want to add something here? Okay so just maybe to kind of add something is that we also trying here to get some kind of ad hoc group within NCSG to work on specific topics. And one of them is about the (IPC) and now is taking the lead here. She can give a short, really short and brief update what's going on. (Marcella)? I think she's not listening to me or she cannot speak.

Okay so we can move to the next item anyway and we'll see. The next item is about the new ICANN meeting strategy. I'm not aware about any updates since the last time. And I don't think that our group made any real kind of progress here. So I'm not sure what kind of update you are going to get in GNSO Council meeting if someone had any idea. Maybe you can share with that.

Otherwise maybe we can move to any other business, which is quite important here as a topic. Okay so about any other business, it's about I think for us is regarding the GNSO Council chair election. And tomorrow we have a kind of

ad hoc call with a candidate to maybe be nominated for the Non-Contracted Party House.

The candidate is coming from the CAG and more exactly from the interactive property constituency. So I encourage everyone to try to on the call tomorrow. I think it's at - if I'm not mistaken, it's 10 a.m. UTC. So we need to interview the candidate and to make decision quickly that we have to the Non-Contracted Party House to make nomination by the 25th of September, which means this week.

So I would like to hear if there is any comments here or any questions that you want to make. Yes Amr, please go ahead.

Amr Elsadr: Thanks. This is Amr. I was just wondering if we would at all care to even try to coordinate our approach to tomorrow's call or is it just going to be kind of like a - sort of like a statement made by the candidates and just anyone who wants to ask questions and go ahead. I'm sure there are concerns that we all share.

There may be a voice but just really wondering whether we wanted to coordinate our approach to this or not. Thanks.

Rafik Dammak: Well I guess maybe it's better to be coordinated in the (unintelligible) question and what we want to ask. But I think at the end if it's an open membership call I guess people, they will ask whatever they want anyway. But I think maybe (unintelligible) and root for maybe the public update of policy committee maybe need to have the kind of short list of questions they want to ask.

And so they can make their mind quickly within this week so we can make some decisions. Yes (Maria), please go ahead.

(Maria): Thank you Rafik. Just to share a little bit of information, I have been approached by (Ruben Shacall) from the (CR) who's going to GNSO now. And he has asked us if we have a prediction on our candidate because the Contracted Party House waiting to see if they're going to reach consensus. According to them you have said incompletely informally and the Contracted Party House has a perception that to have (unintelligible) in (unintelligible).

So they would kind of favor that you have a common name. If they have just an alternative, it's kind of second on that choice. But they are kind of thinking about it in the eventuality that it did not actually come into (unintelligible). I mean that's what I heard from him. Thanks.

Rafik Dammak: Okay, thanks (Maria). I think there are a lot of things we weren't hearing. It sounds that the Contracted Party House, they agreed first maybe to put James Bladel as - as a candidate, but now they are kind of maybe more reluctant on how. And they may accept the candidate from the Non-Contracted Party House from all constituency but except one.

I'm not going to say which one. It's not us, not NCSG. But they are looking to actually have a candidate that can be neutral and they will be probably happy to accept it. So we will have to interview Heather tomorrow to make our mind about how we should proceed here. But also maybe thinking about other alternatives too.

We have really short time to act so probably need much more, some concrete proposal maybe here. Yes Jim.

James Gannon: Hi, thanks Rafik. Question I suppose that follows on from the nominations (unintelligible). So we interview Heather and if we agree to put Heather forward as the candidate for the Non-Contracted Parties House and then if the Contracted Parties House puts forward their candidate, how does that work then when it then comes to the actual voting?

So are we then I suppose bound to vote for our Non-Contracted Parties House or do we then as NCSG - do our NCSG counsellors then have the option when it comes to the actual voting to vote for the Contracted Parties House candidate? What's the dynamic after we put forward the candidate from the Non-Contracted Parties House? How does the actual - how does that move forward into the actual voting?

Rafik Dammak: So I think maybe (unintelligible) can qualify about what we are doing - we're trying first is to nominate candidates. And so each house can do that - not necessarily should be a member of the stakeholder group and have say a NomComm appointee can be nominated. And so there will be election in Dublin meeting, and it will be the first action of the new GNSO council.

So after the first meeting and with the old GNSO council, the new GNSO council will sit and their first action will be to vote to elect a new chair. I guess maybe Amr and also David as the vice chair of GNSO council, he can qualify about the process. Yes Amr.

Amr Elsadr: Yes thanks. James actually brought up the same issue I wanted to bring up. But honestly I hadn't thought about this until (Ed) brought it up on the NCSG Policy Committee list. And well (Ed)'s not on the call but (unintelligible) and I'd like to thank him for doing that.

Yes as far as I understand when one of the two houses of - or when a house of the GNSO Council nominates a candidate for the GNSO Council chair, my understanding is that they are not bound by voting for him once the elections actually take place. It's just a nomination stage that precedes the election.

And the only way we can have two nominees for the council chairs that each house agrees on a nominee and then the only way we can have a council chair is if a majority of the council votes. You would probably need the members of one house to vote for a candidate from the other.

So at least an understanding that if we do agree with the commercial stakeholder group on nominating their candidate, it does not mean that we are bound to vote for this candidate once the chair elections take place.

And I think this is something that we need to communicate very clearly to both our counterparts in the non-Contracted Parties House as well as the two stakeholder groups of the Contracted Parties House. So we need to be sure to let them know that we agreed to nominate Heather as the Non-Contracted Parties House candidate.

That does not mean that we will be voting for her once the elections take place. And of course Non-Commercial Stakeholder Group counselors are free to vote whichever way they choose. But right up till now we don't even know who the Contracted Parties House candidate is, so we have no way of making a decision at this time, whether we prefer Heather over another candidate. We don't know who that other candidate is.

Having said that, I'm going back to my earlier comment on coordinating our approach to the call tomorrow with the candidate who is Heather. For me - and I think I've voiced this on the policy committee on at least two occasions,

I have grave concerns about having a GNSO Council chair being a member of the (IPC) at this time.

We have two very large PDPs that are about (unintelligible) - one on the pot-expert Working Group, one from the Registration Directory of Service next generation - Directory of Service.

So this is a huge GNSO project that the IPC and the NCSG have very conflicting views on and I would be very uncomfortable with an IPC member chairing the GNSO Council while it's going on as well as the (subject) going round for the new gTLDs. That's another huge PDP that's going to take place which I suspect will have a lot of conflicting positions with IPC on that as well.

So I'm just voicing my own concerns. And I think during tomorrow's call with Heather really need to address this issue and understand of her what her position on this would be and how she would manage the council in light of these two (PCs) going on probably over the next couple of years. Thanks.

Rafik Dammak: Thanks Amr. Yes Stephanie, please go ahead.

Stephanie Perrin: Thanks very much. Stephanie Perrin for the record. I agree that I think Heather is capable of being a very good neutral care. However, I just want to emphasize on Amr's point about the post-CWG process. That thing is - I would say undoable in the time frame that they have sketched out.

And I think we are going potentially to be defeated by the schedule. So I think it is particularly dangerous to have an extremely efficient chop, chop neutral chair in there who will not be - she doesn't have to be non-neutral to be damaging to our interests.

We need someone who is going to say, "You know what? We can't possibly get this done in the time frame. So let's slow the vote down." And if we have someone who is just going to keep going okay, by next January the 2nd we need this out, I think we're going to be in trouble.

So I don't think - my reservations about voting for Heather are not about her character, not about her neutrality. But at this particular point in time it's very dangerous to have someone who's going to push, push, push and get the agenda through because the agenda for the EWG is utterly ridiculous. So that's I think all I have to say, and I plan to vote against her just in case anybody's answering. Like almost anybody would be better I think.

Maryam Bakoshi: We're dialing Rafik back into the meeting. Apologies for the confusion.
Thank you.

Amr Elsadr: I'm sorry, this is Amr. Did I just hear Maryam say that the meeting is over?

Maryam Bakoshi: No, no. I'm sorry Amr. I was saying that Rafik got cut off. We're dialing him back.

Amr Elsadr: Okay. I can take over Maryam until he...

Maryam Bakoshi: Thank you.

Amr Elsadr: ...dials back in. Thanks Stephanie. That Stephanie is an old hand, right? I can move on to Kathy?

Kathy Kleinman: Great. Hi Amr. Hi everybody.

Amr Elsadr: Kathy go ahead.

Kathy Kleinman: Hope you're doing well. I'm living in proxy privacy accreditation land these days, so with James and Stephanie - way too much work. Hey first, bad timing for tomorrow. It's really good to avoid people's high holidays, and tomorrow's Yom Kippur. So in the future if we could schedule around major holidays of various religions that would be great for human rights reasons.

Second it's my - I just wanted to double check but tomorrow is the Non-Contracted Parties GNSO chair interview. That's why we don't know who the other side is, right? At some point we'll have that opportunity I assume to talk with whoever is appointed, whoever the contracted parties - just to clarify there.

Amr Elsadr: Kathy is Amr. Yes you are correct and tomorrow we are going to be interviewing a potential candidate of the non-contracted party...

Kathy Kleinman: Okay, I had misunderstood the title. Okay great so it's just Heather on the floor tomorrow. Just Heather.

Amr Elsadr: That is correct, but I am unclear on whether we will have an opportunity to interview the other candidate from the Contracted Parties House or not. I don't believe we got to do this really last time around, but last time Jonathan Robinson was running unopposed so I'm not sure there was much point to it. I could try to get clarification on this and get back to you if that's okay.

Kathy Kleinman: Oh that's fine. But I think there's an opportunity tomorrow with Heather. You know, for all the same reasons everyone else has talked about and more - the UDRP review coming up - I think this is the wrong time to have an IPC chair, and especially watching Steve Metalitz pull strings in the Proxy Privacy

Accreditation Working Group where he's co-chair and it's supposed to be neutral.

There's nothing neutral about him, and he's pulling many of the strings in the IPC. And you can quote me on that and he knows it. He's been doing it for years. That said, this is a great opportunity to build a bridge to Heather and talk to her.

You know, if she becomes chair - you know, if let's say the contracted parties don't nominate anybody. And I hope they nominate James who I think would be very good. If they don't - you know, this is a time - and again I won't be on the call tomorrow - to talk to Heather and talk with her about neutrality as issues come up that she is personally and her constituency is personally very vested in.

And it could be a very good conversation. So I hope it goes well. And you know in the past she's been a good participant and player. And maybe at another time when the issue's not as close to us or around, you know, she may come up again as a chair. So I think being positive tomorrow would be very helpful. Thanks.

Amr Elsadr: Thanks Kathy. This is Amr again. Are there any other comments on this? Anyone have any input on tomorrow's call, anything we should take into consideration? Maybe we could have a bit of a chat about it on the committee list as well.

Rafik Dammak: Amr? Amr can you hear me?

Amr Elsadr: Yes is this Rafik?

Rafik Dammak: Yes this is Rafik speaking. I'm trying to join through the Adobe Connect. Maybe just to clarify first to Kathy, just want to answer, yes. Just want to answer Kathy about the organizing call.

I'm sorry that it happened with religious holiday. But I am also chairing this conf call during my own holidays here at midnight. So I hope that everyone, you know, can understand this and also that ICANN is organizing comp holidays this Thursday and Friday.

So I think that maybe we can have a lot of discussion about that, but it's not the topic for now. So about an issue that we have to answer quickly about to make a nomination by the 25th. And it was really hard to get time available to everyone.

So okay, let's - I mean we have our chance tomorrow to ask Heather and also I see from Avri and Robin if we get several candidates to get them as a constituency day. I think we can organize that anyway. Okay James please go ahead.

James Gannon: Hi, James Gannon. So just very briefly, so I won't be able to make the call tomorrow. Two kind of areas that I'd like people to touch on in their questions if possible or if something similar could be put forward by people (unintelligible).

I'd like to know how Heather is going to be able to deal with the pull from two sides of trying to be a neutral chair while obviously being from the IPC and having her opinions on things and how she would plan to deal with that kind of dichotomy of issues herself, because obviously we have a huge amount of very relevant issues coming up to the IPC over the next period of time. That will be during her chair.

And the very difficult time for having IPC person in the chair I think not just from our own perception of it but also for her as her capability to actually fulfill that job I think would be very, very difficult for her.

And also I would like to know would she be open to - (unintelligible) in the chat as well - would she be open to a vice chair position if that were an alternative option if we decided to go with the Contracted Parties House because I think that could be a good way to resolve the potential conflict there.

Rafik Dammak: Yes Amr. Please go ahead.

Amr Elsadr: Thanks. This is Amr. Yes, two points James just made. The first one on whether she will be capable of being neutral or not, I think this is the question that many of us have for her, and I'm sure will be put to her tomorrow.

But I would add to that question is whether she actually has the latitude to be flexible or neutral as a co-chair or not because my understanding is that IPC counsellors in general are directed in what they bring to council and how they vote. So I would also like to understand the internal dynamics of the IPC and how they would act, one of their own being the chair of the GNSO Council.

Will Heather be able to sort of break free of the tether to her constituency when it comes to her chairing duties or not? This is also something I would add to that question, I think is very important. In terms of a compromise, having her as a vice chair actually would (unintelligible) a non-formal agreement with the IPC that we were trying to formalize right now, with the Commercial Stakeholder Group. Is that the two stakeholder groups would take turns like chairing the counsel?

So right now is actually the commercial stakeholder Group's turn to vice chair the council. So if Heather - if we don't agree on Heather or any other candidate from the commercial stakeholder Group then it would indeed be their turn to vice chair the GNSO Council and Heather would most likely be a nominee for that position if she was not accepted of the candidates for the chair job. Thanks.

Rafik Dammak: Okay, thanks Amr. So is there anything we wanted to add here, any further comments? So we will have the call tomorrow. So again that is maybe not convenient to everyone, but many calls, it's kind of square in the circle problem. And trust me, it's not easy at all.

Okay, so let's try now to move to the next item. We have 20 minutes left on the call. We'll maybe just try to get some update, what's going on in terms of policy and working groups and so on so everyone can be aware of that. And we try to respond to maybe if there is any concern or just to give a briefing here.

So is there anything? I mean (unintelligible) involved in working parties that you want to talk about that. Yes Amr, what you want to discuss here?

Amr Elsadr: Hi, just the Item 10 on the Council agenda, the GNSO Council appointee to the leadership training program in Dublin. Is it something we want to discuss on today's call or not?

Rafik Dammak: Well you are looking for suggestions here or...?

Amr Elsadr: Yes I would actually just say that I would be very happy to ask the GNSO Council to consider Stefania as the GNSO Council appointee since she is

going to be a new counsellor. She's going to begin her duties with the closing of the Dublin meeting, and I think she would be a good candidate on behalf of the GNSO Council. So if there is no objection I would like to suggest her.
Thanks.

Rafik Dammak: Thanks Amr. I think that makes sense. Maybe just to check with Stefania if she is available because I think that's one week before the ICANN meeting she's on the call here. Or maybe she can comment quickly. Stefania? Okay, starting Wednesday. Thanks James for (unintelligible). Maybe she cannot speak for now.

Anyway we can go with that proposal. So I guess in the GNSO Council call and hopefully we can get her to be appointed to his leadership train.

Okay so let's move again to the update about policy. But we tried before to let Farzaneh speak. I'm not sure if she could figure out how to speak with Adobe Connect. Farzaneh. Okay, no connection. So maybe next time then or you can share in the mailing list. Okay so let's (unintelligible) any policy development process that is relevant. Yes James.

James Gannon: I'll let Kathy or Stephanie take PPSAI update if they want to. But the other one (unintelligible) Whois at the moment I suppose is the implementation advisory group on Whois conflicts with national laws. So we have a draft report that's constructed by staff. It's been a very hard working group to make any progress with. There's a lot of very strongly entrenched positions on the sides of the arguments.

And we're looking at the NCSG people on this as (unintelligible) and are broadly in agreement with the registrars. The fact that we believe that ICANN shouldn't place registrars in a position to be in conflict with their own national

data protection and privacy laws. And unfortunately we have come to agreement with the stakeholders on a trigger to allow an exemption from that process to be initiated with ICANN.

So there's a draft report. (Unintelligible) for public comment. Unfortunately the draft report essentially states that we can't particularly come to agreement on anything. So where that working group will go in the end I'm not quite sure because we essentially can't agree or come to consensus on anything to change the trigger from what it is at the moment.

And it's certainly something that I'd like to see NCSG and NCSG members give some input into. Particularly I know that we have a number of national experts in privacy laws around the world. So I'd like to see input from (unintelligible). And I'll let Stephanie do an update on PPSAI.

Rafik Dammak: Thanks James. Stephanie, you (unintelligible)?

Stephanie Perrin: Thanks, Stephanie Perrin for the record. I actually would like to comment on the Whois implementation volunteer working group that James and I have been on. And procedurally I would again raise a couple of concerns that I find absolutely appalling.

I complained about this on the list I think that the way staff are treating Christopher Wilkinson I find reprehensible. He has requested that language that is absolutely incorrect be removed and replaced, and staff is not listening. The matter pertains to whether it's national law or applicable law.

And in the case of the European Union it's applicable law. And he's just being ignored. And so honestly I have a little roster going of failure of the multi-stakeholder model. If ICANN does not listen to knowledgeable stakeholders

and ignores their input, I think sooner or later it's time for a Martin Luther style articles on the door - bang, bang, bang.

You know, this is ridiculous the way they treat him. Anyway, I'm in the middle of crafting a dissent that will basically echo what Christopher has said because I believe he's correct. I'll add a couple of items. So that's going into that group.

And on the PPSAI, I've already complained I think. Oh no, that was on the Web site. Sorry. The PPSAI, we're getting a last minute phone problem with the documents as drafted. And we really have to call them out on this, and it's not entirely clear whether that's coming from the stakeholders who were totally overwhelmed by the 20,000 comments that we've got.

And we've had a devil of a time getting them all integrated and incorporated. And many, many thanks to Kathy for all the work she's been doing on this committee and the tough slogging reading them all and finding the pieces that are being ignored.

But the report is being drafted in a slanted way by staff and we're going to have to fight that slanting all the way. So I think that goes on my roster of procedural problems with multi-stakeholder model. I mean the amount of time we all give to this is shocking, the lack of respect. Anyway, I think that's enough on this.

There will be a final report coming out of the PPSAI sometime, but we have an unprecedented amount of cooperation between us and the registrars and that's really the only way we're getting anywhere on this. Thanks.

Rafik Dammak: Thanks Stephanie. And I hope we will have enough time to discuss about the whole privacy issue in Dublin and to get more people involved within the process.

Okay we have about ten minutes left in the call so looking to hear more updates here. But there if there is no - I'm not going to keep you - not going to keep folks more longer on the call. So please jump in if you want to add something or you want to comment. Okay so that's it.

I was sent the information about Dublin meeting to discuss about the agenda of the (unintelligible) and the constituency day and also that we need really to discuss two and above the topic we want to talk about the board and to work on them to make the decision more for us, more interactive.

And just as the information focused on Dublin we are not going to have decision at the board in Tuesday but in Wednesday. So maybe that will change the dynamics a little bit and we can see and experiment the change of the day and time will have some influence about the interaction with the board.

So we shall (unintelligible) the information to (unintelligible) and I'm really looking for your input about the topics that we want to discuss while we consider updates. And we worked with (Marcos) I think and (work at) so we can try to (unintelligible) our session with the board. Okay.

Is there any comments or anything that you would like to add here? Yes Steve, please go ahead.

(Steve): I just want to really underscore something I've said before. If based on the conversations I'm having with various people, I think it's like really urgent

that we have a good meeting with the board in Dublin because we're sort of at a point, potential tipping point, where attitudes may not be recoverable.

So I think it will be really useful to try to engineer the narrative that we wish this to follow and think it through in advance. It tends to be the case that we run into things rushing from one thing to the next and then we just kind of, you know, engage in free form dance and sometimes that doesn't really optimize the opportunity.

And there was just like a lot of bad (boogie joogie) now that has accumulated in the atmospherics that, you know, we need I think (suspense). So trying to think of some way to raise pressing issues with them without stomping on all their buttons because I think otherwise, it((s not going to be good for us.

Thanks.

Rafik Dammak: Thanks (Steve). I mean changing the day and the time may be - it will be an interesting factor. And we will work with (Marcos) beforehand to prepare the topics and to get better understanding at the board level how (unintelligible) ad hoc call. (Maybe your team) working before private ICANN meeting. So we will try to put some measure, preventive measure, so we can improve that position.

So I keep face that we can make it quite truthful and (unintelligible). So I hope that we can make it for this time. So any comments here, questions?

I think that's it for today. Thanks everyone. I think this is my - almost my last (NC) call that will be chaired by me. I'm not sure if I am happy for that, but at least for sure that it will be - it'll free up some of my time slots. So once we will have that in coming weeks, just the moral code for the GNSO Council

chair candidate. And also we have more kind of civil society strategy next week Wednesday.

That will be much more (Unintelligible) and (Adam Peak) to talk and to present this strategy and try to get our input. Other than that, we will (unintelligible) hopefully and we have to work for that in the coming weeks. Thanks for everything and see you soon guys.

Woman: Thank you very much (Aubrey). You may now...

Rafik Dammak: All right, that's it on the call for today.

Woman: Bye-bye.

END