

ICANN

**Moderator: Maryam Bakoshi
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8:00 am CT**

Coordinator: Your recordings have started.

Maryam Bakoshi: Thank you very much, Jen. Good morning, good afternoon, good evening. This is the NCSG Open Policy meeting on 27th of September, 2016. On the call today we have got Joan Kerr, Poncelet Ileleji, Tapani Tarvainen, Ed Morris, Avri Doria. We have apologies from Amr Elsadr, Carlos Raul Gutierrez. And from staff we have myself, Maryam Bakoshi.

I would like to remind all participants to please state your name before speaking for transcription purposes. Thank you very much. Over to you, Tapani.

Tapani Tarvainen: Okay thank you, Maryam. So let's get started. As you'll see in the agenda, I have two items besides our usual boilerplate stuff. And the first thing is the bylaws drafting team, but I was hoping to – okay, Niels just joined us as well. Good. So let's start with the DT report. And I'm hoping Edward Morris would introduce the situation to us, you being on the team. Ed, please.

Edward Morris: Thanks, Tapani. Hi, everybody. Yes, we have – coming up on Thursday we have our last meeting for the drafting team report. And this is the DT that was set up in order to implement the accountability reforms in the GNSO that come along with the transition.

Initially I want to give full props to Marilia because working together in Helsinki we rebuffed an IPC – an Intellectual Property Constituency attempt basically to staff this committee with CSG representatives like they did the CCT earlier this year. And instead we wound up with a situation where we actually have four of the nine members.

The three representatives, Amr, Farzi and Matt from the NCSG and Julf, who I see is on the call today actually appointed – nominated me as virtually an NCA appointment, although I'm free basically to do what I want. I'm not actually representing the NCAs, I'm just nominated by them.

So here's where we're at, the questions we've been dealing with is who should exercise these powers? And what are the voting thresholds, once we figure out who does it, which the power should be exercised.

And so as far as the who goes, there's been proposals by the nice folks in the CSG that we set up an alternate structure, that in addition to a GNSO chair, Council chair, James Bladel currently, we have a GNSO chair that the powers would be exercised more by the stakeholder groups, and in their wet dreams, so to speak, the constituencies rather than Council.

We've fought back against that largely. The NCSG and the two representatives from the Contracted Party House have basically said they, at least initially, want the powers situated within Council. That said, I think all four NCSG representatives, or members of the NCSG on the drafting team

have stated that whatever we do in this small working group, we only have five weeks actually to do this, it's provisional that we understand that there's a GNSO review going on that the Non Contracted Party House has some other group looking at the future of the GNSO. In these groups are where the ultimate decisions lie in terms of where we go from here.

So I believe, going into the final meeting on – either tomorrow or Thursday, we still haven't received the results of the Doodle poll, I think you're going to find a six to three vote in favor of situating the powers within Council.

Steve DelBianco, who's the chair of this – of the drafting team – gave us a report this Sunday, which actually made it seem as if the minority language, that which we were considering, that's just not true. So I've submitted edits; Matt has submitted some edits as well so hopefully we'll be able to fight that back.

Once we get it in Council though there's another issue that's come up and that's the role of the NCA appointees on Council. I have to admit, because I was appointed by Julf, you may consider me conflicted. I don't believe that's accepting my viewpoint on the matter. I've reached out to people like Bill Drake to see what should be our position.

Bill, obviously, is our representative on the NomComm. And Bill pointed out that in the bylaws themselves there are provisions that the NCA appointees should be treated the same as other councilors, so to speak. In further communication – I see Avri is online – Avri has made the point that the argument by the CSG that the NCAs were there just to break ties, Avri pointed out we have a nonvoting NCA. So if the only reason they're there are to break ties, what the heck are we doing with one of those?

So I've taken the view personally that the NCAs should participate fully. That's been backed by Farzi and Matt. Amr is still on the border a little bit, at least in terms of his pronouncement. As I understand them; I could be completely wrong. But in terms of how I read the transcript from the DT meeting. So we may have a little split there; we may not.

The one thing I want to point out for an NCSG position going forward is my understanding, and Julf is on the call so he perhaps could shed some light on this, my understanding is that that we – if we present a report that does include the NCAs as full participants, we will not get their support for the final product.

And that's important in that there is a super majority threshold for acceptance of the DT report. With the CSG voting against the report, because of their belief that the powers should not be placed in Council, without the NCA support I don't know what we do. I presume we just go to the default mechanism, which is a majority vote for all matters, except Steve Metalitz has claimed that there's a constitutional crisis here.

So I literally am afraid that what we had happen earlier this year with a chair election that didn't result in a chair, could result in the empowered community taking off without GNSO participation unless we do support the NCAs and unless we do support the final report.

Now in terms of thresholds, we divided the 101 powers, believe it or not, that are coming to us as a result of the accountability proposals into three categories: nominations, decisions of the empowered community and the inspection rights.

I think we're going to be able to reach consensus on these three. Basically everyone seems to agree that the highest threshold super majority in most cases, should be used for decisions of the empowered community. Inspection rights should have the lowest thresholds. Amr actually has proposed 1/3 of each house. I think we're probably heading a little bit higher to either a quarter of each house or – let me see – half of each house or – oh let's see – yes, either half of one house or 1/4 of each house; the same threshold that's used to do an issue report.

Nominations, we're somewhere in the neighborhood of majority of 60%. The question though still before us is how do we vote? Do we keep the house structure or as the CSG has proposed, do we go to some sort of voting mechanism where the Contracted Party House votes are twice that because they have half the number of representatives as our votes? Their proposal leaves the NCAs out.

I believe all four of us have supported keeping it within the house structure. Again, I don't like being quoted as to the position of others but I don't see anyone else on the call today. So but I do believe that all four NCSG members of the drafting team have stated a preference for keeping it within the house structure. That also is the position of the Contracted Party representatives and, again, the CSG is the outlier here.

So what I anticipate coming out of our final call is going to be a proposal backed by a six to three vote, for powers to be situated within Council, with voting to be done on a house basis, again by a six to three vote, although it could be a five to four if I misstated the view of one of our representatives on the committee.

We'll have some sort of threshold structure where nominations will be either a majority or 60%. The decisions of the empowered community, including the investigation rights, will be a super majority threshold. And the inspection right will be a fairly low threshold either 1/3 of one house or the default threshold for the issue report which is a quarter of each house or a half – excuse me, a half of one house or a quarter of each house.

So that's where we're at at this point. And the big question, at least in my mind, is what are we going to do with the NCAs? As I said, practical, political reality is that without including them I don't believe that the votes will be there in Council for a super majority. I recognize that traditionally the NCSG has been a little bit split on the role of the NCAs.

So for me regardless of how you feel short term, I would suggest that if we want to get the DT report accepted at least as a provisional measure until the wider reviews are conducted, we do need to support the NCA participation. Thanks, Tapani.

Tapani Tarvainen: Thank you, Ed. Any other comments? Perhaps since one of the key issues here is the NCA position, we have one NCA...

((Crosstalk))

Edward Morris: Yeah, I'm sorry, I see Avri's question. The Registries and the Registrars, their representatives on the DT have supported keeping the current structure as I basically proposed with NCA participation. So I believe the Contracted Party House is – again, this could change when they take the report back, but their representatives on the DT have indicated support for the house structure, for NCA participation. And we're all pretty much aligned on the threshold issues, it's just we got to tweak it a little bit. Thanks.

Tapani Tarvainen: Okay, thank you, Ed. And I note Avri also saying that we must avoid diminishing the role of NCA in the GNSO. I was trying to hope that the NCA present would like to comment. Julf, would you care to say if you want to have your role diminished?

Julf Helsingius: Well, okay, yes. Julf for the record. Actually I want to make clear that I'm not arguing for a position on NCA, it's just for my own situation because I only have one year left to go anyway so personally it's not so big except that I really believe that there is an important role for the NCA and that's a very good reason that, for example, the Board has lots of NomComm appointees as well. I think it's a very essential part of the ICANN structure and we should just keep it as it is. Thank you.

Tapani Tarvainen: Thank you, Julf.

Kathy Kleiman: Tapani, this is Kathy. I'm only on audio.

Tapani Tarvainen: Who's that?

Kathy Kleiman: This is Kathy Kleiman, and I'm only on audio; I'm not on Adobe Connect.

Tapani Tarvainen: Okay, Kathy. Okay, go ahead.

Kathy Kleiman: Okay. I just wanted to first thank everybody on the drafting team. I know it's been an enormous amount of work in a short period of time so thank you to everybody for their time. The other thing I wanted to say is that I really like going through the existing structures.

From what I understand the commercial groups would like to go back to the old days when they could outvote us three to one which was when the constituencies reigned. So they had the IPC, they had the BC, and they at that time the ISPs voted them with as well. So for every one vote of noncommercial they had three votes.

And that's not the way the house structure works. The house structure is much more balanced. And so I like the idea of keeping the new structures within the existing structures and working with the representatives we've already elected, already trust, who already know the system. I think that makes a lot of sense. And have the current balance that works, frankly, quite well, much better than the old days. Thank you.

Tapani Tarvainen: Thank you, Kathy. Any other comments, opinions, on this one? No? Okay. Seems like we are reasonably agreed on this point. And I believe our (unintelligible) understand and agree on this position so they will keep on pushing it that the current balance is maintained. And seeing no further comments or requests for (unintelligible) on this, let's move on. So thank you everybody, for commenting on this.

The next item on our agenda is that we should – the deadline for the GNSO GAC liaison nominations is closed. And it's – we don't actually need to endorse anybody, we just have to have the option of nominating someone, well, as the constituency or stakeholder groups can nominate people. And so far, I notice that we have one person self-nominating in the list. Avri, would you care to comment or speak for yourself here?

Avri Doria: Sure. This is Avri. And, yes, I did put myself forward for asking for the endorsement – the nomination as the GAC liaison. I was part of working on the GAC early engagement and finding a way out of having GAC always end

up at the last minute sort of coming in after all was said and done. And basically being able to turn everything upside down. And believe that the way of doing that is to ensure that we have that early engagement and that we understand all the way through where – that they understand all the way through where the GNSO is at and we also understand what their concerns are so that we're not hit by them as a surprise at the end.

So having been part of that, believing that I understand both how the GNSO works and from my time in IGF Secretariat and other roles, feeling I understand how, you know, the government, intergovernmental process sort of works and the GAC, thought it was a role that I could contribute to.

And since I saw there was going to be nominations for it I decided to put myself forward and ask for you all to endorse me to be in that communication liaison type of role. Adding that, you know, I very much support the primacy of the PDP and want to make sure that we've got a way for the PDP to actually prevail with the Board when it gets there. Thanks.

Tapani Tarvainen: Thank you, Avri. I note that, Ed, you have your hand up.

Edward Morris: Yes, thanks, Tapani. Yes, I just want to support Avri's self-nomination. Mason Cole has pretty much established this position, it's a fairly new position, the GAC liaison role. And Mason has done a fairly good job but he's been fairly convention. What I like about Avri – well I like lots of things about Avri, although we disagree on many issues, personally I like her very much.

And what I think she has demonstrated to me in other positions is an ability to be creative. And I think what this role needs, particularly as we enter the new phase of ICANN, is somebody that, A, can communicate well, and Avri

certainly has the ability to communicate exceptionally well. But also the ability to think outside the box a bit. How can we better our relationship with GAC while at the same point letting GAC know that the PDP process and policy development processes is ours. We want their participation, but it is (unintelligible) the GNSO.

And I think Avri's ability to communicate clearly, her ability to think outside the box means (unintelligible) well. And so I basically just wanted to support her self-nomination. Thanks.

Tapani Tarvainen: Thank you, Ed. I'm sure we pretty much can agree on that. I certainly do. So do we have any other – anybody else want to speak supporting Avri or somebody else? I think formally this is for the Policy Committee to decide, but I rather – most of the PC members, well, quite a few are here. I trust they will follow what we sort of speak here.

But so anybody else comments on this (unintelligible) we just give our message to the Policy Committee that we would like to see Avri nominated. Okay, David, please go ahead.

David Cake: So just speaking from the position of someone who's been on the other side of this process like I helped select Mason as the first liaison, I'd just like to say I do think Avri is an excellent candidate for this role. The nature of how it works is that – is basically going to be decided mostly on qualifications and experience and Avri is extraordinarily good on all counts.

That said, there is a bit of a subjective – it isn't a voting process so much and there is a bit of a subjective element, so while I think Avri is terrific, I – there's no reason for anyone else who also thinks they might be a good candidate for this role to not to put themselves forward. So, you know, you

won't be detracting from Avri's chances in any way if you do. And you might just be accounting for, you know, you may end up going okay just on the subjective position of the committee.

So all I'm saying is don't hold back if you were interested in the position. You won't be hurting Avri's chances, you might be, you know, might succeed where she doesn't just because of how, you know, committee – how the leadership team feels about her. And that's not our leadership team, of course, it's – it's a group of three non-NCSG people so we can't be sure how they will feel.

And with that said, if you aren't solidly qualified, I would not bother – you know, make sure you have good qualifications in terms of experience in working groups before considering this position. That's all, thanks.

Tapani Tarvainen: Thank you, Dave. Noted from the chat Stephanie Perrin asks to be – her support for Avri be heard out loud so, Stephanie is supporting Avri as well. And I see Milton, you have...

Milton Mueller: Hello. So I just wanted to clarify a few contextual matters regarding this position. I hope -- my understanding is that you have to be on the Council to do this, right, you're liaising between the Council and the GAC. Is that correct?

Avri Doria: Sorry, this is Avri getting myself unmuted and find my mic. No, in fact I think specifically you're supposed to not be on the Council because you'll be spending a bunch of time in GAC meetings when the Council might be meeting. So I think...

Milton Mueller: Okay.

((Crosstalk))

Avri Doria: ...specifically a liaison to the Council but not within the Council.

Milton Mueller: Good. Okay so I think, yes, I think it's good that Avri has the procedural knowledge of what the GNSO does. And my question for Avri is, as you know, it's been very frustrating on the GNSO sometimes to spend months or even years working on a policy only to have in effect the GAC doing a parallel process completely unrelated to the GNSO and then both of these entities bring their results to the Board and it becomes essentially a arbitrary and highly political process to see which policy actually wins.

And I'm wondering if, A, first you can tell us whether Mason Cole succeeded in at least curbing and mitigating that problem; and whether you would be firmly committed to keeping the GAC in its place as an advisory committee and the primacy of the GNSO as the policy development entity?

Avri Doria: Okay this is Avri. I'll have to leave it someone else to comment on how successful the role has been to date. I think that in terms of the parallel processes, I don't see harm in their processes as long as those are being used to help communicate into the PDP working group such that, you know, they are forming their advice and feeding it into the PDP.

And that's one of the important parts about the early engagement program that's been put in and that the liaison is supposed to constantly make them aware of that, hey, you know, this discussion is going to on now. If you want to get your viewpoint in, now is the time. And to make sure that they always know that and to help them even get their viewpoint into the discussion at the early stages. I think what's critical for the Board, and I think it's a way that

the Board is tending but isn't there all the way, is that at the end of the day they should look at the advice they get and say, "Has that advice been responded to in the policy?"

In the discussions that went on, were the issues that are being brought up now fully discussed, fully covered, and dealt with in one way, positive, negative, that's up to the PDP.

Because I think at that point then the Board can be prevailed on to say there's nothing new here. This has all been discussed already, it's been factored in, it's baked into the recommendation that you got because of the early engagement.

I think, on the other hand, and this is sort of separate from that, but one of the things I've always argued, is that if the Board finds itself with conflicting advice to a policy recommendation, and the policy recommendation has not responded to those issues that it send back to the GNSO to get the response to those issues. That the Board never be the one to say I've got A, I've got B, I have to choose among them.

So I think the Board's role at the end is a final check to make sure everything was fully discussed. And I think the liaison's role is to, A, make sure that everything gets discussed early enough in the process so that a recommendation can deal with all aspects of the question that the Board will look at. Hope that answers it. As I say, I really am not in a position of having watched it closely enough in operation over the last three years. And except for one year on the council wasn't there to watch closely how the reporting was going. So I don't want to give an answer on the first part. Thanks.

Tapani Tarvainen: Thank you Avri. The question Milton asks that not that there were a specific recommendation that a former councilor would be a good candidate for this position. Okay now I see for Farzaneh you have your hand up. Please go ahead.

Farzaneh Badii: Hi. Can you hear me? Okay (Fazani Bagi) for the record. And I have very high opinion about Avri. I don't support nominations before they get nominated because I want more people to nominate themselves well Avri knows I have truly respect her. And I believe that she will be - because she will be great.

But so the - I want to look at the issue the other way around. Can the liaison go to GAC and say that this advice that you're giving to board should not be given now because it has to go through GNSO because it is a matter that is related to the generic names. And we need to look at this as well because this is exactly what happens they kind of sometimes they through past GNSO and the policy development and they come up with some advice and then the board implements that and they jump over us. So I am wondering if this GAC liaison also can address this issue. Thank you.

Tapani Tarvainen: Thank you Farzaneh.

Avri Doria: Should I respond or should I wait?

Tapani Tarvainen: Avri?

Avri Doria: Okay.

Tapani Tarvainen: Go ahead.

Avri Doria: This is Avri again. I do not think that the liaison can tell the GAC what they may or may not do. I do think the liaison can certainly advise them and say, you know, this is the wrong time, this is the place to put that, you know, this is the way to work with the policy development process to participate to get your views in and such. So certainly can advise the advisory committee on how it interacts but certainly don't see the liaison as being in a position to tell anybody anything but is more a communication role.

It can also help document the, you know, at the end of the day can help document for the GNSO to what degree GAC has indeed participated and how that was worked so can document how the engagement process was utilized or not utilized. But I don't see a liaison role as being in any way able to tell anybody what to do but to make sure they're informed about what is the right thing to do? What is the procedural way to follow through if that makes sense as a differentiation?

Tapani Tarvainen: Okay, thank you Avri. Now Stephanie Perrin apparently has your audio working and you want to speak so please go ahead. Can't hear you.

Stephanie Perrin: Apparently my audio (unintelligible) you're not hearing (unintelligible).

Tapani Tarvainen: Barely hear something like a train in the background.

Stephanie Perrin: Is this better?

Tapani Tarvainen: Yes, that's better.

Stephanie Perrin: Okay, very good. Yes I'm on the train Milton. Stephanie Perrin for the record. I apologize for the background noise and (unintelligible). I think that I want to make a few points (unintelligible). Number one (unintelligible). I think it's a

very difficult one. I think (unintelligible) guys think they're sovereign nations tell the board what to then (unintelligible). So it is essentially a diplomatic role going between us.

And I think we need baby steps just from establishing the role and getting into the meetings I think worked fairly well. However I doubt very much and we don't know because we don't – we're not in on these discussions with the chair. We're not in on the discussions back with our own chairs in the GNSO. We really don't know how well what kind of information has been conveyed.

It is important that the council (unintelligible) several GAC issues arise (unintelligible) but the IGL letter back and forth to the board. And there is the (unintelligible) action with the PPSAI process which I'm not saying (unintelligible) and they didn't get their comments in on time and then when they didn't get their late comments adopted they (unintelligible). So and the actual work around arranged back in the last meeting (there) they're going to address those concerns and limitations causing some great concerns (unintelligible). So I think there's an ongoing need (unintelligible) to become slightly more aggressive in dealing with them all in a different (unintelligible) way.

And the other thing that I'd like to say is just (unintelligible) performance there are baby steps for it. We also have a new GAC chair. (Thomas) may be better (unintelligible) and (unintelligible) GNSO's Chair. I'm not sure how hard (Jonathan) pushed on some of these issues. So I do apologize for the bad audio but I think that's only my opinion but there you go. I think that the really one improvement is that is different, you know, we do that ourselves our diplomats really carry demand and are just (unintelligible). That I think is (unintelligible) show up on time and not (unintelligible). Thank you.

Tapani Tarvainen: Thank you Stephanie. Despite the train in the background I think we could mostly hear you. Any other comments, opinions anybody else want to talk here? Okay I apologize for the planes in the background as well. Okay yes we definitely know that Avri can speak strongly no question about that. Otherwise it seems that we have reached a consensus position of sorts on this point of everybody who wanted to say something already has.

So okay let's move on with our agenda. And just next item is the council session Thursday. And now you can see its agenda on the Adobe screen. And looking at the council agenda items the first one is the budget or the validation of the FY '17 budget and cost control processes for the accountability CCWG. Okay to that Ed you want to speak. Please go ahead.

Edward Morris: Yes, thanks Tapani. I sent a revised motion to everybody on the NCSC list last night. So let me briefly explain what's going on. The initial - this is to approve the Work Stream 2 budget which each one of the tracking parties has to do. Our chair James Bladel set forth a motion to do so. Phil Corwin of the Business Constituency and myself didn't really like that motion for two reasons.

First of all it basically said that as we all know in the jurisdiction subgroup there's a discussion by some about whether we should be looking at potentially moving ICANN outside of California. Now let me be clear at the outset I want to keep ICANN in California, Phil Corwin wants to keep ICANN in California what we objected to was the way the motion was worded was that we shouldn't discuss moving ICANN out of California because it's not in the budget.

And our concern was that in other Work Stream 2 groups discussion could be restrained because there isn't money in the budget to actually consider various

options. For example, I'm rapporteur of the CEP group. And if we decided we needed a lot more legal resources as we might then are in the budget I don't want my group to be restricted in our discussion because we don't have enough money budgeted for lawyers.

So that was one issue we had with the initial motion. The other one was the word extraordinary that we would increase the budget only for extraordinary purposes. I personally don't think the Work Stream 2 budget is large enough. We only have 13% budgeted, 13% of the legal cost of Work Stream 1 or budgeted for the labor cost of Work Stream 2. I'm not sure that's sufficient or not. In addition we reestablished a legal executive which (Robin) and I are both on. The NCSG has two of the six members there.

And in that executive we're supposed to manage the lawyers. But I also think we need to have at least a little bit of a voice as to whoever the money is budgeted for legal expenses is which is \$1.4 million is sufficient. So Phil and I objected fairly strongly. And if you look at the motion page where there's a link I believe on the Adobe screen you'll note my objections, Phil's and Paul McGrady was actually pushing the limitations.

So over the weekend Keith Drazek got involved because – and one thing I should tell you guys is that the contracted party houses who were fairly liberal with the money during Work Stream 1 are concerned about the status of the ICANN budget. They're going to be coming at us with proposals to reduce travel expenses for example in the coming months. And here they were trying to draw a line. So Keith, Phil and I spent a lot of the weekend exchanging drafts. And we finally came up with the one that I sent to everybody last night. James Bladel has accepted the draft what we proposed as friendly amendments. And so this is what will actually be presented on Thursday.

And again it's not as liberal financially as perhaps I would like but we don't have the word extraordinary to enable us to ask for more money. What we are stating know is that the CCWG should be restrained and judicious in the use of outside legal assistance for example. But the initial budget seemed to indicate that if we ran out of money for lawyers we'd have to go to Jones Day which is what quite frankly they've been starting to push us and we're not going to do that. I can't speak for (Robin), I can't speak for (Greg), (Athena), or Leon who comprised this committee but you know what there's a reason we have outside legal assistance and it's because we don't trust Jones Day. And so I wanted to maintain flexibility to get more funding if needed for that.

An additional problem is that the materials put out by the CCWG states that, that \$1.4 million is the total amount we can spend on outside legal assistance regardless of the length of the project. Yet I confronted Xavier or the Chief Financial Officer of ICANN and he admitted that ICANN does not have a multiyear budgeting process. And that \$1.4 million has been set aside for fiscal year '17. And that if we want more money or even if we want to use that same amount of money in fiscal year '18 we'd have to make a separate request.

That's another bit of difficulty with the budget in that the CCWG proposals and how they're trying to limit us does not conform with the ICANN budgeting process. So in light of all of that we have a substituted motion which I can live with, Keith Drazek can live with (James) can live with. So I'd encourage folks to take a look at what I sent last night. And if you have problems with that let your councilors know before our meeting on Thursday. Thank you.

Tapani Tarvainen: Thank you Ed. Any comments unless it's a proposal the first day or anything else about this?

Edward Morris: Could I add one other thing Tapani?

Tapani Tarvainen: Yes okay.

Edward Morris: Tapani...

Tapani Tarvainen: Go ahead.

Edward Morris: ...could I just have one other thing?

Tapani Tarvainen: Yes go ahead.

Edward Morris: Just as an aside I am very concerned at the lack of support we're getting in Work Stream 2 from ICANN. They've just added a new staffer. That will be helpful. But I'll give you a quick example. I was intending to get my group the CEP group completed by September 30 this week. I just got my staff paper which was due in mid to early August. I just got my staff paper posted on September 19.

We just have not had have the staff support that I believe we need in Work Stream 2. And it's an issue. We had a lot of us in the CCWG had worried about what would happen after the transition took place in terms of support for Work Stream 2. These issues, be they human rights, diversity, transparency personal one is the CEP because it's a horrendous device so at least my experience it was horrendous. These are every bit as important as the Work Stream 1 issues yet we're not getting that support right now. So I just want to flag that as an issue we may need to come back to as a stakeholder group in the future. Thanks.

Tapani Tarvainen: Okay thank you Ed. So that gets a fair amount of background on this that the issue is just the budgets and cost control processes but of course that relates to everything that money has paid for. Okay I see that Milton you have your hand up. Please go ahead.

Milton Mueller: Yes. I was a bit confused by Ed's talk. So and I'm trying to figure out what exactly he was advocating. So the I know that there was some attempt to short circuit discussion of the jurisdiction issue. And there was some mention of finance, you know, costs in that which I think was bogus and we can have that discussion without perfecting the budget actually. But that's outside of the GNSO Council. So I'm assuming that Ed was talking of on Item Number 4, Validation of Budgets. And I wasn't clear exactly what his sort of motion would do and whether he is against the one put forward by James Bladel or for it. And I got the message that Ed is in favor of more resources being devoted to Work Stream 2. And I just wondered how other councilors are approaching that issue and what - how the rest of the GNSO views that issue?

Tapani Tarvainen: Thank you Milton. Ed want to clarify if Milton didn't get you correctly?

Edward Morris: Sure. And thanks for the question Milton. Yes what was going on was - is basically how the process was phrased Paul McGrady came to us and said the world the sky is going to fall in because they're talking about moving ICANN out of California and so there's not enough money in the budget to do that so we need to make sure we stop the conversation in though workgroup because we don't have enough money budgeted for that. And again Phil Corwin and I and I think Milton you know that Phil is very much in favor of keeping ICANN in California as am I. We had a problem with that because we don't want to restrict the discussions because of budgetary matters because we're afraid it's going to be used in other groups as well.

But is the new resolution just to clarify we do have the following based upon that. It's resolve Section 5 which states "it is the position of the GNSO Council that revisiting the jurisdiction or organization of the ICANN legal entity as established by CCWG accountability Work Stream 1 would not likely be supported by this projected budget and further that such inquiry should not be undertaken at this time because the new accountability measures are all premised and dependent on California jurisdictions for the receptive operation and any near term changes in organizational jurisdiction can be extremely destabilizing for ICANN and its community."

So in the revised motion we are stating that we don't want to revisit this issue. But we're not stating we don't want to revisit the issue because there's exclusively because there's not enough money in the budget for the conversation but because we believe for a number of reasons it's not a good idea. Thanks.

Tapani Tarvainen: Okay, thank you Ed. Did that clarify things enough? Anybody want to - a moment on this issue? While councilors have an agreement on whether they support this motion are not or at least nobody seems to be objecting? Okay. Absent any further comments I see Ed your hand is still up. Is it an old hand?

Okay let's move on then. Next is Item 5 on the council agenda or approval of appointment when entering GNSO representative to the empowered community administration. Did one of our councilors want to talk about this or anybody else? Okay Ed again please go ahead.

Edward Morris: Yes. Hi Tapani. Hi everybody. Basically what this allows us to do is to appoint the chair of the GNSO to be our interim GNSO representative to the empowered community until such time as the drafting teams recommendations or other recommendations are accepted. That's just so if we

do get the transition this week and things start cranking up we have somebody to represent us as is called for in the new ICANN bylaws. Thanks.

Tapani Tarvainen: Okay, thank you Ed. Any other comments on this? Okay since it's not an issue that people have problems with so let's move on Item 6 on the council agenda. Adoption of Implementation Advisory Recommendations topic procedures and Whois conflicts with national laws? Anybody want to comment on that? Okay was - scroll down on the agenda display Farzi.

Yes we just talked about the Issue 5 Stephanie. We haven't got any further. If you want to comment on that please go ahead. Ed made one comment and nobody else wanted to speak. Does anybody still want to speak on Item 5 the GNSO representative to the empowered community please raise your hand?

Seems as though nobody had anything to say so moving on to the Number 6, the Adoption of Implementation Advisory Recommendation procedure Whois conflicts with national laws. Actually I was hoping that - okay I see Farzi. You want to comment on this, please go ahead.

Farzaneh Badi: Actually I wanted to ask about ICANN Number 5. So sorry so there is an interim GNSO representative to the empowered community and we have to (unintelligible) at the GNSO Council is that the procedure?

Tapani Tarvainen: Yes if I understand correctly that's exactly it.

Farzaneh Badi: So the council - okay I thought the councilmembers will decide who will be the interim. And then there will be a vote. Okay Ed if you can explain that?

Edward Morris: Yes sure. Thanks for the question Farzi. Yes basically assuming we get the transition this week our DT report the one that you've been working so hard

on with all of us will not be ready for consideration for the council until the October 13 meeting I believe. And obviously depending on how the vote goes we don't know when we're going to have something more permanent in place.

So what this motion is designed to do is state that the chair of the GNSO will be the interim GNSO chair for purposes of the bylaws to participate in the empowered community until such point as our provisional or permanent plan that we've been working on is approved by council otherwise we'd have a minimum of a two week period there where we didn't have a representative to the empowered community. Now I don't expect anything big is going to be breaking in ICANN land during those two weeks but one never knows. So it's just to cover our rear end until we get until we get our - the DT proposal enacted by council. Thanks.

Tapani Tarvainen: Okay, thank you Ed. Any other questions or comments on this? Okay (unintelligible) drafting team for the GNSO bylaws change. Okay. But still anybody on the Item 5 or shall we go on? Okay update procedures and Whois conflicts with national laws. I was kind of hoping Stephanie would have opinion on that if your sound is working but maybe not. The train is too (unintelligible)? Was that...

Stephanie Perrin: Can you hear me Tapani?

Tapani Tarvainen: Yes. Yes go ahead.

Stephanie Perrin: Okay great. You may recall at the last council meeting we had a bit of a surprise when the registrars supported by the registries refused to sign off on the report of the implementation advisory on the Whois conflicts with law process. I'm trying to spell these out because it's acronym laden.

We knew they hated it. Anybody who wants to understand the policy issues, please read the annexes to that report and you will see the dissent that I wrote, and (Chris Wilkinson) also wrote a dissent. But the registrars are still in a situation where they have to break data protection law with an increasingly likely (unintelligible) in order to comply with ICANN policy. And then of course after they've been fined and lost customer confidence get some kind of a waiver from ICANN, which is extremely difficult to get.

So we finished the nation's advisory group activity because frankly we didn't have any choice. The charter just said see if you can come up with a new trigger. That's all we want to do. Now the registrars have come in and said, "You know what, this trigger doesn't work. We're not going to save the IAG with this." I made the motion because it looked like they were not going to do anything. We were in a stalemate last week. We deferred it to the next meeting.

It looked like they weren't going to propose a motion in consultation (unintelligible) we'd rather somebody else do it. So I said okay. I basically redrafted the original motion and said we're not accepting reports, that we should go back to the drawing board and rely on policy to (unintelligible) the law.

Now there are several problems in that in that we are in the middle of the massive RDS feed being submitted to policy. The problem being of course this thing isn't working. Nobody is getting their waiver, and it will be three years before (unintelligible) and I'm being optimistic. So a small policy (unintelligible) that will (unintelligible) in 2006 could be (unintelligible) examine some of the trigger problems because every time we try to come up with an innovative way around this process problem (unintelligible).

So I expect that this motion is going to be settled. I think there's support from NCSG from it, at least nobody's told me otherwise. However, I've got James Bladel wanting to constantly know what's going on. So we'll see after I talk to James. I think if we have another meeting in two weeks that will be great because there may be stuff happening in India (unintelligible). I hope that explains what's going on. (Unintelligible) Thank you. (Unintelligible)

Tapani Tarvainen: Thank you, Stephanie. For anybody who wants to read the motion, it's on the website. And I think that was a reasonably clear clarification on that. Any comments on this? Ed, your hand is up. Is that an old hand? Okay. I note that Farzi is insisting that councilors express the opinion on accepting James Bladel as the interim representative, discussed in number five. So we have at least Stephanie, Stefania, Dave, Ed. Ed, your hand is up?

Edward Morris: Yes I'm in favor of it. I think it's the best solution, short term. And given that in the drafting team report that we're likely going to be putting forward to council, we would be making the GNSO chair the chair for purposes of the empowered community anyhow. So my anticipation is it would just start a bit early what we're going to eventually wind up with. Thanks.

Tapani Tarvainen: So have at least Ed supports that motion. I see Stefania is typing and she's also supporting James. Dave, are you awake? You want to comment?

Edward Morris: Hey, Tapani, just in relation to something Stephanie wrote in the chat box, her motion does have my support as well. Thanks.

Tapani Tarvainen: Okay thank you, Ed, for clarifying that. And Dave is also supporting James. And (Wolf) as well. So for Stefania's question with the motion if NCSG supports, I guess it's up to the policy committee but if all our councilors support it then yes - apologies, Stefania, if I jump back to item five because

Farzi wanted to make sure what our position is. Yes we heard what you were speaking on. Okay.

Apologies for this bit of confusion and jumping back and forth, but it seems that we are clear enough. Now in the support - our councilors support James Bladel on that. And that Whois procedure, Stephanie's presentation was clear enough to me, I think. Unless somebody wants to ask - comment on that, we can move on to item seven in the council list, which is the proposed draft charter for a new cross-community working group concerning auction proceeds from the 2012 new gTLD program.

Do any of our councilors, or anybody else, want to say something about that? Okay. It sounds like no comments. Okay I presume this has not roused any ambitions so otherwise interesting. Yes, this is just a discussion item anyway. Okay. Item eight, the council list ICANN board letter on new gTLD subsequent procedures. Any comments on this one? No? I note that this is also a discussion. Okay, Ed, you want to speak. Please go ahead.

Edward Morris: It's actually a question to you, Tapani, and I guess Klaus is here as well. The council has asked for input from stakeholder groups and constituencies on this matter. Have we given the council any feedback? Thanks.

Tapani Tarvainen: I seem to recall that I passed that to the policy committee which did not come up with anything. We have one of the policy committee vice chairs here. Dave, can you confirm my recollection or comment on if you're planning to provide input here or any others? That rather sounds like I did provide much input. Klaus, you care to comment (unintelligible)?

Klaus Stoll: Yes. This is Klaus for the record. Yes we had a look at the item, but we actually, given the, how to say, that the (unintelligible) or not firm nature of

what's going on there, we decided to wait up and see. Also we have a strong opinion on that one. Definitely in the eyes (unintelligible) it's one too much. Thank you. Sorry that I'm so un-precise but that's the whole subject matter. It's very un-precise. Thank you.

Tapani Tarvainen: Okay thank you. This is still a discussion item at the moment on Thursday so there's still time to react. Okay, Farzi, you want to speak. Please go ahead.

Farzaneh Badii: Yes thanks. And I don't know, I might be mistaken but is this is not what (Niels) and (Vaduci) came up with a public comment and criticize that and then well we are waiting for the finalized version to be approved by the policy committee as a comment. I'm not really sure. Anyone else knows it? I can just dig it out now.

Tapani Tarvainen: Does anybody else know how this relates? It's just the board letter for discussion. Avri, we are on the ICANN board letter on new gTLD subsequent procedures, item 8 on the council agenda. You want to comment on that?

Avri Doria: Okay. Yes I can if you'd like as co-chair of the working group that the letter ended up. The council sent the - basically passed the question on, sent the letter to the new gTLD subsequent procedures working group and we had a long discussion on it at the last meeting. Basically the position that we had on it is, one, we're still trying to figure out what the detailed schedule of the work we're doing is. And we've got an overall schedule, but we're now looking at the issues that are in the sub teams and all the issues within in those, trying to prioritize them, schedule them and get - and understand the dependencies between them.

So in terms of, you know, changing the schedule at this point to make it come out sooner, that's not something we're even in a position to discuss. In terms of

the issue of can you split it out so that some things happen in parallel and perhaps we get some of the kinds of gTLDs to go first, et cetera, is there anything you can do to basically get us selling new gTLDs again as soon as possible, the group is completely split on.

There are certainly people that say let anybody who's ready to go with the AGB as exists now just go, you know, no need to change into those folks. And there are people saying, no, no, no, we've got to do brands first, no, no, no, have to do, you know, disadvantaged economies first or developing economies first, et cetera. And there is a - on the other side there's a strong proportion of people that say, no, we can't go ahead until at least all the reviews are done, and then another portion that says not only can we not go ahead until the reviews are done, but we have to finish this PDP and finish all the items in it because of the interconnectivity of many of these issues.

You know, it's one of those where nothing is really totally agreed up until we see how it all falls together. So basically we're too split to give an answer on can we split things up. And what we said we'd do is that we'll continue refining our schedule. We should have the refined schedule in approximately the Hyderabad timeframe. And we have a meeting in Hyderabad where we'll put this on the schedule and that we'll revisit this as necessary, you know, after Hyderabad if the board is still looking for this kind of answer.

So that's - we sent the letter back. Jeff Neuman and I as co-chairs sent the letter back to the council, which should be, you know, part of the input for this meeting, you know, at the next meeting. I can find that letter if you wanted but it should have been sent on the - in fact I'm pretty sure it has been sent on the council list already. Thanks. I'm willing to answer any questions anybody has.

Tapani Tarvainen: Thank you, Avri. I see Milton seems to have a question immediately. Milton, please go ahead.

Milton Mueller: Should I go ahead? Yes. We did develop a comment and there was some disagreement about some of the issues in the comment. I just wonder how those are being resolved and how quickly those need to be resolved. I found, you know, as I made clear in the comments, some of the positions that were being indicated there were quite incoherent. In particular the one about IDNs was sort of saying, you know, IDNs are a good thing, which, you know, is not actually very helpful in terms of subsequent procedures for new gTLDs.

Did we want to say more specifically, you know, something about how IDNs should figure in the next round? That would be a more specific way of proceeding. There were other issues where there were disagreements. I think was it premium names, there was, you know, from my point of view letting registries auction off premium names is a good thing. It's really a question of whether the scarcity is going to be rationed by people writing programs that grab these names instantly or whether - and the people who grab them get the premium price or whether the registry does. And I think the registry auction is a much more orderly way to solve that problem.

And then Avri and I had a disagreement about one of the issue and now which I can't remember right now, but the point is I guess my question is just how do these issued get resolved and how quickly do they need to be resolved?

Tapani Tarvainen: Thank you, Milton. I see Avri, you want to reply.

Avri Doria: Sure. This is Avri speaking. Okay this comment is actually a completely separate issue than the whole board letter to council, council letter to sub pro and response. This comment has to do with a community comment request

that went out a long time ago, asking six - basically questions about six specific areas. You know, do we need new gTLDs in the future, do we need to categorize them, should they be assessed in rounds, you know, should predictability be sacrificed for flexibility or not, how do we involve the community in the post application process, and should we limit the number of applications.

So that was - we sent out as a working group these questions. This is very similar, to those of you with historical background, this is the constituency comment phase of a PDP but because the PDP has been re-jiggered, it's a community comment because we also ask the - each of the SOs and ACs whether they wish to comment.

We got very few comments back. We moved our deadline out three, four times, and we got very few comments back. The stuff in this particular response that we've got is actually not very responsive to those questions at all. But what it does relate - so, you know, in terms of trying to get in for the comment period, we would certainly look at it because even though it's after the deadline and we've already started our process of going through the comments we got, we'll still look at new ones that come in. But very few of the comments in this actually address any of the questions we asked.

What the comments do address and do start conversations on is some of the issues in the sub teams. You know, we have a sub team that's going to be looking at (unintelligible). We have a sub team that's going to be looking at developing economies, application guidebook, communications. We have a sub team that's going to be talking about string contention objections, dispute resolutions, and one sub team that's looking at all the legal regulatory stuff.

Now many of these comments will indeed be applicable to that. We haven't gone out for comments on those yet. Those sub teams are just starting up, and this is an excellent background for the people that want to go into those groups and start discussing them. There may eventually be a community comment where each of these four sub teams comes out with a couple questions that they'd like the community to answer.

So in answer to the question when do we get the - need to get this done, it's really up to the NCSG since it doesn't answer the comments really from the CC1. We will go through it and we'll take anything out of there that pertains. For example there's an assumption of what we're writing that it's supportive of new gTLDs. So it would be taken as answer an affirmative on new gTLDs since that's a question we're asking.

I hope that answers the questions. There's, you know, it's interesting content, yes and Milton and I do have a disagreement on one topic. It's not a topic that's in the CC1, it's certainly a topic that will show up in the sub teams later. And I'd love to see more NCSG people involved in these because there's very, very few that I'm seeing in any of the meetings that we have. So I do encourage people to get involved in these discussions with everyone else.

Tapani Tarvainen: Okay, thank you, Avri. Anybody else want to comment on this? I see in the chat that we need to ask the questions but is anybody volunteering to pick up the back and forth? Farzi, please go ahead.

Farzaneh Badii: Hi, Tapani. Sorry I'm on holiday, I'm not volunteering. But I suggest that we look at the question and I don't know if we should just include them in what (Niels) and (Vaduci) already came up with or just questions in a separate document and just send it off. Which one is better, Avri?

Tapani Tarvainen: Avri, do you want to respond to that?

Avri Doria: Yes I do. It just takes me a bit of time to find my way to the mute. I think getting answers in on the six questions -- and it's not six questions, it's six categories of questions, there's two, three questions in each -- if we've got answers to those, get them in as soon as possible, if not yesterday would be beneficial. We're working our way through them now. We're about halfway through our first pass on them. There'll be at least one more pass. So I think at the moment we're working on the responses we got to question three.

You know, if we had NCSG's questions in, you know, in a week then we'd be able to start including them in a discussion of three and we'd catch one and two later. But - so we're going through our first talk on it. We're not rushing. We're meeting every other week on this. We'll talk through them in detail. You know, we don't need an answer. We don't need to resolve them immediately but we do want to start writing our draft recommendations on the overarching issues.

So after we've gone through these twice, we'll do that. Getting the answers to the six questions in advance is great. Getting the other stuff understood so that we know the NCSG position and starting to sell that in the various sub teams is probably a good way to go too. I don't know that the statement dealing with those is needed, but if it goes in it'll become part of the work that people consider. Thanks.

Tapani Tarvainen: Okay. Thank you, Avri. I believe the questions were circulated in the policy committee list but probably not in the general discuss list. So I guess that would be the thing to do is to pick them up and send them to the discuss list. Whoever has them close to hand, would be welcome to do so, or else I'll try to dig them up. Anything else on this subject? Okay. Let's move on.

Next item on the council agenda, item number nine, is proposed final framework for future cross-community working groups and a five-minute discussion. Would any of our councilors - okay. I note somebody commenting, "It's so boring." And I guess it is because nobody's raising their hand. So consider that so boring as to be not worth discussing here. I will move on.

And item ten is the GNSO meeting schedule in Hyderabad, where I might like to point out that we're having trouble squeezing in our meetings at the moment. It seems that the general GNSO meeting will be like one and half hours, only because there is not time for anything more. So somebody might take that up.

Any other comments on the schedule? Anybody else? Also noting that the policy committee will be only one and half hours as well. So we'll have a rather short - shorter meetings than we've had before. But it doesn't seem anybody wants to speak.

Any other - okay there's any other business in the council agenda. Is anybody going to bring anything up there? If not, with the next - on our agenda is the health and public comments, which are there are not many. Okay, I see Stephanie, you want to speak (unintelligible). Please go ahead.

Stephanie Perrin: Thank you. Stephanie Perrin for the record. I just wanted - Rafik had mentioned the fact that the call for volunteers (unintelligible) committee for the privacy proxy policies, that they should issue policies (unintelligible).

Several of us have signed up, but if there are folks who want to become engaged, this is one where if you read the policies, it is - it's sort of

introduction to beginning to understand WHOIS and how that works, the privacy proxy and how the registrars (unintelligible).

So I'm just saying there's probably - are enough of us on it to watch for that - what is. But it's a great way to mentor folks. Thanks.

Tapani Tarvainen: Thank you Stephanie. Anybody else? Okay we see there is some discussion on the public comments. There are only two open public comments at the moment, and neither seems to be - at least the first one is not particularly critical if I can see what the proposal for (unintelligible) root zone label generation new rules.

But nobody here wants to - has anything much to say about that. And the other one is Latin American and Caribbean DNS Marketplace Study. Anybody following that, commenting, any interest in this?

And I note there's a question of how many important public comments we have missed. It could actually be useful to start collecting some kind of easy to track (logo). But we have commented on them but we haven't. But we don't have that now so I can't answer that, especially not how many important ones we've missed because we're finding reports on this rather difficult.

Okay. If there are no comments on that, let's look back on our meeting agenda and that - the next thing is any other business. I see that Ed has at least some other business. Please Ed go ahead.

Edward Morris: Thanks Tapani. I see Milton and Avri among others is still here, so I wanted to take advantage of that and ask for some guidance on the wonderful PTI. I don't know a lot - you know, I'm not an expert in the PTI. I'm still here rooting for Contract Co. but that's been gone for several months.

We're in the ombudsman subgroup, and some things are going on here that I think I'm concerned about. And my question to both of you – and anybody else who has good knowledge of the PTI – looking for some guidance.

First of all, as you may or may not know, the ombudsman is an independent contractor. He or she – if we were to go bring somebody else in who is female – are not ICANN employees. So they are hired specifically by the company to do this work.

There is a little portion of the bylaws that talks about ombudsman is related to PTI. Basically PTI has to have an ombudsman procedure. So the question comes is which ombudsman? ICANN - two questions for those who may be in the know.

ICANN Legal has come back with us and said PTI is not a subsidiary of ICANN. It's an affiliate of ICANN. Now under California law, that means that ICANN controls less than 50% of the corporate structure of the PTI. And first I want to note, can anyone confirm this, that they are less than 50% shareholders or decision participants in the PTI?

And secondly, they're coming back and saying, "Oh, we can use the ICANN ombudsman because the PTI is part" – and they've used this expression – "of the ICANN family." As a lawyer when you start talking about families, I start getting worried.

And I'm starting to get worried about the fact that if we ever have to break the PTI off – which I know is a possibility in some weird situation in the future – that if we have too many employees that are actually contracted and paid by

ICANN, it would be more difficult to break it away from the so-called ICANN family.

So my question to those who know a bit more about this than I do is should I be worried about this? And two, in the case of the ombudsman, should I be raising a ruckus to make sure that the independent contractor ombudsman – even if it's the same person – has a separate contract with PTI? Or in your opinions is it satisfactory for the ombudsman to perform the role for the PTI but only being contracted through ICANN? Thank you.

Tapani Tarvainen: Thank you Ed. I see that Milton you have your hand up. Please go ahead.

Milton Mueller: Yes so PTI as an affiliate under California law means that ICANN gets to appoint three of the five board members. In other words, it's supposed to have a controlling interest but we thought very hard to make it as independent as possible so we insisted that the board of PTI be balanced between independent and ICANN appointed members.

So there are no shares per se. That's why, you know, because it's a non-profit public benefit under California law there's no shares, so you can't say that there are shareholders. It is an affiliate and that means that at one extreme every board member and every staff member could simply be appointed by ICANN.

But again we succeeded in getting some independence. But still a majority will be appointed by ICANN.

Now I would agree with you that we want to disentangle the two. That was the purpose of this reform was to disentangle ICANN from the IANA as much as possible. And so, you know, we had issues about whether they were going to

be in the same building. We had issues about whether the staff members of IANA would be transferred to the new corporation or, you know, given a choice.

And now with this ombudsman thing, it sounds like in the overall scheme of things relatively minor but worth going after kind of further entanglements. So I would say at the very least push for the ombudsman to have a separate contract with PTI and that the PTI would really have to make its own decision about whether to accept the ICANN ombudsman or not.

Actually I'm a bit surprised to learn that they even have an ombudsman, given that they have so much less to do than ICANN as a whole. What kinds of, you know, disputes do they think they will have? Do they really need an ombudsman? That's another question to ask.

But I'm glad you raised the issue Ed, and I hope you succeed in, you know, all of these little entanglements in making PTI as independent as possible.

Tapani Tarvainen: Okay thank you Milton. Avri is this about the same issue?

Avri Doria: Yes. I just wanted to add...

Tapani Tarvainen: Okay, go ahead.

Avri Doria: ...a few points. Yes this is Avri speaking. So indeed, not contradicting anything that Milton said, I think the ombudsman is included because in our discussions in one of the subgroups where we talked about escalation procedures an appeal (mechanism) was set. And the ombudsman was listed as a possibility for doing that.

So within the affiliate using the same ombudsman is a viable possibility. I think it was the easiest one. I think, you know, trusting the ombud's ability to remain impartial, you know, is one of the essentials that you're working on anyhow in your group. And so I don't necessarily see a problem of needing a separate contract. It just makes it a separate tethering point.

But I don't see a harm in doing it either. But I'm not sure I see the necessity. The issue of the secondment of the staff, I just wanted to point out that that was one where in the end the compromise that was reached was that they're starting off as seconded, but over time they will all become PTI employees. I think it was a three-year period to get that to happen.

So it's sort of bridged - there were all kinds of employee issues about doing it immediately, etcetera. So I think what we ended up settling on is a three-year process for switching from secondment to employed directly by PTI. Thanks.

Tapani Tarvainen: Thank you Avri. Anything else on this issue? Okay, I guess not that I note.

Kathy had an item. We have time to bring it up. Kathy, are you still with us? Okay, it seems we have lost Kathy before she had time to bring up her item. Okay Ed you have something else. Please go ahead.

Edward Morris: Very quickly Tapani. I'm not fully briefed on Kathy's item but there's a problem with the domain name association that I believe Kathy wanted to set up a working group to try to create a letter or some sort of recommendation from the NCSG.

So I would just ask that perhaps we do this on list. And if the (PC basically) agrees we can set up a working group of some small sort to create that letter.

I do have one other quick business of AOB just to bring up for people to start thinking about going forward. I stay away from a lot of the administrative stuff, but in the forthcoming council year, we're going to need obviously to elect chairs and vice chairs again.

Heather Forrest has been the vice chair this year. James Bladel – who's the chair of the GNSO – has made it known that he believes that their current team is working quite well together and has basically asked is there any way she could continue for another year as the NCPH vice chair.

So I'd ask my fellow counselors to think - I guess we're going to have a meeting in a few weeks because the next council meeting is so soon. So I'd ask – first of all ask my fellow council members – to think does anybody want to be the vice chair, because if none of our folks want to do it, then that solves that problem. And for the record I don't want to do it.

And if someone does do it, how do we handle the situation? And I'm not even sure what agreements have been made with the (CSG). I know Rafik was working on this last year.

So I just want to bring that to the attention of folks that it could be an issue and perhaps we could try to have a solution available for James if for nobody else by - at the next meeting and at least talk about it. Thanks.

Tapani Tarvainen: Thank you Ed. The domain name association issue we'll leave to the list as Kathy seems to have suggested already.

For the vice chairs election I see that David you have your hand up. Is that about that or something else? Go ahead in any case.

David Cake: Yes I just wanted to say so on the vice chair election, so Wolf-Ulrich as the representative of the CSG and I have met. We met in Helsinki and just had some preliminary discussions. We are supposed to continue discussions including with Amr and Marilyn Cade in those discussions, but basically we had discussed the possibility that Heather might want to run again.

And our only real – the only thing I would say is if we – none of us do want to run against Heather or are happy for her to have a second term, the only thing is we should ensure that there has been an agreement in place that essentially – barring, you know, a strong desire by anyone else to do differently, that the default position will be that we would then - whoever succeeds Heather as vice chair, not only would they - certainly we have a default agreement of alternation.

So the only thing would be get an agreement from the CSG that in the absence of any other issues that whoever replaced - we would basically get the next two vice chair terms as our default position. And not necessarily two thirds of the same person, by the way. We retain that right.

But I think I would be in agreement that, you know, if we support Heather, that they would be happy to agree to support (unintelligible) for two terms. So - and I don't think there would be any disagreement from either us or them on that issue. Thanks.

Tapani Tarvainen: Okay, thank you Dave. Yes I agree that that would be a sensible position to come at least some kind of understanding of. I'm not sure if any kind of formal agreement is even possible, but as close as we can get that basically alternation works. Dave, you want to carry on?

David Cake: Yes. We're actually quite reluctant to have a really formal sort of agreement in terms of alternation. More I've been talking about just try to have some sort of shift away to a default sort of house-wide process with a sort of default position of alternating.

But my feeling - I would like the idea of making that a house-wide position, even when there is a sort of default from one, you know, assumption, that there will be an alternation.

There's a couple of reasons why, and one is I think the NCA, house-affiliated NCA, so (unintelligible) in this case should be included in that decision-making process. But the other is because we really want to avoid - another is that one house may not want to take up that option, right? So we don't want to have - one stakeholder group might want to say actually we don't have anyone in our group that really wants to be vice chair this time.

Or we aren't happy with our own - you know, nominee and don't want to give them a second term. Or they may - either of us may decide that we actually want to nominate the NCA because, you know, we've had some pretty top notch NCAs over the years.

In fact, I think - I mean, Avri was chair of GNSO Council as an NCA I'm pretty sure, if I remember correctly. So we don't want to make it too much of a formal agreement. It's more about changing out how our informal agreement work to change the way we sort of start discussions so we don't lock ourselves into a position that the other side hates before we even get to the process.

That seems to be the outcome we're trying to avoid is locking ourselves in - you know, both of us sort of have the idea that we're okay with alternation

roughly and, you know, that might not be 100% of the time. But most of the time that seems like the best way to handle it.

But neither of us is very happy with the idea that if the other side nominates like the single person we least want to be vice chair. So I mean, in our case, probably for example we would not be happy if they - if the CSG decided their vice chair nominee was going to be Paul McGrady.

But we might accept, you know, multiple other people from their side. And so what we're trying to avoid is locking - getting a situation where they're locked into a situation where we - that we hate all the (unintelligible). All right, so thanks.

Tapani Tarvainen: Okay thank you.

((Crosstalk))

Tapani Tarvainen: ... have an informal understanding that they should be (unintelligible) but (unintelligible).

((Crosstalk))

Tapani Tarvainen: Okay. Other business, picking up from the chat, somebody commented on the GNSO futures (group). I missed the last call. Next one is tomorrow so I can't report on that yet. But somebody who was on the last call of the GNSO futures group, perhaps comment. I don't remember or know who was there. I guess not. If not, well there is a call tomorrow. We can move on.

GNSO futures is scary is Avri, okay. Well, want to explain that Avri? Please go ahead.

Avri Doria: Yes, I put my hand up to explain that since I figured from the way you read it, you probably want such. Yes, it's part of this – we discussed it earlier – this whole trend of seeming to want to redefine the GNSO away from having a council as an aggregation point and, you know, not acknowledging the GNSO council chair is actually the GNSO chair.

So a lot of it is based on that. They seem to be into preserving the house. They don't seem to want to talk to the other house about GNSO futures until they've decided for themselves how they wanted to change it.

But this is very much I see a continuation of a campaign that's been around for a long time to basically denigrate – I'd almost use – the council and diminish its role to only the PDP, only consensus policy, and leave all other – as was mentioned earlier – all other important decisions up to a new GNSO-wide method of deciding.

So I find just from attending the last meeting, the whole proposition quite - somewhat frightening in terms of their notions of recasting it. And of course it's very, you know, constituency oriented as well, which I personally tend to support the stakeholder group model that we bought into. But so I find what's going on there somewhat disturbing. Thanks.

Tapani Tarvainen: Okay, thank you Avri. Ed you want to comment on this.

Edward Morris: Yes I mean I totally agree with Avri. I just want to put a caution out there. On the DT – and that's folks from the (ITC) – Steve Metalitz proposed a voting structure that on its face looked really good. And Amr and I were like, “Hey, we need to think about that.”

And the minute you give him a response like that, all of a sudden the next level comes up where, “Gee, maybe we tweak it a little bit for constituency power.” So my caution is that the IPC, when they do this – and CSG as well, the stakeholder group – be wary of anything that looks good because they’re putting that out there for us to grab.

And the minute we open the door a little bit, you start seeing their true colors. Metalitz is sort of like the guy in the trench coat outside the grade school with the lollipop. And so I would encourage folks on the groups that if you see something that looks too good to be true, it just might be. Thanks.

Tapani Tarvainen: Thank you Ed. I wonder if Steve Metalitz ever reads our transcripts. He might find that metaphor disturbing. Any other comments or questions on this?

Okay, so let’s just hope that the GNSO futures doesn’t actually get around to getting anything much done because it seems that everything actually gets done most of the wrong direction. Any other business?

Okay, I have one item that Heather brought up and (James), whether or not we want to have another policy call before Hyderabad. And it seems there’s a fair amount of support for it, and the time would be exactly two weeks away from now. So I propose we do that and I’ll ask Maryam to set up a (dolo) for the time, but the day would be Tuesday two weeks from now.

Any other comments or questions, any other business we have? And 15 minutes’ time left if we want to discuss something. Let’s see, somebody’s at least typing something. No? Okay.

Since nobody has anything else to say today, so we can conclude this call then and come back in two weeks. And in the meantime there are lots of other

things going on. Hope to get it done. So thank you everybody. Good-bye.
Please you can stop the recording.

Maryam Bakoshi: Thanks very much for attending the call. Jen you may stop the recording.
Thank you for your time today. Bye.

Avri Doria: Bye all.

END