Please note these are initial postings which will be posted again once fully revised.

ICANN
Moderator: Nathalie Peregrine
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7:15 am CT

Rob Hoggarth: This is Rob. Klaus and Vicky have been very generous in giving back some time on this session. The next two sessions are going to go for one hour a piece. So this session will go to 45 minutes past the top of the next hour.

Then we will immediately do the next session for an hour. Then we will have a break prior to Göran, joining you all remotely.

So Vicky, Klaus I will turn the microphone over to you with great thanks to your scheduling flexibility. Thank you.

Vicky Sheckler: Sure. This is Vicky we have got about an hour to talk about (unintelligible) in-house procedural issues. We were hoping in that hour to discuss four things with all of us.

Starting with the easy one. We wanted to confirm the procedure that we agreed on in Hyderabad on how to select the Vice Chair for the GNSO.

Second a little harder, talk about the election process for the board seat. Third, you know, talk more generally about what are our values, priorities and challenges as a Non-Contracted Party House as a whole?

And then finally to get some feedback from our nominees as to how we can work better with them both, you know, markets and (unintelligible) on what we can do to work better with them going forward.

Does anyone have any concerns with that agenda? Seeing none why don't we go right to the first thing. The document is up on the screen. Greg sent it to you earlier and this is (Greg's) cleanup of the process that I believe that we agreed upon for the selection of the Vice Chair.

This was based on an email that NSG I think sent right after Hyderabad or in the middle of Hyderabad and there is just a little bit of cleanup on it. I don't know if anyone has had a chance to read that or not. It seems relatively straightforward and I think it is what was agreed upon in the past.

So any comments or questions on it? (Tipani) anything? You are good? You are good? Okay everybody is good?

Man: (Unintelligible).

Vicky Sheckler: Go ahead.

Steve DelBianco: It is Steve and I am fine with it. But I wanted to note that a few emails showed up just in the last 24 hours from some members asking whether the nomination period was too brief? I think (Stephanie) had said that.

Man: (Unintelligible) vice chair.

Vicky Sheckler: That is the second issue which is a more significant problem I think. I wanted to get the easy stuff done first. So thank you everybody. I am going to task Greg with sending around a final version of this without the redlining. So I am glad that we have agreement on at least one thing today.

I will turn it over to you Klaus for the next piece.

Klaus Stoll: That is our first deliverable.

Vicky Sheckler: Okay. So the next piece and if I could ask you to put up the next slide please. Is the nomination for board seat 14 which is the seat for the Non-Contracted Party House. I think that some of us at least me was surprised about the timing on this.

Staff has I think come back which I think this document is going to be with a slightly updated concept for timing on how to elect the board seat as I understand it under the new rules under the bylaws.

We have to select a board chair within six months of when the person goes onto the board and that is coming up. That is how we got into a bit of this pickle.

Klaus Stoll: Maybe we could ask Glen to clarify what is the current situation of the proposal is.

Glen de Saint Géry: Thank you very much Klaus and good afternoon everybody. The ICANN bylaws stipulate that the board member must be announced six months before the AGM of the year.

And working backwards, the AGM is on the 3rd of November. So the announcement must be at the latest on the 3rd of May. And this is something that comes from the ICANN bylaws.

Now taking into account that is customary that the board member – that the announcement of the board member goes through the council. In order to meet this deadline the last council meeting before the 3rd of May is the 20th of April. And to get it on the agenda would be the 10th of April.

So I think the proposed timeline that you have before you is merely a suggestion for a way to move forward to meet these timelines and a way to help you.

The other measure which is important is that there needs to be a written procedure on the GNSO Web site which is asked for by the ICANN bylaws as to your procedure to select a board member.

And that can be very simple as you have seen probably from the procedure that is up on the Web site for the contracted party house. It is a fairly simple procedure.

Would you like to ask – is that clear enough?

Klaus Stoll: Glen if you – could you just quickly describe the procedure in a few sentences?

Glen de Saint Géry: The procedure sorry is on the Web site. Can somebody perhaps just get the page up for me please?

No not that page. The registrar's procedure you are talking about Klaus?

Klaus Stoll: You just talked that there are examples of selection procedures…

Glen de Saint Géry: That is right of the registrar.

Klaus Stoll: I would like to know what that procedure basically is.

Glen de Saint Géry: Okay.

Klaus Stoll: How it runs.

Glen de Saint Géry: If (unintelligible) could go to the GNSO Web site please. And you will find under the elections. No sorry you will find in the GNSO Operating Procedures. In the GNSO Operating Procedures go to Council. Council and go to Procedures in the Council.

Go to Procedures in the Council. That is right and then go to the GNSO – yes that is right. At the top there are operating procedures. No, it is the top line.

Man: (Unintelligible).

Glen de Saint Géry: That is right. Yes that is right. Yes, yes.

Man: (Unintelligible).

Glen de Saint Géry: And there you will…

Man: (Unintelligible).

Glen de Saint Géry: I think that is our (unintelligible). Yes there you go. Just to clarify. The 12 months was an old bylaw regulation. The 6 months is the latest bylaw regulation that the name has to be – that the person has to be – the name of the person has to be available.

Steve go ahead.

Steve DelBianco: Hey just to clarify. The bylaws underwent a lot of changes as a result of the transition. But this isn't one of them Glen. It has always been six months prior to the date specified for the term. I am looking at the old bylaws and the new bylaws. The six months has been in there.

Glen de Saint Géry: That is right Steve. But I think on the registrar's procedures they have got 12 months.

Steve DelBianco: Understood on procedures.

Glen de Saint Géry: Okay.

Steve DelBianco: But the bylaws didn't change with regard to our six month lien time.

Glen de Saint Géry: Thank you.

Man: I think that the 12 – this is a new procedure so I think that the 12 months is an indication that this should start 12 months before the date the new direct will be seated. Because to do this right it should take about 6 months and we are being given 2 months to do this.

So we are screwed basically because somebody, me, you, the pole over there should have recognized that we should have started this process last November.

And you know, everyone had a group hallucination that we didn't have to do this under somebody, you know, had a reality check. And now we are behind the eight ball in doing this process in order to comply with the six months we, you know, we didn't recognize between last time we chose a board member and this time changes in leadership and other such things occurred.

And, you know, wherever it should have been the tickler didn't tickle anybody and now we are where we are.

Klaus Stoll: Are there any practical suggestions or ideas how we get that eight ball moving screwing? Avri?

Avri Doria: Yes I would just say if we have got two months to do it then let's compress the schedule and just to do it as opposed to spending a lot of time thinking about what could have been, what should have been, what might have been, how we could have been better, how we could have tickled.

We have got two months to do it. It can be done in two months. Let's just do it. Is that practical?

Klaus Stoll: Point taken. Anybody else have anything to say?

Man: Yes let's say the process that we have got here is very, very doable. There is going along with it we should get on with it. The hard part is always the two houses have to – finding a candidate that both houses agree with (unintelligible).

Stakeholder groups agree with is always the hard part. And the difficulties last time came from figuring that if we just kept voting about it, it would eventually work out. That is not how it works. We have to keep talking about it and that is how it works.

We need to agree on a candidate that is acceptable to both stakeholder groups. That is the hard bit. Better get onto it.

Woman: So in order to get onto it I am hoping that we might be able to set some ground rules. You know, for example we are going to brainstorm at some point about candidates and if they are interested I hope that we will interview all those candidates and leave our preconceived notions at the door.

And let's at least hear these people out before we say no way in hell to any of the people. That would be a (unintelligible) that I would like to see set up as we move forward through this truncated process. Not that I have anybody in mind at the moment.

I am just suggesting that that would be a way to move forward to ensure we continue that dialog.

Klaus Stoll: Great. Greg?

Greg Shatan: I think the real problem well that we have is that we don't have a process. We have a result that we need to achieve but we have no process. And it took us a long time to come up with the Vice Chair process and we ultimately did it at the last possible moment before it was necessary to have it.

So there is the registries and registrars have their process but they have a different, you know, subculture than we do. I found an email that had a – the barest outline of a possible process. I think Avri you may have even have actually sent this a long time ago to Wolf-Ulrich and then it was seen.

But it just, you know, it is said instead of just nominating candidates in an informal way call for an expression of interest can be envisaged on the house level. We need it to have maybe several rounds of voting.

But this – this is kind of very high level and doesn't really answer the question of what we are going to do this time in order to kind of, you know, get through this step by step and how do we deal with the fact, you know, whatever it is we are doing here.

Conceptually though, you know, part of the problem here is that I saw Becky Burr just get on the board and she was running against Jonathan Robinson. And it seemed to be this incredibly novel idea that people from within our own community could serve on the board.

And then it dawned on me that it is not novel it is just novel in the non-contracted party's house because we are basically being asked to find a – someone who could stand for this entire group.

And I don't know that anybody maybe there is somebody but it is a hard challenge to find somebody the whole group would find from within this group that could stand for this.

So we end up with finding people who are, you know, not stakeholder participants that we see over time in the group. Now it might be nice to see that.

I don't know if we have a process for that. It could be a very different process for that. I don't know if we have time to reinvent the wheel and maybe we have to take the simplest route because we are already four months behind.

And maybe for the next time we need to think about something more different. A rotation system – or looking at the whole way that the board is chosen overall and how many seats are assigned to the GNSO.

Because asking the two of us to make a choice is trying to ask Belgium which language they should speak. You know Flemish or Walloon. The answer is you speak your language. We speak ours and maybe we will try to understand each other. We are going to go back to our corners thank you very much.

Or is it Flemish and French? I don't know anyway. I am not Belgium. You can say I don't get out a lot.

So in any case, you know, we need to kind of look at both the micro picture which is what are we going to do right now in the time we have? And the macro picture which is how many times are we going to try to do this?

Because you know the definition of insanity is doing the same thing over and over again and expecting to achieve a different result. Thank you.

Klaus Stoll: Okay thank you Greg. And please can I remind everybody to state their name before they speak so Avri please say that you are Avri before you speak Avri.

Avri Doria: Okay this is Avri saying I am Avri. I think that we may someday evolve to the point where we could elect one of the opposite tribe. I personally don't believe

it. At this point I have personal history that convinces me that it is not likely to happen.

I think that any notion that we get into that has alternation actually eliminates the idea that you elect someone and they do the job for three years and if they have done a decent job you renew them.

And, you know, maybe after two times you only renew them if they are (unintelligible) and they are finishing some work that is really important. But if we get into this notion of alternating, we get into the notion of it doesn't matter how good a job they did it is my turn now.

And that would be very disruptive of the notion of it takes most people that go into the board a year or two to find their feet in any case. And so what you have got is a constant beginner in the board by doing an alternating thing.

I think you know in this case we should really consider just avoiding all the problems and voting to consider renewing the person we have got.

But beyond that maybe if we spend another three years learning how to work together through these meetings somebody can emerge that could get the agreement of both sides.

But I think even if we like the person well enough it is the tribal nature of the two stakeholder groups would mean you can't trust somebody from that side. Not on the board.

And until we have evolved around that and we most certainly have not evolved beyond that at this point. You know I think we are going to have to always search outside. Thanks.

Klaus Stoll: Okay thank you Avri. We have got now so many flags up so please stay to the point. And is that your flag (unintelligible)?

Man: (Unintelligible).

Klaus Stoll: Okay please you are next.

Man: Yes (unintelligible) speaking thank you. Avri for you pointing that. But I never thought about this direction. I don't think it was also in our rooms (unintelligible) talking about nominations that was not talked about in this way and I don't expect that it has been talked about in this way in your room as well.

                 But let me just come to this point. When (DAvrid) and myself we sat together end of last year talking about the Vice Chair election and also some points with regards to the board member election.

                 Something came to my mind that we have really a problem not with the election itself but with the nomination how to get somebody nominated. And we have this problem not only together we have it in our own rooms as well. That is the first step.

                 And I am asking myself why should we do that in the future in this way as we have done so just coming up and waiting and nominating somebody rather than – did we ever ask for in general for expression of interest?

                 Let me say just asking, you know, in the entire house or in addition with others also asking for expression of interest. And then set some timeline for sending in expression of interest including written statements.

And then waiting what is going to happen? And then after that we will have a bunch of people in that room who are really willing to stand and we have then to take a choice whatever kind of process you have using for that.

But I think that is something which is going to happen also with other board members when it comes to the nom com. For example, if you are in this process people have to stand up and they have to file the applications. And then it is going to a process now to be selected.

So I think we should really discuss that and not just really trying to sit back and go to our separate rooms back and try to find a way and then it will come, it may come. Then to that point which you are talking about that we just only rely on our own candidates and never think about the others. Thanks.

Klaus Stoll: Thank you (unintelligible).

Phil Corwin: Phil Corwin for the record. It is rare for me since I am generally viewed as somebody who is extremely cynical and pessimistic about human nature to find myself disagreeing with somebody who has a pessimistic and dismal view of human nature as Avri just expressed.

But I think this notion that we can't trust people. Trust them to do what? We don't know when we are discussing a potential board candidate what issues will come before them when we get on the board?

And I think we all have somewhat cynical view that when people join the board they go through some kind of memory erasure and mind control program anyway to reorient them towards disengaging from their former community. I am begin somewhat facetious here. Present company excluded.

What I want in choosing a board candidate I think the important criteria is are they a person of character? And we can't guess what issues they are going to vote on.

Are they committed to upholding the bylaws? Do they understand the importance of the bottom up community based process? I think that is the best we can hope for.

And I don't think that those qualities reside exclusively in people associated with the commercial or the non-commercial side. I think we are talking about people of character who are committed to upholding the best about ICANN.

I think if we view it that way we might have an easier time on agreeing on a process that can find those people that represent us collectively. Thank you.

Klaus Stoll: There is a flag before Avri but I don't know to (unintelligible) okay please go ahead.

Man: Yes so I just wanted to briefly explain what my thinking behind the suggestions to approaching the way we deal with the board. My suggestion about how we approach the board member was pretty much the last time when we had this sort of mess with multiple votes and things.

A lot of seemed to be, you know, we sort of had – we tried it a few times with candidates that were decided entirely internally within one stakeholder group or the other.

And we didn't really seem to grapple – the problem was we really needed to be aiming towards consensus at all point that sort of trying to strip away a single vote or something from the other side was not likely to work.

And then I think we sort of – that has sometimes happened in the past but I don't think both houses have kind of, you know, fairly determined not to let you know a vote flip.

But as much as I love our nom com appointee that making them the king maker was also not a result that either stakeholder group would want. So we had to accept what we had which was that we need to find a relative consensus candidate.

And the best way to do that was by hAvring a – and also the nom com appointee is always important so they should be included from the start of that process. And the only way to do that was have a whole house sort of initial discussion and sort of nomination process.

At the end of which we may still disagree but we disagree in a whole of house manner that at least is likely to eventually lead to a response. Whereas disagreeing – we have two stakeholder groups that simply disagree. Will never seem to meet or lead to a resolution by that means alone.

So if we need to end up with consensus in the start let's aim for that from the very beginning. So I need to get a consensus. In the end we need to aim for that from the very beginning. So let's – the whole of house nomination and discussion process.

And let's not try and, you know, test whether or not we have the votes by hAvring a round of voting. Let's try and settle on as much of a consensus before we go to a ballot.

Let's discuss – I mean I understand that not all discussion inevitably will be, you know, in an open and formal manner that being the nature of things. But let's, you know, do as much – just talk about it as much as we can before we vote rather than use that as a test of a hypothesis about what might succeed.

Klaus Stoll: Thank you very much. I just would like to remind everybody we have got 25 minutes left. We have three people who would like to speak. I would like to come to some conclusion on such topics.

So if it is not absolutely urgent please don't put your flag up after – besides the people who have already got up and then we have another comment possibility. The next person is Rinalia.

Rinalia Abdul Rahim: Thank you. Rinalia Abdul Rahim speaking. I just wanted to share a perspective in terms of selecting a board member. Not to complicate your processes further but the board has a job to do and it needs certain skills present within.

If you are able to look at the skills gap which the board governance committee actually issues through the nominating committee and will actually start sharing that with the rest of the stakeholder groups that actually select board directors.

That would be immensely helpful because you would want to have a performing board. Because if not for performing board we would all be extremely unhappy.

The second point is I would urge you to try to get board directors selected really early on. Because if you can get them selected within the first quarter of the year this person will have time to get onboarded much earlier, six months like I did before being formally appointed.

Which allows that director to observe, interact with a new tribe that he or she is being integrated into which is highly valuable in terms of forming alliances and sharing, learning and persuading.

And then this one year period of getting to the level of performance can be shortened and can be beneficial for you. Thank you.

Klaus Stoll: Thank you very (unintelligible) observation. Jimson is that your flag

Jimson Olufuye: Yes please. This is Jimson. Thank you (unintelligible) for that. I just want to note that when you have people in your community working and working very hard and it is time for them to aspire or move to the highest opportunity, I think there should be a process to enable that. And saying that is to corroborate the fact that (unintelligible) you can do - consider a rotation -- it may not be immediate but down the line -- someone that is already in the stakeholder group, maybe from the CSG, as (Tom) nominated, he already knows the process, he knows about ICANN, about the community, and there is no time of learning the rope anymore. So.

And when he's done, the next person - because this has worked in Nigeria. Just using that example, the political situation has been chaotic so because of the rotation issue there's a form of a balance. So in the long term, strategy-wise, yes I will consider that rotational. There'd be no learning curve. He would just dive into it and get the job done. And then with regard to the

present process, I think we could adopt what (Debbie) said, the consensus and then move forward based on what we have now. Thank you.

Klaus Stoll: Thank you very much. And last not least, Ayden.

Ayden Férdeline: Thanks. Hi everyone.

Klaus Stoll: (Unintelligible) can we please leave at that?

Ayden Férdeline: (Unintelligible). Ayden (unintelligible) for the record. I realize we have moved on now slightly from what I was going to ask so I apologize for that. And forgive me as well for this rather basic question because I don't know the GNSO operating procedures that well. So I base my comment here just on the abbreviated timeline that we were looking at earlier, and that was circulated by - circulated last night.

So I was looking at where we're spending our time and it seems that most of our time is spent on activities that could be put to better use. So it seems like the real deadline we're trying to meet is not May 3 but April 20 before the GNSO Council meeting, which is when the election results are confirmed. So I'm just wondering is it possible that instead a special meeting of the GNSO Council could be called a fortnight later? Maybe that would create a bad precedent, maybe there are logistical challenges trying to get everyone involved, but potentially there's an extra two weeks that could be spared the nomination, so I just wanted to put that out there.

Woman: Excuse me. We couldn't hear your proposal from here. Sorry, could you - can you get closer to the microphone? Thank you.

Ayden Férdeline: Okay sure. I will just repeat the very last thing I put forward that I feel like the deadline we're trying to meet is not the 3rd of May but the 20th of April for the scheduled GNSO Council meeting when the election results are confirmed. So I was just wondering is it possible for a special meeting of the GNSO Council to be called perhaps a fortnight later, and with that given extra weeks to consider the nominations? Thanks.

Steve DelBianco: Just a quick answer to that. This doesn't really have anything to do with GNSO Council, not at all. The council is our sort of legislative body and there are councilors here but the GNSO non-contract party house is the one who makes the selection. So let's not confuse it with council at all. Thank you.

Greg Shatan: Steve, it wasn't being confused with council. Glen in the timeline said that it has to be announced - our decision has to be announced through the council. The council's last meeting before the May deadline - May 3 deadline is April 20. To get on to the April 20 agenda you need to have a motion in by April 10. So I think what Ayden is suggesting is have a special meeting on May 2 or May 3 and then we can get on the ten-day for that so that we have - because right now we're - we've lost - we're losing time because of the cycle of council meetings and that's - so I think Ayden is trying to solve for that problem to get us at least another couple of weeks of air in this process.

So the comment I was going to make myself is that I agree with Avri that a rotation system inherently not great because you always - the idea of always putting up a first term board member is bad for the board and it's - it doesn't give - it's not really good for the board member either. And (unintelligible) it even takes away accountability because they could be good, bad, or indifferent unless you remove them during their term, you know, the real action should have this kind of accountability theme to it and you can't if

you're never reelecting people. So I threw it out there as a strawman but I, you know, burning the strawman. So.

And I think we might actually surprise ourselves and be able to find someone who could be pleasing to everyone. So - or at least moderately satisfactory, and with the understanding that first off they sit on the board and they go to the board in the sense they're not representing any of us, but secondly, that that person would have to go up there with the idea that they came out of a process that involved all of us and that this wasn't an alternating system. So somebody who was just going to be partisan forever to their, you know, to their tribe, you know, would be a nonstarter. You'd have to find somebody who people feel isn't bad first.

Klaus Stoll: Okay. Glen, just as a timeline?

Glen de Saint Géry: To the timeline that Ayden asked about with a special council meeting it's possible. I'm not part of the council anymore but from what has happened, and this you would have to go back to the council to ask, but special council meetings have been called in the past on a number of occasions to meet certain deadlines.

Klaus Stoll: That's very important information. Now I have a question to you all. So where do we go from here and specifically is there is anything you think or propose we should try to do and achieve with regard to this nomination in the next two days or day and a half or what we've got left? Are there any suggestions, ideas which we could - how we can use the situation here that we are here to advance the discussions in one way or another? Anybody got any idea? Poncelet?

Poncelet Illeleji: Poncelet for the record. I just want to concur with Vicky's suggestion earlier about that simplified ground rules. I think it would be a good starter. You know, it makes things easier. So that what I just wanted to say.

Klaus Stoll: Nobody else has any - Greg?

Greg Shatan: Sorry. I hate to make a third intervention on the same topic but one suggestion is that we have one candidate with us, who's (Marcus) who's standing for reelection, and we should take advantage of the fact that he's here and we're here and that we have breakout sessions for each of our groups, subgroups.

I can't obviously dictate the NCSG's breakout session agenda but I'll suggest for the CSG at least that we should, you know, sit with (Marcus) and talk about the concept. Because, you know, whatever the timing is let's just deal with the reality which is we're here, he's here, you know, let's kind of move that ball along. And simultaneously we can also try to think great thoughts about whether there's - there are other candidates that we would want to put in the mix or not.

Klaus Stoll: Okay. Nobody else has his flag up, so I close this topic and thank you very much for being brief…

Man: (Unintelligible)

Klaus Stoll: Sorry, I couldn't see.

Tony Holmes: Just to add, I think it's worth noting that we are ruling out a couple of potential options. For instance the one that Avri suggested the rotational thing, I haven't heard anyone argue that it is a good thing. So it might be worth recording

those as a step forward as well, just to get some things off the table and just a little bit closer.

Klaus Stoll: Okay thank you very much. Any further remarks from - yes, here?

Vicky Sheckler: On a practical basis going forward -- Oh I'm sorry, Vicky Sheckler for the record -- on a practical basis going forward, I would recommend that the leaders of each constituency think about what additional names that you might want and then see if we can set up times to talk to those people, see if they are interested in doing it.

I don't know if you want to do it by constituency or if you'd like to do it on a pseudo anonymous basis wherein -- and it doesn't matter if it's me or we ask ICANN staff or someone like that to do it -- but if each constituency has one or two names that they also want to throw into the mix and we give those, I'm happy to do it, or ICANN staff, and then we'll say these are the names that have been proposed. That way we don't have the immediate bias of oh IPC recommended this, clearly that person is biased against someone else.

Klaus Stoll: I mean this is a serious way to do it and I would really would like to be - Avri please?

Avri Doria: I would like to speak against secret putting in of names. I think that if we're going to suggest people, if a constituency or a stakeholder group is going to suggest people, they should say so and it should be attached to them. I very much would like to speak against sort of anonymity is this respect because it can be used. I would like to support what Greg said in terms of, you know, we have our - and we're being terribly delicate about our discussion of this in front of our current sitting board member. I know some of us very supportive

of that board member continuing. I think talking to that board member while we're here about that is something that I'd like to be supportive of.

Klaus Stoll: Okay. Steve?

Steve DelBianco: Steve DelBianco. Avri, I think that anonymity was a device that was recommended so that a potential consensus candidate wouldn't be associated with or labeled as somebody being pushed by one group. So maybe anonymity isn't what we're after but unanimity is the aspiration. So if we can, and I'm aware of at least one name and I would like to try to have that person indicate their interest and do the appropriate interviews that we can do while we're gathered here in Reykjavik because I think it's more about unanimity than anonymity.

Avri Doria: So why don't you just speak that name as opposed to hoping that that name comes out without being associated with you?

Steve DelBianco: Only because I would hope that that individual - I haven't asked him if I can do the name publicly, that's all.

Man: Him or her.

Klaus Stoll: Can I state from - on behalf of my constituency we also might have a name but I need to confer with my constituency on that name. That can be done today. So maybe we have another name ready by tomorrow.

Woman: We have a name but (unintelligible).

Vicky Sheckler: All right. So to close this out, this is what I heard…

Klaus Stoll: Last time he or she looked, it was a clone.

Vicky Sheckler: I have heard that we are opposed to flipping back and forth for the board and we understand that that's important. I've heard that we're going to ask for a GNSO Council special meeting so that we can extend our time for deliberation and voting by a week or so. I have heard that we would like to have discussions with (Marcus) in breakout sessions to hear about, you know, your thoughts about reelection.

                 And I've heard that we may have one or two other names that we can either discuss later tonight or tomorrow at some point. There's a presenting discussion tomorrow; that might be the right place. I'm not sure. I'll have to look at the schedule. But I know that at least that's an opening, that if there are other names that might be a place to discuss the names or hear from those people if they're here. Did I miss anything of our action items and consensus points on this one?

                 All right. Hearing none, we've got 15 minutes left, I believe. Yes, 15 left. And this is the smooshy feel-good part or perhaps the challenge part, Mr. Zuck. I'm sorry.

Klaus Stoll: You have 15 minutes to make your time worthwhile.

Man: Is smooshy feel good the name of the board candidate?

Vicky Sheckler: Yes it's what are the values, what common ground can we have as a non-contracted party house and where do we have our challenges. I think we know a lot about our challenges. I'd like to see where we can find some unanimity. So for example, I've heard everyone talk about transparency. It may mean different things to different people here. Transparency, transparency through

the ICANN process. A lot of you were saying transparency because who you nominate. You know, I mean transparency seems to be a key theme.

I've also heard -- and this is, you know, one of the back-and-forth ones -- I've heard a lot of interest in what happens with the RPS and how we deal with privacy -- RDS, excuse me -- within that area. Now I know we have very different views on what that means, but it's good to know this something we all care about in trying to find a solution forward. So those are just two examples off the top of my head. I wanted to throw it out to the group to see either what do you think are the key challenges in terms of trying to find something like that or where in fact you do have common ground. Anybody? Mr. Zuck?

Jonathan Zuck: All right I'll do it. I'll be on the board. Is that what you asked? I'm sorry, I got - I know everybody's talking around it and I just wanted to - no, the - I feel like the compliance discussion went a lot of different directions by the time we were done but there were some themes, as you said, that arose from it that had to do with transparency and consistency.

And I think that what Kathy got started in terms of painting a kind of scenario is probably something that maybe the onus is back on us as a group to come up with, as I said, sort of the equivalent of the stress tests from the CCWG effort of saying, "Here's some scenarios and could compliance come back to us?" It was unrealistic for them to come back to us today but could you come back to us with what your SOP associated with each of these different kinds of scenarios.

And I think if we present it in that way to (Jamie) that we can come up with a pretty good list and all be pleased with the result of having an SOP with which we may then disagree but at least have some sense of what contractual

compliance's notion of their standard operating procedure in each of these scenarios is, I think we would all feel we'd be further ahead of where we are right now. And I think that that's something on which there was a broad agreement from all the discussions I heard. Is that helpful to what you were asking, Vicky?

Vicky Sheckler: Ed, can I call on you?

Man: (Unintelligible)

Vicky Sheckler: I'm going to volun-told because people aren't speaking up.

Ed Morris: It isn't raining out but it may later today. Is that what you wanted to know?

Vicky Sheckler: No, the question is in terms of where do you see the non-contracted parties house having commonality, if you will?

Ed Morris: Ah, hi, Greg. I am of the radical view that we're a voting aggregation mechanism who cooperates in selecting the vice chair and the board member for seat 14. I see very little else necessarily that binds us other than the house structure. In terms of policy interests, when I look at the CSG, very often on council I'll find common cause, say with the BC, with the ISPCs, very infrequently except on structural issues with the IPC. I have more in common often in the policies that we're dealing with in ICANN with the registers and the registrars.

So we have these meetings - and I guess this is meeting number four, and I've been to most of them but usually I have a plane delay which is why Reykjavik is wonderful, so thank you for that. But I've gotten to know folks here. We

have new members on both sides and it may be useful but we pretty much know each other now.

I would love to meet the registrars like this or the registries. I think there is a use, or at least in some informal meetings, but to say we're in the same house, we should meet and get to know each other, we have things in common, I mean the IPC of the groups that are in opposition to the policy positions traditionally of the NCSG within the GNSO, the ICP is theoretically our mortal enemy, although under Greg's leadership we've actually found some common ground and that's to his credit because he reached out to us when we didn't want to reach out to him. And I think hopefully we're getting in some mutual handshakes here now.

But the bottom line is on policy issues, I see nothing special in uniting us. That doesn't mean we shouldn't talk. We need to talk. If this is going to work we have to cooperate. But at the same point, the NCPH - I don't really see us wearing an NCPH t-shirt, having a fight song or a hat.

Woman: You know what you're getting now for Christmas.

Ed Morris: I have a GNSO shirt. I can wear one of those. But that's my viewpoint. That's why it's almost like an artificial creation. Now I like the voting structure. It - I'm sorry, it does present balance in ICANN. What I like most about the house structure, by the way, is not what it does to us, it's what it does on the other side. It forces the industry to work together. I think that's a real big positive.

And we're sort of the side effect of that and collateral damage, if you will, but I don't see there is anything tying us together other than the mandated elections of the board member, the vice chair, and, you know, the voting structure within the council itself. And it does allow us to have a certain

balance but I see no special affinity here, and I'm sorry. I like everyone here very much. I've spent on accountability a lot of time with some of you. There was a period when I spent more time with Greg than any girl I'd ever met.

Greg Shatan: Was it good for you too?

Ed Morris: And I would say Greg spent more time with me than his wife. But the bottom line…

Man: He's given you one minute too many.

Ed Morris: There we go. But the bottom line is I don't see anything special tying us together, and I apologize if I hurt feelings by saying that.

Vicky Sheckler: I appreciate your candor. We've got a queue now. Greg and Lori.

Greg Shatan: Two things. One, I think we may get to a topic that we have on the schedule tomorrow I think, which is the primacy of the GNSO as the gTLD policy development body versus the various outside forces that would seek to change that. So you'd probably agree that whatever this thing we're linked in, it's better than the alternative of some other thing that doesn't. It gets taken out of the GNSO. So I think we may find agreement on that and we should look at that as one.

And the other thing, and I'm not sure about this one as I thought of it, is that obviously we're non-contracted. So I was thinking we're not in the domain name industry. We're the outsiders. But that's not necessarily so true because we have members who are also registries. The IPC - the ISPs are part of the plumbing of the Internet.

The BC has everything from service providers to registries and registrars to brick-and-mortar businesses to Internet business that are part of a different layer of the Internet but they're definitely part of the Internet. So maybe even that thing isn't really true in the same sense that we're all - that we're kind of the outsiders. But clearly we're not the same as the contracted parties but maybe we're not - maybe that's saying this doesn't mean that we have anything - that difference doesn't mean that we're the same.

Vicky Sheckler: We've got about eight minutes left and I've got Lori, Jonathan and Kathy. Oh, and down here. So why don't we start down there and we'll work our way around.

Lori Schulman: Hi. I just want to respond to a few things that Ed said. I spent a number of years as part of NCUC and CSG on and off as a non-profit attorney primarily focusing on IP for non-profits, non-commercial users who have very mission-critical missions in health and education, we're not talking even about the Internet world per se, and I have to tell you it really saddens me to hear like we're diametrically opposed, that we're so polarized.

I mean I heard things in the periphery of IGS where there were certain sessions where noncommercial speakers were saying well those IP people they just - they block everything or they're a big, you know, enemy -- I don't know if enemy was the right word -- but we can't get along. We just can't get along. Well to me that signifies the same kind of polarization we outside of ICANN that has stymied democracies. And we're here as a democratic body.

We're here, even with a board member, to choose leaders that have leadership temperament, balanced views. Even if you take a position -- and I said it before, I am a proud IP lawyer because I do believe that my profession stands

up to protect consumers and I'll believe that till the day I day -- we have commonalities here.

And I think it's important tomorrow, I hope, that where we have the differences, particularly on very specific issues about freedom of expression and privacy, that we can talk about are there compromises where we can work together to keep the registries and the registrars and the contracts honest in ICANN. That's what we're here today. That's the common purpose, and I do not believe that, were we to choose a leader from among us from either side of this, that somehow that would thwart the other side if we understand there's a common core that we share. And I'll leave it at that.

Vicky Sheckler: Jonathan, two minutes.

Jonathan Zuck: Well I don't know how to follow that. I feel like I was going to say something very similar. I look at the example like dot.feedback for example and I see nothing but common ground that is this notion of consumer protection, and the fact that there's some overlap with trademark law doesn't make it suddenly an invalid issue.

I think we need to look for those areas because I think in the end, we're all talking consumer interest and trying to find a balance between consumer interests that sometimes seem in conflict with each other the same way that privacy and security communities have to find a way to interact instead of seeing each other as mortal enemies. We need to do a better or really addressing their interests by finding that balance, because I think we both fail them if we don't.

Vicky Sheckler: Thank you, Jonathan. I think Tony you had a hand up. And then Kathy.

Tony Holmes: Yes thanks. The history of how this structure came about was very much when it was set in place that the purpose of this house was to provide a balance against the contracted parties. If it's as broken as you suggest, Ed, then it's totally wrong. I mean that can never work, that structure. So that's something we need to think about carefully.

But I wanted you to clarify something. You said that in terms of voting, it makes the industry work together but you explained how we don't work together. So how do you think it makes the industry work together? And I'm just replicating the words that you used there.

Ed Morris: Sure. Because it forces the registrars and the registers to come together on common policy positions because they're in the industry. They're dealing with similar issues. Whereas on our side, in response to Lori and Greg, it's not that we don't have common issues. As Greg said, we'll be talking about the role of the GNSO, the registrars and the registers have the same concerns. It's not an NCPH exclusive issue.

Tony Holmes: Just a quick comment on that, if I may. I think we're all aware that since the last round of gTLDs there's very little difference between registries and registrars -- very little.

Vicky Sheckler: Okay Kathy, and then we have a break.

Kathy Kleiman: Great. Oh I'm standing between us and the break. Kathy Kleiman. And I wanted to tell you a story. Once upon a time in a galaxy far, far away, there was one gTLD registry named Network Solutions. And I remember those days, it was a while ago, and an entire industry has built up around the gTLDs, registries and registrars. And we're the watch dogs. Collectively, we're the watch dogs. And I'm glad you're here. I'm glad everybody at this table is here.

We can call ourselves consumers and we all are. We're users and we're registrants, and we represent both sides. But we're the watch dogs of the process. We've been involved in the contracting. We've been involved in the new gTLD application guidebook and the base registry agreement, and now the monitoring and the compliance reinforcement. I think we're a critical part of the process.

And I think we have to work together and I think we have a lot in common on the grounds that we're watching this process together and keeping this new industry, this marvelous new, exciting, creative and a bit untethered industry within some kind of reasonable balance and we - let's continue to do it together. Thank you.

Vicky Sheckler: Thank you for that great positive note. I know we have a lot of differences, with my IPC hat on, but I look forward to working with all of you to see where we can find common ground, where we can find that privacy-security balance, as Jonathan said. And I think it's time for coffee, right?

Klaus Stoll: Yes. Thank you very much everybody.

Man: Thank you, Vicky and Klaus.

END