

ICANN

**Moderator: Maryam Bakoshi
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Wolf-Ulrich Knoben: Hi, good morning everybody. This is Wolf-Ulrich speaking so I'm wondering who's going to chair this meeting. Because we are supposed to have this preparatory meeting right now for 1 1/2 hour to prepare for several sessions we are - we may have to think about, you know, how to prepare us and how to prepare from the content and from the format wise.

So I'm wondering - so we have on the one hand in our different constituencies we have new management. That's one thing. That may be why we are hesitating how to deal with that.

In the past it was done that way. Then we have a, kind of, combined leadership here in the CSG. As we do not have a CSG leadership here and do it together. So that's what I would like to suggest.

And very briefly go around the table first to introduce ourselves to see who is available. And then come to the points and start discussing about our coordination. Is that agreeable? Okay.

So I would like to start with Ms. Brian, maybe just to introduce yourself and then we go around the table. Just a question here, Benedetta. Do we have Adobe Connect? Is that recorded that meeting or what it is?

Benedetta Rossi: We do. Yeah, it's just - it participates on icann.org/csg is this breakout.

Wolf-Ulrich Knoben: So is the recording done already?

Woman: Looking into this right now.

Brian Winterfeldt: I'll go ahead and get started. This is Brian Winterfeldt. I am...

Wolf-Ulrich Knoben: Okay. Please go ahead.

Brian Winterfeldt: Great. Good morning. This is Brian Winterfeldt. I'm with Winterfeldt IP Group and I am President of the Intellectual Property Constituency.

Kirin Malancharuvil: Kirin Malancharuvil, IPC Secretary also with the Winterfeldt IP Group.

John McElwaine: John McElwaine with Nelson Mullins. I'm the IPC Treasurer.

Vicky Sheckler: Vicky Sheckler, I'm with Recording Industry and Vice President of the IPC.

Dean Marks: Dean Marks, I'm the new Executive Director of the Coalition for Online Accountability and also with the IPC.

Susan Kawaguchi: Susan Kawaguchi with the BC as a gNSO Counselor.

Claudia Selli: Claudia Selli with AT&T and Chair of the Business Constituency.

Barbara Wanner: I'm Barbara Wanner with the US Council for International Business. I'm the Business Constituency's representative to the broader CSG, thanks.

Marie Pattullo: Good morning. I'm Marie Pattullo. I'm with Aim with the European Branch Association based in Brussels. And I'm one of the BC GNSO Councilors.

Steve DelBianco: Good morning, Steve DelBianco. I run NetChoice, a trade association in Washington, DC and I'm the vice chair for policy at the Business Constituency.

Heather Forrest: Good morning everyone. I'm Heather Forrest. I am at the University of Tasmania. I'm a member of the delegation of the IPC, but as your GNSO council chair, I suppose I'm here for everyone.

Jimson Olufuye: Good morning everyone. I'm Jim Olufuye, CEO of Kontemporary Konsulting. This is in Abuja, Nigeria and the chair of Africa ICT Alliance, member of the BC and the Vice Chair finance and operation of the BC. Thank you.

Timothy Chen: Good morning, Timothy Chen, CEO of Domain Tools private company in Seattle, Washington and here as a member of the BC. Thank you.

Christian Dawson: Good morning everybody. My name is Christian Dawson and I am Executive Director of a trade association called the Internet Infrastructure Coalition which is built to give a singular voice for the people that build the infrastructure of the internet. And I am here representing the ISPCP.

Tony Harris: Good morning. My name is Tony Harris. I'm with the ISPCP. I'm currently on the gNSO Council as a representative of the constituency.

And in my day job I work in the Argentina Internet Association specifically on the IOT Marketplace Initiative.

Oswaldo Novoa: My name is Oswaldo Novoa. I am working in telecommunications company in Uruguay. And I am a member of the ISPCP.

Wolf-Ulrich Knoben: Wolf-Ulrich Knoben. I'm consultant and representing DE-CIX(3) Internet Node of Germany. And I'm the chair of ISPCP Constituency.

Erika Mann: Erika Mann, I'm an NC (unintelligible) kind of member. Don't know how you want to call it, GNSO council member and in my normal life, I work as a senior advisor for Covington. It's a law firm.

Tony Holmes: Tony Holmes representing BT and vice chair of the ISPCP.

Alain Bidron: (Unintelligible) representing It Snows a European Telecommunication Network Operators Association. And ETNO is a member of the ISPCP.

Philippe Fouquart: Philippe Fouquart with the ISPCP. I'm a GNSO Counselor and I work for Orange. That's a French-based operator.

Wolf-Ulrich Knoben: Thank you very much. This is Wolf-Ulrich speaking. So, let's have a short look to the agenda for the next two days. As you know, it is structured in that way that we shall have for each item to be discovered - to be discussed. We shall have a co-chairs from the NSG and from the CSG.

And I suppose that the most of the sessions are prepared by (unintelligible) between the co-chairs and maybe some people who are presenting introducing the items. It's usually stand, and the items are discussed in an open way.

That in the common sessions with the NCSG, it's just for discussion, multi-exchange views on that. It's rather not for making any decision about policy or things, you know, we might discuss. But to have a - to achieve a better understanding of each other.

So to my knowledge, the only - the major two sessions we should discuss today here in the meeting and prepare is for the common session vision board and the (unintelligible) in order to have it - that done in a structured way.

I wonder whether we should first discuss the format of these sessions well to have a common view on that - how that is going to be done. And then we are diving into the content of what to do with that. If, on your point of view, are there other sessions we should talk about that we could do that afterwards, think so?

To my knowledge, so we have for the different sessions for the meeting with the board and with the board or BC board, so we have two co-chairs. One co-chair with, I think it's Tony Holmes, isn't it? Preparation for the meeting with the board. And the other meeting - the preparation for the meeting BC, I think it's done by Brian, you know, for that.

So, may I first, well, just we'll hand over to you, well to that, to both of you to talk about, you know, what is in the pipe for those two meetings. How we are going to deal with that. And then you have then open discussion of that. First, Tony.

Tony Holmes: Yeah, thanks. The session with the board is probably the most difficult to organize because it's over the lunch period and the arrangement is that it takes place with small tables. So I think the key thing is to make sure that we have a spread of representation across those tables. It's not really appropriate if all

the ISPs or all of the IP sit together with a couple of board members. We need to spread that around.

So if we can agree on that principle and I would suggest we need small name tags for the table, at least in terms of constituency. But believe (unintelligible). Hopefully that's in train. So that's the way it's set out. And the I think if we follow your advice which is to look on some issues where we have commonality and raise those across the three topics that were highlighted for discussion, we've probably got a way forward for that session.

The CEO session is a little bit easier to organize. At least we'll be together. And I think it's just a case of spending some time to tease out what the actual issues are that we need to bring up. So with that, I'll hand back to you.

Wolf-Ulrich Knoen: Thanks, Tony. Wolf-Ulrich speaking. Just to the format with the going to lunch. I was asking staff to take care of all, you know, that we have, kind of, tent cards, you know that is ensured. For example, that the tables are seated, you know, in a balanced way between us, between the constituencies from outside as well as from the NCSG side. I'm wondering, do you know how - is that ensured or how are we going forward with the lunch to ensure that, this balanced seating?

Benedetta Rossi: I'm sorry. I was focusing still on our logistics. Was the question about the lunch with the board about balanced seating? Is that correct? We printed tent cards with CSG, NCSG and ICANN board. So we will put them out on the tables so that there will be balanced numbers per table. So we won't have specific names, but you'll have reps from each side and ICANN board at each table. Is that okay?

Wolf-Ulrich Knoben: Thank you. So if you go that way, so I think that is fair enough, you know to do that this way. And then we will have really opportunity to discuss in a balanced way with the board. So with regards to the items itself and to introduction of the items and how that is managed during lunch either in a format that one grabs a microphone and is doing a statement.

Then going around the tables or going around the various constituencies with questions. Let's talk about that. So maybe it depends also on the items themselves. So we are going to discuss. Tony, do you have any - I think the format is clear right now. Do you have any more things to say about, you know, the items themselves and how we are going to do that?

Tony Holmes: I thought that there'd been some initial dialog between the chairs on that particular issue. Is that true or not?

Wolf-Ulrich Knoben: So we did not have a dialog about that. We had a dialog with regard to the items to be covered. So there are three items to cover. The first is GDPR, then we have DSRR2 review and we shall have a third point, it's called capacity building.

So maybe those who are the frontrunners from our side with regards to these items could, at first, chime in. I'm not aware, for example, what is about capacity building. And so for example, I know GDPR as you are running a session here, Steve, you know, it would be the best when you start with that. And then we are talking about, you know, how to organize that. Steve?

Steve DelBianco: (Unintelligible), Steve DelBianco the four co-chairs of the two GDPR sessions that'll occur tomorrow are Stephanie Perrin, and myself, Vicky Sheckler and Tatiana Tropina. So we'd have four, and we broadly separated our Friday sessions into a discussion of interim compliance situation that we

face in the next few weeks. And then separately, the community's job which is to develop a new RDS through the PDP working group and to continue to refine privacy and proxy, because those tasks are in our hands not ICANNs. We need ICANN's support.

But it's clear that if the community does our job, we replace the interim models if we come up with a PDP consensus supported work on RDS. So I really try to suggest we have a short term and a long-term discussion on this. And I don't believe there's any point in complaining and carping about process.

Because everything here has been outside of process. This is not a consensus building - consensus driven notion of picking the interim model. It's a top down decision by ICANN and they've done a little consultation with members of the community and the European Commission, European union. But it's by no means a consensus. It's a short-term problem. We want to keep our eye on the prize which is the long term.

So I'm giving you a preview of that Stephani, Tatiana, Vicky and I will cover tomorrow morning. And if that goes well, we'll take our findings from those two tracks and feed them into the lunch discussion. But I don't think it's a complaining session. It's a looking forward session. I hope that helps Wolf-Ulrich.

Wolf-Ulrich Knoben: Let's just go around if you have comments to that so we can combine that. Give you advice. Tony Holmes, please.

Tony Holmes: Thank, Wolf-Ulrich. I totally agree with Steve. I think it's the only way to go for that particular topic and we need to have that session tomorrow which in itself, I think, should enable us to pull out the key discussion points with the

board on that particular topic. I don't think there's any point in using this time here to try and develop that in front of the session with Steve. So fully concur with that.

Wolf-Ulrich Knoben: Thanks, Tony. Any comment from the IPC side to that kind of procedure, what Steve was suggesting going - starting with the discussion tomorrow morning and then from that discussion taking the points well this with us to the lunch with the board. And then discuss along that. Vicky, please.

Vicky Sheckler: I think that sounds - thank you, sorry. I think that sounds like a great idea. The only additional point is that ICANN is having that webinar tomorrow morning, I think, 7:30 our time to talk about GDPR as well.

And, you know, depending on what's said, Tatiana and I hope to integrate that into our discussion later on. So it's going to have to be fluid. Thanks. And how many of you are planning on going or watching that webinar. Do you have an idea? Okay, a few people. So we might try to summarize it in that session as well.

Steve DelBianco: Vicky, hey it's Steve. They're not asking us to RSVP ahead of time for the webinar tomorrow. And they did schedule it for a two-hour slot which would be 7:30 to 9:30. Whereas we start here at 9:00. So we do have a little bit of a - a half over overlap tomorrow morning.

Wolf-Ulrich Knoben: Okay, Tony please.

Tony Holmes: Just to summarize on that note. I think the understanding here is that the issues that we would raise for the board - I agree with Steve. They can't be about the process. They have to be about elements where we have concerns, but those issues that we raise will be issues where certainly the discussion that we'll be

putting forward is CSG. Or where we have some consensus on those issues, because I think, at the moment, we do have some differences on GDPR. So it's really the consensual issues that we'll - we will pick up with the board.

Wolf-Ulrich Knoen: So the consensual issues, I understand would be on process.

Tony Holmes: I think Steve's advice was to try and stay away from process and really get down to the nub of where we have concern. Is that right, Steve?

Steve DelBianco: Thanks, Tony. Well just with respect to GDPR, we're not following an approved process at all. This is an expedited top down decision on interim compliance. There are, however, a bunch of processes in parallel which will allow us to replace whatever the interim does.

So I don't think it's so much a process complaint, but it's fair to ask questions as will every registrar or registry have to follow the same model? Or can they follow their own model? Questions like that. How will we react to legal rulings or problems that occur at operations? So we can ask a lot of questions about what do we anticipate the experience to be like of living in the interim compliance world.

And we can ask those questions without complaining about the process. So that's just an attitudinal suggestion that we're going to try to follow.

Tony Holmes: I totally agree, Steve, because what we're seeking is clarity on those points rather than any form of criticism. Agreed.

Steve DelBianco: And Tony, let's be clear. They're not going to have clarity on a lot of our questions. And that wouldn't be a suggestion that ICANN is being evasive. They just don't have answers. I mean in so much of this they're talking to data

production authorities and Article 29 soon to be the data protection board. They're not being very forthcoming about their expectations and process. So it's not as if ICANN is holding back. They don't know either.

Wolf-Ulrich Knoben: Okay, that's clear.

Tony Holmes: Just one thing on that. It's fair that they don't have clarity on some of those points, but maybe what we would want to do is if we log those as issues from this session, we could certainly follow up with a list of issues that we raise so they don't get lost. And maybe that's the way to go, following that (unintelligible).

Steve DelBianco: Tony to help out, I can circulate to the entire group the BC and IPC held an event last Wednesday in Washington, DC, four hours. And at the event we prepared and presented a whole host of questions, both on the substance of the models and the process and decision points. And (Urin) and (JJ), the general council spend an hour and twenty minutes answering those kind of questions for about 230 people We actually broke Adobe. This was an open process.

Can I see a show of hands? How many people in this room participated last week? That's most, but not all. So I'll circulate the slides to that event, so you can all have them. Thank you.

Wolf-Ulrich Knoben: (Unintelligible), please.

Man: So agree not to complain. I think about the process, I agree that that's a waste of time. There's nothing they can do about the European Commission. And, but I do think that we can be proactive, and we can tell them what we need out of the model that the select. So for example, a tiered access model that has an accreditation program that's developed over the course of the next four years

in a PDP is not going to cut it. A tiered access program that doesn't have searchable WHOIS (unintelligible) so that we can't draw connections between, you know, one domain name and all the other domain names that a bad guy has to show a pattern or to do a real investigation is they're downloading stuff, you know, aggressively, those kinds of things, that's not going to cut it.

So I think that we can tell them, you know, we can ask questions, but we can also feed them information that they need in order to build whatever the interim model is. I think we have to be a little bit careful that they don't say, "Okay, here's the interim model, and it has an accreditation process, but that's not going to be top down. That's going to be bottom up. See us in three years." That's not going to cut it.

So we are in top down land now. And since we're being told what is, is, I think we need to tell them what we need. Thanks.

Wolf-Ulrich Knoben: Okay, thanks. (Unintelligible), you wanted to add something, please.

Kirin Malancharuvil: I think that we would benefit from asking the question about upon which legal foundation they're going to be selecting the model and what the objective criteria for selecting the model is going to be.

I think that in order to evaluate how they looked at the models and in order to, sort of, with a critical constructive, critical eye for determining whether ICANN did the right thing on how they selected this compliance model.

We need to understand the framework around which they're evaluating and selection. I don't think we have that information. I think we've asked the question many times and haven't gotten a clear answer.

But I think that's going to be a, sort of, critical threshold issue for the GDPR stuff. It's, sort of, process, not complaining as much about the comment period and whatnot, but we - it's a critical piece of information that we need to know about their internal process in order to evaluate their decision. So I'd like to ask that question.

Wolf-Ulrich Knoen: Okay, so let me, personally, come back to that a little bit to the (unintelligible) question. Because, you know, we had - as you know we had from the ISP, we had a slightly different view on that. We were very much surprised on how ICANN was handling that, you know.

So just, as you said, Steve, you know, delivering the so-called models and then consulting the community, not in a form of a public comment, just in consultation to hear about that. It may be because of the timeline and the time pressure which is behind. It all is understandable. Well, but that surprise well is still here.

And on the other hand, the - we were also surprised that it seemed to be, you know, the kind of publication ICANN did hear when they asked for comment or for consultation on that. They supposed the model they are at the table they are compliant. They seem to be. There is nothing seem to be open well for that discussion. That was a little bit what was confusing us here. And the question is in which was we could express this one. But before doing that, Erika please.

Erika Mann: I just like to make few additional remarks. I think all what you are debating is absolutely worthwhile in pursuing. But when - once you ask ICANN to judge the models and you get an understanding about a best approach forward, I think they're missing bits and pieces you want to take into consideration as well.

And I think it is - when you look at the complexity and only taking the European law, not looking into other international laws in the moment, only the European law, the GDPR, there's one piece which is obvious missing in the debate or actually two pieces missing in the debate.

So one piece is the reference to the power of law enforcement agencies. So even if ICANN does the best in cooperation with the players to comply with the GDPR, keep in mind this can be still overruled, of course, by law enforcement agencies. And this can come either from national law enforcement or site or it can come from the US request or the request can come from the other side.

We comment to you to understand the complexity and the difficulty to look into the current Microsoft case about access from the US side to data which they stored in island. This is an interesting case, because it tells you that there's so many unknown factor in the future which needs to be understood. So just complying with GDPR is only one answer, but it doesn't give you the full risk factor for the future.

The second keep in mind, the European GDPR is a very fragile concept. First of all the (unintelligible) is not build. Not all of the guidelines are issued. There's no real clarity how they will execute enforce the law. And the most difficult part is it leaves still national authority a lot of leeway.

It's a very tricky law. A law which is typically not done in the EU. So although you can comply, and you believe you comply with all of the GDPR factors, you may still get sued in a particular European member (unintelligible). So just keep these factors in mind.

So would I would recommend to it, Wolf-Ulrich, is to have - to get a kind of risk factor analysis about potential risk factors which are either coming from unknown factor from the GDPR or which are stemming from other factors like, for example, law enforcement competencies and authority. And I don't think ICANN is looking into it. I'm pretty certain that's not the case yet.

Wolf-Ulrich Knoben: I see some lawyers nodding, so I think they are aware of that. And thank you for that - not really, but they seem to. Maybe, you know, in the point I wonder how we'll do that. But before we continue on that, it was -

Woman: (Unintelligible).

Wolf-Ulrich Knoben: Yes, it was Christian, yeah.

Christian Dawson: So, I actually want to build off the comments of Wolf-Ulrich and Erika and reinforce concerns around the existing three models and their thoroughness and whether they meet the full kind of compliance that we need to look at. I actually think - I read the BCs comments with great interest. And I think Steve and his team did an excellent job of bringing up some concerns in this area as well in portions of their comments.

One of the things that we should mention, at least, here and determine what level of consensus we can get on it, is that we in the ISP have a member organization that's put a great deal of effort and time into building a community-based model, the echo model.

And I would like - this is a model that, for the most part may not be perfect, but the ISPCP thinks that it's got a great deal of merit and it addresses many of the thoroughness concerns that have been brought up by this group.

Since we're not in a - we're not going to go ahead and debate the pseudo consultation process that got us to here. I would like to bring up to ICANN about whether they are taking seriously those types of community input, because I don't think they have them.

Wolf-Ulrich Knoben: Thank you. Any more addition comment on this? People are looking forward to the big meeting tomorrow around these items. Good.

Christian Dawson: I'm going to tell (Steven Patellas) that it was Christian Dawson who was speaking to the echo model, and I apologize for not introducing myself before I spoke.

Wolf-Ulrich Knoben: Okay, thanks Christian. So I'm wondering so who is going to prepare for the question. I understand, you know, from (unintelligible) Steve, is something coming from your side at the board meeting? And Tony, please.

Tony Holmes: Thanks. Well my understanding was that from the session which Steve and others chairing tomorrow, out of that we will put out the nuggets that we need to take forward into that session with the board on that topic.

So, yes I think certainly in terms of pulling it together, we can have a check at the end of that session to make sure we have those key points. And with Steve and others help, it shouldn't be a problem.

Wolf-Ulrich Knoben: Okay, thank you.

Vicky Sheckler: This if Vicky. Just to be clear as I understand it, excuse me. Steve's session is going to focus more on the long term. How do we get to solution? And the one that Tatiana and I are doing is going to be more on the short term and trying to figure out what's going to happen in the next twelve months. So we

do have a set of slides set up with a bunch of questions on it, and there's going to be time, we hope, for everybody to add additional questions when we have ICANN legal with us. Just so you know that's the plan. We'll see how it goes.

Wolf-Ulrich Knoben: Thanks very much. Okay, let's move to the next point to cover. This is the next item was SSR2 Review. Who was bringing that up? Was it Heather? Who was bringing that point up here for the meeting with the board? Nobody. Steve.

Steve DelBianco: Wolf-Ulrich it's Steve. I know that counsel who met here for the last three days discussed it extensively. So I would love to hear from those of you that were involved in the council meeting.

Tell us a little bit about what we learned there with respect to the process of getting it restarted. Because we established in Abu Dhabi that it's the SO and AC leaders that have the complete discretion to restart SSR2. The board, having stepped on it, is getting out of the way, and yet we're having a difficulty marshaling the all seven SOs and ACs to pay enough attention to it, and I understand the GNSO council is, sort of, leading the way on that. So, I'd appreciate understanding where that stands.

And then we have to figure out what is the message to the board that comes away from that. Because at the very least, we want to suggest don't do what you did the way you did it again. Thank you. And then separately here's where we are in moving forward to the extent we need support from the staff. That's an opportunity for us to ask them for support to get this thing restarted.

Wolf-Ulrich Knoben: Okay, thanks very much. I know, Steve, you know, I was following also the council debate on that and the comment, I think, you developed, I'll comment on that as well. Could that be basis, you know, in order to - as a

message to the board? To bring it up, so the question for me is here at all, is it an issue really to be discussed with the board rather than a summary of what the GNSO has done? And especially the - we have done with regard to that. And then just deliver this message onto the board where we are with that. Heather?

Heather Forrest: Thanks, Wolf-Ulrich and thanks very much, Steve. Wolf-Ulrich, forgive me. I have the air conditioner by me, so I think I heard you but if I start to talk about something that's not related, you'll wave your hand.

So, I think there's two things that I can usefully do here, Steve, in response to your comments. I'm very happy to give a summary, let's say, if we talk about the substance. First of all what was discussed at the council strategic planning session over the past three days. So we get everyone on the same page. I'm happy to do that.

Two, I can say a bit about and that there's obviously a very significant amount of overlap. But two sources of conversation, if you like where we are as SO AC leaders on that, SO AC chairs. So that's the substance side, and whether we want to do that now or at some other point in the day, I'm at your disposal.

The other thing that I would say is to the process point, the procedure point which is I think Wolf-Ulrich I understood your question is how, you know, do we use that opportunity with the board as an opportunity to raise some of these things? I can say this.

The council has been working in a small drafting team to put together a letter to the SO AC leaders. It's not to the board, but to the SO AC leaders. And that expresses, of course, the board will be copied in that correspondence.

I suppose if I can interject my personal view on this, Steve, if that's the right word to use. I'm not inclined, based on what I've seen to date, I'm not inclined to put something directly to the board only because it seems to legitimize and empower the board in this discussion.

And I think - and I likewise, and whenever you want that substantive update from me, I'm happy to elaborate on this. I'm likewise not inclined to give the SO AC chairs, as individuals, a whole lot of legitimized authority to behave here.

So I think we want to be very careful as a strategic move as to, you know, by raising questions with the board and by inviting comment from the board, I'm afraid that could be misinterpreted as we think that they have some authority here. So I'm channeling what I've heard amongst the - our colleagues on council.

I'm also giving you my personal view where I, you know, put a little asterisk on that. But I would suggest that we steer clear of this in our discussion with the board for those reasons. Thanks.

Wolf-Ulrich Knoben: Well, you would like?

Man: Also a comment on the tone, Heather's gone into some of the details of where we are. But of the tone of approaching the board on this, I don't think the board thinks that we're all happy that they put this on pause. I don't think us telling them one more time that we're unhappy about it is going to be a revelation to them.

We don't get a lot of time with the board. And so, I don't know that spending any significant amount of time chastising them will move the ball forward one little bit. Thanks.

Wolf-Ulrich Knoben: Please.

Woman: Just to note, so there's obviously a session about this distinctly from the board and CEO discussions during which some members of the organizational effectiveness committee from the board will attend. I think that that's plenty of time on this issue, frankly. That we have a session on the GNSO review of the SSR2 and the board role.

I think - so I'm co-chairing that session with Ayden Ferdeline and the question that we formulated around SSR2 is very much just get another statement to the board about the, you know, what it didn't mean to exercise fiduciary responsibility and the kind of slippery slope that that presents.

I think that that because we have the board in that session, we probably don't need to spend any additional time on that issue during our lunch with the board.

As far as the topic being posed for the CEO, I think that that's going to be a really simple question just to ensure that reviews are properly staffed from the organization period, right?

I just think that this issue's gotten a lot of attention and it's not super productive and the asks are actually very simple and direct. And we can make them again here, but they need to be presented simply, directly without drama.

And then just one procedural thing. Wolf, can you get closer to the mic when you speak because the air conditioning is blowing your melodious German voice and I can't hear you. So thanks.

Wolf-Ulrich Knoben: Better? Okay, good. Tony, you would like to comment.

Tony Holmes: I don't have any problem with that, but what I'm hearing from Kirin and other is that this isn't really an issue we expect to get very much back on. We have the informal session with the board and yes, I think there's some value in us mentioning the concerns that we had before, but it isn't a great issue for discussion.

There shouldn't be much of a debate, because we don't want to give them a (unintelligible) the leverage to think that they have a part to play in that. So during the lunch if that point can just be made, then we can move on without getting drawn on that. It seems to be the way to be and focus on other things.

Wolf-Ulrich Knoben: Thank you very much. I think we have found a way on how to (unintelligible) that. Thanks very much. So let's move. We have a third point to cover. This was, what is it called, capacity building. So I, personally, wonder what is behind that? So who has something to say about that? And comment how we are going to deal with this item? Paul please.

Paul McGrady: Thank you. So I think I'm going to introduce the questions for the IPC, from the IPC point of view. I don't really have a good sense of what the others, who are not in the room, want to talk about. I think it may be about more money for fellowships and things like that.

From my point of view, it's we have no problem with volunteer capacity. We have four PDPs that have over 100 people volunteering on them. And we have

a real management problem. It's costing staff a lot of time, a lot of money, setting up these extra-large Adobe room, dial out numbers, people come in and out of participating. It slows things down. People reintroduce things.

So from my point of view, unless my IPC colleagues have a different point of view, I want to talk about not capacity building, but refining our capacity, right? To take those - so there's 20 or 30 people on those calls who have been around ICANN and know what they're doing. There's 70 or 90 people who are interested in these particular topics.

I want to talk about how we, as a community, can educate them about the process. To talk about the fact that we're all there to compromise and to seek solutions, not to filibuster. To talk about the importance of having, you know, consistent participation doing the homework, doing the reading.

What can ICANN the org do to do help us bring those younger volunteers along? What should be we doing? Ask constituencies and stakeholder groups to identify those young participants and bring them along.

But I don't necessarily buy the notion that ICANN Org needs to find some other way to bring us more volunteers. We have, actually, too many right now. They're just not up to speed. So I'm happy to hear comments on that, but that's what I was thinking.

Wolf-Ulrich Knoben: Okay, thanks Paul. Before I hand over to Susan just a question. Does this include also the question of how ICANN Org is dealing with the various programs we have to - in order to acquire - bringing community, youth community members in and how to deal with it. How they follow up with the result on this. Is that also a point to cover?

Paul McGrady: I think that that's a point that our colleagues that are not in the room will bring up, right? And I do think that, you know, continuous outreach is important, and I don't intend to say that 's not important.

But I would like to talk about the fact that in terms of the number of volunteers identified, we've got gobs of them. It's just we have a lot of folks who aren't used to the process who perhaps are slowing down these PDPs and that's why they're dragging on.

So but yeah, their point is valid too. I'm not going to be anti their point. I'm not going to counterpoint. I'm going to complement their point with saying that's all great, but we actually have a bit of a crisis because the volunteers that are not as well versed in the ICANN PDP process, I think, are dragging, intentionally or unintentionally, dragging out some of these PDPs.

And are consistently long-term volunteers are complaining of burnout. And so we have to figure out how to invite the new people in. Get them trained and up to speed so that our regular group of volunteers don't end up marching out, you know, Mikey style. Yeah.

Wolf-Ulrich Knoben: Okay, thanks. Susan please.

Susan Kawaguchi: I would like to agree with everything Paul said and sort of emphasis the fact that I think we need to look at the PDP process very hard and we did some of this in the strategic planning meeting with the G&SO council, but not enough. I mean, we - something we need to really look into.

But I think we need to sort of have more targeted responsibility by the PDP members. Everyone's voice should be heard, but it has to be done in a constructive way. So, you know, just have somebody jump in once every six

months and say, "No, I don't agree to anything that's been agreed to in the last six months," and cause a delay is not helpful to anyone.

So, you know, there was a few suggestions around the table this week on how we would do that and the GNSO is going to think about it a little bit more before putting anything out there. But I would suggest that we really take a hard look at the PDP process and refine it and maybe make it a little bit more like a review team process where you have specific representatives from each part of the community and then lots of observers, but the actual people making the decisions and coming to consensus and advocating for a balanced approach are limited. Not as small as the review team probably, but...

So there's some ideas floating and I - so I agree, we don't need more volunteers. We may need more representation in other parts of the globe and, as always, I'd like to see more women around the table. But I don't think, you know, just adding people helps us at all.

Wolf-Ulrich Knoben: Thanks very much. Tony Holmes.

Tony Holmes: I don't disagree with what's been said, but I think we need to be very careful of how we actually contribute to this debate, because with the pressures on budget and some of the things that have been talked about, I think our colleagues in the other room are probably going to have a different take on this to what we have.

And I think we should, if possible, stay away from saying, "Oh, we don't need any more numbers." The issue is balance and our focus should really be on making sure the PDP process is balanced.

And I'm pleased to hear what came out of the sessions earlier in the week, but the key thing for us is making sure that there is balanced representation in the PDP. And if we can stay out of the fight that I expect to erupt quiet soon over capacity building and some of the things that others are not going to like that come out of those discussions linked with the budget, it's probably a good thing for us to do.

Wolf-Ulrich Knoben: Thanks very much, Tony. Paul, again, please. Paul?

Man 3: (Unintelligible).

Wolf-Ulrich Knoben: Okay, so exactly. Steve, please.

Steve DelBianco: Steve DelBianco. We have about 20 minutes before the CSE ends our private consultation. And so what I'd be interested to hear from the counselors that were in the last three days, I'd like to understand where there were notable areas of disagreement or even convergence without non-commercial side that emerged during your sessions?

And if you feel it's noteworthy, let us know whether the non-contract and contract sides had areas of significant relevant agreement and disagreement?

Because I guess about a quarter of the folks in this room were there for the last three days, but a read out that we can share in this room or on the commercials would be helpful to set the tone for things we should look at for the next two days. Thank you.

Wolf-Ulrich Knoben: Thanks very much for that, Steve. Because that just brings us to the point which I would like to raise. What are our expectations from that meeting as

well, in context with the other side - with the NTSG side, you know, and from the experience we had from last year, for example.

And also from the expectation maybe ICANN has towards us with regards - thinking about to have another meeting next year or in two years or about that.

So we should have a view on that and it's good that you bring it up. While I'm looking in this regards to - with regards to the question of Steve, first to Heather maybe, but also to the other council members who have been available to the strategic meetings. Who would like to start, please first. Philippe? Philippe please.

Philippe Fouquart: Thanks, (unintelligible). Yes, I don't think to that question as to whether there was a disagreement. I don't think there was any disagreement within council on the issues at hand, the fact that there was a burn out of the participants, that sometimes some of the groups were oversized and that the work was neither efficient nor effective. I don't think there was any disagreement.

I think we're at the stage where we're defining the problem before finding a solution. There were areas on food for thought which was a big change during our meeting. We talked about the need to sort of assess the level of expertise of the participants, the value of the input, as to whether there was intended substantially to collect information as opposed to an actual contribution to the work.

There were ideas like empowering the chairs and change the work procedures to the effect that it's normally, I mean, I, for one, express the views that it's normally up to the chairs to make that judgement between informative request and an actual input.

My views on this is that what couldn't be solved by a code of conduct, should be addressed by the work methods. And we considered defining KPIs, for instance, and in that sense - to Tony's intervention, I think that that was - that was consistent with the idea of making sure that the work was efficient. Long answer to the question, but I don't think there was any disagreement.

We're at the stage where we're sort of defining the problem before finding a solution and I think it's also up to us to figure out how we can do it. Thank you.

Wolf-Ulrich Knoben: Thanks for that, Philippe. Seems that it's part of the counsel has learned over the years. Well, let me say, to live with each other and not to find consensus in the end - how to do that, how to work together. Heather, what is your feeling, you know, having stepped in this council chair with regard to this part of house - of the council?

Heather Forrest: Thanks Wolf-Ulrich very much and I - on the one hand I would say that I'm delighted to hear Philippe's intervention. Of course, we did a survey at the end of the session yesterday. I will say that the feedback was overwhelmingly positive which I really take to heart, because to get everyone together - this is in essence, for those - for councilors, this is in essence, the fourth ICANN meeting of the year. We're here for the week so it's a pretty significant investment of time.

I think one of the most important things that's come out of the three days is the overall professionalization of council. It's something that Jonathan Robinson as our facilitator mentioned a number of times.

We're really seizing the opportunity to acknowledge the increasing workload - - both PDP and community -- in a way of not just picking at things around the

edges, but what are the hard skills that we need to make council more effective?

I think one of the things you're going to see to put a fine point, perhaps, on what Phillipe has said, is that council has come to an acknowledgement and Phillipe is quite right to say that it's an acknowledgement by all. There was no disagreement on this point. That as to our role in article 11 of the bylaws -- this idea of council as manager of the policy development process -- we've taken a very light touch up to now and I think in light of the complaints that all of us are hearing - or concerns that a number of us are hearing about PDPs and how they're working or not, that perhaps that means the council needs to rethink that very light touch.

And so I think what we need to do as constituents is -- and as the SG, but of course, we in this room know that, you know, we hesitate to act as an SG -- is we need to do a better job being a bit more robust in instructing our councilors, making sure that the message gets up through that channel, let's say, and formalizing concerns about PDPs and this sort of thing. I think that's probably going to be an output of this.

What will happen in terms of next steps is we will be putting together, if you like, a white paper and an invitation. So on this specific notion of how can we make PDPs more effective, what specific steps can we do to deal with some of the issues we're seeing in PDPs.

We'll be taking that out to all the GNSO community and to our PDP leadership and hopefully coming together as a group -- if we can get everybody together -- in the context of that council weekend working session in Puerto Rico.

I think there's an acknowledgement by all, let's use that session more effectively than just hear the same canned updates from PDPs. Let's have a conversation as a community. And I personally think that's a great step for council. That we can be a bit more robust as a community and use that.

One of the things that I think is important to note and, you know, in this environment -- and I'm pleased to do it in this room and I wouldn't like to do it in the plannery -- is we at the CSC have had a concern for a very long time about being, you know -- I say it through gritted teeth -- we at the CSC, right? This idea of being a stakeholder group and how that doesn't really gel with our expectations.

This is now, for better or for worse, a change in article 11. It's not a change that was, you know, it was a change that was extensively discussed by council this week.

It's not a change over which we all have a tremendous amount of control over right now which is to say that article 11 now says that council is the manager of the policy development process and is responsible for carrying out all other responsibilities as mentioned in these bylaws. And we've taken a pretty strong stand -- our three constituencies -- in the past on the very limited role of council.

The bylaws don't gel with that explicitly anymore. There is a direct reference to the fact that we have other things that we need to do to carry out our responsibilities as members of the (unintelligible) community. And so I think, you know, we as a group need to think strategically.

And again, I'm sorry, I'm deviating into, you know, the details, but we probably need to come together. Maybe we seize an opportunity again. Let's

do something hardy in a face to face meeting rather than just have a kind of around the room and introductions.

Let's come together in Puerto Rico and talk about what those new bylaws mean for us as the three constituencies of the CSG and how that impacts our previous positions on the very, very limited role of council.

In other words, you know, anything the council does that's not related to a PDP is out of scope. I think it's timely to have that discussion. I, for one, would appreciate it in terms of the broader discussions that I'm going to have to lead at the council level. So all of that plus what Phillippe said.

Wolf-Ulrich Knoben: Thanks for this, Heather. It's very interesting, because, you know - you may now, (unintelligible) started from the beginning when the last structure of the GSNO was imposed and how to deal with that. So and I also learned, over time. And I'm aware about it that the new bylaws, they have an impact on them.

They really have - and you already, on council, you took some small decisions or however how you call that, you know, in - for example, by installation of some committees, for example, standing committees and these things. And that was done not just on a level of constituencies rather than on stakeholder groups and these things.

So there is a debate going on and we should ensure that this discussion is not just to be done on council level, but, you know, the constituencies, they have to be taken with that, you know, in the discussion. But with that, I hand over to Tony, please.

Tony Holmes: Yes, so I don't - while I agree with everything Heather says, but I don't think we've really reacted to this in a timely manner at all from the CSG. I know Steve certainly had a lot of discussion when those bylaws were going through. And I think he faced an uphill battle on that which is why we are where we are. But I would suggest to those on the CSG exec, we're running out of time on time and we haven't got time in our favor anyway. So this should be on the agenda for our next ICANN CSG session.

And I think that if we're not in a stage then where we can actually use our time with the board to express our thoughts on that, I think we've totally missed the boat. I'm not sure we haven't missed the boat anyway.

But the repercussions are quite severe for these three constituencies and although we have made the point before to the board, I think at quite frequent and reasonable opportunities, it's just been ignored.

It's never been picked up. So if we don't go back strongly now, then I think it's too late. So let's at least have that discussion at our next meeting CSG and get some actions to come out of that. Thanks.

Wolf-Ulrich Knoben: Steve, please.

Steve DelBianco: Thank you. This is precisely the kind of discussion that I was hoping we'd have while we have a confidential gathering of the commercial stakeholders group. And we only have eight minutes left, but Heather, I appreciate that. Tony and Wolf-Ulrich, you understand that we lost this battle in 2009, the restructuring of GSNO council into the split house design and getting the non-commercial and commercial exactly the same number of votes.

And no amount of complaining will get anywhere unless there's a formal review. It concludes with a recommendation that the structure be changed.

The next review begins in 2019. That's the review of the GNSO. It's one of the topics we probably going to cover here, but there isn't agreement between the commercial stakeholder's group and the non-commercial or between commercial and contract parties. In other words, the status quo for contract parties and non-commercial is that they have significantly more power than they did before and they're not likely to give it up.

So Tony that is an uphill battle and it showed up when I led the drafting team of bringing the empowered community into the bylaws and procedures.

Heather, we did not expand the power of council except with regard to its empowered community powers. Nothing else changed about council. There were 11 or 12 areas that council has voting thresholds for things it could do, and they weren't all policy related.

Council has nominated people to teams, it's made comments on budgets. Council has always done things that we're entirely baked into policy.

So if we discuss with our NCSG colleagues while we're here this notion of the next GNSO review, there's generally support that they should do a good job picking the consultant that does the review, that they should allow us in the community to help define the terms of reference for the review.

But believe me, the NCSG has a very different view on what kind of restructuring would happen. It's the polar opposite of what Tom Holmes just articulated. So it won't be that productive to go down that path with the NCSG in the room.

I believe that what we'll have to do is up our game at council. We'll have to really up our game so that we manage the process of submitting resolutions and seconds and amendments such that the three constituencies use our six councilors and our Non-com appointees - that we use them effectively and that we work hard to build allies. Sometimes we find allies on the contract party side, sometimes we'll find allies on the NCSG side. But given the house we live in and the split house building rules, we've got to learn actually how to be effective legislatures in that structure.

And, Tony, I'm with you. Every time I'm out there fighting to see if we can change the roles, but that's a 2021, 2022 process after the next GNSO review and it's not likely to be supported by contract parties and NCSG.

Wolf-Ulrich Knoben: Thanks very much. We have just five minutes left. Heather, Kirin, and then I have also something. Heather, please.

Heather Forrest: Thanks very much, Wolf-Ulrich Knoben. So I have some specific responses here to what Tony raised and then those points were picked up by Steve. First of all, you would be interested to know, let's say, I'm generally in Tony's view that the ship has sailed, but I will say, I was approached by a member of the board and asked about the structure of the GNSO.

And so, of course, I have to be careful as to how I reply, but what I - you know, and my reply was pretty down the middle, let's say.

But I found it very interesting in that very brief exchange, that the board is live to this question. So I think that's a useful thing for all of us to know. The second thing is, I think where we have an opportunity is as we are working on

tweaks to the PDP model, here is core business where we can be effective, and the structure doesn't necessarily have to hamper us.

So whether we attack this through the bylaws or whether we attack this through the GNSO operating procedures -- and the annexed ones specifically I'm thinking about in the working group guidelines -- I think we have a real opportunity here so let's not lose sight of that.

And finally, I would say on this point about the GNSO review, I'm going to be very strategic here in what I say. I really don't want to engage the NCSG on the structural question here.

And the reason for that is we're in a very interesting opportunity with a member of our part of the community - of our SGS council chair, and I've been very conscious not to undermine any trust that has been developed with that other side of the house. So I don't want to take them on personally, like, if you guys take them on, I'm going to wear the fallout, yes.

It's not the time. I don't want to engage, you know - it's a slightly different more nuanced point than when I say, "Let's not engage the board on SSR2." Please let's try not to use the word GNSO overview and structural reform in the course of these two days, because I think we've got a window here and we ought to try and see.

That it's my personal view and I, of course, I differ to you guys on what we talk about, but let's be careful, thanks.

Wolf-Ulrich Knoben: (Unintelligible) Heather. First Kirin and then Tony.

Kirin Malancharuvil: Heather, perhaps you can grab me during one of the breaks and - I'm co-chairing the session where GNSO review is meant to come up and maybe you can help me understand how that's the most productive leader frame.

However, that's not why I got the Q. I got the Q, because we just have a few minutes left and I'm a little unclear about how we're structuring the CEO of questions section still. The way that the co-chairs had planned to structure it is - the GDPR session is given 45 minutes and the other two split the 45 minutes.

GDPR will probably go over, I'm assuming -- which is okay, because SSR2 will be short and sweet if existing at all, hopefully -- but the way that - the suggestion was that each constituency was in the CSG and NCSG -- this was the suggestion of the other co-chair -- would have up to five minutes to present their own, unique issue to (Yoren) and then he could choose to engage at that point or collect all the questions and then give group answers.

It doesn't sound like - when we discuss the GDPR session earlier that we identified significant commonalities in order to combine. So I think it - can we just stick with the individual constituencies, bring up their individual issues format? Are there objections to that?

Tony, I saw you smirking at me, what?

Tony Holmes: Right, so, quickly, to sum up a few things, I'd say. The first think is, I think we all agree that this is a really difficult situation when you talk about GNSO review and the one thing we should all agree on without foul, is that we have to maintain the neutrality of our chair.

That is absolutely essential, and we must do nothing that in any way would lead to Heather being challenged on her position there.

So we have to handle it carefully. In terms of the review itself, I agree, I can't see any benefit from having a lengthy discussion on that without colleagues in our house, because we know that there are different views there and we know that they're not going to support the issues that we have.

What we can agree is that we have to find a way of making sure that we can contribute to that future review so that some of the core issues get addressed. So I think we've got our own core issues in the CSG to do that and we should think within house about how we do that.

In terms of the session with the bull, you raise a really good point, Kirin, because we're always put in this box where we're not comfortable with pushing particular lines that maybe one or two constituencies want, and the others have problems with, so it tends to get watered down what gets put to the board.

The only other way to do it is if we don't do it on a subject, per issue basis, but we're actually allowed to contribute on behalf of our constituencies to show where there are differences.

There is nothing wrong in actually showing the board that, as a stakeholder group, there are some significant differences between us. And I think that's becoming clear.

GDPR is a critical one where I think we're not all on the same page at all. So I don't see any harm in putting forward different views on things and showing that, when they look on us as one contiguous group within a stakeholder

group, we're forced into that situation. It's not really working. So I have no problems in going down that path, personally.

Kirin Malancharuvil: Great, thank you. Just to be clear, I was asking about the session with the CEO, not the board. But...

Tony Holmes: The session with the CEO - your comment was that it looks as though a lot of the time we're going GDPR. I agree with you.

Kirin Malancharuvil: Right, right, yes.

((Crosstalk))

Tony Holmes: ...come out of those discussions, because each constituency can go in there and comment, that's fine, I believe, anyway.

Wolf-Ulrich Knoen: Okay, thanks very much colleagues. We are at the end of the session but let me just - at the end - last thing I will say, also, but what is - could be helpful for us as Steve was asking. Obviously, the level of cooperation or non - not cooperation with the other side of the house.

So on the last Vice Chair election, Rafik was elected, as you know, and is our Vice Chair of the house. Rafik was approaching us - well, I think the chairs of the constituencies with regards for an exchange with him about his role in respect to our part of the house -- so the GSG -- because he is a CSG member, but he would like to have also input from us.

I would like to ask you, Brian and (Natalia) also to take that seriously, really. That is an opportunity for us also to engage with the others (unintelligible) our requirements to the other side - to obviously house and also to make it, like we

say, more easy to facilitate a way for Rafik or to act on the Chairmanship of the GNSO council.

I, personally, remember that when I had this role, I was also touching the other side of the house and it was really funny, because there was never any reaction. That should be really different, at that time. So we (unintelligible) a lot.

So thank you very much for participating. I think we have found a way for the different items now to cover over the next days. Yes, thanks very much. We come to a close of this meeting and we can close, thank you.

END