

**ICANN Transcription – Abu Dhabi
GNSO Working Session Part 2– IGO INGO CRP Update / GDD Update / SSR2
Update
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On page: <https://gnso.icann.org/en/group-activities/calendar>

James Bladel: Okay so let's begin our afternoon sessions and hope that our colleagues will return to join us here. Next up is our final fourth PDP update, which is the one PDP that is nearing the end of its lifecycle and preparing to publish its report and that is the IGO INGO Access to Curative Rights PDP. And it is co-chaired by Phil and Petter – is Petter here in Abu Dhabi? Oh, hey, Petter, you want to come up to the table or the microphone or might make it easier for you later.

So I'll turn it over to Phil for an update and then we can run through some of our Q&A. And I think we have some of your participants of the PDP are also joining us remotely as well. So we'll make sure we leave a good block of time for Q&A. And thanks for your patience, everyone, on the remote. So let's begin, Phil, go ahead. I'm sorry, what was that?

Phil Corwin: The Adobe window closed on me, timed out so I'm just logging back in. It'll take me about 10 seconds here. Yes, I agree to the standards of behavior. Okay, I'm now reporting on the PDP regarding the access of IGOs, International Intergovernmental Organizations, to CRP, Curative Rights Processes, which is mostly the UDRP but now also the URS. And I'm delighted to note that we see the light at the end of the tunnel and it's not a speeding train. We're going to be done with this working group before the end of this year.

As you can see from the timeline, this working group began in pre-history in November 2013. And where there were an original PDP on permanent protections of certain IGO names and acronyms in new TLDs, and that didn't deal with the CRP issue, so the current PDP was initiated in June of 2014, more than three years ago, though it seems even longer than that. I've been ably assisted in my co-chair role throughout this time by Petter Rindforth from the IPC who's in the audience, and we've had an excellent working relationship.

We published our initial report for public comment in January 2017 and received 46 public comments, one from the GAC, 21 from IGOs and four from – we heard from four GNSO stakeholder groups and constituencies as well as from other members of the community.

To just briefly remind people of why there was this very significant gap between the start of the PDP in June 2014 and the initial report in June 2017, it's because a central question we came upon in pursuing this PDP is what is the recognized consensus view of the degree of judicial immunity enjoyed by international intergovernmental organizations, and no one in our PDP had any expertise in international law where we could answer this question among ourselves.

We decided that we couldn't responsibly proceed to a final report without understanding the answer to that question and so we prepared a request to

ICANN for some very modest funding to secure input from an outside legal expert. We secured that financing, we did a search for an expert. We found one who was qualified and willing to do this work within the time required and for the very low fee that we had to offer him, Professor Edward Swaine of the George Washington Law School in Washington DC.

So basically that process of getting the funding, finding the expert, getting the draft report, working with the expert to edit that into a final report for consideration of the working group took about a year, so we really had to take a year out to get that very fundamental legal input. And apropos of an earlier report, when the question was to what degree would an IGO be entitled to immunity from court jurisdiction, the answer we got from our expert was “It depends.”

And it depended on the national court, the national laws on sovereign immunity in that jurisdiction, and the analytical approach taken by courts in that jurisdiction, the analytical approach differs. In fact, we found in the United States there’s a split in the circuits on general issues of sovereign immunity so there’s not one answer in the US; it depends on which circuit the question we filed in.

So basically what we – the conclusion we drew from that was that there was no clear answer and it would not be appropriate for ICANN to predetermine the outcome of any particular case if an IGO asserted judicial immunity. So anyway, we, in June of this year, we proposed a change on IGO standing, and alternative options for dealing with immunity, it was presented for community discussion. And in October we proposed final recommendations will be presented for community feedback.

We did a consensus – a preliminary consensus call within the working group on this final question, the question being – and this has never occurred, and may never occur, but we had to deal with the question, “What would happen if a IGO brought a UDRP or URS, prevailed in the initial complaint, and the

domain registrant, as in their right, sought de novo review by a court of mutual jurisdiction? And then the IGO asserted its judicial immunity before the court, what would happen if the court said you're right, we have no authority over you.”

And so we recognize that possibility just as we were not prepared as a working group to predetermine the question and say that domain registrants should have no access to judicial appeal, which was basically the view that's been urged on us throughout this process by the GAC and the IGOs, that any appeal should be to arbitration and not courts.

Similarly, we were not prepared to predetermine the outcome and say that an IGO would be precluded from asserting immunity defense once it appeared in that court where the appeal had been brought. And we had some options before our working group to get a preliminary sense of consensus and we've just completed that.

So let's – we do anticipate getting a final report to Council before the end of this year. So we are going to – the co-chairs intend to wrap this up and take a final consensus call within the next 30 days after this ICANN meeting and get a final report to Council by Christmas. So I'm delighted to say that after this long journey we're very close to the end.

Next slide. What are the current and what have been the ongoing challenges? The comments and issues on most preliminary recommendations were resolved and including IGO standing to file a complaint under the Uniform Dispute Resolution Policy and the URS. And that's to be – that standing is going to be based on either registered trademark rights or similar unregistered substantive rights or we've dialed back this recommendation from the initial report based on community input from the GAC and other parties which we took very seriously.

Our initial report stated that a – if an IGO had asserted its Article 6ter Paris Convention rights, which is basically by filing a letter with the World Intellectual Property Organization, they gain access to not to trademark rights but to protections within the trademark regimes of signatories of either the Paris Convention or members of the World Trade Organization.

Our initial report said that that alone would be sufficient to provide standing; our final report will recommend that that should be evidence to be considered by the panelist of rights conferring standing. And that brings it more in line with existing practice in the UDRP where various common law trademark rights can be the basis of standing and that responded to criticism received on the initial report.

And other than this one remaining issue we don't have them listed here but all the other recommendations other than this one on Paris Convention, the strength of that for standing, our other recommendations from the initial report remain unchanged, they enjoyed generally good support in the comment period. And we had very strong consensus for all of them within the working group.

The one area in which we've had some divergence was the one I just described about what happens when there's an appeal and the IGO successfully asserts immunity before the court. And we've had some – we just put three different options before the working group to get a preliminary consensus, two of which were proposed in the initial report though they've been fleshed out to a much greater extent for consideration of the working group.

And one of them was possible use of arbitration based upon the national law under which the judicial appeal was brought. That would be limited – the arbitration would be limited to the disposal of the disposition of the domain ownership, so if there were other things in the statute like monetary damages, that would not be before the arbitrator, it would be on the key question of

does the domain registrant get to keep the domain or is it transferred or extinguished.

And we considered several options for dealing with this scenario. The options were Option A was that if the IGO prevailed in its assertion of judicial immunity, the original UDRP decision would be vitiated and the situation would return to the status quo ante, that's not one I'd personally favor, but it was favored by some members of the working group when it was presented for their consideration.

Option C was that it would go to this arbitration procedure, that's a very detailed proposal and again the arbitration would be limited to disposition of the domain name. It would be heard by a three member panel, one of whom would be a retired judge from the jurisdiction of the national law being used for the arbitration. There's other details that I'm not going to get into here.

And Option B was basically a combination of A and C where Option A would apply to domains existing at the time of final approval by the Board of the report and Option C basically they'd be grandfathered –that vitiation and new domains would go to this arbitration.

And let's go to the final slide. So this is the result and we're going to give the working group much more detailed information about our initial consensus call here before we go to final consensus call in the next few weeks. On Option A, which was setting aside the original UDRP URS panel decision, we had three members of the working group in support and eight who did not support that.

And by the – we had a few members who supported all three options and they're not included in this summary because basically to analogize to the recent US Presidential election, that would be like if someone voted for both Hilary Clinton and Donald Trump, they'd cancel out – they'd cancel themselves out. So people who supported all three options were taken out of

this calculation because we couldn't read anything into that because the A and C were diametrically opposed as the result.

So for Option B, which was the grandfathering option, we had one member in support, 10 against and did not support. And Option C we had the support of a majority, eight members of the working group, two did not support it and one said they could live with it, that was one of the other options; you could vote either support, do not support or I can live with it.

So unless there – now about 2/3 of the – we did several weeks ago we had a number of working group members who had not been that active in the working group, we wanted to cull the list of working group members down for purposes of taking a final consensus call. Of the ones who were not active, about half of those asked to be taken out of the working group, another small group did not respond and if they continue to not respond they'll be removed from the active working group members before the final consensus call.

But the voting – the vote totals I'm showing you reflect about 2/3 of the final membership of the working group so this is not a super large working group, I think there's 19 members right now including the co-chairs. And so – and of the active ones, about 2/3 participated in the – I may be messing up that final number, staff can correct me.

But this, yes, 13 – it's at the bottom – 13 out of 19 working group members indicated continued participation in the working group, responded to survey. The numbers don't add up to 13 because we had one or two member who voted for all the options and we didn't include them in the final count here.

So that's where we're at, unless things change significantly between now and the final binding consensus call it looks like on this final question, which again pertains to a situation which has never actually arisen, and may never actually arise, but we needed to have a view toward it, it appears that Option A – that Option C will be the option supported by a consensus, and that

Option A will be the minority position. And we anticipate that a minority report will be filed on that.

So that's where we're at. We have one more slide here. Oh, yes, we don't – current challenges, we don't know the GAC and IGO views on the remaining proposal. I would hope that the, you know, we've continued to reiterate that we've really tried in this working group to say there are certain things that are within ICANN's realm and certain things that ICANN shouldn't get involved with. And as I said, ICANN – and this is a personal statement, but I think it's reflected in the consensus I just described, just as the IGOs and GAC said well, the appeal should only be an arbitrator, we didn't think it was within ICANN's remit to tell domain registrants, particularly when these CRP processes are an alternative to litigation, they're not a substitute.

ICANN recognize that no right to take anyone's right away, you know, trademark owner can still file a trademark infringement suit if they want to, they don't need to file a UDRP or URS, this is a faster, cheaper option for them. All domain registrants are bound to abide by the UDRP as well as the URS for new TLDs, but we didn't think it was appropriate for ICANN to be telling domain registrants that when a certain party brings a UDRP against you, you've lost your right to court appeal. That would be going too far.

Similarly, as reflected I think in the consensus call I just described, a majority of members of the group didn't think it would be appropriate to tell IGOs that if there is a judicial appeal you're prohibited from asserting your immunity in that jurisdiction and if the – and you'll be punished for doing so then that the original UDRP would be vitiated if you succeed in that claim.

So we've tried to – it's been – we tried to protect everyone's rights and tried to keep ICANN within its own remit and not getting into legal areas where it really shouldn't be interfering. And since the original ask from the IGOs was to go to arbitration and since our final proposal will provide an arbitration, if the IGO sustained in its defense of a judicial immunity, and I should add that

our report will also say that the domain registrant if it wishes to, and if the IGO consents, instead of going to court for the de novo review, can go directly to an arbitrator if the IGO consents.

So there's a lot of arbitration built into our final report while respecting the respective legal rights of both parties. So we hope the GAC and IGOs will recognize that and be somewhat more flexible in our final position.

So we're having a meeting here. And we did have a webinar on this to bring the members of our group who have been active up to speed a few weeks ago. We're having another meeting here at ICANN on Wednesday from 5:00 to 6:30 in which we'll take community input on that looks like will be our final recommendations.

And then we're going to proceed to take a final formal consensus call two or three weeks after this ICANN meeting and staff – a lot of the final report is already written, we'll work with staff to draft the final report. That'll be circulated to all members of the working group for their input on the final report. And members with any dissent will have an opportunity to file a minority report. But we are very close to the end of this PDP of more than three duration. I'm delighted to report that. You know, we're just about at the end. We've got extremely strong consensus on all but one of our recommendations and pretty good consensus on this final aspect. So I'll stop there and I'm happy to take questions or comments.

James Bladel: Thank you, Phil.

((Crosstalk))

Phil Corwin: I don't know if my co-chair has any comments.

James Bladel: We'll let Petter start to make his way to the table or the floor microphone. I just want to note a couple of housekeeping items, the GDD folks are here for

the 11 o'clock update, we're running a little behind schedule so if you can just bear with us as we close off this last agenda item. Petter, I don't know if you have any comments to augment Phil's...

((Crosstalk))

Petter Rindforth: Petter Rindforth here. It was good presentation. I just wanted to add that it seems when you look at the schedule that we have worked for three years with this jurisdictional issue. But I'm happy to say that all other questions we got consensus within less than the first year. It was very easy to actually come to conclusions and also initially we had a very active working group on this, we had separated sub working groups that come to conclusions. And we also have representatives – legal representatives for INGOs so that we can solve that issue.

So it's more or less is one single issue that we still need to further discuss, but as said, we are at the end and I really think that we can come up with a good final conclusion that will be accepted by – should be accepted by all groups of interest. Thanks.

James Bladel: Thanks, Petter. We have two questions for the queue, and then Phil, I'll ask you to kind of read through them, Petter, if you'd like to respond as well. The first one is from a member of the PDP, is George Kirikos puts a question in the chat. Unfortunately George doesn't have audio today so I'm going to read his question for you. It's "Why did the co-chairs unilaterally remove Option Number 6 from consideration in the survey falsely claiming that it had been incorporated into Option C? Will Option 6 be incorporated into Option C when a consensus call takes place? If not, will members be able to vote for Option Number 6 as Option B?"

I hope that made sense. I didn't follow the numbers versus the letters...

((Crosstalk))

Phil Corwin: James, I have to admit, I don't recall what Option 6 was. I don't know if my co-chair remembers what it was. Maybe staff can refresh my recollection. But we've tried to be very fair in this process. And if there's a member who feels that a question has been overlooked then in our next working group meeting which will be two weeks after this meeting, we can discuss Option 6 and see if there's support within the working group for including that in our final consensus call.

James Bladel: Okay.

Phil Corwin: So we have tried to be very fair here and not to preclude anything from being considered. I don't know if staff or the co-chair has anything to say on that.

Petter Rindforth: Petter Rindforth here. As I said, frankly I don't remember exactly what was about, but yes, we had for some periods additional – a number of additional options that came up from working group members. And we discussed it during a lot of our meetings, and come to the conclusion that it was in fact more of detailed solutions that could be fit into our – we had the – initially we had two options and now we have three options. So we have tried to make it a little bit more easier and readable.

And at least we as co-chairs are convinced that we have actually made any consideration all these additional detailed options. There was not full solutions on the topics, but could be fitted into these three options that we are now discussing.

James Bladel: Okay thank you, Phil and Petter. I would just note that George has posted a link in the chat, he says he's put this into the mailing list so when you have your meeting later this week, Phil, perhaps you could address that question then and take it up during those discussions.

Phil Corwin: Yes, we'll take a look and we can discuss that at our meeting Wednesday.

James Bladel: Okay. Thanks. Next up is Heather. Go ahead, Heather.

Heather Forrest: Thanks, James. Heather Forrest. And in light of the time, maybe what we do, because I know we have our GDD colleagues ready to go, if I can just raise my questions and have the co-chairs follow up on the list that might be the right thing to do.

I'm just looking at the previous slide, the penultimate slide, and that's the one that specifically deals with the outreach and the engagement. And I think this is in fact the most important thing that we have to deal with right now, as a Council, to make sure that we get our colleagues in the GAC to a position where we're not going to have sudden death at dawn with the Board.

And just to follow up on the webinar, I think that was a great idea. Do we know just it would be helpful to have an understanding of how many attended that, you know, how are we better off in terms of our understanding of this issue? Did we have anyone from the Board or the GAC on that webinar? I think that would be helpful.

And then picking up on the point about the Board and GAC sessions this week, I'd like to put a marker down on that that this for sure needs to be discussed in those sessions so that we're not taking the world by surprise with these. And we know we're not taken by surprise, but I don't – I don't want to have that raised with us this week that this is somehow we didn't know and that's of course a challenge that Phil and Petter have had all along is we didn't know but we didn't engage and so on. So I think this is the most important point. Thanks.

Phil Corwin: Just speaking to that, throughout our process we've made affirmative outreach to both the GAC and IGOs urging their participation in this working group. Petter and I had a meeting with the chair and two vice chairs of the GAC way back in a meeting in Buenos Aires. We have had no formal IGO

participation, as members, but many have been observers, represented has IGOs have spoken at a number of our face to face meetings. I know that WIPO in particular is closely following our work and will not be surprised as – by our final report.

And I don't want to put words about that but I think they understand that we've tried to be as balanced as we felt was possible within our remit on this. So I can't predict their reaction but we have really done everything we can to encourage and welcome their participation. We've had IGO counsel speak at meetings, not in their official capacity, but in personal capacity. But we've really considered – and as I noted, we got many, many – we got input from the GAC and from many IGOs on our initial report.

And we – you can check the transcripts of our calls but our approach in reviewing those comments was that to go carefully through them and to fully consider every new idea and new proposal that been previously heard in the preparation of the initial report, there was extensive discussion of IGO input on several of our working group calls and response to the comments we received. So I think that the record will reflect that GAC and IGO comments – participation was welcome and encouraged and that their comments were given very serious consideration as we moved toward a final report.

I don't know if Petter has anything to add to that?

Petter Rindforth: Yes, while we have been from the start very keen to get updated input from GAC and IGOs, not just reference to what has been said two, three, four years back, but to get updated on the specific topics. And from time to time we also had good – both formal and informal meetings where we got some input and we have indeed included that in our final report and consider it.

James Bladel: Thank you, Phil. Thank you, Petter. Just noting that the queue is clear so thank you to everyone who's dedicated, as Phil said, many years to this process. We are in fact nearing the end. I think we just – this is to Heather's

point – we want to make sure we don't find ourselves in a similar situation that we did with some other PDPs recently where they just get stuck in this limbo; we want to make sure that they actually finish out the process and some of that of course not really within our zone of control but we want to do everything we can to minimize those risks.

So with that, we will pause the recording and invite our GDD guests to the table. I don't know if we can fit everybody but we'll fit as many as you think you know, need to join, Cyrus and – are we expecting Akram or...?

Cyrus Namazi: Detained.

James Bladel: Detained? That sounds sinister. Does he need bail money?

((Crosstalk))

James Bladel: Okay...

((Crosstalk))

James Bladel: Okay, there's some space up here. There's some space in the corners. Boy, I thought you were going to bring four or five, not a platoon. Okay. So this – wait until I get a green light from the back of the room that we're ready to begin the next session. And thank you for your patience, we ran a little bit over so we'll get going here.

The next session is an update on the activities from the Global Domains Division, GDD, and for this we have a number of folks from ICANN staff, I think all of whom roll up to you, Cyrus. So we'll go ahead and turn the floor over to you and you have some slides and then we'll have some time for Q&A.

Cyrus Namazi: Thank you, James. Thank you to Council for the opportunity to be here. We had a request to provide a status update on some of the policy implementation work that is going on in GDD so the team is here to give you a brief update. Then we have a couple of other topics on the agenda that we were hoping to have a brief conversation with you on in particular some of the proposed changes to Specification 12 of the Registry Agreement.

There is some – there's some thought that we've put into some perhaps a revision or improvement to the consensus policy implementation framework, that we wanted to share with you as a means to begin a dialogue with the Council. And then also perhaps to get an update from the Council on what is going on with the updated procedure for handling Whois conflicts with privacy laws.

So with that I'll turn it over to the team, Jen Gore, you're here, please go ahead.

Jennifer Gore: Morning. Thank you all. Jennifer Gore, ICANN staff. Just a quick update on the privacy proxy service provider accreditation program, the IRT has been meeting for the last year. We've been working diligently to move forward on this program. The IRT has reviewed the Guidebook, the policy, the de-accreditation procedures and the data escrow specification.

Currently the IRT are reviewing the revised policy and the draft agreement in hopes that we'll be able to publish those materials for public comment by the end of this calendar year.

Given the response to comments we're hoping to adopt the policy next year based on the public comments, we don't have a estimated time for adoption at this point in time, but while the policy and the draft agreement are out for comment, staff will be working on education materials and awareness materials for program adoption.

Cyrus Namazi: Thank you, Jen. Any questions or comments before we move onto the next update? Please, Donna.

Donna Austin: Thanks, Jen. Donna Austin. What's the education and awareness kind of documents that you'll be working on? Who are they aimed at?

Jennifer Gore: They'll be targeting applicants as far as what – the differences between privacy proxy and how to become a privacy proxy provider as well as hopefully an awareness campaign to the general public around the differences between privacy and proxy to end users.

Donna Austin: Thanks, Jen. So is this something new that you're doing just in terms of public awareness? Because I don't know that in the past there's been kind of information trying to get out there to the end user so I'm just wondering if this is something new or not?

Jennifer Gore: Currently we have initiatives under way around registrar services internally with ICANN, and as part of rolling out a new program where we'll have a new set of contracted parties, we thought it would be important to have an awareness and education program to answer any questions that might be forthcoming and be a little bit more proactive and helping them through the application process.

Cyrus Namazi: Thank you. Let's move on to the next slide please?

Dennis Chang: Hello, everyone. My name is Dennis Chang, GDD Programs Director. I want to brief you on the IGO and INGO identifier protection policy implementation project. I know that I have submitted a written report to the Council and we exchanged some question and answer. And I hope that was helpful. But let me just focus on the current status since you know the background very well.

The implementation is at the final stage of completing the policy language and the corresponding documents that's needed. There's really two parts to

this published publication and announcement. One is the policy language that will be published as policy, which is done. And we're going to have one final review with the IRT. The other is the list itself, the reserve list. And that we're working on right now and we want to get it just right so that we do it one time and one time only.

In the past, we had our plan where we are going to produce a list for policy only meaning that we already have a reserve name list, which we refer to as Registry Agreement Spec 5 list, as you know. This list is already published and we were going to produce another list for this policy, those names that are pertaining to only this policy. And this would have ended up having two reserve name lists.

We got some feedback from the public comment and afterwards, that this may be confusing, so what we're doing now is we have changed our approach to produce a one list that will reflect both the Registry Agreement Spec 5 and the policy. So the final list that will be published will be one list and we will not have duplicate names in two lists.

So that's the fine detail work that we're doing. And although we don't have a IGO INGO IRT meeting session we plan to have a working meeting with those of us who are here on Thursday.

Cyrus Namazi: Any questions on IGO INGO protections before we move onto my favorite subject, thick Whois? Let's move on please, Dennis.

Dennis Chang: Next slide, yes. I feel like a father, and I don't want to favor one policy implementation to another so they're all my favorites. On the thick Whois, certainly another very interesting policy implementation project. I think the good thing that we – the team did early on was splitting the policy implementation into two implementation plans. And the good news that we are very happy to report to you is that the consistent labeling and display part

of the policy has completed its implementation as planned on 1 August, 2017. And so that's a achievement that the implementation team is very proud of.

The other part, the transition policy implementation, we had three gTLD that was associated with this, dotJobs, dotCom and dotNet. As for the dotJobs, is progressing as planned so we open DOT, NE and the – on the official time that the data was supposed to be transitioned or migrated on 1 August, 2017, that was an optional timeline for the registrars. And we are – we have so far received two months of reports from the registrar – registry, that things are going well.

On the other one, dotCom and dotNet, I think you're well aware of the situation, I think you were briefed on it earlier. We – and we have heard just from the other Board meeting that the policy itself is not changing, but there is a 180-day Board to compliance part so we are going to discuss that with the IRT in tomorrow's session and how that will – whether impact or not impact but we're going to be working together to continue to make progress on that.

Cyrus Namazi: So just to reiterate what Dennis was saying about the transition policy for Com and Net, those of you who followed the public Board meeting, this morning, the Board approved deferring the compliance enforcement for this policy by 180 days because of a set of sort of prevailing circumstances that have occurred, some of them to do with European Union's GDPR, some of them have to do with the registry registrar agreement that VeriSign and the registrars have yet to work out the details of and such.

So this gives us a bit more breathing room to continue on the implementation path without the enforcement element coming in based on the February of 2018 days and I'm sorry, May of 2018 date and February of 2019 dates that are part of the policy. Please.

James Bladel: Thanks, Cyrus. Thanks, Dennis. And I'm probably going to mess up this question so I'm kind of looking to Michele and Darcy for guidance. But if I

recall, the transition had the required start and stop date that was adjusted for – for the thin to thick registries but the registrars their dates did not move. And I think the registrars were noting that if the registries stuck to their new dates, but we were held to our old dates, then that took our window and essentially cut it in half. So operationally that was a concern that we weren't being granted the same sort of – same length of time to conduct our operations. Has that been fixed because I think having the registrars on the old timeline and the registries on the new timeline was creating a lot of heartburn?

Dennis Chang: So that's precisely what we'll be discussing at tomorrow's IRT meeting because with the Board resolution that was just – I think you were already in here and I was following it on the Adobe Connect chat room. And you didn't hear what they said was policy itself doesn't change, the compliance part will be deferred. So what does that mean in terms of implementation for us? And we will discuss that together as a team and get back to you.

James Bladel: So just if I can ask a very dumb question, and it doesn't seem like it's discussion-worthy in my opinion, it seems like if you're going to change the timeline you should change it universally and not for – what am I missing here?

Cyrus Namazi: Thank you, James. I'm not sure if there is a disconnect perhaps here. The date that have changed so far, there has been three days, one has been the August of 2017 date and that's been the date for a VeriSign systems to be ready to be tested optionally by the registrars for the transition and transfer of thick data to the registry. That's the August date that we actually deferred I think until November based on a request from VeriSign.

But VeriSign in their request to ICANN did say their systems are ready so it shouldn't prohibit anyone from actually conducting a test. And according to I think the public information that they disclosed, a good handful of registrars have begun doing that. The two primary dates that are changing now for

everyone including registries, the registry and the registrars, are the actual implementation dates, as you know, the May of 2018 date for the existing registrations and then February of '19 – 2019 for all registrations. So these dates are moving from an enforcement – compliance enforcement perspective by six months.

So I don't know if there is a different date for registries and registrars here. Perhaps – maybe we can actually discuss it offline, maybe we're missing something.

James Bladel: Okay thanks. Other questions for Dennis, for Cyrus? Okay. Proceed with your slides. Thanks.

Dennis Chang: Next slide please. This is a past implementation for translation and transliteration. And the background is the final recommendation was adopted by the Council in June 2015 and subsequently Board approved it in September 2015 and an IRT was convened in July of 2016. So the work is continuing.

The interesting part about this policy implementation is that its dependency is very clearly indicated as to the RDAP, or Registration Data Access Protocol. And there is a session on this RDAP also in this ICANN 60. The current situation with the RDAP is that we have agreed to go through a pilot program, one year pilot program which will end in July 2018.

And there is so far four volunteer candidate registries that are signed up. And this information is being shared on our community wiki on the RDAP page so you can all follow it. So as we've continued to make progress, we are being dependent on the RDAP completion; wanted you to be aware of that.

Cyrus Namazi: Thank you, Dennis. Any questions on translation and transliteration policy before we move onto the next topic?

Russ Weinstein: Can we have the next slide please? This is Russ Weinstein. I'm the Director of Registry Services and Engagement. Many of you may know me from previous roles. This is my first meeting in this capacity. Oh, this isn't me. Oh, next slide.

What I was going to talk about is Specification 12 of the Registry Agreement and changes to that. For those of who aren't aware, Specification – yes, Specification 12 of the Registry Agreement is the specification applicable to community TLD operators and outlines their community charter essentially and registration policies.

So far ICANN has not been accepting changes to – for registry operators to those policies and we've had a number of requests to do so. And so far we've deferred those as we don't have clear criteria and process to handle those. The reason being there's a clause in the Guidebook – the Application Guidebook that references that the proposed criteria for approving such changes are subject to policy discussions.

Sorry, we're still having some technical difficulty here. So back in last year, I believe, some community TLD operators discussed with GDD and formed a discussion group or working group and came together in July and proposed a process with some criteria that we may begin working towards. Out of an abundance of caution because of that clause in the Guidebook we wanted to check in with the GNSO and make sure we're clear that this can be considered implementation detail and not subject to policy.

And that's, I think where we are today with the GNSO Council. I believe Craig Schwartz, the leader of the working group for community TLD operators has briefed the Council a number of times on this topic. And there was some confusion as to what the ask was. But I think the true ask is that wanted clarification that this can be an implementation detail and not policy. And again, this is an abundance of caution from the GDD not wanting to overstep any boundaries. And so that's where we are. I'll pause.

James Bladel: Thanks, Russ. And, Cyrus, just to note that I believe that as an agenda topic for our meeting on Wednesday, and we're going to discuss some proposed paths forward on how to keep that change process moving, and one of the options could be to just review that process and put it out for public comment and see if that essentially confirms the sentiment that that is an implementation matter rather than new policy.

So I don't have a queue so back to you, Cyrus.

Cyrus Namazi: Thank you. Thank you, yes, that addressed my question so we look forward to your conversations on Wednesday.

James Bladel: I don't want to presume the outcome, but that's how we're teeing it up.
Thanks.

Cyrus Namazi: So next slide please.

Karen Lentz: Thank you. So this is Karen Lentz. I wanted to give a brief update on the consensus policy implementation framework, which kind of guides us in how we implement all of the individual policy recommendations we get from the GNSO that we've updated you on.

So wanted to update you on some work that we have been doing on that. The framework, I think most people are probably familiar with, was developed a few years ago and provides that staff will review it at some points to add best practices or to propose possible amendments based on experience. And so that process is something that we've initiated and wanted to highlight a few areas that we've identified where we see opportunity to perhaps build out and make some updates to the existing framework in consultation with the Council.

So the first area that we've been taking a look at is the engagement of GDD or of implementation staff during the PDP itself. I think there's some room for predictability or, you know, a common understanding of when implementation perspective starts to be helpful, when is it too early, when is it too late, what's the right format to provide that feedback. So that's an area that we have started to do some thinking and writing on.

There are also sort of administrative updates that are based on, you know, terminology or other things that no longer reflect the way things work. And then finally, and this is a longer term area, but we've started to look at a methodology for how a GNSO policy gets reviewed once it's in implementation. So there are a number of policies now that are already – have been in place for many years and trying to create a framework for when does that policy get reviewed, how does it happen, what are the questions that need to be asked, and so forth.

So these areas are things that we would be making recommendations for potential changes and you can expect to see some additional communications from us in the next month or so on that. And again, it's something that we would expect to work collaboratively on to sort of evolve the framework that we put together. So any questions?

James Bladel: Michele.

Michele Neylon: Thanks, James. Michele for the record. This I think is something that is very, very important. I mean, we've run into I suppose the more diplomatic Americans would say, speed bumps, I'd say major headaches, train wrecks, car crashes, various whatever analogy you're comfortable with when it comes.

We spend, you know, X amount of months, years, whatever on a policy development process, that groups breaks up, there's a long gap, they bring back – you bring in an implementation team, there's a kind of a general – well

there's a number of issues, first off you've got – trying to even find the original people who were involved with the policy development process and they've scattered to the four corners of the globe, changed jobs, moved from contracted party to non contracted or become ICANN staff, which happens again and again.

And then, you know, these kind of gaps around the expectations and there's a lot of work around this I think that is important to get done and if we can help you with it, great, because reducing those headaches and that friction would be a positive move. Thanks.

James Bladel: Thanks, Michele. And we're trying to figure out what they're building right behind us here, for those of you who are like looking around distracted, we might as well acknowledge the construction in the room. Go ahead, Cyrus.

Cyrus Namazi: Thank you. And thank you, Michele. I couldn't agree with you more. I think there have been some lessons learned along the way, some of them more painfully than others, that give us really I think an opening into a review of this implementation framework that's been immensely helpful actually for us on the staff side to use. But I think you know, we've been using the release 1.0 of it and now it's time to go review it and actually get to a more enhanced and improved version of it.

So our ask here is for you to indulge on us the opportunity to come back with you with some of the ideas for improvement that we have and hopefully get a dialogue going in hopes of actually updating and revising the implementation framework to reflect all these lessons that have been learned. So we'll come to you with that proposal soon. And I hope you'll be open to that. Thank you.

James Bladel: Thank you, Cyrus. And that is encouraging. So we have – I put myself in the queue but I'll go ahead and drop so next up is Rubens and I think we are trying to figure out what – it's not a pulse or – see now there's...

((Crosstalk))

James Bladel: It's like...

Cyrus Namazi: I think they're preparing lunch really...

((Crosstalk))

James Bladel: Oh, you know, what's that old cliché, the drums they've stopped. Okay. Next up is Rubens. Sorry, Rubens. And I'm sorry I'm also being told to ask people to speak directly into the microphone and speak slowly for the translators. Thank you.

Rubens Kuhl: Rubens Kuhl, NIC.br. I wonder what's going to view of ICANN staff regarding applicability of the framework, the policies that were approved before 2015? Either believe whether it – they are applicable or not?

Karen Lentz: Thank you, Rubens. The 2015 date is just the date that the framework was finished. So it's intended to guide I think we had some at that time we had some preexisting policies and the framework was intended to apply generally to all of the policy implementation work that we do on the GNSO's recommendations. Thanks.

James Bladel: Did you have a – Donna, go ahead.

Donna Austin: Thanks, Karen. Donna Austin. Cyrus, this is probably a question more for you, but we have four policies that are currently being developed at the moment and probably with any luck will finalize in 2018. So a number of implementation review teams will likely kick off with that. What's your resourcing process when you get – when you understand that it's time to go through Board and make direct whoever it is to go and implement? What's your process in terms of resourcing because I know I think it was the IGO INGO one, there was quite lag between the – when the Board approved the

recommendations and then when the IRT kicked off. So I'm just wondering, you know, what's your process or how do you figure out what's on your radar and how you're going to manage that going forward?

Cyrus Namazi: Donna, thank you. This is a very good question. We actually keep track of the level of progress and the pace of it within the PDP working groups so Dennis and some other people on the team in addition to our policy support team with Marika and her team we keep track – close track of the level of progress and sort of the anticipated completion date of the policy recommendation and come to the Board. And we figure that into sort of a pipeline of implementation work that we have that helps us in our staffing and resource planning and such.

So these particular policy development pieces that are in the pipeline, will figure into our FY'19 and FY'20 sort of staffing process. And given the fact that we actually have a semi-good notion of what the level of work is going to be, I don't anticipate any sort of significant delays between the time that the Board actually sort of directs the staff to go implement it to the time that we will go and implement it.

I don't remember exactly what happened with the IGOs and maybe someone on my team can help me. I don't remember that delay that you're talking about but, refresh my memory, I'm not sure what happened there.

Donna Austin: I may be speaking out of turn, Dennis, I'm not sure. But I think a couple of meetings ago you provided us with a timeline or a slide that captured that information. And I think that's where it might have come out of, that there was a lag with some of them but...

Cyrus Namazi: Yes, thank you. I remember now. I'll go look into that because I don't remember the specific reason for it. But I want to assure you that we are a lot more proactive now in sort of being able to anticipate what's coming down the pipeline. And also want to be more transparent with you to share with you

what our expected priority is going to be for implementation work and solicit actually your feedback before we engage in full traction with it.

James Bladel: Thank you. So we have one final question but I just want to note that we're a little over time, we have the Board coming and then we have also an update from SSR2 which is expected to be a fairly spirited discussion so we want to make sure we leave enough time for that. So Phil, you had one question of AOB, if you could raise...

((Crosstalk))

Phil Corwin: Yes, thank you. And this is a question for Cyrus, and I'm asking on behalf of the Business Constituency which I represent. It's regard to our recent comment letter on the renewed Registry Agreement for dotMuseum. In that Registry Agreement – and you'll be happy to know I'm not bringing up the fact that they agreed to URS and that, we're not revisiting that subject.

In that renewal dotMuseum went from being a sponsored TLD to a community TLD, and the BC's comment letter pointed out that the way the members of the community was defined was not in any way consistent with the very high threshold set for community TLDs in the new TLD program. So there's kind of a view that if we're going to have a species of TLD called "community TLD" that term should be consistently applied across all TLDs.

And frankly, the – what you would need to show to be a qualified registrant in dotMuseum, one of the categories was a bona fide museum user, which would mean that anyone in the world who had ever visited any museum anywhere would be qualified. And one, we know registrars aren't going to query people as to whether they've ever been to a museum and which one. It would almost be better if you just said we've allowed them – if it's permissible they're not longer sponsored TLD, they're essentially now an open TLD.

So the main point that the BC wanted to make was that if there's going to be a category of gTLDs called "community TLDs" that term should be consistently applied. And frankly, the way the eligible registrants in dotMuseum has been defined in the renewal agreement is so open that it's really no community at all, it's anybody in the world could register that. So I don't know what you'll do with that comment but I did want to get on the record and representing the BC here. Thank you.

Cyrus Namazi: Thank you, Phil. And thank you for not bringing up URS again, really appreciate that. I don't remember the specifics of your comment on Museum. I do remember actually we've gone through the public comment process. If you don't mind, I'll take this back and close the loop with you either individually or if you'd like it on the record. But I have to go back and look into the details to see what the comments were and what we changed from which sponsored to which part of a community specifics of it, if that's okay with you.

Phil Corwin: Well thank you and I look forward to that further feedback.

James Bladel: Okay, thank you very much, Cyrus and Jen and Dennis and Russ and all of the other GDD – and Karen, I'm sorry, I didn't see you behind Cyrus there for a moment there, so and all the other GDD folks for that update. We are running a little bit behind schedule and we do have the Board coming in promptly – I said promptly – we do have the Board coming in promptly – approximately at noon so we've got one more session which is an update from SSR2, would like to get to that as quickly as possible, and then we'll go very quickly grab a plate for our working lunch.

So thank you, again, GDD. If we could pause the recording? And is Denise here? I haven't seen – there she is. So, Denise, if you want to make your way to the table for the update on SSR2 – and anyone else as part of that SSR2 Review Team from the GNSO, Norm, anybody want to come and join the table, please feel free. I'll wait until we have a green light from – okay.

So while Denise makes her way to the table, I'll just point out a number of items that were submitted to the list recently and some recent developments that were announced just yesterday that the Board of Directors has sent a letter that it was asking this group to pause its work and that it would convene a discussion amongst the SOs and ACs on how to proceed following ICANN 60.

And that's raised some interesting questions like for example, why did the Board feel the need to do that first; and then secondly, should the Board be able to do that to review teams, which if you recall, initially anyway were created as independent oversight mechanisms. And then finally, if we address all of those questions then what is the path forward? And I think all of those are topics for discussion and of course we only have 17 minutes so I'm sure we're going to solve them all right here.

But I think the goal for today is to try and get a handle on what's happening both long term and the immediate recent developments and what our path forward is. So, Denise, I know we're short changing you some time. We're doing the best that we can but if you could give us kind of an expedited overview of your slides and leave as much time as possible for Q&A so that we can focus on the recent developments that would be great.

Denise Michel: Sure. This is Denise. We'd be happy to. Before the Board letter arrived, surprisingly yesterday, we had scheduled a session really to give the GNSO and we scheduled similar sessions with all the other groups to give them an update of where we are and to in particular solicit input on whether there are additional things to – you'd like the review team to address or have any other input.

Eric will run through the slides for you.

Eric Osterwell: Yes, thanks. Eric Osterwell, I'm one of the co-chairs on SSR2. And I think it's worth going through kind of the deck that we put together, the sort of status of

our progress and our thinking on a lot of stuff because I think we've actually done a bunch of interesting good work. So I will be mindful of time but if it looks like I lag definitely give me some indication.

So our starting point basically looked across at what ICANN broadly does from our sort of diverse perspectives, and we basically – our observation is that, you know, SSR is at the sort of core of basically everything that we do at some level or another. So it made our – it made our sort of starting point kind of very interesting to get going from.

And this is the second SSR review following from one that happened about five years ago. And so part of what our remit was to do was to sort of evaluate where that sort of wound up and what we need to do going forward. Next slide please.

Thank you. So our mandate was sort of outlined very clearly by the bylaws. And so these bullet points are basically summaries of that you can find written up in Section 4.6c. And basically we were sort of chartered to find what had been done or to what extent ICANN sort of executed on the SSR1 recommendations, deal with challenges and threats that we saw to the stability of DNS today, and, you know, you guys can sort of read this as I'm sort of reading it, you know, resilient efforts to robustly meet future challenges. And this one, you know, was basically just attempt to make sure that the work we did was not solely a retrospective on what was important to the Internet. Next slide please.

So this is a huge scope. And, you know, we want to do a really good job when we do this. And so, you know, we certainly don't want to move too expeditiously through the remit that we have and the not delve into things that are really critical or foundational to SSR. And so we necessarily were measured and we took our time on a number of things, and nevertheless we did make a lot of progress. And so it's available in various forms on our public

wiki. But basically we always knew this wasn't going to be a quick exercise. So we spent a lot of time being very conscientious in what we were doing.

Next slide please. And you can see that our constituency is very broad, you know, we pulled people from a lot of backgrounds. We had a couple of team members that had to step down for various reasons. But, you know, you can see that we were staffed with a lot of people whose background and representation cut across a lot of different places.

Next slide please. So we broke our work down into five categories, the first – and I'll go quickly through this because I suspect, you know, you guys are sort of more interested in where we get to next so just, you know, if I skip some of the things on the slide these things will be available to you all to sort of reflect on and we're very eager to hear from you at any point. So just to be very brief about this, we were chartered to review the 28 recommendations...

Denise Michel: Slow down. We're getting feedback that we all need to slow down.

Eric Osterwell: Okay, I'll slow down. Sorry, I was trying to move briskly through the slides but I speak fast, if I'm not careful so I'll slow it down. So we – the first of our sub team efforts or the first of our areas of focus was the original SSR1 28 recommendations to evaluate how they would – how they have been implemented today, five years later.

Our next sub area that we looked into – that we were looking into – are looking into is the ICANN – what we call the ICANN key security, stability or resiliency activities, and these are basically about, you know, postures and what not of actual effectuated systems for SSR managed by ICANN.

Our third one was more broadly speaking SSR issues in like the DNS and identifier space itself, so it actually wound up being a little bit different but certainly an overlapping set of interests with the second group. And our fourth group was future issues, and this was again, just an attempt to make sure

that we didn't solely look retrospectively at things that had happened in the past, that we had some mind towards our would-be recommendations having some merit, you know, between now and when nominally the next SSR team would be chartered and kick off.

And then finally, evaluate or investigating the IANA transition, the impact of that on SSR. Next slide please. So just to be sort of brief, again, these slides will be available to you to sort of look at, you know, our perspective on this has been you know, we kicked off our meetings face to face in March. We delivered our terms of reference in May. We began collecting and analyzing data for several months after that.

And we're at the point now where we've begun to sort of formulate our findings you know, iterate a little bit more on a little more investigating as you do. And you know, we sort of outlined the next steps for our drafting of a report, etcetera, and so forth. And so you can see from the bubbles where that would take us. And this was obviously perspective.

Next slide please. I'll just kind of shoot past this. Yes, let's just go to the next slide, there's just – this sort of outlines in more detail what the last bubble said. So what we're still interested in is what you all think. So, you know, our intention for this week, as we've been preparing for it, was to do a lot of outreach. It was like certainly to give a readout into the status and the thinking behind our work, but it was primarily to hear from the community, hear from the community what sort of things are topical or interesting to you.

And, you know, rather than just kind of like admit that as sort of a general sort of question that might be hard to answer, we thought we'd sort of give a straw man question, you know, feel free to take this wherever you want but even right now I think we're all very interested as a team in hearing if you as a group were to decide on let's just say one thing that you thought we as the second SSR 2 – review team would be investigating, if you were to add one thing to our plate, from your perspective, what would it be?

And I think we'd certainly love to hear that now. I think we're – there's no time limit on the sense that if you want to get back to us later and I guess we'll take two if you can't just give us one, but no, seriously, we're all ears. We very much want to have this be an outreach session regardless of what else is going on. And I think the next slide is – our bingo slide. Yes. So now we're listening to you. So that's it.

James Bladel: Okay. Thank you, Denise, thank you Eric. We don't have any questions yet but I expected this would be a fairly spirited discussion. I think that's a good overview of everything coming into yesterday. But I think you know, where we start to have questions is where are we, you know, what's your take on what's going on? We have a letter from SSAC, we have a letter from the Board. In your assessment, where do you think those are coming from? You know, I think what do you think the potential next steps are? The Board seems to believe that we should be convening the SOs and ACs to discuss a path forward. What do you think that path should look like?

Let's table, you know, anything – I'm just throwing stuff out there. I'm hoping the councilors are interested in these things too and more. So if you could please? Maybe Denise and Susan's in the queue as well. I don't know, do you want to go before Denise or you want to – okay.

Denise Michel: Thanks, this is Denise. Well, the review team just received the letter from the Board yesterday afternoon. And the team has not had an opportunity to discuss it, so we don't have a team perspective on this. My – so this is a personal answer, we – the team hasn't actually talked to SSAC so we really don't know what their concerns entail.

James Bladel: You have a participate from SSAC on – two participants, so...

Denise Michel: Right.

James Bladel: Okay.

Denise Michel: Yes. And I think kind of one of them is at ICANN 60, I don't know if he's here. Again, we really don't have kind of the – we don't have actionable information on what the concerns are. And it was – the SSAC letter to the Board also, along with the Board letter, the SSAC letter to the Board was a surprise and our response to that was to immediately contact SSAC and say, can we have a meeting at ICANN 60? Can we understand what the details are that you're concerned with? We do have a meeting scheduled this week with SSAC so we're hoping to learn more. We really don't have more insight into the concerns than that.

James Bladel: Okay. We have a couple of folks who'd like to jump in here so first off is Susan.

Susan Kawaguchi: So I did read the Board letter and the – I think a letter from Patrik Fältström which did not provide a whole lot of detail and information, so I'm really curious. And as a member of the RDS Whois 2 Review Team, I'm extremely concerned by this action. As you know that, you know, we have several members on the – on that – several councilors and other GNSO members on that team.

And in a similar – what could be a similar issue, with the RDS Review Team, is that there was this suggestion of a scope being very limited and defined by others before the review team was even seated, and then the GNSO Council developed a list of criteria and review topics. And, you know, we have pushed forward with some of those in the RDS Review Team. We did not win on all of those points. But there's definitely a perception by some in the community that our scope has crept and we are much broader than what the Board had suggested.

So I am worried that this an independent review team that is now being told what to do by the Board. And as a GNSO councilor, part of the GNSO

community, I – that is a situation I cannot tolerate. So I don't know what the details are here, I'm a little concerned that the review team – the RDS Review Team will be facing the same issue and that is going to be quite problematic for the community.

As a member of the RDS Working Group, we've definitely had Board members that have expressed concern with our work and how should we do this differently and maybe – and some suggestions, you know, backdoor conversations sort of you're not doing this right, you need to move forward. Totally agree, we need to move forward faster, but we're working really hard on that. But are we going to be in the – as a volunteer in this community, that puts in a lot of hours, are we going to be in the position to be told you're not doing it right, we'll helicopter in and change everything. I'm not sure that's – I can't tolerate that, I'm not sure the GNSO should.

James Bladel: Thanks, Susan. And I think, you know, while were still gathering details on this specific instance, I think the general concern is noted that these are intended to be oversight mechanisms so having a, you know, I think it's an open question of whether the Board can pause a review team. Okay. Next in the queue, Wolf-Ulrich, Phil, Michele, Keith, wow, there goes lunch. I'm going to pause the queue right there, okay? So, no, no, no, I didn't mean for that to be a chilling effect, so Wolf-Ulrich please.

Wolf-Ulrich Knoben: Yes, thanks. Wolf-Ulrich speaking for the ISPs. Also a concern, yes, so I think it's, well, just confusing. So it seems to be nobody knows really what's going on and why. And so – and I would have expected, you know, when I read the Board's letter here, the Board Chair's letter, well there is a number of SO/AC chairs having expressed their concern about the composition, process and structure of this team.

So usually I expect there is a charter of this team, and this charter says, you know, the – about the composition and all these things, the processes and the structure as well. The charter has been decided, has been accepted by

the community before the team has been starting, you know, its work. So I expect usually people are going to look at this charter what's going on, what is it about, and if they have claims about that, problems with it they could raise it towards their respective communities and so.

But this is – seems to be something which is behind the curtains, yes, which is going on here, and I don't like that. Just and I would like to really that we insist on keeping pace with the processes we have incorporated here and that we are relying on that.

On the other hand also my – the second question is so whether the Board can really stop, you know, this work. So it seems to be that after the ICANN meeting, well, the – your team will be out of work, if nothing is going to happen in between, but nobody knows what is really going to happen. So big concern from our side. Thanks.

James Bladel: Thank you, Wolf-Ulrich. Next is Phil, and then Michele. Phil.

Phil Corwin: Thank you, James. And these are personal remarks. Susan and I haven't had a chance because of the rapid developments to consult with the BC on this yet. I'd just say a couple of things, the only thing I'll say specific to this review team is that security, stability and resiliency of the DNS is ICANN's job Number 1, 2 and 3. If they mess that up then everything else is kind of very secondary and irrelevant. So this is very important.

Second, in regard to this Board letter and any potential suspension or interference with RDS or any other GNSO working group, I would view that as somewhat different; both would be very concerning, one would be interference with the – a GNSO Council chartered working group where we have a system where the community is supposed to develop policy and the Board gets to decide later on whether to adopt or reject it whereas this as I understand it is a review that's required originally under the AOC and now

under the bylaws where the Board is supposed to ensure that it's completed, that it's done.

So any suggestion that it not be done or be differently is concerning in terms of overall accountability. And finally, when I read the Board letter, I'm not sure whether this is an order or a strong request because it says, "The Board considers the most responsible course is to suspend the review team's work pending responses, therefore the Board requests that all other work should be paused." So it seems to be a little bit of both and I don't know if the review team is in fact going to suspend its other work or simply say thanks, but no thanks.

But those are my concerns. I think this gets to the heart of accountability and I look forward to further information.

James Bladel: Thanks, Phil. Information is in short supply but I agree that I think we've found a new topic to discuss with the Board when they arrive, which I think they're getting here now. So, Michele and then I'll close this off here and then we can start to prep for that session.

Michele Neylon: Yes, thanks, James. Michele for the record. I share the concerns that, you know, several of the – of our colleagues have voiced. I mean, just speaking again personal capacity, usual disclaimers apply, and James will kick me under the table if I say anything he really disagrees with or not.

The – at the moment we've got two letters out there; there's one from SSAC, one from the Board. Both are very, very vague. There's a lot of – there's a distinct lack of detail as to what issues people have concerns about apart from saying oh we've got issues. That doesn't help because now we're into the kind of rumor cycle whispering behind closed doors, people in hallways and all that. It would be helpful to get clarity on what it is.

Now, as for this kind of well it's a process here, it's a process there, and, you know, the comments like Susan was making about some of these other PDPs and things like that, I mean, there is always going to be that interesting balance in an organization such as ICANN between that kind of demarcation of roles. I mean, you have a Board, I mean, the Board has to oversee and has to kind of manage certain aspects of the organization. And, sure, there is a delegation within – of certain responsibilities to other parts of the organizations through this SO/AC structure. And all of those things do exist and they all do need to be respected.

But I think at times we – there is a tendency for us to all get into super paranoid mode rather than having a proper dialogue. So I mean, for a Board member to kind of say well, okay, you know, maybe you might want to look at this this way, isn't the same as saying no, no, no, you're doing this completely wrong, you need to do it in this particular fashion. Now if they're doing that, then obviously that's very different. But I think we have an awful habit of viewing any kind of interaction or intervention with a lot of paranoia. So I think that's probably not particularly healthy.

I mean, just speaking in my capacity as a Board member of several organizations, so, you know, I think the immediate paranoia thing probably isn't helpful. But having more actual details as opposed to vague concerns would make the entire conversation a little bit more fruitful. Thanks.

James Bladel: Thanks, Michele. And just maybe to put a button on this session because we are over our time, we're meeting with the Board here shortly. I think this is now going to be a topic of discussion, see if we can get some additional details on this. I know we're trying to get some time here in Abu Dhabi between the GNSO leadership and the GNSO members of this review team. And we have an agenda item slotted for this discussion now on our Wednesday session. It would be great if you can attend that Council meeting so that if we have additional questions or any updates or if we learn

something between now and Wednesday we will have the opportunity to include you in those discussions.

But I think right now we're all just kind of swinging into a dark room here until we can get some further details on that' happening what's driving all this. And procedurally what to do and then of course to Susan and I's concerns about the precedent that this sets for other review teams. So I think that's something that we can all discuss.

But for right now I think I would thank you guys for your work, thank you for your update and we'll go ahead and pause the recording and the next session is – speaking of the Board that is who's coming to visit us now. They're gathering in the chamber here where lunch is being served. We're already behind schedule so I would ask councilors to please go and quickly grab a plate for our working lunch session. Once we have everybody on the Council and the Board seated at the table with a plate then we'll ask, you know, everyone else in the audience to please go ahead as well. But because we are pressed for time you know, I would ask that you know, please allow the folks who are participating in this next session to grab a lunch. And we'll reconvene here let's say promptly at 12:10.

Woman: I think we have 12:15. I think we start at...

((Crosstalk))

James Bladel: Okay, 12:15. I was going to say 12:10 with the expectation it was going to be 12:15 but 12:10. so thank you. Yes, as many as we can fit.

END