

**GNSO – ICANN Nairobi Meeting  
GNSO Council Open Meeting  
10 March 2010 at 08:00 local time**

**Note:** The following is the output of transcribing at the GNSO Council Meeting held in Nairobi on Wednesday 10 March at 08:00 Local time. Although the transcription is largely accurate, in some cases it is incomplete or inaccurate due to inaudible passages or transcription errors. It is posted as an aid to understanding the proceedings at the meeting, but should not be treated as an authoritative record.

***(Participants List at the end of the Transcript)***

Stephane Van Gelder: Do a quick roll call please.

Glen Desaintgery: Certainly Stephane. Chuck Gomes? Caroline Greer?

Man: We have to turn mics on.

Man: Here.

Chuck Gomes: Chuck - can you hear me Glen?

Glen Desaintgery: Caroline are you there?

Caroline Greer: Yes I'm here.

Glen Desaintgery: Edmon Chung?

Edmon Chung: Here.

Glen Desaintgery: Adrian Kinderis, I think Adrian is absent. Tim Ruiz? Stephane Van Gelder?

Stephane Van Gelder: Yes, I'm here.

Glen Desaintgery: Terry Davis? So we just have quorum in the contracted party house. Zahid Jamil?

Zahid Jamil: Here.

Glen Desaintgery: Mike Rodenbaugh?

Mike Rodenbaugh: Here.

Glen Desaintgery: Kristina Rosette? David Taylor?

David Taylor: Here.

Glen Desaintgery: Wolf-Ulrich Knoblen? Jaime Wagner? Rafik Dammak?

Rafik Dammak: Here.

Glen Desaintgery: William Drake?

William Drake: Present.

Glen Desaintgery: Debbie Hughes?

Debra Hughes: Here.

Glen Desaintgery: Wendy Seltzer? We have apologies from Rosemary Sinclair who is not able to attend the meeting. Mary Wong?

Mary Wong: Present.

Glen Desaintgery: And we have apologies from Olga Cavalli who can't attend the meeting.

Tim Ruiz: And Glen Tim Ruiz is here.

Glen Desaintgery: Thank you Tim. And we have apologies from Han Chuan Lee, Alan Greenberg is here and Andrei Kolesnikov.

Man: I'm here.

Glen Desaintgery: If someone is on a speaker phone could you please change to handset because that is what is making this echo.

Olga Cavalli Glen, this is Olga.

Glen Desaintgery: Hi Olga.

Olga Cavalli I'm on the line.

Glen Desaintgery: Thank you. Thank you Stephane.

Stephane Van Gelder: Thank you very much Glen, can I ask if anyone wants to update any statements of interest at this time? And can I repeat what Glen just asked, if anyone is using a speaker phone please move it to a standard handset because we're getting some echo.

Thank you very much.

Man: Stephane can you hear me?

Stephane Van Gelder: May I ask if anyone wants to update the agenda that we have in front of us for today? No? Hearing none, no updates. You have all seen the minutes of our previous meeting which were approved according to the new GNSO procedures for approving minutes.

So I would like to go straight into item two which is the VI PDP. There's a motion that we have in front of us for this agenda item and let me start by reading the motion that I made.

And then as we know there are some amendments that have come in including one that came in just this morning, but we'll get to that.

The motion reads as follows. Whereas on 28th of January 2010 the GNSO council approved the policy development process, PDP on the topic of vertical integration between registries and registrars.

Whereas the GNSO council created a drafting team for the purposes of drafting a charter to fulfill the requirements of the PDP and whereas the drafting team completed its work and presented its charter proposal to the GNSO council on Friday Feb 26 2010.

Whereas the GNSO council has refused the proposed charter to guide the working group in its PDP activities, now therefore be it resolved that the GNSO council approved the following charter and there's a link there.

Resolve further GNSO council appoints someone to be appointed to be the GNSO council liaison to the VI working group.

Resolve further GNSO council directs that the working group be formed to perform the work of the VI working group and that the VI working group shall initiate its activities within 14 days of the approval of this motion until such a time as the working group can select a chair and that chair can be confirmed by the GNSO council.

The GNSO council liaison shall act as interim chair. That motion was made by myself and seconded by Mary Wong and we have had amendments from Caroline Greer, Tim Ruiz and we had an amendment this morning from Wolf which can I just ask you to read that amendment?

I'm not sure everyone has had time.

Chuck Gomes: Stephane can you hear me? This is Chuck.

Stephane Van Gelder: Yes we can Chuck.

Chuck Gomes: Okay, I need to tell you that there are technical difficulties somewhere because none of us here in Reston can raise our hand in Adobe Connect and all - Tim, Caroline, Kristina and I all answered Glen when she did the role call but apparently were not heard.

I don't know if you heard Edmon, did you hear Edmon? We did hear him on our side.

Stephane Van Gelder: Okay, we actually did hear all of you and I'm told that the Adobe Connect problems should now be solved. So perhaps you can try and raise your hand so we can just check that?

Chuck Gomes: I will do that right now.

Stephane Van Gelder: Thank you very much. Wolf?

Wolf-Ulrich Knoben: Thank you Stephane. We - the ISP constituency has provided a let me say a very last very late friendly amendment. And I do hope that you had a chance, the councilors to read it this morning.

Well the way to do it might not have been as friendly as the amendment itself, but I do hope that we could achieve a consensus on that.

The issue is really - is with relation to the objective five in the draft charter of this working team. The objective five at the time being, it's later been in two kinds of the motion.

The one is supported by certain group here in the council and the other from the other more related to the business constituency and the IPC.

So we from the ISP CP constituency we are in favor to support the formulations being done by the business constituency as well. But this - we would like to impose some restrictions on the work to be done, and therefore we suggest to the objective five in the way as follows.

May I read that? Stephane I would like to read that yes? The main objective five should be read as follows.

Using all information that has been collected by ICANN to date, determine by imposing strict limitations on the amount of information to be collected in order to avoid harm on objective five which is not to impose harm on the schedule for the implementation of the new gTLDs.

The possible effects of potential changes to the current restrictions and/or practices concerning registry, registrant separation and equivalent, non-discriminatory access contained in the options set out in DAG version three, and changes considered by ICANN staff on a, the retail and wholesale market for domain names and b, on consumers of domain names.

So what we'd like to suggest is to add these - this sentence which is going to imposes (restricumentations) on the work to be done. Thank you.

Stephane Van Gelder: Thank you Wolf. Now before we open up discussion on this can I ask Margie to give us a brief overview of the charter itself so that everyone knows what we're discussing. Thank you.

Margie Milam: Stephane do you want me to go through the charter briefly? Okay, the charter developed by the drafting team includes a preamble and it essentially states

that the working group on vertical integration shall evaluate and propose policy recommendations for new gTLDs and existing gTLDs.

The working group expects to define the range of restrictions on vertical separation that are current in effect to serve as a baseline to evaluate future proposals.

Then we have five objectives, four of them received consensus and the one that did not receive consensus was objective five. And so we have several versions of objective five that have been presented to the council.

The one that received the endorsement of the non-commercial stakeholders group, the registrar stakeholders group and the registry stakeholder group is the one that I'll read right now.

And then there's two other versions. Objective five states that using all information that has been collected by ICANN to date determine whether the changes to the current restrictions and/or practices concerning registry/registrar separation and equivalent.

Non-discriminatory acts as contained in the options set forth in the most recent version of the DAG and supporting documents. Constitute a material deviation from current and past restrictions and practices regarding registrar and registry separation.

So Stephane I don't know if you want me to read the other objectives that have consensus. We also have a series of definitions that are included in the charter. These are working definitions because we weren't able to finalize them.

And there is a note in the charter that the definitions are subject to further development and refinement by staff. They are included in the interest in time

in order to allow the remainder of the charter to be finalized and approved by the GNSO council.

And then there's also some changes to the charter that have been proposed over the list recently and particularly with respect to changes to the charter.

There is a recommendation that the chair will submit requests for substantive changes to this charter to the GNSO for approval and the chair at any time may refer questions or clarifications on any of the objectives or definitions defined in the charter to the GNSO council.

And such requests may be relayed to the council liaison. The charter also includes milestones as the motion required a 16 week period for the PDP process assuming approval of the charter today.

We have outlined how this work will be accomplished in 16 weeks with the final report being submitted on June 30. That good enough a read?

Stephane Van Gelder: Thank you Margie, yeah, that's fine. So can I open it up to discussion? I see we already have two people in the queue participating remotely so I'd like to give them priority if possible.

Mike, you raised your hand first I believe. Mike can you hear me? Okay, let's move on to Chuck and come back.

Mike Rodenbaugh: I'm sorry, Stephane can you hear me?

Stephane Van Gelder: Yes, we can hear you Mike.

Mike Rodenbaugh: All right, I apologize, I don't know if it's picking up the speaker phone or what, but it's not causing an echo, it's okay?

Stephane Van Gelder: Yeah.



Mike Rodenbaugh: Okay, oh thanks. Wolf I share the sentiment about not wanting to blame gTLDs with this but I'm wondering what you mean by strict limitations on information that's been collected by ICANN to date.

Stephane Van Gelder: Wolf do you want to answer that?

Wolf-Ulrich Knochen: Yes, Mike we understand that there's work to be done, could end up in a kind of study or market survey about the effects - new restriction on registry separation would have in the market player.

This at the end could lead to a really extensive market study, so - and we would like to have that really limited.

That means it should not harm the overall process for the implementation of the new gTLDs, so that's our target. What does it mean in detail? Well what kind of limitations should be imposed to achieve that by turning out that market study, I think it's up to the working team to define in detail.

So I wouldn't go to the detail in this time because this is work to be done by the working team. Thank you.

Mike Rodenbaugh: Okay thanks Wolf. I understand what you mean.

Stephane Van Gelder: Mike, you're breaking up. You're on speaking phone? Mike?

Mike Rodenbaugh: No, I'm not on speaker phone, is that better?

Stephane Van Gelder: Okay, that's fine now.

Mike Rodenbaugh: Okay awesome. Sorry about that. Okay Wolf, thank you for your explanation. I understand that our - the PDP was not slowing down the work

of new gTLDs whatsoever anyway, that staff was proceeding with implementation.

So if you're willing to put some sort of qualifier in the language that maybe we could accept it but otherwise I don't see why it's considered a friendly amendment.

Stephane Van Gelder: Thanks Mike. Chuck?

Chuck Gomes: Yes, thank you Stephane. The wording is confusing to me of the amendment combined with the first part of objective five. The objective previously and still says using all information that has been collected by ICANN to date, key words to date, sounds like past tense to me.

And then the amendment says by imposing strict limitations on the amount of information to be collected, so the beginning is talking about information that's already been collected.

The amendment seems to be talking about information to be collected. So I'm confused.

Stephane Van Gelder: Wolf, please go ahead and respond.

Wolf-Ulrich Knoben: Yes, Chuck, well it's my poor English about that. So I'm referring to different kind of information. So on the information already in place here, up to date.

The other one is what I see is the (unintelligible) itself so the information which is to be collected during the survey by anybody who shall be tasked to do that, maybe staff, maybe an external the way I do - I don't know how we are going to do that.

But this is different you know. If you have better English and I do hope you have that, so please, I'm open for any kind of amendment of this formulation. Thank you.

Chuck Gomes: I don't think it's your English Wolf in the problem I'm noting. I don't think anything in objective five that talks about a survey to be done, what are you referring to there?

Wolf-Ulrich Knochen: No, it's not specifically that to be done, but I see this - how should you do that work anyway? So if it's - that the working team is doing it that way or are you going to a task an external to do that of - because it's going - well if you look at the model you would like to have some information with regards to the effect on the market players.

So I'm wondering who shall do that?

Chuck Gomes: I think I see where my problem is and it may not be a problem at all. I was interpreting to date to mean right now but actually it probably would be to date at the present time whatever that is in the future.

And then it makes more sense to me. Thank you.

Stephane Van Gelder: Chuck can I add that to date is not actually part of the amendment, that was in the original text anyway.

Chuck Gomes: I understand that Stephane, that was - and I thought the motion was talking about information gathered in the future, but you can ignore my concern, I think my mind is in gear on it now.

Stephane Van Gelder: Okay, thanks very much. Mike do you still have your hand up?

Mike Rodenbaugh: No Stephane, sorry.

Stephane Van Gelder: Thank you. Kristina?

Kristina Rosette: Hi, just to answer - to respond to Wolf's question, at least when the IPC put forward its original iteration of objective five and I'll speak to that in a moment, it was our intention Wolf that it would be frankly at the discretion of the working group as to how they would go about doing that in terms of whether they would do that kind of internally through members of the group.

Whether they would consent with the working group guidelines that I believe are still out for public comment, recommend or retain an expert and the like.

With regard to objective five, there is in its current version a slight difference between what the IPC has ultimately proposed and what the BC has supported and I just wanted to make clear that you know for purposes of adopting this charter we obviously would like to have our version considered.

But we are more than happy to support the BC version of that.

Stephane Van Gelder: Thanks Kristina, that's helpful. So we have Glen I'm looking at you, five minutes left on this item including the vote. We have an amendment that is being proposed.

Mary is motioned second, is there anything that you want to say before I say whether I think it's a friendly amendment or not?

Mary Wong: I suppose I'll have to speak in terms of whether we accept it as a friendly amendment so I'll reserve my comments until that point.

Stephane Van Gelder: Okay, thank you very much. At this time I'm not inclined to accept this as a friendly amendment. So do you want to say something?

Mary Wong: Well briefly neither am I but I should perhaps state some reasons. First and there's a process issue because of the timing it's meant that I've not had the

chance to consult with the rest of the councilors for our stakeholder group much less the members themselves.

But more substantively, with regard to the comment that Chuck was - and Mike have raised, I don't see the reason for the additional language and as such I cannot accept this as a friendly amendment.

Stephane Van Gelder: Thanks Mary, that's very helpful and you're reminding me that I should have also explained why and I have very much the same reasons that you do.

The main worry for me is that I have had absolutely no time to consult with my group on this text and I'm sure most of them have had absolutely no time to read it.

So I am going to stick to what I was originally tasked with agreeing to. So is there any further discussion on this or can we move to the vote? Seeing no hands raised and no hands raised in the room, Chuck have you raised your hand?

Mike Rodenbaugh: Mike also and Kristina I think did.

Chuck Gomes: So I note - and maybe I need to defer this, are we going to take a vote now on the amendment? If so I should withhold my comments until after that.

Stephane Van Gelder: Yes Chuck.

Chuck Gomes: Okay, I'll hold my comment.

Stephane Van Gelder: So who else, so Mike and Kristina again?

Mike Rodenbaugh: Okay, I just want to be clear on what we're voting on either right now so we're just voting on Wolf's amendment?

Stephane Van Gelder: No, we have three amendments.

Chuck Gomes: Stephane, this is Chuck. Let me see if I can help here. What we need to do right now is to vote on Wolf's amendment only. Keep in mind that the other amendments were considered friendly so no vote is required on those.

So we should just be voting on Wolf's amendment because it was not considered friendly.

Stephane Van Gelder: Thanks Chuck. So let's do that now please. Does anyone oppose to doing a voice vote on this? Okay, Glen, can you call a vote - voice vote on this please? Glen, can you call a voice vote on this please?

Glen Desaintgery: Wolf-Ulrich Knoben?

Wolf-Ulrich Knoben: In favor.

Glen Desaintgery: Caroline Greer? Caroline?

Caroline Greer: Yes, Caroline here, (unintelligible).

Glen Desaintgery: I didn't hear your vote Caroline, yes or no.

Caroline Greer: You're fading, can you hear me?

Glen Desaintgery: Yes.

Caroline Greer: Abstain.

Glen Desaintgery: Mary Wong?

Mary Wong: Not in favor.

Glen Desaintgery: Wendy Seltzer?

Wendy Seltzer: Against.

Glen Desaintgery: Terry Davis? Bill Drake?

William Drake: No.

Glen Desaintgery: Mike Rodenbaugh?

Mike Rodenbaugh: No.

Glen Desaintgery: Adrian Kinderis? He's absent. Zahid Jamil?

Zahid Jamil: Against.

Glen Desaintgery: Stephane Von Gelder?

Stephane Van Gelder: No.

Glen Desaintgery: Rafik Dammak?

Rafik Dammak: Against.

Glen Desaintgery: Kristina Rosette?

Kristina Rosette: Against.

Glen Desaintgery: Debra Hughes?

Debra Hughes: Against.

Glen Desaintgery: Edmon Chung?

Edmon Chung: Abstain.

Glen Desaintgery: David Taylor?

David Taylor: Against.

Glen Desaintgery: Tim Ruiz?

Tim Ruiz: No.

Glen Desaintgery: Jaime Wagner?

Jaime Wagner: Yes.

Glen Desaintgery: Chuck Gomes?

Chuck Gomes: Abstain and Glen the reason for the abstention I think for all three of us from the registry stakeholder group is that we haven't had time to consult our stakeholder group members.

Glen Desaintgery: Thank you Chuck. Olga Cavalli? Olga can you hear me? I think I can faintly hear abstention, not sure. Olga? The vote has - it has not passed. There are two in favor in the non-contacted party house. The contracted party house there are two - three abstentions, two no's and two people are absent.

And in the non-contracted party house except for the two in favor the others are against.

Stephane Van Gelder: Thank you very much Glen. Chuck you said you - if I remember correctly you wanted to speak after that vote was taken?



Chuck Gomes: That is correct Stephane and the first thing I want to comment on is the footnote in the charter itself. I thought we had removed staff, that staff's the only one that can change the definition.

That's still in there as far as I can tell. Do you see what I'm talking about?

Stephane Van Gelder: Yeah, we're looking at it now.

Mike Rodenbaugh: So Stephane, this is Mike, what are we...

Stephane Van Gelder: Margie, did you get the staff comment to fill in there and I remember there was a comment from Chuck on the list on this.

And I believe that we had removed it, is that correct?

Margie Milam: Glen was monitoring that, we may have missed that. Glen, do you...

Glen Desaintgery: Yes, I probably missed it. That should be taken out. The whole footnote Margie?

Margie Milam: Or I would say subject to further development and refinement. Because I think the point of the drafting team was really that we weren't ready to finalize the working definitions that that further work needed to be done.

And obviously staff will assist but it's not a staff decisions so that's - you know does that make sense?

Stephane Van Gelder: Yes, that's fine, we're working on that now.

Chuck Gomes: Yeah, Stephane I have a - while they're working on that I have another issue that I want to communicate as well please.

Stephane Van Gelder: Yeah, please go ahead Chuck.

Chuck Gomes: In the last definition, that says relationships between VI and CO and so on, hopefully that can be put on screen, the - that in the registry's position is a policy statement.

I understand that definitions can be modified but as we communicated in the discussions on that drafting team, members on that drafting team, we were concerned about any definitions that contain policy statements themselves.

And that particular definition in our opinion seems to do that. So I want to flag that, I'm not proposing an amendment right now because that possibility, changing the definition already exists.

But I want to make sure that everybody is aware of that.

Stephane Van Gelder: Okay. Do you have any further comments Chuck?

Chuck Gomes: Stephane, I know we're over time on this one. But we - maybe we should allow at least five minutes for any community comments that are on the agenda.

Forgive me if you were already planning that, but this is important enough that I think we ought to allow at least five minutes, we're going to have to keep them very short.

But that's the purpose of the open meeting.

Stephane Van Gelder: Before going to that can I ask if Kristina and Mike still have their hands up and if not can I remind people to lower their hands so that we can follow who wants to ask a question and who doesn't?

Mike Rodenbaugh: My hand is still up.

Stephane Van Gelder: Then please go ahead Mike.

Mike Rodenbaugh: I just want to make sure that we understand that we're not - we're voting on objective five as stated in the text of the charter obviously rather than in the footnote as suggested by at least a couple of constituencies and the ISPs although they suggested an amendment to it.

So I don't know if somebody would like to speak from the side that supports objective five as written in the charter as to how it will address the effects of any policies that might be recommended since to most - to many of us it seems an obvious aspect of policy development to examine the effects of what our recommendations might have.

And that language for some reason is now stripped out of this charter.

Stephane Van Gelder: It's stripped out of the objective five that's being proposed as the main objective five, the one that the drafting team supported. There is a footnote there, you're referring to the objective five the IPC one, is that correct?

Mike Rodenbaugh: Yes, correct. It's clear there was not consensus in the drafting team on this issue so the - you know might bear further discussion before we decide to vote.

Stephane Van Gelder: And that is why we - the drafting team decided to push this forward to the council with that footnote because we did have the majority of the drafting team in favor of the objective five that's put in there as a highlighted objective five.

Now I'm just looking around the room, does anyone want to speak and answer Mike's question? Okay, and are there any - sorry, Mike do you still have your hand up and Kristina do you still have your hand up?

Kristina Rosette: I do but I'll wait until Mike is finished.

Mike Rodenbaugh: Well I feel like we should try to resolve this discrepancy between the two sides and come up with some sort of compromise language or at least agreement as to what you all mean by the current objective five.

Because I think it's unclear to many of us or it just seems like there's no (there there) to this charter. The group is supposed to look at things that the staff did but all we're supposed to do is decide whether that's different from what's happened in the past.

Why do we need a working group for that? We all know that already.

Stephane Van Gelder: Mike, I'm not really to go back into the discussion the drafting team had at this stage to heavily, so I see Mary has her hand up, maybe she wants to answer your question but then I'm going to close that point off, move to Kristina then open it to the floor very quickly.

And then go to the vote because we're already very far over time on this item. Mary, please.

Mary Wong: Mike, thanks for your question and I didn't catch the entirety of it so in any case I don't think I'm going to give you a satisfactory answer. I simply wanted to say speaking not just as a seconder of this motion but on behalf of the non-commercial stakeholder group that what Stephane just said, with respect to the fact that this is the charter presented to the council by the drafting team, that our footnotes within that.

And we recognize that there are discrepancies and there's probably going to be much discussion when the working group is formed on this that I think council should simply vote on the motion and the charter as is and not reopen that issue at this time.

Stephane Van Gelder: Thanks Mary. Kristina?

Kristina Rosette: Sure, I just wanted to make two observations for the record, one being that I know that we had discussed within the drafting team that it was important to us that the working group have access to materials and documents considered by staff.

And that is intended and is in fact embodied in objective three and I simply want to make sure that there's no confusion or uncertainty in the future as to what the intent was there.

The second point I would just note is that I not surprisingly agree with Mike on this issue. I think the entire point of informed policy development is to determine what the potential effects are of a particular policy recommendation.

And you know frankly I understand the reasoning behind advocating the material deviation perspective, but that doesn't take the next step further that I think is necessary here.

I recognize that that is probably not the objective that will go into this charter, nonetheless I think it's probably a decision that we may come to regret in the future.

Stephane Van Gelder: Thanks Kristina. Can I ask if there are any comments from the room at this stage on this? If so please stand up and come to the mic. Okay, Jaime has a comment.

Jaime Wagner: No, it's just a clarification. How will the voting process be conducted?

Stephane Van Gelder: By voice vote unless anyone objects to that?

Jaime Wagner: No, I mean amendment by amendment or?

Stephane Van Gelder: No, we voted on the amendment that was not considered friendly, now we are voting on the motion itself.

Chuck Gomes: Stephane, Chuck again, sorry for jumping in but Jeff Neuman wanted to comment and was unable to raise his hand in Adobe.

Stephane Van Gelder: Okay, can I get to that in a minute because Jaime hasn't finished.

Jaime Wagner: Yeah, there are two footnotes that are - at least I understand it there is an IPC version and the BC version of object five. Well we will remain with the two footnotes?

Stephane Van Gelder: We are voting on what's in front of us today. So Chuck to come back to you, Jeff wanted to say something, is that correct?

Jeff Neuman: Yes, so this is the community - I guess my question is on the definitions about the last one called relationship, as Chuck said on policy outcome, was wondering if the council would just take that definition out, there's not really a definition.

And we're going to have working group work to change any aspect of that, it would have to come back as it would be a change to the charter. You can clarify that and hopefully the council can actually eliminate that definition.

That would be the best of both worlds.

Stephane Van Gelder: I didn't get all of that Jeff but I think you're asking us to eliminate one of the definitions in the charter, now is that just answer to Jaime, we are voting on what's in front of us today.

There's been no further amendments proposed to change that so that is what we will be going with. Margie do you have your hand up?

Margie Milam: Yes, I have a comment regarding the footnotes. I would suggest that we would delete the note two since that was just more information for the council and it wouldn't be appropriate to include in the charter.

Chuck Gomes: Excuse me?

Stephane Van Gelder: Okay, so any more - no more comments? Oh, Kristina, Chuck.

Mike Rodenbaugh: Stephane, Mike also.

Stephane Van Gelder: So Kristina?

Kristina Rosette: I'll just make this brief. Stephane it was my understanding during the course of the drafting team that the council would in fact be voting as to which objective five would be included in the charter that went forward.

That both objectives were identified for purposes of allowing that and that was the same reasoning for identifying which stakeholder groups had supported which one.

So I have a strong preference for before we vote on the charter in its entirety, that we vote as to which iteration of objective five stays. Thank you.

Stephane Van Gelder: I'm open to that, but Mary doesn't seem to be.

Mary Wong: Again not speaking just as a seconder of the original motion but speaking as a councilor for the NCSG we would not agree to that, because that was not our understanding.

Stephane Van Gelder: Kristina do you want to come back to that or can I go to Chuck and then Mike I see your hand as well.

Kristina Rosette: Yeah, I mean I understand Mary your concern, but the fact is that this was wrapped up within the drafting team and put forward to the council with at least my understanding being that the council would have to select intentionally which iteration of objective five it was going to go with.

Chuck Gomes: Stephane we're not hearing a word, it appears that Mary is talking on the screen but we cannot hear a word.

Mike Rodenbaugh: I can hear Chuck, I can't hear anybody else.

Chuck Gomes: I can hear everyone on the phone I guess.

Stephane Van Gelder: Hello, can you hear us?

Chuck Gomes: Stephane we can now, but we couldn't - we are assuming that Mary was talking because it looked like that on the screen, but we could not hear a word that was said.

Stephane Van Gelder: Mary can you just summarize what you just said?

Mary Wong: I'll try. Essentially the NCSG did not have the same understanding of the objective five issue in terms of what was up for voting. We understood that what was up for voting by council today was the charter as written with the current language on objective five in the main text and the two alternatives proposed by other constituencies as footnotes.

And the other thing I said was that it is always open to the working group when it is constituted on the assumption the motion is passed to come back to council for further approval of changes and so forth.

And we would like to also emphasize that again on the assumption that the motion may pass that to the extent a working group is formed we do not want delay in the formation or the start of the work of the working group.



Stephane Van Gelder: Thanks Mary, Chuck did you get that?

Chuck Gomes: I did, that time we heard it fine. There was nothing before, so...

Stephane Van Gelder: Thank you very much. Now can I just say that at this stage there's so much discussion and clearly no consensus on this, I am inclined to defer this vote.

And I'd like to get people's opinion on that, and Chuck you had your hand up next.

Chuck Gomes: Thank you Stephane, first of all I wanted to say now let me qualify this, first of all I was not on the drafting team, but as council chair I am CC'd on that and it was my understanding that the council was going to need to make a decision on objective five.

In fact at that point I realized we were going to need more than the 20 minutes that were allotted for this agenda item and I think we had some discussion on that on the chair's list.

So I agree with you Stephane, I did not want to suggest this, I know you didn't either. But I think we're going to have to put this item to the end of the agenda and if there's time try and resolve it then.

Stephane Van Gelder: Yes, thanks Chuck. Mike and Zahid.

Mike Rodenbaugh: I mean I think I disagree. Certainly with putting it to the end of the agenda, let's just finish the discussion. I don't understand why we can't move it to a vote now actually and just get this done.

Stephane Van Gelder: Well in that case Mike and just before moving on to the other people that want to speak, I also agree. It was also my understanding and

once again I stress my neutral position on the drafting team, but it was also my understanding that we would choose.

We would push this up to council so that they could choose between one of the two objectives as being proposed as objective five. And I would be - if people want to proceed with a vote now I would ask for a vote on that before voting on the main motion.

Mike Rodenbaugh: May I comment on that briefly Stephane?

Stephane Van Gelder: Sorry?

Mike Rodenbaugh: May I comment on that briefly?

Stephane Van Gelder: Yes please.

Mike Rodenbaugh: I don't understand why we can not just proceed with the charter as is with the footnotes since that's what we've all considered.

It sounds like the NCSG is comfortable with that version and I believe the BC is comfortable with that version and move forward.

Stephane Van Gelder: Because we have two different objective fives and the idea is to get the working group a clear set of objectives. Zahid?

Zahid Jamil: I think (unintelligible) Stephane was an interesting one, maybe we can resolve that on the council and then go for the vote actually of charter and hopefully get that done today.

But what my question was, and I think I've tried to pose it onto the list as well as to get an explanation from the NCSG what their understanding was of the footnote per se because I mean when I'm reading the footnote I understand that there probably were some alternatives.

Now the drafting team is also making it clear, if I read the motion the way it's drafted, it says - it just incorporates that document so the footnote is there.

I'm just wondering what were the interpretations that you had given to that?

Mary Wong: I think our understanding was that there is a distinction between the main text and a footnote and as such the charter if approved by the council today would have the main text in objective five reflected as the main text, a note, a footnote that there were alternative versions.

And should the working group want to revisit that issue, they certainly can and to the extent that changes amounted to substantive changes to the charter it would come back to the council for further approval.

Stephane Van Gelder: And I believe that is what Mike proposed as well. Can I close to after Tim, Jaime?

Jaime Wagner: Just a clarification I would like from Mary because I think there is a difference between objective five and the footnotes. And if these differences should be clarified after the voting wouldn't it take longer to come back to the council?

And I think we would make a better job by deciding here today which is our council to the working group then to delay this definition to a possible consultation after?

Stephane Van Gelder: Thank you Jaime. Who's next? I have trouble reading the screen, can someone - is it Wolf? Wolf did you have your hand up?

Wolf-Ulrich Knoben: Thanks Stephane. I really would like to point out the only thing I would like to have a charter approved today because of that - these work team could take out with its work immediately which is necessary.

So I wonder in case we couldn't come to a consensus on that what is going to happen? Is this work team really then not in a position to start working or not?

That's one point. The other point is coming back to - okay, to my earlier amendment, so I - that was the reason why I thought okay, it could be a compromise to have this alternative. That was the only intention of that to be brought in.

We were really clear in advance that this discussion could be raised here and could put the council to a deadlock in that respect.

So on the other hand, I tend to agree to Chuck, so if we could postpone those resolving right now to the end of the session. Thank you.

Stephane Van Gelder: Thank you very much. We'll go Wendy and then Tim.

Wendy Seltzer: I just wanted to express my strong support for voting on the motion and the charter today at this meeting. I wasn't sure whether you were recommending a postponing of that.

I think it's critical to get the work started to remain on schedule.

Stephane Van Gelder: What I proposed is what Wolf has just summarized which was to defer to the end of the meeting, this meeting so that we could have some time for - to go back to our groups and maybe consult with them.

Tim? Tim, are you - can you hear me?

Tim Ruiz: I'm here. I just wasn't paying very good attention. Anyway, yeah, I think I support that too, waiting until the end because I think I'm concerned if we vote now a lot of this including myself might be kind of uncomfortable with the way things are.

But if we can have some time to maybe you know discuss it among ourselves I think there's - the issues are resolvable and that we could probably vote on this and resolve it by the end of the meeting.

But I certainly personally wouldn't feel comfortable voting on this right at this point.

Stephane Van Gelder: Thank you very much Tim. So that's what I'm going to do, I'm going to defer this to the end of the meeting. I'm going to close the discussion on this now Mike, I did say that I would close after Tim and we can come back to this afterwards.

I'd like to move on to agenda item three which is GNSO improvements and I believe we have some progress reports on that.

I believe Olga were you going to give that report?

Olga Cavalli The report about my working team if you want.

Stephane Van Gelder: I didn't - sorry, I didn't hear that.

Olga Cavalli Can you hear me Stephane?

Stephane Van Gelder: Yes I can now.

Olga Cavalli The - about my working team I can give you an update which is the constituency and stakeholder groups, we'll see?

Stephane Van Gelder: Sorry, Olga? Sorry to interrupt. Marika is going to give an update first, that might make things simpler.

Olga Cavalli: Okay, thank you.

Marika Konings: And so this work team is divided into new policy development processes in five stages on which they have now concluded their deliberations and are in the process of finalizing report for those five stages.

And however they're still a number of overarching issues that will need to be addressed such as timing, translation, decision making mechanisms and which actual changes to the bylaws the working team will recommend.

So these are still some substantial issues this group will need to address and resolve. The expectation and the time I know which the working team is working is to have a report to share for public discussion in time for the Brussels meeting and for submission to the PPSC shortly thereafter.

So maybe first are there any questions on the PDP work team before I give an update on the working group guidelines work team?

So on the working group work team, this work team has published the proposed GNSO working group guidelines on the 5th of February for public comment.

The public commentary will stay open until the 22nd of March and following that the working group work team will review the comments received and update the report if necessary.

Once finalized the working group work team will submit the final GNSO working group guidelines to the PPSC for its consideration.

It might be worth pointing out that there are some parts of this document that are dependent on other work teams such as the PDP work team and some of the OSC work teams.

So place holders have been included that might be dated at the appropriate time and normally this work team should be in a position to submit its final document to the PPSC in time for the ICANN meeting in Brussels.

I'm sorry, briefly on items 3.1 and 3.2, Julie Hedlund was supposed to give this update but she sent her apologies and so I'll just be reading out her update.

For the GNSO council operations work team the following work items remain to be addressed by the work team, estimated completion date ICANN Brussels meeting.

And those items are the new generalized Board selection seat procedures, new section 3.8 on absences to include allowing temporary ultimate or long term illness. Absentee voting according to reasons for a vote in addition to just abstentions and possible impact from prioritization procedures.

On constituency stakeholder group work teams, the work team estimates that it will complete its work on task one, enhance existing constituencies by developing recommendations on constituency participation rules.

Operating principles and database of members and submit it to the OSC for review prior to the ICANN Brussels meeting. Upon completion of task one, the work team will take up consideration for task two, develop a global outreach program to broaden participation in current constituencies.

Estimated completion is ICANN annual general meeting and the communications and coordination work team have report one technology as submitted to the OSC which accepted it without changes on the 7th of March and agreed to send it to the GNSO council for consideration.

The work team will address any actions or report one resulting from the GNSO council review prior to the ICANN meeting in Brussels. Report two

communications and coordination and Mason Cole will send it to the OSC for review following the Nairobi meeting and address any actions resulting from OSC review and subsequent GNSO council review.

Prior to the ICANN meeting in Brussels.

Stephane Van Gelder: Thanks Marika. So we have - moving on quickly to try and make up time we have a motion to extend the term of the SC and the work teams and Chuck you made that motion, do you want to read it?

Chuck Gomes: Stephane go ahead and read it there so I don't have to do it remotely.

Stephane Van Gelder: Okay, I shall do that now. Whereas in October 2008 the GNSO council established a framework for implementing the various GNSO improvements identified and approved by the ICANN Board of Directors.

The GNSO council improvement plan, and there's a link there, whereas that framework including the formation of two steering committees, the operations steering committee and the policy process steering committee to charter and coordinate the efforts of five community work teams designed to develop specific recommendations to implement specific aspects of the improvements.

Whereas the council intended the charter of the committees and their attendant work teams to be temporary and not to extend beyond the 2009 annual ICANN meeting without specific action by the council.

Whereas the council extended the terms of those committees until the Nairobi ICANN meeting, the end of ICANN's first general meeting in 2010 to allow the GNSO community implementation recommendations work to continue, see 24 September motions.



Whereas the council acknowledged the hard work of those work teams and note that those committees and their teams are diligently continuing their work, resolved the council extend the terms of the operations steering committee and the policy process steering committee and their respective work teams as necessary through to the end of the 2010 ICANN annual meeting.

The council directs each work team chair by the end of the Brussels ICANN meeting to identify the specific targets and benchmarks for completing their work and to be prepared to conclude their work as soon as possible but no later than the 2010 ICANN annual meeting.

The specific expectations targets and benchmarks for each team should be shared with the appropriate steering committee chair and the council by 15, April 2010.

So can I start discussion on this from the council please? And Mike I thought I saw your hand go up but maybe I was mistaken.

Mike Rodenbaugh: Sorry Stephane.

Stephane Van Gelder: So would anyone like to speak to this? Hearing nothing, would anyone object to us doing a voice vote on this? Glen? Glen can you do a voice vote on this please?

Glen Desaintgery: Please say yes if you agree or no if you don't agree and if there are any abstentions. All yes, aye?

Man: Yes, aye.

Man: Yes.

Woman: Yes.

Man: Yes.

Man: Yes.

Woman: Yes.

Man: Yes.

Glen Desaintgery: Are there any no votes? Not hearing any are there any abstentions? Then the motion has passed.

Stephane Van Gelder: Thank you very much Glen. Marika has some slides for us I think. Just taking one second to bring those up if you'll bear with us.

Marika Konings: This is Marika, I'm just going to give a very brief overview of the proposed GNSO working group guidelines. I'll keep it short because you know we're already behind schedule, just maybe to emphasize there is a session this afternoon from 3 to 4 that will go into more detail on these guidelines.

So you're all invited there if you want more information. Just very briefly this is part of the GSO improvement process, the objective to improve the structure for and move to a working group model and the notion of working group tends to be more open and inclusive.

So for that reason a working group work team was formed that was tasked to develop a guidelines for working groups. Initially they started working on two different documents, one the charter drafting guidelines which was focused on how working groups should develop their charters and what elements should be incorporated in a charter.

And other document that would look more at the operating model, how should working groups function, in the end it was decided to actually bring those two documents together into one which are now titled Working Group Guidelines.

This document has now been published for public comments, as I said earlier following the review of those comments the document will be updated and submitted to the policy process steering committee for review.

After which that committee once it's done will submit it to the GNSO council for it to review. So very briefly just to give you a quick overview of the elements that the working group guidelines contain, so it's focused on roles and responsibilities, outlines the different roles a working group has and the responsibilities that go with those.

Talks about the use of sub teams and what is the expectation of those sub teams. Talks about norms for participation, representatives, process integrity, individual group behavior and norms, rules of engagement, standard methodology for making decisions and then appeal process.

In addition it also contains information on logistics or requirements, how do you plan your session, what kind of communication or collaboration tools do you have available?

What are the guidelines on translation and how can you incorporate briefings and subject matter experts in working groups? And it also provides some examples of products and outputs.

In addition there is on a separate section on the charter guidelines so how should these be developed, provides a template with the different elements that a standard charter should contain or should be considered to be included and a document also provides a chair checklist with elements that a chair should take into account when running and starting a working group.

As I mentioned before as well there are a number of place holders in this document, awaiting input from the OSC teams, for example on the statement of interest and the disclosure of interest.

And also it's foreseen that once the PDP work team finishes its work that there will be either separate section or annex or integrated throughout the document, whatever is most appropriate for the additional elements that are required for PDP work teams.

So community input is requested at this stage, many asking did the group cover all the elements? Is there anything missing? Did the group get it right? Should there be more or less details in the document as it currently stands?

You see here the link where the comments can be submitted until the 22nd of March. As I said there's an information session later this afternoon from 3 to 4. Any questions?

Stephane Van Gelder: Thanks very much Marika. Can I open it up to questions at this point and please if anyone in the room wants to ask questions we would welcome that as well. Any questions on this? Seeing none, I will move on to item four, Board seat 13 election confirmation.

I will give a very quick summary of the election procedure that the contracted parties have used for this. If you'll just bear with me for five seconds and this will be extremely quick.

We had one nomination from - for the Board seat 13, that nomination was Bruce Tonkin. And the house, the contracted party's house which is comprised of the registry stakeholder group, the registrar stakeholder group voted in favor of Bruce.

Are there any questions on that? Okay, so we have a motion in front of us. Chuck if it's okay with you I'll read this as well, I know you made the motion but it may be simpler for me to read it.

Okay, I'll take that as a yes. Whereas the ICANN bylaws specify that GNSO has the right to select two individuals to serve on the ICANN Board commonly referred to as Board seats 13 and 14.

Whereas under the bylaws the contracted party's house of the GNSO council selects the individual to fill Board seat 13 and the non-contracted party's house selects the individual to fill Board seat 14.

Whereas on 28 January 2010 the GNSO council approved the process proposed by the contracted party house to select a representative to fill Board seat 13 for the 2010 election and amended its operating procedures to include that process, there's a link included.

Whereas the contracted party's house of the GNSO council has utilized that process to select Bruce Tonkin to serve as the Board member for seat 13. And can we update - I'm seeing Glen that there's still insert name here on that motion, can we update that to show Bruce please.

Resolved, the GNSO council acknowledges the selection of Bruce Tonkin by the contracted party's house to fill ICANN Board seat 13 and direct the GNSO secretariat to make the necessary notifications to the Board and the community.

And that will be a roll call vote please Glen if you could go ahead and do that vote.

Glen Desaintgery: Certainly Stephane. Olga Cavalli? Olga are you there?

Olga Cavalli Hello?

Glen Desaintgery: What is your vote please?

Olga Cavalli      It's yes.

Glen Desaintgery: Chuck Gomes?

Chuck Gomes:    Yes.

Glen Desaintgery: Jaime Wagner?

Jaime Wagner:    Yes.

Glen Desaintgery: Tim Ruiz?

Tim Ruiz:          Yes.

Glen Desaintgery: David Taylor?

David Taylor:     Yes.

Glen Desaintgery: Edmon Chung?

Edmon Chung:     Yes.

Glen Desaintgery: Debra Hughes?

Debra Hughes:    Yes.

Glen Desaintgery: Kristina Rosette?

Kristina Rosette: Yes.

Glen Desaintgery: Rafik Dammak?

Rafik Dammak: Yes.

Glen Desaintgery: Stephane Von Gelter?

Stephane Van Gelder: Yes.

Glen Desaintgery: Zahid Jamil?

Zahid Jamil: Yes.

Glen Desaintgery: Adrian Kinderis is absent and will receive absentee ballot. Mike Rodenbaugh?

Mike Rodenbaugh: Yes.

Glen Desaintgery: Bill Drake?

William Drake: Yes.

Glen Desaintgery: Terry Davis is absent and will receive an absentee ballot. Wendy Seltzer?

Wendy: Yes.

Glen Desaintgery: Caroline Greer?

Carol: Yes.

Glen Desaintgery: Wolf-Ulrich Knoben?

Wolf-Ulrich Knoben: Yes.

Glen Desaintgery: Rosemary Sinclair is absent and will receive an absentee ballot. There are three councilors absent who will receive absentee ballots before the vote is officially closed and the results are made known.

But up to now there are 17 yes.

Stephane Van Gelder: Thank you very much Glen. I think we may have made up some time. So I think that motion carried Glen?

Glen Desaintgery: It carried.

Stephane Van Gelder: Oh, Mary do you want to say something?

Mary Wong: I'd like to vote please.

Glen Desaintgery: Sorry Mary. Mary, what is your vote?

Mary Wong: Unsurprisingly yes.

Stephane Van Gelder: Bruce are you in the room? Congratulations. So let's move on to item five, new gTLD implementation issues. Is Kurt here? Do you want to say anything?

Kurt Pritz: No. Well I'm available and other staff members are available to answer specific question so I think that's important. I think that you know my personal feeling is that GNSO council and the staff have worked extremely well developing the policy where staff gave advice to the council.

And in implementing the policy where council has given advice to the staff as that work has continued. And the process goes on as we skinny down the number of issues before we can actually launch the implementation.



So if there are specific questions I'm available to answer them the best I can or point in the right direction.

Stephane Van Gelder: Thank you very much Kurt. So let's open it up then to questions and Kristina's already in there, so Kristina please go ahead.

Kristina Rosette: This is not an EOI question, this is actually a follow up to a question I had posed at our last council meeting and had not yet received and answer. And that was I had asked that the Board members and liaisons who do not participate in the February 4 discussion on vertical integration on the grounds of a conflict of interest be identified.

Because they had not been in the summary and I thought that not only was that information that was important for the community to have, but also if that meeting had been a public meeting we would have been able to actually physically see who did not participate.

And as I understood it there was going to be some consultation with the general counsel's office but I haven't received any further information and I was wondering whether at this point that consultation has in fact occurred and that information could be provided.

Thanks.

Stephane Van Gelder: Thank you Kristina. Chuck?

Chuck Gomes: Thank you Stephane. I made these comments on Saturday in the GNSO session on new gTLDs and then submitted them in writing and they're posted for the session that occurred on Monday on new gTLDs in the EOI or at least this comment is part of those.

The GNSO recommendation for a communications period had two key elements of it. It had to be at least four months long, so far we're okay on the plan for that.

But it wasn't restricted to four months. The second and more important item of the recommendation in the GNSO document was that the communication period should not happen until everything was done.

Now I'm not advocating that we wait until everything is done to start the communication period. But I think to fulfill the intent of the GNSO recommendation the communication period needs to be extended beyond the completion of DAG 4, assuming that DAG 4 is a relatively complete document with just minor changes to be left - to be done.

That means that all major issues, not just the ones listed in the EOI plan should be very close to resolution before the communication period ends.

The intent of that recommendation and that particular aspect of it was to make sure that those who are not active in the ICANN processes like all of us are would have some reasonable opportunity to participate in the process either by submitting an application or by submitting objections or whatever.

And therefore the communication period should happen at least part of it during a time after - there's a pretty complete picture of what the requirements are.

And that was to avoid problems that we had in previous rounds where some of the key elements of the process were not finalized until after the process started.

So in summary then, I really strongly believe that to comply with the council recommendation the communication period needs to extend at least a couple

months beyond the publication of DAG 4. I don't think there's any problem with the communication period starting as soon as possible.

And I also sincerely believe that this adjustment in the communication period would absolutely does not have to result in any delays in terms of the start of the process.

Stephane Van Gelder: Thank you Chuck. Wendy?

Wendy Seltzer: Thank you, I just wanted to make a brief comment from the non-commercial stakeholder group with regard to the expression of interest and the non-commercial field that as it's been described here, the expression of interest is in fact a pre-launch application before ICANN is willing to make contractual promises.

And so the NCSG does not support a pre-launch application under these circumstances. If we want to discuss further I'm happy to.

Stephane Van Gelder: Okay, I think not to put Kurt on the spot but maybe...

Kurt Pritz: So there's three items on the table, one is Kristina's question and I'm trying to get some clarification on that, so I don't have that right now.

Two is Chuck's recommendation about the communication timing and that's - that was understood and I'm glad you put it on the record here as an option to be considered.

And Chuck, so we want to try and get your comments in the public forum on Thursday so perhaps if you can have it typed in and somebody could read it to the Board on that day.

And then Wendy your question goes to - is your question specifically whether the EOIs in fact are launching of the process or pre-registration?

Wendy Seltzer: It was more a statement of understanding that as we've heard it described it sounds as though because it is mandatory upon applicants who wish to participate in the process this is in fact the first step with sizable financial commitment.

And so if that's the first step in the process, then it both starts the process in a way that seems challenging to some applicants from developing countries in particular and doesn't seem to have a clear enough commitment to define timing and further steps on the other side.

Kurt Pritz: Okay, I've got it.

Stephane Van Gelder: Chuck has raised his hand. Chuck?

Chuck Gomes: Just a quick question for Kurt Stephane. Kurt is - you asked me to put my comments in writing, should I assume from that that remote comments will not be possible during - verbal comments will not be possible during the public forum?

Kurt Pritz: Oh no, not at all. I was just thinking you might be so sleep deprived by that time you might not be attending the public forum and you know - just wanted to have a proxy on hand to make sure your comments were read into the record, that's all.

Chuck Gomes: Thanks, I do plan to be up then but that's probably a good backup thing to do.

Stephane Van Gelder: Thank you very much Chuck and Kurt. Are there any more comments or questions on this topic? Maybe I should add that that next topic is a break, so okay. Well in that case can we break for ten minutes?

Just trying to look at the time, can we reconvene at quarter to 10:00? Thank you very much.

Everyone, can I ask everyone to - all those who want to listen to the GNSO council meeting we will then - we will now start and go on to Item 6, the GNSO endorsement of the AOC Review Team volunteers.

And I would like to ask Bill Drake to say a few words about the process that we've looked at.

Bill Drake: Thank you Stephane. Well this has been an interesting process. As people know, there was a draft proposal in December from staff on how this process will go forward. We filed public comment pertaining to the size of the - the projected size of the Review Team and so on.

There was then a call for applicants in early February before GNSO or other SOs, they figured out what their process was.

We had to work under very tight time constraints which changed several times. So there was a certain amount of complexity and constant adaptation.

We ended up in February adopting a motion that actually had several different dates in it until things were resolved. So it was a little bit complicated, the front end. But we did settle in on a process that I think works.

The assumptions that we operated on were that the council had a right to vet and select people that would represent it rather than simply passing along anybody off the street that might submit a proposal, that we had responsibility to selectors to limit the pool to something workable.

We had no way of knowing how many applicants there would actually be. And we had to have a process that would be suitable to deal with any eventuality.

At the same time we recognized that because things were so compressed and we were having to make decisions in a little bit difficult circumstances we would do essentially a one-off process.

We would try to learn from that process this time with the first Review Team round. And we will devise a permanent process in April based on the lessons learned that we'll use going forward.

So we had to define the process then that would work in a very compressed amount of time and avoid too much politicization within the council, distributional battles over slots.

You know, we wanted to ensure some parity among the different stakeholder groups at the same time allow some possibilities for open entry by other candidates consideration of people who were not active in the stakeholder groups and so on.

So the drafting team put together a proposal and an action plan. These were approved by the council. And basically the plan is as follows. It is on the Web - on the screen there.

And essentially what we did was to say that each stakeholder group has a right to endorse or have one fixed candidate that would go in the pool that would be forwarded to the selectors (Yanis) and (Peter) so there'd be parity among the stakeholder groups.

However to be clear, there's no obligation on the part of the stakeholder group to endorse somebody for such a slot if they don't want to.

At the same time we want to allow the possibility for unaffiliated people who are not part of the stakeholder groups, not active, to be able to compete if they wanted to.

So we decided there would be a fifth slot that would be a competitive slot for independent people.

And because we thought maybe it would be good to have the possibility that the stakeholder group that had multiple good candidates might want to have a second person if they can be considered in the pool, we decided to have a competitive slot that would be open to all the stakeholders to nominate somebody to subject to a house vote.

So we ended up then with the configuration where there are four, up to four potentially allocated slots which would be included in the pool for sure and then two other slots that would be voted on by the house for a total of up to six that we would give to (Yanis) and (Peter) for consideration for the Review Team.

Again, we don't know how many GNSO slots there will be on the Review Team. So there's a lot of guesswork involved in all of that but that's how we decided to do it.

There are some details to the process that perhaps are worth mentioning very quickly. For the competitive slots that are open to elections stakeholder groups can endorse up to two candidates for the open slot, the one that any stakeholder group can try to compete for.

There's some - there's been some question as to what that endorsement meant.

One way of thinking about it would have been that only those candidates who are endorsed stand in the election. This would have the effect of restricting the pool of candidates which could be problematic.

We have not settled on this final yet. But what I'm hoping and expecting based on conversations to be the case will be that essentially endorsements

by the stakeholder groups for those slots will be essentially taken as sort of indications of preference.

But all the candidates whose names have been submitted will be included in the competitive pool for consideration in the vote.

There's also an evaluation team. The evaluation team was created again with the expectation that we might have a large number of candidates that had to be vetted very quickly. And the council might not be able to get through all of them.

So the evaluation team comprising one representative of each stakeholder group plus an NCAA would do a quick assessment and perhaps give a recommendation to the council on - for a candidate.

And finally, there were diversity requirements built-in. The diversity requirements pertain to both gender and geographic diversity. And if a certain threshold wasn't met if the - now these - I should be clear about this.

These apply if the pool allows. That is to say if the pool does not provide pool of candidates because we can't control who actually submits a candidature, but if the pool of candidates allow then there would be a requirement that if the final vote after the first round yielded and insufficiently diverse group the evaluation team would lead an effort to try to go back and massage things and come to a sustainable conclusion with everybody's support.

So the deadline for submission of applications was the 7th of March. We've received 12 applications, one of which we're holding aside because the person really prefers to be considered for Security and Stability Review Team later on. So essentially there's 11.



By 14 March, hopefully earlier, stakeholder groups are supposed to notify the GNSO secretary of their nominations for the allocated slot and to provide guidance to their counselors on how to vote for the competitive slots.

And CSG can announce we've already done that. And we have allocated to the allocated slot (Willie Currie) from South Africa from the Association for Progressive Communication and for the competitive slot Mr. (Hikur Rahman) from Bangladesh.

By the 14th also the Evaluation Team is to report to the council on its assessment. On the 15th the council will vote.

If the council needs to or the evaluation team needs to work things through on the 16th that's possible. But we are due to submit our final selections to (Yanis) and (Peter) by the 17th.

Last point I will mention and then we can open it up to any questions is to suggest a voting process. I'm - we're still trying to reach closure I think in the council on precisely how the details will work.

But essentially what I'm imagining is that we will have a list of candidates for the two slots for the two slots that are open to competition. And essentially we will vote with people giving their first preference. And if there's somebody gets a simple majority, both houses they win.

If we do not get a successful outcome in the first round we will then do a second round. Hopefully some people would then shift their preferences so as to put somebody over the top whose close but didn't quite make it.

And if the - there are winners from those two slots but we have a full slate of six and if there's insufficient diversity by our metrics, then we would have to do an Evaluation Team assessment of that.

On the other hand, if it turns out that nobody after two rounds of voting gets a simple majority of both houses then the process would just stop there and we would submit only those names that were allocated ahead of time to each of the stakeholder groups.

So that I'm sure was a lot to digest in a very short amount of time but it's the essence of the process. It not actually unduly complicated once one sits and thinks about it. It's just a lot to hear at once. Thank you.

Stephane Van Gelder: Thanks very much Bill. And on a personal I know you've been working very hard on this. I want to congratulate you on the work you've done and thank you for that.

Can I open this up for discussion? I see Tim has his hand up and then Wolf and then Zahid. Tim?

Tim Ruiz: Thanks Bill. I just wanted to express that I appreciate the council considering some of the proposals or concerns that I expressed on the list.

But I do realize that the council isn't in support of that. And that's fine. So I just wanted to let you know that this registrar stakeholder group is moving forward to make its selection based on the approved plan of the council.  
Thanks.

Stephane Van Gelder: Thanks Tim. Wolf?

Wolf-Ulrich Knoben: Thank you Stephane. I just would like to add something to what Bill was talking about to make it very clear also here to the public audience. This process which was established by the GNSO right now was - is - was done with a - obviously with a hot needle.

So and it's clear, very clear that this process only applies for the first round of Review Teams.

So the council and the - or the GNSO may come up with different kind of procedures for the next round.

Stephane Van Gelder: Thank you very much Wolf. Zahid?

Zahid Jamil: Thank you. Just want to say on behalf of the BC that we would like to thank the other members of this drafting team for the hard work that they've done.

And I think that a lot of this work was done basically trying to sort of address issues which we're not sure how it's going to happen because it's the first time it ever was going to take place in this manner.

But I'd just like to state and make the point about process that on reconsideration and closer inspection of this aforementioned process that developed in theory within the drafting team when seen in light of the recent occurrences, it might become more transparent that certain criteria created certain amounts of difficulties given a smaller number of applicants than was expected.

And in this regard what I'd like to suggest the following for the future process that we also be trying to simplify, create the process and make the process a lot more flexible, make sure that it's non-exclusionary so we get a lot more people into this pool, make sure that the qualifications being given are given more weight.

That is not say that the best efforts to achieve diversity should not be attempted, but they should not be at the cost of excluding qualified applicants.

And very important to make sure that we have greater communication and outreach for next rounds and processes so we get more people to apply into the pool. Thank you.

Stephane Van Gelder: Thanks Zahid. Any other comments? Chuck have you...

Chuck Gomes: I do Stephane, thank you.

I also like Zahid want to thank the entire Evaluation Team because they have a big task that they're working on and have been working on in a very short window.

And Zahid, just in response to your suggestions there -- and I know you know this -- one of the reasons why we made this process a one-time process just for the first Review Team is because we wanted to do a much more thorough job in future selection or endorsement of Review Team members.

I do want to just bring up a few things that we - in our call on Monday morning for some of us, very early morning for some of us the - there are a few things that we're going to have to take into consideration.

To the extent that we talk about any candidates and make - before we vote any, you know, candidates, we will need to do that off the record for the - in a confidential manner.

So I want everybody to beware of that that we will have to take some things off the record because we don't want to have discussion about people that will be done in a public manner in that way.

And any voting that we do will be public. The decisions we make and so forth will be public.

Stephane Van Gelder: Can I ask if there - yes, Bill?

Bill Drake: I ask Zahid for point of clarification. I understand the viewpoint that diversity requirements were problematic for some people. We had long conversations about this of course in the drafting team and the council as well.

And obviously when we put those in place we were expecting a bigger pool of candidates than we ended up with which of course makes the application of these things a little bit difficult.

The part I don't understand, could you clarify with some - what did you mean about people being excluded? How was anybody excluded from applying for a candidature?

Zahid Jamil: No I'm not saying that they were, but I think maybe some of the criteria in looking at the diversity requirements, some people felt that there just wouldn't be any point in trying to apply at certain stages. I think that was something that we felt at least in the BC.

And we just wanted to sort of caution that in all future processes that any criteria that would be aimed at sort of excluding people should be (aimed to be) avoided. And I'm not necessarily referring to the diversity alone. There may be other issues as well.

Some parts of some of our discussions (if you remember) in the drafting team. And it might not just be diversity.

Bill Drake: Okay, I would only point out that obviously requiring that not all the candidates be male isn't necessarily excluding anybody. Men can still apply right? So thank you.

Stephane Van Gelder: Chuck are you back? We have five minutes on this left but...

Chuck Gomes: Let me try again. Can you hear me?

Stephane Van Gelder: Yes we can now.

Chuck Gomes: Okay. I'm real close to the Polycom.

Again, my main point is is that we will take some things off the record in our meeting to the extent that we are talking about individuals. So I want everybody to be clear on that.

Glen, a question for you is the - is it possible in the recording to - of the meeting, to stop it periodically as we discuss the personnel?

Glen Desaintgery: Yes it will be Chuck.

Chuck Gomes: Okay, so we need to prepared for that. And then it would be helpful at the beginning of our call on Monday if we have a very nice concise summary of the stakeholder group recommendations and the total candidate pool just to facilitate everybody's work on that.

Now the last thing I want to suggest is that to the extent the stakeholder groups and the drafting team get their work done earlier than Sunday the 14th, if you can send it to the council list earlier that would be much appreciated.

Because for some of us we're going to be getting up at 4 o'clock in the morning and may not see any last minute things that are on there.

So again, use as much time as you need. But if you can send your results to the council list early that would be very much appreciated. Thank you.

Stephane Van Gelder: Thanks very much Chuck. Kristina?

Kristina Rosette: Just a logistical suggestion that I'm hoping we can think about between now and Monday. And that is I think in light of, you know, travel time and time

shifting that we've all done, to the extent that we could really strive to have our call on Monday in which we do our final selection be completed within an hour.

I know that personally I know they all have to drop after an hour and I suspect others will as well.

Stephane Van Gelder: Thanks Kristina. Any other comments on this or can we move on?

Being no further comments, just to let you folks interested know, I've been told by the technicians here that the Polycom is the thing that's causing the problems that we're having.

So if you can, just speak from a personal phone directly, that would help.

Let's move on to Item 7, the registration abuse policy Working Group draft report which I believe Marika, Greg Aaron is going to give. Is that correct?

Man: Yes.

Stephane Van Gelder: Okay so it's coming up now.

Greg are you on the line?

Greg Aaron: This is Greg Aaron. Can you hear me?

Stephane Van Gelder: Yes we can. Can you give us a report on that - on the wrap WG?

Greg Aaron: Yes I can. Thank you for having us. Marika, if you can drive the slides why don't we move to the first one?

This Working Group has delivered its initial report last month for about ten months of work. The group's charter was to examine whether there were any registration abuses that needed attention.

That charter included a request to create a definition of registration abuse and also examine some of the contours for policymaking.

This is a pre-PDP Working Group. And we'll be discussing some of the tentative recommendations that have come out of the group.

Next slide please.

And as I said, these are some of the general charter objectives. Next slide please.

The group spent a lot of time working on definitions. And the definition you see on the slide did receive unanimous consensus from members of the group.

And abuses is defined by this group as an action that is causing actual harm, substantial harm or is a material predicate or contributor to such harm and is illegal or illegitimate or is otherwise contrary to the intention and design of the stated legitimate purpose if that purpose is disclosed.

The notes are part and parcel of the definition. It's very important to define the party being harmed and the substance and severity of the abuse. And just as a note, the predicate is an enabler.

Let me give you an example. The GNSO has created many or several consensus policies over the years relating to registration abuses.



For example, the misuse of WHOIS data is considered an abuse for some obvious reasons such as the harvesting of personal information and spamming.

We have transfer policies that are designed to curb abuses and allow registrars to move their domains to the registrar of their choice and so forth.

In a lot of these cases these definitions of abuse have been met. The harms have been identified. And in some cases we've had to deal with the intention of design of stated legitimate activities.

An example was the add grace period abuses that were eventually dealt with by the Excess Deletions Fee policy.

Next slide please.

One of the issues that the Working Group wrestled with was understanding and differentiating between registration abuses and abuses surrounding the use of domain names.

In general a high level layman's description of this is that ICANN and the GNSO make policies regarding registration policies.

This does not just include the creation of domain names although that is an important one. But registration activities include transfers of domain names, policies around the deletion and redistribution of domain names, the provision of registration information, i.e., WHOIS information and those kinds of activities.

The issue came up whether activities unrelated to those are within the scope of policymaking.

There was a statement in the Issues Report by staff and the General Counsel's Office that uses of domain names unrelated to registration activities are out of scope. So the group spent a lot of time looking at that issue.

As I mentioned, registration abuses may therefore occur at various points in a domain name's lifecycle. And use issues may concern what a registrant does with the domain during its lifetime or the service - services that are operated on the domain.

For example, there are many services that one can run on domain names, sub domains, email, Web sites, so forth. And then there are many social uses using the domain name for speech and expression and all the other things you can do with Web sites, email and so forth.

Next slide please.

As part of the charter the group developed a list of issues to explore to determine whether they were - or could be considered abuses. And you see a list of those there.

And one of the discussions was, was any of these within the definition of abuse? Did it meet that definition? Also was it - how was it related to a registration issue?

And there is a long list of them. And we'll be going through just a few of them in this slide presentation. The next slide please.

Okay. We're going to go through the recommendations in order of consensus level beginning with those that received unanimous consensus by the Working Group.

This first one is that the group recommends the initiation of a policy development process to look at the current state of the UDRP.

Cyber squatting was identified as a problem. And there was some discussion about how the UDRP is a policy that's now ten years old. And it may be appropriate at this time to look at the current status of the UDRP, how it's addressed the problem of cyber squatting.

There've been complaints over the years about some of its insufficiencies or its unequal application. So this is a recommendation regarding basically a review of that policy.

Later we'll talk about other rights protection mechanisms.

Next slide please.

The malicious use of domain names includes activities such as phishing, the distribution of malware then those kinds of criminal activities.

These are certainly of interest to the community. And there are some limited but notable intersections between those activities and registration activities.

For example, it's been noted by many experts that criminals often fake their WHOIS information.

The group unanimously endorses the idea of the creation of some nonbinding best practices to help registries and registrars address the illicit use of domain names.

And the group suggests that ICANN is a good place to do this. This is where the community comes together to discuss these kinds of issues and would like some formal support to run a group to look at these activities.

The idea is basically to codify some practices that parties can then use to strengthen their own knowledge and responses to these issues, for instance, practices for identifying and investigating common forms of malicious use and advice about crafting terms of service and practices for identifying stolen credit cards and other credentials.

Next slide please.

And those are some of the other topics that might be addressed by that effort.

There was a unanimous consensus recommendation to look at the issue of WHOIS access.

Now WHOIS access concerns the basic ability of people to obtain or Access WHOIS data. This is therefore different from the other WHOIS areas that the GNSO council is looking into.

Now the council has for example, requested some studies on the accuracy of WHOIS and the use of proxy contact data in WHOIS.

But what the Working Group discovered in its research is that basic access to the information is a problem. It appears the number of registrars for example, are not adhering to their existing contractual obligations. And there may be some additional contractual obligations that need to be considered.

For example, with the .com and .net data, if you goes to a registrars Port 43 WHOIS, you can get one set of information for a domain name. But if you look it up on their Web-based WHOIS you will get different information for that same domain name.

So their - the feeling was WHOIS accuracy and proxy data and other things are important but that's outside of our work. The GNSO should continue its work there.

But if one cannot access WHOIS information or cannot get to it on a reliable and consistent fashion, that is a problem.

Next slide please.

There is also a separate recommendation that the GNSO request that the ICANN compliance department publish more data about this issue on at least an annual basis.

And that data should include the number of registrars who show a pattern of unreasonable restriction of access to Port 43 WHOIS servers and also the results of an annual compliance audit regarding contractual WHOIS access publications.

The idea here is to provide a survey and some reliable information to the community to help us understand what's going on out there in the world.

Next slide please.

There was consensus to look at some other issues. One is fake renewal notices. The group began by recommending that the GNSO refer this issue to the ICANN Contractual Compliance Department.

The fake renewal notices are notices that are sent to registrants perhaps not by their current sponsoring registrar or party claiming that a domain name needs to be transferred. Sometimes these letters columns from resellers.

First we want to see if these kinds of issues are enforceable.

The second recommendation is conditional. And perhaps after that issue is looked at from a compliance viewpoint. And then perhaps the group recommends that the initiation of the PDP to look further into this issue.

Next slide please.

There is a unanimous consensus on a couple of issues. And the group decided that there is not enough evidence at this time that there are abuses taking place.

One as is domain kiting. This is different than tasting. But kiting is the creation of a domain name, the deletion and then the renewal of that same domain name by the same registrant in the add grace period.

Front running is an activity that's been looked at by the SSAC and some other parties within ICANN. It's using information such as WHOIS lookups to preemptively register a domain name.

After the group looked into these issues and researched them, it's unclear to the group to what extent these are a problem or to the extent that they are happening. And so the group does not recommend policy development at this time.

Next slide please.

There's also kind of a - an overall recommendation from the group about reporting. When one is looking at problems and potential abuses, reporting is the way that we find out about those issues and compile statistics and facts about them.

The group does recommend that the GNSO and the larger community and general, keep in mind that reporting is very important and the creation and support of uniform reporting processes is necessary.

Next slide please.

To go along with the recommendation for some best practices, the group also makes a general recommendation about the collection and dissemination of best practices.

We do recommend that the GNSO in the larger community think about the creation and support of structure funded mechanisms for both the collection and ongoing maintenance of best practices.

Again, the thought is that this is a community where parties come together, they can be very effective at sharing information and ideas, collating those for the groups who may want to use them and then maintaining those over time because of course the Internet is a very fluid, rapidly developing medium.

Next slide please.

There is rough consensus in the group to make no recommendations regarding several classes of activities. Gripe Site domains are domains that may use a brand name and are used to complain about that brand or company.

Deceptive domain names may use a trademark name to entice people to visit that site. We decided not to recommend that there be special treatment for those in the UDRP.

And the group is generally in agreement that the UDRP is already used and it's an appropriate way to deal with infringing names.

And offensive domain names were domain strings that may be offensive to some including pornographic references. But we did not feel as a group that carve outs for those and special treatment of those are recommended.

Next slide please.

The group also turned down a proposed recommendation to develop best practices for registries to restrict the registration of offensive domain strings, very strong support for that but also opposition.

An alternate view in the minority was that registries should develop best practices to restrict their registration of offensive strings in order to mitigate potential harm to consumers and children.

Next slide please.

There was also strong support but significant opposition to a proposal to create an issues report to examine whether a minimum general baseline of registration abuse provisions should be created as it would apply to all in scope ICANN contracts, registry and registrar contracts specifically.

And if it was created, how such language would be structured to address the most common forms of registration abuse.

I believe the idea here was to create some general language that could be then applied to a number of situations that arise now or in the future.

There was also opposition to the idea. There was a feeling among those members that it is very difficult to predict future problems, that general language or general situations may not be predictable and that in general the consensus policy process should be used to solve specific problems rather than trying to solve general problems.

Next slide please.

There's a second cyber squatting recommendation but there was no consensus on it. And the group split almost evenly on it.



And that recommendation was for the initiation of a policy development process to investigate the appropriateness and effectiveness of how any rights protection mechanisms being developed elsewhere in the community, specifically in the new GTLD process, can be applied to the current GTLD space.

So some of those rights protection mechanisms include the universal rapid suspension and the trademarked clearinghouse.

So there is - the group is split 7 to 6 on that with the six members saying that the initiation of that process would be premature as those mechanisms are still developing and their effectiveness and consequences are currently unknown.

The minority, small minority suggested that discussion of those RPMs should continue in the new TLD process. And experience with them should be gained there before considering whether they're related or appropriate for the existing GTLD space.

Next slide please.

So those are the main recommendations. The public comment period for this initial report is open through March 28. And that forum for comments is up on the ICANN Web site at this time.

The initial report is available at the location on screen and has been translated as well.

After that public comment period closes, the Working Group will go through public comments, discuss them, integrate those into its report with any revisions the group feels necessary.

And we would like to have our final report published in advance of the next ICANN meeting in Brussels.

And at that time then the council would have the final report and discuss the final recommendations that result.

So I'd also like to take this opportunity to thank our staff report during our work, especially Marika Konings and Gisella Gruber-White. And I'd like to turn the floor back to the council for any discussion.

Stephane Van Gelder: Thanks very much Greg. There's not much time left on this item. I just wanted to point that out. But I would like to open this up for questions.

I know but Wendy and Debbie and Mary have raised their hands. Can I ask you to keep your comments brief please?

Wendy Seltzer: Thank you, Wendy here. I wanted to thank the group for distinguishing between registration abuse and use abuse.

I think it's - I would say that only the abusive registration falls squarely within ICANN's jurisdiction.

And while I support ICANN being a forum for the discussion of best practices, I think it's important also to recognize that registrants domains need protection against the abuse of discretion by a registrar to easily terminate a domain registration.

And so I would not support a mandatory best practice allowing a wide range of discretion to suspend domain names for malicious use.

Stephane Van Gelder: Thanks. Debbie, were you next?

Debra Hughes: Thank you. Just briefly I just wanted to applaud the efforts and the activities of this work group. I have a slightly nuanced view my colleague to the left.

Non-profit organizations are sadly the victims of DNS abuse and would welcome best practices that would support our efforts and very important work that we do online and using the Internet to accomplish a very important mission and look forward to hearing more about that. Thank you.

Stephane Van Gelder: Thank you very much Debbie. Mary?

Mary Wong: Again very briefly and echoing the thanks of my (NCSG) colleagues to the working group. Although the stakeholder group obviously has not had the chance to discuss the report thoroughly I can say that the recommendation for the issues report with regard to the UDRP and cyber squatting will be welcomed by quite a few of our members. And we look forward to cooperating and putting in our input in that regard.

Stephane Van Gelder: Thank you Mary. Margie you wanted to comment?

Margie Milam: Yes. I wanted to comment on the scope issue. Just to clarify in the issues report the language that Greg referred to was specific to a particular section of the registry agreement and the registrar agreement.

There may be other ways that these issues can be in scope but it's something that needs to be further evaluated once we know the types of issues or potential policies that may come up.

So I just wanted to make it clear that there is possibility that the scope is broader than what was suggested.

Stephane Van Gelder: Thank you very much. Rafik?

Rafik Dammak: Still I agree with the Wendy's statement about (the menus). And I am not sure how to define the abuse and (unintelligible) of the domains. And I am kind of afraid that it can be used but it's not really - it remains undefined as a tool for censorship.

Stephane Van Gelder: Thank you. And Marika I think you had one last comment you wanted to make?

Marika Konings: Yes this is Marika. I just wanted to point out for those of you that are interested to hear more about this or share your views and points on these topics, there will be a public information session later this afternoon from 4:00 to 5:30 in this room. So we hope to see you all back there.

Stephane Van Gelder: Thank you very much. Any further comments on this? Then I suggest we move on to the WHOIS studies. Liz you are about to give us a very short presentation I believe.

Liz Gaster: Very short. Okay. Is that okay? Okay. Thank you. I'm Liz Gaster. I have been asked to do a very abbreviated update on WHOIS studies.

So I'll talk quickly and try to keep it short and encourage anyone who has questions or interest to contact me after to save time.

I'm going to be giving you an update on several studies that the GNSO requested staff to look into. I want to just be sure to differentiate these studies from the compliance study on WHOIS accuracy that's - was recently posted on the 15 of February for public comment. That is a compliance study with a deadline I think of 15 April.

And the purpose of that study was to basically do a baseline measurement of what proportion of WHOIS records are accurate. And it defines some barriers to accuracy.

One thing I do want to say about that study in the context of GNSO policy is that I do think there is some interesting information and conclusions there that might be of interest to this community in terms of future policy making.

The reasons that the GNSO embarked on looking into studies of WHOIS is because WHOIS has been debated for a very long time.

There are lots of conflicting views about how WHOIS policy should be changed. And there hasn't been any significant change to WHOIS policy for a long time.

So the hope of the GNSO in suggesting that we look into these studies was to provide a factual foundation for future policy making.

For that purpose this compliance study again might be another tool or set of information that might be useful to all of you.

So in March of last year and then again in May the council asked us to look at five study areas. And so I'm going to quickly run through those five study areas.

The first one is WHOIS misuse. This involves two possible studies to assess whether public WHOIS significantly increases harmful acts and also assesses the impact of anti-harvesting measures.

The approach we took to this study, you know, again the council asked us to look at what the cost and feasibility were to conduct the study. So this study has not been commissioned yet.

The state where we're at is that we used an RFP approach to ask qualified researchers to help us figure out how much it would cost to do these studies and potential feasibility issues.

So we got some good responses from researchers who are going to be - during the September/October timeframe.

And we're summarizing and analyzing those - that information now. And we will be providing a report by mid to end of March for the council that will describe, you know, how much the study roughly would cost to do and our assessment of its benefits and feasibility. So stay tuned for that.

The next area the second area was a WHOIS registrant identification study which looks at how registrants identify themselves in WHOIS, to what extent domains are owned by businesses or used for commercial purposes but may not be clearly identified as such in WHOIS.

Perhaps user's identity is obscured or suggest that they're a non-business entity. We also used an RFP approach to come up with cost and feasibility for this study.

Our analysis is also just about complete. We got five responses from interested researches to this study. So again just a couple more weeks and our analysis will be forthcoming on that study.

The third area is actually a little more complex from the standpoint of conducting or analyzing the feasibility of a study. It involves two aspects of proxy and privacy services.

The first really looks at abuse and the extent to which domains associated with illegal or harmful Internet acts use proxy and privacy services to obscure perpetrator identity.

We think this study seems technically doable. We haven't released the RFP yet. We hope to do that shortly. But it's definitely true that there will be the need for input from multiple sources of information and for some good community involvement in this in order to make it successful.

So again this RFP has not been posted yet, hope to do it shortly. And then we'll be using that information to develop cost and feasibility for a subsequent report that we'll be providing to the council at a later date.

The second proxy and privacy area is an area we're calling reveal in shorthand which would essentially measure proxy and privacy service responsiveness to requests to identify registrants.

This study is difficult we think because it would require actual victims of actionable harm to originate reveal requests accompanied by reasonable evidence of harm.

So we really need to assess further how we might approach this study to ensure that it is feasible and will be developed in terms of reference for an RFP for that study at a later date.

The fourth area of study has to do with the readability of non-ASCII WHOIS contact information in WHOIS.

And this is really would involve a technical analysis of how various client sized software displays non-ASCII registration information.

We suggested that we put this study on hold for the time being because of the pending work of the internationalized registration data working group that was convened by the board.

It's a joint (Sec) and GNSO working group. And there are really looking closely at technical standards.

And there have been a couple of presentations on the progress of that working group in other sessions. Hopefully you caught one of those. And so I won't provide any detail on that given the shortness of time.

The fifth area of study is actually a very different kind of study. It was a study that the council requested of us in May of last year. And it's really to compile a list of potential WHOIS service requirements partly based on existing requirements of registrars and registries that are in the RAA and registry agreements today.

And then the second piece of it really tries to go back through all of the historical policy debates and also discussions about WHOIS that have occurred in other (fora) to compile a list of potential requirements.

And I do have a second part of my study that goes - of my presentation that goes into a little more detail about that study.

The - let me just briefly touch on the timeline and next steps. I think I've mentioned them for the first two areas.

Again we hope to have our report to the council by the end of March. We'll hopefully be posting RFPs on the proxy and privacy services study, probably one in April. One I'm not too sure about, the Reveal study. I'll be providing you with information about that.

I do want to emphasize before I move on to the WHOIS Requirements study for a little more detail on that that when I present this analysis to the council it's going to include the estimated cost of each of these studies.

And they're not insignificant. Just roughly speaking each of the two studies that I mentioned at first, the misuse study and the registrant identification study will roughly cost \$150,000 US each to do.

So that's a significant amount of money that will be important for the GNSO council to discuss and consider.



And definitely participate in the fiscal year 2011 budget process in terms of expressing their desires and expectations about those studies.

I'd like to just quickly move on to a progress report on the service requirements study. This is a study that's being done in-house.

So we're actually doing this study. The lead staff person on it is (Steve Shing) a technical, Senior Technical Adviser in our group.

(Steve)'s provided the original council resolution from May so you can see what the purpose of this is.

And again this presentation is available online. So I'm going to move quickly through it. He wants to - the goals are posted on the screen.

And I think it's just important to understand that when we talk about collecting and organizing a set of requirements here we're not gathering policy requirements and we're not recommending policy through these studies.

It's really intended to inventory the data and supporting technology that would be needed to support and enable policies that have been discussed to be implemented. And I think that's a very important consideration once you see this report.

The next couple of slides just list some examples of compilations that he has included in his report. I won't read them. They're on the screen. These are just examples of what's being included.

And again, if you have any questions or would like to discuss any of this further both (Steve) and I would welcome your input.

And I just wanted to give you a sense of some of the topics here. This is a second page now, a setup of additional compilations that will be included in that presentation.

The timeline for this presentation we're hoping that we'll have a draft report also by the end of March for the council's review.

And we're really interested in making sure that this compilation kind of meets the council's expectations for what they were looking for from staff because this is kind of a unique kind of report. And so we hope we get it right.

And also one thing in the resolution urges us to make sure to get input from the other SOs and ACs.

So when we turned the draft report over to the council we'll also be soliciting that input from the other SOs and ACs and are very eager to get their input on that compilation as well.

So we hope to release that final report by May 2010 based on the input that we get.

And that concludes my abbreviated presentation. And I'm happy to answer questions to the degree we have time.

Stephane Van Gelder: Liz thank you very much for that. On a personal note I also want to draw attention to a point that you made which I feel is extremely important which is the budget, the cost of the studies.

You mentioned that these studies will cost \$150,000 each in the region of. And I think that's an extremely important consideration for the council going ahead.

Can open this up for discussion? (Steve) I'll get to you in a minute if I can. Let me just see if counselors want to comment first. Wolf please.

Wolf-Ulrich Knoben: Thank you. Wolf-Ulrich Knoben It's speaking from the ISP constituency. Thank you Liz for your comprehensive overview. I also would like to support Stephane in this and with regard to the budget.

So I would like if possible in the future if possible if you and when you give those presentations if it's possible to outline some figures with regard to the budget. It means with regards to what was planned regarding those studies and what is the actual status on that.

At the council it's supposed to be a - to act as a management body with regard to the PDP (power staff). That means I assume that we should give more attention in the future to all budget related issues.

And it would be nice to have more transparency in this (verse) back the means to know what was planned as I said and to know what is the status and what - where we are going to. Thank you.

Stephane Van Gelder: Thanks very much Wolf. Chuck...

Liz Gaster: Can I comment on that just...

Stephane Van Gelder: Oh sorry Liz. Yes absolutely.

Liz Gaster: Because I think Wolf-Ulrich makes a wonderful point. And I just want to explain there is no funding for WHOIS studies currently in the fiscal year 2011 budget.

And that was not an oversight. We've been talking about the need for these studies in our internal budget processes or the expectation that there may be studies in addition to collectively with all of you.

But there were a couple of reasons for that. We didn't know exactly how much to budget. I mean that was part of the reason why we went through this cost and feasibility RFP process.

And I wouldn't have even been able to ballpark it without the help of experts. So that's one issue.

I think another issue is that we didn't want to make any assumptions about the council wanted to support.

As many of you know this has been a controversial issue, even the idea of conducting studies with very differing views among constituencies and stakeholder groups within the council.

So we thought it was important to get the information out there and get some council, collective council feedback before we made any assumptions.

And then I think the third aspect really is that there are some budget constraints for 2011. And so it's going to be important to hear from the council and as Wolf-Ulrich says, kind of look at the budget and the council's need for let's just say extraordinary budget kinds of requirements in a holistic way.

Stephane Van Gelder: Thanks Liz. I think we also will need to look at staff resources which is one point that you didn't mention and which is something that I'm particularly aware of and the fact that you might - I don't know how staff intensive these studies would be. But I'm sure they would be a drain on your resources. Chuck please go ahead.

Chuck Gomes: Yes. It's following-up somewhat on both what Wolf and Liz talked about. Liz and I have had some exchanges on this.

And I think it's one of the questions that's important Liz to ask is will your report be ready for the council at least eight days in advance of our next council meeting in the first part of April?

Because it sounds like without some action on the part of the council there may be nothing budgeted for these studies in fiscal year '11.

Liz Gaster: So if I can respond, yes I'm hoping to 0 the studies were - an analysis is written and I'm just getting final internal review.

And I expect to definitely meet the deadline of eight days before the 1 April council meeting in sharing that report with all of you. And if I can do it sooner I gladly will.

Stephane Van Gelder: Thank you Liz. Chuck any further comments or is...

Chuck Gomes: Thank you. No that's good.

Stephane Van Gelder: Thank you very much. Steve you had a comment, Steve DelBianco is on the floor.

Steve DelBianco: Thanks Stephane. Steve DelBianco with NetChoice, I'm in the business constituency and have been active on the WHOIS studies.

I want to acknowledge Liz and staff for the great work that's been done so far and looking forward to reading the analysis.

But I do want to comment on this notion of the rhetoric of calling it expensive. I mean we definitely need to figure out if we can afford it, where the money would come from and whether those studies are worth it.

But to characterize them as expensive I think it misses the point of the fact that we need fact based information to know we're going to do on WHOIS.

It was the lack of any fact-based information that caused us to spend seven years debating what to do with WHOIS.

What's expensive has been all the community time and staff time for the last seven years because we didn't have fact based information.

That's sunk costs. I can't go get that money back. But I do want to spend another several years debating policy on WHOIS without any facts at our disposal.

So in light of that value they may be "expensive" but they may avoid other expense of time and trouble if we can truly resolve some issues on WHOIS in privacy and WHOIS in access and WHOIS in - and accuracy. Thank you.

Liz Gaster: If I could just comment quickly. I might have used the word expensive so you might be referring to me.

And if I did I'll just give you my thinking which is that because of the amount of money that it is, so we have 300,000 roughly plus the potential when we get the feedback on the other two studies, just as approval process within the budget within ICANN that requires board finance committee input and consultation with the board.

So it just exceeds a threshold where, you know, so it's a broader decision-making or discussion involvement that will definitely include the board as well.

Stephane Van Gelder: Oh sorry Bruce. I didn't see you there. Go on.

Bruce Tonkin: That's all right. I just appeared like magic. As a member of the board and just to look at my perspective on the budget side, I would recommend rather than trying to say you've got a budget line item for something as specific as an

individual WHOIS study that the GNSO would be better off cutting a budget for the year that incorporates some funding for doing fact based studies.

You know, I agree it's as I've just heard I think fact-based the studies are important. And I think an appropriate budget for that would be a good idea.

Then the council can then prioritize within that budget which studies give you the most return.

But it's it sort - it says to me like you're getting into a chicken and egg situation. You're saying you can't - you've got no budget until the council approves doing a particular study.

The council can't really approve the study if there's going to be no budget. So what I suggest you do is work out a budget for the year. Have a look at your whole work program for the GNSO for the year.

You should be doing an operating plan for the GNSO. And say in the GNSO this year we have this amount of staff resource and we have this amount of funding that we want to have for doing market studies or effect studies -- whatever that number is. And that's what gets presented to the board as part of your operating plan. Then you can prioritize how much you want to spend and on what.

So if you had a budget of, you know, let's say it's \$100,000 you can spend it all on one study or you can spend it on four studies or five studies. They're obviously going to be smaller studies. And that's something that you need to manage.

But so work out a budget for your year. So they took for the 1st of July 2010 to 30th of June 2011. Work out a number with the staff that seems reasonable. And the staff will have to sort of battle this within the ICANN, you know, executive management team because obviously there's lots of

competing projects within ICANN. But try and get a number. And then the council can then manage within that number and work out what studies get the best return for that budget.

Stephane Van Gelder: Thanks Bruce for those excellent suggestions. I would just like to point out, I don't want to get ahead of the agenda or speak to the prioritization team people.

But I know that in the work that they're doing they did consider whether budget issues could be included in that or not. I'll let them speak to that later. But that was part of the things that were looked at. Wendy?

Wendy Seltzer: Certainly. Regarding that the studies, while I agree that facts would be helpful, this discussion and consensus building process has not always been a fact based community.

And without the commitment that the facts will actually influence the discussion I would have a hard time supporting directing budget toward yet further studies.

Stephane Van Gelder: Thanks Wendy. Any further comments? So let's move on then to what we've just - the subject I just touched on.

Jaime are you going to give us a report on the WPM?

Jaime Wagner: Yes okay. I have the presentation. It's - well first I must say that this group, the team is not chartered with the prioritization of work.

It is chartered to devise a more a procedure and a model to propose to the council, a procedure that will make the prioritization work of the council as smooth -- and I emphasize the term smooth -- and efficient as possible.



So let's go - here we are. Well first why was this effort undertaken? There was a study that was made - presented by at Seoul meeting.

Because of the (Pre CO) communities symptoms, work teams were struggling to complete tasks. Some conference calls were canceled due to lack of participants.

And this was a symptom of something that - of some problems that included prioritization. Please next slide.

The study it presented at Seoul is shown. It presented that the attendance to the values working groups by the different constituencies was lacking. And we wondered about causes.

Next slide please. The conclusion of the study -- and I will read it -- there is clear evidence of a sporadic attendance and in some cases very low participation by some constituencies and inconsistent participation by others.

So the questions that arise from that, next slide please, and possible points, issues for a study were four.

How might that GNSO work be prioritized? If there is too much GNSO work and if so, what might be done to assess the total capacity? And these two were chartered to the work prioritization model team.

There are other two items that are not addressed by this work team. And I quote them, if the constituencies were providing enough recruits to the group being formed and what levels of group participation should be targeted for each constituency? These are yet to be tackled by the council.

Next slide please. Well this is the report is that WPM team was formed in early November. Our activities were to scope the effort.

We had - well it was tough and I would like to thank Ken Bour for his marvelous work here. Staff presented a concept to the team. And we devised a six step plan from concept to adoption of a model. And it was finalized, a project list to present which were the projects that should be considered for prioritization.

So to solidify the definitions of - on the factors to be rated and developed and test the rating and ranking methodology, this is where we spend the most of our time because we in fact, we experimented inside the team, this model.

Well then we intended to produce this staff results and evaluate them and maintain always the factors and outcomes how the council might use the prioritization output to address the workload concerns.

Next slide please.

Well up to now we have reached some - we're pretty much at finishing our work. We're - our - the project list is completed.

We went through a model simplification that - in relation to the one that was presented by staff. Our focus was - we focused primarily on value as the main factor to be ranked by the council.

We have a secondary factor that is - could be difficulty, worded as difficulty or (unintelligible) and but more difficulty. And we have the - completed these definitions.

The rating methodology was tested and adopted. It has a seven point scale. We're proposing - we are proposing individual rating templates with an Excel sheet for every council member.

Then a group, then the council would collectively group and use a Delphi process using the Adobe Connect with the following features and in the

maximum of three iterations trying to find the range of a median to - for each factor for each project to be rated.

Well the outcomes we have reached some consensus until now how is this prioritization - how this prioritization could be useful to the council.

First point is education and transparency for all the counselor members and to the community. It's a way of the council to communicate not only work priorities but what is in fact work in progress and to establish a general organizational awareness and understanding of the work in progress at the GNSO.

Besides and this is a main expectancy from the - from this work is that it will help manage research allocation helping the council to redirect the limited resources and not only staff but also the community and constituencies, volunteers.

Well and also this work will surely aid in our strategic management. Also counselors may be informed by the project prioritization when discussing issues and voting particular motions on the relative importance of each project that frequently relates to policymaking.

Next please and I think this is it. Oh next steps. We will finish methodology evaluation. And we are working on a paper to include this prioritization work in the operating procedures.

We intend to present this paper by to the council meeting on the 18th of April. Well we already decide that additional testing will be made - we decided here in Nairobi that we will make the testing with the whole council.

But it will be a first, use the first use of the model will be a preliminary one. And if - but we are very confident that it will work smoothly.

Well we have - this document is - will be presented and in the - it our work will be finished we hope by the 13 April. And we are preparing also the fact that this document, the final model and methodology some training materials to be used by the council in the first test that would not occur on the 18th.

We devised that it will be needed council meeting special for prioritization, special meeting for prioritization.

Yes okay please next slide.

Yes. Well I'm willing to if there are any questions.

Stephane Van Gelder: Jaime thanks for your much for that presentation. Are there any questions at this stage on this?

(Olga)?(Olga) can you hear me?

(Olga): Can you hear me?

Stephane Van Gelder: Yes we can. Go ahead please.

(Olga): Thank you. Thank you very much Stephane. And I want to thank Jaime for making the presentation. I really appreciate that.

It was a point that I was going to make. But I think remotely it would have been much complicated.

One comment about some concerns about the time we are taking to provide our outcome to the council.

I think that we have been meeting weekly in a very small and dynamic working group. And in my modest opinion our work, and our testing, and our

exercise, that Jaime has just described will be useful for saving time for the whole council avoiding going through this test in the council.

So we think our experience is a learning process. And the idea is to propose this to the GNSO as a prioritization methodology already being tested among us.

And Jaime already gave us the expected delivery dates. And I also would like to thank Ken and Liz who have been so helpful in our working team.

And also I would like to (help) the whole working team that has been going every week in this exercise. Thank you Stephane.

Stephane Van Gelder: Thank you very much (Olga). Any further comments on this? If not then I suggest that we now go back to the agenda item on the VI - working group charter.

Now as we left things there was some dilemma or some debate about the versions of objective five that we have. I was just waiting for that charter to be put out by somebody. Yes please.

Man: Stephane if I could jump in?

Stephane Van Gelder: Yes. I'd love you to.

Man: You know, it would be helpful if we had just another five minutes or so. Would it be possible to move on to the open mic for now and then come back or?

Stephane Van Gelder: How much time do you need do you think, five minutes?

Man: Let's say ten minutes to be sure.

Stephane Van Gelder: So perhaps we could do it this way. Perhaps we could split the open mic because I'm wondering if, you know, we - the people might not want to comment on the outcome of this as well.

So I would like to push this to the very, very end without giving people opportunity to comment on this as well.

But perhaps we can start with 15 minutes of open mic and then go back to this and then finish with the rest of the time with the open mic. Is that okay for everyone?

Good. So let's go to the open mic for 15 minutes. Glen can you keep the time on that please? Thank you very much.

Please don't forget to state your name and go ahead sir.

(Scott Sytes): Thank you. Hello I'm (Scott Sytes). I'm from the United States. And I'm now with .gay, LLC. You may remember .gay from the introduction at the Sydney meeting about a year ago.

I'd like to thank the ICANN community for their work and their efforts in bringing the GLTDs out to the rest of the world.

As an outsider and new to ICANN I respect the process and the tasks laid out ahead of you. I've been brought into this process by (Alexander Schubert) and have become the cofounder and majority member of a partner rather in .gay, LLC.

I'd like to address an issue with the application process that concerns me.

The section about morality and public order is in need of clarification. Although the gay community continues to grow and gain visibility throughout the world there are still a few entities that would use or misuse rather, this

section of your code to prevent .k - .gay from launching. And we need clarity on this. Thank you.

Stephane Van Gelder: Thank you very much and welcome to the ICANN community if you're an ICANN newcomer.

Any further comments? Please?

Berry Cobb: Yes. Thank you Stephane. My name's Berry Cobb. I'm part of the business constituency speaking on my own behalf. And I was also part of the vertical integration drafting team.

Again I guess I just like to remind the council that if the whole issue of vertical integration was removed from the (DAG) or wasn't included in the (DAG) we wouldn't be venturing down this road at least at this point in time of discussing and debating vertical integration.

Unfortunately at this point we can't assume that it will be removed out so we're stuck with where we're at today.

So I just like to take the council minutes to comment. But I implore this council to consider this second objective.

And really the only difference between the two objectives is the fact of conducting an analysis on the possible effects.

During the drafting team it was suggested that any kind of really in-depth study would take months, six months or a very long time well beyond the stated duration of the Working Group.

And I tend to disagree. I think we can determine or the Working Group can determine a solution that could help the Working Group make a better formed decision about vertical integration.

And I think we can find a way in which to expedite and become much more informed and educated about the topic.

And really that's basically all I had. So just please consider that the second objective and I think that we can find better information to help the Working Group. Thank you.

Stephane Van Gelder: Thank you very much. So that's a comment really for the Working Group. Thanks very much. Any other comments at this point, questions, whatever?

Seeing none, Tim can you hear me?

Okay. So why don't we do this. Why don't we go for a five minute break and come back and see where we are on the VI thing?

Tim Ruiz: Yes this is Tim, Stephane. Yes. I just sent it to the council list. So a five minute break would probably be good to give everybody a chance to take a look at it.

Stephane Van Gelder: That's great. Thanks Tim. Let's break for five minutes, come back at 11:35. Thanks.

Okay, can I ask people to - councilors to come back to the table please and we'll pick up the discussion again with an amendment that's being presented as a friendly amendment that's come in from Tim. Tim, if you're on the line, perhaps I can ask you to just - I can read the amendment for you. That's probably simpler, and then ask you to just talk to us about it briefly. Is that okay, you all?



Chuck Gomes: Yes, that's okay with Tim except he's out of the room right at the moment. So this is Chuck. I will pick up from there if that's okay. I can't ask Tim's permission at the moment.

Stephane van Gelder: Okay.

Chuck Gomes: Did everyone there, Stephane, receive the proposed (two) amendments.

Stephane van Gelder: Yes, we have received them and we've discussed them, so you know we're ready to go on with the discussion Chuck.

Chuck Gomes: Okay, my suggestion is is we go ahead and do the discussion now. I assume it's best to do one amendment at a time.

Stephane van Gelder: Yeah, so let me just read those amendments and then pick that up.

The first amendment is strike the definition for relationship between VI and CO in the charter. Perhaps we can put that up. I don't know. While you are doing that Marika, I will read the second one just so that we know what definition - people know what definition that is referring to.

And then the second amendment being proposed is resolve further the change - the motion to resolve further that the working group is directed to develop a version of Objective 5 and to recommend it to the council within three weeks for either A, council approval of the working group recommended Objective 5; or B, council vote on which version of Objective 5, as reflected in the draft charter of March 10, 201 should apply.

Have you go those - that definition up? And then we'll go straight to Chuck. Chuck please.

Jaime Wagner: Can you please put them in the Adobe Connect?

Stephane van Gelder: We are doing that now Jaime.

Chuck Gomes: Okay, are you ready for me Stephane?

Stephane van Gelder: Yes, we are Chuck. Please go ahead.

Chuck Gomes: Okay, the first amendment, which is the one I assume we're talking about now, is to remove the last working definition. And the reason for that - it is a policy statement, not a definition, and it's the task of the working group to develop policy recommendations.

The working group could in fact come back and make a recommendation that says this as a policy statement, but to even be in the charter, whether it's a definition or not, is making a policy statement and that should not be in the charter. That should be a possible outcome of the work of the working group once they do their work. Does that make sense?

Stephane van Gelder: Sorry. I was - any further discussion on this. Right, so on the first amendment - and Wendy please go ahead.

Wendy Seltzer: Yes, I see that the definitions here operating as a set of (interlocking) definitions. And if we're going to strike one of them, I would suggest we leave all of the terms for more accurate definition by the working groups.

Stephane van Gelder: Thanks, Wendy. Any further comments.

Chuck Gomes: Stephane, sorry. I didn't go back to my computer to take down my hand, but I will jump in again. I don't think we have any objection with that.

Stephane van Gelder: Okay, so I'm going to accept this first amendment as friendly and turn to Mary to find out if she does too.

Mary Wong: Before I do so if I may Chuck to go back to what you said as follow up to Wendy, would there be - instead of this - or in addition to what's now on the table a possible further amendment simply to say to strike all of the definitions.

Chuck Gomes: That would be fine Mary. So in other words, this amendment could be (unintelligible) on the table from Tim, be put aside, and we replace it with an amendment to remove all of the definitions at this time.

Stephane van Gelder: Is Tim in the room?

Chuck Gomes: And the understanding is that - yes, he is. He's back. He will come up while I'm talking here I think. So the understanding would be that obviously, a working group is going to need to understand the terms that they are working on, so the understanding is that the working group would continue to work on those definitions.

Stephane van Gelder: Yeah, that was a footnote actually in the charter itself. The drafting team had identified that as an issue and advised that more work needed to be done on the definitions. It was agreed that some of the - I mean some of the members of the drafting team wanted to see definitions in there, so that's why we kept them in with the understanding that more work would be needed on those. But if an amendment - so am I to understand that Tim is withdrawing the first amendment?

Man: (Unintelligible).

Tim Ruiz: No, I don't - (unintelligible) proposed to modify it to strike all definitions.

Stephane van Gelder: Okay, so that would read Tim - just to make sure that we're all on the same page. That would read, "Strike all definitions."

Tim Ruiz: Right.

((Crosstalk))

Stephane van Gelder: Sorry.

Tim Ruiz: I'm not the sole owner of this, so you know it's a joint effort.

Stephane van Gelder: You make the - okay, so you made the amendment and you're making that amendment. Mary, do you want to...

Mary Wong: Stephane, I'm not sure what the rules of the process is (unintelligible) as the seconder of the original motion, is it permissible for me now to offer a proposed friendly amendment on this point?

Stephane van Gelder: I just want to express my personal appreciation for making this process just a little bit more complicated.

Mary Wong: You're very welcome.

Stephane van Gelder: I think it was a bit too simple. I'm glad this is happening for you know - I mean for (a baptism of fire chairing) the GNSO Council meeting. I'm having fun.

Mary Wong: That was the plan.

Stephane van Gelder: Thank you very much. Well by all means, propose away.

Mary Wong: So the proposal would be with respect to striking just that one definition, which I believe relates to the relationship between vertical integration and cross ownership, if that be struck, a sentence be added to that section directing the working group (forth with) to - as one of their tasks determine the relationship between VI and CO or something to that effect.

Stephane van Gelder: Do you have exact wording or do you need five minutes?

Mary Wong: Now you are putting me on the spot. I am happy to try and come up with some appropriate language in the next 30 seconds. But I think before I do so, I'd like to know if that's something that would be acceptable.

Stephane van Gelder: Yeah, that's fair enough. Tim, Chuck, do you have any comments to that?

Tim Ruiz: Yeah, this is Tim. I guess I don't understand the need for it. I mean this is a you know vertical integration PDP based on the objectives. You know I don't know if this really clarifies anything or it just serves to kind of limit the working group.

Stephane van Gelder: Okay, can I just give a registrar position here? I do agree with what Tim is saying, and the registrar perspective is that we'd rather at this point go with Tim's proposed friendly amendment. Any further - Mary please.

Mary Wong: I'm sorry. I guess just for the information of everyone else in the room, some of the NCSG members who have worked on this issue and we're interested in this issue, I believe I'm being accurate by saying that this question of a relationship. Whatever that is and whether one exists between vertical integration, however that is defined, and cross ownership, however that is defined, is in fact one of the issues that the PDP ought to resolve.

Stephane van Gelder: So what about going with Tim's friendly amendment that maybe adding that the working group is directed to work on the definitions.

Tim Ruiz: You know here's my problem about all of this. It's that the definitions are the end result of the policy development process defining what vertical integration is, what cross ownership is. Not that I agree we needed this (unintelligible), but if we're going down that road, that's what this (meeting) is all about.

So why are we trying to set it up with definitions beforehand when that's what the working group is supposed to be coming up with? Do we need to say that? It's the PDP that's going to develop policy on all these issues, cross ownership, vertical integration, et cetera. I don't think we need say that the objectives cover it. Definitions are really meaningless. You know let's just drop the definitions and accept the friendly amendment to the motion and get on with this.

Stephane van Gelder: Okay, I'm actually going to try and cut this short. I just want before I do so to read two comments that I see on the chat from J. Scott Evans, who is on the drafting team. But they've just disappeared, so I'm not going to be able to read them now. Where are they? There they are.

J. Scott says, "I was on the drafting team and I believe that all definitions should be removed. The definitions," - sorry. Bear with me for just a minute. "The definitions should come from ICANN's attorneys since they are the ones that drafted agreements and built a scheme based on their understanding of the terms."

Maybe I can just read Avri's comment then that Avri has just made. She was on the drafting team as well. "Removing the definitions means the working," -- there's a word missing there -- "Needs to repeat the work of the DT, yet another schedule buster."

With that in mind, we have a friendly amendment that's being proposed. The friendly amendment is strike all definitions. I approve. I accept that as friendly. Mary, do you?

Mary Wong: I'm afraid that I do not.

Stephane van Gelder: In that case, we will need to vote on that friendly amendment - on that amendment that is not friendly. Sorry. So Glen can we go ahead and vote on

that please? And yes, we will make that the roll call vote please if possible and if (everyone) agrees with that.

Glen Desaintgery: Rafik Dammak.

Rafik Dammak: No.

Glen Desaintgery: Kristina Rosette.

Kristina Rosette: If a yes vote is to strike all definitions, then I'm voting yes.

Stephane van Gelder: Sorry. Kristina, let me clarify. The amendment has not been accepted as friendly, so we are voting on whether we accept the amendment or not. If you say yes, you are in favor, if you say no, you are against the amendment.

Kristina Rosette: Okay, I am in favor.

Glen Desaintgery: Debbie Hughes.

Debbie Hughes: No.

Glen Desaintgery: Edmon Chung.

Edmon Chung: Yes.

Glen Desaintgery: David Taylor.

David Taylor: Yes.

Glen Desaintgery: Tim Ruiz.

Tim Ruiz: Yes.

Glen Desaintgery: Jaime Wagner.

Jaime Wagner: No.

Glen Desaintgery: Chuck Gomes.

Chuck Gomes: Yes.

Glen Desaintgery: Olga Cavalli.

Olga Cavalli: No.

Glen Desaintgery: Stephane van Gelder.

Stephane van Gelder: Yes.

Glen Desaintgery: Zahid Jamil.

Zahid Jamil: Yes.

Glen Desaintgery: Adrian Kinderis is absent. Mike Rodenbaugh.

Mike Rodenbaugh: Yes.

Glen Desaintgery: Bill Drake.

Bill Drake: No.

Glen Desaintgery: Terry Davis is absent. Wendy Seltzer. Mary Wong.

Mary Wong: No.

Glen Desaintgery: Caroline Greer.



Caroline Greer: Yes.

Glen Desaintgery: Wolf-Ulrich Knoblen.

Wolf-Ulrich Knoblen: No.

Glen Desaintgery: Rosemary Sinclair is absent. Have I mentioned all of the councilors' names?  
Have you all voted?

Stephane van Gelder: Let's give them five seconds to tally up the totals. Okay, while Glen is working that out, I suggest we go ahead with the second amendment, which I also accept as friendly and open up discussion on that and ask whether Mary accepts it as friendly first of all.

Mary Wong: On this one, I would accept as friendly.

Stephane van Gelder: Does anyone want to comment? Okay, so this amendment is accepted as friendly. We will just wait for the - yes.

Glen Desaintgery: In the contracted party house, there were five yes, one no, one person - two people were absent. Sorry (unintelligible) there.

Chuck Gomes: Glen, this is Chuck. Was there - who was the no vote in the contracted party house?

Glen Desaintgery: I have Dan, (unintelligible). (That's where there's a mistake then). There's no no vote. They were all yes. And two people did not vote - Adrian Kinderis and Terry Davis. In the Contracted Party House, there were eight no votes - the Non-Contracted Party House. Sorry. Eight no votes, and there were all yes votes. And Rosemary Sinclair did not vote.

Chuck Gomes: Stephane, this is Chuck. I think we can conclude then that the amendment to the amendment didn't pass because it requires a simple majority of each house to pass. So I would suggest that we go back to the original amendment because it's my understanding that we agreed to the broader amendment to delete all definitions in lieu of deleting just the one definition that is a policy statement.

So I would like to suggest that we consider that amendment as it was originally worded, which is to delete the last working definition that is a policy statement instead of a definition.

Stephane van Gelder: That's fine with me, but can you let me just summarize because you weren't coming across perfectly clearly for some people. Chuck is - it appears (unintelligible) now that we - Glen and myself you know have the same conclusion that Chuck does that the amendment did not pass. So Chuck is suggesting we go back to the earlier version, which seemed to have maybe more support, which was strike the definition for relationship between VI and CO, not strike all definitions.

Just to try and move ahead with this does anyone here on the council want to comment to that before I say whether I accept this as friendly or not? In that case, I do accept this as friendly. Mary, do you?

Mary Wong: So just so I'm clear, it is simply to strike the relationship definition, but without the additional sentence - the amendment, to the amendment, to the amendment proposed.

Stephane van Gelder: Can someone get me a gun?

Mary Wong: Or are you just happy to see me?

Stephane van Gelder: I don't quite know how to respond to that. You stumped me or (gob spanked) me. Well go on then. You want to add a further change to this amendment. Is that correct? Is that what I understand?

Mary Wong: Yes and to the effect that the working group shall examine as one of its subtasks the relationship if any between VI and CO with the view towards adopting that as a working definition.

Stephane van Gelder: And when you mentioned this the last time, I seemed to recall that Tim was not in favor of this. Guys in (Reston), can we have your comments on this?

Tim Ruiz: This is Tim. I don't accept that as friendly. Is that what you need to know?

Stephane van Gelder: Yes.

Tim Ruiz: Okay.

Stephane van Gelder: Okay, so if Tim doesn't, I don't obviously, so we need to vote on this. So can we just vote on this one please? Yeah, let's get - just before we vote Glen, let's get the wording up. We have - who is handling that?

Chuck Gomes: Stephane hold on a second. Maybe there's still room for a compromise here if you will just hold on a minute.

Stephane van Gelder: Okay, no problem. How much time do you need, Chuck, just to know you know if we need to vote again or...?

Chuck Gomes: One minute - 60 seconds.

Stephane van Gelder: Okay.

Chuck Gomes: 60 seconds.

Stephane van Gelder: Can someone put Jack Bauer's clock up on the wall?

Tim Ruiz: I would like to - we would like to propose something different for Mary that I would consider friendly and that is that we make what Mary is proposing there actually Objective 7. That it be worded to say, "Working group shall examine relationship if any between vertical integration and cross ownership."

Stephane van Gelder: I see nodding in favor.

Mary Wong: I'm sure everyone would be very grateful and thankful because in fact, I do accept that as a friendly.

Stephane van Gelder: Hang on. No one has asked me yet.

Mary Wong: Oh, I'm sorry. Did we jump the gun?

Stephane van Gelder: Okay, good. So can we have that - I'm not even picking that up. Can we have that on the - yeah, that's up there on the text. So we have - the amendment is Objective 7, "Working group shall examine relationship if any between VI and CO."

Tim Ruiz: Yeah, actually the amendment Stephane would be to remove the definition of the relationship between VI and CO and add Objective 7 as stated there on the screen.

Stephane van Gelder: Can you see what's going up on the screen now, Tim?

Tim Ruiz: Yes.

Stephane van Gelder: Is that what you want?

Tim Ruiz: Yes.

Stephane van Gelder: Fine. Mary, are you okay with that?

Mary Wong: Yes.

Stephane van Gelder: Good. Okay, so I approve that as well. We have - we can proceed to the main vote. So would anyone be opposed to this being a voice vote? Do people want us to update the charter or are we okay (to vote) on the motion and get this done? Okay, can you put the motion up please? Glen please call a vote as soon as the motion is up. Thank you.

Glen Desaintgery: All those who are in favor of the motion please say aye.

Woman: Aye.

Woman: Aye.

Man: Aye.

Man: Aye.

Woman: Aye.

Man: Aye.

Man: Aye.

Man: Yes.

Glen Desaintgery: All those who are not in favor of the motion please say nay.

Stephane van Gelder: Was there a nay?

Glen Desaintgery: Does anyone want to abstain? So the motion passes unanimously by all councilors that are present at the meeting. Those absent are Adrian Kinderis, Rosemary Sinclair, and Terry Davis.

Stephane van Gelder: Objective 7 is in the charter. Okay, good. So we are all okay. We have - this has passed. That's a great relief I'm sure and the working group now has a charter and is able to start its work. It has a meeting starting immediately after this one - I working lunch. I forget where it is, but I'm sure Glen will tell us - starting at 12:30. I want to get to the open mic as soon as possible. But before I do, there's just the issue of the council liaison for the working group and who that might be. Chuck, you want to say something.

Chuck Gomes: The first thing I want to say has to do with the formation of the working group. We should send out a - the council list to be - for them to get a request for membership in that working group so that everybody has a chance to join who wants to. We shouldn't just assume that the drafting team is going to be the working group.

That's the first thing I want to say. In other words, and I think the meeting that's going to follow will be open to anyone who wants to attend, even if they want to just decide whether or not they are going to join the working group. As everyone knows, our working groups are open as long as you abide by the (unintelligible).

Secondly, with regard to the liaison for this working group, Stephane I know you've been involved with this process, and I think your perception is (relatively) neutral on this issue. Would you be willing to serve as liaison if the council approves that?

Stephane van Gelder: Yes.

Chuck Gomes: So I guess the next thing here is to take Stephane off the spot here. Is there anybody that is opposed to Stephane being the liaison to that working group? Hearing no one, I think you're it and the meeting is turned over back to you.

Stephane van Gelder: Thanks very much Chuck and thanks for those points of clarification, which I should have made. Indeed, the meeting now is preliminary and it is open to everybody. Anyone who is interested in joining this working group please do so. There was a question about whether we keep the same mailing list that we used for the drafting team. That may be something that we want to do. It may be simpler just to do it that way, but we will look at that further. Let me now turn it over to the open. We have 20 minutes left in this meeting. We've done well with keeping to schedule. I want to thank everybody for that and let - ask people if - I see Avri rushing for the mic, so...

Chuck Gomes: Stephane, this is Chuck.

Stephane van Gelder: Yes, Chuck.

Chuck Gomes: Margie had her hand raised I believe.

Margie Milam: Yes, I actually have an answer to Kristina's question earlier. Kind of off topic, but...

Stephane van Gelder: Yes, I was going to get to you actually Margie, but I wanted to just get some...

Margie Milam: Okay.

Stephane van Gelder: But if you want to give that answer now, that's fine.

Margie Milam: Sure. Yeah, we checked with the General Counsel's Office and he indicated that the list of individuals we posted in the minutes of the board meeting that will be approved on Friday, so you will know the details on Friday.

Stephane van Gelder: Thanks very much. Kristina, is that helpful?

Kristina Rosette: Yes, thanks.

Stephane van Gelder: Great. Avri.

Avri Doria: My name's Avri Doria. As a member of the drafting team that came up with the charter that you all worked on, I wanted to thank you very much for all the work you did to bring it through, and I especially want to thank the council for probably the best comedy moment I have ever experienced at ICANN.

Stephane van Gelder: God, I hope you're not referring to Mary's and my little conversation, but anyway thanks for that. Have we any further comments, questions? Any other comments. Speak now or forever be silent.

(Paul Fuddy): I don't know if this is the right time to mention this, but you said any other comments. Back in Mexico as part of the RAA Agreement, there was - I believe there's going to be a registrant rights charter drafted. I was just wondering where can I find that.

Woman: I think I can answer that. The working group has developed a registrant rights charter and it should be posted on the wiki for our working group. I guess I can - Glen maybe you want to send it around.

Glen Desaintgery: Okay, I will do that.

Woman: Okay.

(Paul Fuddy): Thank you.

Woman: You are welcome.



Stephane van Gelder: Thank you. Chuck, you have your hand raised.

Chuck Gomes: I do Stephane and I want to especially thank you for taking all of the heat today and for being a key player in the jokes. No, you've done a very nice job and I appreciate you taking the leadership and I think you were tested by fire and you did well, so thank you very much.

Stephane van Gelder: Thank you very much, Chuck, and thank you to everybody.

If there are no further comments, I will now go to bed. Thanks. The meeting is adjourned. Thank you very much. I'm now just being told the VI meeting is in the Impala Room for anybody that is interested in that. Thank you.

Chuck Gomes: (Unintelligible) Adobe.

Man: It depends on what you want to do. I'm not sure.

Chuck Gomes: We're doing the - are we doing the vertical integration in here?

Man: Yeah.

Chuck Gomes: Vertical integration.

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### **Nairobi Council Meeting 10 March 2010**

#### Contracted Parties House Attendees

Stephane van Gelder - RRSg- GNSO Council Vice Chair – (chaired meeting)  
Tim Ruiz -RRSG- remote participation

Chuck Gomes – RySG - remote participation  
Caroline Greer – RySG - remote participation  
– RySG - remote participation

#### Non-Contracted Parties House Attendees

Zahid Jamil – CBUC  
Mike Rodenbaugh – CBUC - remote participation  
David Taylor – IPC- remote participation  
Kristina Rosette – IPC- remote participation  
- ISP  
Wolf-Ulrich Knoblen - ISP  
Rafik Dammak - NCSG  
William Drake - NCSG  
Debbie Hughes - NCSG  
Mary Wong - NCSG  
Olga Cavalli – NCA -  
Andrei Kolexnikov - NCA  
Wendy Seltzer –NCSG

Alan Greenberg – ALAC Liaison

**Absent - Apologies:**

Rosemary Sinclair -NCSG  
Terry Davis - NCA  
Adrian Kinderis – RRSg

Han Chuan Lee – ccNSO observer

ICANN Staff  
Margie Milam  
Glen de Saint Gery  
Marika Konings  
Kurt Pritz  
Liz Gasster

END