MONTREAL – GNSO - CSG Open Meeting
Tuesday, November 5, 2019 – 10:30 to 12:00 EDT
ICANN66 | Montréal, Canada

UNIDENTIFIED FEMALE: Hello, and welcome to those who are just joining us. This is the CSG Open Meeting. Please come in and have a seat so we can get started.

WOLF-ULRICH KNOBEN: Thank you very much. Please take your seat, then we can start on time. My name is Wolf-Ulrich Knoben. I'm the chair of the ISPCP constituency and in charge of chairing this meeting. So, welcome everybody. I suggest going briefly through the agenda and, since we expect our guests then in few minutes, we can directly start with them. So, we will have first a discussion with him. Oh, good morning.

GORAN MARBY: Shall I go out, so you can prepare?

WOLF-ULRICH KNOBEN: Please come in. This is Göran, welcome here. And then we have invited the GNSO chair and vice chair and the last guest will shall be Brian Cute on the multi-stakeholder model development. But, first, welcome to you, Göran here, in our round. As usual, we will have an open discussion with you. I'm just looking to you, whether you would like to make introductory marks, which we usually do, by asking questions.

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GÖRAN MARBY: I think we stopped for me having any remarks and you just throw questions at me. That's fine.

WOLF-ULRICH KNOBEN: Yes.

GÖRAN MARBY: Happy to be here.

WOLF-ULRICH KNOBEN: So, let's directly dive in. So, we have two items to discuss with you. The one is – what is that? Unified access model and EPDP phase two. And the next one is Global Public Interest Framework. With regards to the first one, I would like to hand over to my colleague from the IPC, Dean Marks, just to give a short introductory mark to that. Thank you.

DEAN MARKS: Thank you, Wolf-Ulrich, and thank you so much Göran for taking the time to sit with us.

WOLF-ULRICH KNOBEN: Can you get closer to the mic, please?

DEAN MARKS: Okay.

GÖRAN MARBY: I detected a problem with these rooms. They are very sufficiently taken care of any sound. Or I'm getting old.

DEAN MARKS: Is this any better for folks? Okay, thank you. Good morning, and Wolf-Urich, thank you so much, and Göran, thank you so much for taking the time to be with us in the CSG.

On the Unified Access Model, we wanted, first of all, to start off by thanking Org and all the folks who put in the work on the paper that was submitted to the European Data Protection Board. We felt it was a really positive initiative and very, very useful in trying to, in a timely way, seek advice and guidance on critical questions from the European Data Protection Board and how potential plans for a Unified Access Model would comply with the GDPR.

We understood the drafting of that paper and the submission of that paper as something that was done to aid the work of the EPDP team and not replace or supplant it. We just wanted to start off by thanking you for that and also asking if you had any thoughts about the timeframe that you think you may get a response from the Data Protection Board. Thank you so much.

GÖRAN MARBY: Thank you and thank you for your support. We took a long time to come around to agree on what we thought would [inaudible] the problem, and well, we did. I would like to thank you for your support of that.

Yes, we have submitted the paper and it's a range of questions, and again, I would like to thank the European Commission for their support and help. I know that they made a statement yesterday. This seems to be misunderstood and we can come back to that if you want to.

They have declared officially a support for the Unified Access Models and its potential. So, we lost a very relevant question. And that is what's the timeframe? I don't want to lie to you guys. I don't know.

So, we don't know if and when the Data Protection Authority is going to answer those questions. The European Commission is very important in the sense because they have very good relationships with them. But it's our job. So, I'm actually, after this meeting, in the afternoon I'm going in to the GAC. We're going to make a plea to the GAC that the member states of the EU actually helps us to raise this concern to the independent DPAs that makes up the Data Protection Board.

Last time we created a very large, political emphasis on the WHOIS question because we wanted to have an answer. Remember that if we didn't have guidance the first time – and I know that I was in this group and there was, I don't know where we were, but that was probably not the best meeting we ever had, where you told me we would never get guidance. We did, and we actually did save the WHOIS by having that guidance, because if we wouldn't have had that guidance at that time, where the Data Protection forces said, "Yes, you can collect this data. You have to not show some of the data," actually gave us the right for the contracted parties in the [inaudible] to have in the system in the first place.

I think it's always important, actually … This has been a process we've been doing for two years now. Or a little bit more than that. And every step has been followed with – I came up with a plan, I started really the first time after October 2017, where we said what we're going to do. And as someone pointed out to me yesterday in another conversation, "Göran, you can't waltz into ICANN and tell what you're going to do, then actually do it, and come back and report on it. That's not the ICANN way." But we've been very consistent in everything we've said and everything we've done. Now to, at some extent, that part is over for ICANN Org. We asked the questions. We're going to do our best, but we need your help.

I don't especially look at some of the people who are actually in Brussels to get those answers. Those answers … ICANN Org and ICANN Board doesn't make policy. You know that. The answers will go back in the expedited PDP and it's up to them to take them into account or not. It's up to them to use that to take the next step. In this instance, in this work, my work is actually done for the moment. And that feels fairly nice, actually.

WOLF-ULRICH KNOBEN: So, I understand [you would leave the room]?

GÖRAN MARBY: I am here to serve you, of course.

WOLF-ULRICH KNOBEN: Steve?

GÖRAN MARBY: I guessed there would be a follow-up question to that one.

STEVE DELBIANCO: We would like to hear a favorable interpretation of what Pearse O'Donohue said, and then I had a follow-up for you.

GÖRAN MARBY: So, Pearse said two things. And one of them, which I don't know why, he talked about when central systems ask questions, how did that answer go back to the one who originally asked that question? So, there are two slightly contradictory parts of GDPR, and I don't know why I'm telling you this because most of you are lawyers, aren't you? But anyway, so one part is about data minimization, that you should do as little as possible with the actual data. The other part is that when you handle data, it has to be done in a secure way.

So, our initial interpretation is we have to make sure that when they actually send the data back, we have to it as securely as possible, which means that the central system takes control of that – the encryption, the identification, and all of that – things [that has been doing it].

The European Commission, in our discussions, said that they think that data minimization is more important. Fair enough, we said. We put that question directly into the …. I think it's question number four in the

actual document. So, it is there. We agree we don't know the answer and that's why we put the question there. So, it was [first phase].

The other thing is about the legal, the liabilities for contracted parties. And their point is, which I think is a good point which we've said before, and that is that this data is actually in the hands of the contracted parties and they have a legal responsibility, according to GDPR, for that data.

For instance, if there is a data breach. Or, for instance, if they decide to give this data outside the centralized system, they still have liabilities. So, the point that the European Commission did was that they still have liabilities. What the UAM is trying to do is that for one instance –and that's the instance if central systems ask the questions, the contacted parties answer those questions through their system. That liability they don't have. So that is what the European Commission [rightly said]. These are a fine-tuning of how the legislation is set up.

But I also want to emphasize that the European Commission have said that they believe that the UAM is possible. If you remember the famous discussion about purpose, when they wrote a letter to us and then because they understood there was some misunderstandings about that letter, they re-wrote that letter and pointing out that they believe in the UAM.

And also pointing out, we spent a lot of time with them and they've been open about that they're going to help us with the questions to the data protection authorities. Of course, we are not trying to circumvent

the law, which I heard somewhere, someone says that this as the UAM is a way of circumventing a law. Of course not.

What we're trying to do, in a law that is still undefined to some extent, even to the extent that the data protection authorities apparently is going to issue guidelines what they mean if someone is a controller or processor.

STEVE DELBIANCO: The BC wants to join Dean in thanking you for the effort, Strawberry Team and all of that. And thank you for that answer. And I have a request, and that is while we're waiting for the Data Protection Board to get back with the significant specificity for us to move ahead in the PDP, we'd like you to task your implementation team to move ahead with one or two key recommendations from phase one of the PDP.

And recommendation 18 is the key, and that recommendation will be discussed this week at the implementation review teams, and if we can emerge with an initiative to say let's take some of the recommendations that are most desperately needed – and that is the one for the standardized request and response, not unified access,. It's standardized request and response.

The contract parties are joining us in asking for putting that up quickly because they can code to that spec if we can get that implementation issued. And that ought to be done as soon as possible, if not sooner, while we wait for phase two and the advice that we expect from the Data Protection Board. Thank you.

GÖRAN MARBY: Thank you. Thank you for giving me credit for so many things I don't have the powers to actually do. The implementation team, as you know, consists of different parts in this and they're going through many stages right now.

I don't disagree with you at all. It seems like a good idea and if the parties in the implementation which is going to have a discussion thinks it's a great idea. I don't think anyone says that. I know that there are some … In the phase two, there are related discussions to this as well. And this is really, very much for me, is something that has to belong to the parties who are actually discussing it.

As always, when recommendation comes up, there are things that we would fine tune in the negotiations, and I apparently learned that the implementation phase one is going to be delayed because there are issues that are outstanding. We are trying to be as supportive as we can, but in the process—and you know how important this is that I'm not trying to meddle into what I believe some community work.

Just to give you one small thing that I think that I heard just walking in there is that it's not like we're in the lawless land because we have the temp spec. And the temp spec, if you sort of look at it without going – 90% of the temp spec is actually phase one. So, we have provisions already in place, which as you know, we are following them. We don't get that many complaints, and I know you are going to interrogate the Jamie, or will be, but you will hear about the numbers from the actual

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complaints. Now I'm sidetracking, I don't know if you heard about the complaint that was a little bit of a surprise to us. Have you heard?

UNIDENTIFIED MALE: Yeah.

GÖRAN MARBY: So, there is a DPA who tried to get information out – and we don't reveal the names because we're actually in the process of looking [inaudible]. But it's interesting that a DPA, through contracted parties, asked for information and was denied because it was not a police force. And then they now filed an official complaint with us that they can't get access to that data, saying that they have done a balancing test sort of.

We've been in contact with that particular DPA and it shows also that everybody is … And I think I've been here before saying that everybody says that they know exactly how this law works and all the definitions. My answer is usually we don't, and I don't think anyone does, and the DPAs in Europe has definitely said they don't know how everything of this works. And that is a number of these problems. It's [inaudible] that is changing all the time.

One more reminder. We said from the Board, and we said from the Org, we are trying to have WHOIS open, as much as possible, within the limits of the law. I think Cherine and Becky actually reinstated that – or Chris did that this week. ICANN Org, or ICANN the entity, is not trying to be conservative.

WOLF-ULRICH KNOBEN: Thanks, Göran, for that. Did that also help your remarks, your questions from the IPC, as well? Yeah, okay, thank you.

Well, we all know that this is complicated, and this is learning by doing, in most cases. And as you've heard, also, it's a small case when it came of that that you are not publishing more the participants list here at ICANN, with regards to uncertainties to what extent data can be published and who could get access to that. So, it's learning by doing, so we have to discuss this together.

GÖRAN MARBY: So that seems to be one of the discussions that goes around. So, we changed the system, as you know. We're using a new system. So, we had a serious discussion, both from a legal perspective but also from a [inaudible] perspective. This is an open and transparent community and ICANN Org and the Board needs to be transparent. But we also, maybe, need to have a discussion about the privacy of the people who are actually coming into the ICANN meeting as well. So, we give the opportunity for people in the mobile app, if I understand it, to say that it's okay to be seen.

Sometimes we take this discussion only into a legal discussion, but it's also, which I've said so many times right now, it would be great if ICANN actually had a privacy policy somewhere that affects everything we do. My life would be so much easier because ICANN is such a strong institution, believe it or not, that if we came up for what we do, a privacy policy, that could probably affect how people, when they do

legislations for instance, actually look at us, believe it or not. But we don't.

WOLF-ULRICH KNOBEN: Thanks for that. Let's move to the next point, which is Global Public Interest Framework.

GÖRAN MARBY: Here I have to admit my ignorance. I wasn't prepared for the questions because this is a Board issue, and yes, I'm a member of the Board, but it's not in the states where I'm sort of implementing things. So, I can join the discussions, but is really questions I would ask you humbly you ask to the Board. This is very much a Board initiative and I don't want to take the glamour of the questions to the board from them for once.

WOLF-ULRICH KNOBEN: But I'm sure Steve know that, and he will post his remarks in a certain way. Thanks. Please, Steve.

STEVE DELBIANCO: Thank you, Wolf-Ulrich. Aware completely that when it comes to implementing what the community comes up with, that it is Org that has to take that. And it's not Org who weighs the equities to see whether something was in the global public interest. We wanted to make you aware that what we discussed at the public discussion yesterday with Avri Doria, couple of other board members and staff, because the Board has set out an initiative to see if we can define and operationalize the words "global public interest" since it shows up many times, and it ends

up being important throughout the bottom-up process, but also when the Board itself is making a decision as something in the public interest. They're recommending at this stage just a tool kit—checklists if you will—where people will look at the core values, look at the commitments in our by-laws, look at our mission statement, and check those boxes as they develop policy. But a few of us have put in comments to that consultation suggesting that we do need a real definition.

And we think you'd be pleased that the definition for public interest we came up with in the ICANN context is incredibly brief, operationally focused, and conscious of our limited mission. And it was that the global public interest first, you understand the public are actual potential registrants and users, and that's about it. And their public interest, when it comes to ICANN, is the availability and the integrity of registrations and resolutions. That is the way the people outside of the ICANN circle perceive whether we are delivering registrations and resolutions appropriately.

So that is all I wanted to do, is to convey that we have a very common sense business and engineering-focused definition that we are hoping will remind ICANN of what it is tasked to do. I don't have a lot of hope that we'll end up with a definition since the Board is afraid that the community process of deciding on a definition will be divisive to the community and undermine the public interest. So, this may be the last time you hear about this topic, but I did want to hear what you thought about that definition, the availability and the integrity of registrations and resolutions.

GÖRAN MARBY: I would of course not comment. It would be out of my … That's not … I don't judge on the community initiatives. Part of this comes out of the work stream two ad the accountability of the work stream 2. When it was asked in the work stream 2 who all are you accountable to? For instance, GNSO. And I paraphrase because I don't remember the exact wordings, that we're responsible back to our members or constituencies within the GNSO.

That meant that it didn't say we were responsible for public interest. And everybody else says sort of the same thing, which means that you place the Board – because the public interest part is actually part of what the Board has to look into – and if no one else is looking into public interest, you sort of leave the Board in the middle with a very interesting mandate, which I don't think it was sort in the transition was actually [inaudible] to do.

So, what I know the Board is trying to do is to have a conversation with the community about that you in the bottom-up multi-stakeholder model process actually have a mechanism to take that into account, so everything happens, and then the Board has to sort of sit and judge on it in the backend.

And the Board has been very deliberate. This Board, and the former Board, and the coming Board – the best Board ever that we'll have from Friday – is mentally walking through a lot of those mechanisms now to figure out how we make sure that decisions are made in the best place.

SubPro is a very good example that as little as possible should be done after the actual recommendations are coming through. How do we engage from the Board perspective, from other parts in the ICANN community, into that PDPs, so most of the questions are answered there?

For everybody who's been around much longer than me, you know that this has not always been the case. We're learning lessons on the last round of that. So, see this as a respect out of the community to make sure that the community has the toolsets to actually take into account some of the things there isn't mentioned in the by-laws that bounds us all. And I think this is a very good … because it shows the trust, both from me and from my staff and from the Board that the multi-stakeholder model is the place where actual decisions should be made. And this is on a Tuesday on an ICANN meeting, I'm still positive.

WOLF-ULRICH KNOBEN: Thanks for that. Any further question to that? Please, introduce yourself please.

NAT COHEN: I'm Nat Cohen. My company is Telepathy. I'm on the BC. I wanted to comment on the question about the public interest we just had. I expressed some views earlier that the public interest isn't well represented in ICANN and that the multi-stakeholder model may not be very accurate in reflecting the public interest. We had a disconnect recently on the DotOrg renewal agreement, where we had the public

interest expressed through 3,000 comments almost unanimously opposed to that agreement. There was a disconnect between that and feedback that was received directly from the public, although [attempts] were made to dismiss that, we have some of the largest nonprofits submit those, their views, but there was a disconnect between that and what came up through the multi-stakeholder model through the groups that are supposedly representing the public interest or the diversity viewpoints. You didn't actually get a very diverse set of responses from the stakeholder groups. You got certain views parroted over and over and over again.

It's very difficult for the public to engage with ICANN, as you know. It's traveling around the world. It's very expensive. There's hours and hours and hours' worth of engagement. So that's very off-putting for any public engagement and what you have are those folks with the most interest, the most at stake financially engaging most. So you have some who have most to get win and the very diverse group of hundreds of millions who just don't have enough individually at stake to engage. And so you're getting a distorted view of what the public interest is. I'll stop there, but there's obviously a lot more to say on that matter. Thank you.

GÖRAN MARBY: I think you're misrepresenting in this case what actually happened in DotOrg but we can take that offline. But I want to put something else. I mean, you go to ICANN every time you go online. Every time you go online, you hit ICANN. ICANN is a technical organization. We are here to serve the world.

The Internet as we look at it wouldn't exist without what we actually do because we provide the world with identifiers—all of them. Numbers, IP addresses, and domain names. That is what I think, and we believe, is the core of the ICANN public interest because nothing of this would have existed this way that it does without what we do.

We sometimes forget about it. We do actually sometimes forget about the fact that, yes, we do spend time talking all about Amazon, Org, top-level domains, but that is the core of ICANN's public interest part that we actually do provide this service to the world.

So, we can have a debate about how we handle the response to DotOrg and I can say that we can go into debate what is the correlation between the resale price and the wholesale price, for instance, what PIR happens to be a non-for-profit organization or the fact that they are actually, now, for the first time coming into the same, similar contracts that the rest of the contracted parties has, which is a fairly big thing for people who are interested in abuse reporting, etc.

So, sometimes in the discussion, I think that we forget that this system that you've collectively been a part of—and to an extent is very expensive to come here, we have 2,500 people here, we're doing more than 300 sessions. We are doing a lot of investments in to get people into the ICANN meeting. I think, anyone here was in the previous meeting strategies? Steve, you were there, weren't you? You thought that a big meeting would be like 1,100 people, or something. A small meeting now is 1,100 people.

So, I don't think that the multi-stakeholder model is [inaudible] perfect, and the Board is engaging you guys to see how we can evolve and do something with it. I think we shouldn't sort of look into one issue and say this means that we don't have a public interest. I couldn't do my job if I thought it was so. But, of course, in ICANN, it is okay to disagree. Thank you.

WOLF-ULRICH KNOBEN: Thank you, Göran. Looking around, do we have other comments or even other questions to Göran? So, not yet, or Steve.

GÖRAN MARBY: It wouldn't be a meeting without more questions from Steve, and so far, he's been so nice.

STEVE DELBIANCO: I guess that ends now. We're very concerned about the lack of attention to compliance enforcement against registrars for illegal activity that violates the RAA against which you could take declarative judgement action. We're really concerned as well about an inability to understand your enforcement ability on the public interest commitments, Spec. 11, for which every registry selling names in the new space requires every registrar selling those names to have and to impose consequences for seven or eight different forms of DNS abuse. DNS abuse is a huge topic even if we get to it. And we'll discuss it in our interaction with the Board since it's their role not to do enforcement, Göran, but their role is to help

sort out some confusion now about what the bylaws do and don't allow with regard to enforcement on DNS abuse. But your responsibility covers compliance.

Tell us your thoughts about – I'm sure this isn't the first time you thought about it this week. What are your thoughts on whether your compliance shop is doing enough to go after registrars, rogue registrars, who are permitting DNS abuse by their registrants? Thank you.

GÖRAN MARBY: So, first of all, yes, we have contractual provisions that is not made of policy. It's about reporting. That's fair, isn't it? They don't come out of policy. So, there's a contractual provision put in. And I actually think – when did we do that? I was actually there. That's what a long discussions and I actually … [inaudible] made sure they came into the contract.

STEVE DELBIANCO: 2013 RAAs is where we put them in.

GÖRAN MARBY: But it took a while for us to agree on the actual provisions into them. So, what happens now is that we did an audit, we realized because they are not – and I think everybody knows them. There's two things with them. One of them is where is the scientific evidence that these are actually the ones that means that anyone fights abuse? That's one of the interesting questions about those as well.

The other question is that we've done an audit together with the registries and we realized there's a lot of – Jaimie carefully wrote that, I can't make the sense, so I'm going to paraphrase it again. There's no real commonality looking into what they actually mean. And that's fair because we don't have that, and they don't have that. So, we're now in the process of working through with the registrars and registries in that sense to actually [inaudible] what those mean. That's now the important part of this discussion.

And to give you … I think my compliance team did a very good job. They 30,000 to 40,000 complaints every year coming into them. For instance, WHOIS questions, I think we've received 60 so far. After going through the first initial phase checking if they have done their test, if they actually done it, we ended up with 15 and we're investigating 8 I think right now. I think that's the number that Jaimie gave us.

So, when it comes to people saying we're not doing our job in WHOIS when it comes to the temp spec, yes, complain to us, then.

STEVE DELBIANCO: [off mic]

GÖRAN MARBY: No, but it's important. It's important because sometimes things are said that is not really factual info, or you pick something out. The second part of that is now that when the community actually are engaging in the discussion with abuse, we are now looking forward to that discussion. You have had Jaimie here, or you're going to have him, we might disagree on this one, but when you, for instance, look at papers from

[inaudible] 2010 that is never been accepted as a process, we disagree on that as well. We don't have those tools.

But you know what the real problem is? The real problem is that the look of abuse in general. The bad guys are handful. The DAAR system shows that 80% of the abuse comes from a handful of actors. Some of them are not even in our scope. They are CCs. They are organizations that doesn't come to ICANN meetings, that's not even part of our scope.

One of the things we're doing right now is going to be announced I think this week that we actually now are putting the first CCs into the system as well. If you look into the health indicators that we provide you on the web, you can see that if you look at only on the gTLD program, yes, we can see there are some bad actors there as well. And, as you know, we worked quite hard over the last two years to take down some of those actors, we don't have – I can't remember the names, [inaudible] something and the registrar – they're gone. We worked very hardily to make sure that that part of this. So, you can't say that we haven't' done anything. But we are also a [respectable discussion] that happens in the community.

But the real problem is, how do we as an ecosystem go after – and I'm not defining abuse now. How do we as an ecosystem go after people that is outside of ICANN Org remnant? Which doesn't come to ICANN meetings. That is a really interesting question because they are not the ones that … We can have the best, we can have even more things here but we still have bad actors not part of the ICANN system. So, we have to be factual about the discussion.

WOLF-ULRICH KNOBEN: We would like to be on time. Thank you for that, but very last question. Not a detailed discussion right now. I think we are opening a box here, so if you go into details, we'll have this item also on our agenda with the Board in the afternoon. So, we can follow-up with that, and another item as well. So, please [inaudible] question right now

GÖRAN MARBY: For the record, I still like Steve.

STEVE DELBIANCO: Thank you.

WOLF-ULRICH KNOBEN: It's just through the IPC, not Steve right now.

DEAN MARKS: I just, on the DNS abuse, one of the things Göran that you said was troubling to me is that you have a contract, you have contractual language, compliance is supposed to enforce the contract. To me, this response about now we need to reinvoke the multi-stakeholder model to find out what that terms of the contract means is a real dodge. And I'm sorry to say it so bluntly, but I think it is.

And the other thing I would like to say is please look at the reports from things like the Internet Watch Foundation. The majority of child sexual abuse materials are on domain names associated with, that are not

ccTLDs, that are ICANN domains. The majority on Verisign. So please acknowledge that, I would like to hear you acknowledge that.

GÖRAN MARBY: So, first of all I didn't say … No actually, you're factually wrong. The contractual provisions that ends up the contracts comes from policies made by the community.

DEAN MARKS: And who enforces those contracts?

GÖRAN MARBY: We can have a longer discussion about this, Dean, because … And I know you're going to ask the same questions to Jaimie, but we think that we're doing a fairly good job, and you should recognize that. We have taken down and worked very hard to take down some of the bad actors over the last couple of years. We are engaging with the contracted parties when it comes to provisions that we already have to try to figure out what we can do better. And we don't, for instance in the WHOIS, we don't get the complaints. So, regardless of what people say, we don't get them.

DEAN MARKS: Well, please look at a complaint from RAA that was filed in July of either 2018 or 2019 and is still unresolved and unanswered. That's why you're not getting the complaints.

GÖRAN MARBY: You're asking me a specific about one certain complaint and I don't have the information about that one.

DEAN MARKS: I'm asking you that when you're making statements to say sort of, "Hey, it's all your fault because you're not filing complaints," and there are complaints that have had all the documentation and have remained unanswered. That's something you should acknowledge.

GÖRAN MARBY: I think we end this now. Thank you.

DEAN MARKS: What about the Verisign point and child sexual abuse materials? Would you like me to forward you the Internet Watch Foundation report?

GÖRAN MARBY: What about [inaudible]? I didn't get that one.

DEAN MARKS: When you're saying the abuse is concentrated on ccTLDs, there's certain types of abuse that have been documented by reputable organizations that are concentrated on domains that are gTLDs.

GÖRAN MARBY: So, could you describe to me the [contract] we actually have with Verisign?

WOLF-ULRICH KNOBEN: May I interrupt both of you? Because I think that we are really going the pathway where it has to be discussed on a level with between the lawyers on that.

GÖRAN MARBY: There are contracted provisions about this in the Verisign contracts.

DEAN MARKS: Well, shouldn't there be, sooner or later?

GÖRAN MARBY: I'd love to see Steve answering this question. It's not up to me, guys.

UNIDENTIFIED MALE: So, I think there are ways that you can discuss that. So, [inaudible] ICANN management or isn't it specific ways. And we had working calls.

LORI SCHULMAN: Yes. Lori Schulman from the IPC. Göran, I did want to point out a suggestion that I had made inside our meeting as you referenced the meeting with Jamie in terms of not filing the complaints. We have found with the WHOIS and temporary specification, We had one of our members even do the exercise in the room that when you look up online WHOIS, temp spec, complaints forms, that there isn't a clear path to actually finding a format or requirements.

So INTA has volunteered. Would ICANN supply a PDF, a simple PDF, from compliance that lays out the format expected for the complaints regarding WHOIS that we would post it online on our website and distribute to 30,000 IP practitioners?

And I think that would help generate the complaints that we're talking about hopefully, and that perhaps you could even gather more data as to the prevalence of the problem. I think right now there really is a real lack of public awareness of how these complaints can be filed and how they can work.

GÖRAN MARBY: Bring it up with Jamie. Sounds not like a bad idea.

LORI SCHULMAN: To clarify, we have brought it up with Jamie but I'm bringing it up in this room because our meeting with Jamie was an IPC base meeting. This is an open CSG meeting. You're a part of it. And I think it is good to say that there are avenues for dissemination of information that can supplement what ICANN is doing. Thank you.

GÖRAN MARBY: Thank you. And again, thank you very much for inviting me.

WOLF-ULRICH KNOBEN: Thank you Göran for taking part in this lovely discussion. Thank you. See you around. Thank you.

GÖRAN MARBY: I will come back. Thank you.

WOLF-ULRICH KNOBEN So thanks again. So, we have on the agenda, the next is an exchange with the applicants for GNSO council chair and vice chair of seeing non-contracted parties house. Keith and Rafik, come.

Okay. So far, we have Rafik here. He is the applicant for the vice chair position of the non-contracted parties house where we belong to. And so, we have a Q&A session here, short one. Maybe I hand over at first to you to give some small remarks and then we can go to questions. Rafik.

RAFIK DAMMAK:

Okay. Thanks, Wolf-Ulrich, and thanks for this opportunity to meet with the CSG during your busy schedule and to have that opportunity to get your feedback, or question. I'm happy to give any clarification. I acknowledge that we didn't have a chance the last year as a vice chair to interact with you. So, I hope that we can do at least for now, for today.

WOLF-ULRICH KNOBEN:

Thank you, Rafik, and welcome Keith here. So just for the introduction, I think you are still one year or two year already, one year already, on [inaudible] or you reapplying and you would like to be reelected for that. I'm just handing over to you for short statement if possible. And then we have a Q&A.

KEITH DRAZEK:

Thanks very much, Wolf-Ulrich. Hi everybody, Keith Drazek for those that don't know me. I am the current GNSO chair and I have one year left of eligibility on Council. I will be termed out this time next year. I am running unopposed at this point for getting re-upped for the Council chair job. So, I look forward to your support. Vote early, vote often.

And I do want to note, I want to thank you all for your support of Rafik in being returned to the Council as vice chair for the non-contracted party house. I really do appreciate that. Rafik's been a tremendous help

to me and has the history on Council and on Council leadership that has been really good. I think the three of us, including Pam Little, have become a great team. So, thank you very much for that. I don't have anything else to add and I'm happy to answer any questions.

WOLF-ULRICH KNOBEN: Thanks, Keith, for that. Just let me say to those who are not familiar with the process here. So, we are not electing those guys here. But those are elected by the Council members, but the Council members are sent from our constituencies to the Council. And we'll have debates within our constituency meetings about that. But that [inaudible] and this is the opportunity for us to actually now to have an exchange with those two guys here and put out any question you may have. Any comment. If you are not satisfied with the work they have done so far, please be open. If there is one – there is one. Mr. Berard, good.

JOHN BERARD: Thank you Wolf-Ulrich. This is John Berard. I have a question for Rafik. In the time now that you have been vice chair, how has your view of the CSG changed, and if it hasn't, what is your view of the CSG?

RAFIK DAMMAK: Okay. Thanks, John, for this question. So, the CSG is a part of the GNSO, and I understand from the question because I'm coming from the other side, the NCSG, but we have to work together in the GNSO Council and GNSO processes. So, by the position itself of being a vice chair, I have to

be neutral and to work with all groups, not just even other non-contracted party house.

And I think I had my experience with the current GNSO Council from CSG was quite positive. And also, when Heather was the chair of the GNSO, I worked with her well, so I have that I think positive experience and also with interacting with the CSG Executive Committee.

So, I know there are probably some disagreement between the NCSG and CSG on several policy issues, but in my role, I have to be neutral and to more focus in the GNSO Council business and how we are managing PDPs and so on. So, there is no way that whatever I might think has to influence how I work with you guys. But if maybe you have any concern that we'd be happy to respond.

WOLF-ULRICH KNOBEN: So, we have Heather and then Jimson.

HEATHER FORREST: Thanks very much, Wolf-Ulrich. My question for the both of you, I guess you know my view on this is that those roles are there to serve. You're not there to have your own agenda. Nevertheless, I do think that it's realistic that you have some priorities. One of my priorities was critical self-reflection and another one was getting everyone really across what responsibilities were under the bylaws. It doesn't mean you're shifting the needle. It doesn't mean you're manipulating the system, but I think it's fair to say that folks in those roles have priorities. What are your priorities for 2020?

RAFIK DAMMAK: Okay. Tanks, Heather. So, I think it's probably the continuation of what we started before about to make the PDPs more effective and efficient. And we had that initiative of PDP 3.0. It's not revolutionary, but it's an attempt by GNSO Council to take seriously its role in trying to make improvement in the PDP and also how the Council is functioning. So, I think that's a priority for us.

And as you know, we have the [SPS] coming in January and that will be the good opportunity for the GNSO Council to start it's work on the planning the priorities. We talk a lot about planning, priorities, managing, but we have to live up to that expectation and to make a clear plan. So, we know that we have a lot coming on in term of PDP and non-PDP activities, including reviews and what the reviews of policy or even what is coming from the bylaws mandated reviews or recommendations.

So, we need to be more efficient and more effective and make the councilors responsible and accountable as they are representing their own groups and we count on them to liaise and bring back their group's position and to be active in all the initiatives or work we have at the Council.

So, it's basically that the priority is really to continue that improvement process. And as always, we know there are many unknowns that come up during the year. So, the challenge for us is how we can have that capacity or ability to cope with those challenges. You know, we had the

PDP in that year that kind of changed our initial plan. So, we need to be flexible and to be a proactive, responsive to those kinds of issues.

So, the current situation is we are trying to create the tools, the processes, that capability to allow us to manage the work and to plan, but also how we can improve the current processes in the way we need to, to be more effective and deliver on time. So, I know that there are a lot of frustration how PDPs takes so long and they are not delivering on time, so that the focus is we try with that small attempt of the PDP 3.0 to improve things in first place and see what we can take as next step in the future to improve the situation.

WOLF-ULRICH KNOBEN: Thanks for this, Rafik. I think he next is Jimson.

JIMSON OLUFUYE: Okay. Thank you very much. Okay.

KEITH DRAZAK: I think have this question was to both of us.

JIMSON OLUFUYE: Maybe you could take that answer with my question. Can you combine it together? Okay. This Jimson Olufuye, BC. Well, it's good to hear from you, Keith, that you're all working together with Rafik and everyone because some of us have some view that maybe it's challenging working together in the party houses.

Well during the last ATRT survey, majority of us was in CSG, we have this opinion that maybe since we contribute more than 90% of the income of ICANN, and then a lot of the policy work happened in GNSO, perhaps it makes sense for us instead of two more seat, to have four board seats. Two in the contracted party and two in the non-contracted party. So, what is your view about this? [inaudible]. Thank you.

WOLF-ULRICH KNOBEN: Okay. So please take also …

KEITH DRAZEK: Yes, thank you Wolf-Ulrich. So, Jimson, just so I understand your question and then I'll come back to Heather's question. What it a question about the distribution or the allocation of board seats?

JIMSON OLUFUYE: Yes. Currently we have two Board seats in the GNSO, right? So how about scaling up to four? What do you think?

KEITH DRAZAK: So, thank you, Jimson. So, I guess my initial reaction would be I think as we certainly consider the importance of the GNSO and the importance of GNSO policy development to ICANN. I think we do carry quite a significant load in terms of and responsibility for the policies that are developed. And I think you pointed out that much of the

revenue for ICANN comes from the GNSO community and GNSO registrants.

So, I don't have an opinion right now to sitting here today about whether we should expand the number of Board seats. I guess the question is where would they come from? Would they come from NomCom or would they be additional board seats over and above what's exists today? But I certainly would welcome further discussion on that.

So, I, I can't sit here and say that I have a personal opinion on that, and the Council hasn't discussed it at all. So, from a GNSO Council leadership perspective, there's no position on that at this point. But certainly happy to have further conversation about that.

Heather, to respond to your question about priorities, I would actually echo much of what Rafik has just said. And I think that demonstrates that the leadership team, these are things that we have been talking about together—Rafik, myself, and Pam—in terms of looking ahead to 2020.

And certainly, one of the things as Rafik noted is the implementation of the PDP 3.0 recommendations and essentially to try to finish at least this phase of that process that you began when you were chair or help to initiate. And Rafik and Pam have really been carrying the load of this calendar year on the PDP 3.0 effort. So, I must acknowledge that.

But one of my goals is to bring that to a conclusion to the extent possible in time for our strategic planning session in January, at the end

of January, so it can help inform the work that we do moving forward. And that work includes likely initiation of new PDPs in 2020. And I'll speak to that in a minute.

My priority number two is to bring the existing PDPs that have been going on for three or four years – maybe a little less for the EPDP phase two but certainly the amount of work that's been done by that in a slightly shorter period of time. We need to bring in RPM phase one to a conclusion in 2020, and earlier the better. We need to bring subsequent procedures to a conclusion in 2020, at least the policy development work. And the EPDP Phase 2 needs to be completed in 2020. So next year, my goal is to do everything I can to support the leadership of those PDPs and if we need to course correct along the way to do that to ensure that we bring those longstanding PDPs to a conclusion. And then, like I said, at least phase one of the RPM work.

The IGO protections issue, this is one that we need to resolve, and we need to get the GAC and the IGOs engaged into the process that we're working on right now. I think we have a path forward through the rechartering of the RPM PDP working group and to get that dedicated targeted work team engaged on that issue and working towards a conclusion.

During the council working session on Wednesday, I was asked a question by a council about what do I think about the GAC? What do I think about governments? And my response—I'll be brief if I can, but my response was essentially that I think we as the GNSO community need to find a way to engage governments and engage the GAC in our processes as we've been trying to do for quite a while.

I think there's an example in work track 5 and subsequent procedures where that actually has been viewed by the GAC and generally as a positive step of engagement in a GNSO process. But I think we need to make sure that we're engaging the GAC and governments because, to a certain extent in my view, the legitimacy of ICANN and the safety of ICANN and our multi-stakeholder bottom-up consensus making processes are validated by the participation of governments in this community. And if governments feel like they do not have a voice or are not being heard or are losing at every turn, I think that puts ICANN and everything that we're here to support at risk.

There's probably a few other things but let me stop there. I'm happy to answer any other questions.

WOLF-ULRICH KNOBEN: Thanks Keith. We have two other questions. Are there any in addition? I don't see them. So, it's you and then Barbara. Please go ahead, introduce yourself.

JAY SUDOWSKI: Yeah, Jay Sudowski. I'm a member of the BC. I'm also the chair of the NomCom this cycle. And I think it's fair to say that in general, the GNSO Council is frustrated by the people that we appoint to GNSO council through NomCom. So, we would like to help understand your requirements and your needs better. I think this year we're appointing one member to GNSO Council and it's a non-voting position. Obviously

next year it'll be two people and they'll both be voting one in each party house.

We would find it very helpful if the GNSO council could issue some sort of form of written advice around the requirements that you're seeking for the people. And you can even ideally be as specific as if you feel it's appropriate or acceptable for people that we appoint to have an affiliation within the GNSO world or not. Would you prefer an insider or an outsider? Does it matter if it's a voting or a non-voting member? And if you prefer an outsider, it would be good if you could enumerate how they could best participate within the GNSO world.

I think GNSO Council, to people who are not familiar with ICANN, is a challenging thing to get wrap their hands around. And without some sort of program to at least encourage people to participate, I think they end up by default just not participating. So, I don't necessarily need an answer to any of those things now, but I just want to plant the seed and NomCom staff will undoubtedly be reaching out to GNSO Council staff to have further discussions and seek your advice.

KEITH DRAZAK: Thank you very much, Jay, and thanks for your service on the NomCom. I know that's a tremendous amount of time required to do that job and do it well. So yeah, noted.

And I would just say as an initial reaction that I think one of the challenges that we see, particularly from a leadership team—and this includes counselors and NomCom appointees—is that attendance,

participation, engagement, volunteering, contribution, helping to do the work is something that all counselors and NomCom appointees, we all need to do a better job. I think what we've found is that with a leadership team, the way that this has sort of evolved is a lot of the work is done at the leadership team level and a lot of other folks aren't contributing in the way that would be helpful to us and to the overall process.

And I think certainly from the NomCom appointees, we've had some challenges with just folks not showing up, not being there. And I think that that's something that we can certainly address in a more formal response to you in terms of guidance of what the GNSO Council leadership at least thinks would be helpful.

JAY SUDOWSKI: Okay, that would be great. One thing I'll notice that ccNSO specifically indicates in their advice to us that they do not want anybody who works for or operates a ccTLD to be appointed by NomCom. So, if this is something that GNSO Council leadership has a position on in terms of GNSO, it's fair play to say that.

WOLF-ULRICH KNOBEN: Thanks very much. I do hope Brian Cute has some more time allocated than we had before. Thank you for that. Very last question Barbara. And then—

BARBARA WANNER: Thank you. And these comments are directed towards Rafik. I just wanted to express our appreciation for working with you the past few years and reiterating some of the comments that people have made about your good faith efforts to hold this position and negotiate in good faith. I know, personally, I had an experience dealing with you maybe two, three years ago when we sat down for, at times, challenging discussions about setting out a process for the selection of Board seat number 14 and you worked very hard to be fair and even handed in your participation in those negotiations.

I just wanted to express on behalf of the BC that it's our understanding that the vice chair seat will sort of pass to the CSG next time according to our agreement with the NCSG and that we will endeavor to occupy that position and engage with the NCSG with the sincerity and even-handedness that you have and your dealings with us. So, thank you very much

WOLF-ULRICH KNOBEN: Just to comment on that. If you can give you a confirmation on that, that would be great.

RAFIK DAMMAK: Okay. Thanks Barbara. I guess it's some more kind of formal confirmation about the alternates that after it will be. I mean, that will follow what degree it, I think as a previous process. But I can communicate with the NCSG leadership just to confirm that by email so we can have that in the record just to ensure we are on the same page.

EN

KEITH DRAZAK: Thank you. So just one last word, I know we're over time. I think one of the things the key areas of focus for the Council and the Council leadership going into January—and this is the reason I'm raising it now—is the time and the urgency around it is to prioritize our work. I think we've heard that word already this week from Cherine and you'll hear it from Brian next, I'm quite sure, is that for the GNSO Council to be able to help prioritize the workload and to make sure that we are achieving our objectives and delivering a quality product in terms of the policy development efforts that we have underway. There will be in January a GNSO Council strategic planning session. There will also be a meeting of SO/AC leaders around that same time, which also takes place at the same time as the ICANN Board workshop. And that's all sort of right at the end of January.

So, as a Council, we are going to be trying to work towards a better understanding of what the GNSO's priorities are community-wide and then, within the GNSO, how we prioritize our work. And we have a lot coming down on us in 2020 because of the EPDP Phase 1 recommendations, all of the other impacted policies in particular procedures, contractual provisions. But from a GNSO council perspective, we're looking at those other impacted consensus policies. And so please put a note down or a marker down to say start talking about what your priorities are so your councilors can come to the GNSO Council discussion and we need to make sure that this doesn't linger. S to the extent you can have those conversations soon, that would be great. So, thank you Wolf-Ulrich.

WOLF-ULRICH KNOBEN: Thanks to both of you. We will take that into consideration I'm sure. And we will discuss the elections as well in the afternoon meetings. Thanks again for your time here. We are 10 minutes over time and we have Brian Cute here. Welcome to the desk.

We have to discuss an important item which relies on Brian Cute's work here with regards to the evolution of the multi-stakeholder model. So, we had a prep meeting for that, and we thought that it might be good if he, as quickly as possible, dive into the discussion on that of issues. But if you have a very brief short intro for that, that would be helpful. And then I hand over to Heather. She will combine our issues and then we start discussion. Thank you.

BRIAN CUTE: Thank you all. Thank you for your time this morning. I'll try to be concise. On Thursday in the plenary session I'll be presenting the evolving ICANN's MSM proposed work plan. That is the product of a process that kicked off at ICANN 64 in Kobe. There were two phases, for those of you who participated, we did issue identification first through open meeting, through public comment. We identified 21 issues and then whittled those down to eight, which is where we stand now. And these are issues that the community has defined as being very specific pain points in our work processes, in our working methods and in our culture. And that is the scope of this work. Where are the pain points that keep us from being more effective and more efficient in work processes, working methodologies and culture?

Pivoting from identifying the issues we went around the business through the last public comment process of developing a work plan. So, I asked the community a few specific questions. First, we've got our issues. Are there any solutions out there that could address these? Let's not duplicate work. Second, if there aren't and work needs to be chartered, who's the right entity to take on the work of developing a solution? Got very good feedback. The work plan I'll present on Thursday reflects the community's feedback on those questions and other points.

What I would like to stress, and then I'll open up the floor, is in the big picture this is supporting the strategic plan for 2021 to 2025. We're talking a five-year window. The work to be chartered under this plan is intended to develop approaches that it can eventually lead to and solutions is where we want to end up solutions that can be implemented, that can create efficiencies and effectiveness in work processes, working methodologies, and our culture.

That being said, I know that this is just one more pile of work on top of a mountain of work and what I would ask everyone today and certainly on Thursday, again, when you look at these issues, the nature of them, prioritization of the work, how do we effectively reach consensus, culture, trust in silos, precision and scoping our work?

If you look at these prioritizations, reaching consensus, put the lens over these issues. If the complaint is, we are stuck in a vicious cycle of never ending work that keeps piling up, work streams that take too long and no ability to say no and researchers get stretched thin, these are the tools to break that cycle, to begin breaking that cycle. Proper

disciplined prioritization of the work that the community defines itself is a key to get out of the vicious cycle. So, I think that's the lens to put over this work as you consider how it gets chartered, how it gets prioritized amongst the mass of other work that's going on at ICANN. And I'll leave it there.

WOLF-ULRICH KNOBEN: Thanks very much, Brian. Heather please.

HEATHER FORREST: Thanks very much, Wolf-Ulrich. So, I, for the benefit of my CSG colleagues, I had the opportunity to sit down with some of my IPC colleagues with Brian a day or two ago to just have a chat with him one on one to express some of our concerns. But as this is an open IPC or open CSG meeting, rather Brian, please forgive me for repeating some of those comments, but for the benefit of everyone, given we were a very small group, what I'm about to say, of course, won't come as a surprise to you.

So, some frustrations have been expressed. Of course, you've had the benefit of seeing the comments that were filed by the BC and the IPC and we talked about some specific aspects of comments when we met. And I understand from our friends in the ISP CP that they share the concerns that were raised in those two comments. And I think across the board for those in the room not familiar with those comments, there's some frustration I think largely with the process, the way that this has is being tackled and on questionably not the substance.

The things that you're identifying as key parties or key issues for the ICANN community, I'm sure everyone in this room would hardily endorse problems of or endorse the identification of problems of trust of problems of workload and unmanageability problems of lack of prioritization or prioritization tools. I'm absolutely certain that everyone would agree with those things. But I think there are some concerns around how we're going about tackling this initiative.

I think we were all very much interested to hear Cherine's remarks in Barcelona that kicked this off. Very eager to participate in that process. And I would like to just reiterate that the comments that you have received, and the remarks you'll hear today are not intended to signal a lack of willingness to engage in the process at all. I think it's just a concern of what process.

So, how do we get adequately heard? How do we make sure that our, our comments are adequately expressed in comment summaries and so on? How do we make sure that this effort, this worthwhile effort, doesn't die in a ditch because it suffers? I'm not sure if you were in the room, but the speakers prior to you were the candidates for the GNSO chair and GNSO council vice chair from the non-contracted parties house. And in terms of their priorities, one of the things that they identified was how to deal with the crushing workload. And there was mention of starting more PDPs.

So, in addition to finishing PDP 3.0 starting more PDPs, I want to be very clear about why I'm raising this. I'm not raising that to say that we have too much workload on, so we don't want to deal with evolving the multi-stakeholder model. What I'm saying is we have so much workload

on that we need to be able to deal with that effectively and there is a potential for this initiative that you're involved in to help us to do that. But at the moment there's a big disconnect. We're not seeing how this effort is actually going to lead to something tangible. We're happy to engage in the extra work. In fact, I don't think we would even consider it extra work. We consider it part of our broader responsibility around the place. However, you've got to tell us what's in it for us and what's going to come out of it in the end that's going to be tangible that we can use. Thank you

BRIAN CUTE: Thank you very much for that. And I appreciate very much the candor. Let me say first off that, yes, the process has been challenging at points and that's on me. And as we said yesterday at breakfast there were certain points in this process where I felt it was important to use the existing processes of public comment when we're doing an issue identification exercise because the entire community needs to be heard. That's just straightforward. And using those tools is one way to do that.

The meeting in Marrakech where we pivoted from identifying issues to beginning developing this work plan, I was personally dissatisfied with, and again, that's on me. I was attempting to engage in dialogue with the community on the two questions that I teed up. Are there other solutions in the community so we don't to duplicate work?

And then secondly, which entities should take on the issue and take on the task of developing a solution to the issue? In retrospect, that was

not the best forum for that. Those questions were teed up through subsequent public comment, and as I said, the community came back with very good substantive points that have informed the work plan that I'll be presenting on Thursday. But in retrospect, that could've been better use of your time. And I apologize for that.

You will see on Thursday a work plan. So, through this entire process to now it's been public comments, issue identification and with that comes a lot of comment that is directly on point to the questions asked, and some it goes beyond and that's natural and I accept all the comments that come along. In terms of reflecting back that you've been heard, in the last round of comments, I had three very specific questions and I tried to reflect back in the summary the comments that responded point blank to those questions.

I will note that the community has been consistent, BC and others, in suggesting solutions to these issues in their comments along the way and perhaps those solutions have not been adequately reflected back in public comment summary. You will see on Thursday in my presentation that I am reflecting some examples of solutions that have been suggested by the community to some of these issues, because again, if we can avoid duplication of work, if we can find shortcuts to solutions, if you will, by all means, let's leverage all of that. You will see some of that reflected back on Thursday. It won't be everyone's comment, but it'll be there.

And as this work plan moves forward through another round of public comment as part of the five-year operating plan, another chance to kick the tires and hit this thing until it is solid and makes good sense and

delivers value. When the entities have agreed within the broader context of how you all prioritize your work, that they're going to go about the business of developing a solution to issue X, I will be providing that entity with all of the proposed solutions from the community that have come up to the public comment for them to consider as they begin to charter their work of coming up with approaches and identifying solutions.

So that comment will not be lost. That comment will be shared with those who go about the business of developing solutions. So that's how your voices will be reflected back. I own and acknowledge any of the opacity or insufficiency of how that's been done to date, but I wanted to share those responses with you.

WOLF-ULRICH KNOBEN: Okay. Thanks very much. That's in important point because it's very sensitive to the community to see that those opinions are at least recognized and in a certain way, so the discussion is ongoing whether they are accepted or not, but the recognition of that, that's an important point. So, the next colleague, please introduce yourself.

MARK DATYSGELD: Mark Datysgeld from the BC. Thank you very much for reflecting many of our comments in the latest report of the public comments. I think it's very appreciated by us. It's a comment that has been raised in the past.

The initial point I was going to bring up is exactly about the point you make that the considerations would be shared moving forward with the

owners of the issues. And I think you've addressed this partially, but it would be good to have clarity in how exactly you plan to do that as in the sense that how that will be done effectively. I guess a document can be generated, it can be a template of sorts, but things do get lost and especially this process might not be immediate. It might take a while to get going. So, if you could further clarify that.

In case you feel that issue is properly solved, I would just like to ask you about issue five in particular. It became at some point representation, inclusivity, recruitment and demographics. Then, in the current form, you boil it down to representativeness and inclusiveness. And I would just like to understand where you personally stand on this issue so that we can be effective about thinking about it. How did you, because in the report it seems you more towards recruitment and demographics, which might not be our main concern, which would be representation, inclusivity. So how do we deal with this issue moving forward in your opinion? Thank you very much.

BRIAN CUTE: Thank you. And on the first question, there will be a final work plan and a final report that comes out of this. We have to have the work plan go through comment period as part of the operating plan. Take those comments on board, create a final work plan and a final report, which will contain solutions offered by community members that can be handed to, if you will, those who are taking on the task of developing approaches to solutions. So that is formally how that transfer will happen.

To your second question, you will see on Thursday—and if it came across as leaning toward one or the other, that was not the intention. The comment that I took on board because prior in the process it had been suggested that those four have a relationship and should be addressed as a whole.

The BC, I think it was, made a very clear point that you know what representation and inclusivity are their own animal. Recruitment and demographics serve a distinct purpose. So, on Thursday you'll see that all I've done is separated them, that they need to be addressed separately, but no greater weight on one or the other. So, I think in fact, that comment was heard and processed and agreed with and that's what you'll see on Thursday.

WOLF-ULRICH KNOBEN: Thank you. All right. Let's take a queue. I have Steve, I have Anne, anybody else? Not yet. Steve, please.

STEVE DELBIANCO: Thanks, Brian. As you noted in the assessment, several commenters expressed frustrations about structural change and the way you handled it was as the Board probably asked you to handle it, which is don't address structural change. But I want you to understand that the frustration we have over the complexity and the workload is partly based on the fact that there are structural barriers and voting rules that means the outcomes we work so hard to achieve get blocked and it's

part of this whole split house in GNSO—and you're dealing with GNSO just in particular right now.

And I guess we derive some satisfaction from being heard about the structural impediments to representing the interests of businesses. We get some satisfaction out of perhaps a channeling of those structural frustrations into the right category as opposed to just observing what you do in the report is that structural changes can be addressed through other mechanisms and processes. Work a little harder on that to suggest what could. If you missed the prior meeting, we were quizzing our vice chair and chair candidates about the idea that one structural change is that the Board itself get two more seats from GNSO, take them away from the NomCom. That's an example. We didn't have it in our comments to you, but it's part of what we mean by structural change and there may be places that you can point those to, as opposed to they will not be addressed. That would be one.

And the third thing you're trying to do is to come up with process improvements. And even if the process improvements yield benefits, this group in this room will still be frustrated of the barriers to achieving things because of structure and voting. So, our degree of enthusiasm for incremental process improvements will be milder than you might otherwise suspect.

BRIAN CUTE: Thank you for that, Steve. And I'll take that onboard in terms of doing a bit more in reflecting back and perhaps suggesting how those issues could be addressed or where they could be addressed.

I'll say it this way. And I know it won't address the frustration and I understand it completely. This is the scope of this work. It's work process improvement, working methodology and culture improvements. And one way I look at it—and again, I don't expect this to create any happiness in the room—but it's to make the last point not to minimize the point about structural changes.

The structure today as a structure today—and yes, it creates some barriers. And also within a political policymaking body, the structure today, every stakeholder tries to leverage it to the best of their ability to gain the best advantage and exposure for the particular point of view or position. That's politics. ICANN may very well go through a significant restructuring, and when that plane lands this political body that makes policy, each stakeholder will try to leverage within that structure to the best of its ability to gain advantage for its position and its point of view.

This work—and this is the point I'm trying to make. I'm not trying to minimize the frustration. This work, prioritizing our work with a clear process and discipline and a common resource where we can see all of the work that's ongoing and see all of the resources that are allocated so we can make informed decisions about whether to start something or to stop something, effectively, reaching consensus because our chairs have the skills and the tools to address capture tactics and move the work to decision and compromise more quickly and efficiently. These are the muscles that the organization needs to build. These are the muscles that you need to make this structure work more effectively and efficiently. And if indeed you do restructure, whatever structure that is, these are the muscles that the organization needs.

So, if the lens over this work can be when contemplating how important is this, which ones do we do first, how does it fit in with the pile, focus for me on those that build the muscles that are going to make things work better in this structure and make things work better in the next structure, for what it's worth.

WOLF-ULRICH KNOBEN: Thanks for that, Brian. So, the very last question from Anne and we have five minutes left out of the meeting.

ANNE AIKMAN-SCELESE: Great. Thanks. I appreciate this is an extremely unwieldy project, SO as you develop your work plan, I had two comments with respect to that work plan as proposed going forward and we haven't seen it yet.

But one of the things I had put in public comment in terms of prioritizing work is that each of the entities that's ultimately assigned the particular task on the issues that you identified and the community identified as very important, that It would be a good starting point for each of those to review that against ICANN's new vision and strategic plan and goals to make sure that the work that is getting done, if it gets done, is productive as against the vision, the plan and the goals. I didn't see that reflected in the summary of public comments. But that's okay. I'm just making that comment here.

Regarding prioritization of the work, and secondly, in connection with that work plan, I think it would be extremely important for each of those groups to identify as they're addressing issues, which of those issues

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are likely to require a policy development process versus just being decided in some entity that … Because you're going to get jurisdictional issues given the existing structure and you're going to need to identify and through that process of working, which of those issues will actually have to go through policy development versus could be addressed as an internal ICANN Org matter? And that goes to, I guess, efficiency.

Lastly, I really would encourage that when public comments are filed that the notion that, "Oh, well these are non-responsive," I don't think that's the kind of approach really that ICANN should be taking with respect to encouraging new people into the community because people may want to come in and file public comments and not really understand how strict your structure is for "please answer only these questions". I just would encourage you when summarizing public comments to … And I don't want to be a broken record on that. It's already been stated. Thank you.

BRIAN CUTE: Let me take those in reverse. On the comments, number one, this was my work, right? This was not staff's work. It was important. I was engaged to be an independent objective party here who works with the community and the Board and the Org. Yes. Did I follow the general frame of how comments are summarize? I did. Also, explicitly, any comment is open. Even one that's not responsive or is about the sky is green. It's not blue, it's red. It's taken on board.

In terms of what's reflected back out there is kind of summarization and not every comment makes it into each report. I'm not justifying

that. But it doesn't mean that they're not read. At least for me, it doesn't mean that they're not the lost or considered.

The challenge is how do you reflect back as fully all of the comments and there is some utility to the comments that directly address the question that provide the ability to advance the work in the process. I know that's maybe not a satisfactory answer, but at least know that all of the comments have been read, internalized, thought about, and as we go forward in the final report will reflect out how ICANN reflect those out more fully.

The work plan proposed is that an entity would take on the work of developing a solution and propose it back to the community. It doesn't automatically become implemented. There will be a step in that process. So, whether at that point it looks like something that should go through a PDP is a decision to be made. It looks like it can be taken on as a new work process step, and by the way, this AC or that SO, it's simple enough for me to just take that and implement it in my work process. It could be either/or, but there'll be a step there where those decisions have to be made. So it's not the GNSO has developed a solution and now everyone has to implement it. Absolutely not. The solution would have to be fit for purpose as well. What works to improve consensus within a GNSO PDP might not necessarily work for others. It has to be fit for purpose. So that's answering the second question.

The first question, yeah, I didn't explicitly say that this work should align with and support the vision and the strategic plan and the goals of the strategic plan, because for me that's that's assumed and maybe it shouldn't be assumed. Any work we do here, the first question should

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be is: does this align with the strategic plan? That's question number one on the prioritization checklist. So, I can make that explicit. And I'm happy to. And it wasn't there just because, to me, if you're prioritizing properly, one of the first questions you ask is does this work aligned with a strategic plan or not? So, I can bring that in later.

WOLF-ULRICH KNOBEN: So, thanks very much Brian, for taking time with us here. So, I will close this part of the session right now. Thank you. We are looking forward to your presentation on Thursday. Thanks very much.

We have still two minutes left. So, what I've learned in our prep meeting on Saturday is that we don't have really policy issues to discuss on that level [inaudible] constituencies.

But we have two items to talk about that is filling committees with people here from our group. The first one is CCWG on auction proceeds. So, as you know, there is a change. Marilyn who had this post up to now is going to leave that and we have to fill that post. So please think about that. We have circulated … I think there was also circulated on a link that Anne is prepared to stand for that. But if they are discussing, if there are other interests, please do this as soon as possible. Come up with that.

I would like to take the opportunity and to thank Marilyn for her term on that committee. I think that is a critical committee and it's a complicated committee to talk about, and I've talked with Marilyn. She is prepared also to send us a summary of the work we received with

maybe the open issues about that the transition could be smooth for the next one and that is very helpful. Thank you so far.

The other thing is to remind you the SSC has to be filled and that's by each constituency. So that should be on our plan until the end of November to fill that position. Any question, any comment? Please, go ahead.

UNIDENTIFIED FEMALE: For those of us who are having acronym blindness, could you remind us what the SSC is?

WOLF-ULRICH KNOBEN: Oh, yes. I learned it's called a standing committee on S what, what, what?

HEATHER FOREST: It's the standing selection committee. So, it's a standing committee. It's a standing committee of the GNSO council hat appoints GNSO representatives to various icon initiatives.

WOLF-ULRICH KNOBEN: Thank you. So, the meeting is closed. Thank you so much. Bye-bye.

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