
MARCUS: Okay, it's 12 past the hour, and it's 11:00 in the evening here in Switzerland. It's rather late, so we may as well get started.

UNKNOWN SPEAKER: Question. Do we have an Adobe room? I don't see anything in the calendar invite.

MARCUS: We do have an Adobe room, yes.

UNKNOWN SPEAKER: Could you send—could somebody send me the link? Or maybe, I have three calendar invites. Maybe it's—yeah, I found it in this one. Alright.

MARCUS: It's in the calendar invite, yes. [INAUDIBLE].

UNKNOWN SPEAKER: Okay, perfect.

MARCUS: Okay, this is the second such call. We had the first, it was labeled then as a pilot of the Helsinki communique. And they did some stock-taking after that, and when we met in Hyderabad about the—there were some comments made. The first call, maybe there was so much discussions

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and not enough focus on what the call was supposed to be, namely it is here not to solve problems as much as maybe a later stage when we have calls to actually solve problems.

But it was more meant to avoid misunderstandings and the heading is essentially ask clarifying questions so that we are sure we're on the same page. In Hyderabad, it was also this was expressed, this issues and some questions in advance, and we have also a couple questions were shared with the GAC, I think yesterday.

Apologies. It was maybe a bit late, but better late than never, and I hope it will help to—also to provide the structure through the call. I hope the opportunity to look at what we sent to you. It is table format, and we followed the same format.

We sent you the response to the Helsinki advice, which you received also, more or less, at the same time. So, what you have in front of you is a table on the dissection of TAF advice from Hyderabad. It's in essence the basis what will be our response to the Hyderabad advice.

The response to the Helsinki advice, of course there are some strong links to the Hyderabad advice, but I would suggest nevertheless that we stick to what we said this call would be here for. That is to discuss the Hyderabad advice and not necessarily to discuss both of them, but obviously, I'm in your hands, and if you have desired information, to save time, we can also go back to our response to the Helsinki advice.

Having said that, I wonder whether, Manan [PH], as the co-chair of the Board GAC recommendation group, has any comments, or Thomas, as the back chair. And of course, I would also turn to my fellow board

members to see whether they have any introductory comments or thoughts.

MANAN: This is Manan. Thank you, Mark, for some good—I hand all this over if they have any introductory remarks. Thank you.

THOMAS: Thank you. This is Thomas. Just to basically confirm what Marcus said, that the purpose is to—for the board to understand, if it's not clear, to make sure that we have a shared understanding of what the GAC means, and ideally, also what the GAC expects in terms of answers from the board.

So, that this is the first step of the interaction. It's about mutual understanding. It's not necessarily about finding solutions or answering, or getting answers from the board in substance, but mainly about making sure that the board understands where the GAC is coming from and what we expect. That's it from my side. And hello to everybody, of course.

MARCUS: Well, thank you both, Manan and Thomas. Are there any other introductory comments or thoughts? If not, then I suggest we go through the table we sent out.

UNKNOWN SPEAKER: Marcus, [INAUDIBLE].

MARCUS: Yes, I see Cavush [PH] has his hand up. Cavush, please.

UNKNOWN SPEAKER: We can't hear you, Cavush.

MARCUS: I think his hand is down again, so I think that he has no comments to add. In that case then, I suggest that we take the table we sent out as a basis for our discussion. And so, straight into it, you've seen the first clarifying question on the GAC advice regarding the timing, after the development of future [INAUDIBLE] policies and procedures.

And it's not so much a question. It is more of a comment. We had this discussion during the call on the Helsinki advice, and we assume that the GAC is aware that it's not up to the boards to set the work schedule, but it's up to the community. And I see Cavush's hand is up again. Cavush, please.

CAVUSH: Yes, Marcus. You may be right, but in reality, there are different understandings. The group dealing with the preparation of the PVP for the new round received a letter from the GNSO council, presumably, quoting that ICANN board has asked that, considering the issue that the process would start and not waiting for the completion of the

examinations and completions of the process to see what are the problems and difficulties.

I am not aware what was the answer of the group to the GNSO council, but could you clarify whether the board wrote a letter to GNSO and asking them. "Let us consider starting the new process as soon as possible, to the extent available, and not waiting for the completion of the examinations."

I, as a member of the GAC, I am not in agreement of that. We must wait until everything is finished and we identify problems, difficulties, shortcomings, and so on, so forth. But not start at the middle of the thing and having it overlapping. This is my question. I'm not happy with the answer that was given by ICANN board. It is too much political, but not reality. Thank you.

MARCUS:

Thank, you for your comments. That was very clear, and I wonder whether somebody from ICANN or [INAUDIBLE] maybe, or EURALO can reply to that. I have to admit that I don't have the answer to that question at my fingertips. Can anyone provide an answer to Cavush's question? I mean we definitely have to take note. Thomas, please?

THOMAS:

Thank you. If I take some time until I speak, it's because I have to click through my iPhone to unmute myself. That may take a few seconds. First of all, I think what he's referring to, that letter that the board sent some time ago, to the GAC.

So, that was not fully clear to many people on this issue. I think with regard to the basically indication or reiteration of the board's answer to the Helsinki advice that we received a few days ago, and that is here cited in the scorecard. It is up to the community to set its own schedule that is right.

But the expectation from the GAC is that the board basically, as the final decisive organ of this organization, has a view on whether it agrees with the schedule proposed by the community or whether the board thinks that maybe more time would be needed, or time should be allocated differently, and I just want to reiterate that everybody agreed when launching the first round that no second round should be started before the first round is properly assessed.

And everybody agreed, including the GNSO, and including the board, and so on. But just to clarify the expectation from the GAC side, is in the end, even if the community, i.e. in this case, the GNSO community would decide to start or to basically reverse the order and not wait until the assessments and evaluations are finished, that the board would clearly indicate that this is not in the interests, in the public interests that this order's reversed.

So, I think the first things are done first, and then the conclusions are drawn. So, the expectation is that if the board thinks that the community's schedule would not be logical, that the board would then make that clear, its expectations. So, you cannot justify everything to the so-called community, because the community in this case is the GNSO. Thank you.

MARCUS: Thank you, Thomas. I think the message is clear. Just turning also to board that is on the call, any comments on that? Or do we want to move on? Cavush has a comment. Yes, please?

CAVUSH: Yes, Marcus. I'm very sorry. Community is not GNSO. Community is community. If it is global multi-stakeholders or everybody. If it is one stakeholder, or let's just say a constituency or a group of constituencies, GNSO, I don't agree with that.

We are not going to be dominated by GNSO, because our own people, 50 percent of them are American, and they attend all the meetings, and they prepare very well, and they dominate the others. So, I do not agree that we should say community is GNSO.

Community is everybody, and we should have consensus on that. And we should not go to the voting because they always dominate. 50 percent of all participants are US participants, or North American. And forgetting about the whole world. So, I do not agree with that community be GNSO. Should be a consensus on this start of the second round. Thank you.

MARCUS: Thank you, Cavush. Our comments refer to community. I didn't say GNSO, and this is my understanding that we have a consensus that that is part of community. So, your comments are well-received. Further comments on this issue? If not, then we move on.

We have listened and we heard your message. The second point of progress to a one mitigation of the name abuse, and you asked that the ICANN board provide written responses to questions listed for annex 1 to the communique, and our comment is here that the board will direct the ICANN CEO to provide written responses to the questions.

So, I don't think there's anything to be discussed on this issue. We accept that we will provide answers through the CEO of ICANN. Then I take it that it can move on. Then the next point is paragraph 3A-1, to let the country, territory, close at the section level.

And there, the GAC has about a communique, warned us to indicate whether the actions taken by the board as referred to in the resolution on 8th November, are fully consistent with the GAC advice given to Helsinki communique. There our clarifying question is "In what ways do you believe the board actions are not consistent with the GAC's advice?" Cavush, please.

CAVUSH:

Yes, Marcus, I may be wrong. I stand to be corrected. But the resolution of the board is very, very vague and unclear. The GAC advice was indicating that there are not one single view, or different viewpoints on the matter, and the board reply does not reflect that.

Again, it remains very, very general. So, we need the clarification. What is the advice that we are given, that there are two views in the GAC? One group of people has one view, and the other group of people have other view.

So, both views need to be respected in accordance with the wish of those—member of those groups which has been mentioned. It is not clear in the response or resolution of the board. Maybe we don't read them correctly, but it is not clear. Thank you.

MARCUS: Thank you. I see Thomas' hand up. Thomas, please.

THOMAS: Yes, thank you. I think to clarify that, as there are two different levels here. One is the substantive issue of the Helsinki advice, which basically says that some countries have no strong feelings about this. Others have strong to very strong feelings.

And this is like the divergent, or the difference of views. But there was consensus in the GAC that those countries who have strong feelings that were shared by those who didn't have strong feelings, that they should have a say in this.

So, there is different views about who cares or who does not care, but there is consensus in the GAC that those who care should have voice, should be taken into account, should be contacted and mitigation should be undertaken in cases where a particular government with GAC has an issue.

But the concrete advice points about indicate where the action by the board is consistent with the GAC is—the problem was that we didn't get an answer from the board whether it's accepted or—did accept or not

our advice, before the decision had been taken by the board, and that is actually the key problem that we have heard about.

The decision did not say “This is something that we expect,” that is made clear to the GAC whether or not the board accepts the advice, and then how it intends to implement the advice. That is basically point one, as I recall, is that we expect the board to indicate to us clearly, “Yes, we think we have accepted the advice and this is how we implement it,” or “No, we will not accept the advice and this is what we’ll do about this.”

And that is not done, has not been done clearly, in the decision by the board. And of course, ideally, when—before implementing a proposed way to implement, we would also expect that the GAC is consulted in a case like this, or has the opportunity to express its appreciation of the way the board proposes to implement an advice.

Because that is where the problem lies, in this case, that not all GAC members are happy with the way that the implementation is done. One thing is to say “We accept the advice, and this is how we’re going to implement it.” The other thing is that the board expects to have a possibility to react before a process is actually started or put in place, that it can say “Okay, we take note that you think you accepted it.

But in our views, this is not what we expect. So, we are not happy with the implementation,” or “We are happy with the implementation, and everything is fine.” So, this is the point here, in the way I recall it. Thank you.

MARCUS: Thank you, Thomas. And you're right, of course, saying that there was a timing issue, that we had passed a resolution before actually responding on the Helsinki advice.

But since then, you have received our response to the Helsinki advice, where we indicate that we understand this, this advice to the board, to urge contracted partners to work with relevant GAC members, and there is possible confusion arises, to [INAUDIBLE] level, and the selected country code. And I hope that this addresses the concern you have expressed. Cavush, is that another hand, or a new hand?

CAVUSH: Yes, a new hand. My understanding is largely different than Thomas. It's not whether the countries are consulted. The second group, they want explicit agreements for the release. It is not contacted. They are contacted. But within each stage, whether it's 60 days or 90 days, lack of reply should not mean agreement.

This is the view of the second group. So, I suggest that Thomas put it in the proper context. The second group of countries want explicit agreement for the release. This has not been convened by ICANN board. Timing is not the problem. All of the countries are contacted, 60 or 90 days.

But currently, it mentioned that lack of reply means agreement. The group of countries say "No, we don't agree with that." Lack of reply means dis-agreement. This should be confirmed by the board for the second group of countries. Thank you.

MARCUS: Thank you. Great thoughts. And our reply does not say consult. It says work with relevant GAC members, which would mean work together and be in agreement. So, Fritz's hand is up. Please, Fritz.

FRITZ: Thank you, Marcus. Can you hear me?

MARCUS: We can hear you.

FRITZ: So, look, I don't want to create problems, but I think it's important for the record that we know what the board is required to do with the GAC advice, what the board is required to do with the advice of individual countries, or groups of countries. [INAUDIBLE] respect for both views?

I think that what the board has done is to consider the advice it has received from the GAC, to respond to that advice, be it acknowledged. A number has done so. And proceed with the plan that the board believes, taking into account that the advice as given by the GAC. Thanks.

MARCUS: Thank you. And again, we may have differences in the implementation of the GAC advice, but again, back to our introductory comments, this is

not about a negotiation, to find a consensus, that we all agree on what we mean, just that we understand what is behind us.

And I think that what we heard in this call so far, we do understand the underlying assumptions, and we will take that into account when responding to the Hyderabad advice. Again, there was a timing issue with Hyderabad. The Helsinki advice, our response to it came out after we received the Hyderabad advice.

So, there is obviously a timing problem there. But can we conclude discussion on this point, which I do understand GAC members attach great importance to? Thomas?

THOMAS:

Just without prolonging the debate, I think for the GAC as well as for the board, it's important to look at the advice that we gave in Helsinki, which is because the Hyderabad advice is procedural, obviously. But the substantive advice is the Helsinki advice. I'm not going to read it through, but that is the consensus position of the GAC that is formulated in that advice. Thank you.

MARCUS:

Thank you. Point well taken, and we will take that into account when preparing our response to the Hyderabad advice. Can we then move on to the next point? 3A-2, to let the country/territory go to the second level. Always communicate in the future the position of the board regarding any GAC advice on any matter in due time before adopting any measure directly related to that service. You see, we gave an A in

that column, and same applies to the next one—well I mean does anyone want to comment? Yes, Cavush, then Thomas, please.

CAVUSH: May I ask the secretary to scroll up when you go to the next question, or put it so that we can scroll up ourselves? I don't see the questions. So, could it be possible that it is scrolling up? Thank you.

MARCUS: Yeah, we are still at 3A-2. That question is right at the bottom of the page. But then, when it comes to the next one, yes, we will have to scroll up. Thomas?

THOMAS: Yes, thank you. Well the last line is missing on your screen, but we also probably have the text in front of us. Just this point is also, it's a procedural point that actually does not only refer to this particular question, but I think it's fairly straightforward, is that just to express the expectation of what I already mentioned before, that we expect the board to express clearly, it's position, whether or not it has accepted, or it accepts GAC advice before adopting any measure related to that advice or implementing or not implementing.

So, this is, again, a procedural point that relates to the main issue that we've discussed. So, this is not a substantive point. It's a procedural point that we try to make clear, and that does not only go for this particular piece of advice, but we use the occasion of this advice that we expect in the future that the board would give an answer whether or

not it has accepted the advice before implementing anything related to that. Thank you.

MARCUS: Thank you. In fact, that goes essentially under the heading “Improved Communication Between the Board and the GAC,” to make your point.

THOMAS: Absolutely.

MARCUS: Cavush, you have your hand up?

CAVUSH: Not before implementing, before board adopts or approves a resolution, board is respectfully requested to take into account the GAC advice. And your reply, or reply of board, is N/A. What does it mean N/A? Not applicable? It is applicable. The board should say “Yes, we do,” or they should say “No, we don’t do.” So, this is—the reply is not correct. Thank you. I’m sorry to say that.

MARCUS: Okay, the answer that I’ve put in the table, the recommendation or the advice is very clear. But we have not yet—I mean we don’t have a question. It’s very clear. But we have not yet discussed in substance whether we accept the advice or not.

We're here to understand what you mean, and I think both you and Thomas explained it very well. And we will get back to you, telling you whether or not we accept your advice. But I have a feeling that we can accept this advice. But we have not yet reached that stage where we decide whether or not to accept the advice.

We're just going through it, trying to understand what you mean, and I think both you and Thomas have been very clear what you mean with it. Can we move on to the next one? And Sandy will have to scroll up to the next page, as the beginning is at the bottom of this page, and the rest is on the next page. Whoever controls the screen, can you get it free for everybody to—

UNKNOWN SPEAKER: Marcus, it is actually free. Everybody can scroll for themselves. It is free.

FRITZ: I just noticed it is free.

MARCUS: Okay, we go to the next page. And there, it's about the IGO names and acronyms. We take action and engage with all participants to facilitate the transparent face value resolution, and inconsistencies between GAC advice and GNSO recommendation. And there, again, we don't really ask any questions. I mean if there's an A in our column, that means we don't need—the advice is clear, unless anybody, my fellow board members, have any questions. Cavush?

CAVUSH: Yes, my question is that would it—does the board intend to have this party, getting together with the facilitator before you go—we go to Copenhagen, or that will be still the same issue, and Copenhagen we have the same problem? Because we have asked the board, as well as the facilitator, for the issue. Is this a situation, or not yet? Or will we see the same question in Copenhagen?

MARCUS: Hopefully not. But we do have a process set in motion. The board has appointed a facilitator, as you are aware of, a former board member who's consulting, supported by other board members, [INAUDIBLE] in particular. And we have a process in motion, and there will be a call next week, where we get this process stated. Okay, you have comments or questions?

UNKNOWN SPEAKER: Hello, do you hear me okay?

MARCUS: Yes, we can hear you.

UNKNOWN SPEAKER: Hello, Marcus. Good night for those who are in Europe. This is [INAUDIBLE]. I just want to piggyback a little bit on this question by

Cavush, because as you may be aware, the day the GNSO council was meeting and they were going to discuss also this issue.

And they had a motion with the GNSO's review of the GAC's communique [INAUDIBLE]. And on this review, I don't know if this is the final text [INAUDIBLE], but GNSO council reiterates its previously stated position that the bylaws prevent it from taking any further action in regard of this issue until the board officially acts on the [INAUDIBLE] GNSO recommendations and GAC advice.

I read that as perhaps being more conservative than the process you are starting, and which you mentioned with, I think, [INAUDIBLE] as facilitator. And I'm not sure whether you have liaised with GNSO properly so that we don't come back to Copenhagen and we see that there has not been a formal trigger, and the conversations we've had until then are of no use. So, perhaps you know much better about this, and perhaps you have a view of whether this GNSO council decision, which was planned to be taken today, is compatible with the efforts you are starting as the board. Thank you.

MARCUS:

Well, thank you for your comments. I think this is very much linked to the next block/row, [INAUDIBLE] names and acronyms, where we explain that in detail. And there, it says while the board is prepared to facilitate these discussions, we cannot state the starting point of these discussions.

But the board will continue to encourage GNSO to consider the small group discussion document, of course, the whole facilitation process.

But I could hear you loud and clear, and I can also assure you that this is an issue of concern. Are there other comments on this particular issue? Cavush, yes, please.

CAVUSH: Yes, my question is will the board encourage the GNSO?

MARCUS: Yes.

CAVUSH: But if GNSO does not be encouraged, they say “No,” we don’t do anything? The two vice-chairs told at the meeting that all PDP is PDP. Unless the board proves that it is a mistake, we don’t review that. So, we should go a little bit more than encouragement.

The wording we put was encouragement, but perhaps literally, the board should do other things that encouraging. I am not proposing any text, any word, any term, but maybe little bit more than encouraging. Because I see a sort of tough position of GNSO.

We should work together. We should collaborate. This is not one sitting on this position and not moving. So, we expect that the board would put a little bit more importance than encouraging the GNSO. Thank you.

MARCUS: Thank you. I would also like to recall—we have meetings, board and GAC, then we’ve got meetings, board and GNSO. And actually, the

initiative to start the ELO came from the GNSO before we met with the GAC. So, I think there is at least, I would think, some kind of readiness to move beyond entrenched positions.

Now that has not always been—it's not always reflective in the positions that are adopted, but we can hear your message. You expect a very strong encouragement of those, beyond mere encouragement, from the board. Isla also has a hand up, and also Jorje. Those are new hands. Isla first, in any case.

ISLA: Thank you very much, Marcus. Can you hear me?

MARCUS: We can hear you.

ISLA: So, I have some friends in here. I just want to think what was said by Cavush and by Gorge. I'm sure that adjudication, adjudication has been going on for four years now. So, four years, in '12, and what was understood from the GNSO council today, the GNSO will not move forward [INAUDIBLE].

And issue with the communique, what GAC advised, but the board facilitates the process to come to resolution regarding the inconsistency between previous advice and GNSO admissions.

So, what we need now are the GAC and GAC members to be sure that the board stays engaged, and that the board will deliver results on the issues. What I would suggest maybe, the person that will be appointed by the board, in charge of the resignation, could report to the board before or during the Copenhagen meeting, and agree that the GAC will be informed of any evolution with the Copenhagen meeting.

And so, we want to advance on the issue, and what's at stake for many GAC members, and for many people involved in ICANN, not only as an acronym, it's really ICANN can deliver the position, can deliver results on the issue. I just wanted to emphasize that. Thank you.

MARCUS:

Thank you, Isla, for these comments. I cannot personally imagine that we'd go to the Copenhagen meeting without having a discussion of this issue, and keeping the GAC well informed on the progress that we hopefully have made by then. I mean this point is definitely well taken.

Are there other comments or questions? We are here to ask clarifying questions. I don't want to do all the talking myself. If not, then can we move on?

That would be 4A-3, related to the whole complex of these questions. 4A-3, 4A-4, 4A-5, these are all related to this section of IGO names and acronyms. So, we don't have any questions. I think your message is very clear and is the [INAUDIBLE] identifying names and national committee.

And again, we don't have any questions for such. And I see also, in chat, Jorge, a new hand, please make new comments. Make sure that you do not enter into a new procedure.

Again, this is point well taken, and also very clear. Maybe not everybody is on the Adobe. Jorge has just commented. You want to restate them yourselves instead of me reading them out? Do you have comments on the Red Cross issue?

JORGE: Hello. I think—

MARCUS: Yes.

JORGE: —person, then.

MARCUS: Oh, Cavush has a hand up. Yes please, Cavush.

CAVUSH: Yeah, excuse me. I think as you mentioned, Marcus, this is a difficult and complex issue. All of us should be patient and collaborative, and so on, so forth. However, I would like to suggest that until the time that the issue is not resolved, this protection should continue.

Because we have heard from the two vice-chairs of the GNSO council, or GNSO—I don't know the exact title. They said that we have protected three years, and it is more than sufficient. In our view, it's not sufficient at all. We have to protect until there is a workable solution, satisfactorily acceptable to all parties. So, this position should be continued without any bargaining or discussion until we find a solution. This is my comment on this. Thank you.

MARCUS: Thank you. And Jorge?

JORGE: Hello, and thank you for giving me the floor. On the Red Cross issue, I went to commence of the GNSO also today. We discussed text where they state that they're eager to resolve this as soon as possible, but they also say that they require sections from ICANN board [INAUDIBLE] why the GAC recommendation should be reexamined on this topic.

I think that these reasons, [INAUDIBLE] the GAC and its advice, over the last years, and also on the last committee at Hyderabad, where we [INAUDIBLE] and irrational. And I guess it would be a low-hanging fruit in this case, but the board communicates these reasons formally for the GNSO council so that they can start the revision of the recommendations and adoptions to what is already provisioned in protection of the Red Cross and its national society.

So, I want to point out this [INAUDIBLE] and that maybe, or most probably, the GNSO is also requiring a formal action by the board. But in

this case of—it seems that the will to adopt the recommendations is already there.

So, I would really urge the board to go with some of this procedural—this procedural issues, and make it possible that the GNSO makes a revision that makes the provisional protections permanent. Thanks.

MARCUS:

Thank you, Jorge. And Cavush, there's a new hand? Or—

CAVUSH:

Yes, new hand. We should be quite fair to everybody. GNSO said that. They have a procedure for the PDP. The procedure that they have sent, approved already by the board. In order to review and reexamine that, we need a strong and varied argument that there are deficiencies in that PDP.

So, who is going to provide that deficiencies in [INAUDIBLE] but not saying that needs to be reexamined? There should be some argument, varied argument, that PDP has deficiencies and problems. Who is going to take that action? Because the two vice-chairs say that we do not reexamine our PDP, because PDP's gone through the process. After two public comments, after so many things, approval of the board is valid.

So, somebody should prove that this is wrong or that is mistake. So, who is going to do that? That is the procedure. Otherwise, we should not discuss one side saying that "Please reexamine." They want to examine based on what? What is the basis of reexamination?

So, we should provide that logic to the GNSO that they must examine, and who is going to provide that? Board or who? I don't know. Thank you.

MARCUS: Thank you. Thomas?

THOMAS: Yes, thank you. Just three things. One is I just wanted to raise the attention to comment by [INAUDIBLE] that she wrote in the chat about an issue that we discussed previously, which was about [INAUDIBLE].

So, that is for your information, that we don't lose that information.

And then another, let's say procedural point about clarifying the roles of us here on this call. We have—that was a question to me actually, by a board member, about what to do with comments from individual GAC members here on this call. But basically, to give an answer to that, it's like in a meeting with the board, a bilateral meeting, that of course every member is free to express his or her opinion, individual opinion, and I think you can say—you can read this from—or compare this to the GAC communique, and if we take this complete example here, there has been clear consensus on the issues of IGO protection and Red Cross protection.

So, if a GAC member speaks to this, basically reiterating their position, then where do you take it? As an individual, you, or as a you of the whole GAC, it doesn't really matter, because the written position is very

clear, that we expect, first of all, what Jorge has referred to as well, that the temporary protection be in place until a solution is found.

That is something that the GAC has said several times, that the board has also accepted. And then on substance, with regards to what the GNSO told me, to rethink, or rework the engaging in the discussion about finding a compromise. In the end, that's been my point of view, but the business of the relationship between the board and the GNSO on what the board needs to do in order to get the GNSO to engage, and of course, like the extreme variations, which is basically either you accept one side's recommendation or advice, and reject the other?

Or, do you reject both? But in the end, in our view, trying to be constructive, trying to find a solution, what is here. What the issue at stake is here, if we want to make this model work, in case of divergence of views, the ideal case would be that somehow trigger advice, encourage people in a way that they accept this, stick together and try to find a solution that is acceptable to all.

This is what has been mentioned before. How you get the GNSO to accept, to stick together with us, I think the board is intelligent enough to find the right way to get them from our side, in the spirit of making the multi-stakeholder model work.

I think that an absolute consensus in the GAC that we are willing to engage with the GNSO under the facilitation by the board, or by somebody asked by the board.

So, we are willing to continue discussion, find a solution, because this is the way that we understand the multi-stakeholder model, and we hope

that others can basically say yes to the same kind of spirit in making the multi-stakeholder model work. I would leave it at that, on this issue, for the time being. Thank you.

MARCUS:

Thank you, Thomas. And [INAUDIBLE] point to Chris's comment, to actually reiterate what I said at the very beginning. That the intention of this call is actually not to find solutions, although if you find a solution as a byproduct, all the better.

The main purpose is to ask clarifying questions. And we are not in a position to give a formal reply to your advice at this stage, because we have to go back. We have to listen to you, and then we have to discuss it as a board, and then get back to you again.

But here, on all these issues related to IGO names and acronyms, protection of Red Cross, I think we agree that your advice, I think, is very clear and you have repeated it orally what we heard from you.

So, I think the message is very clear and we will take that into account when preparing our response.

Yes, other comments in the chat? Yes. [INAUDIBLE] apart from the board, vis-a-vis the GAC communique on the [INAUDIBLE] issues.

And Mark, I know that [INAUDIBLE] last week, to facilitate a dialogue, and he wants clarification of facilitated dialogue. Well, the facilitated dialogue is essentially the board appoints a facilitator, and the person who comes in. But I don't know whether any of my fellow board members would like to clarify that question?

I see it somehow difficult to wash into the weeds of this, and have too much of a substantive discussion instead of just limiting ourselves to the main purpose of—I'm asking one, to clarify what Chris is saying in the chat. I'm not sure I understand the question.

CHRIS: Yeah, thank you, Marcus. Can you hear me, Marcus?

MARCUS: We can hear you loud and clear.

CHRIS: Okay, great. Thank you. Well, I think to expedite the issue, it's important that the facilitated dialogue is initiated as soon as possible. So, my point for clarification is well, what is happening to create that facilitated dialogue? If it is a matter of appointing Bruce to be the facilitator, that would be good to know at this stage.

Although if it is also the intention to appoint Bruce as the facilitator for the IGO's issue, a separate issue as we all realize, because that's a different legal context for Red Cross, I think I'm slightly worried about that because these are two separate processes.

I wouldn't want Bruce to be overloaded and dealing with the complex IGO issue at the expense of quickly resolving the Red Cross issue. The two may take a different period of time.

So, I hope it's okay on this call, this clarification call, if I could just seek some clarification as to what is the next step, just the information about the next step. Thanks.

MARCUS:

Okay, the next step is there will be a call next week between—I'd have to check who is on the call. It has been notified as Bruce and a small group. We'll get together and discuss that. And I have also taken note on your points as to the support of Cavush and of Jorge to separate the IGO and Red Cross issues.

Jorge made a point earlier that the Red Cross issue could be a low-hanging fruit. So, I think that point has been well-taken. With that, can we move on? I think we heard the collective message on the call of the GAC members, who spoke on this issue, and there is a message in the GAC advice on Hyderabad is very clear to us, definitely.

We'll take all that in account when preparing our response to this. Can we move onto the next issue, that is 5A-2? GAC advises the ICANN board to do other, still related to concern the protections of the Red Cross, [INAUDIBLE] identified as permanent.

Again, we don't have any question as if this is the right message. And then, we move onto [INAUDIBLE] region. Again, we don't have any question on that. And unless there are any comments, I would then suggest to go to the following question, that is [INAUDIBLE] review. Thomas, you have your hand up?

THOMAS:

Yes, thank you, Marcus. Just a comment that goes to all of the pieces of advice, just that we have a shared understanding, in this scorecard that you are preparing, and that we have used for previous advices, it is just the action items out of the advice that we gave to you. Rationale is not in here.

And so just to make sure that the board should not just read the action items, but also the rationale, just to make that point very clear, that in order for the board to understand when they work with staff to prepare, that we've written the rationale also to facilitate the understanding, of course, for the board and the rest of the community who's interested to understand where our advice comes from.

So, the fact that this is not the rationale, and the rest of the text is not in this scorecard, for us, that should clearly not mean that you just—that you don't have to read it and think about it. Just to make that point very clear. But we can move onto the next point. I have no points on the one that you raised just right now. Thank you.

MARCUS:

Okay. Thank you very much. That, again, is a very reasonable comment, and I can assure you, we also look at the full communique, which includes the rationale. Now then, the string similarity, you see a question. Is this advice more properly put before the GNSO on policies and procedures? But on the board question. Who would like to answer? Cavush?

CAVUSH: Yes, I don't know whether we have researched the enhancement of mutual cooperation yet, or not yet. Just for clarification, have you treated that?

MARCUS: No, that's the next item. We are not there yet.

CAVUSH: I'm sorry. I'll wait.

MARCUS: Okay. Thomas?

THOMAS: Thank you. I guess I'm next, the second time, I'll continue right away because we have almost used the hour. I think there's a misunderstanding here from—and this is why this exchange is very helpful. Our advice on the string similarity review is the EPSRP—whatever the exact acronym is, working group that is mainly dealing with discussions on the leadership team call earlier today, that is mainly dealing with IDNs, with ccTLD IDMs and string similarities.

So, that has got nothing to do with the PDP on second rounds for ccTLD. So, that must be a misunderstanding there, I guess, in the clarifying question. I hope that makes it clearer.

MARCUS: Thank you for that. Are there other comments or questions back to the GAC? On behalf of certainty, either case. Then thank you for this—oh Chris, please.

CHRIS: Thank you, Marcus. I hope you can hear me well.

MARCUS: We can hear you well.

CHRIS: Thomas, thank you. Thomas, so if I understand it correctly, you're written to the—the GAC has written to ccNSO concerning the EPSRP, the working group. On your—am I right [SKIP IN AUDIO] just a clarification that you're suggesting, your advice rather, is that we should apply your views notwithstanding the fact that you're currently, effectively in communication and I assume dialogue with the ccNSO?

THOMAS: May I react, Marcus? Is that okay?

MARCUS: Of course.

THOMAS: Basically, specifically we replied to the ccNSO chair as a slightly late coming reply. So, I think it probably commented on the guidelines worked out by the working group.

And basically, this advice is basically—this piece of advice is transforming the substance of these views into advice also, now not just directed to the ccNSO chair, but directed to the board, the same substance that we expect that these views expressed in that letter would be applied. We addressed this also to the board, is the intent of this call. Thank you. So basically yeah.

CHRIS: So, basically yes? Thanks.

MARCUS: Thank you both. I think that was helpful. Okay, we then move on to the end humps, mutual cooperation and understanding, and I take it Cavush is already in the queue, as you asked for the floor on this issue. Cavush?

CAVUSH: Yes, my question is to the board. What is the modality to have this discussion with GNSO, discussion with GAC? If it is separate discussion, in my view doesn't help. Because you can discuss with GAC. They may say something. You can discuss with GNSO. They may say something else.

So, it is better if this sort of enhancement be face to face or a communication of the all parties participating at the same time, but not

separately because we are not enemy of each other. We can sit down at the table, or sit listening on a conference call to each other.

So, I suggest for the modality you consider, different, but not a separate discussion because it would not be helpful. Thank you.

MARCUS:

Thank you. That was a very clear opinion, and I think the point you made is very illustrated through the whole [INAUDIBLE] process. In the ccWG, everybody worked in the same group and sat around the same table. If we don't have any questions on that, we already have comments, and we'll take that into account. Are there other comments, questions? I think—Thomas, please?

THOMAS:

Yes, thank you. This is, again, is let's say based on the experience of the past few months and months and years and years that we—and I think on occasion in prints we're running can open doors for this. But as we still haven't resolved or haven't reached an efficient level of understanding yet, after all these years, of the GAC process, I need to reiterate that we need to better communicate in all ways.

That means bilaterally, with the board, with the GNSO, but also multilaterally in ccWGs and what else factors, interscopic sessions, whatever we have, to get to a clear understanding of each other. That's basically this point. And in our view, the board has the key role in facilitating and promoting and fostering and supporting this mutual understanding as the top structure of the organization.

So again, this is a procedural issue that we raised, that we realize that we are still living in different worlds and talk sometimes different languages, and not understanding each other. That needs to be improved, urgently, and sustainably. So, thank you.

MARCUS: Thank you. I think we're in violent agreement, this is clearly work in process.

THOMAS: I think we are in painful agreement rather than violent.

MARCUS: Well, it's a strong agreement, not a violent agreement. It's technically peaceful.

CAVUSH: It's not violation.

MARCUS: Presently not. And the next one is in the same line, and there, we do have a question whether to induce discussions with GAC members be speaking for themselves or for the entire GAC. And we touched on that before, yet what's the difference between opinions of individual members or of the consensus advice by the GAC?

And then also, the implementation advice, regards [INAUDIBLE] but not yet implementation advice. The question then, what are expectations related to the implementation of GAC advice? How will they give implementation advice? I would convey such expectations fit within the new bylaws.

These are also by [INAUDIBLE], and I feel that we could go on with discussing these, without actually necessarily coming to closure on these issues. But these, I don't want to stop the discussion, and Thomas has his hand up already. Yes, for clarifying comments.

THOMAS:

Thank you. Well, maybe in this regard, it is important to know that the board has started to develop something that has been in discussion for quite some time now, a clearer processing logic with regards to processing advice with some different steps.

The first one is the GAC issuing advice, the board confirming that it has received this, then the process that we're now in, in trying to make sure that we have a mutual understanding of what that means, and that the expectations of the GAC are clear to the board.

And then the next steps would be for the board to evaluate advice and evaluate the consequences of rejecting or accepting. Then also, some more clearly defined steps about the implementation and how the GAC can interact with the board and with ICANN staff, or the ICANN organization, on the implementation phases.

So, this is a welcome step, from my point of view, that I would thank Yuron and Ishim [PH] for undertaking this. This is something that will be discussed forward, but I guess also will be shared with the BTRI, with the joint working group, the board and the GAC that has been working for quite some time on trying to improve the processing of GAC advice in the hope that this would lead to better results and more shared outcomes and less use of energy and resources on trying to find solutions at a later stage as a result of not properly understanding each other or not properly listening to each other.

So, I think in this process that has now started, it's ongoing. I think we can look at these questions in more detail. You, from the board side, with me participating to the extent that is reasonable with our agenda, the BGRI as a link between our two parts of the organization, with the community, and then of course, internally in the GAC, there will also be dealt with.

So, I think we should not go too much into detail, also given the time and also given the fact that my IT services are so kind to tell me that my computer will be shut off in three minutes automatically, because they have decided to right now install something on my computer, which is always very nice and happens to me more and more often. That's a side remark.

But I think it is—this is a more complex issue that the work has been started and we should use the time until Helsinki on all these channels that I numerate to try to make progress in making the number of steps more clear, more transparent, more understandable, more traceable,

with regard to processing GAC advice and its implementation. Thank you.

MARCUS: Thank you. It perfectly echoes my opinion that we don't have the time to discuss in detail, but we do know that some work on this has been started, and it is work in progress. Who else would like to comment?

CAVUSH: Yes, no comment on this. Just before you finish, I don't know whether you are going to finish or not, because someone said that in two minutes or something, it will be off. Mine also will be off. I want to express my sincere appreciation to you, Marcus, and to board members attending. I found it extremely useful. I think it's great information, and I hope that we have more type of this conversation, which would be quite helpful clarifying the matter. So, thank you very much, and thanks to all board members attending this meeting. Thank you.

MARCUS: Thank you for that. So, I take it the GAC functions also without the chairman being present, as you have proper functioning staff and vice-chairs?

CAVUSH: It's set by Adobe that it's going to be shut down. I'm collected via satellite.

MARCUS:

I don't think we need much more time. I think the point is well taken, and the next point is essentially, as you said at the beginning, it was a pilot project for us, the first call after Helsinki. This is the second time, and you asked for it to be a regular practice to have this kind of call within four weeks of communicate.

This time, I think we're in five weeks, but that was a mutual agreement, as it fit into the time slot. So, this I think—okay we haven't discussed it yet, within the board. The fact it shows we are there already, and Manal and I will have a post call also, ask for the feedback on what can be done better, and there's always room for improvement.

I think it was expressed very eloquently. But it is useful to have these kind of interactions, just to avoid very basic misunderstandings. And last point is consider publicly posting draft resolutions in advance of board meetings.

And you asked to consider, and I think the board will discuss considering this, and I cannot give you an answer on that. With that, I don't have anything to add from my side except that I also found this very useful exercise. And I'm asking are there other final comments or questions? Thomas again, and Manal. Yes, please. Thomas?

THOMAS:

Oh, I was on mute. Sorry. About this very last point. As I rightly say, we don't advise the board to do it without thinking first. So, as I say, consider the pros and cons of publicly posting draft resolutions in

advance. I think that the cons are quite clear, that people would know in advance and would be maybe able to react, and so on and so forth.

But there may be issues that would speak against publicly posting it. So, we ask you to consider the pros and cons, and what is not written but was clearly is the expectation then to inform us about the deliberations that you undertook while considering a potential decision whether to do it or not do it.

So basically, consider and then report to us and the community what your result of the consideration is. I think that goes without saying, but sometimes it's better to say it.

MARCUS: Okay, that would also fall under the heading of improving communications. And Manal, please?

MANAL: Thank you, Marcus. Just very quickly, I also want to thank all board members for communicating the questions and the clarification points in advance of the forum. I think this was very helpful in preparing for the forum as well. Thank you.

MARCUS: Well, thank you. And next time we will try and be a little bit—a few days earlier before the call, but this time was everything collapsing, adopting the response to the Helsinki advice, preparing this call. That will not be

repeated. I can assure you, we'll make sure in the future that we have better time.

Well, if there are no other comments, then can I take it that we all are satisfied with the call as it is? And in fact, I would also like to thank you all for participating in this call. And those of you who are in the middle of the night, like we are here in Switzerland, wish you an excellent night. If you are in other parts of the world, enjoy your day, your morning or your evening. Thank you all, and goodbye.

[END OF TRANSCRIPTION]