

**ICANN Transcription**  
**GNSO Drafting Team to Further Develop Guidelines and Principles for the**  
**GNSO's Roles and Obligations as a Decisional Participant in the Empowered**  
**Community**  
**Wednesday 27, March 2019 at 2100 UTC**

Note: Although the transcription is largely accurate, in some cases it is incomplete or inaccurate due to inaudible passages or transcription errors. It is posted as an aid to understanding the proceedings at the meeting, but should not be treated as an authoritative record. The audio is also available at:  
<https://audio.icann.org/gnso/gnso-bylaws-27mar19-en.mp3>

Adobe Connect Recording: <https://participate.icann.org/p32y7nnpvf4/?proto=true>

Attendance is on the wiki page: <https://community.icann.org/x/JAZIBg>

The recordings and transcriptions of the calls are posted on the GNSO Master Calendar page:  
<https://gnso.icann.org/en/group-activities/calendar>

Coordinator: The recording has started. You may now proceed.

Michelle DeSmyter: Okay. Thanks so much, again everyone. Good morning, good afternoon and good evening and welcome to the GNSO Drafting Team call on Wednesday the 27th of March, 2019. On the call we currently have David McAuley, Heather Forrest, Maxim Alzoba, Sara Bockey. On the audio bridge only we have Steve DelBianco. We have no apologies. From staff we have Julie Hedlund, Ariel Liang and myself, Michelle DeSmyter. And as a reminder, if you would please state your names so it appears clearly on the transcription. Thank you ever so much and I'll turn the meeting back over to Heather Forrest.

Heather Forrest: Thanks very much, Michelle. And thanks, everyone, for joining us today. This is our first call back after ICANN 64 in Kobe. And we have several things to deal with today. Thanks very much to Julie for putting our agenda in the agenda pod. The first thing let's do is make a call for updates to SOIs. Does anyone - David's just put a post in the chat. David, sounds like you've had some very happy news. And that's great.

And ICANN 64 has certainly dropped our attention from this, so I think we're probably all catching up. And I will say that that is something that I had a bit of a think about in terms of the timeline which we'll talk about next. But before we get to the timeline, any updates to SOIs? No? All right. Seeing none. And David, you have been very busy. Good for you.

All right, let's then talk about the draft timeline that you see on your screen. And we have Steve DelBianco on the phone. I specifically asked Steve to have a look at the timeline since he won't be able to see the screen during the call as he's traveling. So everyone has the - everyone bar Steve has the draft in front of them. Did get feedback - a point of feedback from Steve on a typo but other than that no comments from him.

Julie gave this a great first start. I tinkered with it a bit to push the timeline out a little bit largely because you'll see that our discussion today will start to get us into the need to coordinate with the ccNSO. And therefore our - it tends to be that our fortnightly rhythm doesn't often align well with the pace in the ccNSO. So I've pushed things out a little bit for that reason.

What we have here is the rhythm that was discussed in our last call, which was before ICANN 64, which essentially envisages a first go at a - at one of our four - or sorry five points there that you see at the top above the actual schedule, a first pass at that, an initial discussion if you like, then some drafting work to be done, review of that draft in a second call and then a sign off in a third call. So it's a sort of three call rotation whereby we'll be dealing with something in one of those three steps in each of our calls.

That effectively puts us out with the additional week that features in I believe it would be -rather than have a meeting at the end of April it pushes us to the 1st of May so that's where we've gained a week. We then have fortnightly calls through mid-May, end of May. And our work, our substantive work would be done by the end of May.

That - and as Julie's noted there, confirm, the extra time is between the 10th of April and the 1st of May. What would happen at the end of this is that the package of our guidelines and templates would go to the GNSO Council in time for its June document deadline, which happens on the 16th of June. That June meeting of course would take place in Marrakesh. I would suggest that we put this on the GNSO Council agenda as a discussion item.

And that one of us, and I'm very happy to do that if that's happy for everyone, one of us be ready to attend the GNSO Council meeting to answer any questions about the package. That gives Council the time then to - or the opportunity to ask questions but then the time to go back to stakeholder groups and constituencies to consult with a vote then that would happen subject to the Council of course but a proposed vote in the July meeting.

As I say, that puts our work to the end of May which I think is let's say a good pace. It's not a slow pace but it's not a reckless pace. And so the question now for the group is having reviewed the timetable, does anyone see anything in here that looks problematic that looks difficult?

Steve DelBianco: Looks good to me, Heather.

Heather Forrest: Great. Super. All right so no other comments on that one, no one's screaming objecting wildly. Julie, thank you very much for your hard work on this one. What I suggest we do is we'll add this as an action item to communicate this timeline, we'll accept this as our timeline rather than draft, and let's make an action item to communicate this to the GNSO Council leadership so that they

are able to communicate it to the Council and Council has some oversight of our timeline. I think it's important that Council knows where we are and knows what the anticipated timeframe looks like.

Okay, so that gets us through timelines, which takes us to Item Number 4 in our agenda. Item Number 4 is review and discussion of the revised draft of guidelines and templates for sections 4.2 and 4.3. So this is our final pass at 4.2 and 4.3 which is the first point on our list, our to-do list if you like. And Julie has unsynced the document which you now see in the main Adobe pod.

This would be familiar to everyone given that it's the document that we looked at in our last meeting. I think what we're doing here is a sanity check just to make sure that everything looks as if it reflects the comments that we've already made. And Julie's noted in the chat it includes the comments from David McAuley, David, thank you very much for sending those through in the meantime in addition to all the other busy things you've had going on.

And...

Steve DelBianco: Heather, it's Steve. Got one for you.

Heather Forrest: Sorry, Steve?

Steve DelBianco: Heather, yes, if you go to Page 7 in terms of sanity check, I don't think we have ever asked the requester to tell us who are the people they're bringing it on behalf of when they do a multiple persons or entities. I'm speaking of - bottom of Page 7, Question 10. We ask them, are you bringing this request on behalf of multiple persons or entities? And then 10a, just ask a yes/no question on casual circumstances. I can't believe we've forgotten to ask them who are the multiple persons they're bringing the request on behalf of.

Heather Forrest: It's a good point, Steve. But it brings us back to that same point that frankly I walked away from our last call shaking my head a bit. So this is an ICANN

form and we weren't really sure what scope we have to make changes to it. A number of us had a few grammar tidy-ups and other things. And yes, I think what we do, Steve, is we mark that...

((Crosstalk))

Heather Forrest: ...to ask.

Steve DelBianco: But Heather, we have several other markups to this form on the...

Heather Forrest: Absolutely.

Steve DelBianco: ...on the aspiration that we can get ICANN to fix it. So while we're at it...

Heather Forrest: Absolutely.

Steve DelBianco: ...why don't we a - make a 10a instead of what you have there as 10a, make that 10b and insert a 10a saying, "Please indicate the names, contact information and affiliations of those on whose behalf you're bringing this request." What about that?

Heather Forrest: Yes. No, I think it's a good idea, Steve, I think it's a good idea. There's no reason not to ask. And Julie, your hand is up. Over to you.

Julie Hedlund: This is Julie Hedlund from staff. Thanks, Heather. And actually I was going to concur with Steve and your suggestion that I don't think there's any reason why we can't bring these suggested changes to staff. And so I suggest that we do that. And that's why actually I was going to explain why I left them all here captured because I thought we might want to at least attempt to do that and I think since some - since these are improvements I wouldn't see why they would be turned away.

Heather Forrest: Thanks, Julie, that's reassuring. David, please.

David McAuley: Thank you, Heather. I'm just getting off mute there. Question 6 in this form, excuse me, says, "Describe how others may be adversely affected by the action or inaction if you believe that this is a concern?" And it seems to me that this change that we're going to do instead of putting it up above maybe we could put it right there in Question 6 and say, "Including by fully identifying such others."

((Crosstalk))

Steve DelBianco: But David, Question 10...

((Crosstalk))

David McAuley: ...and including any...

Steve DelBianco: Right.

David McAuley: ...that you may represent or that you're bringing this for.

Steve DelBianco: Okay.

David McAuley: Thanks.

Steve DelBianco: That does - that is a little bit duplicative, David, because Question 10 expressly asks for the first time are you bringing it on behalf of others. So we should ask it either place, right? One place or the other where they indicate yes, it's on behalf of others, and if so who they are, and what is their connection. So it strikes me that 10 and 10a, 10b would be more logical place to put that.

Because in 6, David, in 6 I might describe others that I think could be affected by the action or inaction I'm complaining about. Now that doesn't mean,

David, that I'm bringing it on behalf of those people, I'm simply conveying that I think they too are affected. Question 10 is far more explicit because it says I have their authorization to bring this on behalf of all these others. What do you think of that?

David McAuley: That's fine. I have no problem with that.

Heather Forrest: This is Heather. And Steve, you won't see - Julie is agreeing in the chat. Dave and Steve, I think the responses to 6 and 10 are slightly different. And Maxim's making a similar point in relation to 10. I have a feeling we're on the same page and I think it makes sense to me that we add this in around 10, that we allow - that we allow 6 to provide that broader context that might not necessarily be party-related and we focus in by adding a new 10b that would specifically identify the parties on behalf of whom the action is brought.

Is everyone comfortable with that outcome? I hear no screaming objections. All right. David's agreed. Good. So Maxim is asking, "A stupid question, what if the person claims that acts on behalf of someone with no connection to them?" Maxim, what do you mean?

Man: Like why did you say it was a stupid question?

Maxim Alzoba: Maxim Alzoba for the record. The question is, if someone claims that he acts on behalf of some multiple persons and then describes them - there is no connection or something, so basically it's controversy in the answer. What happens next? Thanks.

Steve DelBianco: But Maxim, staff could - the Council could ascertain whether the individuals that I claimed that I'm doing this on behalf of. If they don't agree that I'm doing it on behalf of them and then that makes the whole request invalid because I've claimed that I'm bringing on behalf of a whole host of individuals or constituencies and stakeholders, I need to verify that they authorized me to

make the complaint on their behalf. I think we want to make a very high bar for people to claim they're speaking for others.

Heather Forrest: Maxim, please, you've just put your hand back up.

Maxim Alzoba: I meant if someone claims that for example, they acted on behalf of the whole population of island which is not reachable, so something which can be claimed but cannot be verified but potentially could be true. So that's the question. For example, someone is acting on behalf of all highlanders of some Peruvian province who just don't have Internet or email. Thanks.

Heather Forrest: David, please.

David McAuley: Thanks, Heather. David McAuley speaking for the record. I agree with Steve on this one. And I don't think it's a stupid question, it's a very fair question. But I think the incidents of something like this happening would be so rare that I don't think we need to address it. If it were happen then we could amend the rules, but this is an ICANN form and that's what they asked in Question 10, and it seems to me that we should do what Steve said and what we all just agreed on adding identity but it's a fair point that Maxim raises but it just - and I used to do legal practice, I think this is something that's extremely rare and so we could just leave it - anyway, that's the way I see it. Thank you.

Steve DelBianco: Agreed, David. There's nothing we could do in this form to stop people from over claiming the folks that they're representing. And it's only going to be a - it would have to be challenged at some point in the process to say do you or do you not. But you can't ask them up front to provide proof. I have filed requests like this before on behalf of the BC but you can believe that I have obtained authorization through the BC through our own policies and procedures before I would make such a claim.



People may do it, they may make a claim on behalf of others only to learn later that it was invalid because those others did not authorize you to do that.

Heather Forrest: Steve, it's Heather. Hear me out on this question because you're now making me look at 10 in a different way. By adding B, are we dealing with the situation where - so 10 specifically says, "Are you bringing this reconsideration request on behalf of multiple persons or entities? Yes or no? If yes," so if yes multiple entities. We haven't really asked if you're bringing this on behalf of a single other entity. Just taking your BC example. Is that right or am I reading that wrong?

Steve DelBianco: Let's go back up top and see if they ever ask...

Heather Forrest: That's what I just did.

((Crosstalk))

Heather Forrest: And I didn't really see it. I mean, I think we're still at the point, which I take David's point that the intention may well have been that in describing the action, you know, description of the specific action in 2, you're probably there meant to be identifying that parties (unintelligible) that follows. David, your hand is up, help us out here.

David McAuley: I have a sticky mute button there. Anyway Heather, thank you, I think that we're okay, and the reason is, as you said, 10 asks, "Are you bringing this reconsideration request on behalf of multiple persons or entities?" And the answer would be yes if there's one more because you are Number 1 and that other single entity is Number 2. So whether there's two or 22 I think this question would still be an accurate question. Thanks.

Heather Forrest: Thanks, David. I think that's helpful. And I'm happy to support that. I think what we have identified here - and maybe this is an informal piece of feedback that we hand back to the staff on this is the form is not as clear as it

could be. And where there are future opportunities to think about, you know, once we've seen the form more - given more use in practice we might come back and tinker with it a bit further. And David is typing. Good point, the form has limitations.

Great, all right. Anyone else - Maxim, your hand is up. Forgive me.

Maxim Alzoba: Maxim Alzoba for the transcript. Yes, two thoughts. The first is the - if it's person acting on behalf of single entity which itself represents multiple entities like a registration like geo TLDs, they do not represent directly all of them, they represent the registration itself, the representatives. And the second thing is what I meant by claiming that represent, yes, for example all Internet users, it's just a matter of time when we hear - we see something when the party claim that they represent all Internet users or maybe all, I don't know, mobile phone users who use Internet. Thanks.

Heather Forrest: Thanks, Maxim.

((Crosstalk))

Heather Forrest: I think I understand your point. And I think we probably...

((Crosstalk))

Heather Forrest: ...need to differentiate...

Steve DelBianco: ...20, I don't know. I'm sorry, I wanted to say that the ICANN Bylaws allow ALAC to presumably represent At Large users; the BC represents business users and registrants. That's what the bylaws say we do. So if I file a complaint on behalf of the Business Constituency I am representing a constituency that by ICANN Bylaws has a certain representation and that is what it is.

That's not something that's subject to challenge. That a single entity bringing a complaint that is to say the BC. If I said it's also - it's also on behalf of the IPC, then I would have to have obtained authorization from the IPC to include their name as the second entity that's filing. Maxim is getting to the completely different question as to whether the BC legitimately represents businesses or the ALAC represents At Large users, and we aren't going to get into that, we just aren't - we just can't get into that in the filing of this form.

Heather Forrest: Thanks, Steve. It's Heather. That's exactly the point I was going to make which is I think we need to differentiate you know, what we're dealing with is the information that needs to be disclosed on the form; we're not dealing with whether that information is correct, we're not dealing with whether that information is legitimate, whether it's, you know, at best we're dealing with is it sufficient. By asking the questions in a particular way we're trying to get at, you know, if the information specifically - or sufficiently specific. And Maxim says Steve, for your benefit, okay, more clear.

All right, let's see, so Maxim says, "Format of questions to avoid need for additional questions." I agree, Maxim. And I think you know, again as we see this form in practice we might find that perhaps these are questions that others using the form will not have, perhaps they are questions, perhaps there are other questions. So I think it's probably for staff to track these sorts of things as the thing gets used in practice.

Are there any other comments, questions or concerns about what you see here? So what we have is an action item to go ahead and add in the new 10b. Other than that, is there anything else we need to do to tweak this document before we consider this one, if you like, a proposal to go to the GNSO Council? Now I'm mindful that we don't have everyone from our group on the call today. And I note we are meant to have two representatives of the NCSG on the call. I think we have both Stephanie and Farzaneh on this group.

What I suggest we do is we circulate this on the list before we consider it finally signed off. Julie.

Julie Hedlund: Hi, yes thanks, Heather. This is Julie Hedlund from staff. So I was going to suggest that also similar to what we did when we were formulating the implementation recommendations for the GNSO review is that once the terminology was finalized then staff would send a message to the list saying, you know, for review and asking for it to be time limited, you know, say a week or two, depending on what you would like.

Generally I think we gave two weeks because if people were going back at representatives to their groups and wanted to run something by then they would probably need a little bit more time. But just to say that, you know, this is the language agreed to in this call and asking everyone to, you know, note if there were any objections. We tried to make it more that unless somebody objected then it would be considered approved. So that's one suggestion. Thank you.

Heather Forrest: Thanks, Julie, that's helpful. David.

David McAuley: Thank you, Heather. I agree with what Julie said but I'd like to just add something to it. And I definitely like the idea of going to the list. I tend to look at things a little bit differently when I know it's last call and I like the idea of two weeks. The one thing I would add is that when we get to last call and we put it out to the list we ask for objections but we also sort of put a condition on it and that is if somebody objects to a provision they should - they should take on the job of suggesting alternative language, not just a comment, an actual proposed text.

And, you know, you just don't want people saying oh that doesn't work. You want them to say why it doesn't work and what would work. I think last call we're entitled to that. And I think that makes - I think that focuses attention and minimizes insignificant points that might come up or, you know, when

someone puts pen to paper and tries to figure out exactly how they would draft it, it might eliminate some concerns. Anyway that's my suggestion. Thank you.

Heather Forrest: This is Heather. David, I think that's a really useful point. Julie, your hand is up. Old hand, new hand? Old hand. David's hand is down. Great. Steve. No, sorry. Okay. All right so that then sweeps that one off of our plate for now. We'll follow those instructions and circulate them with a call for objections and a call for amendments rather than comments. I don't think that there's anything wildly controversial in that document so I'd be surprised if we get grumpiness but one never knows.

So I mean, it is challenging and I think I'll reach out to Stephanie and Farzi, I know they've - they've probably been overwhelmed with EPDP calls but it's important that they have an opportunity to join along in the discussion so then looking at it could it might be that they have particular questions. So anyway we'll see how we go and I'll reach out to those two personally and anyone else perhaps that I might be missing from the drafting team membership list to walk them through any questions and so on. I'm happy to do that.

Wonderful. That brings us to our next agenda item, which is our first look at the next item in the list which is guidelines for 18.12, which is the special IANA naming function reviews. Julie, over to you to kick us off.

Julie Hedlund: Thanks so much, Heather. This is Julie Hedlund from staff. So in an attempt to try to keep this simple again, staff followed the format that we had for the Section 4.2, 4.3 that we just discussed. And just, you know, called out again the introduction, which is really essentially the same as the last as is why we are producing this document.

Then pulling out as background the appropriate section from the bylaws which is 18.12 and what that specifically says and then pulling out the guidance that staff produced following the recommendations of the Bylaws

Drafting Team as far as suggested implementation steps. And you'll note here that there are steps that pertain to the procedures within the GNSO which from a staff point of view appear to be procedures that already exist but that's up for this drafting team to determine as well.

And then also noting that there is a requirement for the GNSO to coordinate with the ccNSO on whether to initiate the IFR because this is a joint exercise between the two groups. I did reach out this week to the support staff for ccNSO to Joke and she had previously indicated that the drafting group, and I forget their name, I know David McAuley knows them, within the ccNSO does plan to take up soon this - the development of guidelines within the ccNSO.

And so I indicated that we were doing the same here in the GNSO Drafting Team and that we would like to coordinate. I haven't heard back from Joke yet, that the Guideline Review Committee. Thank you very much, David. So there's two pieces to this, there's the development of the GNSO specific procedures and then there's a joint development piece between the GNSO and the ccNSO.

And if you look at Section 4 - and I'm sorry but I have a little of a cat fight going on behind me; hopefully they'll settle down. Sorry about that. It's the wonders of working at home.

So at any rate one thing that staff had identified in implementation guidance was the possible use of the GNSO input process. This is a new process. I don't believe it's been used yet in the GNSO Operating Procedures in order to develop input where the GNSO has been asked to provide it. And in this instance to conduct a review as to whether or not an IFR - a special IFR should be initiated under the two sub-sections, small Roman numeral 1 and small Roman numeral 2.

And so there are links to that procedure and some excerpts and then just a placeholder for where we would incorporate the guidelines developed with the ccNSO. So I'll stop there and happy to take any questions.

Heather Forrest: Julie, it's Heather. Thank you very much for that introduction and thank you for your hard work in preparing this document. I personally have found it helpful to see these encapsulated summaries of what this particular aspect of the bylaws is about rather than paging over to the bylaws and then paging somewhere else. I think it is helpful to have these guidance documents.

I offer that because I'll say last year as Council chair when we were talking about this project and what it might look like I wasn't entirely sure that, you know, what the guidance would be and whether it would be useful. And I kept thinking, well, we already have this information, it's, you know, much of it like it's sitting in the ICANN Bylaws and it's sitting in the Operating Procedures. But I can see now the benefit of having it, you know, in a dedicated document all about one thing. So the doubts that I had have now been erased, which is great.

I don't see any hands up at the moment. What I would like to direct everyone's attention to, if nobody has any immediate burning questions, is if you look at that first page just so we're all on the same page of what we're dealing with, this deals with, as Julie has noted, bringing an IFR outside of the regular cycle of IFRs. And you would only do it in two circumstances. Both of those relate to the IANA naming function contract.

And what we have in both instances there, 2a, 1 and 2, is that some sort of remedial action or resolution has taken place but it has not actually in the opinion of the party bringing the action has not actually sought to resolve or manage to resolve the problem at hand. They are very limited circumstances here that we're dealing with.

So the point here being some remedial action or some resolution process has taken place. That has not been successful. What happens then? That would it seems clear, fall outside of the regular periodic IFR cycle. It would be an extraordinary action if you like. And so the question then is you know, what does the GNSO need to do in this situation?

You'll note then on Number 3 the additional proposed steps. So this sets out really the scope of our work, what is it that we need to do. And there is a reference here to the GNSO input process. In that middle column what staff have proposed here is for the review referenced in little Roman 1 and little Roman 2 that we've just looked at, the GNSO does have processes available such as the GNSO input process.

The GNSO input process sits in the - and forgive me because I'm going to switch screens here quickly - the input process manual serves as Annex 3 of the GNSO Operating Procedures. It's not an often-cited provision of the GNSO Operating Procedures but it actually does set out a mechanism by which the GNSO, through the GNSO Council, can offer guidance, recommendations, conclusions on something that doesn't result in consensus policy.

And Julie's noting in the chat here the GIP is proposed but it's a suggestion for the drafting team to consider. There might be other options such as a small group within the Council or a drafting team. So Julie's taken me to the exact point that I wanted to raise which is I'm inclined to suggest to us that we focus on the tools that we already have as a starting point.

If the tools that we have are adequate, and as Julie has quite rightfully noted, the GIP isn't the only process that we have, we have of course used a drafting team or a small working group as another vehicle. And frankly our group here, this drafting team, is an example of how that might work. So - and Julie said the same thing, Julie, jinx.



So what I would suggest as a starting point that we not reinvent the wheel. If we have an existing process that we're able to use here for this situation of we need to review some kind of remedial action that has taken place, and we determine that it's not sufficient, we being the GNSO, how do we go about making that review? How do we go about making that determination, if we have some kind of existing vehicle for doing that? My personal suggestion would be that we use it.

Maxim is raising a question, I have a question, "How much does GIP add in terms of time?" Julie, are you able - I'm sorry to get you on the fly here - are you able to put up the Operating Procedures in the Adobe window so we can actually see the rules on the GIP? Cool, Julie will do that for us. And David is typing.

In the meantime while Julie pulls that up, are there any questions? And David says, "I think I agree with Heather but need to read this area again." Yes, David, I agree with you.

Now here's my - here's my suggestion or my one concern, is having gone back and reread the GIP stuff in preparation for the call, I did wonder, as I often wondered on Council, are we over-processing this? Are we making this more complicated than we need to? That's my only question. In adopting this GNSO input process, which I have to say these rules aren't really super specific, you see them in the pod now, is this more than we need to do?

Julie, old hand or new hand?

Julie Hedlund: Hi, Heather. It's Julie Hedlund. It was an old hand but now actually I thought of something that maybe I could add that might be useful. So as far as timing, and to Maxim's question, we haven't to my knowledge used the GIP. And so I think the timing is a question. We don't have an answer to that. I think it depends on what - for what the GIP is being used.

But I think the distinction that we might consider as to whether or not we need the GIP or whether or not we could go with a drafting team or a small group or whatever we want to call it is the amount of work involved. I think the - if you look through the procedures and the GIP, the assumption is that it's needed for something more than say the drafting of maybe a relatively straightforward document, even something more than what we're doing here which is coming up with guidelines and so meaning that you might need to consult with experts or you might need to do some coordination with other groups.

So, for example, perhaps in the special IFR, if one needed to, you know, get some technical input as to why the remedial action did not solve the problem, something where you didn't have the expertise within your group, you might more easily be able to do that within the GIP; perhaps not. But I think it's just it's sort of up a degree a little bit more involved process, obviously, than just a drafting team or a small group if that's helpful.

Heather Forrest: Thanks, Julie. That is very helpful. And I'm just going to type a comment into the chat just so it's in the record. But Steve, I'll read it out for you. In terms of timing, I think we also need to consider the Council schedule. So ultimately, you know, the decision has been taken that these sorts of things go through Council. That means, Maxim, that all the usual things apply, document deadlines, so on and so forth. But there is of course as we've seen used in the EPDP context recently, the opportunity for an extraordinary meeting.

David, please.

David McAuley: Thanks, Heather. David McAuley speaking again. I just wanted to address your question of is this over-addressing the matter. And I would suggest probably not just because the IANA naming function contract is at the center of what ICANN does and it has a special bylaw section, you know, addressed a special IFR. So I have a feeling that it's probably well warranted, you know, trying to figure this out the way we are. Thanks.

Heather Forrest: Thanks, David. I think that's helpful. And Julie, old hand, new hand?

Julie Hedlund: Sorry, old hand.

Heather Forrest: No worries. Here's what I want to suggest, in view of the time as well. We've got 15 minutes, I would suggest that we go away and each of us read through this annex in the GNSO Operating Procedures. Julie, can I ask can we include this in a summary email after the call that everyone has a link to the Operating Procedures? And have a read of this GIP and have a read of it in the context of exactly what David has just said that this is an issue with the IANA functions contract.

It is core business for the organization. Is this an appropriate way for the GNSO to go about doing what it needs to do? What is missing from this annex in terms of the nuts and bolts? So when I said - I think at points it's high level. What I mean is that there are times where we could be a bit specific about what we need to do in the context of the IANA functions review remediation failure, let's say, what specific information do we need to ask for, how specifically are we going to determine there's a failure.

I'm thinking here questions along the line of what we just developed or, excuse me, what we just commented on in relation to the previous item. So are there specifics that we need to ask? So have a look at this document, look at it in the mindset of is this a good thing? Is this a useful thing? Is anything missing, a sort of gap analysis. I think that will help us as well to identify any GNSO specific items, let's say, information items, questions - yes, so on.

That I think will form the bulk of our next call is after we've all gone away and read these things and had a thought about gaps, I think that can probably give us a basis for determining in our next call is the GIP going to work or do we need something else? And if so, what is that? And if that is your

conclusion that we need something else, to David's point earlier, I would suggest that you come to the next call with an idea of what that something else could be because I think that's going to help us to progress with the work.

Any questions, comments, concerns about that? David's typing. Maxim said, "Good," in the chat. Julie said, "We'll circulate it with the action items." That's great, super.

Steve DelBianco: And I agree as well. It's Steve. Thanks.

Heather Forrest: Super. Thanks, Steve. Fabulous. With that, Julie, would you take us back to your original document, the 18.12 document, please? Wonderful, so that's back in the pod. Steve, for your reference we're looking at the document heading - headed Guidelines and Motion Templates Section 18.12, Special IFRs.

Steve DelBianco: Thank you.

Heather Forrest: The next thing that we need to think about is the coordination with the ccNSO. So David has identified the precise name of that team. It was the Guideline Review Committee or GRC within the ccNSO. And Julie, tell us again, you understand the ccNSO is effectively undertaking, through that GRC, the exact same process that we're going through now in terms of identifying the ccNSO specific stuff, is that correct?

Julie Hedlund: Yes, this is Julie Hedlund from staff. Yes, that is correct. And what my colleague, Joke, has - several weeks ago - is one of the next work items for the GRC is to start working on a guideline relating to initiating special IFRs. Such a guideline would need to cover IFR membership, participation, specific roles of members and related special IFRs. So they're actually I think looking at more than just the special IFRs. But I did do a follow up email to her just

asking about the timeline as to whether or not they've started up that work. I haven't heard from her yet but I'm sure I will very soon.

Heather Forrest: Thanks very much, Julie. David, over to you.

David McAuley: Thanks, Heather. David McAuley again for the record. I participate in the ccNSO and I'm a member of the Guidelines Review Committee. And Julie's right. And we have been working our way through a lot of the stuff including Annex D on approval action, rejection action, all that kind of stuff. But with respect to how quickly we do it in the GRC, we are probably not as quick as this team that, you know, that we're on now and the GNSO is planning to be.

We - Katrina Sataki, who's the chair of the Guidelines Review Committee and the chair of the ccNSO, is a very good leader, you know, and she keeps us moving. But we probably will take a little bit more time at it than we will here in the GNSO. Thanks.

Heather Forrest: Thanks, David. I think that's helpful to bear in mind. David, if I might put you on the spot, one of the things that we will need to do here is in addition to identifying the GNSO-specific actions that are required or information that's required or processes, we will also need to work on a coordination process with the ccNSO. David, how do you think we will go with timelines?

So we've built a bit into our timeline to allow for let's say a slower pace of communication with them just between our two working groups, but do you think it will be possible to - within the timeline that we've set out coordinate with the ccNSO on just that one discrete item which is how do we develop a process for coordinating bringing one of these actions? Is that possible, David?

David McAuley: Yes, it's possible. I don't know - and I could check with Katrina, I can take that under discussion with her. One of the problems is, I'm going to be out of pocket for five days beginning on Friday and out of touch. And so there's

basically in essence a work week that I will be unavailable. So I just want you, you know, to be aware of that.

But I'm happy to contact Katrina and talk with her and try and figure out the process for coordination and see what we can work out. I don't know that the whole committee needs to see it, although Katrina likes to do it that way. We'll see. Let me broach the subject and see what I can find out.

Heather Forrest: Thanks, David. I think that would be very helpful. If you're willing to serve in that kind of a - almost a liaison role I think that would be excellent rather than us, you know, reintroduce a new person into that since you're already sitting there, that would be extremely helpful. And staff can back you and Julie is saying exactly, she can get some guidance from staff as well. I think both of those would be good bridges to make.

I would suggest, now David, you are much more involved - in fact all of you on the group, and we've lost Sara from the Adobe room, but Steve, David, Maxim, you've all been involved in the subject matter here longer than I have given that you were involved in the original bylaws review as well and David, you're involved in the ccNSO process.

I wonder here, David, my question to you and to everyone really is, in terms of that coordination process with the ccNSO, again, a threshold question is how formal do we need to be with that coordination process? Is that a matter of, you know, the GNSO Council comes up with something, the ccNSO Council comes up with something, and we drop it over? You know, we exchange documents?

I guess if you could get a sense, David, from Katrina how formal she thinks that process needs to be and likewise I think we need to do a bit of temperature-taking on how formal that process needs to be.

David McAuley: Will do.

Heather Forrest: Super. Excellent. Folks, with the last sort of five minutes or so, what are your thoughts on that? How formal does this process of coordinating with the ccNSO need to be? Steve, what are your thoughts?

Steve DelBianco: If you're speaking of coordination, in coming up with the guidelines, it should be very informal. Once the guidelines are established, things do need to be formal and the easiest way to do that is to route things through the respective chairs of the ccNSO Council and GNSO Council, so that once you've entered the organization through that route it is considered official and is recorded in the archives of the respective email list.

Heather Forrest: Yes, and David has agreed with you, Steve. And I'm inclined to agree with you as well. I think having that immediate point of contact, I mean, really truly that's what the chair of the GNSO is meant to do is that sort of facilitation role; it's not a - it's a vehicle, it's a conduit. And to the extent that we can use that I think that would be sensible.

And as I understand it, really Julie, what we need to do here is we need to determine okay, so the GNSO and the ccNSO need to discuss about whether this special IFR is raised and come to some sort of agreement and how is that agreement reached? Is that right, Julie? Have I distilled that too far or too oddly or is that what we're doing here? Julie.

Julie Hedlund: Thank you, Heather. This is Julie Hedlund from staff. Yes, I think that's correct. I mean, in that - if the GNSO Council for instance determines that there is grounds to initiate a special IFR I guess, you know, a question would be do we proceed with that or do we first check in with the ccNSO, you know, do we do a joint kind of review?

You know, there's - what is the order of the steps? What happens if GNSO says yes we think so and the ccNSO says no? How do we, you know, how do

we consult with each other and decide to, you know, make the final determination? So I think that's - I think those are the various moving parts.

Heather Forrest: Thanks great, Julie. Thanks for the sanity check, that's helpful. So folks, what I would suggest as well as an action item for us is have a think about that question. How carefully do we need to document, what specifically needs to be documented in terms of exactly the situation that Julie has just - or situations that Julie has just described, assuming, so our processes - in relation to our processes we're looking at that GIP and thinking about alternatives to the GIP.

Let's assume that whatever it is that we've chosen that process has happened. The GNSO Council determines having followed that process that a special IFR needs to be brought. How then do we communicate and in what instances do we communicate with the ccNSO? And Julie has rightfully pointed out what do we do if we decide yes and the ccNSO decides no and vice versa.

And so have a think about those for the next call. We've captured those. Julie's done an excellent job in the notes pod of capturing action items for the next call. David, any questions that you have along the way?

I'm more than happy to help and likewise Julie will coordinate with Joke Braeken and others from the staff side so any support that you need from staff in making that, you know, informal discussion with Katrina just reach out and we fully acknowledge that you have other things going on, David, so we won't expect to hear from you instantaneously on this but very much appreciate your willingness to take that on and do some sounding out both on the timeline and on the formality of the process with Katrina.

David McAuley: Okay thank you.



Heather Forrest: Any questions, comments, concerns before we close our call today? No, no, other business. None from David. Maxim and Julie - Julie are typing. Maxim says, "Good night." Maxim is ready for bed. Well done. Julie has noted for us, thank you, Julie, that the next call is on the 10th of April. And as noted on the timeline we have built in some extra time after that 10th of April call to specifically work around, you know, if the GNSO - or excuse me, if the ccNSO process or discussions need a bit more time.

The - we can always revisit the timeline if we need to. In terms of the agenda for our next call of course we'll circulate the notes in the notes pod. But we can anticipate that that timeline that we saw in the beginning that that will in large part guide our agendas for each of the calls that we will have until the work is completed.

So with that, very sincere thanks to Julie for lots of hard work on return from ICANN 64 in preparing all of these documents and putting us back on track. Thanks, Steve, for joining as while traveling. And David, while you have a million other much happier things going on. Maxim, time for you to go to bed. I will reach out to the folks who haven't been regularly attending and just see if there's something we can do to help that and make it easier for them. And in the meantime everyone have a lovely day or evening, whatever it is in your time zone. Michelle, thanks very much for kicking us off. I think we can end the call. Thanks, everyone.

Maxim Alzoba: Bye-bye.

Julie Hedlund: Thanks so much, everyone. Thanks so much, Heather. And everyone have a nice morning, afternoon or evening.

David McAuley: Thanks. Bye-bye.

END