**Standing Committee on GNSO Improvements Implementation (SCI)**

**TRANSCRIPTION**

**Thursday 13 September 2012 at 19:00 UTC**

Note: The following is the output of transcribing from an audio recording of the Standing Committee on GNSO Improvements Implementation on 13 September 2012, at 19:00 UTC 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:http://audio.icann.org/gnso/gnso-sci-20120913 en.mp3

on page: http://gnso.icann.org/calendar/#sep


**Attendees**
 Avri Doria – Non Commercial SG – Primary
Ray Fassett - Registry Stakeholder Group  - Primary
Ron Andruff - Commercial and Business Users Constituency - Primary
Wolf-Ulrich Knoben – ISPCP – Primary
James Bladel - Registrar Stakeholder Group (RrSG) - Alternate
Angie Graves - Commercial and Business Users Constituency – Alternate


**Apology:**
Anne Aikman-Scalese – IPC Alternate
Alain Berranger – NPOC - Primary

**Staff:**
Julie Hedlund
Marika Konings
Nathalie Peregrine


Coordinator:      Excuse me everyone. It's the operator and I just need to inform all

                  participants that today's conference call is being recorded. If you have any

                  objections, you may disconnect your lines at this time. And you may begin.

Man: Thank you very much. Good evening, good morning, good afternoon. This is the SCI meeting. And may I ask maybe Marika to make a roll call for that.

Nathalie Peregrine: This is Nathalie and I'll do the roll call for now.

Man: Oh yes, Nathalie, sorry, yeah.

Nathalie Peregrine: No problem at all. And good morning, good afternoon, good evening everyone. This is the SCI call on the 13th of September 2012. On the call today we have Wolf Knoben, Avri Doria, Angie Graves, James Bladell, Ron Andruff and Ray Fassett. We have apologies from Alain Berranger and Anne Aikman-Scalese.

From staff we have Marika Konings, Julie Hedlund and myself Nathalie Peregrine. I'd like to remind all participants to please state their names before speaking for transcription purposes. Thank you very much and over to you.

Wolf-Ulrich Knoben: Thank you very much. Welcome and I would like to start with the agenda. First I've sent out a short agenda (to show) yesterday and I would like to ask for comments - any comments to that agenda. I hear none. Okay. Well I forgot to ask for a statement of interest. If there's anything to disclose, please say your name and make a statement. Result of nothing. Thank you.

I would like to give you a short update on the Council meeting we had two hours or three hours ago. And as you know, so we brought up the action items and the motion regarding Council agenda and proxy voting and the voting thresholds table.

There was no objection against. It was - the approved and I would like to thank you all that this task has been done so far and staff to go over then to implement the recommendations. So thanks very much again. And we could then go over to the next point.

We have on the agenda today a deferral of motions and the voting thresholds for delaying a PDP as well as writing the issue and if it come to that to issue status update on working group survey.

And first a deferral of motions we - from the last meeting. So we approached a wording which was - seemed to be that could be agreeable to us and to J. Scott to go over it all to put that again in wording - in written stone here. And there was some exchange on the mailing list regarding his suggestion.

So there was mainly a proposal just made by J. Scott regarding how to handle the deferral of motions in the light of be seen as a courtesy to see - (to achieve) of the Chair at the discretion of the Chair of the GNSO Council.

And Avri made a point as well in this saying that there must be slighted distinguished between cases where regarding PDP votes, which are governed by the PDP process and by the PDP manual and regarding others.

And then the text came back to (canvas) another proposal, which was by myself but maybe language was not the best one and J. Scott was also then picking out that again and trying well to include that what you have said Avri. And the question - and there was some further exchange on the email list.

So that is what the status is. And the last question I saw here is from J. Scott. Could then the following amendment cover your point Avri? And so with that, I would like to open the discussion here on those points and let's try well to continue.

I don't see any hand raised Avri but nevertheless I would like to ask Avri whether this could cover her point, which she raised. Avri.

Avri Doria:     Sorry. I was on mute. Yeah. I think it's fine. You know, it basically makes the point. And the way it's put to be excluded from this courtesy our cases. That actually confuses me. Actually now that I say it out loud that confuses me.

Because it's not that they're excluded from the courtesy. It's that they don't need courtesy. But I thought it was fine.

Ron Andruff: This is Ron. I'm sorry to interrupt. Avri you're very, very faint. Is there any way you could increase your volume of your voice.

Avri Doria: Only by shouting.

Ron Andruff: Shout away.

Avri Doria: I also hear somebody else talking in the background, which may not be helping. So sorry. Yeah. I mean at first I read it when I read it silently what Wolf wrote was okay and to be excluded from this courtesy our PDP vote. But one could misinterpret that to mean it's not allowed, you know.

And so perhaps the phrasing, you know, there's no need for courtesy for PDP votes because. But in general I, you know, I'm fine with the idea there. It may just need wordsmithing. Thanks.

Wolf-Ulrich Knoben: So you would take it as feasible. I understand that.

Avri Doria: Excuse me.

Wolf-Ulrich Knoben: You would take this wording as feasible.

Avri Doria: As feasible. As I said, the first phrase could set people's expectations off in a different direction because to be excluded from the courtesy. And really what you're saying is they don't need courtesy because there's rule. So somebody might be able to phrase that better.

I mean the rest of the sentence sort of rectifies itself and so the meaning of the overall sentence is fine. It's just kind of a tricky, you know, beginning the sentence. Thanks.

Wolf-Ulrich Knoben:   Okay. Thank you. So okay. So the question then was whether - and the idea of J. Scott was then that we should find references in any kind of governing rules with regard to the - to - yeah, to the Council Chair discretion as they say or courtesy or behavior is a way if you have something.

So and as I understood well it - Marika you have been searching and you found something, didn't you? Marika please.

Marika Konings:   Yeah. This is Marika. I provided some references in relation to, you know, I think the neutrality of the Chair and I think that was asked - that relates specifically to GNSO Council working groups. So I'm not really sure and I think J. Scott came back as well asking and we both looked in the operating procedures.

So there isn't specifically addressed in the same way as is done in the GNSO working group guidelines. I did actually have my hand up as well to point out because I think there was a second alternative that was sent to list as well by J. Scott, which is also - because in the document that's on the screen I tried to collate all the comments and suggestions that were made.

So there was I think a second one, which I think was another version of the one that Wolf circulated. So I just want to make sure that that's - that Avri had the chance as well to look at that one.

Wolf-Ulrich Knoben:   You mean my version in comparison with that from J. Scott then? Okay. Then I...

Marika Konings:   Yeah. Just make a note because I think the first one on the screen is original one, which started off and I think then Avri made a suggestion saying oh but we need to differentiate with the PDPs and then you made a suggestion but I think then J. Scott also made a suggestion to address Avri's point.

So I think those two are basically the latest two drafts that were on the mailing list or at least that I managed to capture but (perhaps) anything else people should speak up.

Wolf-Ulrich Knoben: Okay. Thank you. Ron please. Ron.

Ron Andruff: Thank you Chair. Thank you Chair. And apologies to everyone if there's background noise on my call. Unfortunately I'm in the office. It's a little bit loud today.

Just wanted to say that I support all of the most recent changes. Certainly the addition that you brought Wolf-Ulrich as well as - as well as the change that J. Scott brought. So for my part I think we're getting to a very good document. And just wanted to weigh in on that. Thank you very much.

Wolf-Ulrich Knoben: Okay. Thank you Ron. Avri please.

Avri Doria: Yeah. Yeah. The fact that there's a second one. I knew I had read one that I thought worked. And then when I started reading yours out loud, it didn't quite. But yes. I think what J. Scott has works fine. Thanks.

Wolf-Ulrich Knoben: Yes. Okay. I'm happy with that as well. So let's refer to that and then let's take this one. So I'm happy with that as well. So now the question would be from the procedure how to deal with that matter.

I understand that we - so this is a really good report that to the Council in that way. And yeah. There's no specific then recommendation. It's just an explanation so in a small report, which we've - could - giving as our understanding with regards to that. And so the - we ask the recommendation is now to leave it at the discretion of the Chair in future with taking into consideration what we have had in mind here in our discussion.

So the question is well how we proceed in that. Shall we put that in stone and then forward it - is there any need from one of - from one of you to see the final - to see the final document. I think the document is - will be I understand just a kind of small report, what we have discussed and then at the very last here this kind of recommendation that this is our proposal for that and then give that recommendation to the Council.

Do we need any kind of motion for that? That would be my question. I'm not sure about that. For the Council to handle it in this way? Ron I see yes, we should have one last look you say. Is there any need for a motion for the Council? No motion needed (means) one. Avri, still hands up on...

Avri Doria:         Sorry. That's an old hand I forgot to take down.

Wolf-Ulrich Knoben:   Okay. Then Ron please.

Ron Andruff:      Yes, I think here you've said it right. I think that we just have to have staff draft this now in a final form but we should take one last look seeing as how we're about to hand it off. That was my just abbreviated comment.

But it's certainly not up to us to draft the motion. I think we could allow the GNSO Council draft the motion to put this forward. But I think that we've resolved this within our group but we should see that last language before it gets sent off to them just to make sure that it - there's no misunderstanding with what we said today in terms of what staff creates. That was my comment. Thank you.

Wolf-Ulrich Knoben:   Okay. Thank you. Marika please.

Marika Konings:   Yeah. This is Marika. At least from a staff perspective, I don't think there's a need for a motion here as there's no recommendation for any next steps. Basically I think the Council asked the question and, you know, this is the response that the SCI is providing. Indeed on base of this, you know, Council

could take any action it wants but there's no specific recommendation from SCI at this stage.

And what I can do is - and maybe the suggestion would be then that I just update this language including indeed the - referring to the PDP manual, which is still open. And maybe we just post that to the mailing list and give people another week to look at that. And if there's no, you know, if there are no further comments or issues with that, that basically gives you the clearance to forward it to the GNSO Council maybe.

Wolf-Ulrich Knoben:   Yes. Okay. That would be great. So Marika if you'll just rephrase little bit and then send it to our list and then after it is clear for us, then I can forward it to the Council then. Yes. Thank you very much. I think that's a positive we can do though. Okay. Thank you.

Next point is voting thresholds for delaying a PDP. Do we have a document available for that? I have seen on the Wiki your last exchange and the last proposal made by Marika. Maybe if you could Marika just give an update of that and brief us with your proposal please.

Marika Konings:   Yeah. This is Marika. I put up on the Adobe Connect, which I believe is the latest version that was circulated a couple of weeks ago. It was discussed but unfortunately that call I couldn't make.

But basically we had a discussion - I think originally we had language in here that talks about delaying a PDP but then there was confusion over what that meant as, you know, working group might have delay and, you know, that's probably not an issue or doesn't need to be a formal vote.

So what we did here is basically on a proposal would be to amend the language that's currently in the PDP manual that talks about terminating a PDP. It's a new provision that was introduced to give the Council possibility to

actually end the PDP if there are certain reasons why the PDP shouldn't continue anymore, which didn't exist in the previous one.

And as we are suggesting or recommending that a similar voting threshold would apply for suspending a PDP. We thought it would be easier just to amend that to say that that provision that it talks about may terminate or suspend a PDP. So I've added the words there.

And it then explains as well in the footnote that suspension basically means there's a time interval in which there is a temporary cessation of the PDP, i.e., all activities are halted upon a decision of the GNSO Council until further notice to really make clear that this is not, you know, the working group saying we need to wait for a bit more information or we have a public comment forum open so we're going to, you know, stop meetings for the next two months.

So this is really a conscious decision based on a motion with an attached voting threshold of which the Council suspends a PDP. So basically I think I circulate - again, on the mailing list I don't believe I've seen any comments or edits. But if I've missed those, I apologize and would suggest that you (read) them now.

Wolf-Ulrich Knoben:   Okay. Thank you. I'm just sorry. I'm searching my screen. Thank you. Oh yes, I got it here. So what is now the (unintelligible) to those? Okay Ron, back to you.

Ron Andruff:   Thank you Chair. So if I understand Marika, the current language is what we already see and the bold language is what we've added to this information. Can you confirm...

Marika Konings:   That is correct. Yeah.

Ron Andruff:     Okay. Excellent. So basically we're not making much of a change here. We're just basically allowing for a suspension, which is probably a good thing insomuch as when a PDP does get started we would certainly like to see it going through to fruition.

So I think from the BC's point of view I think this is something that makes sense. And we can support this language going forward. Thank you.

Wolf-Ulrich Knoben:   Any other comments to - from other representatives of stakeholder groups or so. Avri please.

Avri Doria:     Yeah. Hi. I'm just checking. So the note suspension that's where suspension is defined would also be stuck in or is that just for our purposes? Would that be put in as a footnote?

Marika Konings:  This is Marika. I think the idea would be to put that in as a footnote...

Avri Doria:     Okay.

Marika Konings:  ...to really make clear as well to, you know, the broader audience what is meant with suspension.

Avri Doria:     In which case I would wonder if we could add a sentence just for my pickiness, which is a change in - something that just says basically a change in milestone schedule does not count as a suspension.

So in other words, that that then is still related if by other rules for, you know, just the Council accepting when people say listen, you know, we said we'd have this done in November but really it's going to be February of next year because A, B, C, D but that isn't governed by this rule. That's governed by, you know, whatever rule is applicable for a change of charter or just, you know, accepting something by Council consensus.

So I don't know if that's okay with people but I - the only thing is the differentiation between - and we talked about this at the beginning and that's why you picked the light suspension - the differentiation between a suspension and a change in milestone date. Thanks.

Wolf-Ulrich Knoben: Okay. So you are referring to a further footnote. Is that...

Avri Doria: Yeah. I'm referring to just an extra sentence in the footnote.

Wolf-Ulrich Knoben: Yes.

Avri Doria: You know, where we say what suspension is and then perhaps a short one says suspension, you know, change of milestone date does not count as a suspension.

Wolf-Ulrich Knoben: Okay. Marika, did you get that and...

Marika Konings: Yes.

Wolf-Ulrich Knoben: Okay. Thank you. And I see Ron was agreeing to that as well. What is - well Marika first, yeah.

Marika Konings: Yeah. This is Marika. Don't know if you remembered to ask what is the next step then. But I just wanted to point out that indeed...

Wolf-Ulrich Knoben: I'm sorry. I would just ask if there are any other comment from - let me hear from the registrar or registry side with regards to that suggestion here. I don't see any problems, any hands raised. Okay. Then it's okay. Marika please. Next steps.

Marika Konings: Yeah. This is Marika. So we need - I can send up a - I can send around an updated version as suggested by Avri adding that sentence. But as this is a change to the GNSO operation procedures because the PDP manual is part

of that, I think we'll have to go again through the same thing as we did with the previous changes that we need to put this out for public comment and then update the operating procedures and then have the Council approve it.

I'll confirm that with our legal staff but I think that's the way we're supposed to deal with these changes so just to already give you a heads up on that.

Wolf-Ulrich Knoben:   Yes. If you could clarify that. So is it - so that is a specific part of the PDP manual, which you - is a modification of them. And...

Marika Konings:   Yes. This is Marika. Yeah, the PDP manual and the GNSO working group guidelines are both annexes to GNSO operating procedures.

Wolf-Ulrich Knoben:   Yeah. I understand.

Marika Konings:   I think that's why they're part of that document.

Wolf-Ulrich Knoben:   Okay. Okay. If you could clarify that and let us know. Then it's okay. And give us a last wording and then we will put forward that yeah (this way).

Marika Konings:   Okay.

Wolf-Ulrich Knoben:   Okay. Thank you very much. Well done. So we have almost no issues today other than right now coming to the point - raising an issue. And okay, that is several times we be starting to talk about but we didn't come through - not yet.

I would like just to recall that it's the - it came up because in our charter we have to my knowledge (fixed) that an issue could be raised either through the Council or if I'm correct to another group chartered by the Council. And there was - then sometimes came a question or an issue came up (so one person) and there was a question. Could we accept that or should this person go to his or her SO group or charter group or what else.

So that is where we stand and so we would like to find out what we should - let me say recommend for dealing with that for ourselves. And okay, with our chartering organization, which is the Council. So yeah, here we are.

So any ideas, any discussions, any comments on that? You think we sometimes talk about that. Shall we admit - shall we that a person - I think a person could raise an issue and bring it up to us? Shall we accept that? Shall we just stay to our rules and saying okay, no? This should refer to their groups - respective groups or how shall we deal with this? Any opinion. Please Ron.

Ron Andruff:    Thank you Chair. I think that because we as the SCI group that is supposed to be responsible for implementation of various policy changes and things that are coming up that individuals should go through the bodies that they are members of.

For example, I'm a member of the BC. So rather than me bringing something to the table, I would go to the BC and then the Chair of the BC would then raise the issue with the SCI.

I think that would be a proper way of approaching this because if - and I would need Avri to correct me on this because I think even if I'm an individual and I'm not necessarily a member of a existing constituency or stakeholder group of some sort, I still could come through the non-aligned or, you know, the various other bodies that are there.

And so point being is that I think if we could use the mechanisms that are in place and have it come up through those channels, it would be more effective for us because it would be vetted by that - my constituency.

So if I have an issue as an individual, I bring it to the BC. The BC I would expect that the Chair would take it to the Executive Committee of the BC prior to brining this to the attention of the SCI.

So in other words, there'll be a certain amount of vetting that will happen. So that way we won't have a workload that pops up without having someone have a look at it first. As it is right now, we receive any information back from the GNSO Council for example about a policy that's not working, that's been vetted. So that vetting idea is what I'm trying to bring to the table here. Thank you.

Wolf-Ulrich Knoben: Thanks Ron. Before I can (say flow) to Avri, well I would like to raise a question. Does anybody know the exact wording in the rules? Is for example, is it also permitted to ask the SOs, ACs to bring up issues or is it allowed just to groups, which are charter - have been chartered by the Council? So that is my question. Yeah, the charter we have on the screen. If we can search for that and Avri please.

Avri Doria: Hi. This is Avri. As far as I know it comes through a chartered group or the GNSO. And no other groups were explicitly called out. Now of course any other AC or SO or the Board would almost naturally send its note to the, you know, it's request to the GNSO as opposed to directly.

So I think that that is actually a - seen as being the pathway for as I think Ron was saying for just about anyone that isn't going through their constituency and certainly for any group that's in liaison or any of the SO/ACs or, you know, what have you. So I think that that's covered.

I think also the fact that it can come from any group with a charter so any working group and every working group is supposed to have a char who's reporting to the Council and is supposed to have a liaison that's probably a member of the Council.

And so, you know, there's - the working group can go or the liaison can bring it to the Council for anyone who's in the working group and has an issue with the working group because then it feeds into the whole working group and working group appeal mechanism.

So even if the working group won't take it to the SCI though entitled as it is to do so, then, you know, the membership and the liaison and the appeals mechanism gets the issue to the Council also. So I think that from wherever it's coming from it should be covered without coming directly to the SCI. Thanks.

Wolf-Ulrich Knoben:   Okay. Thank you very much Avri. I could not find the exact wording in that - anybody - Marika find or Julie find what is said here in the charter regarding...

Marika Konings:   This is Marika. I've actually posted it in the chat but I basically said that such requests can be made either the GNSO Council or a group chartered by the GNSO Council.

Wolf-Ulrich Knoben:   Okay. So that would mean that no group outside the GNSO could submit an issue. So if it's that way so - I mean so then the charter is very strict to my understanding. And the question is of - shall we - we could amend that or how do deal with that. So Avri please.

Avri Doria:   Okay. Yeah. It's strict. But really it's saying the SCI is in a back room. It isn't a, you know, it isn't a customer facing service. It's a secondary service. I think that - and so I think that it's strict but then again, getting to the GNSO or getting to the working group to do it shouldn't be that hard.

The other thing that this group has remember is it's, you know, periodic review and its ability to pretty much decide on its own that there is an issue that needs to be reviewed, you know, either because it's been a long time

since it has or because there's an immense amount of buzzing about it in the world.

So I think that there's that other but I personally don't see why this needs to be amended. Thanks.

Wolf-Ulrich Knoben:   Okay. Thank you. So I understand that. And that would be so to have it clear so that would - I understand Ron is suggesting on the chat that he's referring just to a charter body or a charter group, not pointing at charter by the GNSO Council; just a group that is chartered, which is a charter.

So that would cover that in the - we could then recommend that or just (unintelligible) as is and make clear that the (unintelligible) that this way and make it clear to that. Ron is agreeing. Avri, what is your opinion on that?

Avri Doria:       Well - and I was changing - well, and I was about to type it. I have to think about it. I think it's a little too broad but I don't think it matters. But make sure you say an ICANN chartered body because...

Wolf-Ulrich Knoben:   Yes.

Avri Doria:       ...otherwise there's a infinite number of chartered - no (unintelligible).

Wolf-Ulrich Knoben:   No, I mean ICANN, ICANN chartered body, yeah.

Avri Doria:       ...bodies in the world. So but so then the other issue I have is do we have to define what we mean by a chartered body? Is a - I guess a stakeholder group therefore is a chartered body. And a constituency is a chartered body because they got their charter from the Board.

Wolf-Ulrich Knoben:   Yes.

Avri Doria:        Okay. And so that would be any SO and AC. Are they chartered? Does the
                   bylaws define something - is that a charter? Would we have to decide if that
                   is or not?

Wolf-Ulrich Knoben:   Yes.

Avri Doria:        I guess that would include any Board special committee or anything like that.
                   I don't know whether we need to deal with what does the word charter mean
                   in another footnote. That - I guess that's the only question I have. I like the
                   idea of the SCI being one step removed and things having to go through the
                   GNSO. But I'm not - I don't like it so much that I would block a consensus on
                   it.

Wolf-Ulrich Knoben:   Okay. Anyway we could reword that, rephrase that and then circulate that
                   again and then we have it in black and white and then we can comment on
                   that. Marika please.

Marika Konings:    Yeah. This is Marika. I wonder if another way of looking at this is basically,
                   you know, following up the line then that Avri is taking, which I think would
                   apply in the way the charter is currently written as well that indeed if there are
                   any others that have issues, they could raise it with the GNSO Council. They
                   could send, you know, a note to the GNSO Council saying hey, I've observed
                   this and I think this is a real issue.

                   And then indeed leave it at the hands of the GNSO to decide well, you know,
                   we indeed want to task the SCI to work on this or no, we don't think it's
                   appropriate for SCI to look that this now. So that's one approach.

                   And if that is indeed the intent of it, one way to do it as well is just to
                   communicate that outwards. For example, have on the SCI page something
                   saying well, you know, these are the only groups that can officially request
                   something.

But if you have any issues, you know, feel free to send a note to the GNSO Council or go through, you know, any of the stakeholder groups or constituencies so that they can raise it on a Council level so you do provide them or educate them about what the potential channel can be if they do have significant issues with, you know, any of the adopted recommendations in relation to the GNSO approval. And so this could be another approach than going for amending the charter possibly.

Wolf-Ulrich Knoben:   Okay. Thanks Marika. And Ron please.

Ron Andruff:   Thank you Chair. I was actually going to ask Marika or staff to comment a little bit on that. So I would thank you Marika for your comment. I think that the idea of the chartered group and the coming back to my point on vetting is important.

I don't feel so comfortable that anyone can go to the GNSO and just say by the way I have an issue and then the GNSO - it's on their table. They already have enough to do. And they have to do a lot of heavy lifting and so forth. And they have to report back to their constituencies and their constituencies then have to bring back their comments and then the councilors have to then do their work. So I'm a little bit reluctant to see that.

I like the idea of this comment that Avri brought forward that a chartered body - of course it's got to be an ICANN chartered body. But if I'm not mistaken, and staff correct me please, every body that has - whether it's an SO or a constituency has - must have a charter. That's all part and parcel of the ICANN process.

So those are the chartered bodies I'm speaking of. So we would need to define, you know, when we speak of chartered bodies within ICANN who that is. And that's a - I think that's probably a seven word statement of definition. But that's the way we would approach this in my view.

If we allow it just - anyone to go to the GNSO and throw it on their table, then the GNSO to kick it back down to the constituencies, constituencies wrestle with it just to kick it back up to the GNSO. I think what we're doing is just adding more work to the table when it's not necessary.

People should bring it through their supporting organization, through the constituencies and those chartered bodies and those chartered bodies would have right to bring something that's not functioning within ICANN to our attention.

So I agree - what I'm trying to do is elevate this to a higher level and have a vetting process in between. So that's just to clarify my comments on the chat channel that I wrote in. Thank you.

Wolf-Ulrich Knoben:   Okay. Thank you very much. So well anyway in which case is do we expect what it is would happen? Right. That was one case we had. That was the case with regards to the statement of interest paper we have filed I think so.

And somebody from ALAC and other (unintelligible) level which are going - he picked it up, he saw that and then he was asking some questions because he was looking from his point of view and from the ALAC point of view how to - how can he make use of that, yeah.

So and those issues might be one case. This is what I did with GNSO and in other cases maybe if any chartered organization has something to deal with GNSO related things, then they may refer to the GNSO and it might come up if that is a SCI specific item, it might come down than to the SCI.

So it's clear - it should be excluded those things, which are not GNSO related. So if this - so we belong to this GNSO. We deal with GNSO matters and that's what it is and what we are doing.

So in this environment so we should find out regarding the bodies who could bring up the issues, chartered bodies as we just said we will deal with it and investigate what that means and maybe there should be something made with regards to the GNSO specific items, which could be placed. So that other things I included maybe. Marika please.

Marika Konings: Yeah. This is Marika. I just wanted to clarify with regard to the request from (Evan), that was an individual request. I don't think that was an official, you know, ALAC position or ALAC request to look into this. So I think that's something to take into account as well as you're, you know, addressing this that it would need to be (unintelligible).

Wolf-Ulrich Knoben: Yeah see I understand. He was - he came personally. And so - and that's why we are sitting here and dealing with the case, yeah. And so this is - the only question is right now is if we can refer him to his chartering organization saying okay, bring through ALAC to us. And that's it, yes. And it is - it seems to be a GNSO related matter because he was picking up that from the statement of interest paper from our side.

So could we, yeah, also make it clear and bring up a rephrased version, Marika, of that including the question of chartered bodies so that we can see that recommended text then on the list? Marika please.

Marika Konings: So this is Marika. So just so I have it clear. So basically what people would like to see is that the charter would be changed to say something like such requests can be made by either the GNSO Council...

Wolf-Ulrich Knoben: Yeah.

Marika Konings: ...or a group chartered by the GNSO Council or an ICANN chartered group. Did I understand that right?

Wolf-Ulrich Knoben: Yes.

Marika Konings:   Okay.

Wolf-Ulrich Knoben:   Yes. So Avri first.

Avri Doria:   Yes. Quick question. So in other words a group - a working group chartered by ALAC would be able to come also.

Wolf-Ulrich Knoben:   Now if we say any ICANN chartered...

Avri Doria:   Okay. Okay. Just checking. Yeah.

Wolf-Ulrich Knoben:   Yeah.

Avri Doria:   Okay. So it - as long as somebody in ICANN has chartered it even if it's a body that was chartered by another body that was chartered by God. Thanks.

Wolf-Ulrich Knoben:   Yeah. Yeah, sure. But under the auspices of ICANN.

Avri Doria:   Yeah, yeah.

Wolf-Ulrich Knoben:   Okay. So it - so Marika, so if you could circulate that on the list and then we look at this and comment on that and then we could fix it. Okay. Thank you. So we have still 10, 12 minutes to go.

Coming to that working group survey. Oh yeah. So I'm not clearly - clear about the status but Marika she can tell us please.

Marika Konings:   Yeah. This is Marika. If I still can come back one second to the previous one because I'm a bit confused now by Ron's comment because he's now talking about all working groups on the GNSO charter while I think we were saying any working groups which would be impact of an ICANN charter group.

And just to clarify as well of course that, you know, any change to the charter will need to go back to the GNSO Council for their approval eventually.

Wolf-Ulrich Knoben:   Okay. Good. Ron please.

Ron Andruff:     Thanks Marika. No, I actually typed that in because I was a little confused by what Avri just said, an ALAC working group. Does that mean if I understand that correctly that ALAC as a body would create a working group within its own supporting organization and then that body's working on something that they would have a right to come to us? No.

These are working groups that are chartered by the GNSO as I understand it or by constituencies or by supporting organizations. But not what I would call a sub working group operating within an ALAC environment where that working group is doing some work of some sort. That would still have to come up through ALAC itself to us and that's the point I was trying to draw out there.

And if that's - if I have that correctly understood, that's fine. If it's not, then I do have an argument against having a working group - because we don't have working - we have working groups but on a very informal level within the Business Constituency and I think in other constituencies they're more informal working groups gathering information, bringing it back to the body as a whole.

But I don't see that these what I'll call sub working groups would have the authority to come to the SCI. Rather it would have to go to their body that chartered them and that body then would come to us. Thank you.

Wolf-Ulrich Knoben:   Ron, good question. Avri please.

Avri Doria:      Yeah. Okay. A, that's one of the reasons I was asking the question. Although I'm kind of confused in what you said because you said a working group

chartered by another SO would be okay but you're saying that a working group chartered by ALAC, an advisory committee, wouldn't be okay?

Ron Andruff:       No. I meant - that's - I misspoke there Avri. (Unintelligible).

Avri Doria:        Because that was the example I used was a working group that was chartered by ALAC.

Ron Andruff:       Yeah, no. I misspoke. What I'm saying is they would have to be - in my view it's working groups chartered by GNSO.

Avri Doria:        Okay. So GNSO working groups are the only ones that can come. So that's what I'm saying. So if we're talking about chartered, that was my whole point of needing to be specific...

Ron Andruff:       Well Avri (unintelligible)...

Avri Doria:        ...about what we meant.

Ron Andruff:       If I may, I'm sorry, just - I want to be clear. What I was saying was working groups chartered by the GNSO Council one, supporting organizations or constituencies. That would be the three channels that I think we would take...

Avri Doria:        Okay.

Ron Andruff:       ...input from.

Wolf-Ulrich Knoben:   Okay. We have to make it clear anyway. So because we were - to my understanding we were saying - okay, at first we were talking about ICANN chartered bodies meaning the SOs and ACs in general. And then we had a discussion on working groups. And then the question was which kind of working groups we allow to come up with items. And now we have position, okay, working groups chartered by the GNSO could be allowed to come up.

So this is the levels I see - or two levels (is such). I see at the time being on the table. Is that correct my understanding? Avri please.

Avri Doria:     Sorry. I didn't understand the question.

Wolf-Ulrich Knoben:   No, the question was (right) to my understanding. So what we have on the table a suggestion right now is ICANN chartered bodies meaning ACs plus SOs plus on working group level just GNSO Council chartered working groups.

Avri Doria:     Okay. Yeah, that sounds fine to me too. You might want to include the Board and they could send something if they wanted to. Of course then you're talking about the Board committee. For example, could the Thick send something to the SCI? You know. Probably but at the moment you didn't include them. And then of course when we're saying - yeah.

And I know I'm being too picky but I can't help it. When we're saying things - working groups chartered by the GNSO, then we wouldn't include a drafting team chartered by the GNSO Council. Correct?

Wolf-Ulrich Knoben:   Yes. No we wouldn't.

Avri Doria:     We wouldn't.

Wolf-Ulrich Knoben:   We wouldn't just (do it)...

Avri Doria:     Okay. Just trying to clarify.

Wolf-Ulrich Knoben:   Yes. So that we would do and I think that we should put on paper right now and then we can circulate that and have a last look through that and comment again, yes.

Ron Andruff:      Chair, this is Ron. I'm sorry. I'm trying to hit raise my hand but for some reason it (unintelligible)...

Wolf-Ulrich Knoben:   I'm sorry.

Ron Andruff:      ...popping up. Apologies for interrupting you. I just wanted to say that I don't think it makes sense for us to accept the Board coming to the SCI and for the reason being that the GNSO Council works through the issues within ICANN. Then it puts it up to the Board to ratify those issues.

                  If the Board were to have any issues in terms of how ICANN works in terms of policy implementation because that's what the SCI does, they should take it back to the GNSO Council...

Wolf-Ulrich Knoben:   Sure.

Ron Andruff:      ...who in turn would be the ones to tell us that in fact we need to address it. So...

Wolf-Ulrich Knoben:   Yeah.

Ron Andruff:      ...I agree with everything Avri said except I don't think we need to go above the GNSO Council. I think it's basically everything that below the Board level. Thank you.

Wolf-Ulrich Knoben:   Yeah. Okay. Thank you. So we put together the other groups and as (what I) see in the text and circulate that. Avri.

Avri Doria:       Yeah. That makes absolutely - I don't understand that. If the ccNSO can send something directly to this group to say that the Structural Improvements Committee who's the one that was the one that mandated all the strange machinations we've been going through for the last several years can't send something directly seems strange to me.

You know, I just - it - why they would have to go through the GNSO when the SSAC wouldn't, I don't understand it. Thanks.

Wolf-Ulrich Knoben:   No, that - I'm a bit confused right now. So I'm - I understood it in different way. The ccNSO for example as an SO or any other AC should not go through the GNSO.

Avri Doria:       Right. But we're saying the Structural Improvements Committee from the Board would have to. And that just - I don't understand that.

Wolf-Ulrich Knoben:   Yeah. Then is the question from - the other way around the question because we came up just the other way. We said, you know, we wouldn't like to allow individuals to come through. And then it came up they, okay, if not individuals then just allowing to those groups and the question is which groups we should allow though.

And then we are - that's because I understand that you are - okay. So you are raising that to why this group and why the other not. So okay. Ron please.

Ron Andruff:     Avri, I certainly appreciate where you're coming from with this. But I wasn't thinking of SSAC either. I wasn't thinking of those bodies that are operating in a environment. When I was saying chartered groups, what I was more referring to as I stated before, it's more about having the bodies that report to - the bodies that create ICANN and report up to a Board level.

At the Board level as I understand it, we have Structural Improvements Committees, other bodies that are doing work. That's fine. But that's a body - those bodies are not developing policy. They're ratifying policy. SSAC is working on security issues. I don't see where the SCI is going to have something to do.

So the point is if there were something, there would be a mechanism where they would take it to the Chair of the GNSO and say we're seeing this issue. The GNSO Council then has the ability to look at that issue and say, you know what, we'll take it up here at the GNSO Council level because you know what, this is a big issue or it's a small issue or whatever. We don't know what that's going to be.

But at that point then the Chair may - of the GNSO Council may say, you know, this belongs with the SCI. I'm just trying to not, you know, get too carried away with who brings us issues. The issues are very simple for me. One, it can't be an individual vetting it or individual. It must be vetted by some body.

And that body as I have suggested was a chartered group and that chartered group would then be a constituency and then would (unintelligible) say constituency well then you have to allow some of the supporting organizations because effectively those are constituencies. They just have an elevated status as they report directly to the Board or they have a higher level than the constituencies.

That's all we're saying here. Working groups within the GNSO PDPs and so forth, they come across something that's just not structurally working, they would bring it to us. That makes sense. But I don't think we need to get to these higher levels. So I think it's really just a matter of defining what this is.

And maybe one of the ways of doing it is staff might come back and say here are all the lists of all the committees and all the bodies that have charters within the organization. And then we as an SCI check those ones we think makes sense in this.

But I think we're getting too deep in the weeds on this one. This is a pretty simple one. It's about simply not allowing an individual to step up and say I've

got a problem with something. And all of a sudden another individual steps up and another individual steps up.

And the next thing you know we've got a workload that we're working through because individuals within the community feel that this has to be reviewed. I'm saying no. Let's have it vetted by a body above that individual.

So it's - I'm trying to keep this as a very simple process and we're evolving into a very detailed thing. I don't care how we get to it but I'm saying we just don't need to be looking at stuff.

When the Board Structural Improvements Committee has some thoughts, that has to be brought back in any case to GNSO Council because the Board doesn't have the authority to do anything. They only can actively - bring their power to be when the GNSO Council brings them something up. That's the beauty of our bottom up organization.

Wolf-Ulrich Knoben:   Okay. Avri last and then we (unintelligible).

Avri Doria:        Yeah. I think we obviously have more discussion to go on this because all I've been doing is challenging the meaning of when you say chartered does it include; when it says this, it doesn't include, you know. Then it includes some things but not others and bringing questions and issues. I think we have a lot further to discuss because I think if we're going beyond what's there now, we've got a lot of definitional work to do.

I'm still in favor of keeping it exactly as it is now and everybody goes through the GNSO. But otherwise if we're going to open up wider, then I don't understand what we're opening it up to at the moment because every time I come up with something that's a category, then I give an example of something in that category and well no, not that but this.

So we're either going for a long explicit list of this one can and this one can't or I suggest we leave it tight.

Wolf-Ulrich Knoben: Okay.

Avri Doria: (And now we're over time).

Wolf-Ulrich Knoben: Thanks. Thanks Avri. So in - really. So then let's really go through that on the list. I would like to suggest because we are now over the hour. So that we come up with proposals on the list. Everybody who has the idea about how to deal with that, which groups or how shall we define that.

So just briefly bring that up so that we have a discussion platform on the list about that. And then we can exchange some on the list and then talk about the next time.

So what - maybe Marika, that could be helpful. Have you - could you send out let me say a kind of two or three options we have now discussed and I'll let you bring that up this - in types of groups we would like to allow to come up with issues. That you bring - put that together on paper and (unintelligible). Again, we have something to discuss. That would be helpful.

Marika Konings: Okay.

Wolf-Ulrich Knoben: Okay. Thank you very much. So I would like to come to a close. So we have still open the working group survey and others. Shall we - we have a meeting. We'll have a meeting in Toronto. But Toronto is still three or four weeks from now away. Shall we have a placeholder for the - in two weeks for that - may suggestion on the 27th? Would that be okay? Same time?

Just for a placeholder. We're seeing what we can do until that time. Okay. Let's do it that - this way, huh. So thank you. Thank you very much. And goodbye.

Avri Doria:        Bye.

Man:               Bye now.


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