GNSO Working Group Newcomer Open House session
TRANSCRIPTION
Thursday 06 February 2014 at 12:00 UTC

Note: The following is the output of transcribing from an audio. 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.

Coordinator: This conference call is now being recorded. If you have any objections, you

                  may disconnect at this time.

                  Please go ahead. All lines are open.

Nathalie Peregrine: Thank you very much (Louise).

                  Good morning, good afternoon, good evening everybody and welcome to the

                  GNSO Newcomer Open House Session on February the 6th 2014.

                  On the call today we have Mikey O'Connor, Patrick Lenihan and Fatima

                  Cambronero. On Staff we have Marika Konings, Glen DeSaintgery and

                  myself Nathalie Peregrine.

                  The recording transcript and the Adobe Connect recording of this call will be

                  available on the GNSO master calendar.

                  Thank you very much and over to you Mikey.

Mikey O'Connor: Thanks Nathalie and welcome all. This is a session for you, the newcomers, and so let me just move ahead to talk a little bit about who we are going to be interacting with today. But also to encourage you, especially (Fatima) and Patrick to guide me on what you would like to know about.

So if there is a special topic that was on your mind when you signed up for this, by all means, either jump into the conversation. The advantage we've got today is that this is a nice small group so we've got a lot of flexibility on how we do this. And if you want to take the reins and point us in a different direction, that's fine. But I'll sort of run through the thing and as we go we can steer.

So there's a picture of me on the screen; I'm a member of the GNSO Council. And I'm a retired guy and own some pretty interesting domain names and I'm a complete enthusiast about working groups. And if you ever run into me at ICANN meetings, that's the way I look with all of the stuff around my neck from all the working groups that I've been on.

This is the policy support team and many of these folks are on the call with us today. David Olive is the head of that function and is based in Istanbul.

Marika is with us; Senior Policy Director and in Brussels. And Marika is a star, she is the right hand of many of us who run these working groups and will undoubtedly be joining this conversation as we go through this.

Glen is also on the call. Glen is the first Policy Support Team member and is the person that keeps us all going.

Three people who aren't on the call today but that you may meet in the course of working on working groups are Mary Wong who is in the U.S., Julie Hedlund who is also in the U.S., and Lars Hoffman who's based in Brussels. These are the folks, along with Marika and Berry Cobb who's also in the U.S., who join us in the working group work and have several roles in there.

One is to essentially be the secretariat function, but also, they being part of the policy staff, are the connection between the working groups and the rest of the policymaking functions in ICANN.

And then Nathalie who is the person who started off this call is also the person who keeps all of our calls running well, and especially when they're very large calls which they often are, Nathalie is the person who kind of keeps those things running smoothly. And I always miss it when Nathalie and her team aren't running our calls because they don't work nearly as well.

So those are just some names and faces for you.

And these are sort of the topics of the day - the goals of the day really. We did this a while back as a pilot, probably the next time we do this we should take that last one off because the feedback on the pilot was pretty good so we decided we'd keep doing this.

And this is back to the point that I made at the top of the call which is this is really for you. And as I go through this, pretty substantial slide deck, fairly quickly, please slow me down if we get to a part of this that you're really interested in or is confusing or I'm speaking to fast or anything else that bothers you, because this is really for you and...

Patrick Lenihan: Okay, excuse me. Mikey?

Mikey O'Connor: Patrick, go ahead.

Patrick Lenihan: Mikey, yes. Again, thank you, yes for your explanation. I did attend an open house in December and I enjoyed it very much.

I'd appreciate it if you could go through slide packets as slowly as possible while again, not wanting to bore anyone else who's on the line. Because here

in Libya our Internet is sometimes back, sometimes none existent; mostly bad.

And I cannot get past the icon page where you agree to the expected standards of behavior online; I can't get past that. So I can't see anything that you're putting on the screen. So if you could explain it to a blind man please.

Mikey O'Connor: I've got another idea for you...

Patrick Lenihan: Okay.

Mikey O'Connor: ...which is why don't we email you. Is your email also equally shaky because maybe a copy of the deck...

Patrick Lenihan: No, my email is good. I can receive emails but I can't - a live email, I'm not sure.

Mikey O'Connor: Yes, that's what I was curious about is whether we could get you a live one.

Patrick Lenihan: Yes.

Mikey O'Connor: If it's stalled - I assume you've done all the usually trying and...

Patrick Lenihan: Yes, in other words, even when I go back, it doesn't go back to the guest login where I login my name. It knows my name is logged in; I just can't get past the check in to the behavior standards.

Mikey O'Connor: Well dang. All right.

Patrick Lenihan: So again, usually I can, usually I can log on to Adobe but then it just cuts in and out the whole time, so I need to know the (unintelligible). Again, this is Libya, and two years ago NATO forces pretty much destroyed their telecommunications, okay so still working to rebuild them.

Mikey O'Connor: Wow. Well we can easily do that. Meanwhile, Nathalie said that she's going to send you a copy of the slide deck.

Patrick Lenihan: Yes, and that will be great.

Mikey O'Connor: And I will...

Patrick Lenihan: Yes, I could actually go to there and look at it as you're talking through it. Yes, that will work.

Mikey O'Connor: Yes. But that's the sort of thing that makes these calls interesting...

Patrick Lenihan: Sure.

Mikey O'Connor: ...and at least for me, unique, is the fact that we're all over the world and we have quite a bit of variation in terms of the amount and capability and connectivity.

Patrick Lenihan: Oh sure.

Mikey O'Connor: So that's a great reminder.

And as a person who chairs working groups a lot, we often have to accommodate that.

Patrick Lenihan: I understand.

Mikey O'Connor: So that's another thing.

One thing you might try is on computer, Adobe Connect is an application that has started running. You might try quitting that application all together and coming in...

Patrick Lenihan: Yes I have; I've just done that. And so I'm going to go back.

((Crosstalk))

Mikey O'Connor: And that didn't work either. Oh well.

Patrick Lenihan: I'm actually getting out of that particular email. So if I go back to the email that has the Adobe Connect and then click on it again, I skip the put-your-name-in at the Guest Page and it goes straight to say-yes-to-the-expected-standards. So it knows that I'm half way logged in, and then it just gets stuck; it just goes round and round.

But that's not, you know, ICANN or anyone else.

Nathalie Peregrine: (Unintelligible) here's a question. Do you at least get to the page where it starts loading with the bar or you don't even get beyond the page?

Patrick Lenihan: Right. What it does is it knows that I'm half way logged in. In other words, I'm back to the email now, Adobe Connect with audio enabled, click on the little blue line, and it skips the put-in-your-name-as-a-guest because I've already done that, right. "Do you want to log in as a guest or you log in with your ID?" It skips that page; I've already logged my name in. And I'm now back straight at the page where I have to agree to ICANN's expected standards and I say okay, and it just goes round and round.

Mikey O'Connor: Well we've got a nice recording of this as an incident for the tech support people.

Patrick Lenihan: It's happened on several occasions. Sometimes I can get...

((Crosstalk))

Patrick Lenihan: ...(unintelligible), but it's happened on several occasions.

Mikey O'Connor: Okay, well I'll plunge ahead and I'll speak in the sense that you don't have Adobe Connect and I'll sort of do word pictures. But if you can track down a copy of the slide deck that would be useful.

((Crosstalk))

Patrick Lenihan: Okay, sure.

Mikey O'Connor: Fatima, anything on your mind that you'd especially like to hear about in a session like this? Not to put you on the spot but if there is, do let me know and we'll hit those harder.

So here's a series of questions that you might want to know more about, and this is essentially the outline of this slide deck.

Oh I tell you what Nathalie. Why don't we stop and restart the recording at this point. And then we'll - one of the things that we can do with these recordings is sort of chop them up so that they're a little bit shorter. And so by stopping and then starting again, we pick up that little edit in the stream, so I'm just waiting until that pops back on and then we'll go.

Nathalie, you can go ahead and start it again if you want. There we go.

So this is the section that is essentially the agenda for the meeting, but it's also something that you can aim me at. And Fatima has typed in the Chat that she is more interested in the consensus policy process which is third on the list. And so we'll skip through the first two chunks a little more quickly and get right to that.

I'm assuming that both you Patrick and Fatima are pretty familiar with the Adobe Connect environment and how to raise your hand and chat and all that. So I'm...

Patrick Lenihan: Actually no. I sort of embarrassed myself at the last translation/transliteration meeting. I was on a call out and also I was able to actually get through to Adobe Connect although it kept cutting in and cutting out. And I did not know how to disable my audio because I was getting it from two sources and it was causing feedback and it was kind of embarrassing.

Mikey O'Connor: Well, so let me - I'll tell you how you do that. And then you won't be able to do it today because you don't have Adobe.

Patrick Lenihan: Yes, our Internet...

Mikey O'Connor: If you hover your microphone - or hover your mouse over your own entry in Adobe Connect, so your own name, you'll get a little dropdown menu. And in that menu is the ability to mute your audio.

Patrick Lenihan: I see.

Mikey O'Connor: So it's in the dropdown thing that you click.

Patrick Lenihan: They had me going somewhere to the top left of the screen like the handset that you were talking about.

Mikey O'Connor: No, that's to turn it on and off for the session. But the actual mute and unmute is on your own name in the list.

Patrick Lenihan: Really, okay.

Mikey O'Connor: So that'll help you in the next time.

Well okay. Well I think we've got a sense of where we're headed. Let me zoom ahead here into the tips and tricks.

And I've got a little propaganda slide in the screen that Patrick, it essentially looks like a whole bunch of circles and it has basically all kinds of different roles that people play in the ICANN environment. And at some time when there's more interest in this, I have a whole long conversation...

Patrick Lenihan: Yes, I think you may have shown that in December. Did you show that in December? I think you may have.

Mikey O'Connor: Yes and so I'm going to skip through that a little more quickly...

((Crosstalk))

Patrick Lenihan: Okay, yes they interplay of the roles.

Mikey O'Connor: Yes. I really want to get to the policy development side.

Patrick Lenihan: Yes go ahead; I remember that.

Mikey O'Connor: Okay. And then on the next slide, we have again, Patrick, since you've been through this once before, this will be sort of a reminder more than anything else. But we...

Patrick Lenihan: By all means, yes go ahead. Proceed at whatever speed is best for you and for Fatima.

Mikey O'Connor: Okay. Well, I think we're going to accommodate Fatima to be our guide on fast and slow.

Patrick Lenihan: Certainly.

Mikey O'Connor: Fatima did ask a question in the Chat. And by the way, I think Avri Doria just joined us. Welcome Avri. I'll go back to the slide that we were talking about.

Patrick Lenihan: (Unintelligible).

Mikey O'Connor: One of the things that I am looking for here Fatima, this is sort of an idea that exists only in the head of Mikey right now.

But one of the things that I'm working on very hard is trying to develop people with these roles. So essentially in the mentor role, certainly Avri's one of those folks, there are several others in the GNSO community who are quite willing to play that role, but they're not formally identified yet. And there isn't - oh, and Marika is ahead of me saying the same in the Chat.

I think one of the things that may evolve over time is making those folks and those relationships more formal than they are right now. But if you as an individual are ever looking for someone to team up with in any of the roles, as a coach while you're on a working group or if you're trying to understand your way around, I'd certainly encourage you to get a hold of me or Marika or Avri or any of the folks that have been here a while.

And if they can't help you with that particular thing, they can certainly introduce you to somebody who can. And as time goes by, we may see a more formal mechanism to do that.

Patrick Lenihan: Sounds good.

Mikey O'Connor: Okay, let's see. So on this next slide - and Avri, we're screening through the same slide deck as last time. We're going fairly fast because Fatima is sort of our guide and pointing us mostly at the policy development process today. So if you feel like I'm skipping forward to quickly, do slow me down.

So anyway, sprinkled throughout this slide deck are series of links to all sorts of helpful pages on the GNSO site. I'll just show these slides to you so that you know that they're there. And I think at that point we'll just plow right in to the next part.

I have a feeling that because this session is small enough it's just as well to leave the recording on and we'll just carry on here.

So the next part of this gets us in to the - one of the questions that was always on my mind and for years didn't know the answer to, was what is this picket fence thing that people talked about in working groups? And so this section defines what consensus policy is and what the picket fence is. The picket fence is really just a nickname or a shorthand for the term consensus policy.

And so let me start with the formal definition. There's a link to the part of the ICANN Web site that talks about the agreements that bind registrars and registries to ICANN. And in the context of those contracts, consensus policy is essentially a portion of those contracts that appears in every contract. And the thing that makes them unique is that those consensus policies immediately affect all registries and registrars as soon as they're enacted.

Unlike other parts of the contract which are enacted when the registry and registrar signs the contract-- so we have several different generations of contracts of registration and accreditation and registrar accreditation agreement and the registry agreement. They were ones that were written very recently in 2013, and then stretching backward in time, there are earlier versions of those contracts. The terms of those contracts aren't - the contracted parties are not bound by those terms until they sign those contracts.

But all of the contracts point to consensus policy. And so all registrars and registries are always bound to consensus policy no matter what contract

they've signed. So that's sort of the difference; it's a socket into which these policies go.

And the shorthand came when people started saying, "You know, there's a fence around that part of the contract." That's the picket fence. And so there's more detail on this, and I'm - because we're headed quickly for the consensus policy process, I'm going to just turn the slides on that.

But there's a picture of a picket fence. In the U.S., there are certain types of fences and that particular type that you see on the screen is a picket fence. And for those of you who aren't U.S. based, that's even more puzzling than just the fact that it was called that. You know, it's a specific kind of fence, so it's probably a term that we in ICANN should start trying to avoid because it's pretty confusing to people in many ways.

Marika, go ahead.

Marika Konings: Yes, this is Marika. I just wanted to emphasize as well that the contracts specify which topics are suitable for such consensus policy development. So it's not that on anything that a consensus policy can be developed, but it's specified in registry and registrar agreements which those topics are that would qualify for a consensus policy.

Of course it doesn't mean that, you know, there can be other policies or best practices that, you know, effect issues that are outside of the picket fence as is explained here as well on the slide. But basically in those cases, it would not be possible to implement those as a consensus policy as Mikey explained it. Those would be immediately binding and enforceable on contracted parties.

Other mechanisms would need to be explored, you know, either through individual contract negotiations or by providing certain consensus to get

certain parties to maybe follow those policies that are outside of the picket fence and such.

Mikey O'Connor: Yes, that's - thanks for that Marika.

Avri, I'm not going to put you on the spot, but if you ever want to chime in, especially if I get something wrong, please don't be shy. Avri is actually much more experienced in this than I, and so I'm counting on you Avri to keep me on the straight and narrow here.

Okay, so - and then another link to a useful URL if you want to learn more about this.

Okay, now to the consensus policy process and the part that Fatima really wanted to zero in on today. I'm going to skip this slide because this isn't quite the same, and I'm going to move right to what we call the Snake Slide.

And this is a slide Patrick, for you, that has the whole process on one page. There's some subsequent slides that go into a bit more detail on the parts of this process, but for now I'm going to just stay at this very summary level.

And one of the things that this slide conveys is that there are really three broad stages to the consensus policy process. The beginning of it is essentially a process that identifies and initiates the policy development process.

That very first phase, essentially at the bright green on the far left and the very beginning of the process, is quite open-ended. The request for an issue report is sort of the beginning of the formal process. And it falls out of either people within the GNSO, or the Board, or people from any other supporting organization or advisory committee.

So the Security and Stability Advisory Committee could conceivably initiate or request an issue report. The Government Advisory Committee could, the ALAC could. So the beginning of that funnel is quite open and quite broad.

One distinction to be made is that the Board can initiate or request an issue report. And when the Board does that, the GNSO has less discretion about whether to actually move further into the policy development process. When the Board speaks, the GNSO Council does not get to approve the process of initiating the PDP.

Patrick Lenihan: Okay, excuse Mikey. Who is the Board of what?

Mikey O'Connor: This is the Board of ICANN.

Patrick Lenihan: Okay, ICANN's Board. Okay, and by the way thanks to Nathalie, I have the slide pack. I'm looking at it now.

Mikey O'Connor: Oh lovely, that's great.

Patrick Lenihan: So I'm looking at it, thanks to Nathalie.

Mikey O'Connor: Wonderful.

Patrick Lenihan: So ICANN's Board.

Mikey O'Connor: So I don't know if we've got a picture of the Board in here. I don't want to flip the screens before everybody's eyes, but Marika is typing in - yes, okay. So let me just talk that part up.

Actually, I'm going to go backwards because we can see that on...

Patrick Lenihan: (Unintelligible) bottom-up process.

((Crosstalk))

Mikey O'Connor: Yes, right. So the Board is comprised - this isn't really good representation of the Board but it will do in a pinch. And there's a link to the Board in the Chat.

The Board is a representational group that has representatives from the Advisory Committees, so that would be At Large and the Government Advisory Committee and the ALAC. Or I'm sorry, I guess that's in there already. And the three supporting organizations which are the GNSO, the Generic Name Supporting Organization which is the gang that I hang out in.

The ccNSO is the country code counterpart to the Generic Name Supporting Organization. And the NRO stands for the Number Resource Organization and it's a coordinating body that deals with the IP numbering part of ICANN's mission.

So there are representatives to the Board from all of those. And in addition, there are a number of representatives that are selected by the Nominating Committee. And there are some other representatives from, for example, the Technical Community, and I'm not exactly sure the current status of that.

But anyway, the Board is a fairly large body that is broadly representational across all of ICANN, and clearly its mission is just like any other Board of Directors. It's the ultimate authority that guides the whole corporation, the whole of ICANN.

And so when they speak to us, the GNSO, and ask for an issue report, we have less discretion as to whether to proceed or not. That's sort of the context of this.

Does that sort of do an adequate job, Patrick, on your question?

Patrick Lenihan: Certainly, yes, yes; I agree - I understand.

Mikey O'Connor: So at the beginning, things are fairly open-ended and essentially almost any question can be brought to the GNSO Council for consideration. And then it's (unintelligible)...

Patrick Lenihan: Who has standing to bring a question before the Board?

Mikey O'Connor: Not before the Board, before the GNSO. Now I'm back to the GNSO.

Patrick Lenihan: Okay.

Mikey O'Connor: The Board works through the representatives through these various organizations like the GNSO.

Patrick Lenihan: Okay.

Mikey O'Connor: And so if you're a member - are you a member of the GNSO or the ALAC? What part of ICANN do you hang out in?

Patrick Lenihan: Just NCUC.

Mikey O'Connor: Okay, so you're a part of the GNSO.

Patrick Lenihan: Okay.

Mikey O'Connor: Because the NCUC is a constituency within the GNSO. And Marika is encouraging me to remind you that you can see a picture of all this if you follow that link. Let me just look at that.

Patrick Lenihan: Okay.

Mikey O'Connor: Oh, there's pictures of all the Board members. No, I was thinking where's that one that's got the cool organization chart Marika, where it has all the...

Marika Konings: I can find that.

Mikey O'Connor: Yes, okay. That's the one I was struggling to imagine where...

((Crosstalk))

Marika Konings: Picture as in this photo.

Mikey O'Connor: Yes. Anyway, so the way people bring something to the Board, Patrick, there are several ways for you as an individual to do that. And I'm on thin ice, so Marika and Avri, please be the net under me.

What I'm thinking is that one avenue is through public comments, one is through direct letters to the Board; those are all logged. And another is - and I think the most commonly envisioned one is through the organization that you're a part of, so through the GNSO, and up through our Board representatives, which in our case, yours - yes, Avri is laying the beginnings of this step which is NCUC brings the issue up to the NCSG which is the stakeholder group and then it can come up through the Council.

Or Avri, can it go straight to Bill - I just lost Bill's last name - our Board representative from the stakeholder group? Do they have to go through the Council or can they go direct from stakeholder group to Board representative?

Marika Konings: This is Marika. It's maybe important to point out that Board members actually act in individual capacity, they are not there representing the group that may have selected them for that seat. So I think that's important to take into account, which may not mean - could mean that they do raise issues that they think are important, but they are not there as a representative of the community that has elected them.

Mikey O'Connor: Right. But they are definitely, you know, in answering Patrick's question, "Who has standing and how can I get something in front of the Board?" I was trying to rattle off all of the options that are available. And it would seem to me that Bill Graham would be another avenue for you to bring something to the Board.

The picture that I'm trying to paint is that that conversation with the Board, while not easy, does have a lot of options and is quite transparent. And in general, I think Avri's got the right of it, that the sort of usual path is through the Council Members that represent your stakeholder group, and in this case the NCSG, and then, you know, up through the Council itself, and sometimes the policy development process and sometimes not.

So that's not a terribly clear answer partly because this is a little bit outside my area of expertise. I'm very good at working group stuff; I'm not as good at the non-working group policy development part of this process.

I can't think of any other avenues to speak to the Board. Well no, there's another, and that is at the meetings of ICANN there's an open session on the last day of the meeting. Exactly - the Public Forum - thank you Avri, as I was struggling to come up with the right term. Where anyone in the ICANN community, and essentially anyone, can speak directly to the Board in public for a couple of minutes.

And then Fatima is pointing out that the coming up through the constituencies and thus through the - and Fatima, that's part of the counterpart I think to the process that Avri's talking point. One path is up through the Council, another, it seems to me, is up through the constituencies and stakeholder groups and through the Board representative even though they're acting as an individual.

Marika, go ahead.

Marika Konings: It is Marika. I think one point that maybe we're mentioning in this context as well or the course, you know, there are indeed many ways to talk to the Board, and you know, in many cases they will respond or possibly take action.

From their side, there is no requirement unless things go through a formal process like the PDP or is basically built in the PDP process. If at the end of the day, if the GNSO Council adopts policy recommendations that have followed, you know, the process that you see on this slide and on the screen, at that point the Board is required to act on those. And you know - I mean they may vote down recommendations, but they need to achieve a certain voting threshold and be able to explain why they considered it wasn't in the interest or best interest of ICANN to adopt the recommendations.

So the formal way for different groups within ICANN to talk to the Board is through processes like these that have, you know, a mechanism built in that obliged them to react and respond. That's not to say that in the other mechanisms don't resolve in a response or feedback. This is a formal way of doing it - I think we probably lost someone.

Mikey O'Connor: I between we lost Patrick. Did we lose you Patrick? Yes.

Nathalie Peregrine: This is Nathalie. Patrick's line is off, therefore it is (unintelligible).

Mikey O'Connor: Yes. Patrick is dialing in from a part of the world where the infrastructure is pretty rough. So we'll carry on without him for now.

And just to tie off that last point that Marika made, I think that's exactly right and Avri made the same point in the Chat which is that there are many ways to talk to the Board, but the policy development process is the formal way to do that. And that's part of the reason I like it so much.

Gisella, who are you? Can you speak or can you type in the Chat? We've got somebody named Gisella in the Chat and I wasn't sure whether that's the Gisella I know or if this is a new Gisella. So if you can speak it would be great to hear from you. It doesn't look like that's going to work out; she's coming in on a mobile device so it's hard to make those behave.

But - it is me. Okay.

Patrick, is that you again?

Patrick Lenihan: I'm here. Yes, I was cut off for a moment but I'm back.

Mikey O'Connor: Oh you're back, great. No, I'm hoping it's the Gisella I know.

Marika, go ahead. Or is that an old hand?

Marika Konings: Yes sorry, I forgot to take my hand down.

Mikey O'Connor: Well anyway Patrick, so just to summarize that there are many ways to speak to the Board and few ways to make them listen I think, Avri got the right of it in the Chat.

Patrick Lenihan: Sure.

Mikey O'Connor: And the policy development process is definitely, from my point of view, one of the very best ways to make them listen.

Anyway, the beginning of that process is quite open. And then as we progress to the left, the GNSO Council is essentially a gatekeeper to decide whether to proceed. So pretty much anybody can ask the GNSO to consider initiating an issue report; that's that very first stage.

The GNSO then decides whether to do that. They have quite a bit of discretion as to whether to do it except in the case of the Board. The Board has, just like we have special rights with the Board when we speak to them through the Policy Development Process, they have special rights with us to kick one of those processes off to start one up. And so it's sort of a mutual attention getting; they have special rights to get our attention.

From there, the rest of that top part is really the formation and starting up of a working group. And one of the most useful times, at least from a standpoint of a working group chair - I hang out in that blue middle part of the snake a lot.

And one of the most useful pieces of public input is that very first one. It's really the first two, those two steps are pretty much usually occur almost at the same time, because that's where the working group learns the most about the debate that they're about to undertake. And the nice thing about comments in that early, early phase is that they are much easier to accommodate.

One of the most difficult phases of the work is the very end because by the end, a working group has often worked for a year. They have a very nuanced understanding of and consensus around the topic. And to get a really substantial comment very late in the process, while certainly appreciated and has to be accommodated by the working group, it's much easier for the working group if they can hear about these issues early in the process. So that's the end of the sort of get ready part.

The blue part in the middle is the actually working group work part, and it comes sort of in three phases. The first part is where the working group prepares an initial report, and in general, does the bulk - hopefully does the bulk of its work in preparing that initial report. They took a look - they certainly are guided by those public comments and the stakeholder group and constituency statements that precede their hard work.

The initial report is then put out for public comment, and again, that's very useful but it's more useful if it can come earlier in the process rather than later.

And then the final report accommodates at least two rounds of public comments, the first round being the one in that green bar at the top, and then at a minimum, the second one in the actually work of the working group. The working group publishes a final report that it declares is ready for consideration by the GNSO Council, and on it goes from there.

Now let me pause because Fatima has raised a really interesting question in the Chat. She's asking, "What do you think about cross-constituency working groups? Can they development policies?"

And I'm going to talk for a while, but I'm going to ask Marika and Avri to weigh in on this as well because I don't think there's a hard and necessarily final answer on this.

In general, the way I think about it is that the GNSO Council is mandated in the bylaws as the body that is responsible for making policy about generic domain names. And so I think that a cross-constituency working group can inform the GNSO about that.

But if this is going to result in consensus policy that winds up in the formal sense in that contract, then I don't think that they can. And Marika is essentially agreeing then. And Fatima is saying, "Yes, consensus policy."

And so then the answer becomes clearer Fatima. No, the mandate of the GNSO is to develop those policies.

Oh, and Avri is offering a really important clarification. No one can create policy other than the Board. Anybody can recommend policy to the Board,

only the GNSO is charged with doing that and has the means to put a policy recommendation on the Board's agenda in a formal way.

And just to add on to that, I think the Board has fewer, less freedom, to reject that when it comes from the GNSO.

And now the Chat is going nuts so I'm going to read the Chat into the audio so that if somebody's just listening to this.

So Marika is saying, "A cross-community working group could provide policy advice on topics that are not within the exclusive remit of a constituency or a supporting organization."

And Avri is correcting herself and saying, "Only the GNSO is charged with doing the policy recommendations in a formal way for the generic top-level domains."

And Marika is saying, "There is no formal process for putting those obligations on the Board's table."

So Fatima, you can...

Marika Konings: This relates to my first comment, not Avri's comment, (unintelligible)...

((Crosstalk))

Mikey O'Connor: Yes.

Marika Konings: ...the cross-community working groups, but there's currently no formal process for doing so or obligation for the Board to actually consider the advice that's provided by cross-community working groups.

Although this may be a good moment as well to mention that there is currently work ongoing on developing principles for cross-community working groups that would hopefully then apply across groups because there has been as well misunderstanding on indeed what is the role and function of cross-community working groups.

So hopefully, that work will also provide some clarity to the broader community as to which issues or topics may be appropriate for the cross-community working group to consider and which not. and they may eventually result as well in some more formal processes possibly on how to deal with those as well how advice coming out of that may go up to the Board.

Mikey O'Connor: You know, your question is really an interesting one for me Fatima, because I had never thought about - I had always thought about cross-community working groups from the standpoint of they would be formed around topics that were broader than the GNSO's remit. I'd never thought about it the other way around where a cross-community working group would be formed for something that's entirely within the GNSO.

And the reason that I've never thought of that is because working groups are open to anybody to participate in. And so my presumption has always been that if the policy issue is within the GNSO mission, but it's of interest across the community, that people from those other organizations, other parts of the GNSO community, would simply participate in a GNSO working group. And that that way, they would have the ability to participate in and shape that discussion.

I never thought about the possibility of a cross-community working group being formed to develop policy essentially alongside the GNSO. And so I'll watch the output of the cross-community working group with interest on that because it never occurred to me.

Okay, Fatima has given us a great - so I think we probably talked enough about that, but that's a great question and thank you for that.

Okay, so now we've arrived at the place where the working group has finished its work and the GNSO Council. So now we're down to the bottom row, the red-orange row, where the work is essentially down and the approval of that work is now taking place.

The first layer of approval is at the GNSO Council. And the hope here is that the working group has arrived at a consensus on whatever the topic that they have been chartered to undertake. And that the GNSO Council is essentially in a role of saying, "Was the process followed correctly? Is the consensus solid, etcetera, etcetera?" And in that case, the hope is that the GNSO Council approval is fairly matter-of-fact.

And in recent memory, that's been more often the case than not. But that's not to say that sometimes these things might not get more complicated. And at that point, it's up to the GNSO Council to work through what to do about, say a working group final report, that either has portions that are consensus and portions that are not, or a report that comes back saying, "We are not at consensus." It's the Council's job to sort through what we're going to do about that and how to proceed.

And so sometimes the Council does not approve a report, and sometimes it approves it adding on to the contents of the report with their contribution. You know, there are number of paths from there.

The routine path is that - I got a bite out of Avri. I may slow down and let Avri type.

Are you sure you don't want to talk Avri? I'd love to hear you talk but I don't want to put you on the spot.

Again, I tend to really defer to Avri because she's much, much more familiar with this process and has been, among other things, the Chair of the GNSO Council during the period when many of the rules and processes by which it operates now were developed. And so - and she's made a point that I should really have made because it's one that I feel very strongly about.

One of the options that I really like too, for the Council, is when the Council gets a report from a working group - Avri hasn't had her coffee yet and can't talk; I get that. It's pretty early for me too.

My favorite option on this is for the Council to send a report back to the working group for further work. And one of my least favorite - this is now I'm going to speak personally rather than sort of as an official.

One of my least favorite options is for the Council to try and make a decision that a working group could not make because I really strongly feel that the Council is not nearly as well equipped to make that kind of choice. The Council is very good at guiding this process, but the actual developing of the nuance and the rigor of the analysis that's done in a working group is very difficult for a working group to repeat.

And so Avri, thanks a lot for that reminder because I completely agree. And I sort of feel the same way about the Board, but we'll get to that in a minute.

So then let's presume for a minute that the Council maybe sends the report back to the working group, the working group - perhaps with instructions; certainly no problem with instructions to the working group for things to consider; maybe another round of public comments, whatever.

Ultimately, let's presume that the Council does approve the result of the working group. And from there, there's another small report that's prepared by staff that summarizes and is essentially a cover document, a cover memo that accompanies the report, and is transmitted to the ICANN Board.

Now before it is considered by the Board, there's another round of public comment. And the goal of that public comment period is a little bit different than the goal of the public comments that have happened in the green portion and the blue portion.

In this case, the goal of the public comments is to hear about reasons why following the advice of the GNSO would be harmful to ICANN, the community, or the Internet at large. So that's the basis on which the Board is charged with making their decision. You know, they are the ultimate, as Avri pointed out a minute ago in the Chat.

The Board is ultimately the place where this policy gets made and their decision is primarily supposed to be one that's looking at whether or not this policy will cause harm to either the community or the corporation or the Internet.

Then that's done, those comments are summarized by Staff and the Board votes on the result of all that work. Again, the hope is this is a pretty low-key vote; it's pretty routine. The Board hopefully is not presented with difficult or complicated issues and so they can smile and say, "Thank you very much," to the GNSO and approve the vote.

And again, back to Avri's earlier point, my preference is if the Board is not willing to approve the policy that's proposed by the GNSO, they don't try and fix the problem themselves. My preference is that they send it back to the GNSO for repair, and that the GNSO send it back to the working group.

Now I'm noting that we're just over the top of the hour here and so I think we should probably draw this to a close.

Let me impose on you for just two more minutes and just say that once the Board has approved a policy, then it goes into implementation. And members

of the working group are often asked to participate in something called an Implementation Review Team.

And Marika, I have a trivia question for you, and that is somebody asked me, is the Implementation Review Team restricted to members of the working group or can other members of the community also participate in one of those?

Marika Konings: This is Marika. I think the TP manual actually doesn't prescribe who can or should be members. I think what we've done in the ones we have now is actually only send invitation to the working group itself under the assumption that those were the ones that actually developed the policy and are most familiar with the recommendations and how they should be implemented or what the intent was.

I think we did have cases then where certain groups came back saying, "Well actually, you know, from our constituency or stakeholder group, someone else would like to be involved because the original person wasn't there." And you know, we haven't said you can't do it.

You know, and it's something that the Policy Implementation Group I think will need to look at it as well. You don't want to have, you know, the right expertise there and not be restricted, but at the same time you do want to avoid as well that the implementation discussion redoes the policy discussion that already took place if you have people that are really not familiar with how the policy recommendations work, adopted, and you know, developed.

So that's a bit where, you know, currently there's not hard move on, you know, whether or not. But I think we've tried to focus at least outreach for those through the actual working group that did the work on the policy recommendations.

Mikey O'Connor: Thank you, and Avri's also come in the Chat with I think suggestions that complement that.

And that is that, you know, what we're looking for during implementation is people with deep knowledge with how that policy was arrived at, and to make sure that the implementation of that policy is in sync with what the people who wrote it intended.

At the same time, Avri's agreeing that there's no reason that an expert could not reasonably be invited to join.

But I think that another interesting discussion, and Fatima, this is sort of in line with your earlier question. What happens when implementation and policy get out of sync is the topic of yet another working group that's working right now because there have been times when there's been disagreement as to whether the implementation of the policy was really aligned with the intent of the working group. And this is another grey area that's under discussion right now.

And with that, I think I'm going to wrap up because it is now six minutes after the hour and more, and I apologize that it went so long but hopefully this was helpful.

And please do, for those of you who are participants, please do let us know how we can do this better and carry it on to other topics, etcetera, etcetera. Avri is typing; I'll let Avri get her point into the Chat and then I think we'll close it up.

Yes Avri, I already sort of volunteered you I think before you got on Adobe. But certainly, now that you're here, this is back to the mentoring point that was raised earlier.

Many of us are more than happy to help and answer questions. Email, phone calls, Skype calls, you name it, we are more than happy to help. And I agree with Avri; it's better to volunteer yourself than be volunteered.

So with that, thank you all and we'll turn off the recording and call it a day. Thanks a lot.

Patrick Lenihan: All right, thanks very much Mikey and all of you.

Marika Konings: And this is Marika. Maybe just to mention that we'll have another session next month, so if you have still have further questions or want to talk about anything in further detail, feel free to show up for that one again.

Patrick Lenihan: Thanks Avri, thanks much.

Mikey O'Connor: Yes, and (Olga's) been saying in the Chat, "Too bad that we didn't get the details on time."

I think we do need to sort of work on our outreach a bit on this because, you know, it seems like we've got some opportunities to get the word out a different way, and I'm not exactly sure what that is so we'll puzzle about that. But thanks (Olga) for that thought. I tend to agree. I think...

Marika Konings: And Mikey, this is just a note. I think the way that we've communicated it this time around was actually posting it on a GNSO Web site and we actually pushed it out as well to all the GNSO working groups that have recently started. But I just thought, you know, there may be other channels in which we should be pushing it out.

We'll also have it in the policy update for this month noting that, you know, this is going to be a recurring event. So hopefully, you know, slowly the word will spread and will take note of it and be able to join.

Mikey O'Connor: I think one of the things that we want to do, and I'm going to answer Avri's point in the Chat as well, is that I think we need to have a bit of an explanation of what's going to happen that's a little bit more than what we put out.

Because if I were in Avri's shoes, I wouldn't know whether I should come. And I want to answer Avri's question which is yes please; I'd love to have a group of experienced folks in here, not just me. You know, I'm very conscience of the limits of my own knowledge.

And so - I didn't know I was running the show. But anyway, yes please; please do plan on attending. And if you would like to take a more active role, that would be lovely. I really don't want to be the voice of Newcomer Welcome House.

I don't think it's a requirement. I mean I will attend everyone. But I think that's where - maybe what we can do is a better job in the announcement. I'll sort of cogitate about some pros and maybe you'll write something that makes it clear that I think this should be a conversation between newcomers and experienced folks.

I think that should be the goal because that way what we could is we could start sort of building a list of questions that people want to explore in more depth and publicize that a little bit before the meeting and encourage a broader group of people.

And so Nathalie, here's sort of a scheduling idea. Why don't you and I put a note on our respective calendars that two weeks before the meeting, you and I will collaborate on a little announcement for each meeting. We'll do this every time so that we can kind of publicize this in a way that old hands and newcomers can know what's coming and can plan on attending.

And Avri's just chimed in with invite guests that really know about stuff. That would be, I think, a lovely thought.

And so then the question is should we have a little email list for newcomers and old hands alike or are we - that's why I was hesitating. Avri is going, "No, no, please, not another meeting." Okay, never mind. But anyway, Nathalie, you and I can collaborate on that.

And for those of you who are still on, if there are topics that came up today that weren't covered in enough depth that you'd like to hear about, why don't you send me an email - I can't remember whether my email address is at the end or not; no it's not. So here's my email address.

Send me a note about something you want to hear more about and we'll put it into the mix.

Patrick Lenihan: Sounds good.

Mikey O'Connor: Online forum, like where Avri? Do you think in - do we have - that would - yes, I don't either. We'll cogitate about that, but that's a good idea. I mean I wish we had one place instead of three or four for that kind of thing, but we'll cogitate about that.

Marika Konings: Mikey, we could create a Wiki page where we could, you know, post these recordings and have people comment, and in that way we could answer questions.

Mikey O'Connor: Yes, that's a good idea although I think Avri is talking in code when she says online forum. That's a little bit different kind of a critter.

The drawback to a Wiki for me is that I can't subscribe to it. The nice thing about a forum is that...

Marika Konings: You can. You can as a viewer. They see whenever someone posts something there and you're viewing that page, will automatically, you get an email to see what has been posted or written down.

Mikey O'Connor: Yes, okay we'll cogitate about that.

Okay, I have to go have my morning coffee. I haven't had any morning coffee. Poor Mikey, I'm in the easily worst disadvantage than Avri, and I think we'll wrap this up.

That's it. Avri is still typing. Coffee good - yes. Tada, consensus at the end.

Thanks all, see you soon.

Patrick Lenihan: Okay, thank you. See you soon.

Group: Bye.

Patrick Lenihan: Okay, bye-bye now.

Nathalie Peregrine: Thank you (unintelligible) and also (unintelligible) and thank you very much.

Coordinator: Thank you for participating in today's conference call. You may now disconnect.

END