Policy & Implementation Definition Subteam Meeting
TRANSCRIPTION
Wednesday 05 February 2014 at 2000 UTC

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Attendees:
Michael Graham – IPC
Wolk Knoben- ISPCP
Amr Elsadr –NCUC
Cheryl Langdon-Orr – At-Large
Alan Greenberg – ALAC
Tom Barrett - RrSG

Apology: none

ICANN staff:
Mary Wong
Marika Konings
Nathalie Peregrine

Nathalie Peregrine: Thank you very much, (Tonya). Good morning, good afternoon, good evening everybody. This is the PI Definitions Sub Team call on the 5th of February, 2014.

On the call today we have Cheryl Langdon-Orr, Michael Graham, Alan Greenberg, Amr Elsadr and Wolf Knoben. We have received no apology for today's call. From staff we have Marika Konings and myself, Nathalie Peregrine.

I'd like to remind you all to please state your names before speaking for transcription purposes. Thank you very much and over to you.

Michael Graham: Okay, this is Michael for the record. And hopefully we can move forward. I sent out to the group, and I guess the version that is on the meeting screen is that that includes some additional comments from the earlier version that I had tried to send and was unable to and I've inserted those and they indicate my suggestions or, in some places, responses with my name.

I'm trying to recall did we end up at - where did we end up, Marika, going through the ones that we had?

Marika Konings: Yeah, this is Marika. (Unintelligible) as well I don't know if you saw because I actually made some additional comments and proposed edits to the version you circulated and that is the one that's up so it has your changes but I also added some additional comments from my side in there.

In relation to the question where we ended up, I'm not entirely sure. But as we have made changes, I think, all the way through you may want to just start at the top again.

Michael Graham: Okay. I think we can go through that. Some of them we had already discussed. So going back - I had to go back to 1. Let's go back to 1. And I'm trying to tie into - this was addressing the issue that Avri brought up about decisions and methods.

Whether policy was a method which we ended up, as we had discussed, setting up an additional column which were questions for further working group discussion so that we could clearly point out that while some of the issues that were being raised were important or that we had identified that these really are ones for the work group in determining how to apply the definitions that we're supplying them.

And then also in actually making the final definitions and making that discussion coming up as Cheryl and Alan were speaking before we went online to actually have a final (firm) that hopefully will be used and understood.

What I had proposed doing was deleting methods of action and instead putting in applied principles. And I think applied principles may have been from elsewhere as well. I think that might have been from one of the questions that was raised by Avri.

And then on the next one, GNSO policy, the revision I was suggesting there - and I guess you deleted something, Marika, I can't see what it was, I think it was spaces, oh yeah. And that was removing sort of the introductory language, "The GNSO policy is a policy," and replacing that with, "...any gTLD," just with the term "any" and then, "The gTLD related policy recommendation that is approved by the ICANN Board."

And that's the portion I think that we had discussed during that time and adopted that. But trying to get away and I hope it's acceptable - trying to get away from using the defined term in the definition just so we don't beg the question of whether or not the definition is bound by presumptions of what that means rather than indicating what it means.

Marika.

Marika Konings: Yeah, this is Marika. Just related to the previous definition on policy because one of the questions I had I know that we put the comment from Avri in the fourth column now, "Should there be a distinction between decisions and methods?" And my question is I'm not really sure if that's actually going to be something that's going to be covered as part of the working group deliberations because presumably we're actually focusing on GNSO policy, GNSO policy development, not so much the general definitions.

And also as we've, you know, taken out the methods I'm not really sure whether we still need to leave that in there or just take that out for now. And if there still are further issues or points people think need to be covered we can also always add them back into this column.

Michael Graham: Right. It's Michael. Hey, if everyone would agree with that change that I suggested of putting in "applied principles" in place of "methods" I think that does address the issue and we can leave out that comment. And I see two agrees so let's go ahead and do that.

And then any question or discussion on GNSO policy? Okay. Number two, policy development. I don't think there were any changes in that other than what we had discussed. I'm looking at that.

I do have a question for everyone just so that we can have a policy and apply it. And we may have done this and if we did I apologize for not jotting it down. One, I thought we had had a discussion that clarified where we are using or it's been the accepted use to have a - an acronym or anagram, whatever they're called, like PDP that the terms that lead to that should be capitalized hence I had suggested making the changes of capitalizing policy, development and procedures.

The other question in going through this was whether or not we need to conform policy so it appears only in upper or lower case or having one person go through and determine where it should be capitalized and when it should be lower case. I do want to avoid the issue of why did we not include a definition of lower case policy.

Alan, hopefully you can throw light on that.

Alan Greenberg: I can't throw light on that but I can throw other stuff on this definition as it stands now.

Michael Graham: Okay.

Cheryl Langdon-Orr: Well one wonders what sort of other stuff.

Alan Greenberg: By the innocent - putting of capital letters you've changed the meaning, number one. Unfortunately we are using the term "policy development processes" - a plural - to talk about the PDP, capital Policy Development Process or Procedure or whatever it is, as defined in the body of Annex A as opposed to the other types of processes which we might develop someday or we use on an ad hoc basis today.

So first of all, you know, by capitalizing them it's no longer procedures, it's the procedure and you've changed the meaning. And you've introduced a conflict by saying there are multiple procedures, plural, in the first sentence and then saying, "this procedure" in the second, which is referring to only the capitalized PDP. So we have a problem as it stands right now.

Michael Graham: Okay. And I would love to follow anyone's suggestion on what to do with that.

Alan Greenberg: Well I can - I think it can be fixed by changing them back to lower case and then saying the specific, capitalized, Policy Development Procedure, PDP, described in the body of Annex A is required and continue with the rest of that sentence. I think that addresses it.

Michael Graham: So, A, yeah, so take out the period then as well and "this procedure is..."

Alan Greenberg: Yeah, I would have made it a separate sentence but that's fine. Okay what Marika has is even better than what I said so let me read it and see.

((Crosstalk))

Alan Greenberg: That's often the case. She isn't hampered by English being her native language.

Michael Graham: I know.

Alan Greenberg: But she does it much better than we do.

((Crosstalk))

Michael Graham: I've wondered in my world of music why I like Phoenix so well, they all speak French, they barely spoke English when they wrote all their English language songs so they could do anything they wanted with the words.

But I do wonder - I like the way that's looking. I would change though the, "and the policy development process" to "or the policy development process" correct?

Alan Greenberg: "Including" I think instead of "either" because it is part of the - it is one of the procedures. It's the only one at the moment. And it is described in Annex A.

Michael Graham: Okay so I put a comma after "that procedures" right before "including then." Does that make sense?

Alan Greenberg: I guess so. I'm getting confused by all the colors and lines.

Michael Graham: I had to blow my screen up so I could...

((Crosstalk))

Cheryl Langdon-Orr: Slow deep breathes, Alan, it's all right. Look at the...

((Crosstalk))

Alan Greenberg: Yeah, and for clarity on the next sentence I would say, "This PDP procedure."

Michael Graham: Yeah.

Cheryl Langdon-Orr: Yes, that I agree with.

Alan Greenberg: Thank you, Cheryl.

Cheryl Langdon-Orr: But not capitalized.

Michael Graham: Okay, yeah, I like that.

((Crosstalk))

Alan Greenberg: I'm sure someone else won't.

Michael Graham: Listen, this draft we are passing along I think - I hope. Okay so let's go down to 3, Policy Advice. And suggestions - I can't see all of your comment there, Marika.

Marika Konings: Yeah, this is Marika. I think this is actually a change that Chuck had made but my comment was, you know, "suggestions" sounds very vague and I'm not really sure what it actually adds - let me see what he actually - I don't remember what he removed.

I think it said, you know, basically what is it not covered yet by input so I'm not really sure what Chuck was trying to add here because suggestions are not really anything concrete. And I'm not really sure, at least in my mind, whether "suggestions" which more sound like well, you know, the GNSO Council had a conversation and in their minutes those were recorded. Are those suggestions? Would that immediately equate to policy advice?

So that was a bit my question. I'm not really sure whether the "suggestions" is needed if you're just saying, "community input" because that sounds more as a formal kind of statement but not sure what others think.

Michael Graham: Yeah, and I was thinking, you know, "and comments on" but comments are input and input I think is general enough that it could include any of that. "Community input on policy related issues," I would be fine with that I think. Yeah, that was one where I capitalized policy. Cap it?

Alan Greenberg: It's Alan. Yes, I'm happy with that one.

Michael Graham: Okay.

Cheryl Langdon-Orr: Yeah.

((Crosstalk))

Alan Greenberg: Not capitalizing "policy" I had the problem with it's the rest of the words together.

Michael Graham: Right.

Alan Greenberg: I think in general if we're now talking about policy in the GNSO context it is a capitalized P in, I think, all cases.

Marika Konings: This is Marika. But I think in this case talking about policy advice I'm not sure if we're just talking about formal - I would be more comfortable here I think with the small P because there may be also issues where, you know, the Board asks, you know, give us some advice on what we should be doing here or at least what I thought would be there so I would rather think that it's a small P but anyway...

Alan Greenberg: It's getting boring but I agree with you, Marika, lower case is probably better in this case.

Cheryl Langdon-Orr: Yeah.

Michael Graham: Okay so policy advice then, yeah, and I think that leaves that term - this I Michael for the record - I think it leaves that term pretty broadly defined so that if the work group wants to create a specific type of process of doing this or what it is they can do so. So, yeah, I could go with that, make that a small P.

Okay so then - and I apologize for going in here and trying to jump through these. GNSO policy guidance, trying to address - you know, some of the issues and questions that had been raised. And I'm afraid I got pretty wholesale with this so any comments on this proposed revision would be really useful.

Amr Elsadr: Michael, this is Amr.

Michael Graham: Go ahead, Amr.

Amr Elsadr: Yeah, I'm still questioning the wisdom of keeping that last part of the definition and where it says that the policy guidance is in response to a specific GNSO generated proposal or a request from the Board or other non-GNSO ICANN entity or working group.

I still feel that this is a bit specific and so far it - this definition, I mean, the question for me is where did we come up with this? It's policy guidance as far as I know is still something that is on the table for discussion by this working group. It's not something that currently exists.

And I would still prefer if we limit our definition on this just to - just to satisfy any questions by any of the other working group members to the exact words

of the - that we've been charted to address. And I'm going to paste those into the Chat just for a reference. And this is what's on policy guidance in our charter. And so I would just leave that last part out.

I hope that that will satisfy J. Scott's comment as well. Thanks.

Michael Graham: Alan, did you have a comment on that? I'm reading...

((Crosstalk))

Alan Greenberg: No I don't because I was focusing on the top half which I think has some significant problems. But I tend to agree that we shouldn't be answering the charter questions, we should be putting in working definitions today. And my feeling is - what we have there right now I don't think quite parses because saying it's a type of GNSO - gTLD policy it's not; it's input provided by the GNSO but it's not necessarily policy. It's about policy perhaps.

And saying it's developed other than by the PDP, again, is a - is incorrect. It's not - at this point there is nothing specified. We may, in coming out of this work group say how one develops policy guidance or how one just determines that it exists.

So I think we want to go with something very simple here. I think we want to say, "Policy guidance is input provided..." or is, "Comments on policy related issues made by the GNSO, you know, procedures and details to be determined." You know, I...

Michael Graham: All right.

Alan Greenberg: I think we need to differentiate it from formal policy recommendations but other than that keep it very generic.

Michael Graham: Could you track, Marika, what - I think what Alan was suggesting there sounded good to me. But before we go on to that I would agree with taking out that last portion from "pursuant to" as a beginning point. Yeah, I totally agree with what Amr was saying.

And then, Marika, do you have your hand up...

((Crosstalk))

Alan Greenberg: Let me try to word smith it because I had several - I went back and forth as I was talking. Let me try to word smith something on the fly, see if it makes any sense.

Michael Graham: Okay, yeah. The one thing...

Marika Konings: Yeah, this is...

Michael Graham: This is Michael. I'll just point out - the one thing that I was trying to get away from was calling it a process because we don't know what it is. And I think what I would go along with something along the lines of what you were suggesting, Alan. However, I would adopt the term rather than comment. I'd go ahead and use "input" to distinguish it from policy advice. "This is input from GNSO..." I think. Marika.

Marika Konings: Yeah, this is Marika. My suggestion actually here is as, you know, this is a term that currently doesn't exist as a formal process. So I think instead of trying to, you know, shoehorn it into a definition of something that doesn't really exist at the moment we could as well solve it by just saying moving - basically the end of this language saying, "...as suggested by the PI charter, GNSO policy guidance may be a type of (unintelligible) policy other than GNSO developed by some procedure..." or other - basically moving it around and really making clear that this is something that's being suggested in the charter that is currently not defined, doesn't exist.

Maybe, you know, informally we can call certain things guidance but there's nothing existing at the moment that would determine what is guidance and what isn't. That's actually really what the job of the sub team or the full working group is going to be.

So I don't know if that will fix it by still giving a kind of definition but at the same time really making clear that this is not an existing concept and apart from in theory as it has been suggested in the charter and I think in the staff discussion paper.

Michael Graham: I just posted very quickly maybe start off with this phrase and then go with the general definition of what they were referring to that Alan was getting at so that it's clear - one, we get rid of the term from our definition; got to do that. And, two, you know, we leave it open with the general definition that Alan was working on which I think is the right way to go as well.

Alan Greenberg: Yeah, so something like - it's policy guidance, "The GNSO policy guidance is a term proposed..." or not proposed, what's the right word...

Cheryl Langdon-Orr: Usage?

Alan Greenberg: No, no, you know, "...suggested in the charter for input from the GNSO on policy-related issues other than that developed through formal policy processes."

Marika Konings: I missed that last part or I couldn't keep up. So - "The GNSO policy guidance is a term suggested in the PI Working Group charter for input from the GNSO..."

Alan Greenberg: "For policy related input from the GNSO..."

Michael Graham: Yeah.

Alan Greenberg: "...other than recommendations developed through formal policy processes," all lower case.

Marika Konings: Like that?

Michael Graham: The only thing, Alan - it's Michael - maybe we need to change "formal" because it may be decided that it is a formal process. But through...

Alan Greenberg: About, "currently established" instead of formal?

Michael Graham: Yes, I like that.

Alan Greenberg: And policy-related should be hyphenated. There, yeah. Looks good to me.

Michael Graham: Yeah and go ahead, Marika, and take out in the very first line everything up to "A" so that we don't...

((Crosstalk))

Michael Graham: ...defining the term again.

Marika Konings: Sorry, Michael, can you repeat what you mean?

Michael Graham: I want to see what the - I think we need to keep that footnote though someplace.

Alan Greenberg: I can't quite read it so I'm not sure what it says.

Michael Graham: "See Charter Question 2, policy and..." it's the language from the - oh save it, bring it back.

((Crosstalk))

Marika Konings: Yeah, this is Marika. I've moved it because I think we can just add it to PI Working Group charter and I just put the footnote back there. If you want to remove the policy guidance...

Michael Graham: Oh okay.

Marika Konings: ...so this is what you want to do, right?

Michael Graham: Yeah.

Marika Konings: Right. So the footnote is still there but it now basically just comes after the charter. For some reason we don't have a Footnote 5 anymore and we go straight from 4 to 6 but I'll try to fix that after this call.

Michael Graham: Yeah, that's interesting, okay.

Cheryl Langdon-Orr: You can make a 5 just to fill it in.

Michael Graham: Alan, what do you think of that? I'm pretty happy with where that's gotten.

Alan Greenberg: Yeah, I think that's okay.

Michael Graham: And, Amr?

Amr Elsadr: Thanks, Michael. This is Amr. I think it might be worthwhile to just throw in there somewhere that consensus policy is not part of whatever GNSO policy guidance will become.

Alan Greenberg: This is Alan. Say that again?

Cheryl Langdon-Orr: Yeah, say that again.

Amr Elsadr: I'm just saying that it might be worth - worthwhile putting in the definition just clarifying that consensus policy is not part of what policy guidance will be considering.

Alan Greenberg: Well but it's already saying, other than recommendations developed through currently established policy development processes and Consensus Policy, capital C, capital P, is the most rigid kind of established policy...

((Crosstalk))

Amr Elsadr: Okay so - okay I see what you mean, Alan. So what we're saying is that these are recommendations other than what we get through the currently established PDP as opposed to a parallel process then.

Alan Greenberg: Exactly.

Michael Graham: Right, right.

Amr Elsadr: Okay. All right.

Alan Greenberg: I mean, as an example it could come out of a GNSO Council meeting where everyone around the table, you know, says to the Board, "You all have to wear blue shirts from now on." That's policy advice. We all approve it. We're passing it on. It wasn't developed through a PDP or something equivalent.

Amr Elsadr: Because we don't...

((Crosstalk))

Alan Greenberg: We all know shirt color is directly related to gTLDs so...

Amr Elsadr: All right thanks, Alan.

Cheryl Langdon-Orr: I want to know why he keeps pushing blue shirts. It is...

((Crosstalk))

Alan Greenberg: Cheryl, it's obvious; they go along with my blue eyes.

Cheryl Langdon-Orr: Oh.

Michael Graham: Quick before they...

((Crosstalk))

Alan Greenberg: I thought you would have known that.

Michael Graham: Moving to Implementation.

Cheryl Langdon-Orr: That's a moving right along moment.

Michael Graham: And I think most of this was applying - okay, the question is the beginning - was cutting out the beginning of that but then I've got the capital P, which do we want?

Alan Greenberg: Process putting into - that's a capital P.

Michael Graham: I mean, I'm sure happy with that because it's - all of this is going to be applied in talking about what we do in the gTLD process.

Alan Greenberg: Yeah, we could - it's Alan - we could qualify it by saying, "gTLD policy" if we chose but it's probably implied by our all-encompassing statement at the front.

Michael Graham: Yeah, well I wonder if that's a change you may want to make in the next one, implementation of a GNSO policy.

Alan Greenberg: Ah.

Cheryl Langdon-Orr: Yes.

Alan Greenberg: Okay, hold on.

Michael Graham: Yeah, the changes...

Alan Greenberg: I didn't realize we had both of them.

Michael Graham: Yeah, and Chuck was asking if we need it and I think we certainly do.

Alan Greenberg: Yeah, no the question - if the implementation definition is followed by implementation of a GNSO policy then is that really upper case P in the first one?

Michael Graham: Yeah and I've got a lower case P in the second one. I would say...

Alan Greenberg: Flip them I think.

Michael Graham: I would say flip them, yes. But then should we say it somehow differently being a relative novice at this, calling it GNSO-generated Board approved policy...

((Crosstalk))

Alan Greenberg: It's Alan. That should be "recommended" not "generated" I think.

Michael Graham: Okay.

Marika Konings: And this is Marika. That also addresses Avri's point. She suggests as well that should be "recommended."

Michael Graham: I've got my old version and the new version here. I've got to make sure I'm looking at the right one. Then "...implement to put into effect, carry out or execute a policy to accomplish a policy" probably the most white-break definition we have in here.

Alan Greenberg: Do we really need "implementation" and "implement"?

Michael Graham: Will we understand what we mean if we say, "To implement a policy?" Or actually perhaps we could combine those, "Implement or Implementation: The process of putting into effect, carrying out..." blah, blah, blah.

Alan Greenberg: Good stuff.

Michael Graham: And then we could get - yeah, why don't we do that? Because I can see in any discussion where we're talking about either of these - getting into the same rat hole of discussion. Marika, was that your hand or are you...

Marika Konings: No, do I still have my hand up?

Michael Graham: Yeah.

Marika Konings: Oh sorry, no that's an old hand.

((Crosstalk))

Michael Graham: ...while you're typing in the changes. Okay so then the next is Principle.

Marika Konings: So this is Marika. Sorry just to confirm. We're leaving "implement" as it is for now?

Michael Graham: Oh no, what we're going to do is move the word "implement" up with "implementation" so it will read, "Implement or implementation..."

Marika Konings: Okay.

((Crosstalk))

Marika Konings: We just move this, delete this right?

Michael Graham: Correct.

Marika Konings: There we go.

Michael Graham: Okay great. Then Principle and I have an explanation - I don't know if you can read it but I had an explanation of why I was making that change. Oh yeah, in Comment 7, added - let's see - this term which is referring to foundational I believe, "...was added in order to provide a term for which the working group has been called upon to provide..." or the term Principle.

I don't see what I was getting at there. Sorry. But what about the definition as it stands in there? And the query there that I have at the bottom is what we just answered which was the use of the term, you know, GNSO...

Alan Greenberg: Yeah, need to close that frame on the left so we can actually see what we're talking about.

((Crosstalk))

Michael Graham: Yeah.

Alan Greenberg: Now what was the question?

Michael Graham: Oh no the question was the one that we just answered about the GNSO-generated and that we changed - GNSO-recommended. And then the

language that I - "A person, organization or community..." and "community" actually was specifically in response to a comment that Avri made.

Alan Greenberg: Yeah, it's Alan. Before we continue can we scroll up just a little bit so I can see the final version of Number 4?

Michael Graham: Oh yeah.

((Crosstalk))

Alan Greenberg: Okay the GNSO - there should be a comma after "recommended."

Michael Graham: Board approved - yeah.

Alan Greenberg: Thank you. Sorry to interrupt.

Michael Graham: On Principle, what about that secondary definition that's in there? You like keeping that or making that a clarification? I'm happy with keeping it there.

Amr Elsadr: Michael, this is Amr.

Michael Graham: Yeah, Amr, go ahead.

Amr Elsadr: Yeah, I think it's fine to keep that secondary definition in there. It reads pretty well. But my question is on the words "rule" in the "foundational rule" in the first part. Is a principle really a rule? And I like one of the words that Avri provided in one of her - in her comments on this is that it's actually maybe a value rather than a rule on which pursuant rules might be - might or might not be based. But if it's more I think principle it's more of a value than it is a rule so I would recommend we change "rule" to "value."

Michael Graham: Okay so just so I understand that - I think I totally agree with you if this is the case. Rule is what principles would underpin. This would be a value, a belief or an idea. And based on that you would establish your rules.

Amr Elsadr: Based on that we'd perhaps establish a rule or not.

Michael Graham: Right, right.

Amr Elsadr: But, yeah, I would...

Michael Graham: Okay.

Amr Elsadr: ...I think "value" is a better word there. Thanks.

Michael Graham: Yeah, I'd agree. I think probably "rule" was horse before the cart.

Alan Greenberg: Yeah, it's Alan. On the next part I'm not sure the heading "A primary source" is going to be understood.

Michael Graham: Could - do you think it'd be worthwhile to say "alternatively"? I think a primary source was something that Maureen had pulled that from a primary source of some sort.

Alan Greenberg: Yeah.

Michael Graham: Or just a basic belief, just leave it like that?

Alan Greenberg: Either "alternatively" or just leave it as a secondary definition without explaining why we have two of them.

Michael Graham: I kind of like having two; let the Principles Sub Team quibble over them not that they don't already have enough.

((Crosstalk))

Cheryl Langdon-Orr: ...hang on careful.

Michael Graham: Now my son criticizes me for being wordy and I think the second part of this is a wordy clarification of the first part but because of that I'd like to keep that in. It just explains a little bit more in value so I think it is valuable to have it in there.

GNSO consensus, and again I started by taking out the GNSO consensus and beginning right with this - it's got quotation marks around it but I don't think it - it should have those because...

Marika Konings: Yes.

Michael Graham: Yeah...

Marika Konings: Michael, this is Marika. I actually made a change here as this is, you know, as this is a defined term within the GNSO. I actually took that first part, which is as it is defined in the GNSO Working Group Guidelines and left that in quotation marks and just added that part I think that you had entered in there in between towards the end.

So it's really clear that that first part is basically that's how it's currently written in the GNSO Working Group Guidelines. So that's clear; it's not something we've made up or, you know, is open - well could be open to definition by the working group but it means we would need to change the Working Group Guidelines as a result because this is what currently - how GNSO consensus is currently defined within the GNSO Working Group Guidelines.

Michael Graham: Okay so - and the little green thing at the bottom there that's a footnote number? I can't see it clearly.

Marika Konings: Basically the footnote refers to as defined in Section 3.6.

Michael Graham: Right, no I was looking at it thinking that that was the end quote but the end quote's up above there.

Marika Konings: Right. Yeah, I can move the - let me see, it probably will change the numbering again but I can move the footnote up right after the...

Michael Graham: It could be number 5 now.

Marika Konings: Let's see. Oh no, it's 8, good.

Michael Graham: Yeah, and I did want to add that other language I thought worthwhile that my understanding too of the consensus policy is not just everyone agreeing but putting it through a process towards that. Amr.

Amr Elsadr: Thanks, Michael. This is Amr. I would add here where it's, "A position where only a small minority disagrees but most agree after all views on a matter have been expressed, understood, documented and discussed at length." Because minority views generally in GNSO consensus are documented and presented as they are as minority views as opposed to the majority view which is in the form of the PDP recommendations. So I think "documented" might fit in well over there.

Michael Graham: Right. And then the - the statement in the last column. Where did - I think Mary drives that, correct? Was that from our earlier definition do you recall, Marika?

Marika Konings: Yeah, this is Marika. That's probably one of the comments that was submitted. I don't know if that was from Avri or someone else where we said, like, these are one of the things that we may just want to, you know, park aside and note that we've acknowledged it but it's not for inclusion in the definition at this stage but it's something the working group may go back to

once they've gone through their deliberations. And I think Mary, I think, has joined the call so she may recall who actually made this comment.

Mary Wong: Thanks, Marika. Michael, everyone, this is Mary. Can you let me know which specific comment you were referring to?

Michael Graham: Well what used to be number 7 is now number 6, GNSO consensus.

Mary Wong: Right.

Michael Graham: Talking about the comment in the far right column; the additional features of consensus.

Mary Wong: Right so that was Avri's comment. And I think that did derive from her more general comment that said that what we had as the definition in the last version first of all reflects only what the GNSO consensus levels are and so secondly don't reflect the sort of fullness of what consensus ought to be.

And so this particular comment was what she thought consensus more fully should be. And so if that doesn't fit within the GNSO consensus definition I thought the way to capture it was to put it in the last column.

Michael Graham: So - it's Michael. So the intent is this is the more general definition of consensus as a concept?

Mary Wong: Right. And I think as Marika said, you know, if this becomes the consensus definition obviously the Working Group Guidelines no longer reflect the same thing. So I think one question is not necessarily for this sub team but for the working group is to consider if that's a discussion that they want to have not about defining GNSO consensus necessarily but it might actually come to that. And that's why, again, it's in that last additional column.

Michael Graham: Okay. Yeah, the only thing I would say - I would be glad to keep that in there but I think we ought to put quotation marks around "consensus" perhaps just to make clear that we're actually discussing that as a defined term.

Marika Konings: Michael, this is Marika. Can you just clarify where you would like to see quotation marks - which consensus...

Michael Graham: Just so it's clear what is being more generally defined. It says, "Additional features of consensus, more generally defined..."

Marika Konings: So on the right hand side you would like quotation marks?

Michael Graham: I mean, it's a signal for me. I don't know if anyone else has a better solution to that or a concern about it but when I'm in the midst of a discussion where it's discussing a particular term it wasn't clear to me what term was begin discussed.

Marika Konings: And this is Marika. I'm just wondering if whether these comments are actually already addressed by our addition to the definition itself because we're talking about, you know, having been expressed, understood, documented, discussed. So I'm wondering if actually that is already covered by the way we've updated the definition as such? So I'm - maybe we can just actually take it out.

Michael Graham: Yeah, I think Amr agrees with that. I actually think I would agree with that. I think we address your comment with that.

Mary Wong: And, Michael, this is Mary. I agree with that too because, like I said, I think Avri's comments were addressed to an earlier proposed definition of GNSO consensus.

Michael Graham: Right. Tough to know which definition we're working on here. Okay let's move on then. Anything else on GNSO consensus? I'm happy with that. Then we move on to GNSO consensus policy.

And I guess I didn't change it but I think the beginning of this would be - we're suddenly talking about plurals rather than defining that single term. So wouldn't GNSO consensus policy be, "A policy established one..." and then go on from there.

Alan Greenberg: This sounds like a far more - it sounds - it's Alan speaking. It sounds like a far more complicated definition than we should need.

Marika Konings: Well, this is Marika. The concept of consensus policy is rather complex and this is actually language I think that comes from the contract.

Michael Graham: Yeah, we were actually - and this is why we attached Annex 1 and Annex 2 so it's actually a far more complex definition.

Alan Greenberg: What are the required...

((Crosstalk))

Alan Greenberg: ...minimum elements? Remind me, Marika.

Marika Konings: Well we changed that because I think before we had "due process" and people didn't seem to like that. But I think it's actually a term that currently comes back in the 2013 RAA. So requirement and elements is basically Annex A.

Michael Graham: Right didn't - did Brian suggest that - Brian Winterfeldt?

Marika Konings: Yeah, correct. And I think before we said something and as well and I think we first presented procedures set forth in ICANN bylaws and due process. So

I think he tried to combine those two in saying "required minimum elements." The challenge here is a bit I think that in the contracts if you compare the registry and the registrar contracts I think there's some small differences in how it's written.

And as said, I think the 2013 RAA talks as well about due process which again is I think linked to what Annex A in the PDP manual prescribes. I think it's trying to combine that and, you know, not be too specific but at the same time explain that there are certain requirements that need to be fulfilled.

Alan Greenberg: Okay, if it's somewhere that we're copying from I can live with it.

Michael Graham: My only question is on the last sentence I know we discussed it and I think, Alan, you may have wanted to have that in there. I'm not sure. My question is do we need that in light of the statements before? Because I think that statement is within the topics listed in Section 1.2. But I'm fine either way.

Alan Greenberg: No I think the last sentence is very applicable. If we're talking about consensus policies adopted following so forth I think it's quite appropriate. The whole issue is that policies adopted by specific procedures then have the ability to alter the terms of contracts.

Michael Graham: Okay so in part...

Alan Greenberg: So I think that's correct.

Michael Graham: Right, it's Michael. In part then just for my understanding, in part then the definition not only is what it is but also it's important for what results it has which...

((Crosstalk))

Alan Greenberg: Yes.

Michael Graham: ...doesn't have those results...

Alan Greenberg: In this case the only purpose of having this definition is because of what it does so yes.

Michael Graham: Should we revise that slightly though to go along with the definition so that it reads, "GNSO consensus policies"?

Alan Greenberg: Sure.

Michael Graham: Okay. Great, I'm happy with that. Any other comments on that? Okay GNSO implementation review team, this is really a description rather than a definition I think.

Marika Konings: Yeah and this is Marika. This is one of the terms, indeed, that is introduced in the PDP manual and it describes how it is described there but this is exactly as well one of the questions that the working group will need to deal with and provide further details around that so not really sure of anything more is needed at this stage.

I think it's one of the few as well where we actually didn't get any comments or edits so maybe we should be happy with that.

Cheryl Langdon-Orr: Yeah, leave well enough alone.

Michael Graham: I'm not going to entirely overthrow you both but take a look - I'm suggesting a change in the language at the beginning of that up to, "...to assist." We might want to have a reference to the fact that that's - where it's suggested from the same way that we had that - with that earlier definition. But this is a term that's been used before, correct, Marika?

Marika Konings: This is Marika. Yes, correct, it actually exists in the PDP manual.

Michael Graham: Okay.

Amr Elsadr: Michael, this is Amr.

Michael Graham: Yeah, go ahead, Amr.

Amr Elsadr: I think - my understanding of why the definition said, "The GNSO Council may but is not required to..." is because the GNSO Council is not actually required - although it is encouraged to but it is not required to follow all the recommendations provided by a PDP working group.

So if one of the recommendations is to have an implementation review team working with staff on implementing a certain policy the Council is not required to actually follow through on that recommendation. So that is also part of the PDP manual. So I would probably leave in the first sentence the way it originally was.

Michael Graham: It's Michael. Let me ask real quick and then I'll let you in, Alan. What if that opening portion was made a footnote to that clarifying that this is something that the GNSO Council may but is not required to directly create - to create - yeah, and then after "create" as part of, you know, whatever the statement is - what the correct term is. Could you live with that as a footnote to that?

Alan Greenberg: It's Alan. I have a suggestion.

Michael Graham: Go ahead, Alan.

Alan Greenberg: Yeah, whether a PDP working group recommends an implementation team or not is moot. The GNSO Council has the ability and right to create one even if it's not recommended by the team - by the working group. And of course could decide not to should - even if it was recommended. So it's really at the discretion of Council.

The practice of having a recommendation to implement - to have an implementation review team came from a time when they the concept wasn't in the - in the bylaws and in the handbook and is sort of carried over in cases where the working group feels there's an opportunity. There may be an opportunity for staff to mess up and we really need one.

But it's relatively moot whether the recommendation is made or not in this context. You can solve the problem that you're talking about, however, either by using the term "an optional team" or "a currently optional team" or by having the footnote, either way.

Michael Graham: Or a team that may be formed at the direction of the GNSO Council...

Alan Greenberg: At the discretion of the GNSO Council.

Michael Graham: At the discretion - I like that.

Alan Greenberg: Because it's important because one of the charter questions, I think is, or maybe should be to say whether this kind of thing should be mandated as mandatory.

Michael Graham: Right. And for that very reason I'm going to suggest that we remove the second sentence totally. "In its final report the PDP team should..." because I think that - that's what the work group is going to have to...

Alan Greenberg: Yeah, I think so.

Michael Graham: ...decide.

Alan Greenberg: And in fact that's not clear that that's correct so.

Michael Graham: Okay. I'm going to have to jump off the call. I will leave you with multistakeholder model. I will leave you though with one other thing and that is that I very early in the Chat proposed a possible - two possible definitions for "bottom-up" the leadership and the principles people asked us if we could provide a definition for "bottom-up" so if we can do that fine and if not we'll let them deal with it. But I think the two definitions that I found online might be suitable. But I will allow that...

((Crosstalk))

Alan Greenberg: Michael, before you leave...

Michael Graham: Yes.

Alan Greenberg: ...can we talk about what we're - what our next plan is? Are we having another meeting next Tuesday on our regular time? I'm going to have to leave a bit early also today which is why I want to make sure we're...

((Crosstalk))

Michael Graham: Right. What I'd like to do is with these changes post it. And I think we can say this is what we're offering to the work group with these changes unless anyone wants one more bite at the apple. I'm happy not to have another bite and to, you know, do a clean version of this and present it to the work group to review at its next meeting. I haven't seen a whole lot of agreement but no disagreement so that's what we'll try and do.

So at this point I don't think we will need to have a meeting back on Tuesday.

Amr Elsadr: For the record I'm agreeing. This is Amr.

Michael Graham: Okay. And Cheryl's agreeing as well. So unless you want to argue about it, Alan?

Alan Greenberg: I'm not going to argue.

Michael Graham: Okay. Then let's do that. So I've got to go. Thank you all very much for helping out. Marika, thank you or Mary, whichever of you is going to take over. And I will look for the revised version in my emails.

Marika Konings: Thanks, Michael.

Michael Graham: Bye.

Marika Konings: So actually I think there's well to the point of another call I think that we have - actually this is the last definition we're looking at so hopefully we'll be able to get through that and indeed not need another call.

So the next one up is the multistakeholder model. We made some changes there to the ICANN multistakeholder model. I think Michael has suggested some changes here. I have a chance to look at it and I think some of the other edits were suggested I think as part of the comments we received. Maybe we can first look at that and then decide whether we need also a definition of "bottom up" or whether that's something that will get covered at a later stage.

Alan Greenberg: Could you scroll up so we can see the top words? Thank you.

Marika Konings: It's hard when it breaks across pages.

Alan Greenberg: Yeah. Well you could change into the non-page mode.

Marika Konings: That's too hard.

Alan Greenberg: Then we wouldn't see the footnotes though I think.

Marika Konings: Exactly. Agreement, do people need a bit more time to look at that one?

Alan Greenberg: Unless someone points out that I'm not seeing the first one looks okay to me.

Marika Konings: I'll scroll down a bit then so you can see the second completely. I don't know if we need the first "which" here. "The multistakeholder model adopted by ICANN is composed of diverse..." I'm not sure if we need the "which."

Alan Greenberg: No, I think you're right, we don't. Alan speaking for the record.

Marika Konings: And I think on the latter part I would say, "Policy development processes..." small Ps...

Alan Greenberg: Correct.

Marika Konings: ...because I think here we're talking about...

Cheryl Langdon-Orr: Yeah.

Marika Konings: ...not the PDP as such but...

Cheryl Langdon-Orr: Yeah.

((Crosstalk))

Cheryl Langdon-Orr: This is where we really need one person to go through it all and check the consistency on that. Oh, Amr, you got my joke. Thank you. I'm glad someone did.

Marika Konings: Anything else we need to be doing on this one?

Alan Greenberg: It's Alan. I'm going to open a keg of worms or whatever the expression is.

Cheryl Langdon-Orr: Oh no.

Alan Greenberg: What does "bottom-up" mean there? I mean, the next question we have to answer for ourselves is, "Do we want to define bottom-up?" But what does it mean?

Cheryl Langdon-Orr: Well we have to.

Alan Greenberg: Let me tell you what I think it might means. What I think it means is we are not limiting who can participate in the process which we're saying already in a different set of words. We're not saying the ideas must come from the bottom. We're saying the whole pyramid needs to be involved but I think we're already saying that without using the term, "bottom-up."

Cheryl Langdon-Orr: Cheryl here. This is going to be a can of worms so I think we do need to - we do need to define "bottom-up" but I think it needs to be noted that, you know, that definition needs working on by the whole group because, Alan, you and I agree on that. But as you also know there's a lot of people who wholeheartedly disagree with that definition. So we actually have to find a way of getting consensus on what a bottom-up process actually is.

Marika Konings: And this is Marika. While you maybe look at the two suggestions that were made by Michael that I posted on the right hand side. I see Mary has her hand up so, Mary, please go ahead.

Mary Wong: Thanks, Marika. Yeah, I was just going to suggest that maybe we could look if you need to define it at what Michael is suggesting and perhaps not make it overly complicated for two reasons. One is that, as Alan says, there's already some flavor of what we might be trying to convey in this definition if you keep that.

But secondly, I was wondering - because there are some people in this group that are also in the Principles Sub team that while they're not defining the

term "bottom-up" you know that they're also referring to it. And in the principles that they're developing they're trying to flesh out this concept of bottom up.

So it may be that one way to do this is to have a cross reference either from here to there or from there to here as some illustrations of what you mean by bottom up within the ICANN multistakeholder model.

Marika Konings: Thanks, Mary. And just to comment to what Alan said, "Do we really need it here?" The part of the reason - or at least where I see it here is in contrast to top down.

And I think there maybe Michael's second definition conveys that concept of, you know, proceeding from the of a hierarchy upward where we're saying, you know, the discussion start at the bottom in the working group model; they move up to the Council. They move up to the Board or, you know, wherever it is relevant. And that's maybe where the bottom up is - needs, indeed, the definition as the other elements are covered.

Alan.

Alan Greenberg: Yeah, I like Mary's idea of booting it to the Principles group if I wasn't on that group. Sorry, just a bit of humor here.

((Crosstalk))

Alan Greenberg: I guess - sorry, Cheryl?

Cheryl Langdon-Orr: It's not - Cheryl - it's Cheryl here. It's not booting it to the Principles group, it's cross-referencing it to the work that that group is going to have to do anyway.

Alan Greenberg: Okay. I...

Cheryl Langdon-Orr: The fact that we are so cross-fertilized here between the two sub teams.

Alan Greenberg: Careful, this discussion is getting dangerous. I guess the problem is - as Cheryl alluded to, different people have different interpretations of what it means. In our minds, I think we all would agree, the PDP - the formal capitalized PDP is a bottom-up process. That is the final recommendations come from groups that can - involve everyone and they reach consensus on what the answers are.

But a PDP can be requested by the Board. And in some people's minds that makes it not bottom-up anymore. I think that is an invalid definition and I guess we need to put in words to make sure it's not one that is operable in this situation.

Cheryl Langdon-Orr: We need a widely-agreed term.

Alan Greenberg: So, I mean, if bottom-up means - and I'm going to try to define it but I'm not holding myself to it. If bottom-up means that there is participation in deciding the outcomes which does not preclude other, you know, all levels of people then it is bottom-up.

I mean, there are some people who have said, "Board members should be involved in PDP discussions or other policy discussions." That would not preclude it from being bottom-up presumably. Although some Board members do not participate because they feel it would preclude it from being bottom-up.

I think I've said as many words as I can in too many different ways. I'll stop and take my hand down. Is anyone else still here?

Cheryl Langdon-Orr: Yeah, we're here.

Alan Greenberg: Oh okay.

Marika Konings: Yes, this is Marika.

Amr Elsadr: Alan, this is Amr...

Marika Konings: I actually tried to follow you in your definition.

((Crosstalk))

Marika Konings: "...in the outcomes and does not preclude..." and then I got lost.

Alan Greenberg: I don't remember now.

Amr Elsadr: Alan, this is Amr. I agree with your...

((Crosstalk))

Amr Elsadr: ...take on it and I do believe we should define this. If we are required to then we should define it in the context of the PDP. And if we also take into consideration the definition provided for the multistakeholder model then well this model does - or supposedly, as per the definition, ensure that there is no exclusion of any...

Alan Greenberg: Yeah.

Amr Elsadr: ...stakeholder. So I think it sounds pretty good.

Alan Greenberg: Let me try something simple. A bottom-up process is one that allows participation - equal participation from all levels...

((Crosstalk))

Alan Greenberg: Sorry?

Cheryl Langdon-Orr: Opportunity for...

Alan Greenberg: ...opportunity for participation from all levels of the involved organizations.

Cheryl Langdon-Orr: Cheryl here. I'm happy for opportunity for equal participation but remember we do want to just make sure it's the opportunity, not the...

Alan Greenberg: Yeah.

Cheryl Langdon-Orr: ...mandate that's there.

Alan Greenberg: Well what we're - what I think we're trying to imply by the word "equal" is that no one has a veto.

Cheryl Langdon-Orr: Yes.

Alan Greenberg: The top does not have a veto although once the GNSO finishes with it the Board has a veto.

Cheryl Langdon-Orr: But that...

Alan Greenberg: But not in formulating the policy.

Cheryl Langdon-Orr: But that comes back to Amr's point of having it in the context of the PDP and that's all right.

Amr Elsadr: That's right, the up in bottom up, right?

Cheryl Langdon-Orr: Cheryl here. As long as the definition - I'm happy to put out those words of Alan's with the fact that says it's "opportunity" for equitable input from all either interested parties or affected stakeholders; I don't really mind which.

But we do need to make sure it is tightly bound within the context of the PDP. And I'm not quite so committed to using language which refers to hierarchy.

Marika Konings: So this is Marika. So I've tried to write it up as I think Alan noted which now basically says, "Bottom-up in a..." maybe I should say as well, "...GNSO PDP allows opportunity for equal participation from all levels from the involved organizations." Allow or provides the opportunity?

Cheryl Langdon-Orr: It provides for opportunity - yeah, provides opportunity for, yeah that's for, yeah, it got clumsy. Sorry, that's my fault.

((Crosstalk))

Marika Konings: All right, "The opportunity for equal participation from all involved organizations."

Cheryl Langdon-Orr: I don't mind that.

Amr Elsadr: This is Amr. You know, according to this definition you might get some - you might say something like well then the language used on the conference calls, for example, on mailing lists should not be English because that might not allow for the opportunity for equal participation.

Cheryl Langdon-Orr: That already happens in other parts of ICANN so, yeah, you're right. And, you know, you've just managed to escape that for a while in the GNSO world but it's going to happen.

Marika Konings: Well we can add, "Provides opportunity for equal participation from all levels from involved organizations if you speak English." Sorry.

Cheryl Langdon-Orr: Or to...

Marika Konings: Sorry, getting late here.

((Crosstalk))

Cheryl Langdon-Orr: Sorry, Cheryl here. You can always do the extent practical and possible, blah, blah, blah, I mean, you know, there's always those - there's enough lawyers in this group to, you know, do an escape clause but, you know...

Amr Elsadr: We should get George Orwell to define this for us.

Marika Konings: We have our escape clause now: "As practical and possible." Thanks, Cheryl. Is there anything else we need to add on this one for now? I mean, we'll put it out on the list in any case if people have a, you know, a chance to think about it again and I'm sure we may get some more comments.

Cheryl Langdon-Orr: I think - it's a good start and if it could stay as simple as that it'd be nice but, you know.

Marika Konings: Agreed. Then maybe just looking further down there were here some comments that we added. And I know that Chuck added a couple of edits and I think from my point of view they were non-substantials basically talking about which of the definitions we didn't define and the other terms that we were asked to consider, some of which we have actually added.

So basically Chuck added that none of these are considered significantly germane instead of just considered germane. And he added, "In addition developing definition of the terms could require a large amount of time without yielding proportionate value to the working group efforts."

So I think from my point of view is a very valid point. And I think here he - except as noted as possible that some of these terms particularly GNSO review team may arise in the concept of working group deliberations. But it doesn't consider necessary to define these as part of the effort.

We actually have defined the Implementation Review Team so I'm not really sure...

Alan Greenberg: Well my - it's Alan. My only comment is the public policy and public interest are probably germane but we're not going to try to define them anyway. I don't know if whether we want to say that or not. You can't say they're not germane when they're such a core part of ICANN...

((Crosstalk))

Marika Konings: Maybe we just say instead of none of these you say most of these are not considered...

Alan Greenberg: They're considered not germane or outside of the scope of this working group to define.

Cheryl Langdon-Orr: Yeah, because it is very much outside of the scope I would have thought. Yeah, that's a good addition, Alan. Cheryl here. And, Marika, Cheryl here again. Can we just - we lose the particularly example at the end of that following sentence so that we don't just - so we just get just - stick with some of these terms. Yeah, that's right, perfect.

Alan Greenberg: Yeah.

Marika Konings: And I think it's actually something that Michael added. I'm not really sure why indeed is a term we have defined.

((Crosstalk))

Amr Elsadr: I think Implementation Review Team - this is Amr. I think Implementation Review Team was the only term suggested during the working group sessions in Buenos Aires that we have decided to include in the definitions. Maybe that's got something to do with why it's there.

Cheryl Langdon-Orr: But it doesn't need to be so...

((Crosstalk))

Amr Elsadr: No it doesn't, yeah.

Marika Konings: All right, I think that means we actually covered everything in the document for today.

Cheryl Langdon-Orr: Holy moly.

((Crosstalk))

Marika Konings: ...call victory yet.

Cheryl Langdon-Orr: No, no, no but if you think this is...

((Crosstalk))

Alan Greenberg: Does that mean we can go home early?

Cheryl Langdon-Orr: Light at the end of the tunnel, wow.

Marika Konings: I think so. So what I'll do - I basically - I think it will probably be easier to produce a clean version. I'll have this one as well at hand so maybe I'll push out to the list now a completely clean version so it's, you know, not mixed up with all the redlines where I think still some of leftover comments that we have actually addressed.

And maybe give people until Tuesday to provide input. And if we don't get anything by that date we can push it out to the full working group on Wednesday. Does that sound acceptable to everyone?

Alan Greenberg: Let's try to give them a little bit more time than that. Or maybe...

((Crosstalk))

Alan Greenberg: Less timing, fewer comments.

Marika Konings: No but they don't have a call on Wednesday. The next call is actually a week after so...

Alan Greenberg: Oh okay.

Marika Konings: ...they will have a week to look at it.

Alan Greenberg: Sorry.

Marika Konings: And I think we'll try as well to really encourage them to actually provide comments in writing prior to the meeting and emphasizing again that, you know, these are working definitions and it's not the intention to actually go into the substance of some of the discussions we'll need to have as part of our working group deliberations as part of the discussion on the definitions.

So hopefully...

((Crosstalk))

Marika Konings: Hopefully we're getting close.

Cheryl Langdon-Orr: You can but try, Marika. You can but try.

Marika Konings: Exactly. All right well with that I'll just thank everyone and have a nice rest of your afternoon, morning, evening.

((Crosstalk))

Alan Greenberg: And of course, thank you, Marika.

Cheryl Langdon-Orr: Thanks, Marika.

Marika Konings: Thanks, everyone.

Amr Elsadr: Thanks, everyone.

Alan Greenberg: Thanks, Mary. Bye, bye.

Mary Wong: Thanks, everybody. Bye.

END