

**Policy & Implementation Working Group Meeting
TRANSCRIPTION**

Wednesday 9 April 2014 at 1900 UTC

Note: The following is the output of transcribing from an audio recording of the Policy & Implementation Drafting Team meeting on Wednesday 09 April 2014 at 1900 UTC. Although the transcription is largely accurate, in some cases it is incomplete or inaccurate due to inaudible passages or transcription errors. It is posted as an aid to understanding the proceedings at the meeting, but should not be treated as an authoritative record. The audio is also available at: <http://audio.icann.org/gnso/gnso-policy-implementation-20140409-en.mp3>

On page:<http://gnso.icann.org/calendar#apr>

Attendees:

Alan Greenberg - ALAC
Amr Elsadr –NCUC
Chuck Gomes – RySG
Olevie Kouami – NPOC
Chuck Gomes – RySG
Avri Doria – NCSG
J.Scott Evans – BC
Greg Shatan – IPC
Nic Steinbach – RrSG
Tom Barrett - RrSG

Apologies:

Wolf-Ullrich Knoblen – ISPCP
Cheryl Langdon-Orr – At-Large

ICANN staff:

Marika Konings
Mary Wong
Nathalie Peregrine

Operator: This call is now being recorded. If you have any objections you may disconnect now.

Nathalie Peregrine: Thank you very much, Vince.

Good morning, good afternoon and good evening, everybody. This is the Policy and Implementation Working Group call on the 9th of April, 2014. On the call today we have Olevie Kouami, Chuck Gomes, Michael Graham, Nic Steinbach, J. Scott Evans, Amr Elsadr and Avri Doria. And Cheryl Langdon-Orr and Alan Greenberg have said that they will be able to partially join the call and we have an apology from Wolf-Ulrich Knoblen. From staff we have Marika Konings, Mary Wong 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.

J. Scott Evans: Yes. This is J. Scott Evans. I'm chairing this call today. So the first thing, we've had our roll call. The next thing is to see if anyone has any updates to their Statement of Interest that they need to state to the group.

Michael Graham: J. Scott, this is Michael. I have submitted changes to my Statement of Interest, but there really is nothing substantive that would affect this group.

J. Scott Evans: Okay, thank you.

Alright. With regards to that, we'll move to the next portion of the agenda. For anyone who would like to see the agenda as it's laid out in the e-mail you were sent on Monday, it's in the far right-hand box under Agenda.

We're now going to go to a recap of the Singapore meeting and the work that was done there. And I'm going to ask Chuck, who chaired that portion of the meeting, if he would do that, but also fill us in on how the presentation to the GNSO Council went.

Charles Gomes: Okay. This is Chuck and thanks, J. Scott. And let me, before I start talking about Singapore, ask whether me updating the working group meeting in Singapore is needed. And what I'm getting at is that those who weren't in the meeting, and I know there are some -- one or two on this call that weren't there, if you listened to the transcript -- or excuse me, listened to the recording or read the transcript you may not need me to do that. But -- so if somebody would like me to specifically go over that and it would be useful to you, even if it's just one person, I'm happy to do that but there's no use doing it if you don't need it. So, let me pause and see if anybody -- you can either -- I guess just speak out if you would like me to give a little summary.

Michael Graham: Well, Chuck, this is Michael. And I think -- I did attend remotely. The one thing that I think would be useful, and to have on the recording as well, is just a summary of where you ended up at the end of that meeting as far as what we were doing going forward with the various things that were in front of us, including the draft principles that I think were presented and discussed.

Charles Gomes: Thanks, Michael. I'd be happy to do that.

We spent a lot of time on definitions, so we didn't get very far through the principles. There was a lot of wordsmithing going on. It was good and we did have some visitors and even got I think one new participant in the working group, or at least he said he was going to join.

The principles, we mainly just covered the overarching principle. We didn't get very far past that. And that -- and of course the plan today on the agenda is just to pick up where we left off. And so I think we probably should talk about that. I mean most of us here have reviewed these before and -- I mean the working group as a whole reviewed them. We were just looking for external input. So maybe the best thing for us to do,

and we can talk about that after I give my Singapore update, might be just to go ahead and take the definitions -- excuse me, the principles as we propose them and move ahead. And then if there are suggested changes, we can make those as they seem appropriate or as we get input.

So, I mean we took the full 90 minutes in Singapore and I thought it was a constructive meeting. I'm curious if anybody thinks it wasn't. Let us know how we could improve it because that's always welcome.

J. Scott Evans: Well, I see Amr has his hand up.

Charles Gomes: I just saw that myself. Go ahead, Amr.

Amr Elsadr: Thanks, J. Scott. Thanks, Chuck. This is Amr. I was just going to suggest that if we do want to have a recap of what we did at the face-to-face in Singapore, maybe we could just very quickly go over some of the changes that were made in the overarching principles, just to point them out. I doubt that would take too long. It wasn't really -- it wasn't terribly a lot that was changed, I think. Thanks.

Charles Gomes: That's a good suggestion, Amr. And Marika has the document up in Adobe with the comments and changes and so forth. So Marika, would you be willing to just highlight those?

Marika Konings: This is Marika. Yes, sure. So the changes that were made related to the first, second and third paragraph of Section A, the overarching principle. So the first change that was made is in the first sentence, the words "bottom-up" were added. And in the second sentence I believe -- let me see if I can see the deleted sections. And the word "internet governance" was removed and replaced by "DNS" so that that sentence now reads, "Since inception, ICANN has embraced the bottom-up multi-stakeholder model as a framework for development of inclusive bare-bones DNS policy." And we also received -- removed the quotation marks as initially this was taken as a quote but, as we made changes to it, it's actually become our own language as such.

And we also made some changes to the start of the second paragraph, which now reads, "ICANN's implementation of the multi-stakeholder model is composed of different internet stakeholders from around the world organized in various supporting organizations. Stakeholder groups, institutions and advisory committees will utilize a bottom-up, consensus-based policy development -- consensus-based policy development processes open to anyone wanting to participate." We realize now that we probably need to remove the "a" and have it as a "utilizes bottom-up, consensus-based policy development processes," so updated in the next version.

And in the last paragraph of this section we just basically added, "in the case of the GNSO," and also (INAUDIBLE) added GNSO to clarify that the PDP reflects the GNSO PDP.

We believe those were the only changes we made based on the discussion in Singapore.

Charles Gomes: Thank you, Marika. Anybody want to comment on any of those changes?

J. Scott Evans: Well, this is J. Scott.

Charles Gomes: Go ahead, J. Scott. I'm sorry.

J. Scott Evans: I'm looking at -- it looks like that now paragraph two -- I'm not sure. Because before I thought what we -- what paragraph, that first sentence did is it sort of talked about multi-stakeholder model as a general term. And then the second paragraph then talked about how that worked at ICANN. You know, like democracy; democracy in the United States as opposed to democracy in another jurisdiction. So -- but it looks like now we say that -- we say the DNS policy and then we say the multi-stakeholder model. Okay. Maybe I'm missing -- it's so small. Is there a period after policy?

Charles Gomes: Where at, J. Scott?

J. Scott Evans: Between policy and multi-stakeholder model in the--.

Charles Gomes: In the first paragraph?

Marika Konings: Yes, there is.

J. Scott Evans: Okay. Alright. Then everything I've just said is ridiculous.

Charles Gomes: (Laughter.) Thanks for being frank. That's good. Yeah. And notice that the second paragraph really does correspond to the definition for the ICANN multi-stakeholder model.

J. Scott Evans: Alright.

Charles Gomes: That's okay. Thanks for clearing it up for yourself.

Anybody else have a comment or question?

Okay. So, it doesn't look like we accomplished very much in 90 minutes, does it? But keep in mind that we spent a lot of time -- I had hoped to spend 10-15 minutes on definitions and we -- I don't know, what did we spend, an hour? And it was mainly wordsmithing.

And for those that aren't aware, we -- what we decided to do -- and it was a suggestion by Marika that I think was very good. Rather than continue the wordsmith and so forth, she put the suggestions, comments, questions and so forth in that fourth column of the definitions table that we can consider when we get towards the end and we want to finalize all of these.

J. Scott Evans: Okay--.

Charles Gomes: So, they're captured and we will act on them when we finalize the definitions, or if we need to sooner than that in the future.

Did -- J. Scott, did you start to say something?

J. Scott Evans: I just noticed -- this is J. Scott -- that it looks like Greg and Nic were late to the audio and I just wanted to bring them up to speed. We've just been talking about what went on in Singapore and where that meeting ended for the two of you that seem to have joined the audio later.

Charles Gomes: Thank you.

Speaker: Thanks, J. Scott.

Charles Gomes: So if there are no more questions, what I'll do is I'll just briefly say that in the update to the council it went I think smoothly. Marika did a good job of preparing just a few slides and we stayed within our 15-minute window, which I think they appreciated, and just basically gave them a status of where we're at and where we're heading, including the possibility that we may need to do the next three sub-teams serially instead of in parallel.

J. Scott Evans: Alright. Thank you, Chuck.

Now, somebody correct me if I'm wrong, but the comments that we are considering that are outlined in this redlined version that are in green are from Mikey O'Connor, correct? And that's because this was given to him and he reviewed it and he made comments. And so--.

Charles Gomes: Yeah. And -- this is Chuck, J. Scott. Yes. And keep in mind that we sent the principles out in advance; not only to the council, but asked everybody to distribute them to their stakeholder groups and constituencies and so forth. And he was kind enough to submit his comments in advance. And so I think -- was it Amr and I both responded, or I'm not sure who, in advance as well. And Mikey was not able to attend our working group meeting, but we did discuss his comments in the meeting.

J. Scott Evans: Okay. Alright. And so the work that needs to be done with regards to the principles is to continue going through them with regards to Mikey's comments. Is that correct?

Charles Gomes: That's a good suggestion. I think that is worthwhile doing. Beyond that, we've all gone through them before. So unless somebody has something new, we probably don't need to do that, but that suggestion is very good.

J. Scott Evans: Okay. Alright. So we finished -- does anyone have any questions for Chuck with regards to the Singapore meeting?

Okay. Well then our next agenda item is to continue to review the working principles. And so I would suggest -- and I see that -- oh, I'm sorry. Amr?

Amr Elsadr: Yes. Thanks, J. Scott. This is Amr. I just -- the question that I posted in the chats regarding the updated comments in the fourth column of the definitions document, I might have missed it but has that document been circulated, the updated version with the added comments? I don't recall seeing it, but I really might have missed it. Has it been sent out to the working group list?

Charles Gomes: I thought I saw it, but let me let Marika--.

J. Scott Evans: She has her hand up. Marika, it shows on -- yeah, there you go.

Marika Konings: Yes, this is Marika. Yeah, this is Marika. So I do believe, but I will double check, that I indeed sent that together with the revised version of the working (INAUDIBLE).

J. Scott Evans: Yeah. I thought I saw it, too. And it would be on the wiki as well, would it not?

Marika Konings: (INAUDIBLE) I believe last week. But I didn't attach it again to the agenda for (INAUDIBLE) if I can recirculate it, but I'll definitely get it posted on the wiki as well.

J. Scott Evans: Okay.

Amr Elsadr: This is Amr again. Thanks, Marika. I was trying to check my inbox before the call started, but the last document I seem to have is the updated principles document that you circulated before the face-to-face in Singapore. I can't seem to find any documents that were sent out to us following that. But like I said, it might be lost somewhere in my inbox and I need to take a better look. Thanks.

J. Scott Evans: Alright? So let's move on to the comments that were made by Mikey. They're listed here as Mike O'Connor, but I think he goes by Mikey. This is J. Scott for the record.

I would ask, Chuck, did you all discuss his comments with regards to the overarching principles that you all worked on in Singapore?

Charles Gomes: Yes. This is Chuck. Yes, we did.

J. Scott Evans: Okay.

Charles Gomes: We just didn't go beyond that.

J. Scott Evans: Okay.

Charles Gomes: Those other comments.

J. Scott Evans: Alright. So now we need to go down to the -- go through the document and look for their additional comments. It looks like in section B there are some comments with regards to B.4 and 5, if I'm correct.

So in B.4 is (INAUDIBLE) implementation processes such need to -- need not always function in a purely bottom-up manner in all cases to the relevant policy development body (e.g. the chartering organization) must have the opportunity to be involved during the implementation [to advocate that policies are implemented as recommended by the GNSO].

There's a comment from Marika that this is still being discussed and she asks could somebody expand on this. Why advocate rather than ensure and why not as apposed by the board at the end? And I see -- I don't see a response to any of those comments.

Amr? Is that an old hand or is it a new hand?

Amr Elsadr: No, that's a new hand in response to this question.

J. Scott Evans: Okay, please.

Amr Elsadr: And -- yeah. Advocate was a word that I suggested because -- I don't recall what the previous word we had here was, but I remember that quite a few of the working group members had a problem with it. And I had suggested advocate, but then Mikey, I think, suggested the -- replace that with ensure, which I thought was quite interesting, actually, because it would change the principle in a way. Because advocating for -- advocating is one thing, but ensuring is actually setting a principle that this would actually be required. And I was wondering whether -- what different working group members would think of this because -- well, I feel it does change the principle somewhat and I'm not sure how others would feel about that, but this is a principle that we as a working group could agree on at this time. Thanks.

J. Scott Evans: Okay. Chuck?

Charles Gomes: Thanks. You'll notice this comment in the -- I guess it was comment six there from me. I don't think we can ensure. We really can't. I mean we obviously would want to try to have as much influence on that as we can but, ultimately, we don't have final say so I don't think we can ensure. I actually think the word advocate is the most accurate.

J. Scott Evans: Are there any other opinions? I see Amr's hand has gone up.

Amr Elsadr: Thanks, J. Scott. This is Amr. Just a question, really; not an opinion. But advocating I suppose is where we are today as the current state where we would need -- where the GNSO would advocate that implementation of a policy developed through the GNSO's PDP be filed as recommended. Ensuring would mean that we are changing a principle that is -- changing it from what it -- from the way it currently exists, if I'm not mistaken. My question is, is this something that this working group can actually do at this point and, if it is, do we want to? So, I leave it to others to discuss and decide. Thanks.

J. Scott Evans: Chuck?

Charles Gomes: Thanks. Good comments and questions, Amr. Actually, this would require a change in the bylaws because it's the bylaws that gives the board the final say. And there's not very much in the bylaws with regard to implementation, yet that's where we're really tasked. And I'll say what I said on the list. It's not that -- I don't believe it's the task of this working group to change the PDP and the PDP is contained in the bylaws. We do have kind of a related task to consider how non-PDP policy issues or advice would be handled, but it's not - we're not tasked with changing the PDP and this would require a change to the PDP to allow us to use the word ensure. Now, please correct me if you think I got that wrong.

J. Scott Evans: Before we have any correction -- unless that's what Greg intends to do. I see that Greg Shatan's hand is up

Greg Shatan: Hi. This is--.

J. Scott Evans: There you are.

Greg Shatan: Yes. I'm Greg Shatan for the record. Not to get too wordsmithy on this sentence, but we are talking about having the policy development body, such as the GNSO, have the opportunity to be involved during implementation, which I would think would come after the board has approved the policy recommendations. And it's a separate issue of whether the board can revise policy recommendations before they pass them, which is maybe what's happening with the IGO situation. But by and large, the implementation is what happens, I'm thinking, after the board has voted. And once it's gone back to staff to start filling in the blanks that policy inevitably leaves at the next level below policy.

J. Scott Evans: Okay. Mary?

Mary Wong: Thanks, J. Scott. First, just to note that Marika's lost her connection so she's dialing back in. In case you're wondering whether she's abandoned you all she hasn't.

To the point, I guess, Chuck, what you're getting at in terms of the advocate versus ensure really is what is the proper role for the chartering organization. And it seems to me that the role or the task that everyone is striving to describe here is really some sort of monitoring function on the part of the chartering organization. And correct me if I'm wrong. It does seem that advocate might conjure up some concept of negotiating or continuing to debate the policies that are already adopted, so that may not be the intention here. So, I'm wondering if some sort of monitoring function is what's being striven for here and, if so, whether that would be the appropriate word to use.

It does seem to me, actually, that the bigger question really is what Marika's raised about whether the policies are the ones as recommended by GNSO or as adopted by the board, which 90% of the time is the same thing. But perhaps to be accurate, the implementation only comes after the board's adopted the recommendation. So, maybe that's really where

the shift of the attention ought to be.

J. Scott Evans: Thank you, Mary. Amr?

Amr Elsadr: Thanks, J. Scott. This is Amr. I also wanted to add another point, which I -- where I think is a problem with ensure is that although gTLD policy is developed in the GNSO and later approved by the board prior to implementation, there are other parts of the community that are supposed to provide advice to the board on gTLD policy as different ACs and SOs, including for example the GAC and ALAC. And having a principle here ensuring that the implementation is as per GNSO requirements kind of cancels out the roles of other parts of the community. I'm not sure that this is something we would want to do and I would think that this is a point -- an argument against having a word like ensure put here. Just a thought. Thanks.

J. Scott Evans: Greg?

Greg Shatan: Greg Shatan again. I think this in essence may be striking close to the heart of what this working group was set up to talk about in a sense. If there is something that is consensus Policy, capital P Policy, that was recommended by the relevant policy development body, in this case the GNSO, and approved by the board, then subsequent changes -- subsequent implementation that was at least arguably violating that policy would be a significant issue and would either require a change in policy or at the very least some form of advocacy, protest or more by the organization. Of course it gets to the question of then what is policy versus implementation. But if there was something that was truly egregious, let's say something that there was full consensus in the GNSO that a particular implementation clearly violated the policy as it was written by the GNSO and approved by the board, shouldn't we be ensuring that there is compliance? And if not, what is the whole policy development process -- what's the value of it?

J. Scott Evans: Alright. Thank you, Greg. Chuck?

Charles Gomes: Yeah. I want to come back to what Mary said. And I agree, Mary, that there should be a responsibility of monitoring, but I think it's more than just monitoring. And Greg described it pretty well in what he just said. We monitor to see if policy is being implementation as it was written, but if we find something that is not according to what we thought we wrote, anyway, then we should do more than just monitor. We should decide how to take action and how to have some influence there. And it's right that part of this is getting to what we're going to work on in the next few months. But at the same time, whereas I don't support the word ensure, I'm not locked into the word advocate. So if we want to say monitor and some other word or just some other word, I'm okay with other suggestions.

J. Scott Evans: Well -- this is J. Scott. I tend to think monitor, at least for a principle, an overarching sort of guiding principle, what that monitoring should entail, wouldn't that be in our recommendation? It doesn't need to be in our

principle. So we could say monitor here and then where we recommend -
- say the principle was to monitor, monitor should have the following
functions, X, Y and Z. If it's ensure then we can say we think it should be
to ensure and the following changes are recommended with bylaws or
whatever.

But as a principle, I thought the whole purpose of this entire exercise was
this particular point, was that there were -- there was concern within the
community that when a policy was implemented there were decisions
made that were being, quote-unquote, categorizes implementation; never
going back to the chartering organization, that those in the chartering
organization felt were creating new policy and that they should have been
consulting before that step was taken.

So, I think this is the heart of the entire matter. What monitor will mean at
the end of this process will be in our recommendation. So, I would say
why don't we just say monitor now and then we can define what that
concept means in our recommendation. That would be my suggestion.

I see Mr. Shatan has his hand up again.

Greg Shatan: I would just comment briefly -- this is Greg -- that monitor just strikes me
as a passive word, which is why I kind of -- even though I don't love
advocate and ensure may be too tough a standard, we need something
more like -- more than monitor. Or maybe it's a two-part job, which is to
monitor in the first place and to advocate when it looks like things have
gone off the rails with the goal of ensuring that the policy -- that the
implementation matches the policy.

J. Scott Evans: Alan?

Alan Greenberg: Thank you. And I apologize for walking into this discussion halfway
through. I'm having trouble with the words like advocate. I'm not sure
what formal authority the GNSO has, although perhaps any policy we
come up with at this point, if it's ratified by the board becomes the policy
or becomes the authority we have. But I think our challenge is to identify
that something is not in accordance with what -- with the intent and/or the
words of a policy. I don't think we have the whip or the punishment
mechanism to make sure that it's followed, but our job is to identify it and
raise it to the -- I'll say generically the powers that be. So, it's stronger
than advocate, but it's not -- it's not something that we have authority to
carry out, at least not at this point anyway. Maybe we want to
recommend we have the authority to carry out, but I can't say it's a
principle today.

J. Scott Evans: Mary?

Alan Greenberg: I'm not sure if that helps any.

Mary Wong: Thanks, J. Scott. Alan said part of what I was going to raise; not as an
opinion, obviously, but as something for the group to consider. And
supplemental to that, the other question I had, which is related to what

Alan's just said, is whether or not this principle B.4 then flows into principle B.5, which may be how this set of principles are going to be read, that in principle 4 we talk about the role -- the chartering organization having some sort of continuing role and in principle 5 it goes on to be more specific as to what sort of role that might be. And if not, then maybe there is something here that the group may want to capture. Perhaps, J. Scott, as you said, at least the recommendations if not the general principles.

J. Scott Evans: Okay. I see in the chat there's been a recommendation to say during implementation to monitor and advise that policies are implemented as recommended by the GNSO. What does the group think about that?

Greg, is that your hand again?

Greg Shatan: Yeah, it's my hand again. Greg Shatan. I think advise is getting closer to where we are. I was -- put in the chat that I thought maybe provide guidance. And guidance is maybe a term that -- is a term of art or it should be a term of art since there's -- we've had discussions of policy guidance being a semi-official or official thing that the GNSO does. So maybe this is a place where such policy guidance would be appropriate; not merely kind of advising like some sort of a sideline authority, but generally getting there.

The one other point I wanted to make was Alan said that these aren't the policies we have today, but I just scrolled back up the document and these are the policies we're proposing, so this more of our -- this is our wish list and not our summary of the current status. Thank you.

J. Scott Evans: Alright. Alan.

Alan Greenberg: I'm not quite sure what Greg just said because I thought we were working on principles. And I guess guidance is good because advice has other meanings in our context, so maybe guidance is the right word. But since we've defined guidance in a specific way, we better make sure that it's not in conflict with that definition. Thank you.

J. Scott Evans: Do we have the definitions available as policy guidance was one of the defined terms, was it not? Chuck.

Charles Gomes: Yeah. Chuck again. By the way, I'm okay with providing guidance instead of advise. And obviously, I think everybody realizes this. If we do make these changes, we've got to fix the rest of the sentence so that it fits, but that's probably easy to do if we agree on the right word.

J. Scott Evans: Okay. Amr.

Amr Elsadr: Thanks. This is Amr. I would actually recommend that at this time we not use the term guidance because policy guidance is one of the chartering questions this working group was supposed to address and we're not there yet. So, we don't want to use guidance at this point now and then later rethink how it's going to be used. And when we did define policy

guidance, and we did pretty much define it in line with the language in the working group charter, which is that this is something the working group will still develop and come to some conclusion of what it is.

I would like to just also say that, as I said in the chat, that I prefer advocate to advise in this situation. I'm -- advise I feel is -- like monitor is a bit too much -- too -- a little too passive. I think that when policy recommendations are made by the GNSO and pass through the board, especially in cases where there may be conflicts between GNSO and the ICANN Board on how implementation should be handled, I think advising is probably too weak a word. I think advocate is a better word on what the GNSO should be doing in situations like that and I would prefer not to use advise. Thanks.

J. Scott Evans: Greg.

Greg Shatan: I'm going to advise and advocate that we do use policy guidance, especially -- if you look, I just pasted the definition from the definitions document into the chat. I think that we should be using the definitions we're developing in the definitions when we talk about the principles because, ultimately, the documents should be integrated. And this -- if we're not going to use the definitions in the principles, then why are we doing the definitions? So -- and I think that looking at what policy guidance is defined as, it actually seems to fit quite well with this circumstance. Thank you.

J. Scott Evans: And Greg, is that the posting that you have -- this is J. Scott -- policy guidance, colon?

Greg Shatan: Yes. That is a direct paste from the document which was also sent by Marika on 4-2 along with the document that's on the screen.

J. Scott Evans: It seems to fit to me, but I'm going to go now to Alan.

Alan Greenberg: I really worry about us getting into a discussion of semantics here when I think we all understand what we're trying to say. I would be quite happy to use the term guidance and a footnote saying this is the English word guidance. It may or may not correspond to our formal definition of guidance and the recommendation and if it doesn't we need to change the word. But, I don't think we're going to gain a lot by spending another half hour talking about what word to use instead. I think we understand, at least I think we're agreeing on generally what we mean and I think we can cover it with a footnote to make -- so that there's no conflict with the charter issue or the definition of guidance.

J. Scott Evans: Alright. Amr.

Alan Greenberg: Maybe that's a chickening-out way of doing this, but I think we have more productive things to do with our time. Thank you.

Amr Elsadr: This is Amr. I wouldn't mind Alan's suggestion as long as we do make it clear that it is just a meaningless word, guidance. But in retrospect, the

last comment that I made regarding the definition of policy guidance, I think the charter makes what we need to deal with in terms of policy guidance slighter clearer, the definition that we provided. Because my understanding of policy guidance here is that this is some sort of a process that is not the same as the regular policy development process. It's a -- and finally, just to quote the charter, is the process for developing a gTLD policy perhaps in the form of policy guidance, including criteria for when it would be appropriate to use such a process for developing policy other than consensus policy instead of a GNSO policy development process. So, I think this is clearly a different sort of framework for developing policy and not to be confused for a part of the regular PDP. So, that's -- that was my main problem with using this term here. Thanks.

J. Scott Evans: Yeah. This is J. Scott. I don't see anyone's hands up. I see that there's a discussion going on. But what Amr just described is exactly what our definition of policy guidance states it is. It's involvement outside of the PDP. It is providing input outside of a formal PDP with regards to capital-P Policy. So, I tend to agree with Chuck and Greg that policy guidance, as defined in our definition, seems to fit perfectly here.

I would -- okay, I see that we have -- Alan -- I saw agree go up and then go away quickly so I take it that may have been an error.

Alan Greenberg: No, it was an agree. I just thought -- didn't think I needed to keep it up.

J. Scott Evans: Okay. And then I have Greg.

Greg Shatan: Maybe I should have just put up an agree, but I think since these are working documents, I think we should put policy guidance in here with a capital P and a capital G. And we're going to be coming back to these documents over time, but I think this is where policy guidance, as we have -- as our working definition has it, would apply and so our working principles should use that. At the end of the day, we're going to be voting on -- or having a consensus process on these documents and whatever else we develop. But I think as working documents we should be using the terms we're developing, which is why we try to develop terms, so that we could use terms that had meanings we had agreed on. So, that's my thinking. Thanks.

J. Scott Evans: Amr?

Amr Elsadr: Thanks. This is Amr. And I promise this is the last comment I make on this point now because I don't want to bog the working group down on this. But in the charter to me it seems that it's very clear that policy guidance is associated with developing policy, not with addressing policy that has already been developed and is now being implemented. That's where I'm trying to go with this and it is very clear in the charter that this is the case.

So, I always assumed that we would deal with policy guidance later on in the course of the working group and the different (INAUDIBLE). It's really not -- it's not a -- it doesn't seem to me to be a method to address policy

that has already been developed and we shouldn't -- I would advise against using it here in the principles in that fashion. Thanks.

J. Scott Evans: Alan?

Alan Greenberg: Thank you. I think Amr's argument for why we shouldn't use it is exactly the reason we should use it. We're talking about a process here where we have identified that the GNSO has set policy, it has been approved and we believe that it is not being followed. And therefore, it is guidance to say this is policy which needs to be followed because you're not following it. So, I think it fits. But as I said earlier, let's put a footnote to make sure that we're not -- that in our principles we're not presupposing the outcome of the process and move on and make sure it works afterwards.

J. Scott Evans: Okay. Well, I'm going to -- okay, Greg, one last comment then I'm going to put this to a consensus vote.

Greg Shatan: I wish I didn't put my hand up on this, but I did. And I do -- I now looked at the charter and it does say a process for developing gTLD policy, perhaps in the form of, quote/unquote, Policy Guidance, capital P, capital G, including criteria for when it would be appropriate to use such a process for developing policy other than consensus policy instead of a GNSO policy development process.

So to the extent that we view the charter as having kind of occupied the field of defining policy guidance as being an alternate policy development process as opposed to a policy -- a way of advising on when -- a policy after it's been developed, I now have to agree with Amr and disagree with myself. If we -- unless we want to view the charter as being kind of -- as not forcing us, if policy guidance is the best term for this, using it for this and using some other term for the development of policy outside a PDP. Or maybe we should call this policy advice with a capital P, capital A.

And then I think our definitions -- I think our definitions document also drifted away from the charter and that probably -- what I pasted in there may need to be tweaked or at least I think there should be a distinction between guidance -- development of policy outside the PDP and advice on policy that's already been developed as an implementation. They are two different concepts. They should have two different terms. I don't know what they should be, but Amr's right. We can't use the same term to mean both, so we've got to figure out what we're calling those two things. Thank you.

J. Scott Evans: Okay. Alright. So, I am going to ask now whether we can get agreement to amend B.4 to read at the end "...to be involved during implementation, to provide guidance" with a footnote stating that this is the standard dictionary term of guidance, "...that policies are implemented as recommended by the GNSO."

Looking to my -- I've got Greg.

Amr Elsadr: Sorry, J. Scott, this is Amr. Could you repeat that again?

J. Scott Evans: Sure. Picking up at "...to be involved during implementation. And the amended wording would read to provide guidance with a footnote stating that the term guidance is used in its standard dictionary definition, "...that policies are implemented as recommended by the GNSO."

I've got Greg and Alan that have hit the agree button. Anybody else that has--?

Michael Graham: This is Michael. I would agree.

J. Scott Evans: Okay. And me. That's Chuck and Nic.

Charles Gomes: I'm fine with it. I think we probably need to -- this is Chuck. We probably need to fix the rest of the sentence so it fits a little bit better. Maybe by saying if policies are not implemented as recommended by the GNSO.

J. Scott Evans: Yeah, okay. Alright. I don't know -- I see Avri is here, but I don't know if she has the ability to chime in one way or other.

Nic, I see that we've heard from you. And Alan.

Amr? Okay, Amr does not agree.

Olevie, if you can't vote within the system, if you could let us know verbally.

Okay. Well, based on this it looks like we have at least strong support for putting in guidance with a footnote. We can send that to the rest of the group and let them know that that was -- that there was support for this with a minority of those participating in the call having voiced some concern.

Okay. So now we go to B.5. "In cases where new or additional policy issues are introduced during an implementation process, these issues should be communicated to the relevant policy development body, e.g., the chartering organization, prior to the completion of the implementation process. [This is will be a point further deliberated by the working group. Any working group recommendations to this board will eventually need to be reflected in the final version of this principle.]"

And it looks as if Mikey made the comment, "Merely communicated? Doesn't this leave the door pretty wide open for adventure?" To which Chuck responded, "Yes, it's up to the GNSO with the advice of the council to define the adventure."

And it looks like -- I can't tell if Amr's comment is related to this as well.

There seems to be a bit of a dialogue here.

Amr Elsadr: Hi, J. Scott. This is Amr. I'm responding to Greg's question in the chats.

J. Scott Evans: Oh, yeah. I was looking at your comment in the document itself from March--.

Amr Elsadr: Oh, sorry about--.

J. Scott Evans: 16.

Amr Elsadr: Yeah. Sorry about that.

J. Scott Evans: So, Mikey raises the point of whether -- if these should only be communicated to the relevant policy development process. Chuck says yes and then it's up to that chartering organization to figure out what to do once that's been communicated. Do others think that's what is intended here and what we want?

Greg, your hand is up. I see Alan has said he agrees. Greg?

Greg Shatan: Yeah. I think this goes to the point that Amr and I were discussing in the chat, which is -- and which is also what the comment about the adventure was going to, which is as a matter of proposed principles, shouldn't there be some -- at least a principle that the body that provided the original policy and that may be providing the guidance that the policy is not being implemented properly should have at least some ability to act and take some action. What that action is -- I'm not sure what it is, but it should be within our principles that the policy development body should have a defined activity, which in some sense could be that the guidance or the advice with a -- as defined has a certain amount of weight and needs to be followed unless there's an issue. But just being told something and then just saying -- kind of speaking down a well after you've been told that, hey, our implementation doesn't match your policy, that's kind of useless. And it--.

J. Scott Evans: Okay. Any other thoughts?

Because I do think that that -- this is J. Scott Evans, for the record. I do think again that boils down to the whole crux -- the whole central point of this working group is -- or that at least -- if it's not the central point of it, at least it was one of the central motivators, from my understanding of this working group, is that very frustration, right, is that nobody could tell you if the chartering organization could react and how they could react. In other words, could they say, no, can't do that? Nobody could answer that question and so that's what we were put here to figure out. And I guess what we need to understand is, is that's something we as a working group, as Greg has suggested, want to include as a fundamental principle.

Any comment? Should the charting organization have the ability to do more than just discuss this? Amr?

Amr Elsadr: Hi, this is Amr. I do believe so, yes. I do, but I was just wondering if it is helpful because I think that there are a few other principles down further

into the document that might address this.

J. Scott Evans: Okay.

Amr Elsadr: And so it might complement this in some way. And I'm trying to look for them. I remember they were there. I think they're in D-1, perhaps, D and C.

J. Scott Evans: Okay.

Amr Elsadr: And D.2.c. So, D.1.b says, "Changes to GNSO policy recommendations need to be examined on where they fall in the spectrum of policy and implementation. Myriad administrative updates, errors, corrections and clarifications to approve GNSO policy recommendations should be treated in a transparent manner as implementation issues without any requirement for public consultation except the right for the community to challenge whether such updates were indeed simply administrative updates, errors corrections or clarifications."

So, that's one aspect in which this might be addressed. And then in C (INAUDIBLE)--.

J. Scott Evans: Well, what about if we just amended this bracketed language to say this point will be further deliberated by the working group. Any recommendations in this regard will eventually need to be reflected in the final version of the principle. And put some sort of notation that it will -- any recommendation will be aligned with other principles outlined in this document because--.

Amr Elsadr: Yep.

J. Scott Evans: And just leave it as an open question at this point. And then that -- relating back to and for what Amr has pointed out can be done during the working group process.

Okay. I've got two yeses and I've got Mary's hand up.

Mary Wong: Hi. Thanks, J. Scott. So, not on your specific point, but following generally on Amr's and others' comments, it may be helpful at the point that you've just mentioned later on, when we talk about the other principles, to note that under the ICANN bylaws there's no specific provision for what happens during the implementation phase. The Annex A of the ICANN bylaws pretty much stops at implementation of policy and it says it's the board that gives authorization or direction to staff to take all necessary steps to implement. So, one way of reading that is that there's nothing to stop, obviously, the councils or any organization from monitoring and raising questions and taking action as necessary, whether that be advocating or others.

Then secondly, for the GSNO and the PDP manual, it does say that a periodic assessment of whether policies are working or not is highly advisable. And again, that doesn't get very specific, but I thought these

two things may be helpful to the group going forward, especially to Amr's comments and to Chuck's point earlier about the chartering organization being able to do more than simply receive the communication.

J. Scott Evans: Thank you, Mary. Greg?

Greg Shatan: This is Greg Shatan. I think it should be clear whatever note we put here as a placeholder that we're talking about the -- what the chartering organization can do in this case when they're presented with implementation that contradicts policy and how -- including the weight that would be given to any guidance by the organization and their participation in any implementation events.

J. Scott Evans: So we just want to make sure that that note robustly reflects there's an open issue as to how the chartering organization responds to the issue. Is that correct?

Chuck?

Charles Gomes: Yeah. I think -- and I'm probably backing up a little bit, so sorry about that, but we need to keep in mind that I think a principle that we had unanimous agreement on was that the multi-stakeholder process doesn't end when policy development ends. And if we keep that in mind, to be consistent with that, there needs to be not only the opportunity, but the responsibility for the policy development body to continue to be part of -- an active part of the implementation process. So, I think these principles that we've been wordsmithing all kind of reinforce that basic principle that policy development doesn't end when implementation starts.

J. Scott Evans: Okay. Amr has suggested that in our parenthetical we reference the additional principles that might be applicable here, and that is -- and he's listed those in the chat. If we could make sure that makes it into the parenthetical that would be great.

Okay. Let's move on to C.1, Policy Standards. Let's see. "As outlined in the ICANN bylaws, the GNSO is responsible for developing and recommending to the ICANN Board substantive policies related to generic top level domains. As such, gTLD policy development should not take place outside of the GNSO."

Then you have it looks like -- trying to follow the green line. It looks like it goes to Marika's comment. It says that, "The Working Group is still evaluating whether this principle should be included." So, I guess this is where we need to decide if we want to include this.

Marika. I'm sorry.

Marika Konings: Yeah and this is Marika. Just to clarify, that was actually not my comment, but--.

J. Scott Evans: Oh.

Marika Konings: Because I merged different documents that had--.

J. Scott Evans: Okay.

Marika Konings: I think Mikey's comment and I think Amr's response or Chuck's response to those. I think this is -- I think the yellow is basically--.

J. Scott Evans: The summary.

Marika Konings: I believe it's -- yeah, or maybe Amr's response or Mikey's comment. I think the green is probably Mikey's comment and the yellow I think is Amr's response to that. But as I said, they come up as my comments as I merged the documents.

J. Scott Evans: Okay.

Marika Konings: They're actually not my personal ones.

J. Scott Evans: Okay. Thank you for that clarification for the record. I appreciate that.

And I see that Amr says we do need to make this decision because this principle was not previously agreed on by the full working group. And he had suggested this one be placed here. So, we need to decide whether this is something that we want to put in.

I see Amr's hand is up.

Amr Elsadr: Thanks, J. Scott. This is Amr. Yeah, I just thought it would be worthwhile to have a principle in the documents that was saying the gTLD policy should not be developed outside of the GNSO and -- which is why - - I know it was missing from the original draft and I was hoping to get feedback on this from the full working group. So, please shoot away.

J. Scott Evans: Alright. Does anyone have a problem with putting this in? If you would indicate in the Adobe Connect room I'd appreciate it by putting an X up.

Okay. Seeing none I'm going to assume that we have consensus that this should -- will -- C.1.a will remain in the document.

Alright. So now we go to B. I mean C.1.b, that's correct. "GSNO policy recommendation should be clear and unambiguous with performance targets as standards." And we have several comments with regards to that. Unfortunately, I'm having trouble expanding these comments. I can't expand them. I guess I don't have the control to do that. Marika, can you expand them? Like comment 12, I think. It looks like it relates to the word standards. It looks like there may be six comments aligned with that.

Marika Konings: Yeah, this is Marika. I'm not able to do that on the document that's on the screen. It's a PDF. I don't know if Mary is able to share the Word version that would allow that. Otherwise, I'll have to refer you to the actual document--.

J. Scott Evans: Okay.

Marika Konings: I sent on the list.

J. Scott Evans: Alright. Because I don't -- I can't tell you what the question is that's been raised because I can't get to it so I'm not sure what comment we're addressing here. Does anyone know?

Greg Shatan: Well, this is Greg. I can read the comments out.

J. Scott Evans: Okay.

Greg Shatan: I've got the Word document open in front of me.

J. Scott Evans: Thank you.

Greg Shatan: So, for -- which one are we looking at? MO-12?

J. Scott Evans: I--.

Greg Shatan: Or which would you like to start with?

J. Scott Evans: I've just got -- yeah, MO-12.

Greg Shatan: It looks like there are four -- several comments linked to the word standards, the first one being MO-12, which says, "As well as definitions of the data and metrics required to evaluate that performance. Connects to the data and metrics working group."

The next comment after that is CG-13, "Might make a good footnote."

After that, AE-14. "Agreed. But my feeling is that this is just a principle. Defining the standard at this point might be a little too specific. It would take the working group into detailed discussion that still needs to take place at a later stage in the working group's work."

And the last comment linked MO-15 and R-14 is, "Coordination would be good to avoid gaps and overlaps between working groups."

J. Scott Evans: Okay. This is J. Scott. I tend to agree with Chuck that perhaps we want to say that the issue of what standards are will have to be further developed and can be done in coordination with other groups that are working on such standards. But I'll throw it to the group and see -- I see that Greg and Amr tend to agree with my position. Anyone else have a thought, a comment or concern?

Okay. So, it looks like we'll do a (INAUDIBLE) there. Excuse me.

Okay. Then the next thing that I show is C.2.b. There's a -- I can't tell if that's parenthesis or a bracket. It looks more like a bracketed language to me. "The GNSO, with the assistance of policy staff, must provide timely

notification to the rest of the community about policy development efforts and/or implementation processes in which it is engaged. It is the responsibility of the other supporting organizations and advisory committees and stakeholders in general to determine whether or not they are impacted by that activity and to provide their input in a timely manner."

Comment? It looks like we have one from Mikey. Well, let's see -- I'm trying to see who was first. It looks like coordination would be good to avoid -- oh, let's see. No, no. "Connects the GNSO, the GAC-GNSO early engagement group." And Chuck says agreed and Amr says, "Yes, absolutely, but the same response as above; too specific at this stage."

So, thoughts on this language? Amr and then we'll go to Michael.

Amr Elsadr: This is Amr. I agree with Mikey and his comments. However, I do think this is too specific at this stage right now. What we are saying is that the GNSO does need to take into consideration input from other SOs and ACs and that they should provide this in a timely manner. However, to get too specific regarding things like the GAC-GNSO early engagement consultative group is I feel at this point too specific and perhaps something that we will discuss later on in the details of the working group's work. But right now we're just discussing principles and as is -- I think this concern of GAC-GNSO early engagement is covered by this principle. So, that's why I made the comment, just to be specific. Thanks.

J. Scott Evans: Okay. So just to be clear -- this is J. Scott Evans talking to Amr. You're saying that the current language is fine unamended?

Amr Elsadr: Yes, I believe so.

J. Scott Evans: Okay. Next I have Michael Graham.

Michael Graham: Yeah. I was just trying to voice -- I guess my concern is somewhat similar to Amr's, with the second sentence where we're saying it is the responsibility to determine whether or not they're impacted by that activity and to provide their input. It seems to me that the principle is that the GNSO must provide this notification in order to inform the community so that the community SOs or ACs, however we want to refer to it, can take appropriate action. Here we seem to be saying what that appropriate action is (INAUDIBLE). To that extent I think it is a little bit too specific for the principle here.

J. Scott Evans: Chuck?

Charles Gomes: Yeah. I don't understand what's too specific. It seems to be pretty general stuff to me. What specific -- what specifically is too specific?

J. Scott Evans: Michael?

Michael Graham: Well, saying that it is their responsibility to determine whether they're

impacted and to provide their input in a timely manner. I mean, the purpose of GNSO making this available is so that they can determine that. And I suppose that what we're saying here is that once GNSO does that, that the principle is that's what it needs to do. It does not need to take any other action unless one of these other groups expresses their concern. And I suppose if that's the case, then the language might not be seen as too specific at this point.

Charles Gomes: Yeah. This is Chuck again. Here we're actually trying to make clear situations that have actually occurred many times in policy development efforts. And we just want to make it clear on the principles that, yeah, the GNSO has a responsibility in a policy development effort to make sure all of the supporting organizations and ACs and so forth are aware of the thing, but there's also a responsibility on those organizations to respond in a timely manner; otherwise it's -- you can't just delay work indefinitely. So, there's a dual responsibility here. And then, of course, if we receive input, the last sentence says it's our responsibility -- this is a very important principle -- to consider it.

So this item, with all of three or four sentences, is really intended to deal with real -- very real problems that have occurred in the policy development effort.

J. Scott Evans: Alright. Amr?

Amr Elsadr: This is Amr. In case I wasn't clear, I believe the language that is already present in the principle is good language. What I was referring to as too specific was Mikey's comment of including GAC-GNSO early engagements.

So, yeah, I think the principle does clearly state that the GNSO should reach out to different SOs and ACs on ongoing policies and that these SOs and ACs need to provide their input in a timely manner. And I think that's great. I think it's wonderful. I just -- what I felt was too specific was adding something as specific as and this should include GAC-GNSO early engagement.

But going over Mikey's comment, now it connect to the GAC-GNSO early engagement group, that might have just been a comment and not a recommendation for him to add anything. And so all I'm saying is that the current language is perfectly fine. Thanks.

Charles Gomes: Yeah. And this is Chuck. I said that in the chat a little bit ago. I think all Mikey was doing was making a -- noting that, hey, this -- what you guys are talking about connects with what's going on. I don't think he was suggesting a change at all.

J. Scott Evans: Okay. Okay. Well, we're going to leave this the way it is.

It is 1:20 at this point and we still need to discuss our approach for tackling the additional groups. And so there had been a discussion prior to the recording beginning that we would -- it seemed, especially given at

the time that we were having the discussion, there were only four people present on the call, three of which were chairs or vice-chairs, that perhaps the best way to move forward was to move forward as an entire working group rather than assigning specific subgroups to deal with the identified subgroup issues. We would just deal with them serially.

And in dealing with the broad issue that is assigned to a subgroup, we felt like there were some smaller issues within that that could use a group to draft or work on an identified issue that the working group came up with. They could then splinter off and work on those smaller issues and come back to the larger group. But that the work of the sub-team would now just be issue driven rather than sub-team driven. The entire working group would do them serially.

And I'm seeing a lot of green checkmarks with regards to this plan so I take it that people seem to be happy with that. In fact, for the first time in my career I think I got an applause from Avri Doria. So, I want everyone to know that. And I also got a smiley face from Greg Shatan. And a smiley face from Avri. So, I would assume that that is the best way to go. I agree that it is the best way to go.

So another thing -- so that's the way we'll go and we can let the broader group know in the minutes that that's the way we've determined to proceed. And so I think the first thing we'll do is go through and finish. We don't have much, but our next call we can go through and finish the working principles and then we can just move right on into the next sub-team and begin that work.

Is there agreement that that's the way we should -- I see Chuck's saying yes. And I saw a bunch of greens before so it looks like that's the way we will go ahead and proceed.

During this whole process, of course, I just want to reemphasize that you hopefully will be communicating with the groups and constituencies and stakeholder groups from which you devolve or arrive to us from. And if they have anything they want us to consider as you're reporting out this work we hope that you will bring that forward to the entire group so those considerations can be considered during the work. That would be good to keep things moving along in a forward momentum.

Okay. So, that looks like we've answered that question. The next agenda item is whether there's any other business. And I'm not hearing any.

So, our next meeting will be when, Nathalie?

Is she still with us? If not, Mary or Marika?

Mary Wong: J. Scott, this is Mary. I believe it would be scheduled for two weeks from now, which would make that the 20 -- hold on--.

Nathalie Peregrine: 23rd. Hello. This is Nathalie. Sorry, I was on mute. It would be the 23rd

of April at 19 UTC, the same time as today.

J. Scott Evans: Okay. I see Michael's hand is up.

Michael Graham: Yeah, just a point of organization. I wonder -- I'm trying to think back if part of our scheduling of our calls every two weeks was based on the assumption that there would be sub-teams also working and, if that's the case, whether we want to adjust that timing at all.

J. Scott Evans: I see Amr is also agreeing with that. I would suggest that -- my suggestion would be that we do adjust that, but we give notice to the full working group that that will be occurring. And so we hold our next meeting on the 23rd and then we begin to hold them weekly, but I'm more than willing to be overruled if people think -- yes, Marika?

Marika Konings: Yeah, this is Marika. Just to clarify whether once we go to a weekly schedule if that would also be 90 minutes or then we would switch to 60-minute calls?

J. Scott Evans: I think we should do our next call in two weeks, keep it 90 minutes, see what progress we make and then we can determine -- we might determine at the end of each call whether it'll be a 60-minute or 90-minute call depending on what we need to accomplish. I think telling everyone that they should reserve 90 minutes, but they could get a notification the call would be only 60 minutes, that they would know ahead of time so that we can just continue moving forward.

Okay. Is that it? So, our next call is going to be April 23rd.

Oh, Amr? I'm sorry.

Amr Elsadr: Thanks, J. Scott. This is Amr. Just a point that Olevie made in the chat, that April 23rd would conflict with NetMundial and I was just wondering if there were a number of working group members who would be there and not be able to participate on that date. Just wondering; just raising the point. Thanks.

J. Scott Evans: I see that Greg Shatan says that he will be affected and Olevie. I don't know. We probably need to be -- why don't we put that to the entire working group, that question. And if it's an inconvenient time we can find an alternate time, even if it's next week. Is that an amenable solution?

Hearing no objections, Nathalie and Marika and Mary, if we could just send out a group telling what our plan is, but we've got a question for the floor to the 23rd so they can choose between the 16th and the 23rd, which one's more convenient and then we'll have a call then.

Okay? Any other comments, concerns?

Is there any other business that anyone would like to discuss?

Hearing none I'm going to bring this meeting to a close three minutes

early. And we will reconvene on either the 16th or the 23rd depending on what the group says with regards to the e-mail that will be going out from our staff liaisons. And with that, I thank each and every one of you for your time this morning, this evening or this afternoon and we appreciate it and we can bring this call to a close. Thank you.

END