Policy & Implementation Working Group Meeting
TRANSCRIPTION
Wednesday 10 December at 20:00 UTC

Note: The following is the output of transcribing from an audio recording of the Policy & Implementation Drafting Team meeting on Wednesday 10 December 2014 at 20:00 UTC. Although the transcription is largely accurate, in some cases it is incomplete or inaccurate due to inaudible passages or transcription errors. It is posted as an aid to understanding the proceedings at the meeting, but should not be treated as an authoritative record. The audio is also available at: http://audio.icann.org/gnso/gnso-policy-implementation-20141210-en.mp3

On page: http://gnso.icann.org/calendar#dec

Attendees:
Cheryl Langdon-Orr – At-Large
Amr Elsadr – NCUC
Chuck Gomes – RySG
Greg Shatan – IPC
Alan Greenberg-ALAC
Stephanie Perrin – NCUC
Klaus Stoll- NPOC
Michael Graham – IPC
Tom Barrett – RrSG

Apologies:
Avri Doria – NCSG
Anne Aikman-Scalese – IPC
Olevie Kouami – NPOC
J.Scott Evans – BC

ICANN staff:
Marika Konings
Amy Bivins
Karen Lentz
Steve Chan
Berry Cobb
Terri Agnew

Chuck Gomes: Okay this is Chuck Gomes and this is the Policy and Implementation Working Group call on Wednesday the 10th of December 2014. Welcome everyone on the call.

Is there anyone who is not, that is on the call, but not in Adobe Connect? Would you speak up so that I know?

Terri Agnew: Yes Chuck, this is Terri. I do need to start with a little roll call.

Chuck Gomes: Okay, all right. I'll turn that over to you right now.

Terri Agnew: Thank you Chuck.

Good morning, good afternoon and good evening. This is the Policy and Implementation Working Group call on the 10th of December 2014.

On the call today we have Cheryl Langdon-Orr, Klaus Stoll, Alan Greenberg, Greg Shatan, Chuck Gomes and Stephanie Perrin. We have apologies from Olevie Kouami, Avri Doria, Anne Aikman-Scalese and J. Scott Evans.

From Staff we have Marika Konings, Amy Bivins, Berry Cobb, Steve Chan, and myself Terri Agnew.

I would like to remind all participants to please state your name before speaking for transcription purposes. Thank you very much and back over to you Chuck.

Chuck Gomes: Thank you very much; Chuck speaking again. And any updates to Statements of Interest?

Okay, any comments or suggestions on the agenda? Noting that I'm going to insert a couple of things at the beginning but they are very brief.

Okay, so the first thing I wanted to insert in there is that I'm going to take the prerogative of Chair, although I'm open to people complaining if you want to, to set a deadline for next Tuesday the 16th, the day before our next call, for any major comments or edits for the three processes. They've all been out there; the input process, the least amount of time, but the other two for quite a long time.

And so if anybody has any more significant edits or comments on any elements of the processes, please have them in by next Tuesday on the list. And the reason for that is we really - Marika has a target of the 22nd for her first initial draft of our initial report that is due to be published on the 19th of January, but we'll have a lot of work to do after that initial version to get to the 19th of January. So we need to keep moving on this.

Now it's my opinion, and not everybody agrees with me on this on the leadership team and that's okay, but it's my opinion that the Initial Report doesn't have to be perfect. We may have to keep doing some of our editing after we put that out there.

I think that's okay. I think it would be really unfortunate if we missed the opportunity of Singapore to get feedback on our Initial Report at that time. So if anybody has comments on that, please speak up on that.

And then last of all what I want to say is that today as we continue going through the input process, instead of doing live editing, let's make our points and Marika is going to track of those and she will try and come back with some editing. Or if you want to submit some specific wording, do that on the list and that will save us a lot of time and help us make more progress.

The editing we've been doing I think has been good; I'm not sure it's productive to do it live but it's been good. But if we keep going that route, it's going to be the meeting in Buenos Aires before we put out our Initial Report. And I don't think any of us want that.

So let me stop there and see if anybody has any comments or questions on that. And I'm going to need some help on the Adobe Connect because I'm still having connectivity problems; I thought I had it solved but it's not. So if others can help me on that.

Are there any hands raised? I can't get in right at the moment.

Marika Konings: This is Marika Chuck. No hands raised, just a green tick from Stephanie.

Chuck Gomes: Okay, thanks Stephanie, I appreciate that.

Cheryl Langdon-Orr: I had mine up for a long time. I've just taken it down.

Chuck Gomes: Did you still want to say something?

Cheryl Langdon-Orr: No - Cheryl here. I just wanted to also note that other than the green ticks which...

((Crosstalk))

Chuck Gomes: Oh okay.

Cheryl Langdon-Orr: ...me and Stephanie that you have pretty much wholesale support on all of this in the Chat. So if you were able to see the Chat, you know, nobody is objecting and everyone seems to be agreeing.

Chuck Gomes: Thank you Cheryl, I appreciate that. And I'll keep trying to get in while we're moving forward here.

So if there - now the last thing I want to say before we go on to the first actual agenda item, is Michael - I don't know if he's on yet or not but he said he

might be a little bit late. He was on our Leaders' Call that went a little bit overtime today just before this.

And he made a good suggestion that may be necessary come next week where we need to kind of think up the three processes in terms of terms used in some cases, and in some cases maybe the differences there are intentional and helpful.

But he volunteered, with my urging, to head up a small group of - I don't know, one or two other people with him and maybe Staff to see if we can kind of quickly go through the three processes and see if there are any fixes that are needed so that they are not contradictory or anything.

Now one of the things I found in having the processes side by side is that in going through the input process, if I found something there I would look over at the corresponding steps in the other two - sorry about the echo. And then if appropriate, I would make the edits over in those other two also. So I encourage all of you to do that and that will kind of save us some time in the long run.

Any questions or comments on that?

Okay, let me try...

Marika Konings: Alan has his hand up Chuck. This is Marika.

Chuck Gomes: Okay, Alan go ahead. In fact Marika, why don't you - is Michael back on? Okay Marika...

Marika Konings: I don't see him yet on Adobe Connect.

Chuck Gomes: So Marika, if you would just call on people rather than having to call on me and me call on them, that would be okay until I get this problem fixed. Okay?

Marika Konings: Okay. Alan, you're next up.

Alan Greenberg: Thank you. I just wanted to suggest that since there is only a limited number of people on this call, all of these things you are suggesting we do and the guidelines have had to do them probably should be put on an email soon after this meeting.

Chuck Gomes: Okay, thanks Alan.

Marika Konings: And this is Marika. I've tried to capture those in the notes on the right hand side which will go out after the call. If I've missed anything in there do let me know.

Alan Greenberg: Sorry, I hadn't looked at that side of the page. You're right; of course you have.

Chuck Gomes: But thanks for bringing that up Alan. That's okay because that is important.

Alan Greenberg: It probably was a subject to catch people's eye.

Marika Konings: And just to note Chuck that Michael is just joining the Adobe Connect. I don't know if he is on the audio yet though.

Chuck Gomes: So Michael, when you in audio, please let us know. I don't know if you can hear this but if somebody could put that on the Chat.

                I'm saying I have connectivity on my laptop but I'm not getting into Adobe Connect. So what I will do is turn the meeting over to Michael when he's able to do that if that's possible so that I don't hinder our progress in what we're doing. In the meantime, I'll keep trying.

So our next step then - so keep in mind, if there's one or two of you that would like to work with Michael and Staff in terms of doing that exercise, if it's still needed after our call next week, it would probably just be an exercise that would be done in fairly short order; it's not a long-term effort. But having a few eyes take a look at those things, we'd probably - it won't take too long to kind of pick up things in comparing the steps of each of the processes to clean up anything that may need to be. Now some of that may just happen naturally in the next - as people submit significant comments and edits between now and Tuesday.

Marika Konings: Chuck, Cheri just informed me that Michael should be in audio. Michael, can you hear us?

Michael: Yes, I just joined in. I was going to jump in when Chuck was done.

Chuck Gomes: Michael, I'm going to let you jump in and actually chair the call, at least until I can get into Adobe Connect if that's okay.

Michael Graham: Okay, I don't know where I am in the call but I can help direct traffic.

Chuck Gomes: We're ready now to get started on the continue review of the input process, and Marika can give us a quick update on where we're at there.

Michael Graham: Okay yes, that will be fine. And just to underline what Chuck was saying, the idea of conforming, is having put these three processes next to each other both for ease of understanding and moving forward, I thought it would be important that we conform so that as you're looking at one, both the terms are used in the same way and the information is provided in a way that is easy to compare the goals and the processes between these. So that's really what that exercise will entail, and as Chuck said it may not be necessary after Tuesday.

But Marika, why don't you quick us off on where we are in the input, reviewing that, and we can get started.

Marika Konings: Yes, this is Marika. So I think where we left off last time, and just to note that I don't know I saw any comments or edits to the first couple of sections that we reviewed.

I think in Section 3 where Michael, I think you made a note to (Brakus) to whom should the request be made. I presume GNSO Council. I think that is exactly the case although I've already in my version updated that.

And I think the point that was added by Chuck there is the last bullet point, desired completion date and rationale. I think where that's basically where we left off although that's a new addition. And if I may put in a first question there, my question is rationale for what? Rationale for the completion date or does it refer to something else?

Chuck Gomes: Thanks Marika, this is Chuck. Since I put that in there let me respond. That was a rationale for why that date is desired.

Michael Graham: Okay yes, that makes sense. Let me turn to what I've got here.

Chuck Gomes: Sorry to do this to you Michael.

Michael Graham: That's okay. And then the end of that, any additional information that can facilitate the work on the GIP such as information that should be considered and/or other parties that should be consulted is encouraged to be provided as well. And I think that's good and in my conformance role, that sort of conforms to the GGP language as well I believe.

Chuck Gomes: And Michael - this is Chuck - I don't know if you had jumped on and heard me, but I informed everyone that we are not going to do live editing on the call but people can make their points and Marika is capturing those, and we'll

do some of the writing offline after the call so we can move more quickly. And if people want to submit specific wording, they can do that on the list.

Michael Graham: Right. So I take it what we should do is simply run through these provisions and give time if anyone wants to make any specific comments or raise any questions.

Chuck Gomes: Yes.

Michael Graham: Okay. Then we're moving down to Section 4.

Marika Konings: Amr has his hand up.

Michael Graham: Okay, sorry Amr. Go ahead.

Amr Elsadr: Thanks Michael. Just before moving onto Section 4, following up on a comment I made last week on Section 2 in the last sentence where it says, "In cases where it concerns a specific request by the ICANN Board or any other SO/AC. The requestor is expected to make available a liaison to provide further information or clarification in relation to the request for input if needed."

I was thinking since it's the GNSO Council that will actually decide if a GIP is the process that is going to be used to provide the input to whoever the requestor may be, maybe we can change the language here instead of saying the requestor is expected to make available, we can say the GNSO Council is expected to ask the requestor to make available a liaison. Because when the requestor - when an entity or a group is actually asking the GNSO for input, they don't know which process is going to be used. Well I can see - I guess the liaison is expected in the GGP as well.

I just think it's more reasonable that the GNSO is expected to ask the requestor for a liaison as opposed to a requestor being expected to make a liaison available whenever they are asking the GNSO for input. Thanks.

Michael Graham: So looking over at the GGP Amr, do you think that language should be adopted, that same language? Because that's basically - although that says the ICANN Board is expected to make available a liaison.

((Crosstalk))

Amr Elsadr: Yes, I would recommend that.

Michael Graham: Go ahead.

Amr Elsadr: I'm guessing there has to be some sort of briefing in general when a request is made to the GNSO, some sort of rationale or explanation of why input is being requested by the GNSO Council. But if a liaison is actually required to work along with the GNSO throughout the process, I think it's more reasonable to suggest that the GNSO Council is expected to ask the requestor to make available the liaison as opposed to the liaison is just expected to - the requestor is expected to make one available. Thanks.

Michael Graham: Okay, I see Marika has got her hand up and I have a question. But go ahead Marika.

Marika Konings: Yes this is Marika. The original language for this comes from the PDP and I think it goes back to one of those cases where the Board may request an Issue Report where I think in those cases, you know, the PDP can require or expect that the Board would make available a liaison to answer any questions the GNSO Council may have in relation to such a request.

I think in this case I would support what Amr is suggesting that I think indeed scenarios and GIP as well as the GDP and maybe request that come from

other supportive organization or advisory committee or the Board where they may put out a general request for information or input. And there, you know, the Council may decide whether or not a liaison is necessarily.

And in those cases indeed it would make sense for the Council to make that request to make someone available to answer any follow-up questions that Council may have. So from that perspective I think what Amr is saying makes a lot of sense.

And I just also wanted to note, what I'll do is as well as I know we're now focusing on the input process, any changes that we make on that side that are kind of similar in the other processes, I can go ahead and make those changes as well so that when people look at it they see indeed that consistency.

And those cases where you believe that shouldn't actually be, you know, pulled through, we can maybe look at that on the mailing list and people can flag whether, you know, the change actually will be made in the one process or the other.

But as we said before, I'll be trying to see as well to make sure there is consistency especially in relation to those elements that are expected to be handled in a similar manner in one process versus the other.

Michael Graham: Right. I know Stephanie has her hand up. Just before I call on you Stephanie, my question to think about is whether or not I sort of agree with that, but I wonder who should be doing the requesting.

Stephanie?

Stephanie Perrin: That's what my comment would be. And I don't want to get into the weeds of drafting but it seems to me that it would be nice to parallel structure across the three columns here, the three different phases.

We just said that the requestor, in cases of a specific request the requestor shall make available a liaison to provide further information. And just repeat that across the three.

And then we have different structures relating to who is expected to request information or clarification. You don't need to say where you're going to get it from because we've said there shall be a liaison. But it might be useful to point out that they have a positive obligation to request advice at this phase.

Does that make sense? The same thing happens in the third column where it says, "Prior to the Council vote you need to specify any additional research discussion or outreach that is necessary." Again, a positive obligation to seek further clarification.

Michael Graham: Right, and I guess Stephanie, I think I would agree with you that rather than the GNSO - it's sort of if someone be it the ICANN Board or an SO or an AC, whoever is making the request, that this procedure be carried out. Once the GNSO Council then approves the procedure, that that party should be the one who is required to actually present someone.

And my thought would be that that should be a - going back to when we were talking about the makeup of the group and trying to get it to represent the community, that certainly if someone is raising an issue that needs to be faced by either a GIP or GGP, that that party should have the obligation or be expected to provide someone who would assist in that. So that would be my (unintelligible).

Stephanie Perrin: That's certainly the way I view it; yes.

Michael Graham: Amr?

Amr Elsadr: Thanks Michael. This is Amr.

I imagine that outside of the GNSO, and this probably doesn't apply to the ICANN Board but it might apply to other SOs and ACs, they may not - the requestor may not be very familiar with GNSO processes. So they're just asking for advice or input from the GNSO on any given topic.

And there (unintelligible) two concerns how the GNSO goes about assistant, but it's up to the GNSO to decide which process it's going to use. And the GNSO and the GNSO Council are - well they are savvier with the different processes in which one is more appropriate to use.

And so I would think that it's the Council that sort of needs to initiate what sort of process is used and what is required in order to fulfill this process.

And so it makes more sense to me that it's the Council that would determine that a liaison is required or a GIP or GGP, and it would make sense to me that the Council asks the requestor to provide the liaison if it feels a liaison is necessary.

Also one of the reasons I think a requestor shouldn't be expected to provide a liaison is because I think it's more desirable to allow any requestor to make this request of the GNSO for input or guidance in whatever format they would like to use. So I wouldn't put too many rules up around how you can ask the GNSO for input or guidance and just sort of let them ask their questions, and then the GNSO determines what process is required and what are the requirements that are necessary to fulfill these processes. Thanks.

Michael Graham: Thanks Amr; it's Michael.

Just so I'm clear on that, I mean it sounds like you're suggesting that this reads something like the GNSO Council may require the ICANN Board or any other SO/AC that has made a request to make available, that that's the way

that it would work. If the GNSO Council believes that that's necessary, they should be able to do that.

Amr Elsadr: Yes that is correct.

Michael Graham: Okay, just so I understand. Marika, I think you had your hand up and then Chuck.

Marika Konings: Yes this is Marika. I was actually already putting my comments in the Chat as well because I fully agree with Amr on this point. And I think as well we need to take into account, you know, what kind of requests are typically forthcoming in relation to the process we're looking at.

And I think, for example, in the case of an input process as we I think discussed last week as well, that typically kind of people send out, you know, this goes out for public comment. And the GNSO discusses, "Should we be providing the public comment or not?" And it can be, you know, a report from any working group, from any SO or AC.

And I think then it's really up to the GNSO to say, "Well, we have questions." And actually go back to that group and ask if they can make someone available to talk to us about it. I don't think we can oblige them to make anyone available; I think it's a request we make.

So I kind of like I think the language that Amr has suggested, that indeed it's up to the GNSO Council to identify to, you know, do they need a liaison, are there questions, and then reach out to that group. And say, "Hey, we have questions and want to talk to you."

I think it would be very hard to hardcode in here to say, "Well, just watch it. If you make any request to the GNSO you are required at the same time to provide us with the name of a liaison." I'm not really sure if that's going to be a very kind of structured working relationship.

So just want to make sure that people keep that in mind and make the kind of request likely to be that fall under, especially the GIP category. Maybe for GGP it's different. But GIP, if you made it a kind of - the Council may just pick it up themselves just looking at the public comment form that have opened and say, "Hey, should we be doing something and if so what are the questions? Let's reach out to the group and see if there is someone that is willing to give us an update or provide us with further details."

Michael Graham: Okay, and I note - this is Michael again. I note that Amr sort of backs up what you were saying about not scaring off and making it a requirement, although in the back of my mind, I'm thinking if it's important enough for them to have brought it up, it's probably important enough for them to be available to clarify it; a happy medium there.

Chuck, you want to go ahead.

Chuck Gomes: Thanks. Any by the way, you're doing a good job Michael so I'm okay with you continuing if you are. But - so I can then participate as a participant.

But I wonder if we're really hung up on the word liaison. If we are, let's change it. All we're really saying here, in my mind, is that, "Hey, if you submit a request, give us a point of contact that we can go to if we have any questions."

Is it really any more than that? And if the term liaison scares people off, I agree with Michael that if somebody wants some information, they should at least be willing to provide a point of contact that the Council could go to if they have any questions and need more clarify.

So should we change it to a point of contact instead of the term liaison?

Michael Graham: Yes this is Michael again for the record. I won't put that up for a vote quite yet. I will say Cheryl commented a point of contact would work on the Chat.

Alan, you have your hand up.

Alan Greenberg: I do but I think there's a case here that if you wait long enough other people will say what you were going to say.

My two points were number one, if someone is asking us for input or asking the GNSO for input - I have to stop saying us now since I'm no longer there. And if they're not willing to talk about it other than toss a piece of paper over the wall, I can put in rather crude terms what I think about it.

So yes, I think it is completely reasonable to expect some interaction. I was also going to object to the term liaison. Liaison implies an ongoing process and perhaps a bidirectional one which is not necessarily what we're talking about here.

If someone is requesting something, we may need clarification, we may need further input, we may need to bounce things off of them. We need to be able to interact.

I'm happy with point of contact. You know, in some cases it's going to be points of contact. The whole group that we're talking to may want to meet with us.

So I think we need flexibility on our wording, but the expectation is completely reasonable. Thank you.

Michael Graham: Great, thank you Alan. And I think unless someone has something else to add, I think Marika you have a sense of where we want to go with the GNSO Council being the requestor and changing that liaison to something less scary.

And if that's good - and I see Stephanie has done a checkmark. Why don't we move on unless someone has something else on two? Move back to three. I'm passing through these just in case.

And then why don't we get down to four. I've got to move my page down here - which is initiation of a GNSO input process.

And I'm trying - I have difficulty. So what I'm going to do is just read through this provision, and then I'm not sure which of these comments is going over there; I've got so many red, green and blue lines. Maybe you can help me once we get through this Marika.

But initiation of a GNSO input process reads, "A Council vote is not required to initiate a GIP except in the situation where one or more GNSO Council members object to the initiation. In such an instance, the GNSO Council may not initiate the GIP unless an affirmative vote of a majority of the GNSO Council in favor of initiating the GIP is achieved is set force in" - blank, I'm not sure if there's a provision there - "of the ICANN bylaws."

And Chuck, you have your hand up.

Chuck Gomes: Sure. Now I had submitted - thanks, this is Chuck.

So I had submitted a comment on the Input Process, first of all, asking whether - when we say a Council Member, do we mean liaisons? All we need to do is clarify. I don't think we need to spend any time on that but we should be clear.

Can a Council Liaison do that? If not, we could say, you know - and maybe members of the council are different than liaison, but we should be clear there.

The second thing really relates to a possible step in between three and four, and I made a separate comment on this.

Would it make sense to add a step in between there that the Council gets a sense, a rough sense, of whether resources are available? In some cases, it's not a matter of whether we should do the input process or for that matter guidance process or an expedited PDP or even a PDP. If you don't have the resources to do that, you can try all you want; you're going to have trouble getting it done.

So I throw that out. I'm not going to push hard on that, but I just ask whether people think a step should be added that - get a general sense of whether resources are available at this time to do it. I'll stop there.

Michael Graham: Marika?

Marika Konings: Yes, this is Marika. On Chuck's last point, maybe it would make sense to actually copy the paragraph that is currently under two for Planning of Initiation of a GDP as well to the GIP, because that talks about the GNSO Council should take it to full account. There are resources available, both volunteers and staff are making a decision on whether or not to initiate a GDP. And I think they're saying - I think it goes to Chuck's point.

And again, we're talking about consistent between the two. So maybe we can just move that over as well to the GIP section to cover that specific point.

For what I actually had my hand raised and I think to Chuck's point on the question of members, as I understand it, any Council members are those that have been elected or appointed by a nominating committee. I don't think liaisons count as such as council members, and I think that goes as well to other parts of operating procedures where it also talks about council members. It doesn't apply to liaisons; they have a specific term.

But I just wanted to point out that one of those specific comments that we had called out here is the first sentence, "A Council vote is not required to initiate a GIP except in a situation where one or more GNSO Council Members object." And there we had put in brackets one or more.

And I think our question is, is it sufficient for one Council member to object and that would trigger a vote, should that be two, three? Is there any number? What is this thinking here or is there any firm thinking, or is this maybe one of the items we want to flag as one of the questions people would like to see input on as part of the initial report?

Michael Graham: Thanks Marika, it's Michael for the record.

I guess I have a question along that line as well. And that is - well, let me back up. On the question on what a GNSO Council Member is, if that's an understood term, and understood meaning only elected, that's fine. But perhaps if we wanted to fully clarify, we should, you know, one or more elected GNSO Council Members or some other term that would clarify that that would not include a liaison. I don't know if that's necessary or not.

Alan? I know you said something about that.

Alan Greenberg: Yes, thank you. Council members are defined in the bylaws. I'm not sure we need to define them further other than perhaps to refer to it. And I'll point that you shouldn't use the term elected. How the counselors are selected by their various stakeholder groups and constituencies is an internal matter; it may nor may not be an election.

Michael Graham: Okay, so if I were using that term, which I agree, I'd like not to use any term if possible, but it might be more like appointed or something.

Alan Greenberg: Again, selected is the most generic term I believe we use in ICANN which does not specify anything about what the process was behind it.

Michael Graham: Okay, fine. My question really quickly is it seems to me that we need to have upfront of this how the Council may initiate a GIP. We say that a vote is not required.

Does that mean that a single GNSO Council Member can and have a GIP initiated? Is that the understanding or do we need to put in some other information here short of their being a vote?

Marika, is that a new hand?

Marika Konings: Yes, this is Marika. First of all, I think we've already moved on that fully agreement, Alan. Those terms are defined and used in other parts of operating procedures and bylaws as well, so I would be very careful to start adding here definitions or terms that are not used anywhere else.

On your question, yes you are correct; it's anyone who can raise it. And basically the idea is if there is no objection to it or someone formally wants a vote, it would just be a kind of agreement. And as said, that's basically kind of codifying what currently happens.

Council, you know, sees the public comments, forum, that's open. Ask a question, "Should we be doing anything, should we prepare a statement?" Some volunteers say yes, I think that's a good idea, and off they go. For those kind of things there's typically no formal vote or formal motion requir4ed.

And I think we're really trying to model this on what is a current practice and not create any new kind of burdens on a process that is really intended to be very lightweight.

Michael Graham: So I think we need some language upfront there to make that clear almost. The Council may initiate a GIP as follows. Any GNSO Council Member may

initiate a GIP - and it might say member or members - may initiate a GIP without a vote except in the situation - and then go on with what we have. That would be my suggestion, something along those lines.

Marika Konings: Yes, if I could just respond. I think the problem is with the term initiate because I think that creates some formality around it which currently doesn't exist. And I think by using the term initiation which has very specific meanings especially in some of the other processes and that are closely tied to a vote, I think that's, you know, an impression we don't want to create here. And that's why I specifically said, "A Council vote is not required to initiate a GDP except in situations where."

Michael Graham: Right and I'll just go back though. I do think we have to answer the question of how you do initiate it. So if anyone has some great language for that, that would be useful.

And then in the blank line there, "Affirmative vote of a majority of the GNSO Council in favor of initiating a GIP is achieved as set forth in" - is there a particular provision we need to drop in there Marika?

Marika Konings: Yes this is Marika. Yes, I think that is a question whether people believe there should be a certain voting threshold associated with it. If it's different, than a simple majority vote which is the default for any normal standard Council decisions. So I think that's, again, a question for the group.

Because basically, if we leave out here any kind of - you know, if we basically don't say, you know, we now say affirmative vote, then I think you need to check where that is. Or basically says that if it's not specified in - I think it's Section 9 - X of the GNSO section which has all the voting thresholds, then it's just a simple majority vote. I think that's what we were subjecting unless the group feels differently.

Michael Graham: Okay thank you. And before I call on Chuck who has his hand up, my understanding of the sense of where GIP is going and what is intended to do, that a simple majority should be sufficient for that once an objection is raised by any one member. And I think the language one or more is fine in that case. And down here that it would be a simple majority.

Chuck, go ahead.

Chuck Gomes: Thanks Michael. I agree with you. I think let's keep this simple; it's an input process. Let's not overcomplicate it and use the default simple majority as defined in the procedures would be fine.

Michael Graham: Okay thank you. I don't know if I should ask if people want to indicate their agreement with that or their disagreement -- maybe disagreement.

Okay, seeing none, I think you can use that Marika to make those revisions going on.

Anything else on four?

Chuck Gomes: Michael, this is Chuck. Before going to four, I just want to clarify that it's my opinion that the insertion of language from Number 2 on checking the available of resources I think should apply, if it's not already there, to all three processes, not just the two.

Michael Graham: Okay thank you Chuck, I would agree with that as well. I think it's a good clarification.

Okay, let's move forward. Okay, so off of four into five; GIP Outcomes and Processes. And let's just go paragraph by paragraph I guess with this.

"Upon initiation of the GIP, the GNSO Council will inform the GIP Team as outlined in the GIP request. The GIP team is required to review and become

familiar with the GNSO Working Group Guidelines, if applicable as well as this GNSO Input Process Manual."

And I just wanted to go back and look at the request. Okay, and I guess that's the proposed GIP mechanisms that that's referring too.

Comments, the next paragraph? Once formed, the GIP Team is responsible for engaging in the collection of information. If deemed appropriate or helpful by the GIP Team, the GIP Team may solicit the opinions of outside advisors, experts or other members of the public. The GIP Team should carefully consider the budgetary impacts, implementability and/or feasibility of its proposed information requests and/or subsequent recommendations.

And to a certain extent, actually completely, that mimics the provision that's in the GGP as well.

And then the final paragraph, "The GIP Team is encouraged to solicit input from each stakeholder group and constituency in the early stages of the GIP. Stakeholder groups and constituencies should be provided sufficient time to provide input from the moment that the input is requested by the GIP Team noting that in certain circumstances such as an external deadline that effects the GIP Team's ability to complete its work, this timeframe may be short."

Stephanie, you have your hand up?

Stephanie Perrin: This is a naïve question and I apologize if I've already asked it and/or it's inappropriate, but do we have a process, and if so what is it for ensuring that the advice that is sought is balanced?

So you get our legal advisors, they're on the (unintelligible) bar, they're on the - you know. How do you make sure you get well-rounded advice?

Michael Graham: Thank you. I'm going to let - Marika, do you have an answer or a suggestion?

Marika Konings: Yes, this is Marika. I can speak probably from experience in other groups. If, you know, people in the working group question or have, you know, arguments of why they believe certain advice may not present a full picture, that is then something that can be investigated. But I think usually I think when you engage experts, you know, you have to have some confidence in the fact that they are experts in their field.

But of course in those kind of circumstances, you know, should a working group have questions or the Council have questions or doubts about the advice provided, there's nothing preventing them from, you know, putting it out for input or reaching out to others to, you know, confirm or, you know, add to whatever is being provided.

Michael Graham: Thanks Marika. This is Michael again.

Stephanie, I wonder, many on this call are much better versed in the working group guidelines than I. But I would have to imagine that there are within that some sort of guidelines and suggestions that that would be the hope that you're receiving full information.

I don't know if we need to include that here or if that is in those materials as guidelines? Does anyone have any input on either of those?

Stephanie Perrin: In terms of process control, it's just worthwhile flagging it at some point that there should be a check it seems to me. Because the Pope's great, but it springs eternal, you know.

Michael Graham: Chuck, you've got your hand up?

Chuck Gomes: Yes, thanks Michael. I think we have to be careful of trying to create a process for every little thing.

One of the advantages of the multi-stakeholder model and in particular the structure of the GNSO itself and the GNSO Council is that we have quite a variety of people that come from different groups.

And what my experience, and this may be the hope spring eternal step Stephanie, is that, you know - and I think this is pretty much always has been the case. I don't know if it will be now that Alan is not on the Council. But somebody will raise a question if there are any doubts or ask for validation.

Do we need a special process for that? I suspect not and my experience - usually what happens, people raise too many questions rather than not enough if you get what I'm saying. Thanks.

Michael Graham: Right and I sort of think the following - the next paragraph sort of follows in those steps too Chuck. This is Michael speaking.

"The GIP Team is also encouraged to seek the input of other ICANN advisory committees and supporting organizations if deemed relevant and as appropriate that may have expertise, experience or an interest in the issue under consideration in the GIP. Solicitation of opinion should be done in the early stages of the GIP."

And I guess my feeling goes along with yours Chuck. I think is that the nature of the beast is such that in seeking these opinions, if an expert is called in and provides a one-sided view, there's almost inevitably someone who will ensure that that view is balanced by other comments.

And also especially with this GIP, I think the less structure we impose upon it at this point, the more likely it is to be a useful tool.

The next paragraph is, "At the end of its deliberations, the GIP Team shall develop proposed GNSO input relating to the topic for which the GIP was

initiated. At the same time, the GIP Team may also include that no input is desirable or needed."

And then the final paragraph, "The Staff..."

Marika Konings: Michael.

Michael Graham: Yes?

Marika Konings: Michael, this is Marika. I have my hand up.

Michael Graham: Yes, go ahead.

Marika Konings: Can I just make a suggestion as I know we're running out of time. That, you know, maybe instead of reading through the paragraphs that no one has commented on, if we could maybe focus on those comments that are remaining in the specific, which I think go further down, because I think that will help me at least to, you know, hopefully put at least a GIP imitative where I think all comments that were made ahead of the meeting, you know, have been addressed or hopefully considered, which I may then also be able to do in the other sections and hopefully then get us to a stage whereby next week hopefully there will be few remaining issues.

Michael Graham: Right, and some of these are from Chuck. And actually, Chuck made a comment about the GGP which I think also would apply to the use of staff manager in the GIP. Who is a staff manager? Is that a defined term elsewhere?

Marika Konings: Yes, that is a defined term as well in the PDP. I think it's even in the bylaws.

Michael Graham: Is that okay with you Chuck?

Chuck Gomes: Yes, I think so except it wouldn't hurt - because people are going to look at these things independently. It wouldn't hurt to include a footnote or something where that's mentioned.

Obviously I'm one that's been around for awhile and I wasn't sure what it was. That's my own problem, I understand, but our own weakness. But a footnote or something would probably be a good idea.

Michael Graham: Yes, this is Michael, I would agree with that. If there's a way of making a quick definition and a footnote to the section, that would be really helpful.

Then okay, I've got room for maybe one of these other comments that's in sections, again, coming from Chuck. Note - this is at the top of the page. "Note David Olive's latest posting regarding public comment periods where we're talking about providing a summary of public comments and responses within two weeks after the closing of a public comment period."

Well that's - I'm sorry, that's not the response of the GIP as I understand it. That is a summary - well, wait a minute. The staff manager summary; again the staff manager comes into play.

And what was that period Chuck? Was it a larger period or less?

Chuck Gomes: This is Chuck. I don't recall right off the top of my head but I'm sure Marika understands what I'm asking here.

David Olive, just a few weeks ago, maybe less than that, posted - I don't know if it was a blog or something, was that the comment periods are changing and so forth. And I didn't go back and look at that again.

But all I'm asking there is do the guidelines that David communicated apply to stuff like we're talking about here? If so, then we need to make sure they're in

sync if that's the direction we're going. If not, then it probably doesn't matter what we put in here.

So I don't know Marika if you know the answer to that. Do those new guidelines for comments and so forth and for input apply to things like we're talking about or do you even know?

Marika Konings: Yes, this is Marika. I can answer that.

We actually had conversations about that in LA last week. And I think the final version of that is supposed to come out in January is our final guidelines so we can align it with that.

I know the proposal is in two weeks, but I think on the Staff side, we've been encouraged to maybe make that a little bit longer so to take into account vacation time, you know, a number of comments submitted. So I think there may be some flexibility there but we'll just make sure that it tracks whatever comes out of there and aim to have it in here as well.

Chuck Gomes: And this is Chuck. And that's all I was getting at is let's make sure we're in sync.

Michael Graham: Yes, I think (unintelligible), we've got one minute to go so I think we probably have to stop before we address what I think is really an important question here Chuck, that you bring up.

And I encourage everyone to take a look at this. What does include all comments mean in terms of reviewing and responding, and also the relationship of this statement that the GIP Team is not obligated to include all comments during the comment period including comments made by any one individual organization, which is then followed by the expectation to deliberate. And I sort of agree with Chuck that maybe there's some reworking there.

But I think we have to stop here and next time...

Marika Konings: Michael?

Michael Graham: Go ahead.

Marika Konings: Just a question. Are you happy for me to maybe try and address some of these comments either by, you know, updated wording or, you know, responding to some of the questions? That may help as well for our conversations on the mailing list. Would that be helpful?

Michael Graham: I think it probably would and it would probably be better than having, you know, three or four versions submitted by different members of the group that are conflicting with each.

If you can provide some comment on that or some suggestion and then we can respond to that, that might be a more productive way of approaching it. And then the same with, you know, Chuck's other comments and I think Mary has a couple as well in the remainder of this.

Chuck Gomes: And this is Chuck. I concur. And just as long as it's done in redline so we can very quickly take a look at those offline and then even in the meeting next week.

Michael Graham: Right.

Marika Konings: Yes absolutely. And what I'll do then as well is, because as I said, there is some specific questions that we've highlighted from the staff side. So maybe I'll pull those out as well in the email so people can maybe already have conversations around those on the mailing list. So again, all in view of trying to get to a close as, you know, maybe final language for some of these by next week's meeting.

Michael Graham: Right. Chuck, what should we plan on in terms of people thinking between now and then? Just reviewing these three as are set forth here and be prepared to try and close it out next week?

Chuck Gomes: So again, like I said at the beginning - you may not have been on yet Michael. But the deadline for any significant edits or comments or questions that you have on any three of the processes, should be submitted by Tuesday of next week, the day before our next call so that we can get real close to wrapping those up.

They may not be perfect yet, but so that there's enough progress. And don't worry too much about minor edits; we want those eventually. But if you have limited time and can't do those minor edits, at least see if there's anything that jumps out so that Marika has all of those next week. In our meeting, we can talk about them in the meeting, and then that will help her in producing an initial report by the 22nd.

Michael Graham: Tremendous. And I'll just - to close then, anyone who might be interested in assisting after next week, looking to conform - I think we're already bringing some of these things together - if you would on the list let me know and we'll set that aside and talk after the session next week.

So thank you very much. Sorry for stealing three minutes of your day, but we certainly appreciate it.

And Chuck, thanks for handing me the baton even though it was unexpected.

Chuck Gomes: Well, you did a great job, and I want to thank Michael for jumping in that way. It kept it flowing where I wasn't able to do that for awhile. So thank you very much Michael and thanks to everyone. We'll talk again on the list and in our call next week.

Michael Graham: Great, okay. Bye now, thank you all.

Terri Agnew: (Rebecca), if you can please stop the recording.

                   Once again, the meeting has been adjourned.

                                    END