Policy & Implementation Working Group Meeting
TRANSCRIPTION
Wednesday 11 June at 1900 UTC

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

Attendees:
Greg Shatan – IPC
Chuck Gomes – RySG
Alan Greenberg – ALAC
Olevie Kouami – NPOC
Nic Steinbach – RrSG
Jonathan Frost -RySG
J Scott Evans – BC
Michael Graham – IPC
Phil Karnofsky – IPC
Anne Aikman-Scalese – IPC
Tom Barrett - RrSG

Apologies:
Cheryl Langdon-Orr – At-Large

ICANN staff:
Marika Konings
Mary Wong
Amy Bivins
Steve Chan
Terri Agnew

Coordinator: The recordings have been started.

Terri Agnew: Thank you. Good morning, good afternoon and good evening. This is the

                  Policy and Implementation Working Group call on the 11th of June, 2014. On

                  the call today we have Phil Karnofsky, Anne Aikman, Tom Barrett, Michael

Graham, Nic Steinbach, Chuck Gomes, J. Scott Evans, Alan Greenberg, and joining us shortly will be Olevie Kouami. We have apologies from Cheryl Langdon-Orr.

From staff we have Marika Konings, Amy Bivins, Steve Chan, Mary Wong and myself, Terri Agnew.

I would also 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 Gomes: Thank you very much. This is Chuck Gomes and I will be chairing the meeting today. So I welcome all of you to the call. And the agenda is posted on the right in Adobe Connect. Let me ask very quickly if there's anybody who is not in Adobe Connect. If so, would you please speak up?

Anne Aikman-Scalese: Chuck, it's Anne Aikman-Scalese, I'm not in Adobe.

Chuck Gomes: Okay thanks, Anne. And we're glad you're on. So feel free to speak up when you want to get in the queue since you...

((Crosstalk))

Anne Aikman-Scalese: Okay, thank you.

Chuck Gomes: ...and that way and then I'll fit you into the queue like that. Okay our main objective today is to continue where we left off two weeks ago in Deliverable 1a, review chart, which is on the screen.

And we had, I think, covered the first three columns of that which was the implementation review team column, Column 1; the special treatment issues review team - or excuse me special trademark - the print's very small on what I'm looking at here - special trademark issues review team column and then

the third column, formation in the work of the Red Cross and International Olympic Committee drafting team.

And what we did is we mainly talked about strengths and weaknesses of those and we're going to do that for each of the columns and try to get through that today.

And before we jump to the fourth column, which is the GNSO Council responses to the IGO protections issue, does anybody have any additional comments on the first three columns especially with regard to strengths or weaknesses?

Okay, not hearing anyone, let's jump right in and go to the fourth column with regard to the PDP that happened with - it wasn't just IGO protections, it actually included the Red Cross and specifically - which is and the IOC which are INGOs so included both IGOs and INGOs. And specific recommendations came out of that group.

Does anybody need a review of that particular working group before we jump to some strengths and weaknesses? We can go through that; you can also look at it yourself in the column there. Speak up if you'd like some review or if you have some questions before we start talking about strengths and weaknesses.

Okay not seeing any there. You can see in the - if you drop down to the strong points, let's start there. And the strong points listed were broad participation and through vetting of the issues. By the way that - I think that was my opinion; if you disagree with that please speak up, okay?

There was better understanding by some parties of how the GNSO process works. And expert involvement and advice on status of international law; that was a task we asked the GNSO - excuse me, the ICANN General Counsel to do for us and they provided some information there.

Any questions or disagreement that those are not - were not strong points on that particular working group for those that may be familiar with it or a question if you're not sure why we have listed those as strong points. Any other strong points that anyone would like to add for that effort?

Okay, let's switch over to weak points. There was - Olevie, did you have something to say?

Olevie Kouami: Oh no that's okay.

Chuck Gomes: Okay. The first one listed there is that there was no GAC direct participation. And for the most part that's a weak point in everything we do. And fortunately the GNSO Council and the GAC are working together to see how we can improve that situation. It's not our job to do that but that's a common weak point in just about everything we do in the GNSO.

The second weak point is that there was a perception that some parties went in noting that they had one and stopped trying to change that believing that there were prior assurances from other parties which made discussions very difficult and not in line with reality or a view that everyone else just didn't understand international law.

So let me translate that a little bit just in case it helps anybody and then I'll give it to Marika. Because the Board had taken some action on an interim basis and responded affirmatively to certainly the Red Cross and the IOC and subsequently the IGOs there was an impression that they thought the working group wasn't even needed; that it was a done deal. And that's kind of what's being talked about there as a weakness.

And as a participant on that working group I would, in my opinion, say that that was a weak point and the way that all came about. I think we

successfully got beyond that but it is something we had to work on in that working group. Marika, please go ahead.

Marika Konings: Yeah, this is Marika. Just a general note in relation to your comment on GAC involvement or participation and that may be an issue where, you know, the working group at this stage just wants, you know, to make a note of that the discussions that are going on on early engagement are specifically focused on, you know, the GNSO PDP.

However, if, you know, the working group comes up with an alternative mechanism or, you know, procedure by which the Council could develop advice or guidance or whatever form it may take that may be an area as well that would need some consideration as to how other SOs or ACs may want to have, you know, an input on that, feedback on it or whether that, you know, is not appropriate at that stage.

So just thought that was maybe something that we may want to take a note of as we look at an alternative mechanism whether that is something that needs to be factored in and possibly looking as well at what is coming out of the conversation between the GNSO and the GAC on how early engagement can be ensured in the context of the PDP process.

Chuck Gomes: Good point. And I think it's fair to assume that - this is Chuck again. It's fair to assume that we can - whatever we talk about can probably apply to either a PDP or a less formal non (unintelligible) policy process like guidance or something like that. Let's jump to Greg.

Greg Shatan: Hi, it's Greg Shatan, also a participant in that working group. And I think another weakness was a relatively lack of INGO participation. We had the ISO, International Standards Organization was there and then we had, you know, the - and that was really about the only one I think who participated regularly, maybe Universal Postal Union, but that's I think an IGO and not an INGO.

And there was also I think both a lack of participation and kind of a late arrival to the group. And I think another weakness was that some members were, you know, not in there to do the work of the working group as a whole but solely to work on, you know, the kind of issue points that they were kind of hired to deal with.

I know we all come to working groups with some point of view, open minded or not, but I think most people who come even if they're coming to, you know, represent the interests of a particular party or point of view also, you know, get down into the rest of the work of the working group.

And I think that was, by and large, true of this group but I think there were some participants who were kind of like one-issue candidates in a sense; they were kind of one-issue participants and if it wasn't their issue then they weren't giving anything to the work of the group.

Chuck Gomes: Yeah, that's a good observation. Thanks, Greg. Both of those are good.

Greg Shatan: And...

Chuck Gomes: Now with regard to the INGO participants technically I think the Red Cross and the IOC are also INGOs but I think your point's still valid that they were the only INGOs and there are lots of INGOs out there.

Greg Shatan: Right. And also the Red Cross and IOC were coming in with kind of a long track record...

Chuck Gomes: Yeah.

Greg Shatan: ...of working with ICANN and really I don't - I think they were more concerned with their sui generous position than with kind of linking their position and interest with other INGOs. I think they - to some extent more interested in

distinguishing themselves from the other INGOs than in finding common ground with them.

Chuck Gomes: Yeah. This is Chuck again. And I think that - in my opinion, that was more true of one of them than it was the other; the other was participating a little more broadly. I don't know...

((Crosstalk))

Greg Shatan: Yeah.

Chuck Gomes: ...to identify which one's which so, thanks, Greg.

Greg Shatan: And I think the last weakness that I would mention - this kind of harks back to some of the earlier discussion by others was the utter and complete disconnect between the work the GAC was doing at the same time on the same subject matter and the work that we were doing.

And that is, you know, still a problem really up to the present day in terms of how the Board is dealing with GAC and GNSO both, you know, giving policy items - I use the word items because that has no meaning in ICANN-land - giving policy items to the Board on the same subject at different times with different results. And I've so far found the Board's viewpoint on how to deal with that unsatisfactory.

But I think that a lot of that could have been solved if there was some kind of coordination or methodology for, you know, bringing - either bringing the two together or at least, you know, recognizing this wasn't kind of some sort of race to see who could, you know, finish policy first and thereby be kind of the incumbent with policy.

And I think it was this whole - I've nicknamed it policy clash issue, I think undermine the whole working group and its results and that continues to echo. Thanks.

Chuck Gomes: Thank you, Greg. Chuck again. And that's another really good observation because I'm in total sync with you on that. And I like the fact that you didn't just attribute it to the GAC, it was the Board as well. That's very good. Thanks.

Let's go to J. Scott.

J. Scott Evans: My comment is - Greg has said a lot of what I was going to say. It's really with regards to the last point and that is my view, with this and some of the other things there's just this huge amount of procedural confusion. Nobody can tell you, you know, what the procedure is, what the effect of the work is going to be, you know, whether we're required - because I know if you talk to members of the GAC they would tell you that clearly in answer to Greg's question they trump everybody and they don't have to reach consensus.

So there's this whole idea of nobody really understands and has explored or explained how it all fits together and what those ramifications are. And I think it's the - an overall procedural confusion. Nobody knows.

Chuck Gomes: J. Scott, let me ask you a question. This is Chuck again. Do you think that the way the Board handled this amplified that confusion?

J. Scott Evans: I am almost certain that if you talk to Board members they are as confused, if not more confused, than most people. And I do not mean that as a criticism. I mean, that as a reality.

Chuck Gomes: Yeah.

J. Scott Evans: That everyone in this organization owns. It's not placing blame on anyone. It's because we have failed to have this as an open honest discussion.

Chuck Gomes: Now one more question. Chuck asking it again, J. Scott. Do you think that there - that confusion applies to the participants in the working group process as well - in the GNSO?

J. Scott Evans: I think there can be tremendous confusion on the part of the working group as to what effect the outcomes and their work have and what the ultimate resolution - how their work figures into the ultimate resolution.

Chuck Gomes: Thank you. I think those are great comments that I think we're going to be able to derive from a lot of the stuff that we're coming up with. It'll help us in our recommendations. Well said. Alan, you're next.

Alan Greenberg: Thank you. Two things that aren't really comments so much about that working group but lessons that I think we need to take forward. And I'm not quite sure where they fit but they fit as a result of the issues that we - they come up as a result of the issues we've been discussing.

                  The first is the issue of - I don't remember what Greg called them, you know, one issue people; people who were there not to generate good policy on behalf of ICANN but to meet their particular needs and targets.

Chuck Gomes: So you're - if I can jump in, Alan, as we go here. So that's very similar to what Greg said I think...

Alan Greenberg: Well I haven't said anything yet.

((Crosstalk))

Alan Greenberg: I want to talk about it. I think it's a fact. What Greg said is indeed a fact and I'm agreeing that there were people who took that position. However, I

suspect, as we get into things that are going to be more controversial and we have a structure which allows people to come and essentially fight for what they want, we're going to see more of that.

And I think the processes that we come up with have to acknowledge that existence and perhaps needs to change the ground rules a little bit because it's - I think it's fine for people to be there to meet their ends. What we also saw, however, was almost an intolerance that if the group wasn't agreeing with them that the group was wrong. And that generated a whole lot of tension.

But I think the existence of people like that is going to increase. It's one of the results of completely open membership into working groups and talking about issues that are going to be of interest to them both financial and otherwise. So I think we have to remember that as we go along and not treat it purely as an ill we have to fix but understand it's a situation we're going to have to deal with.

Chuck Gomes: Good points. Anything else?

Alan Greenberg: Yeah. The- now I'm trying to remember what it is. Give me a second. It's completely skipped my mind now. Go on to someone else and we'll come back.

Chuck Gomes: Okay, will do.

Alan Greenberg: I hope.

Chuck Gomes: Thanks. Thanks, Alan. This is Chuck again. Greg, you're up.

Greg Shatan: Kind of going - following up on what Alan had to say, I was reading an analysis of kind of ICANN working groups and policy that Sam Lanfranco, who's in the NPOC, wrote. And he had an interesting name for those of us

who may have come here with an issue or a viewpoint but have somehow gotten, you know, subsumed into doing work that goes beyond the scope of our narrow initial reason for participating at ICANN and he called it the Good Samaritans.

And I think that, you know, there are a number of folks - and I think probably everyone on this group - in this group just by joining this group would probably fall into the Good Samaritan category.

But I think that was an issue was that some people there were very vividly not - did not have any kind of Good Samaritan aspect to their participation in the group.

I have nothing against them, latent self interest, but, you know, just naked one-issue activity and that kind of opposition - both an opposition and also never kind of picking up any of the neutral work of the group whether it's, you know, taking notes or dealing with something that's, you know, purely ministerial that's not an issue issue so to speak, you know, all of that I think is troublesome.

And I agree with Alan that we need to find a way forward in - when we're dealing with policy issues to insist, in a sense, that even if you're coming for the feast that you also have to wash some dishes as well. Thank you.

Chuck Gomes: Thanks, Greg. And just a follow up on that and kind of a question I guess, and it - I guess it's more of a follow up than a question but it seems to me that we're going to - like Alan said, we're going to have the one-issue people and we need to, you know, accept that and deal with it.

But one of the things I saw as a problem by certain one-issue people is that they kept repeating the same stuff over and over again and so it was not constructive. We heard them the first time and maybe the second time is

okay but hearing the same stuff over and over again as if the rest of us were all ignorant was not very constructive.

And I'll stop there and let's go back to Alan. I think he remembered.

Alan Greenberg: Yeah, thank you. On that subject we'll stay for a second. The point I was making was that I don't think we can do what Greg just said, that is insist they wash dishes too. I think we are going to have those people and we need to set ground rules as to how the participate. And I think one of them, Chuck, you hit on right now.

Just because you haven't gotten your way yet doesn't mean you get to say the same thing over and over and over and over again. You know, that's not the way we want anyone to behave on our working group and certainly not those who are espousing a very particular and personal position.

So that's the kind of thing I think that I was talking about when I said we need to have ground rules and acknowledge that there are going to be people like that in our working groups and we need to know how to handle them. So, you know, I don't think we have any answers but I think the kind of issue that we're going to have to confront.

The other issue I forgot, and it's a vague one, this working group had perhaps, with the exception of vertical integration, are the only ones I can remember that had really complex problems with multiple answers that could not coexist. We could not find common ground because there were always people pushing for the end points.

And I'm one of those people who believes that if the PDP is truly working coming to a deadlock situation is not an acceptable outcome because it just punts the situation to the Board. And somehow we have to start thinking more about how we make PDPs work to address these kind of difficult situations.

And, again, no answers. And maybe the PDP it self can't but it needs to pass on wisdom to, you know, to the Board or to the GNSO or whatever. And, again, these really difficult PDPs, which have real problems coming to an end point I think are the ones that we need to focus on as we build ground rules going forward because those are the hard ones; the easy ones we know we can do already.

I'm not sure that's really clear but the best I can do at the moment. Thank you.

Chuck Gomes: Thanks, Alan. Chuck again. And it's clear to me, I think. And I'm going to throw something out as an example and some of you may totally disagree with me on this and that's perfectly okay. But I - and this happens to deal with an issue that a lot of the work happened before we got to the current PDP and that's related to Whois.

And everybody I think knows the log jam we've had for 10, 12 years on very much progress on Whois. In my certainly very personal opinion the use of these Expert Working Group may be an example of how to address - just one example of how to address very complex problems. I don't know if any of you have had a chance to look at their work either in their final report for some of the stuff they did earlier.

But that, Alan, I relate very much to what you are saying as that may be one sort of an example of how we may deal with very very complex and controversial problems. And there's a lot of work still to do on that but that's why I think that you're onto something there. If we can come up with ways like that that may help break the logjam or maybe just help us discover that there is no compromise that'll work that might help.

Thanks, Alan, I like what you said there. Is your hand so what?

Alan Greenberg: No that's a new hand.

Chuck Gomes: Okay.

Alan Greenberg: Triggered by what you just said. If I can translate what you just said with regard to the Expert Working Group, which is going to be followed by a PDP...

Chuck Gomes: Right.

Alan Greenberg: ...is that's perhaps sometimes we jump into a PDP to come up with the answer when we're not ready for it yet.

Chuck Gomes: Well said.

Alan Greenberg: And there may be an interesting lesson there.

Chuck Gomes: Yes.

Alan Greenberg: That certainly was the case with a vertical integration. We wanted an answer so bad and so quickly that we started a PDP. And, you know, we weren't ready for it. We may never be ready for it but we certainly weren't at that point. So...

((Crosstalk))

Alan Greenberg: ...it's an interesting lesson.

Chuck Gomes: It is. Thank you.

Alan Greenberg: Thank you.

Chuck Gomes: Okay, any - so this has been a great discussion on this. Any other weak points or anything else anybody wants to add on this particular column? And

as I think everybody realizes, the real value in talking about especially the weak points is probably the lessons - well it applies to the strong points as well but lessons learned that we can then translate into principles. And so this is going exactly where I think we - it's useful for us in terms of our tasks.

Okay, if there's nothing else on that one, let's go to the next column.

Anne Aikman-Scalese: Chuck, it's Anne. I'm sorry for all the noise.

Chuck Gomes: That's okay, go ahead, Anne.

Anne Aikman-Scalese: May I ask a question about lessons learned? Is there a category on the chart for that? I'm trying to remember, I looked at it yesterday but that was a great discussion and it was really interesting to hear all the comments that were made. And I'm wondering if there's any way to capture those lessons learned?

Chuck Gomes: Marika, do you think that we should add a row underneath the weak points that would be lessons learned or do you think we can capture that another way?

Marika Konings: Yeah, this is Marika. I think we're already capturing it as part of the notes and, you know, please feel free as well to add or tell me if I've captured something wrong because for some of them I think I've already tried to put in brackets some of the ideas that came out as well of, you know, what we should be thinking of. And we've already started capturing some of the notes here in the pod that we can also integrate here or in the actual template itself.

So I think where we are trying to do it but I guess, you know, at some point or at least I think once we've gone through this exercise of all the pros and cons I guess what we may want to do is try to draw upon that okay so indeed what are, you know, indeed the lessons learned or what are some of the basic

principles that we would need to take into account dividing this, you know, guidance or advice process.

You know, what are the pros or what other things we should do more of and what are the things we should do less of basically?

Chuck Gomes: Yeah, this is Chuck again. Anne, does that work for you or do you think we should add a lessons learned row? I'm not advocating one way or the other but feel free to speak up on that.

Anne Aikman-Scalese: I'm sorry, I was on mute. It may actually be worth noting as we go through these, you know, in the notes lessons learned, colon, and then trying to summarize some of the things that people said. And if - when people are reviewing minutes if we don't agree with that particular, you know, summary of lessons learned we can comment on them the minutes accordingly.

But it seems as though it would be great to have a way to outline those principles of lessoned learned in a really concrete manner that would inform the formation of, you know, any sort of policy guidance process going forward. Thank you.

Chuck Gomes: Thank you. Much appreciated. So I think I heard the suggestion to add a row. Is that okay, Marika? Don't worry about in all of your notes transferring them right now, we can take care of those...

((Crosstalk))

Marika Konings: Yeah, this is Marika. I actually saw that Anne just said that we should mark it. And what I started doing is doing exactly so like a kind of lessons learned in the notes and after that kind of, okay so what did we learn or what are we suggesting we may be doing so I started doing that so I don't know if that still needs another row or just by marking it like that we are capturing it the same way.

Anne Aikman-Scalese: Yeah, my original suggestion, Chuck, was to do exactly what you said, to add a row in the chart. But I heard Marika pushing back on that and saying that she didn't really think that was workable so I don't know, you know, just however folks want to do it that...

((Crosstalk))

Marika Konings: We can definitely add an additional row if people prefer that. And that's not an issue; it's more that it's then - by doing the lesson learned you can immediately link it to what, you know, the point is that triggered that lesson learned otherwise you have it separately but either way, you know, we can easily add an additional row, that's no issue at all.

Chuck Gomes: So this is Chuck again. So let's go ahead and proceed this way unless - but we may still come back and want to add a row because I think it's - that's okay. Anne, it sounded like you were going to say something.

Anne Aikman-Scalese: Oh just I would go with whatever the group feels as far as, you know, the adding a row question. Sometimes things in notes tend to get lost and so I'd probably favor adding the row for lessons learned because then you can assign the lesson learned to the discussion on the particular policy process that was followed.

So it might, you know, provide a better context to connect it to that particular discussion like - in this case to the RC/IOC and, you know, NGO/INGO discussion, lessons learned from that particular process. That was the reason I suggested putting it in the chart but I don't know how others feel so.

Chuck Gomes: Does anybody - this is Chuck - does anybody else want to comment on that? Do you have a preference one way or the other? Marika, is that a new hand?

Marika Konings: This is Marika. This is actually a hand related to another comment I wanted to make not to this issue.

Chuck Gomes: Oh okay. Go ahead.

Marika Konings: No my other comment was actually coming back to the point that Alan had made on, you know, we sometimes dive too quickly into PDPs, you know, without actually being ready for it. And so I think there are several examples of a PDP where actually I think from a staff perspective we said do some more data gathering, do some more discussion first. Let's not rush into it. But we were basically completely overruled and, you know, the Council went ahead and initiated anyway.

Also in the PDP manual specifically provides for that kind of forum of having, you know, some conversations first, think it through, you know, make sure you have enough data before you actually move into, you know, requesting an issue report or the next phase.

But it is one of the areas I think that's indeed very little used or known. And, you know, as you said maybe the Expert Working Group is an alternative way of looking at that but definitely flexibility in the PDP to do those kind of things, you know, within the framework that we currently have.

Chuck Gomes: Thank you, Marika. Alan, go ahead.

Alan Greenberg: Yeah, Marika's right, there are processes we could use but we generally don't. And if you look at both of the cases that I gave as examples, and I'll come back to yours in a moment, Chuck, they were both things where we were under the gun to come up with an answer. You know, in both cases the gTLD program is about to launch or is about to be finished or whatever and we need answers and we need answers fast.

And that's problematic and, you know, it's also part of the world that things happen and you can't control them or everything around you. But nevertheless I think we have to understand why it happened and maybe we'll learn something from it.

Whois is another good example but look at what we did. We decided after the last Whois fiasco - the PDP fiasco that is - that we would now do some studies so we understood the issue. Seven years later, we've now decided the studies are done, which happens to coincide with the Expert Working Group which was launched completely parallel to it.

You know, so that's the case where we did decide to do other things first and we pushed the subject off for seven years. That's not probably considered an ideal situation either. But, maybe we'll learn. Thank you.

Chuck Gomes: Thanks. Now, Alan, Chuck again. Should we put rushed answers, that was my shorthand for that, as a lesson learned?

Alan Greenberg: Well, if you look at all three cases so far we have not had a PDP conclude which ended up with the definitive answer with a bow tied around it. The vertical integration ended effectively in stalemate and punted the issue. Whois we're still playing through that story.

And on the - the IGO protection we ended up with a partial set of things that we could compromise on but were not a cohesive set of overall, you know, recommendations. It wasn't a self-contained policy as we would normally think about it. So I don't know what to say. We have a lot to learn? Maybe we're never going to be able to do this kind of difficult thing. But that's the world we're working in right now.

Chuck Gomes: Okay, I'd like to move ahead to the Board request for GNSO to consider defensive registrations. And let me start with a general question like I did on the previous one. Is there anybody that needs some background information

on this beyond what is included in that column already? So we're in Column 5. Not hearing or seeing anyone.

I noticed that we don't have any strong points listed for this one. Do we - is that because we don't have anybody that was very actively involved in that or maybe just not having the time to suggest any in fact - suggest any strong points on that one.

Marika, please.

Marika Konings: Yeah, this is Marika. The reason probably why there's nothing here is that the Council basically didn't do anything. This is one of the items where there was a specific Board request. Staff tried to, you know, I think do a bit of the issue scoping or at least, you know, provide some guidance on what were the areas the Council could be looking at.

I think we had it on the action list for quite some time but there was really no one actually willing or interested it seemed to do anything about it. So as a result I think at some point after it was on the list for - I would even say and I need to look back when the request was made - the request was originally made in April 2012.

And then eventually I think on October 2013 they formally decided, you know, after staff encouraged them to look, is this something we should leave on a project list or not to actually say, no, we're not going to do anything about it and let's remove it from the project list.

So I'm not really sure indeed what the pros and cons of it there are but it would indeed interesting to hear from I think those that at least were aware of that request why they believe, you know, nothing actually happened and, you know, despite it being a Board request for input.

Chuck Gomes: Thank you, that's very helpful information, Marika. Chuck speaking again. The - is there anything we can learn from that exercise or lack of exercise? Is this then maybe an example that we should delete from our list? Greg.

Greg Shatan: I wouldn't delete it because I think the fact that it failed in a sense or that it, you know, never kind of got out of the gate is itself a lesson learned. I think probably need to zero in more specifically on why it didn't get out of the gate, also why the Board, you know, initiated the question.

And I think this goes back to one of the, I hope for goals of this working group which is to develop guidelines for lightweight policy guidance from the GNSO either, you know, by way of coordination by the GNSO Council or - and I don't favor this - by the GNSO Council kind of acting on its own.

And, you know, so this is, you know, in essence a request made for which there is no proper response methodology, which is I think - and maybe part of the lesson learned is if there isn't a way to respond not as likely to get a response as well.

Chuck Gomes: Okay. Thank you. Mary, please.

Mary Wong: Thanks, Chuck. And following up on Greg's points and reasons I think we listed this because one of the things we started off with to try and get a sense of the range, diversity and type of request that come into the GNSO whether from the Board or some other body.

So I'm with Greg, I think that we could retain this and maybe the group can consider some further comments along the lines of what he suggested. But we might want to retain this just for thoroughness at the very least.

((Crosstalk))

Anne Aikman-Scalese: Chuck, it's Anne. Could I get in the queue on this one?

Chuck Gomes: You're in.

Anne Aikman-Scalese: Thank you. I wonder if we should be considering some what I call quality service type standards in relation to requests from the board to the GNSO such as, you know, time limits for when GNSO responds one way or the other to the Board for such a request saying we're working on it or we, you know, we need the following additional information or, you know, something that in the world of say customers if the GNSO, in particular, wants to increase its influence on, you know, how the Board makes policy and if the Board sends such a request I think it's - I think kind of streamlined process should potentially include some timeframes for responding.

Chuck Gomes: Well, Anne, let me ask you a question. It's Chuck. With regard to that because as Alan has pointed out he pointed out some examples of cases where there was a time limit and it didn't work still. So do you think that, you know, in a multistakeholder bottom up environment time limits become fairly challenging and especially when you consider everybody's very busy; in some cases there are just not resources available to and people end up picking topics that are higher priority and not spending time on the other ones.

So how do you react to the idea of the suggestion of time limits in that in some cases where there have been short time limits it didn't seem to work?

Anne Aikman-Scalese: Well, I think that they would be more in the nature of guidelines or goals than they would be, you know, limits. And I guess maybe I'm speaking specifically about if the Board generates a request for guidance from GNSO Council or from GNSO that it's appropriate to, you know, provide some sort o response so that we don't get, you know, well we sent that out to GNSO and they never responded.

And I do think it's really difficult in terms of how to juggle priorities but I also think there should be some sort of logging process whereby the request coming from the Board for input on a question like that, you know, gets logged and followed up on on a regular - at least goals for timeframes for some kind of response. Here's the status of, you know, the Board request to GNSO for input on X issue and maybe even like a chart, you know, kept on that.

Now maybe staff, you know, already just keeps such a chart. But I don't know that it's at the top of mind of GNSO chair, for example, to have those things be documented and, you know, develop goals for responding to the Board with policy issues.

Chuck Gomes: Thank you, Anne. This is Chuck. Before I go to Alan and Greg so I think you came up maybe with a lesson learned with regard to this one. And let me try it and see if you agree.

Your log and response comment in this particular case, because it dragged out a long time, that might actually be a lesson learned from this particular effort even though it didn't go anywhere. Did I say that correctly?

Anne Aikman-Scalese: Yes. Yes, and it's not to say that one has to give an answer within a certain, you know, hard timeframe and you've got to have the answer and, you know, you've got to deliver it in 30 days. It's to say, you know, let's log that request from the Board because that's important because GNSO makes policy, you know.

And so let's figure out how we're going to get a status report back on that request within hopefully a goal timeframe and, you know, keep monitoring that on a regular basis.

Chuck Gomes: Okay, thank you very much.

Marika Konings: Chuck, could I respond?

Chuck Gomes: Yes you may.

Marika Konings: Yeah so this is Marika. So that's actually something we are already actively doing. You know, one mechanism is the project list which, you know, we update on a monthly basis and send to the GNSO Council which currently flags, you know, which open or outstanding items there are for Council action. And, you know, this was one of the specific items that was on there every month but still didn't really trigger any response including as well, you know, the anticipated I think deadline by the Board.

But we also similarly do that for, you know, items that are maybe not projects per se but specific, you know, Council or Board requests for input. We track those in the GNSO Council action list gets posted on the wiki page and which is also reviewed at the start of every Council meeting and serves as well as a reminder.

So in that sense I think that does really work as a reminder of which are some of the open items that, you know, the Council is expected to provide input on so that triggers normally as well a kind of decision of are we going to provide input and if so how are we going to do it. And if not let's decide that we're not doing it and indeed take it off our list or respond to whoever asks for it and, you know, close that item.

So I think indeed from the defensive registrations I think we've already, you know, come a long way at least to not have things linger on for so long but actually kind of force the Council to make a decision on whether or not to do something.

So I think Anne's point is very well taken but I think it's actually something that we're already doing and showing its effects by closing out items and also being able I think for the Council to be more responsive on some of the

requests we've had for either, you know, comments or input or feedback on certain items whether it's from the Board or other groups that operate within ICANN.

Chuck Gomes: Thank you...

((Crosstalk))

Anne Aikman-Scalese: Chuck. Yeah, Chuck, it's Anne. I do have a comment on that.

Chuck Gomes: Go ahead, Anne.

Anne Aikman-Scalese: I think that staff is very conscientious and it doesn't surprise that they're alerting Council to various action items at various times and before every meeting. But here we're actually talking about potentially constructing a process that very loosely might be called, you know, policy guidance that just might have its own framework and own set of, you know, timeframes and really exists independently of staff's responsibilities.

But, I mean, staff would of course comply and communicate in accordance with that framework but I'm suggesting that it would be appropriate if we are going to develop an informal sort of policy guidance process to include timeframes for response as goals within that process. Thank you.

Chuck Gomes: Thank you, Anne. And what my suggestion on this one, before I go to Alan - sorry Alan and Greg and J. Scott - but even though the Council and staff has started to do something on this I think we should still capture it as a lesson learned and then we can note that they are making progress on this and acknowledge that. So let's go to Alan. Sorry to keep you waiting, Alan.

Alan Greenberg: Now I have to see if I remember what I wanted to talk about. But I actually do this time. Time - deadlines rather. We have a very mixed history with deadlines being set by the Board or whoever it is that gives us a task. At

times it has been a very effective tool to get people to focus on an issue and come up with an answer.

Usually if there's a threat that goes along with not meeting the time delay - the time deadline. We have also had some spectacular failures because of not only the delays but the way in which they were enacted in at least one case the way in which they were a moving target that kept on being changed.

So targets and deadlines I think in general are a good thing of focusing the mind. They have to be reasonable and they have to be done in a reasonable matter and that's harder to enforce. Thank you.

Chuck Gomes: Thank you, Alan. Let's go to Greg.

Greg Shatan: Hi, it's Greg Shatan. This is not about time limits but going back to the actual, you know, issue of the Board request to GNSO to consider the defensive registration issue. And I'm trying to furiously, you know, play catch up ball both refreshing my recollection and doing some research while we're having this discussion to see what was kind of going on that time.

And, you know, it's clear that what was going on at that time in which kind of maybe preempted the GNSO Council's consideration of the defensive registration question was that the straw man proposal was working its way through the - whatever process the straw man proposal worked its way through and that included discussion of - or possible resolutions for dealing with the defensive registration issue such as the, you know, limited preventive registrations which was ultimately not adopted.

So I think that there was kind of a - things were happening on parallel tracks, which I think, you know, one lesson, you know, to be learned from that is that there's, you know, issues will bob to the surface regardless of what, you know, action or inaction the GNSO Council takes on them.

And whether that's good or bad is, you know, obviously, you know, up for much debate and the, you know, straw man proposal is one of the possible, you know, predicates for this whole policy and implementation discussion that NPDP and Working Group that we're involved in.

But I think that, you know, perhaps that's why the GNSO Council itself didn't deal with it. I would have to go back and, you know, slog through the ListServe or, you know, talk to some of the people who were on the Council at the time would have to kind of discuss why the Council never kind of - how the Council dealt with it even if they didn't, you know, see it through to a resolution it certainly was on the agenda and certainly was being talked about, you know.

So, you know, I think there may be - I'm not quite sure what lesson there is to learn from that but that, you know, a Board request to the GNSO Council isn't necessarily going to be what ultimately results from an issue kind of being out in the wild. Thanks.

Chuck Gomes: Thank you, Greg. And note - and I think everybody knows this that a couple columns ahead of us we're going to get into the straw man proposal so we'll get a chance to talk about that in more detail. Let's go to J. Scott.

J. Scott Evans: I just wanted to put something in both columns. In the strong point column I think it's a strong point that the Board actually reached out for guidance because that's how it's supposed to work.

In the weak point I think failure to provide any response for a prolonged period of time makes the GNSO Council look ineffectual.

Chuck Gomes: Well said.

Anne Aikman-Scalese: If I were on Adobe I would say "Agree."

Chuck Gomes: Oh okay, thanks Anne. Appreciate that. And I see Greg's agreeing to. I think probably all of us do so thanks for that very much. Alan, go ahead.

Alan Greenberg: Sorry, that was an old hand.

Chuck Gomes: Okay. So...

Alan Greenberg: I'll lower it as soon as I find it.

Chuck Gomes: ...does anybody, before we move on - does anybody have any other lessons learned or strong or weak points for this item? Okay. Chuck speaking again. And actually I think we got some good things out of this in terms of our objective.

                 So let's move on then to the next column which is GNSO feedback on the Whois Review Team final report. And of course just to refresh everybody the Whois Review Team was one of the AOC review teams and does anybody need any more background besides that?

                 Okay, so let's go to - we don't have any strong points listed on this one nor do we have any weak points. So let's see if we can come up with some right now. Does anybody want to start the discussion on that or including asking questions if you need some clarity on this one. J. Scott.

J. Scott Evans: The Board sought input from the GNSO before taking any action.

Chuck Gomes: Okay.

J. Scott Evans: That's a strong point.

Chuck Gomes: Good. Someone else.

Alan Greenberg: Sorry, I stepped away for a moment, which one are we on? It's Alan speaking.

Chuck Gomes: We're on the one titled GNSO feedback on Whois Review Team final report.

Alan Greenberg: Okay thank you.

Chuck Gomes: Okay? And we're just looking for some strong points, weak points, lessoned learned, on that particular effort.

J. Scott Evans: Thank you.

Chuck Gomes: Alan, please.

Alan Greenberg: Well, one of the lessoned learned if we look at how the GNSO handled it it was less than optimal. We went through that with several iterations almost inventing what we were going to do along the way because if you remember correctly the first potential answer to it was deemed to be quite unsatisfactory by many people because it had a lot of words in it but it didn't really say how the GNSO or its components felt or it said how they felt but didn't attribute it to whom so you had to play a guessing game almost.

                   So that's perhaps the first time that we ever tried to come up with an output of the GNSO without some formal process that it was just sort of an ad hoc process and it didn't work real well and that's not surprising since it was the first time we tried it. And...

Chuck Gomes: So that's a...

((Crosstalk))

Alan Greenberg: ...I'm not quite sure what the lesson...

Chuck Gomes: Is that a lesson learned that ad hoc processes may be suspect?

Alan Greenberg: Certainly ad hoc processes require more iterations to get something which is satisfactory.

Chuck Gomes: Okay that's a good way to say it.

Alan Greenberg: I mean, that particular one was - it's awkward in a number of ways to talk about it because the project was also assigned to a brand new councilor who didn't have a lot of experience on Council. And, you know, perhaps wasn't fully aware of some of the politics and issues. It just made the process harder.

Chuck Gomes: Is that a weak point?

Alan Greenberg: Yes but I wouldn't want to put that kind of thing in a document, that's not fair.

Chuck Gomes: Okay, all right. That's fine, I understand. Thank you. Greg.

Greg Shatan: Greg Shatan. I guess and two things. I think we should find a politically correct way to save Alan's last point because I wouldn't want to lose it entirely. You know, maybe, you know, by taking the reverse, which is as a lessons learned which is that it's best when a GNSO councilor, you know, takes on primary responsibility that they're, you know, well versed in the issues and experienced in Council procedures.

Alan Greenberg: And if I may jump in - it's Alan. Perhaps when you're trying to do something on the fly it's best not to be done by one person.

Greg Shatan: Yeah.

Alan Greenberg: But to assign a group.

Greg Shatan: Yeah and I think the larger lesson learned here - and it goes back to what I said, you know, in the previous column is that we need to have a non ad hoc process for lightweight policy guidance, whatever that may be so a lightweight policy guidance process. And I will add another acronym to the - to ICANN, the LPGP; we need an LPGP. Maybe that won't catch on but I think it's pretty fetch.

Chuck Gomes: Okay. Marika guess.

Marika Konings: Yeah, this is Marika. That's my alter ego there. No, I think exactly to Alan's point...

((Crosstalk))

Marika Konings: Sorry. I think to Alan's point and also what Greg tried to translate on, you know, ideally maybe it shouldn't be done by one person but I think that it's best especially in cases where a topic is deemed pretty controversial or where it's known that there are a lot of different viewpoints which I think is - probably Whois is probably the prime example of that.

Because I think in some of the other examples which we may get to at, you know, at the later stage of the review chart I think there were some where there was indeed one pen-holder but either there was indeed sufficient discussion that the Council level to have those different viewpoints heard for that person to be able to distill it or it was an issue that, you know, there was a relatively common viewpoint on it which, you know, did enable one person to actually hold the pen and, you know, be able to write a response or a first draft that was, you know, broadly accepted by the Council.

So I think that sometime the pens as well and there may not be a, you know, one size fits all but it never should be one person because reality is as well with many of these things and as something I think we see more - more and more now with, you know, so many things going on that it's sometimes really

hard to actually get more than one person willing to raise their hand to say I'm happy to prepare a first draft.

And, you know, in certain cases it's staff as well that, you know, tries to help out with that where ideally of course it's, you know, someone in the community that holds that pen and takes a first stab at it. So it's a - I think, you know, again not one size may fit all and but in certain cases like this one I think it's definitely a case where a broader group probably should have been involved in drafting of the first response.

Chuck Gomes: Thanks - thank you, Marika. Chuck again. And one observation on my part - one of the things I've found over the years is that it's okay in many instances to have one person take a first stab at something but it's really important to get a few other people to chime in and comment on that before going very far with it.

We've got a lot of static coming on - somebody may need to mute. Let me ask Olevie if he had something to say. Noise is gone. Marika, do you still have your hand up? You do still have your hand up, did you want it up?

Marika Konings: No, I'm taking it down, sorry.

Chuck Gomes: Thanks, that's all right, we all do it. Okay anything else on the - this item on the...

Anne Aikman-Scalese: Chuck, yeah, Chuck it's Anne.

Chuck Gomes: Okay, Anne. Go ahead.

Anne Aikman-Scalese: And I'm sorry, I'm probably the reason for the noise problem so I try to stay muted as often as possible. But this is a comment related to what Greg said about lightweight policy guidance and then, you know, we were talking about the number of people involved in analyzing an issue.

And I think one of the things that this group is going to have to try to wrestle with is when a request comes from the board or when, you know, there's a need to react quickly to something that could be considered a policy issue is it possible to develop any sort of framework for analyzing, you know, just how lightweight a question is this? Or is it really a heavy question?

Because the controversy that arises, as we all know, is whether GNSO Council can comment on it, whether it requires a PDP and then sort of a whole spectrum of things in between. And so I think one of the challenges facing this working group is is it possible to develop any sort of objective framework to analyze, you know, when such a request requires a PDP and when does it not require a PDP. Thank you.

Chuck Gomes: Thank you, Anne. Appreciate that. Any other comments on the Whois Review Team feedback? Okay. Then let's at least try to tackle one more. And actually the next two are kind of related but so we may not get both of them.

But the first one is the development of a trademark clearinghouse straw man proposal and with a comment there that it may be more relevant to consider as a possible model.

Marika, can you comment on that, the parenthetical comment there, please?

Marika Konings: Yeah, this is Marika. Because it's, you know, this is not really anything where the Council provided a response on or was asked to do something. I think it's more that this describes a process that was used for developing an implementation related proposal.

So as such I think we, you know, basically flagged that, you know, it's probably different from all of the other items that have been listed here which were specifically, you know, Council initiated or at least, you know, counsel effort to respond while this was, you know, kind of a different beast in that

sense as, you know, it did use a specific or a kind of new approach to try to come up with, you know, a straw man proposal, you know, which may provide some insight into how, you know, a possible model or process that we are looking at may do.

But, you know, we may need to separate it from some of the other items that specifically look at, you know, the ways in which, you know, Council organize a response or feedback or input to the specific request.

Chuck Gomes: Thank you. That's really important background. And on this one we do have some - some strong points listed in and some weak points so that will be helpful. Does anybody have any questions before we get into the strong and weak points?

Excuse me while I log back in. My screen went blank on me.

And I'm back in. Okay so I don't see any hands so there are no questions. Let's go over the strong points. So one strong point was, arguably the first instance of policy implementation development led by a facilitator who was Fadi.

And secondly, a bold attempt to bring differing viewpoints together to find solutions to nagging issues. And then an attempt to be less rigid in problem solving structures. Does anybody want to comment on any of those strong points including the person who put them in? And we had a couple of different people I think do that including I think J. Scott, a couple of those I think were yours recently.

Any comments on that? Alan.

Alan Greenberg: Yeah, the strong and weak points were mine, or at least the initial ones were; the ones in brown or whatever that color is. I think Marika is right, this is

something that we don't necessarily need to focus on to too much an extent. There are lessons however.

And it's interesting, at the time that this was done we were just starting to discuss things like having professional facilitators or, you know, arbitrators or whatever, a negotiators in to help come to closure on PDP discussions.

And at that point when they were mentioned in any public forums they were largely derided and laughed at. And two years later now, or whatever it is, we are now talking about doing this and having budget requests in to allow us to do this if we decide it's necessary.

So our thought process has evolved and things which are jokes one day become next day's reality. So I think there are some lessons learned. It was done in perhaps in good spirit by Fadi and those who orchestrated it with some pretty horrible outcomes in terms of how it was perceived by parts of the community. And in fact this working group is directly traceable to that.

So I think we're going to learn things from it. We'll try not to make the same mistakes. I don't know if we need to belabor the issues a lot more than they're already described there.

Chuck Gomes: Thank you, Alan. Any other comments on strong points? Then let's jump ahead to the weak points and we can always go back to the other one If somebody thinks of something.

So composition of the group not balanced - was not balanced. And then although remote participation was required it was poorly implemented. Okay. Good observation.

Purpose and intent was not initially well communicated to the community.

Alan.

Alan Greenberg: Yeah, just want to comment that there's shorthand there that people who weren't involved in the process may not quite understand and we may want to put poor wording, you know, be a little bit more verbose.

When I said that remote participation was required that's because these meetings were planned on relatively short notice and ICANN absolutely refused to fund many of the participants who wanted to participate in it and were told if you want to participate it's remote or nothing for pay your own airfare and get out of here tomorrow, which was not viable for many people.

Chuck Gomes: So, Alan, Chuck again...

((Crosstalk))

Alan Greenberg: That's the code. I'm just saying was, you know, it was planned on short notice. ICANN did not provide travel funds to many of the interested parties.

Chuck Gomes: Okay.

Alan Greenberg: And, you know, by not - by saying poorly implemented the - from my perception, and I was one of those remote participants who sat on the phone for 12 solid hours on one day, the discussions went round robin in the room and then every once in a while someone said, maybe we should look - you know, see if there's any remote participants who have their hands up who had had their hands up for a half an hour at that point. You know, it just wasn't carried out very well.

Chuck Gomes: Okay. Anything else on this item? Strong points, weak points, lessons learned...

((Crosstalk))

Michael Graham: Chuck, it's Michael.

Chuck Gomes: Go ahead, Michael.

Michael Graham: Yeah, just on the weak point slide and I guess it sort of summarizes some of what I believe were the (unintelligible). It was a process carried out without buy-in from the start; it was sort of imposed rather than developed.

And I think that's in part one reason why we are engaged in this discussion right now. So that was one of the two weak points; that it was imposed rather than an organic agreed to or discussed way of approaching it which, you know, perhaps was necessary at that point but that was I think one of the weaknesses.

Chuck Gomes: Excellent point. So an example of doing it top down without the community buy-in creates some limitations so. Thank you, Michael. Any other thoughts on this one?

Anne Aikman-Scalese: Chuck, it's Anne. I just had a question.

Chuck Gomes: Sure.

Anne Aikman-Scalese: It's sometimes difficult for me personally to understand some issues that seem to come top down in relation to, for example, registry and registrar contracting, you know, some of the things that come down on that side of things are just as surprising and just as, you know, appear just as top down as the whole straw man thing appears I think to the contracted parties.

You know, there was a debate for a while, for example, with respect to the whole issue of reserved names and reserved and premium names and a big discussion about that. And I think that, you know, some of the non-contracted parties may view how that whole issue came down on reserved names as a unilateral issue that maybe should have been a policy issue.

But again, I am not familiar enough with those lines to understand when a contract issue actually may involve the greater community from a policy standpoint. So I'm just learning, trying to understand and raising that example, you know, for discussion.

Chuck Gomes: Thanks, Anne. Chuck again. And before I go to Greg if I'm hearing you correctly, I think what you're talking about really is the thrust of what our working group is all about. So we know, for example, with regard to - we have better guidance.

I don't know if it'll ever be black and white. But better guidance as to when things should really be handled in a policy process or at least some mechanisms for making a decision on that rather than just making an implementation decision. Did I - and my understanding of what you said correctly?

Anne Aikman-Scalese: Yes, I think so. And I guess it's not surprising, you know, in a way where if folks think well they're going to get a better result if they just, you know, pursue it without invoking any sort of, you know, policy process. And if it's a bit of a free-for-all because otherwise you're going to lose and waive and all this kind of stuff than that inspires, you know, everyone to behave in the same manner, you know, as far as the kind of behind closed doors negotiations or whatever.

Even though, you know, I wouldn't call straw man behind closed doors but it also was not, you know, subject to a policy process. But, you know, I tend to from like the IPC side of things this whole topic of reserve names and how many of them there are, like, wow, you know, how is that not policy?

So but yes, I do - and the status of those names during sunrise in particular, you know, but, yes, I agree with you, trying to determine what really does involve, you know, a policy issue is part of the work of this group.

And particularly policy issues under the gun when we all know that we're not going to - it's not practical to take two years to decide an issue of this type. Thank you.

Chuck Gomes: Thank you, Anne. And before I go to Marika, and I'm sure she has some insight on this, is the issue of reserve names an example that we should add to our list of things to look at? Maybe I'll start with you, Anne, do you have a comment on that?

Anne Aikman-Scalese: I mean, I would be interested in looking at it but I, you know, because I know for example that some of the things that we're looking at within - into Internet committee work and, you know, hey, what about these practices with reserved and premium names that are causing, you know, some concerns probably it might be worth taking a look at that - how that policy on reserve names developed.

Chuck Gomes: Okay.

Anne Aikman-Scalese: Thank you.

Chuck Gomes: Thank you. Let me jump to Marika because she may want to comment on that and then go to Greg and Alan before we make a final decision whether to add that particular topic to our list. Marika. And if people can be fairly brief now I would like to before we close our meeting to talk just a little bit about where we pick up in London, okay?

Marika Konings: Yeah, this is Marika. Actually, Chuck, that was exactly the item I was going to a flag that we indeed only have five minutes left and in principle still I think for agenda items on the agenda and most particularly of coarse the agenda for the London meeting so I just wanted to note that.

Chuck Gomes: Good. Okay thanks, Marika. We're thinking alike there. Greg.

Greg Shatan: Hi, it's Greg Shatan. I guess I was going to comment that another weak point was that there was a, you know, perception by some in the community that this was an attempt to reopen a closed item, whether that was true or not, but that was a - I think a weak point.

And that may in part have come from the ad hoc nature or the, you know, new nature of how it was brought along. But I think that certainly, you know, didn't help the process as a whole.

Chuck Gomes: Thank you. Okay. And Alan.

Alan Greenberg: Yeah, just a very quick comment, the reserve names have slipped between policy and implementation, if you excuse that expression, over the years many many times because of names have been added and deleted from contracts without any discussion or policy decisions at all.

And it's, you know, it's one of those things that we have flipped back and forth about how we treat it depending on the detailed circumstances and which names we're talking about. So if we're going to add it we're going to have to do some homework and make sure we know what we're talking about. That's all.

Chuck Gomes: Thanks Alan. And let me ask a very brief question. Does anybody object to us adding policy on reserve names - and Alan's right, we're going to have to probably decide what we're talking about there but maybe it's with regard to new gTLDs. Does anybody object, at least for now, we can always change their minds later, adding that as an additional column?

Not hearing or seeing anybody. Let's do that. And let me jump right into the agenda for the face-to-face meeting in London. And of course everybody is welcome to participate but J. Scott, since you're going to be leaving it, feel free to jump in yourself.

And it seems to me that one of the things we can do - and then I'll jump to you, Marika, is picked up right where we left off here; if we add reserved names we'll have what, six more issues to deal with and deal with strong and weak points and lessons learned. And so that's certainly one thing we can do. That let me jump over to Marika.

Marika Konings: Yeah this is Marika. I just was trying to get clarification on what you wanted to add. I hear you now say reserve names but when did the Council take...

((Crosstalk))

Chuck Gomes: ...reserve names for new gTLDs. Anne, would that be okay?

Marika Konings: But is that a PDP or was that a Council...

((Crosstalk))

Anne Aikman-Scalese: It was really I think - I recall various discussions on this issue where one time it was - the thought was well, the number of reserved names should be limited. And then there was discussion back and forth in different - I guess they were conference calls with gTLD program head or something. And people were weighing in, hey, you know, we've always had the ability to reserve names.

And then others were saying but, yeah, but now we have this trademark clearinghouse procedure and sunrise and the value of entering - what's the value of entering your mark and a lot of discussion about well hey, what would be the effect of reserved names on the sunrise holders' rights.

And then I think the whole thing just kind of got resolved but I don't recall any, you know, particular policy discussions on it other than the way it came down was unlimited reserve names.

Marika Konings: Yeah, so this is Marika. It would be really helpful if you can send us the information because it's still not clear to me how this was a request to the GNSO or a response that the GNSO provided. So I'm not really clear how it actually fits in in this table. But, Anne, if you can send us the information we can see how to best put that in.

Anne Aikman-Scalese: I think the question is, you know, does the policy that made even if no request is sent to the GNSO? And there was no - the straw man solution, for example, and the reason I raise it here is an example where no request, as far as I know, was sent to the GNSO. But - and you're saying that that belongs in our chart.

And so, you know, but it's not because the request was sent to the GNSO that the chart, you know, it's not a condition that a request was sent to the GNSO is it?

Marika Konings: Well as said, if you can provide the information we can include it and the working group can, you know, discuss it.

Anne Aikman-Scalese: Yeah.

((Crosstalk))

Marika Konings: As I said, I'm not aware of what you're talking about so it's hard for me to find the information. But if you have it we just add it and, you know, let the working group discuss.

Michael Graham: Yeah, Chuck, it's Michael.

Chuck Gomes: Go ahead, Michael.

Michael Graham: Yeah, I was just going to suggest, as Alan said, Anne, I think, you know, there's a history of this and it's come at various times and various ways. And to help both our focus and as Marika is asking perhaps you could take the time - it's going to take some research and perhaps you need to pull together a couple of other people within the working group.

But to look at the various ways that this has happened in the past, how it occurred, whether it's just (unintelligible) or if there's been a request and a discussion like to put that together and then we can look at those various ways and perhaps save these worked and these didn't.

But I see Marika is is trying to get us focused because, you know, it's something we need to decide how these things happen even if they weren't requests to the GNSO. So I guess that's the research and the investigation that Alan was referring to.

Chuck Gomes: Thank you, Michael. And, Greg, I'll come to you in just a second. I wasn't actively involved in that particular issue but I really believe it was - were some implementation decisions that were made with regard to reserve names, just to give my perspective and what I think the context is.

Okay, and I see Greg's hand is down. Anybody object to us - obviously we're going to talk - we are the mentioned the fact that in London we will put a draft project schedule in front of people, talk about that briefly but just make it a working meeting.

And there will be remote access where we pick up where we left off on the correspondents on trademark clearinghouse straw man proposal and then hopefully we can get some background on the reserved names issue and that would be an added one. Any objections to proceeding like that?

Marika and Mary, any suggestions on your part? Marika, go ahead.

Marika Konings: Yeah this is Marika. And maybe we can also pick up on some of the items that we had in here, you know, the review of the work plan and, you know, make some suggested updates based on where the group currently stands and maybe also briefly look at the deliverable of 1c questions.

Maybe just to touch upon, I guess as a, you know, partly maybe the introduction as well to those working group members that, you know, haven't maybe been as involved or newcomers that are attending and just observing.

And just maybe one note still on the item I think that Alan and as well as Anne we're talking about, maybe that is actually one of the examples we - may be looking at in the context of the implementation review team and how are decisions or changes made as part of implementation related discussion as well.

I think here we're actually looking more at elements where indeed there was a specific request or input needed from the Council while I think once we get to looking at, you know, what happens at implementation and how are changes made there and what should be the process for that. Maybe that is where those examples are, you know, very relevant to review in conjunction with, you know, how implementation is currently being done together with implementation review teams.

But, I mean, still it doesn't prevent us to noting it here and looking at it so, you know, any information on that or any additional information...

((Crosstalk))

Anne Aikman-Scalese: Yeah, Chuck. I do have a real quick comment on that what Marika just said, highly relevant. May I just get one quick comment in before we closed?

Chuck Gomes: Yes.

Anne Aikman-Scalese: As we look back what happened with straw man solution, the debate at that time was is this implementation or is it the policy? And so we're really at the core here of what we're talking about because a lot about straw man solution was at the time certainly characterized, you know, as implementation. There were those who thought it was implementation.

And then what you just said about reserve names was that your view was that was implementation. So we're right in the heart of what the issues are here with implementation versus policy. I can recall even, you know, Fadi's blog about which aspects of straw man were implementation and which were not.

So, you know, as to what we delay for later versus what we put on this particular chart I don't know but this is at the core of implementation versus policy.

Chuck Gomes: Thank you, Anne. And I see Greg agreeing with you on that. And, yeah, I think it was - and first it especially was treated as implementation and then the question came up whether is it really all implementation. So I think you're right on target there.

Anne Aikman-Scalese: Thank you.

Chuck Gomes: Now let me make a suggestion or a request I guess. The chairs are going to meet - just us, we're not going to have a working group meeting next week. Some people will be - may be traveling already to London if you're going to London.

If you have any suggestions on agenda or certainly on this topic that could help out please send it to the list before next Wednesday so that the chairs and cochairs and staff have a chance to consider that in our meeting on Wednesday. Okay? And we'll keep you informed on all that.

Anything else before I adjourn? All right...

Anne Aikman-Scalese: Thank you very much.

Chuck Gomes: Thanks. I think it was very productive. I think we've got a lot of things that we're going to be able to use going forward. I hope to see a lot of you in London but if not and you can call in we would appreciate that for our meeting there.

Okay, thanks again.

Anne Aikman-Scalese: Thanks, Chuck. See you there. Bye.

((Crosstalk))

END