Policy & Implementation Working Group Meeting
TRANSCRIPTION
Wednesday 13 May 2015 at 19:00 UTC

Note: The following is the output of transcribing from an audio recording of the Policy & Implementation Drafting Team meeting on Wednesday 13 May 2015 at 19:00 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-13may15-en.mp3

On page: http://gnso.icann.org/en/group-activities/calendar#may

Attendees:
Alan Greenberg-ALAC
Chuck Gomes – RySG
Greg Shatan – IPC
Cheryl Langdon-Orr - At–Large
Michael Graham - IPC
Tom Barrett – RySG
Anne Aikman-Scalese - IPC

Apologies:
J.Scott Evans - BC
 Amr Elsadr – NCUC
Avri Doria – NCSG
Mary Wong - Staff

ICANN staff:
Marika Konings
Amy Bivins
Karen Lentz
Steve Chan
Berry Cobb
Nathalie Peregrine

Coordinator: The recordings have started. You may now proceed.

Nathalie Peregrine: Thank you very much (Colin). Good morning, good afternoon good evening everybody and welcome to the Policy and Implementation Working Group call on the 13th of May 2015.

On the call today I have Chuck Gomes, Cheryl Langdon-Orr, Alan Greenberg, and Anne Aikman-Scalese. We received apologies from J Scott Evans, Avri Doria, Amr Elsadr and Mary Wong.

And Greg Shatan, and Michael Graham, have noted that they will be able to join (unintelligible).

From staff we have Marika Konings, Karen Lentz, Berry Cobb, Steve Chan, Anne Bivins and myself Nathalie Peregrine.

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

Chuck Gomes: Thanks and welcome everyone to the call. We have I think four working group members on the call which is much lower than we usually have.

And Cheryl is it correct that you're not in Adobe right?

Cheryl Langdon-Orr: Not yet but I am getting there. I'm just coming out from...

Chuck Gomes: Yes.

Cheryl Langdon-Orr: ...1970.

Chuck Gomes: Okay. So we'll just watch that. In the meantime you know what to do so that's fine. And we have - so we have someone from Alan's here from ALAC. We have Anne from the non-contracted party house in the IPC in particular. I'm here from the registries and Cheryl what - who do you associate with now?

Cheryl Langdon-Orr: Oh I'm far from (unintelligible) yes. Just (unintelligible) anybody that I think I'm officially here from the At-Large community...

Chuck Gomes: Okay.

Cheryl Langdon-Orr: ...for you I think on ALAC.

Chuck Gomes: Okay good, thanks. All right and I've got - as was already communicated there will be a couple people joining us who I - I'm going to make a decision to go ahead with the meeting because it will be recorded.

And people have opportunity between now and next week to review what we discussed and comment on it.

And I'd like to hope that we might be able to finalize the final report for the council in our meeting next week and at least that will be the tentative plan depending on how we do today.

The agenda is pretty straightforward. If Anne is prepared -- and I'll give you a chance to respond to that Anne -- and if you're not that's okay. But we'll talk about comment five where the IPC has some concerns on where we've been tweaking the language and all that Marika helped us on that one and then take a look at the timeline document that staff did and talk about that briefly.

And then the goal will be to go through the document not necessarily looking at each edit that was - each red line edit that was made in the document. We'll have the document and the document in Adobe but rather to let people comment where they have comments.

I know I have - I've reviewed it and noticed some. But before we go through the document with any comments or questions or discussion we need to have on particular items in some cases that staff identified I'd - I'll open it up for

any general suggestions with regard to the final report and then we'll go through it in order.

So glad to see Cheryl made it into Adobe and that (Tom) has joined us so that's very good.

Now let me ask Anne. Anne I know you had promised to go back to the IPC and we understand if there hasn't been time for a response from the IPC yet. But I'll let you tell us whether we need to defer the review comment 12.5 to next week or is that something we can talk about now?

Anne Aikman-Scalese: Yes Chuck. Thank you. It's Anne for IPC. My comments on this are probably mostly informal going back to check on the original comments from our members prior to submitting the public comments.

And I don't think this is anything that the IPC is going to, you know, fall on its sword over. So I think, you know, there's some reasonable suggestions here.

The comment originally came from the - what appears to be an inconsistency between the situation where the board is asking for GNSO input. But say that they have, you know, GAC advice that they've got to resolve that differs or whatever.

And then it requires a super majority of the GNSO council to not initiate a GDP. But then once you get it initiated because of board has asked for it you could shut it down. The simple majority appears to be inconsistency.

I think on the other hand we have to sort of rely on the good processes of the GNSO Council, you know, that that would not occur.

And I think as long as, you know, any minority views are represented which as you can tell was one of the primary IPC comments and I think, you know,

that came in most forcefully in connection with a different comment that we made. And there were changes made to the final report based on that.

But I think, you know, that's the primary concern that the IPC is that the board, you know, in the situation where it's initiated by the board have the benefit of any work that's done in the GDP even if it's terminated.

So I, you know, we're not going to hold this up over that.

Chuck Gomes: Thanks.

Anne Aikman-Scalese: It need not be recorded as a minority view. It's just the emphasis on, you know, providing input to the board when requested from the board.

Chuck Gomes: And do you want it to be recorded as a minority view?

Anne Aikman-Scalese: Well not if we make the changes that essentially require that on termination that the views be presented.

Now I am not sure what this language if applicable means but maybe Marika can - I know she's displaying the points of view language as a change to the report.

And I don't think, you know, I think it does cure the problem. The question that I would only have is what does if applicable mean...

Chuck Gomes: So thanks Anne. This is Chuck. Let me turn it over to Marika.

Marika Konings: Yes this is Marika. And as Anne noted the language currently up on your screen is the proposed compromise or at least it is the proposed language to the draft is the concern that Anne and the IPC had expressed.

And just a note on the term if applicable I think it's more to the point that, you know, there may be a situation for example where a GGP is working on an issue but events take over the need for that work.

So there's not necessarily consensus status on positions that the group was working on but is more a question that, you know, because something else has happened that work is no longer relevant and the team may decide there's no need to proceed.

And so I think it's, you know, it's so early in the process that there is not an ability to actually make a consensus designation per the working group guidelines because there is no kind of formed position around recommendations where it would even make sense to try and do that.

So that's why if applicable comes in because there may be situations where a GDP is terminated for reasons that had, you know, nothing to do with not being able to reach agreement but it may be other events that have taken over.

You know, for example as well if there's a realization you could imagine as well halfway through a GDP the group actually realizes that a PDP needs to be initiated as they realize that contrary to what they initially thought there will be a need to - or there will be recommendations for or likely recommendations for a consensus policy which as such may require an early termination of the GDP without a specific, you know, consensus position around certain issues.

So hence if applicable to make sure that we're not forcing something in a report that may not exist.

Chuck Gomes: Thanks Marika. Go ahead Anne.

Anne Aikman-Scalese: Yes thanks. I think this is Anne again for the transcript. Marika raises a really interesting point.

So for example by simple majority there could be a vote to terminate because a simple majority would say well this actually, you know, requires an EPDP or a PDP rather than AGGP.

And I think that if that's the case, you know, it's important to reflect, you know, that conclusion which may not be a reflection of what we formally call consensus status within, you know, a PDP working group.

So I think what I'm wondering about is that it's not necessarily consensus status that needs to be reported here. It's really, you know, what did the GDP team conclude?

You know, the issue of consensus status okay, we may not get to that point in a GGP. But what we need to know is what the GGP team by its simple majority concluded. And that's what the board needs to know.

Chuck Gomes: So are you - just a second Alan but this is Chuck again. So are you suggesting that maybe we change the wording there and the points of view represented in the GDP team including their conclusions?

Anne Aikman-Scalese: Well something like, you know, the reason for termination. And because, you know, the points that - the reason for termination the points of view representing the GGP team and the consensus status if applicable would probably do it.

But, you know...

Chuck Gomes: Okay. We'll come back to that. So this is Chuck again. So let me go to Alan and then back to Marika.

Alan Greenberg: Hi. That's already there. If you read the stuff before the gold or yellow it says we're going to have to document, outline the reasons for the proposed action determination or suspension.

And we then added and that should include, you know, alternate points of view or the consensus status. I would change the if to as. You know, as applicable implies that if they are available they should be included but it's not a decision point other than that.

But the original part of the sentence already says we have to document why we're doing this. So the reasons are already there. This is just the modification to the reasons.

Chuck Gomes: Thanks Alan.

Alan Greenberg: Not the modification but the enhancement.

Chuck Gomes: Go ahead Anne. Would you like to respond?

Anne Aikman-Scalese: No I think that's right. I'm sorry I think it's correct that the reasons are - and this is Anne again for the transcript. The reasons have to be outlined. But now I'm experiencing some confusion over proposed termination or suspension.

Is that - does that mean the point at which it comes to council for a vote?

Chuck Gomes: Yes...

Anne Aikman-Scalese: Is that...

Chuck Gomes: ...I think it does.

Anne Aikman-Scalese: Okay. Okay thank you.

Chuck Gomes: So the only thing...

Anne Aikman-Scalese: Again, this is not an issue IPC is going to go to the mat on it. And I don't think it should be listed as a minority viewpoint. And as long as it's, you know, clear that the, you know, the reasons will be reported to the board have terminated then I think, you know, that satisfies the primary concern of IPC for sure.

Chuck Gomes: And does anybody have a problem with changing yes to as as Alan suggested? This is Chuck. Okay and Alan is that a new hand? Thank you. One of the things in the GNSO world we have an amazing number of old hands so including mine.

((Crosstalk))

Man: And some older than others.

Cheryl Langdon-Orr: Oh dear. That had to be said did it Chuck? All right.

Chuck Gomes: Thanks Cheryl. Any other discussion on this issue?

Okay very good. So we can go to the next agenda item and I'll turn it over to Marika.

Hopefully everybody had a chance to look at the timeline. There are actually two parts to it but I'll let Marika talk about that.

Marika Konings: Yes so this is Marika. So there was a question I think from the working group to get an idea or get some insight into the expected duration of these different new processes.

So what we did from the staff side is they could look at the current PDP. And we've been tracking data on the PDP form for I think the last couple of years to try to compare like with the different phases how long did it take on average. So we have those data.

And on page 2 you can see, you know, how those figures look going back to the IRTP denials. That's when we started tracking them all the way through to the curative rights and PDP. And I think there's probably some new ones up and coming that we'll need to add shortly.

So we give you I think for ease phase the kind of medium duration. And looking at that basically we've - and I guess these are really estimates here.

We'll probably need to look at actual data down the road to see how right or how wrong we were on how to define (unintelligible) and new processes may look and the different phases that are associated with those.

So for example looking at the EPDP, the main difference in the EPDP is that, you know, you take away the whole initial phase of, you know, the issue report the, comment period on that final issue report.

And also what we - what I did factor in in putting these numbers in is that it is likely or at least I think that's what we're foreseeing that an EPDP would typically be initiated on issues that are very specific and likely narrowly scoped because it's on an issue that I already had been discussed that either was, you know, part of a previous PDP that needs to be revised.

So again I think that for each of the timeframes we've kind of shortened those assuming that most likely those issues would be much more narrow - narrowly focused and some of the initial research is probably already covered in the preceding efforts that led up to that EPDP.

And suddenly for the GIP again I think this is as well a little bit of a wild guess because as I think we're envisioning a GIP it's typically used to either, you know, respond to a public comment forum or where, you know, a letter may be written by the council responding to either the board or another SO AC or I said a public comment form on a certain issue.

And often there are certain timelines that are associated with that that may drive that input.

And so again it's looking at, you know, getting a couple of volunteers together, writing up a draft, getting that back to the council which could take very little time but could as well a bit more time.

So here again this is the - an estimate that may take, you know, up to two months to get that ready, get it to the council, you know, ten days for people to either agree, disagree make further changes and then, you know, submit it at the latest 80 days after the initiation.

But I think this probably could be done as well much shorter but again it's often driven by, you know, what is the issue, how complex is it and how much time is available?

Then for the GDP again looking a little bit probably similar as the EPDP typically we participate and it's an issue that already scopes and on previous occasions or very nearly focused on a specific question that may require less time compared to a full loan policy development process.

But again I think it's worth posing on here that it will all depend on the question that is being asked if it's a very specific nearly focus question and maybe something that can be done in much less time knowing that of course there are a number of required steps such as, you know, asking for input from all SOs ACs and stakeholder groups and constituencies as well as the proper comment form on initial peer report.

So there is a kind of minimum duration. But at the same time if the issue is very complex of course it could, you know, span the similar time frame as the PDP currently has.

So again so this is our, you know, best guess at this point in time so it will probably be interesting to track, you know, as we go forward. As it currently stands to see indeed if that matches what we have in mind.

Chuck Gomes: Thank you very much Marika and thank you for the team, staff team in developing both of these tables. This is Chuck speaking again.

The - let me open it up to see if anybody on the call has any questions on either of these tables?

Okay I have one and if somebody still comes up with one please raise your hand.

So my question is this. Should - is the intent to include this in our final report? Should we include it in the final report? I'll open that up.

Alan?

Alan Greenberg: I guess on a philosophical ground as long as we make it clear what the presumptions are I find it hard to justify not including information like this if we have it.

I mean I, you know, when I look at this I say an expedited PDP will still take close to a year and three 2/3 or whatever the number is year and a half, you know, which at some level is not, you know, it doesn't sound all that expedited to me. It may be...

Chuck Gomes: Unless you compared to an 1143.

Alan Greenberg: Well but that's median and we have had shorter ones.

Chuck Gomes: I understand.

Alan Greenberg: So, you know, I - we - it might be illustrative to in addition to the median put, you know, the best and worst cases that we have on record or something like that at least in recent history, you know, to give people some idea of the range or, you know, if you're statistically minded the standard deviation.

But I can't see not providing it. It may well generate some comments that are important.

Chuck Gomes: So thanks Alan. Chuck again. And, you know, when I first reviewed these I also wondered whether median is the best statistic to use.

And the - and there are other statistics that look very different in certain situations. But the more I thought about it the more I thought well we've got to be careful not to make this too complicated and the median's a fairly simple statistic.

And I think you said it pretty well. As long as we qualify what's being presented here it's probably better to present it than not. But And I see some checkmarks and I'm assuming that those are in agreement for including it. If that's not the case please raise your hand and let me know. Marika go ahead.

Marika Konings: Yes. This is Marika. Just to note at the top of the document we've put in, you know, some assumptions that we made it including the data.

So maybe worth for the group to look at it as well active included in the report as one of the annexes to see if there's anything that should be added or further explained.

And I think as well especially the third bullet probably, you know, conveys quite well what I've been saying before that of course actual duration depends on a number of factors.

You know, the complexity of the issue is one but also resources available to do the work I think is, you know, current - if the current environment, you know, an important as well, you know three people needing to do the work and making the case longer much longer than if you're having 20 people helping out.

And as well of course your general support I'd like to ask for possible recommendations if it's an issue around which people have already coalesced or there's general agreement that it needs, you know, to be quickly fixed in a certain way that makes a huge difference as well compared to an issue where there's a lot of, you know, different viewpoints and not likely consensus point around which people may get together.

Chuck Gomes: Thanks Marika. Anne?

Anne Aikman-Scalese: Yes thank you Chuck. It's Anne for the transcript with IPC. I think that when I look at these estimates there's a surprising factor for me in that the GGP estimates are the same timeframe I think as the EPDP estimates.

And in my mind I had the idea that as a group we were developing tools that would for example allow the board to have GNSO input or guidance I guess you would say in the guidance process that would allow them to address things more quickly than that when consensus policy is not involved.

So whereas I'm not surprised by the estimate in relation to EPDP it strikes me that the GGP that we were trying to develop should be a tool that works more expeditiously than an EPDP. Thank you.

Chuck Gomes: Thank you Anne. And keep in mind that all of these estimates are highly dependent on the issue or issues that are involved.

On simpler issues it probably would be much faster. And on more complex issues it may take longer. So keep that in mind when you're looking at these. Marika go ahead.

Marika Konings: Yes this is Marika. One thing I did just note here looking at this again is that, you know, for example for the GDP we've added the same time frame for implementation.

But it's quite likely or least I think it's, you know, what we've foreseen the GDP for as well that a GDP could address questions that have come up during implementation.

So that may be a timeframe that is actually a lot shorter or actually already on their way as part of, you know, the limitation of a PDP was taken on previously.

So I think there it may be that, you know, that especially in implementation timeframe it's, you know, not accurate because that is possibly something that is already on the way.

With regards to the other stats, you know, of course GGP has a lot of similarities to an EPDP as well as a PDP. There are number of steps in there that are the same so the development of initial report.

And I think there again, you know, we probably and we haven't really done it by maybe looking at for example non-PDP working group efforts where we could also say, you know, and this is one of those is to say look even though it wasn't a PDP did things go quicker and probably not.

I think if I take the numbers for example of this working group it probably is very comparable to the PDP if not even more and may be interesting to do that comparison.

So I think we shouldn't assume just because it's not a PDP it's automatically faster because it still may be issues that are, you know, complex that need to be worked through.

You still are also I think faced with element that, you know, groups do meet on a weekly basis or even on a biweekly basis.

And you do need to get back to certain issues that you discussed the previous because people didn't you know, read up on those or there's certain new issues that have, you know, come up.

So I think in general regardless of which process you use there is certain things are probably cyclical. And I think again it all comes back as well if the board does ask for input within six months well, you know, the GNSO can put a time frame or a timetable next to that that is okay let's meet, you know, for two days face to face and, you know or as calls every other day. Because there's certain ways of course you can make things shorter.

But this again is under the assumption that a group would run in a kind of normal way that, you know, most of our working groups typically run meeting on a weekly or biweekly meeting and, you know, following their natural course of discussions not necessarily triggered by an external deadline.

Chuck Gomes: Thanks Marika this is Chuck. I want to follow-up with you on one area that you talked about a little bit in that's implementation.

Because a GDP won't require implementation by contracted parties like a consensus policy would why does - why do you think that implementation would take so long?

Marika Konings: Yes, and this is Marika. I think that is already one probably where it'd be - it's probably not a realistic number and again it's clearly based on, you know, cutting in half the time that we have for PDP for an EPDP and a GDP.

But again the assumption is here that, you know, for example a question may relate to, you know, the actual implementation of policy recommendations on how to do something technically or, you know, I'm just making this up.

So the question comes back to the GNSO there the Implementation Review Team was unable to answer the question. They want guidance from the GNSO council and the GNSO council decides that they want to do a GDP to fully understand the issue and provide feedback.

So that may be that if it's choosing between three different technical ways in which you can implement the recommendations through that process, you know, one of those rolls out and that presumably then still has a short implementation time associated with it.

Although I said before as it was originally part of, you know, a PDP that that implementation question you may question indeed is that implementation and so linked to the GDP or it actually continues back into the PDP where the question came from.

And implementation here of course you can think of other things as well. There may be certain things that staff is required to do.

For example if it's, you know, a GGP would recommend producing informational materials on certain issues or create a Web site or certain other kinds of things that need to happen that would also require time to do it.

It's not necessarily implementation as, you know, new contractual requirements but maybe other ways in which implementation may need to happen.

But I said, you know, this is purely a number and it may look very different in practice.

Chuck Gomes: So thanks. And before I go to Alan I'm going to do that very quickly Alan. This is Chuck. Michael has suggested in the chat showing the range maybe along with the median.

And I had thought of that myself, don't know if that would make this too complicated. But just maybe on the one chart the - although I'm just looking at the other chart as well.

So anyway we can talk about that a little bit more. Let me go to Alan.

Alan Greenberg: Thank you. If I wait long enough I don't have anything to say. I was going to suggest something akin to what Michael said but not quite the same.

I would suggest the minimum and the estimate. I know when we were doing the PD - the revamped PDP Marika pulled together what is the absolute smallest amount of time it could take assuming deliberation time was zero, you know, assuming the minimum public comment periods and so on and so forth. And it came out to be something if I remember correctly about 300 days which says, you know, assuming there is no discussion no debate but we have to go through the motions it will take that long.

I think putting those numbers in will be very illustrative and will give some level of comfort.

Remember why we started this discussion because the ALAC said we really worry that if we're going to keep going back to the GNSO for things that we discovered long implementation we will never get anything done.

And the numbers that are showing there confirm that, you know, we're going to go have to go back to the GNSO for a bit of guidance it's going to take a year and a half.

Well if you accept that we're in big trouble. I suspect if we look at the minimum numbers for a guidance process that is the GNSO's approach and say we have an option X or Y, which do you think we should do that's more in confirmation, you know, that aligns with more what the policy intended? The GNSO picks X and it's a done deal.

We also have the EPDP where we envision that an EPDP one of the uses of it is going to be to fix a problem in a PDP.

It is a consensus policy. It does require a formal PDP like process to allow contracted party contracts to be changed but it's not a big debate.

We realize we made a mistake. We all know what the fix is. All we have to do is make it so to quote Captain Picard.

So knowing what the minimum time is with if there is no debate if the implementation is trivial I think will give us some level of comfort I hope that what we're designing here is practical and not going to create a morass that we'll never get out of.

So I would suggest in addition to the estimate numbers have there put the minimum numbers for each of the categories and add them up. Thank you.

Chuck Gomes: Thanks Alan, good comments. This is Chuck again. And before I ask everyone whether you would support that or opposed that it seems to me that the minimum should be easy to calculate except maybe for implementation.

I think it's kind of hard to there especially since we don't have any history. And that varies so much. But we could put it everywhere else.

Alan Greenberg: Chuck if I may interrupt?

Chuck Gomes: Sure, go ahead Alan.

Alan Greenberg: The minimum is zero. The minimum is easy. It's zero. In something like a GGP if they're asking for an opinion so the board can continue or implementation can continue the implementation is moot.

It's already part implementation that's ongoing. It doesn't add anything. There - they just needed an answer.

Chuck Gomes: And would the same thing apply to a board vote?

Alan Greenberg: To aboard vote, I'm sorry?

Chuck Gomes: I mean maybe a board vote isn't even needed for a GGP?

Alan Greenberg: It might not be.

Chuck Gomes: Yes. Okay let's go to Anne and you can jump back in Alan as needed here. Go ahead Anne.

Anne Aikman-Scalese: Yes thank you it's Anne with IPC. And I am in agreement with Alan about we need to be adopting tools that are practical and that we need to be showing GNSO council as well when we introduce our report and public as well that these are practical tools.

I really feel like that with the GGP one thing we need to be looking at is all of those ad hoc processes that we studied at the beginning of our work and realizing that from a practical standpoint the board took actions on an ad hoc basis because it needed fast answers and we're trying to avoid that right?

So the input process, you know, looks reasonable at 80 days but it seems to me that the GGP process really needs to be somewhere in-between the GIP and the PDP in terms of the at least adopting a goal of giving a quicker answer.

I mean if you, you know, went in-between those two numbers you come out with six months. We're trying to develop standardized processes but we're also trying to, you know, develop tools that work in a timely way.

And the distinction between the EPDP and a GDP is EPDP involves kind of a consensus policy and GGP does not involve consensus policy but reflects a standardized process that does not work ad hoc or in the dark.

It - in order to be more practical the goal should be for it to work, you know, more quickly than any PDP. Thank you.

Chuck Gomes: Thanks Anne. This is Chuck. Is there anybody that objects to showing just for this chart okay the minimums and estimates?

Now we have to define those up above to make sure it's clear what we're giving but is anybody opposed to that? Marika.

Marika Konings: Yes this is Marika. I'm not opposed although I am concerned that it will paint a picture that we know is not true.

And we, you know, I've done the same thing with the PDPs and then people like oh, you know, look we can do a PDP in nine months.

And that number then, you know, started being so now that's (unintelligible) we had to tell people like no that is, you know, when all the stars are aligned and everything, you know, goes perfect and it's just not realistic to say that.

And I think similarly with the GGP I think we, you know, can make very clear that it can go faster but I think there are probably certain topics that I can think of, you know, questions the board has asked, string similarity.

What's the other recent one where also the letters that certain things have been asked to counsel for an opinion where at least from my perspective I think a GDP probably would have been triggered.

But I don't necessarily see those topics where the council can produce a quick answer. It would be nice but if I think as well the whole reason behind this process is that, you know, when the council comes back to the board they can say look we've developed this in a truly, you know, bottom-up multi-stakeholder process.

And we have gone out to all the stakeholder group and its constituencies, all those SOs and ACs. We've done public comment, you know, we've done our homework.

So when we come back to you and, you know, what we present to you is a real representation of the GNSO consensus. And again as well that's why (unintelligible) has a trigger of, you know, board meeting to vote on that in that case.

So, you know, I'm happy to include the minimums and I can just look back at what we did for the PDP. For the most case it will align.

And but I think we do need to be very careful to be as well become very realistic on what the actuals are probably going to look like.

And as I said before it very much depends on, you know, complexity of the issue, you know, resources available, general support or lack thereof for possible recommendations because I think that is really the determining factor.

Chuck Gomes: And I think we can include those kind of qualifications in the assumptions up above. And I think they're important to include those.

And you may really good points on the minimum that should be included in the qualification. But I also think that especially for the GGP we may be painting a more grim picture than is helpful.

And the one place where I think it's - and maybe there's a couple things we could do there like under in board vote we could put if needed.

There might actually be GGP things that don't necessarily need a board vote so that step could be eliminated those cases.

And not that we have to change it, you know, so it gets back that would explain why there might be a zero or a - and still be 245 on the this.

But that's another thing we have to be careful of when we're including minimums and everything is - these numbers are cumulative I believe. So we have to keep that in mind, make sure that's clear.

Implementation, I'm having real trouble thinking the 527 is a good number for implementation for a GDP. If you just take away the fact that you don't have to do an RIT that involves the parties that are implementing it in this case, the registrars and the registries and so forth that's a huge difference I think in implementation on a GGP.

And I'm okay if you want to think about that between now and our meeting next week. But those are my comments on that. Alan go ahead.

Alan Greenberg: Yes. I'm looking at some of these numbers and when I look at them more I get shocked.

My recollection is and then Marika will I'm sure will tell me if I'm wrong is the old PDP rules used to say that the board needed to vote at the next meeting after GNSO approved a PDP.

And I think there was some provision that they could skip one meeting but that's it.

Now we're allowing hundreds of days between the two processes and even allowing for the comment, public comment that we now, the board now tends to consider mandatory which wasn't - I don't think was there before. That's a long time for the board to deliberate on something.

Now it may well take that long in some cases and it has to commit that long in some cases. But there are other cases again especially if they're waiting for the answer where that might take much less time at all. So I'm just reinforcing the fact that I think we need to say what the minimum is.

And aside from anything else having the minimum tells us that if in a given situation is this a safe practical process to follow?

You know, if we need an answer in 30 days and the minimum GGP is 95 days then we need to know that. Thank you.

Chuck Gomes: Thanks Alan. And so far I haven't seen anybody objecting to putting in the minimums other than the comments that Marika made. So let's go ahead and go that way.

Any comments? I mean I'm - am I way off on the implementation estimate for a GGP or are people comfortable with having what looks like, you know, what 150 days or so for implementation of a GDP?

Alan Greenberg: Chuck I've already gone on record as I think in many cases it's going to be effectively zero.

Chuck Gomes: Yes you have.

Alan Greenberg: If we're being asked for guidance and we give it's done.

Chuck Gomes: So the question follow-up to that Alan - Chuck speaking again - is are people comfortable with saying zero to 527? Or should it be zero to some smaller number?

Alan Greenberg: Well some of those numbers may not be zeros. I haven't looked at them in detail.

Chuck Gomes: No I'm just talking about implementation of GGP when I said zero to 527? I guess we're just talking about six months implementation so maybe that's not so much.

Shall we just go - is there anybody object to zero to 527 minimum to estimate? Okay let's just - let's go with that. Marika do you need any more information on this?

Marika Konings: Hi. This is Marika. No I'm happy. I said I'll look at what I did before in the PDP and those numbers and on the minimums in most cases, you know, it's similar that's our...

Chuck Gomes: Okay.

Marika Konings: ...apply and, you know?

As said, you know, I'm happy to change all these two natural numbers. But, you know, I want to emphasize again that there are so many factors that influence the timing that, you know, at that there are many ways in which you can do things faster.

And of course the council can decide to do so but this is really based on how we, you, currently run working groups and I think our experience with PDPs as well as non-PDP working groups.

Chuck Gomes: Yes okay thanks. And the only one I was suggesting a change on it doesn't sound like there's much support for that would be the implementation of a GDP.

So I don't think we're talking about the estimates changing at least not right now. So thanks for doing that.

But the other question we have of course is where this goes? And I would guess it probably would go at the end of Annex B which is GNSO process options. Does that make sense where these two tables would go?

Okay, Alan go ahead.

Alan Greenberg: Yes, no I was commenting on you're saying the GDP is Zero to 527. There's no way it's going to be zero. I mean if nothing else council has to vote and there's a ten day period that you have to give advance notice.

Chuck Gomes: There's a - that's already covered Alan. There's a place for a council vote and board vote and then implementation.

Alan Greenberg: Yes but sorry, I thought those numbers were cumulative that we have there.

Chuck Gomes: I think they are.

Alan Greenberg: Right.

Chuck Gomes: Oh I see. Oh I see what you're saying yes. It would be...

((Crosstalk))

Chuck Gomes: It would be 245 to...

Alan Greenberg: It's the delta between and not...

Chuck Gomes: ...but it depends what the minimum is for council vote but that could be duplicated down in implementation if there is no board vote or if there's nothing to do for implementation.

Alan Greenberg: The way I'm reading the chart and tell me if I'm wrong is is in GDP implementation is 147 days. It's the difference between the previous one and that one.

Chuck Gomes: Right. I am reading it the same way.

Alan Greenberg: Okay. And you said implementation is zero...

Chuck Gomes: I know. I was wrong.

Alan Greenberg: ...(unintelligible). You mean zero to 147 or 145?

Chuck Gomes: Exactly yes.

Alan Greenberg: Okay.

Chuck Gomes: My mistake.

Alan Greenberg: Fine, okay.

Chuck Gomes: We're on the same page.

Alan Greenberg: And we're not disagreeing.

Chuck Gomes: And correct. I wasn't careful okay? All right, hopefully we spent enough time on that and next week we can look at the revised chart, see if there's any more discussion.

Let's jump on into the final report. And I want to open it up for any general comments on the final report, general suggestions that don't relate to specific edits or portions of the document.

And I'll throw that open to everybody. I have three suggestions myself but I'll certainly let others go ahead of me if there are any hands.

Okay and feel free to raise your hand as I proceed. But, for time sake I'll go ahead and continue.

The first one I had is would it be helpful in the red line version only obviously our final report if we noted where a particular change was made in response to a specific comment or like for example this comment was made in response to ALAC comments or and I don't feel strongly about this. I think it would be nice but it's not necessarily something we have to do clearly.

So I throw that out just to obviously they can go back and look at the comment analysis and our table, our review table and so forth and see.

But I think it would be a nice feature if we did indicate with a very brief comment in edit made in response to ALAC and NCSG comments or whatever the case may be. Any thoughts on that? Alan?

Alan Greenberg: Well if the change it really improves the report and everyone thanks us for yes you should credit us.

Chuck Gomes: Thank you.

Alan Greenberg: Otherwise not. No I seriously, what goes into the final report ends up being the consensus of the working group. And if we look at a comment from anyone and say it has no merit we reject it.

If it has merit then we integrate it and it fix and it improves the report hopefully. So I was not home - or cite these things. If anyone wants to go back into the details they can find things. But, you know, Marika also points out that it would be a lot of work at this point.

Chuck Gomes: And Anne and Cheryl are agreeing. I'm comfortable that. I - that's why I opened up the discussion so let's just drop that idea.

Alan Greenberg: Always happy to - always happy to shoot you down Chuck.

Chuck Gomes: Thank you Alan.

Alan Greenberg: And support you.

Chuck Gomes: Okay. My second comment and this one I suggest that we eliminate all formatting comments. They just clutter up the document.

And I know I think the only way to do that is to go through and delete them individually. But we certainly don't need - and of course we're just talking about the redline version. They would all be gone in the clean version.

My third suggestion and this is a little pet peeve of mine. I think I'm the only one in the community that ever cares about this. But I would format tables so that they don't break - so rows don't break across the page so that it's real

easy to see all of the comments in a particular row without going from page to page and back and forth like that.

So and staff if you don't want to do that I can live with that but I - we don't have any really wide rows I don't think in our table.

And I understand some cases you can't avoid doing that because of lots of information in a particular table row.

So those are my general comments. Anybody else have any general comments before we get to specifics?

Cheryl Langdon-Orr: Chuck, Cheryl here. That is a pet peeve of mine as well so don't be alone in that table...

Chuck Gomes: Well I'm glad to hear that. I thought I was all alone.

Cheryl Langdon-Orr: No. It annoys the living daylights out of me.

((Crosstalk))

Chuck Gomes: Well it's really a pain.

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

((Crosstalk))

Chuck Gomes: It really is a pain when you - especially when you have to go back and forth for different columns.

Cheryl Langdon-Orr: Yes. I don't fuss about it until the final drafting of something. But it even annoys me during the drafting of something. So yes you have my absolute support on that one.

And yes I know it adds more pages to the whole document. Well then tough.

Chuck Gomes: Thanks Cheryl, made me feel better. Alan?

Alan Greenberg: I strongly support that also. You know, little things like don't break things over page boundaries, don't forget to copy over the title so that the page stands...

Chuck Gomes: Right.

Alan Greenberg: ...stands (unintelligible).

I'll just add a little bit of interest. In the days where everything was on paper it was okay to break some things if they're facing pages but not if they're opposite pages. Nowadays when we do things on screens we don't even have that benefit.

Chuck Gomes: Thanks. Okay any other general comments on the report before we get to specifics?

Okay let's jump right in to the specifics then.

And I just want to call to people's attention that - and Marika's aware of this okay. The table of contents is not accurate right now. Don't worry about that. That will be updated.

So if you look at the annexes they're not quite right in the title of the annexes and the table of contents. They're correct in the body of the document. So just to let you know I don't think we need to talk about that as much. Anne go ahead.

Coordinator: Excuse me, Amy Bevins has joined.

Anne Aikman-Scalese: Thank you Chuck. It's Anne with IPC. I'm not sure if we're going to do this sort of page by page or whatever but I had a question on working definitions and the definition of - and this is Page 10.

Chuck Gomes: Okay. Let's do it somewhat sequentially okay?

Anne Aikman-Scalese: Okay.

Chuck Gomes: So if...

Anne Aikman-Scalese: Okay.

Chuck Gomes: ...you'll hold on a second we will come to that. In fact I think that's the - that's probably the next one.

My comment was on the Table of Contents was on Page 2 so go ahead Page 10 is good.

Anne Aikman-Scalese: Oh, okay although apparently I think I may have the - a - the second comment I have may affect the executive summary but let's do this one. This is simpler.

When it says implementation of a GNSO policy and we are saying the process of carrying out or applying a GNSO policy shouldn't we be saying after adoption by the ICANN board or because we've been pretty careful to be clear about how policy does get adopted. And it can't - a GNSO policy cannot be implemented until it's adopted by the ICANN board.

Chuck Gomes: So is this Page 11?

Anne Aikman-Scalese: Page 10 I think. She's displaying it.

Chuck Gomes: Okay.

Cheryl Langdon-Orr: Chuck still uses, you know, paper you've got to remember Anne, you know?

Anne Aikman-Scalese: Okay. Actually Chuck and I are both pretty bad about that because I'm still writing notes that are not electronic and that makes me dinosaur.

Chuck Gomes: Yes. Okay anyways so okay anyway I'm at the working definition that are shown on the screen and I'm using the redline version of the page numbers not the clean. That can also make a difference in the page numbers.

Yes. It refers to the last little green thing there, the implementation of a GNSO policy. And the process of carrying out or applying a GNSO policy.

But I guess where I'm confused is carrying out and applying it that's after, you know, it's as adopted by the ICANN board right?

The implementation doesn't happen until the board...

Marika Konings: And this is Marika. I think that's...

((Crosstalk))

Chuck Gomes: (Unintelligible) definition though.

Marika Konings: Yes. And this is Marika. I think that is addressed in the definition on the next page. As you see there a GNSO policy which is also defined as any gTLD related policy recommendation that is approved by the ICANN board.

So I think that is covered in the definition of GNSO policy and as such may not need to be repeated.

Anne Aikman-Scalese: Well I think it does actually because you're talking about implementation and that only happens after the board approves it.

So and the board might make changes or different, you know. So it's a process when we say carrying out or applying that's got to be as adopted by the ICANN board. It can't be applied prior to that.

Chuck Gomes: Well let's not spend a lot of time on this. I don't have any problem adding that because I don't think it detracts from the definition.

Whether it's needed or not we can debate but let's not take that time. Alan?

Alan Greenberg: Thank you. I have a having a horrible sense of deja vu because I remember a long conversation where we already fixed this problem somewhere.

And my recollection is we fixed it in the core place and then the other definitions built upon it. But I'm not sure I see it here but I put money on the fact that we covered this already somewhere.

Chuck Gomes: And are you okay with it making that addition Alan?

Alan Greenberg: Not if it is redundant based on how we define GNSO policy. This is implementation of a GNSO policy. Do we have a GNSO policy somewhere that's consensus policy just above?

I remember we already put in following approval by the board or some words similar to that.

Chuck Gomes: Okay. Marika go ahead.

Marika Konings: Yes. This is Marika. Yes this is actually an old hand. But to answer Allen's question GNSO policy is right underneath that which as I read before says

any gTLD related policy recommendation that is approved by the ICANN board.

So from my perspective it is already part of the definition of GNSO policy and hence doesn't necessarily need to be repeated.

But if Anne feels strongly about it I guess we can just add applying a GNSO policy as we say here that is approved by the ICANN board and then we also include the same footnote because the Footnote 5 basically outlines in great detail what is required or how a GNSO policy is developed and then adopted as well. So maybe that's a way of fixing that.

Chuck Gomes: And just a caution here, let's try to avoid going back and revisiting things that we spent sometimes multiple meetings on unless it's really essential because we again we could take four or five meetings to go through this. I don't think that's time well spent. Anne go ahead.

Oh okay, all right. Anything before Page 15 which is I better check to see. On Page 15 which starts out at the beginning of page of Section 4 if my page numbers are off.

So it's right at the beginning of policy and implementation principles Page - Section 4.

Now one of the things and this comes out of staff comments on following pages here. And it's the idea some of our principles say must, some of them say should and so forth. So I wondered whether should we say policy and implementation principles/requirements because some of the things are worded as must which sounds like a requirement rather than just a principal or a guideline.

Some of the things say should which sounds more like a guideline. Staff flag this in their comments. And before we actually discuss that too much let's look go ahead and look at staff comments.

If you'd scroll down to Item B principles that apply to policy and implementation and look at the comment there by Marika, Marika why don't you go ahead and talk about that one.

Marika Konings: Yes so this is Marika. So going through the principles we notice that in certain cases we use must and others we use should while, you know, the overall heading is talking about principles which for which probably should is the more appropriate term.

So the question to the group is indeed is there a need to be consistent? I'm changing that too should. You know, should there be must? Is it okay to have those two terms used here even though we're talking about principles?

And so I think that's basically an issue we wanted to bring forward.

Chuck Gomes: Thank you Marika. Cheryl go ahead.

Cheryl Langdon-Orr: Thanks. Cheryl Langdon-Orr for the record. I'm going to channel Avri here.

I think we've spent considerable time in some of this language debating the must versus shoulds.

And so I wouldn't be particularly keen to go for consistencies sake on one or the other. But I am happy with the elegant solution that Chuck has put forward by a minor editorial change to the section title which I think covers then the very valid point that the staff comment makes. Thanks.

Chuck Gomes: Thanks Cheryl. And thanks Anne for the checkmark. Anybody - I did mean that's one way to handle it.

Myself for example if we just look at that general statement where must occurs there right out in the first paragraph in Section B I think we all agree that the policy and implementation processes must be based on multi-stakeholder models. And we did spend a lot of time on that.

So would that be a comfortable solution for people to just make that heading change? And we probably have to make it in each case.

Policy at any time we say principles that would be slash requirements. Does that work? Does anybody see a problem with that? That is a one way of correcting this.

And it was a good catch Marika. I'm really glad you guys caught that.

Okay nobody objects to that? Okay then so I think my next comment related to the comment that's on the page that's showing right now I don't have anything until about Page 23. Does anybody have anything before then?

And Page 23 at least what I'm looking at is a whole bunch of...

Anne Aikman-Scalese: Hi Chuck it's Anne. I had my hand up and I have something on Page 19.

Chuck Gomes: Go ahead.

Anne Aikman-Scalese: So I see that we trying to address the problem with binding and non-binding by changing the word to obligatory advice that would apply in the case of a GGP.

And so I'm trying to understand the interplay between this obligatory guidance and what we did with respect to the voting thresholds for GGP.

I think - what I think I'm trying to understand in this interplay is a certain hypothetical which is what if there's a termination of a GGP, then I guess that means that there's no obligation whatsoever in relation to that - the report that comes out of that GGP?

Chuck Gomes: Well...

Anne Aikman-Scalese: I'd understand the interplay between obligatory guidance and the - we said before that a GDP has this obligatory aspect where the results are binding - excuse me I shouldn't do with binding but the results the board would require 2/3 rejection in order to reject that GGP result.

And I guess what we are confirming then is a GGP is terminated there is no obligatory aspect of the guidance?

Chuck Gomes: That is correct.

Anne Aikman-Scalese: Okay.

Chuck Gomes: Marika did you want to comment on that?

Marika Konings: Yes. This is Marika. This is actually something we noted as well in the executive summary and certainly I've made that comment.

I saw similarly that I actually I didn't have any issues with the term binding and to me it felt less awkward than the current term of obligatory because I agreed it seems to imply indeed that advice itself is obligatory while what is actually obligatory is for the board to concern the guidance.

And, you know, it needs a certain, you know, majority to overturn that advice if it believes it's not in the interest of ICANN the corporation or the community.

So I didn't really feel that obligatory was the right word but I couldn't think of anything better. So that's why as well I marked it as one of the items for the group to look at.

I know that Michael said as well what was the objection to binding and when I looked at the comments and incorporated them I actually had the same feeling.

I know it was in response I think to a comment from the BGR, the Brand Registry Group I think. And I don't think I was on the call during which that was discussed so I wasn't really clear, you know, why that that term wasn't liked.

But I said I don't think obligatory is necessarily the right term either so looking to the working group to provide some nonbinding guidance on what to do with that.

Chuck Gomes: Yes. And let's not start that - this is Chuck. Let's not start that discussion all over because we've spent quite a lot of time on that. So Alan go ahead.

Alan Greenberg: Yes. My recollection is binding was objectionable because it's not binding. It's only binding should the board choose they can overturn it. And I think that's why we didn't want to use the word binding because it implied that it was truly binding.

I mean if we had talked about binding arbitration the board can't over, you know, legally can't overrule it. They've agreed to accept the results.

So binding is not the correct word. It's provisionally binding or something like that which is going to be harder to explain.

So I think that's why binding went out. Obligatory came in, you know, as the - as an alternative and perhaps it has its own baggage with it.

Chuck Gomes: I'm sure it does although it probably doesn't have as much baggage is the term binding does.

Alan Greenberg: Well I mean it's not as bad for the GIP because the GIP is akin to what we call advice from advisory committees. That is the board is not obliged to follow it but it is input into their process.

Chuck Gomes: Thanks Alan.

((Crosstalk))

Chuck Gomes: Michael?

Michael Graham: Yes. Whatever direction we go and I would frankly explain the use of binding the way that or qualify it in the terms that Alan just did.

But certainly obligatory I mean there's not a better word that I can think of than finding with the caveat that it only becomes truly binding upon - well upon approval by what the board I suppose.

But obligatory yes I think contextually it's wrong in a lot of places. So I think maybe at the very least we need to go back and individually look at these spots to come back with a proposal either for a different term or the explanation of binding.

I don't want to go back over that ground either Alan. But I think we just mish up our, you know, the meaning of what we're trying to say by throwing in another term. At least the BRG understood what we were talking about.

Chuck Gomes: Thanks Michael. Chuck again. So do you people want to revisit this between now and next week and somebody put forward some alternatives or do we just leave this as we agreed to previously?

Anne go ahead?

Anne Aikman-Scalese: Yes, thanks Chuck. It's Anne for the transcript.

I think we can suggest other words. But what other - whatever words we adopt I think they should be just included in the working definition. That makes it easy for people to say well what exactly does that mean?

And it's certainly laid out here what, you know, what it does mean. But I think it'd be helpful to have it in a working definition.

Chuck Gomes: This is Chuck. I have one concern about that. Binding means different things depending on what group you're talking about.

For example binding on contracted parties for a capital C consensus policies has a very different meaning than binding on the board like Michael was just talking about.

So it might be better to put a footnote that it - that qualifies whatever term we use rather than to put it in the working definitions.

Anne Aikman-Scalese: Yes. I mean I think, you know, we could use obligatory in this and that's fine. But I just think that it - when we put stuff in the working definitions it just - and frankly this is my point with respect to the first thing too about implementation of GNSO policy.

It wasn't about revisiting. Revisiting is, you know, we've done this binding stuff for a long time and had a long discussion about it.

The point is is it clear to those who are reading it who haven't been on this working group. And it's for that reason that I strongly recommend that whatever term we do adopt we just stick it in the working definitions even though it is already in the paragraph. But it just makes it easier to refer to.

Chuck Gomes: So let me ask you a question Anne. Then are you suggesting that we have multiple definitions of binding depending on what party is involved?

Anne Aikman-Scalese: No. I'm just suggesting that with respect to this, you know, a GGP...

((Crosstalk))

Anne Aikman-Scalese: ...yes, this GGP process that - I mean and maybe we also - really with respect to GGP that we put in the working definition.

And see it's here in quotes anyway, obligatory guidance. They're in quotes. And so it just would be helpful to have it in the working definitions.

And I'm not - I don't object to the use of the word obligatory. I don't see a problem with that because I know the earlier objection was to use the word binding.

Chuck Gomes: Thanks Anne. Alan go ahead.

Alan Greenberg: Thank you. In Section 1 I would suggest we change it back to binding. It is non-binding. It is correct. It's understood by all. So I don't think there's any reason to change the words in Section Number 1.

In Number 2 I would change it back to binding. Perhaps it should be in the definition in a clear way but it is in the next sentence. It says obligatory or binding guidance means advice that is binding force on the ICANN board to consider the guidance and that it only is going to be rejected by such and

such that the board determines the guidance is not in the interest of whatever.

So maybe this doesn't meet the best style guide of defining the word before reuse it and also putting it in the definitions but it's right there. Thank you.

Chuck Gomes: So if I - oh, go ahead Marika.

Marika Konings: Yes this is Marika. I was actually going to say that I'm happy or I think it works well indeed. And the first one, the non-binding is probably better than the normal obligatory.

But maybe in the second one if indeed it becomes right tricky to have the right term there whether it's obligatory or binding maybe we can just move away from that and just say it tends to provide guidance to the guidance that the board is required to consider.

Now we actually just already describe it in that first sentence and similarly in the second one just say GGP guidance means advice that has, you know, is required to be considered by or something that we just move away from actually labeling it in a way but that the description of the guidance it indicates that what is required is consideration by the board.

The guidance itself is not obligatory or binding. It's, you know, it's just binding on the board to consider it.

Chuck Gomes: That seems like a pretty clean solution. Does anybody object to that approach?

Okay, thanks for the checkmark Cheryl. Anne?

Anne Aikman-Scalese: Again I think that's fine. But I do think it would be much clearer if we do do that to put GGP guidance as a defined term in the working definition.

Because it makes it clearer to those who are reading who were not involved in this group.

Chuck Gomes: Anybody object to adding a definition of GGP guidance in the definitions? Marika?

Marika Konings: Sorry, old hand.

Chuck Gomes: Okay. So Anne would you#

Anne Aikman-Scalese: No objection.

Chuck Gomes: Okay Anne would you between now and our meeting and before our meeting next week propose a definition for GGD guidance?

Anne Aikman-Scalese: Sure Chuck but it would be the same one that's already there.

Chuck Gomes: I'm confused. If it's already there where are we talking about adding it?

Anne Aikman-Scalese: we're just talking about putting it in the working definitions.

Chuck Gomes: Oh, you're talking about putting what's there now in this - in what we're looking at in the definitions?

Anne Aikman-Scalese: Yes just stick it in the definitions so it'd be clearer.

Chuck Gomes: Okay.

Anne Aikman-Scalese: Yes.

Chuck Gomes: All right that's fine.

Michael Graham: Yes Anne it's Michael from records. I guess you would have to add simply that it is advice developed pursuant to the GGP that has a binding force correct?

Anne Aikman-Scalese: Well Michael I - it would just say means advice that has a binding force on the ICANN board to consider the guidance and it can only be rejected by a vote of more than 2/3 of the board because that is the definition.

So it's really about something that was already agreed by this working group just putting it in the working definitions so that it's super clear. And...

Michael Graham: Right. No I...

Cheryl Langdon-Orr: Just other people reading.

Michael Graham: Right. But my question was just simply is there any other place other than the GGP where that term is used? And if I'm reading through the definitions and this is something that only comes out of a particular procedure I think we should identify that procedure as part of the definition. That's all I was saying.

Anne Aikman-Scalese: Well I would favor letting Marika have staff take a look at that as far as, you know, whether it needs to be.

Marika Konings: Yes and this is Marika. Sorry I had my hand up. I'm a little bit concerned if we start adding this and not other, you know, because we have GNSO input (custom) as well and we have the EPDP because I think we're talking more about a glossary then.

Because the working definitions were in there we were saying very clear that these are working definitions it'll help the working group through its deliberations. They don't have any other status as such.

So I think we start adding things then we either need to start adding I think everything that we have created or are creating if it's going to be part of a glossary.

But at this stage, you know, this is, you know, going to the council. And what will be the focus is the actual recommendations. And of course there the term is defined.

So I'm not really sure how much volume we'll add. Just adding only this term I think would actually maybe create more confusion as a (unintelligible) define the other terms.

And but if we start adding the other terms I think we're no longer in probably working definitions know that it would be more kind of glossary that we would be looking at.

And at that I'm not sure at this stage of the document how much value that would add.

Chuck Gomes: That's a really good point. This really isn't a working definition because the working definitions were terms that we wanted to agree on as early on in our process to make sure we're all on the same page.

This is actually a term that came up as a result of our work rather than something preceding our work. So that's a very valid point. (Michael)?

Michael Graham: Yes, I was going to say that's a great point. And I think in a way the entire report is setting up new terms, new terminologies and new procedures.

And if we start - I agree with Marika. If we start with this one I think we have to set up, you know, a separate document for all of these new terms.

And I think since it is defined in the context of where it's presented I would be happy with leaving it there rather than, you know, doing half in one place and let the rest stand. I think it's fairly clear when you read this.

Chuck Gomes: Thank you (Michael). Anne?

Anne Aikman-Scalese: I see the point there. I think that the reason we originally during the process developed this term binding guidance and later I guess obligatory guidance was so it would be clearly distinguished from the GIP process.

So we're now going to have up in GIP non-binding advice. And if we, you know, I would favor actually staying with our - what we did in the process with the working group. If we don't want to clutter up the working definitions we should stick with, you know, obligatory guidance.

Chuck Gomes: Alan?

Alan Greenberg: Okay on that particular point I really don't care at this point whether we use obligatory or binding. It's defined immediately after its use.

When we spent several months on the definitions I cursed myself for having suggested that we need definitions. I'm doing it again now.

When we write update the operating rules to factor in these new processes when and if they're approved we need to be really careful and get our definitions right.

These were working definitions and we've gone back and tweaked them when we had to. I really don't think we want to spend a lot of time, more time

on it especially in a case like this where the term is defined in the next sentence. Thank you.

Chuck Gomes: Okay thanks Alan. Yes I'm certainly supportive of not spending a lot of time on this. But we're now back to binding versus obligatory in number two for the GGP.

We had reached agreement on obligatory. Some people aren't happy with that now. And some would like to leave it as obligatory. I'm one of those that can go either way.

I don't think this is going to make or break our recommendations as long as it's defined in the paragraph which it is. Cheryl?

Cheryl Langdon-Orr: I was happy with Marika's proposed language for the GGP section talking about guidance and the requirements for that guidance to be responded to.

So I would be very happy with finding (unintelligible) to replace obligatory in GIP as we've - I think we've agreed and not leaving it as obligatory guidance in the GGP section but replacing it with the other language Marika proposed earlier. It pairs it all up.

Chuck Gomes: Is anybody opposed to that? Okay Marika it's all yours not to do right now but if you would just use the approach. I thought that was a real clean approach to avoid the controversy between binding and obligatory.

And it's still it doesn't change the - what we're saying here I don't think at all. So okay, I don't have any (chrono). What time are we doing? We just got about five minutes or so.

I don't have any comments till Page 54. Does anybody else have anything before then?

Okay. I'm giving you a chance to look here. Going on Page 54 Annex D I have a totally I think I hope non-controversial edit in - the first Number 1 under Annex - where Annex - the first paragraph of Annex D. It's just - and if you go down to the added - the edited text there where it says expected to result. That's cross out, create, just delete the N there and we'll - it's a minor edit.

We don't need the N. Create - it's create new consensus policy right, not create N new, so minor edit.

Cheryl Langdon-Orr: It's hardly worth my checkmark but I kind of agree with...

Chuck Gomes: I appreciate your checkmark...

Cheryl Langdon-Orr: I just appreciate the little bit of pen entry. I always appreciate a good piece of pen entry so I'll support you in this Chuck.

Chuck Gomes: Thank you very much. I don't have anything until Page 68. When I go through these things if I see something petty I go ahead and mark it so it's as clean as possible.

So jumping - anything before Page 68?

Sixty-eight I - my comment there this is Annex F, the proposed E expedited GNSO policy development process manual.

And I think - well this may not take too much time. Marika your comment on that page right there that - is this something that should apply to all process as well as the IRT principles?

My questions was what else could it apply to except an EPDP? And it may just been too late last night that I couldn't see it myself. But it's not clear to me where else it could apply.

Marika Konings: This is Marika. I think it's partly as well - well, you know, the way it's framed it's only to the EPDP. But I think it goes more to the general pout of that.

For example the mechanism in that may apply in an IRT should be used, you know, for people to raise policy issues that they previously didn't get agreement on. And similarly, you know, a GGP. GGP shouldn't be initiated just because, you know, certain groups didn't get what they want on a PDP are now trying, you know, that path to get the same thing.

So I think it's more that the general gist of that comment that's, you know, the tools that we're developing and as well the way IRTs are expect to operate, you know, are expected to focus on the issues at hand and not using, you know, different tools to try to achieve the same thing that people didn't agree with the first...

Chuck Gomes: Yes.

Marika Konings: ...time around. And I see Karen has her hand up so I'm sure she'll explain that much better than I do.

Chuck Gomes: Go ahead Karen.

Karen Lentz: Thank you Chuck. Actually Marika I think you covered it pretty well was what I was going to say.

But as we've been talking about, you know, the principles and the IRT processes I know this is something that, you know, we sort of anticipated using - being able to use some of these procedures where there is an issue or needs to be sent back and forth with the GNSO.

And so I know this group has discussed in several instances that they don't want these tools to be used to reopen policy issues or for purposes other than addressing things that have arisen in the implementation.

And so the question here is just to pose whether that's sort of a more general principle that's could be stated elsewhere besides just in the EPDP section.

Chuck Gomes: Thanks Karen and thanks Marika. Now I understand. And so the question for the group is should we add a similar statement modifying it as necessary to the IRT and the GGP? Is there anywhere else where it might apply?

So I mean what - any thoughts on that? Do you want to pick up on this when we start our meeting next week and think about it between now and then? Any thoughts? Marika?

Marika Konings: Yes, this is Marika. If there's no outright objection to that approach I'm happy to have a look and see where, you know, something similar could fit and maybe suggest that in the next iteration so people can have a look at it and the initiatives that come back to that during the next meeting.

Chuck Gomes: That's fine with me. So let's do that and we'll pick up here next time. That doesn't mean that people can't communicate something they found earlier in the report. But let's try and do that before the meeting next week so that hopefully we can get close to finishing the final report next week.

Because I think the sooner we get it out for the constituencies and the stakeholder groups to review I know that council deadline is a little bit later. But the council deadline if we can beat that as much as possible it will help give more time for constituencies and stakeholder groups to take a look at it.

Woman: Yes.

Chuck Gomes: Anything else for this meeting?

Marika Konings: Yes this is Marika. I'm just wondering as well, you know, on that know whether it'll be worth getting a note out to the group because I know several working group members were unable to join the call today or why we make clear that, you know, if there are any other further more substantial issues that people thing the group should discuss or deliberate on that those should be received ahead of the next meeting.

So we can still of course discuss those but at least we should have a kind of, you know, some deadline by which people should have looked at it and flagged any issues they think need further consideration.

I don't know if that's reasonable if people think more time is needed or whether that's something, you know, we can maybe consider during the next meeting. I just want to throw that out.

Chuck Gomes: Now would you be willing to send that message out?

Marika Konings: Yes, no problem.

Chuck Gomes: Thanks. I appreciate. I'm sure you would but just wanted to make sure we're clear on that. So anything else before we adjourn? Okay we made pretty good progress and I think we're getting close.

Thanks everyone and have a good rest of the week and we will talk again same time next week and hopefully get even closer to wrapping this up.

Man: Thanks Chuck.

Chuck Gomes: Okay.

Woman: Thank you. Bye.

Woman: Bye.

Chuck Gomes: Bye.

Nathalie Peregrine: Thank you very much (Colin). You may now stop the recordings.

END