

**Policy & Implementation Working Group Meeting
TRANSCRIPTION**

Wednesday 29 April 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 18 March 2015 at 20:00 UTC. Although the transcription is largely accurate, in some cases it is incomplete or inaccurate due to inaudible passages or transcription errors. It is posted as an aid to understanding the proceedings at the meeting, but should not be treated as an authoritative record. The audio is also available at: <http://audio.icann.org/gnso/gnso-policy-implementation-29apr15-en.mp3>

On page: <http://gnso.icann.org/en/group-activities/calendar#apr>

Attendees:

Amr Elsadr – NCUC
Alan Greenberg-ALAC
Chuck Gomes – RySG
Avri Doria - NCSG
Greg Shatan – IPC
Cheryl Langdon-Orr - At-Large
Michael Graham - IPC

Apologies:

J.Scott Evans - BC

ICANN staff:

Marika Konings
Mary Wong
Amy Bivins
Karen Lentz
Steve Chan
Berry Cobb
Terri Agnew

Man: 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 29th of April, 2015. On the call today we have Chuck Gomes, Cheryl Langdon-Orr, Amr Elsadr, Greg Shatan, Avri Doria, and Alan Greenberg. Joining us a little late today will be Michael Graham. I show apologies from J. Scott Evans.

From staff we have Marika Konings, Mary Wong, Karen Lentz, Amy Bivins, Berry Cobb and myself, Terri Agnew.

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

Chuck Gomes: Thanks a lot Terri, and welcome everyone to our weekly call. I think we're getting close to getting through public comments. I'd like to think that we can finish it in today's meeting and maybe one next week. And I appreciate the persistence and regularity with which all of you have participated in this.

So today let me ask does anybody have an update to a statement of interest?

And secondly let me ask is anybody not in Adobe Chat?

Okay. Good. So let's go ahead and start. Now before we actually get to question 10 I want to make sure we try and get resolution on I think there were three previous discussions that we've had, some carrying over the last couple meetings and I want to make sure that I have a correct understanding in terms of where we're at.

In the - with regard to the issue regarding competing motions my understanding is that the approach that Mary proposed has now I think been accepted by everyone. If you disagree with that please speak up. Marika, go ahead.

Marika Konings: Yes this is Marika. Just to know that what you now see on your screen is a revised version in which I indeed incorporated the language that was suggested by Mary as no objections were received as far as I'm aware. And also incorporates two other suggestions that were made on the list by Amr which I think I guess we get to next (unintelligible). And also (unintelligible) version immediately following our meeting.

Chuck Gomes: Thank you very much Marika. So take a look at that. Most of you have probably seen the discussion on the list on it and if there are any concerns speak up now or we'll assume we can put that one to bed.

The second - then while you're looking at that the second issue had to do with the possibility of adding some language for the GGP that would - instead of just saying no new - no contractual obligations for registries and registrars, would say a similar thing for registrants.

Now Greg has submitted a concern with the compromised language on that. And so Greg, I'm going to ask you to - although your email I think was pretty clear but everybody may not have seen it. So if you would talk to that and let's talk - and let's all see if we can bridge the gap that Greg has identified. Go ahead Greg.

Greg Shatan: Thank you Chuck. This is Greg Shatan for the record.

We're talking now about the language about that the intended outcome is not expected to result in new consensus policies, including but not limited to any new contractual obligations for contracted parties.

My concern with the language and maybe it's just a linguistic concern is that we're kind of back to where we started from and that kind of begs the question of how do you identify when something is a new consensus policy when it's coming up in the context of implementation.

And the second concern is that this could be misconstrued in that the intended outcome of any policy implementation process is new consensus policy. So that perhaps this language could be read that the GGP can't be used during the implementation process of a new consensus policy.

So - and maybe I'm overthinking things but in terms of how other people might view this they might not understand that this is actually intended to be used during the implementation of new consensus policies or changes to consensus policies, and that - well the prohibition is against I guess any additional new consensus policies other than the consensus policy that is being implemented, if that makes sense. I'm not sure if that helps in terms of suggesting new language but that is at least the concern that I feel looking at this language. Thanks.

Chuck Gomes: Well thanks Greg. And this is Chuck. So while I - while Alan's speaking if you can think about how we might tweak the language to deal with your concern I'd appreciate that. Alan, go ahead.

Alan Greenberg: Thank you. If I understand correctly guidance processes are to help interpret the policy. So a guidance process is not supposed to establish new policy - not a new consensus policy but new policy, but may -- and I'm not trying to craft language here -- but may add nuances or interpretation to the policy to help in its implementation.

So the end result of the guidance process is to help craft perhaps a consensus policy that is the actual words that eventually come out of a PDP process. But all it's doing is helping to interpret and better define the intent of the consensus policy that was recommended, or the policy that was recommended. I think that's consistent with what we've been saying till now.

Chuck Gomes: This is Chuck. That's - I would agree with you. I think that's consistent with what we've been saying. A GGP doesn't have to just be used for clarifying

consensus policy. It could be used for other issues as well. But in the case of a consensus policy and the implementation of that policy I think you're right on.

So is there a way - Greg, have you come up with a way maybe or someone else if you have a suggestion as to how we could tweak the language to deal with your concern?

Greg Shatan: Well this is Greg. A couple of possibilities I've thought about is actually - oh I'm looking at the language to say after "the intended outcome" to put in "of the GGP" and to change the word "result" to "create" so that it would read, "That it has determined that the intended outcome of the GGP is not expected to create new consensus policies."

Chuck Gomes: And I see that Marika is putting in it - that in there. Is that captured correctly Greg?

Greg Shatan: (Unintelligible) I have too many screens and not enough eyeballs.

Chuck Gomes: I know. And even if you had more eyeballs you'd still have trouble.

Greg Shatan: Yes it is captured perfectly.

Chuck Gomes: Okay. Does anybody have any concerns about that edit?

Alan Greenberg: Question: are we just crafting the answer to the concern or are we crafting new words for the report here?

Chuck Gomes: That last column is for - I think indicating that it'd be new words in the report.

Alan Greenberg: Okay. I'm not quite sure of the full context. We might want to add the clarification after that saying, you know, it may well - the guidance - the GGP may provide interpretation or, you know, help in the implementation of a

consensus - of the policy. Sorry. I'm struggling because we've said that it is not expected but we are not saying what it is expected and I think we need that in this case.

Chuck Gomes: You're saying - and this is Chuck, Alan. So you're saying that we should say what's expected out of a GGP?

Alan Greenberg: Yes I think the (unintelligible) we were saying what it isn't. (Unintelligible) the clarity with (unintelligible) implementation. Yes I think what Marika has there is fine.

Chuck Gomes: Okay. And Marika, let me go to you and then I'll go to Berry.

Marika Konings: Yes this is Marika. Just to note that that we did it as a specific section that is currently in the report to which indeed Amr has suggested adding language which wasn't bold and I probably now need to figure out which - all the parts we added so we can also add those in bold so it's clear what it's going to be changing. I'll find that relevant section of course and make those updates.

Chuck Gomes: Thanks Marika. Berry, your turn.

Berry Cobb: Thank you Chuck. Berry Cobb for the record. Just in hearing the dialog I'm not sure that this is going to be helpful but maybe it is and I'm reminiscing of the implementation framework that Karen and her team put together that's a part of this report.

But in that aspect I think we were very careful to make a distinction between consensus recommendations versus consensus policies because technically it doesn't become a consensus policy until the policy effective date and only up till that time is it a consensus recommendation. And I think what you - this dialog here sounded a little confusing. So hopefully you can find that helpful.

Chuck Gomes: Thanks Berry. So...

Alan Greenberg: I - it's Alan. I think just removing consensus policy in quotes and simply saying "create new policy."

Chuck Gomes: I don't have any problem with that. Does anyone else? Marika?

Marika Konings: Yes this is Marika. I do because I don't think we have a definition of what "policy" is. Now for example I could see as well that this process would create indeed which I think is in need of an interpretation of a consensus policy, so rules or guidance which some may label as a policy.

So I would be more comfortable in, you know, making clear what we're talking about here is, you know, contractual obligations which are created through a consensus policy. And maybe to Berry's point one possible clarification could be to make it "consensus policy recommendations". So indeed to make - to distinguish between, you know, when it becomes a consensus policy on the date of implementation or effective date versus, you know, what comes out all the - (unintelligible) PDP which are consensus policy recommendations. So I don't know if that helps.

Alan Greenberg: Marika, it's Alan. I retract my statement in light of what you said but also realizing a GGP can produce new policy. It can't...

((Crosstalk))

Alan Greenberg: ...produce new consensus policy but it can produce new policy. So Marika's right. We need to leave consensus policy there.

Chuck Gomes: Thanks Alan. Okay and thanks Marika. And let's see if we have covered Berry's thought there. Should we put anything about recommended policy? Or maybe we say recommended or approved policy, they're just at different timeframes in the cycle. Marika? Is that okay?

Marika Konings: Yes. But - this is Marika. The way I fixed it is basically said to create new consensus policy recommendations.

Chuck Gomes: Okay. Is that okay?

Man: (Unintelligible).

Chuck Gomes: Anybody object to the language we have there? All right. Thanks Amr for that agree.

The - let's go on into the third item. The third item that we have been discussing for a while is regard to the EPDP. And Amr had made the recommendation that we need to make sure - or make clear -- and I supported his recommendation in that regard -- is to make clear that an EDPB - excuse me. EPDP cannot be used to revisit an issue that's already been covered unless there are new circumstances that come into play.

So for example - and, you know, Amr, if you want to say it better than I can please feel free. But if a particular group didn't get what they wanted in the PDP process the EPDP would not be a tool that could be used to take a second crack at it unless new circumstances have arisen, okay? And I think that's a point that Marika made on our list. So I think Marika, you already have language to that effect and you can see it on there. I'll let you each of you read it and I'll turn it to Alan.

Alan Greenberg: Thank you. I'm not sure that's correct. For instance if a policy goes to the board and the board says GNSO, I don't think you considered the public interest efficiently in this, look at it again. Nothing's changed but we're looking at it again and EPDP I think is exactly the right tool to use for it.

Chuck Gomes: Well I'm not sure about - and this is Chuck, Alan. I'm not about that because I think if the board comes back and doesn't approve a PDP recommendation

then it goes back to the PDP working group for consideration. It wouldn't need an EPDP would it?

Alan Greenberg: PDP working groups could be dissolved at that point.

((Crosstalk))

Alan Greenberg: ...has approved them, they're passed onto the board.

((Crosstalk))

Chuck Gomes: I don't think we should dissolve them until they're officially - even though they may have hoped that it was dissolved I don't think we should officially dissolve them until the board actually approves it. But you raise a good point.

Alan Greenberg: Well but just think: we still have open recommendations today from the IGO/INGO group. (Unintelligible)...

Marika Konings: This is Marika. If I could...

((Crosstalk))

Marika Konings: If I can interject...

Chuck Gomes: Go ahead.

Marika Konings: ...there there is a specific process in place to deal with those items. And Mary can share the language with the list but it's a specific provision that deals with it and these changes that may need to be made to policy recommendations prior to board adoption. So I think (unintelligible).

But to Alan's point I think the way we've currently worded it I think it's quite specific that (unintelligible) says that. You know, should not be used as a tool

to reopen the issue only because a stakeholder didn't like the conclusion of
a...

Man: Yes.

Marika Konings: ...previously held process. So I think it's pretty specific that it really is if someone says, "Well we tried it one time, didn't like it. Let's try it again." But I think the circumstance you described is a different kind of environment where, you know, the board comes back or, you know, another situation could be where indeed the board has adopted recommendations but then maybe, you know, the (GAK) issues advice, and that needs to be reconciled. I think in those cases, you know, you could maybe foresee that GGP could be possibly appropriate.

But I think the way it's currently worded it wouldn't preclude the council from using that process because it says that specifically if, you know, if there's one stakeholder that says the first time I didn't get my way, you know, can we try it again and see if I can change people's mind without any new information or changed circumstances.

Alan Greenberg: Yes. Marika, I agree but Chuck's wording didn't cover that. And that's why I had raised my hand.

Chuck Gomes: So the solution is to ignore Chuck's wording and look at Marika's, okay? Okay. Are you okay with that Alan?

Alan Greenberg: Yes I think so. Just on - as the reference to there is an existing procedure for the GNSO to handle a recommendation that the board has not yet approved, we saw how well that worked last time. So I'm not sure I want to rely on that.

Chuck Gomes: Yes. Okay any objections then to this latest language? Okay.

Before we go to 10 I just have a comment to make. When we produce our final report it seems to me that it would be helpful to produce a redline version of the version that was posted for public comment and the change - and that would then highlight the changes we made after the public comment period.

I guess my first question is is it too late to consider that or is it feasible to do that? And of course then does everyone agree that that would be helpful?

So my first question is to staff. Marika and Mary, is that a feasible approach? Go ahead Marika.

Marika Konings: Yes this is Marika. Yes we can definitely do so. The only thing may be that there may be a lot of redline that are, you know, formatting changes, changing, you know, initial to final. But it shouldn't be a problem to produce a redline version.

Chuck Gomes: I know it's a little bit of a hassle but what I would suggest is to accept all the formatting edits and so the only ones they see are the actual material ones. It's - I know you have to, I mean, at least the way I do it I go through and I - you have to I think individually accept all of those and that takes a little bit of time. But I think it cleans up the document, the redline a lot.

Alan Greenberg: Yes it's Alan. I'm not at my computer. You can, you know, if the changes aren't too complex you can actually take - give the old and the new version to Word and it will create the redline version. Sometimes it guesses wrong but usually it's pretty good.

Chuck Gomes: Okay. I'll let staff figure out how they are most comfortable doing that. But I think it will be helpful. It'll show our - make it very clear how we responded to public comments to show the redline. And for people who don't care because maybe they didn't submit comments, they can go straight to the clean version. So that would be fine.

Okay now let's go to question 10. And question 10 I think if you - is on - starts on the bottom of page 27. And really as I looked ahead at question 10 and the public comments there that are in the table, it looks like there's definitely support for that.

And then by the way I won't say this every time and I really don't mean any disrespect for (John Poole), but I'm not going to spend time talking about (John Poole's) comments in our meeting today unless somebody demands it because he seemed to be in a different world than everyone else who commented on this. So if you think I'm wrong on that I'll accept the criticism, okay?

But anyway so other than that the only comment really was from the registries there and you can see what that says. I'm going to let - ask Marika to comment on that because I think she has a good response for the concern expressed by the registries.

Marika Konings: Yes and this is Marika. So in reading this comment the way I understood it or interpreted it is basically asking the question, you know, what will be different if the council adopts, you know, GGP recommendations and submit those to the board compared to the current environment. And as example they give the (unintelligible) the (GAK) regarding the release two letter TLD.

And my interpretation is that in the world of a GGP basically if those are adopted by the super majority by the council there will be an obligation on the board to consider those recommendations. They still have the ability to turn those down but will need to say, you know, why they're doing so and need to meet a certain honing threshold in order to do so.

And so - but in, you know, of course in the current environment there is no such obligation. And even if the GNSO council would, you know, submitted a letter in a similar nature there would be no obligation from the board's side to deal with that.

So I think, you know, even though of course it doesn't guarantee that, you know, the GNSO recommendations would stand there is at least a clear and predictable process in place that would, you know, deal with the recommendations and, you know, require the board as well to provide a rationale if they should decide that the recommendations are not in the interest of (unintelligible) or the broader community.

Chuck Gomes: Thanks Marika. This is Chuck again. And I think that makes up the working group response in that. And Marika will put that in there as a response.

Greg, on the IPC comment I think they're absolutely right in terms of the understanding that's expressed there. Do you think any more needs to be said about that? Or should we maybe just say the IPC's interpretation is correct?

Greg Shatan: I think that seems fine to me.

Chuck Gomes: Okay. All right. So that'll - Marika will put that in there too so that we have that. So I think 10 is done unless anybody has another concern.

Okay. Moving ahead to number 11, and on number 11 we actually have some divergence. Although when Marika and Mary and I were talking about this before we don't think it would be hard to resolve. We don't think the yeses and noes are really that far apart.

But what I'd like to ask is Amr or if someone else wants to do it from the NCSG to talk about the NCSG comment. And I don't think we have anybody from the ISPs, correct me if I'm wrong on that. But Amr, are you willing to talk about the NCSG's comment, comment 11-6?

Amr Elsadr: Oh thanks. This is Amr. I am willing but I would have to refresh my memory on what...

Chuck Gomes: Go ahead.

Amr Elsadr: ...the answer was. Oh there it is.

Chuck Gomes: Okay. Yes Marika was busy adding those working group responses up above, so. I'll let everybody look at this. Just provide a minute to take a look at at 11-6.

Amr Elsadr: Okay yes. I - this is Amr again. I think the NCSG concern here was that there may sometimes be a need for a GGP recommendation to include a recommendation that a APDP - or an EPDP be launched in the event that new contractual requirements or consensus policies are needed in order to carry out a certain recommendation. So that was something - like Greg said there may be some disagreement or - on the subjectivity of whether something may be or may not be a consensus policy.

So just - I guess that that was the thinking when we provided this answer is that if there is not a super majority support for recommendations coming out of a GGP maybe because some feel that actual consensus policies need to be developed. And so a different process may be necessary to address specific recommendations coming out of a GGP.

Chuck Gomes: Thanks Amr. Appreciate that. Marika, go ahead.

Marika Konings: Yes this is Marika. And maybe to add to that another conservation that the working group may want to have in relation to this issue is and I think at least there was a little bit of the thinking from my side when, you know, the way that it was worded and originally indeed only having the super majority support a GGP go to the board is as well, you know, what is the board expected to do with recommendations that do not have super majority support?

And again I think it goes a bit back to the conversation that these recommendations are expected or intended to provide, you know, the consensus view of the GNSO. And you can ask yourself is that achieved if it is only adopted by the super majority?

I think in the PDP contacts there is indeed this provision that says that if the recommendations are not adopted by a super majority (unintelligible), you know, the board still needs to consider those and actually at a lower voting threshold to turn those around. But I think a question that has been asked by some in the community, if that would happen -- and I'm at least not aware of any circumstances in which that has happened -- would those policy recommendations still be enforceable on contracted parties?

As I understand it I think that agreements do specify that these should be consensus recommendations. And again the question is - so is a super majority, could it be defined as consensus or is the super majority vote really the expression of the GNSO's council's view of a consensus?

And again I think for that reason, you know, the group may want to consider that in this case indeed a super majority vote is appropriate for passing a recommendation, that anything below that means that are just not as - it's not sufficient support in that form. And I think as Amr alluded to as well it may be a reflection because some people believe it actually needs to be dealt with as a result of a PDP or maybe in another way or there's just not, you know, enough support to do so.

And again if there's no clarity on what the board then is expected to do with those recommendations or whether it's purely at the discretion of the board whether they will, you know, implement those, I mean, not sure how much value there is then in creating that kind of ambiguity on what is expected when GGP recommendations don't meet a super majority support level.

Chuck Gomes: Thanks Marika. Chuck again. Alan, go ahead.

Alan Greenberg: You know, and just commenting on the somewhat confusing words in the current by-laws, I've always interpreted that if the GNSO passes something with a majority and the board doesn't overturn it it is policy. Probably not enforceable consensus policy but policy nonetheless. So if it doesn't involve a contractual change it could stand. And that's my interpretation and as Marika pointed out I don't think it's every happened.

Chuck Gomes: And Alan, just to qualify that one little bit - this is Chuck. The board still has to approve it. It doesn't just default to policy. But even if it's just a simple majority of the GNSO council the board would still have to specifically approve it. To not approve it though they would need - they wouldn't need a super majority to not approve it. (Unintelligible)...

Alan Greenberg: That's right. It's a different threshold but they still of course...

Chuck Gomes: Yes, right, exactly.

Alan Greenberg: ...they have to go through the motions approving.

Chuck Gomes: Exactly yes. Yes very good. Thank you Alan, for that.

And so let me ask a question of everyone on this: does anybody object if we go with the suggestions of the NCSG and the ISPCP and, you know, kind of eliminate this issue of a simple majority and - like we do with a PDP? Does anybody object to going that direction?

And then of course then in the last column we would actually change our - the issue - we would change the recommendations in the report to correspond with that. Anybody object to that?

Okay. All right. So we will make a change there in response to the comments of those two groups. And I find it - I really don't think the registries are going

to have any problem with that. And I think the working group response that Marika put in the third column will explain that. And so hopefully that would be true of others as well, including the IPC.

Greg, you agree with that? You're here to speak for the IPC. Do you see any problems from your perspective, representing the IPC?

Greg Shatan: Thanks, Chuck. No I don't. I don't object to this. I think that this is a sensible way to go. I think this an area where there were a variety opinions within the IPC. So I think we can live with this, this approach.

Chuck Gomes: Thanks, Greg. Any other comments on the question 11? Okay, Marika?

Marika Konings: Yes this is Marika. Just to note as well like, you know, in such a case where it would not meet the supermajority voting threshold, of course, you know, the GNSO Council would have then as well the ability to go back to the GDP team and say look it actually didn't meet the support that it needed so, you know, here is some of the feedback or reasons why people voted it down and, you know, maybe you want to do a bit more work, if the council deems it to be appropriate.

So I think that may be a circumstance and, you know, similarly that can happen as well I think in a PDP working group where certain questions or issues are passed back. So even though it may, you know, fail at the voting level, it doesn't mean that the issue cannot be resolved by further conversations or further work.

Chuck Gomes: Thanks, Marika. This is Chuck again. And let me say - give a special welcome to Michael. I know he's been traveling and it's been difficult to participate. He has been I know keeping up to speed by listening to the recordings and so forth. But, Michael, feel free to jump in because you haven't been able to participate directly in some of the discussion we've

having - we've been having. So if you have a question or something new to add, of course we welcome that.

Michael Graham: Yes, I'll track it for that and thank you. I'm still coming up to speed.

Chuck Gomes: Okay, well feel free to jump in even if you don't think you're totally up to speed. That would be perfectly fine.

All right, going onto question 12. And the question 12 there's just the - everybody says yes except for the IPC. The IPC is being difficult here, so. Greg, I'm of course being a little bit facetious but could you talk to the IPC answer of no and then requiring a supermajority to terminate a GDP? Could you tell us where the IPC's coming from on that?

Greg Shatan: First I note that we're not alone, that (John Pool) agrees with us.

Chuck Gomes: Oh good. If you want to claim that, you're welcome to.

Greg Shatan: I was only noting it, not claiming it. I have to admit that I'm not sure why we said this. It's unfortunate that Anne Aikman-Scalese is not with us. She might recall why we were feeling that it should be a supermajority. So with apologies, I'm going to have draw a blank on this, and I won't rely on the fact that (John Pool) agrees with me or with the IPC, not necessarily me.

Chuck Gomes: Thanks, Greg. And I confess, and you've probably seen it several times, that there have been quite a few cases where the - I wasn't totally clear on the registry position either, so you're not going to get any criticism from me, so.

So on this one let's do this. I think the inclination, my inclination is to go ahead and go with the yes vote, but, Marika or Mary, would one of you send a message -- it can be on the list -- but ask Anne if she can recall why the IPC suggested no on this in requiring a supermajority vote and whether she sees it being a big problem if we just go with the majority in this case? And

then of course we can come back and visit, depending on what Anne's response, we can come back and revisit 12 next week. Okay?

Going onto 13, and 13 is a really easy one. I think we got all yeses there unless anybody has -- and again I'm going - I'm not including (John) in this okay -- so we got all yeses. Any questions or comments on 13? And 13 of course is that the PDP manual be modified to require an IRT, with the council being able to make an exception. So let me start with Marika and then I'll go to Amr.

Marika Konings: Yes this is Marika. Maybe in response to (Carlos)'s comment, because I think his point goes at the IRT shouldn't be closed, I think that we may just want to highlight which - what I think is currently in the principles as well that - in principle the invitation 40 IRT would go to the original working group, which is typically open to anyone interested so would automatically include people beyond the GNSO. And additional expertise may be sought by staff as needed.

And of course in addition to that, there's also public comment opportunity, so they're beyond participation in the IRT where the focus is really on operational expertise in most cases. There are other opportunities to provide input and participate in those efforts for example as well. IRT typically meet as well at ICANN meetings if there are issues they need to discuss, and those meetings are also open and recorded and transcribed. So maybe that's something we can point out in our response, and that may help reassure him with regards to the comments he made.

Chuck Gomes: Excellent point, Marika. This is Chuck. And let's put the essence of what you just said in a response to (Carlos)'s comment there. That will be very good. Amr, you're up.

Amr Elsadr: Thanks, Chuck. This is Amr. The NCSG did agree with this recommendation, but we did ask that in the event that the GNSO Council opted to not create a

new IRT and specifically in response to the examples provided to them, if another IRT is already in place that could deal with the PDP recommendations, that the GNSO Council should also consider the composition of the existing IRT and what the composition of a new IRT may be, in case there are stakeholders who are missing from one and not the other.

So for example, if you have a specific stakeholder group -- and I'll use the NCSG as an example -- that is not part of an existing IRT that the GNSO Council decides to also give responsibility of following the implementation of a second - the recommendation of a second process, the second process includes NCSG members who may want to be part of an IRT, then the council should also consider adding to the first IRT if it's taken on the work of both processes. Thanks.

Chuck Gomes: Thanks, Amr. I confess to not following all of that. So the NCSG would have - each IRT's unique, right, for - it's not as if there's one IRT that covers all implementation issues, but there would be one for each policy that has to be implemented -- or policies.

So help me understand what you're - what the comment is. Because the NCSG could certainly, like Marika share in response to (Carlos)'s comment, could be a part of the IRT for a specific implementation effort. So what specifically are you suggesting?

Amr Elsadr: Okay I'll try to do this better. Part of the recommendation here is that the - no, no I don't think, it's probably me. But part of the GNSO - or part of the recommendation here is that the GNSO Council can opt not to launch an IRT following a PDP for example. And one of the reasons this could happen, and this is the example provided, is that if there's an already existing IRT that can do the work for two different PDPs.

So in making this determination, the GNSO Council should consider the composition of the existing IRT to make sure that all the stakeholders from the second PDP also exist in the first one, where an IRT's already in place. Does that help at all?

Chuck Gomes: Yes I think it does. I get it now. So let me just ask another clarifying question though. This is Chuck speaking. So are you - if in that situation where they decide to use an existing IRT, are you then suggesting that new members be allowed to join the IRT, the existing one? Is that what you're saying?

Amr Elsadr: Yes exactly.

Chuck Gomes: Oh, okay. Okay I got it.

Amr Elsadr: Yes.

Chuck Gomes: And I mean I think that makes sense. So now the question is do we need to put something in and do we need to change our wording to make that clear or do the existing procedures allow that, or at least not prevent it? Marika?

Marika Konings: Yes this is Marika. As far as I'm aware, I don't think that is prevented by the current rules. I think there is nothing that says, you know, after X days no new members are taken. And I think that is actually similar I think GNSO working groups. My assumption as well that there's a kind of regular assessment depending on the issues that are being discussed, do we have, you know, the relevant expertise around the table or are certain groups missing.

And again if, you know, someone comes forward and say, you know, I would like to participate and this is what I bring the table, I don't think either there's a procedure or process that says no, that is not accepted or not allowed. So I don't think is a current limitation in the way the rules are written.

But I think from the staff that we're happy to have a look at that and then maybe call that specifically out in relation to the recommendation of the, you know, if or when the council would decide not to create an IRT, maybe to call out there, but could have, you know, would have the ability to direct the existing IRT to ensure that it has, you know, the relevant expertise or representation or something along those lines.

Chuck Gomes: Thanks, Marika. Chuck again. So it sound to me like it would maybe be helpful in the last column there on the recommended action to actually add some language and pretty much saying what you just said, Marika. Does anybody disagree with that?

It's not really changing the recommendation that we're making but it's clarifying that in a case where they elect not to initiate an IRT but maybe use an existing group that due diligence be done to make sure that the right expertise is there and open up to new volunteers if needed. Okay? No objections to that. Okay. Thanks, Amr. And thanks, Marika, for keeping up with us here.

Anything else on 13? Okay let' go to 14. Now I really wish that (Carlos) was on the call, as I have wished quite a few times on our calls, because in 14 - and I'm going to come back to you, Greg, and you, Amr, again on the IPC and NCSG comments. But I confess that I just put a question mark with regard to why (Carlos) said no on question 14 with regard to the principles.

Can anybody help me out there maybe? I know you can't necessarily speak for (Carlos) but maybe you understand it better than I do. Marika?

Marika Konings: Yes this is Marika. I'm just wondering if this maybe goes back to his previous comment where I think he seems to - seemed to assume that, you know, an IRT would be kind of, you know, a closed club without any kind of, you know, external influence or consultation with others. So I don't know if that is why

lies, you know, underneath his comment here as he, you know, refers to conflicts of interest and not sustainable over time.

So possibly it's already addressed by, you know, our clarification that IRTs are expected to operate in a similar manner of transparency. And maybe it's also worth noting that I think as we currently do, for example that GNSO project list reports on the status of implementation of policy recommendation. So again, as the manager of the policy development process, they also had an oversight role in that way on what is going on.

So I think there are various mechanisms by which, you know, people can ring the bell if they believe that indeed there's something going on there that is in conflict or not in adherence with the standards that we expect these groups to operate in. So again, just speculation on my part perhaps, but it may be linked to his previous comment (unintelligible).

Chuck Gomes: Thanks, Marika. And I - in my own opinion, and I'm going to listen to Michael here, he may have another suggestion, but I think it's reasonable to respond the way you just suggested, assuming that we're understanding what the concern is. But I think that's a good effort to try and address what we think he's talking about there.

And it might be a good idea to do something similar to what we did with regard to Anne on a previous question and reach out to (Carlos) on the list and see if our response addressed his concern. So if Marika and Mary can make sure that happens, that would be great.

Let's go to Michael.

Michael Graham: Yes I just - you sort of put the words in my mouth, and I agree with Marika. I think this stems from the same concern that he was expressing before, and I would hope that, you know, the answer that we're providing in that regard would address part of this. But I also agree that, you know, reach out to him

and see if that's - that is the case or if there's something - some other concern that he's raising here.

Chuck Gomes: Thank you very much, Michael. Anybody else have a comment or a question on this one? Okay. All right. Then I think that covers question 14. So let's - that brings us to the general questions. If we're not careful we could almost finish today except for the follow up that we have. Amr, go ahead.

Amr Elsadr: Thanks, Chuck. This is Amr. I just wanted to point out we're not actually done with question 14 yet. (Unintelligible)

Chuck Gomes: Oh I'm sorry. I skipped right past that page, and thank you for setting me straight. What I - in both the comments by the IPC and the NCSG, they both make a suggestion that they support the recommendation but they make some suggestions that might involve some action items on our part in terms of maybe adding some words or something in the - along with the recommendation.

So let me, since 14.4 comes - in fact since Amr is the one that set me back on track here, let's start with the NCSG.

Amr Elsadr: All right. Thanks, Chuck. This is Amr. The (unintelligible) did support the recommendation; however there seems to be what I could at least identify as sort of a discrepancy between the appeals process in the initial report for an IRT as opposed to the appeals process in a working group.

This is a process when there's a disagreement between a working group member and the chair of a working group and how the council liaison's role would fit here and under what circumstances the council liaison would have to elevate this issue to the GNSO council, which is the chartering organization. And that's clearly outlined in the GNSO working group guidelines.

What we're suggesting here for an IRT is something similar except of course there's no IRT chair. This role is carried out by GDD staff. But the difference here is in the event of a conflict that is not resolvable there would have to be a consensus level among the IRT members to sort of determine whether the council liaison will take the issue to the GNSO Council or not.

In a PDP working group, this consensus level is not required. But we're saying on the IRT is it, so I'm just wondering why we're making that recommendation. Thanks.

Chuck Gomes: Thanks, Amr. Before I go onto Greg on the IPC comments, which appear maybe at least a little bit related to this, does anybody - can anybody respond to Amr's question there on this? I can't. Marika?

Marika Konings: Yes this is Marika. I probably would need to look back at the report and I'm also looking at maybe (Karen) because she may recall exactly why this was written this way. But what I can imagine in this case is that maybe the way it's done is to ensure that it's not, you know, one individual in the IRT that, you know, has a specific issue while everyone else in the IRT believes that that's just a - that individual that has a specific point of view - and he doesn't align with, you know, what GDD staff believes is the right approach but neither has any support in the rest of the IRT.

So I think - I can imagine that that may the way - the reason why it is suggested that there should be kind of consensus call or at least a look around the room, you know, do others believe as well that this indeed a disagreement that needs to be, you know, taken up to the GNSO Council and addressed there or is this really, you know, one person that is just trying to, you know, get their views pushed through without any kind of support nor from other members in the IRT, nor GDD staff. But again I would need to reread the exact language but that could be a possible explanation.

Chuck Gomes: And if you'll do that, that would be much appreciate, Marika. This is Chuck. Now, Amr, a question for you. So is it the NCSG's position that the liaison if there is disagreement the liaison could in essence just go to the GNSO Council on it without any particular defined level of consensus? Is that what I'm hearing?

Amr Elsadr: This is Amr. Yes there are conditions that need to be met, and those would be that the chair of the IRT or the GDD staff member responsible cannot resolve the issue with a member of the IRT. This issue I guess it could take different forms, but yes at that point it would make sense that the liaison would have to go back to the GNSO Council to make a decision on this, even if it just one member of the IRT. I believe the same is true for a working group, a GNSO working group, and I would imagine it should - the standard should be the same for both types of groups or teams. Thanks.

Chuck Gomes: Now Marika -- thanks, Amr, this is Chuck -- Marika raises an interesting question, can an individual raise an issue in the council. I believe it also requires at least more than one person, but I would - and she's going to check that. But let me suggest this, unless people think this is not a good idea.

Amr, if you could suggest -- and you can do this after this meeting, you don't need to do it on fly here -- but if you could recommend some language that we could consider on the list and then ultimately in our meeting next week to address the concern that you have, and then we can discuss it on the list and hopefully finalize it next week. And having said that, I'll give you a chance to think about that, Amr, if you're okay with that. And then let's go to Marika.

Marika Konings: Yes this is Marika. Sorry, I just pulled up the language from the GNSO operating procedures in relation to the appeal process. And I'm assuming that that is what - yes that's exactly the section that the NCSG is referring to in its comment. And that actually refers specifically to when a working group member believes that his or her contributions are being systematically

ignored or discounted or to appeal a decision of the working group or chartering organization.

And they should first discuss those circumstances with the working group chair. And again I think that would be the situation with the GDD. And then it says in the event that matter cannot resolved at the satisfactorily, the working group member should request an opportunity to discuss the situation with the chair of the chartering organization or the designated representative.

So again I think is not a question of that working group member would take it to the council for review or discussion, but it's an individual conversation between the chair, of the GNSO in this case, or the designated representative.

So maybe that is something similar that could be applied here as well that indeed if someone believes that their contributions are being ignored or, you know, they want to appeal a decision that has been made by the IRT, this is maybe then a conversation they can request with the council chair or their representative. Maybe that's indeed a similar way of dealing with this, if that is agreeable to the rest in the group.

Chuck Gomes: Thanks, Marika. Chuck again. And, Avri, go ahead.

Avri Doria: So that means that IRTs no longer have a liaison relationship? Because if they did, I would still assume that you would use that mechanism. Or is that a point that I've missed, that the IRT no longer has a liaison relationship to the council?

Chuck Gomes: This is Chuck, and I'll let other speak up. I don't think the intent was to eliminate the liaison relationship.

Avri Doria: I hadn't thought so.

Chuck Gomes: Yes. And I think that, you know, using the liaison relationship makes sense here. We spent quite a bit of time on that particular topic a few months ago. So how can we - I think maintaining that makes sense at this point. So I suggest, Amr, that you - as you're coming with language that you keep in mind the process that exists today and as well - so what Marika shared, but also keeping in mind Avri's good point that we want to maintain the liaison relationship. Does that make sense, Amr?

Amr Elsadr: Yes it makes perfect sense. Thanks.

Chuck Gomes: Okay. Thank you, Amr. And let's go to Greg as the IPC also said yes but, okay? And let's see whether there's something further we might be able to clarify to address the concerns of the IPC.

Greg Shatan: Thanks, Chuck. Greg Shatan for the record. You know, I think as you note there is some relationship between the NCSG and IPC comments, and we're both expecting to be troublemakers or expecting that somebody will be a troublemaker. And I say that with affection.

And I think that the yes but is actually fairly straightforward in that we believe that there should be perhaps in addition to the path that is being discussed in response to the NCSG of trying to work it out or, you know, escalate the issue, there should also be the ability to have a minority opinion in the case of controversy or a non-full consensus situation arising in an IRT.

Chuck Gomes: So thanks, Greg. This is Chuck. And to me that seems pretty straightforward that it should be there, but I think we should say it. And I think that's what the IPC is suggesting.

Greg Shatan: Yes.

Chuck Gomes: That's consistent with everything in the GNSO I think, and working groups and so forth. So an action item then we would add it then in the last column

would be some language that points that out, that the opportunity of when there's not full agreement in an IRT, there needs to be the opportunity for a minority statement. Did I say that okay, Greg?

Greg Shatan: Yes you did, Chuck.

Chuck Gomes: Thanks. Alan, go ahead.

Alan Greenberg: I have a question. Who does this minority opinion go to?

Chuck Gomes: Well the IRT is going to make its recommendations with regard to implementation and the - who does the - your question is really good. Maybe Marika can answer who does the - where do the IRT recommendations go.

Alan Greenberg: Remember an IRT, in my understanding anyway, an IRT does not do its work and then the implementation happens. It's part of the ongoing process of implementation.

Chuck Gomes: Right.

Alan Greenberg: So I understand a minority report registers a disagreement, but I'm just not sure who goes to or what happens with it.

Chuck Gomes: Marika, would you like to respond to that?

Marika Konings: Yes this is Marika. I think Alan is absolutely right. I think typically the work of the IRT consists of working with ICANN staff on developing the implementation plan, and that plan is what is put out for public comment. However in this scenario and I think the provision of minority reports, there could potentially be a scenario where everybody but one person agrees with, you know, the proposed implementation plan and that one person wants to note their objection or, you know, where they would like to see something else.

And that, for example, could be put out together with the public comment form that goes out on the implementation plan. Similarly for example, when an issue is taken back to the GNSO Council, again there may be a statement from the IRT on a certain issue where for example the majority of people see a problem with how an implementation is approached and someone, you know, does not agree that it is an issue and they want to - may want to make a statement in that regard.

So I think typically there is no - indeed there is no IRT report or recommendations, but there may be certain circumstances where in which a member may want to, you know, provide a minority opinion or statement. And again, I think we can look at the report and see where that may best fit and then the group can look at whether that indeed was the right place or not as envisioned by the IPC.

Chuck Gomes: Thanks, Marika. This is Chuck. Greg, go ahead.

Greg Shatan: Thanks. I think the answer to the question is in the last sentence of the IPC comment, and I see that Avri said something similar in the chat -- that we're looking for a mechanism that among other things would advise the GNSO council that this minority opinion was being expressed.

I think also that in terms of - that where recommendations are being made by an IRT where there is enough of a minority - the minority opinion being expressed that the minority recommend in essence should be expressed as well.

Chuck Gomes: Thanks, Greg. Chuck. Avri, go ahead.

Avri Doria: Thank you. It's Avri speaking. Yes, I guess - I had sort of made an assumption that the IRT was still an entity chartered by the GNSO, and in

essence all the rules -- the blanket rules -- of minority statements comes to council if things aren't working right.

Liaison relationships also pertained and that this wasn't really a new kind of (unintelligible), but that it inherited, you know, in a sense of a function inheriting (unintelligible) all of the same connection mechanisms, communication mechanisms, while it was doing the job, and didn't need to have things explicitly stated.

But, you know, (unintelligible) impression during the conversation that perhaps that assumption is wrong and it needs to be stated somehow explicitly that, you know, it really is subject to the same basic conditions of being a working group, you know, except that it's post-working group. And am I alone in having made that assumption? Thanks.

Chuck Gomes: Thank you, Avri, and you're not alone because I know I have the same feeling, and in fact I think you said it. I suspected -- assuming we all agree on it -- that it does need to be explicitly stated. But let me go on to - Greg, is that an old hand?

Greg Shatan: Very old.

Chuck Gomes: Okay. And Alan, you're up.

Alan Greenberg: Thank you. A question I guess for Marika. The concept of a public comment on an IRT or on a policy implementation plan, I just notice the one on the IRTPC for the first time and I'm curious. Have these been going on for a while? Is that now standard? Or is it just because they had a particular question they weren't sure about?

Chuck Gomes: Alan, this is Chuck and I'll let Marika respond, but it's what I was going to comment when - what I was going to say is that I think there's an overarching issue that we need to deal with that's come out of this discussion. And I'll stop

there and let others talk and then come back if it's not covered. So Karen, please.

Karen Lentz: Thank you, Chuck. This is Karen. So I will just share my perspective on what we're talking about in terms of the IRT, and I'm not sure if it's different or the same as what everyone has been saying. But, you know, the way I sort of envisioned it, the output of an IRT is the implementation itself. So it's unlike a working group where you would have a report or recommendations. Their deliverable is implementation itself.

They have - the role that they have that we've been talking about in this group in terms of being a link between the PDP and then implementation work and being, you know, within the purview of the GNSO's responsibilities. I think where a statement of, you know, majority or minority would be relevant would be where there's a question about consistency with the policy recommendations. And in that case you may have a difference of opinion not so much whether an implementation plan is a good idea, but about that question in terms of the alignment of the implementation plan that the IRT came up with with the intent of the policy advice. So I hope that helps.

Chuck Gomes: Thanks, Karen. Marika?

Marika Konings: Yes, this is Marika. I just put my hand up to respond to (Alan's) question concerning the public comment. And I think as far as I'm aware, I think it is pretty standard practice that before implementation in language or an implementation (unintelligible) is, you know, formally announced and considered done that there is a public comment period.

I think only in instances where the policy recommendations were so specific and there was actually no real implementation to be done, I think there may have been cases where it would just move forward if the specific language is provided and nothing else was needed.

But I think it's pretty standard practice, and I would need to look back at the report, but I think the calls out there as well is part of the process that it is an expected step in, you know, the overall waterfall model that there would be an opportunity for comment before I think they finalize it.

Chuck Gomes: Thanks, Marika. Alan, go ahead.

Alan Greenberg: Yes, I was going to say thank you. It somehow eluded me that that's happening, and I guess we need to make sure that we factor in that comment period in our overall timelines as well. Thank you.

Chuck Gomes: Thanks, Alan. And Karen, I want to come back to you if I can. In the - I need you to refresh my memory a little bit because all of this is stretched over such a long period of time. But in the framework that your team developed and modified with lots of input from this working group, how does what we're talking about now fit into that without me having - I haven't gone back and looked at it.

But, so the IRT develops and implementation plan, and in regards to whether there's any dispute about the plan itself, what happens to that implementation plan and that framework?

Karen Lentz: Thanks, Chuck. This is Karen. So typically in the process that we have shown in the framework there - once the implementation plan is developed sort of a preliminary one is developed before the IRT, you know, convenes so that they have that to review. Then, you know, essentially the group decides whether to post that for comment. But there's a strong presumption that it will.

So the IRC convenes with some draft language, and an implementation plan provides their input into that and determines basically when to post it for comment. And then depending on what the comments are, you know, there could be, you know, several additional changes which might necessitate another comment period. Or there could be, you know, essentially very few.

Chuck Gomes: Thank you, Karen. So my first question - this is Chuck - my first question is should it be just a strong presumption of a comment period, or should it always be a comment period? And I'm not suggesting an answer. But based on what you said, that's a question that comes to mind. And then my second question is what is the role of the GNSO council as the policy manager at that point?

And Karen, I didn't expect you to answer the strong presumption question. I threw that out for the whole group. You might be able to answer the second question though.

Karen Lentz: Okay, thanks, Chuck. I wasn't sure if they were questions for me or not. But on the - the role of the GNSO council, so the, you know, the purpose of -- or one of the purposes -- of the IRT is to, you know, have that link with the council so that it is communicated this is the status, this is the implementation plan, and where they're, you know, in the case where you have an issue about, you know, misalignment with the policy advice or, you know, some other issue that the IRT or some IRT members bring to the attention of the council that that, you know, that is their role to invoke a process to resolve an issue where it's needed.

But in terms of the, you know, the mechanical, you know, submit comments, you know, review with the IRT, implement the policy, there's not really a role once the, you know, once you get to the end of the IRT. And if there have been no issues raised that would require GNSO involvement right now, there's no additional (unintelligible) explicit step there.

Chuck Gomes: Thank you, Karen. And so assuming that the GNSO wraps on the IRT -- whoever they might be -- are communicating with the broader council and so forth, it may not be needed to have a formal step there. Is everybody in agreement with that? And then I'd like people to also respond with regard to

the public comment period. Is a strong presumption of a public comment period sufficient? Any thoughts on that?

Avri Doria: You mean as opposed to an absolute requirement?

Chuck Gomes: Yes, Avri.

Avri Doria: Yes, I'm fine with a presumption.

Chuck Gomes: Okay. Thank you. Thanks, Avri. Anybody - if you don't think that's sufficient please speak up. Otherwise we'll assume that the direction that this is going is fine.

Okay. Seems like by the silence and also with (Aubrey's) direct comment it seems like everyone is okay with this. So the - is there anything else then with regard to (Ida), question 14 that we should discuss? Okay.

And then Amr has an action item on this one to come back with some language to deal with the NCSG concern. And I think we've dealt with the IPC concern. So now I will - okay, Marika, go ahead.

Marika Konings: Yes, this is Marika. Sorry, just getting off mute. I actually noted it as an action item for staff to create some more language as what is currently present on their Section 3.7. But of course I'm more than happy as well for Amr to make suggestions of where that belongs.

But if he, you know, is happy with us having a look on where that may fit and then of course he can comment or make alternative suggestions. But I think the idea with me was to follow the language in a similar way as currently is provided in Section 3.7 of the GNSO working group guideline.

Chuck Gomes: Thanks, Marika. Amr, are you okay with that?

Amr Elsadr: Yes, I'd be more than happy to have staff...

Chuck Gomes: Okay. Good. I see that in the chat. Okay, thanks. Okay, very good. Thanks, Marika and thanks Amr. All right. Going on to the general comments. And the first one, G1, is from (Carlos). And this is another one where I don't feel qualified to talk to myself. I put a question mark on this. So let me encourage people to take a look at that and maybe you can help out here. And this may be another one we need to reach out to (Carlos) on.

But this one I frankly don't know how to react to it based on - and I'm saying that in the context of everything we've done over the last hour and many months we've been doing this. So anybody help me out there? Marika?

Marika Konings: Yes, this is Marika. Maybe we can just refer him to the annex, which I think outlines quite clearly the different roles and who is responsible for the different steps of the process. Because if I read his comment I think he's asking for clarity on, you know, the overall process -- who's involved, who's responsible.

And I think that is actually done quite well in the framework which I think for each step it's specified who's a lead, which other departments or groups may be involved. And I the comment had indicated, you know, he hasn't been following the conversation of the work very closely. So maybe that's a part of the report he overlooked. So maybe directing him in there and, you know, we can follow-up as well to see if that addresses his concern, and may be a way of, you know, dealing with his comment.

Chuck Gomes: Thanks, Marika. That sounds like a good suggestion to me. Does anybody have any other suggestions in that regard?

Alan Greenberg: Yes. It's Alan. If I can paraphrase what he's saying assuming I understood it properly, he said this is a very confusing situation and it's likely to get more confusing. Yes.

Chuck Gomes: Thanks I think, Alan.

Alan Greenberg: Well, it's true. We've been talking about this for what? A year and a half, and what we've come up with now that we think we understand the situation is a whole bunch of new processes, and we've heard discussion here as to how will we decide which one to do, and what if there are competing processes, and you know, and a lot of questions like that. That's the reality of what we're doing. So I sympathize, but I don't think we're going to fix it.

Chuck Gomes: Thank you. I think you're probably right on that assessment. Any other comments on Carlos's comment, G1? Okay. Going then to G2 -- which is from the BC -- my interpretation of that is that it was supportive. And really I don't think there's any action item. So we could say thanks probably. Anything else on G2?

And I believe it's the same thing for the IPC, but we have someone from the IPC here that we can pick on. In G3 I think it's a similar thing although I was a little bit confused in the second paragraph there. Greg, maybe you can help me out.

The IPC supports including the recommendations and the SG's final report. Is that referring to the IPC's? No, they're not an SG. Let's see. What does SG's final report referring to there? You know?

Greg Shatan: This is Greg. It might be the Surgeon General or the Solicitor General or...

Avri Doria: Now Greg.

Alan Greenberg: I think it was a wandering finger on a keyboard it looks like.

Greg Shatan: It probably was the WG and not the SG -- the S sitting directly below the W. So...

Alan Greenberg: Although I would go with the Surgeon General.

Greg Shatan: I think so. We have proceeded...

Chuck Gomes: Maybe it's the working groups.

Greg Shatan: I think it's the WG's final report.

Avri Doria: Which makes sense.

Greg Shatan: Although we have been going through this with surgical precision.

Chuck Gomes: Yes, okay. Thank you.

Greg Shatan: It's been doctored pretty well.

Chuck Gomes: Okay. So okay, that's fine. And I would think that the response is similar to the BC's response. Noted and thanks. Is that good? Okay. I'm not seeing any objections. G4, the NCSG -- and I think I need your help here, Amr, on this one.

Amr Elsadr: Sorry. Yes, I think this was actually a question on whether this was intended or whether it was somehow a mistake in the initial report. On page 69 in I think it was Annex E the description or the consensus levels required to approve recommendations coming out of an EPDP refer to the consensus levels required to approve a charter -- PDP working group charter in the bylaws instead of referring to the consensus levels required to approve a PDP working group recommendations.

So I was wondering if there was a reason why this was - why these specific consensus levels in the bylaws were selected and whether it was a mistake. The bylaws that were referred to were paragraphs 9D to F in Section 3 or

Article 10. While it seems to me that the more reasonable paragraphs would be H through L in the same section in the same Article, 10.

Chuck Gomes: Thank you, Amr. I see (Marika's) hand is up. Go ahead, Marika.

Marika Konings: It is (unintelligible) trying to look up the exact paragraph. But I think this is probably something where, yes, we just need to double check. I think the intention is that a new section would be created in Article 10 to reflect the new voting thresholds that are associated with these processes. And maybe we didn't refer to the numbers correctly. But I think that is the intent behind it, so it wouldn't be referring to an existing provision but a new provision would be created that specifically calls out the voting requirements for an EPDP and the other processes that do not have a, you know, simple majority standard vote.

Chuck Gomes: Thank you, Marika. Amr?

Amr Elsadr: Yes, thanks, Marika. That's understood. However, even if a new section or new paragraphs are provided in the - are put into the bylaws for the consensus levels required to adopt EPDP working group recommendations, wouldn't it make more sense that they be the same as PDP working group recommendations and not the consensus levels required to adopt a PDP working group charter? That's the real question we have here. Thanks.

Chuck Gomes: Thanks, Amr. And what you're saying without looking at all the details makes sense to me. But let's - staff's going to double check on this and then come back to us next week so we can make sure we're all on the same page on this one. Marika, go ahead.

Marika Konings: Yes. This is Marika. If I can just maybe ask Amr to confirm to me where the line - because I'm looking at Annex E in Section 4 that just has, you know, four lines and doesn't make any reference to the ICANN bylaws. So I suspect I may be looking at the wrong place. So maybe if we can, you know, take this

offline and Amr if you can just maybe explain to me exactly what you're looking for and we can then confirm, you know, whether indeed it was an oversight or how we can resolve it, because it's not exactly clear to me.

Chuck Gomes: Okay thanks, Marika. And if the two of you can make sure you're on the same page and then we can come back to this one next week. So we only have two items then to cover. And I've - it's G5 and G6. G5 from the ISPCP, and G6 from the ALAC. So I'll let Alan comment on that, but I think they're both supportive. Are both of those issues of - again, noted and thanks like we did earlier for the BC and IPC? Alan, do you want to respond with regard to G6?

Alan Greenberg: Soon as I actually finish reading it.

Marika Konings: I think it is, Alan.

Alan Greenberg: I think this - It was just a motherhood statement saying we support the overall direction.

Chuck Gomes: That's what I...

Alan Greenberg: I don't think there was a hidden message.

Chuck Gomes: Okay, good.

Marika Konings: It's very subtle. If it's hidden that well it's very, very subtle.

Chuck Gomes: So thank you for that. We appreciate that. All right. So we're coming to our end of the meeting here and we have - we made it through. Congratulations to all of you. And so our meeting next week we will wrap up our responses to the comments.

Now staff has been very good about submitting fairly shortly after our meeting an updated version of the review tool. And so I know they will do that again

this time, so please take a look at that because in addition to the follow-up items that we have from today that we'll talk about on our agenda next week, we will also provide - there will also be an opportunity to see if there are - if there's anything else in this response that needs to be addressed.

And then it'll be a matter of - then staff will be able to finalize the response to public comments and post that, and then we can work on finalizing the two versions of the report -- the redline and the clean version -- for submission to the council. Marika, go ahead.

Marika Konings: Yes, this is Marika. Maybe just a suggestion here because I'm wondering as well if, you know, the review of the responses, if that's something we can do on LIST. But I think on the staff side we may need a little bit more time to incorporate that into - to change the initial report to a final version taking into account the changes that have been suggested as well as some of the standard changes that will need to be made.

So I'm wondering if the group may want to consider not going ahead with next week's meeting, and that we'll then try to aim to have a revised version available for working group review the week thereafter. And that, you know, in that interim period working group members are expected to review the responses that we've provided in the public comment review tool, and we can work out some of the, I think open issues, I think, you know, and there's an item that (unintelligible) with Amr on - again, I think that's something we may be able to do on the LIST as well unless of course you think it requires a meeting to discuss. And then we'll still have, you know, an updated report available in two weeks.

Chuck Gomes: So first of all I wasn't suggesting that there be an updated report available before next week's meeting. I was only suggesting that the review tool be updated so that people could review that. So let me be clear on that, okay?

Secondly, I'm okay if we can resolve it on the LIST -- the remaining issues -- if that happens. Some people are really good at that, some aren't. So that's my only concern because you're going to need resolution of these remaining items that we didn't resolve today before you can work on the final report.

And similarly - and maybe what we need to do is to really validate that and deal with my concern about people responding on the LIST would be to actually do a poll of are there anymore issues. And if we find out that there aren't then we don't need a meeting.

Did anybody have any comments on that? Do you want to skip the meeting next week and try and do it on the LIST? I would like to see some confirmation from all the working group members that we are in fact satisfied so that we have everything we need to do the final report. Alan, go ahead.

Alan Greenberg: My tendency -- and you've heard this from me before -- is to keep the meeting scheduled, and depending on the traffic on the LIST either hold it or cancel it.

Chuck Gomes: Thanks.

Alan Greenberg: It's really hard to schedule something ad hoc, and we have a meeting that's on most people's calendars. So I would leave it.

Chuck Gomes: Okay. Marika?

Marika Konings: Yes, this is Marika. I think in a similar vein as Alan, what we can maybe do is I should be able to push out the updated report I think after this call. And maybe we can just give everyone until, you know, Monday 23:59 UTC to flag any other issues that they think need to be considered or discussed. And then I think on Tuesday the chairs can then decide based on what has come in whether or not a meeting is needed or not.

Chuck Gomes: I'm comfortable with that. (Michael), go ahead.

(Michael): Yes, I just wanted to express, I mean on my own behalf and I think the same situation holds for (J. Scott) and may hold for Greg or other members of the IPC certainly. But we're going to be out of pocket at the INTA annual meeting through next week, and frankly there's very little time to be able to give the attention I think this deserves since we're on the final lap of this. I mean between now and the end of next week frankly, I'm going to be out of pocket. And I'm certain (J. Scott) will be because he does have presidential duties this year.

Chuck Gomes: He has already said that he will not be available. So that is correct. So everybody else except the IPC members on the call, we have an opportunity next week.

Man: Wait a minute.

Chuck Gomes: I think - okay, so the plan is to for the chairs and vice chairs to decide on Tuesday whether a meeting is needed, and I think everybody knows we're not going to do anything to take advantage of the IPC even though it sounded like a good idea.

So the - so we will take that approach. Let's be real clear in the message Marika that we send out to the LIST for those that weren't on the call, of where we're at, and that they need to, you know, meet the deadline of Monday so that we can - and then depending on that we will decide whether to hold the meeting, and that we're moving ahead with the final report after that.

Any questions or comments? Any other issues we need to cover? Alan, is that an old hand?

Alan Greenberg: Chuck, all my hands are old.

Chuck Gomes: Yes, mine are too, Alan, as you know. So okay. All right. Thanks, everybody. Great meeting. We made it through the comments with just a few little items still hanging that we'll hopefully resolve on the LIST. If everybody'd be diligent about trying to help resolve those on the LIST that would be great. And if we don't talk next week, we'll talk in two weeks.

Avri Doria: Okay then. Bye.

Greg Shatan: Thank you, Chuck. Bye-bye.

Chuck Gomes: (Unintelligible) rest of the week. Bye.

Woman: Bye. Thanks, bye.

Coordinator: Once again, the meeting has been adjourned. Thank you very much for joining. Please remember to disconnect all remaining lines. (Brian), if you can please stop the recording.

END