**ICANN
Transcription
Standing Committee on Improvements Implementation (SCI) meeting
Thursday 20 December 2012 at 20:00 UTC**

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 http://audio.icann.org/gnso/gnso-sci-20121220-en.mp3

on page http://gnso.icann.org/en/calendar/#dec

Attendees:
Ronald Andruff – Commercial and Business Users Constituency – Primary - chair
Wolf-Ulrich Knoben – ISPCP – Primary
Angie Graves – Commercial and Business Users Constituency – Alternate
Anne Aikman-Scalese – IPC Alternate
Avri Doria – Non Commercial SG – Primary – vice chair
James Bladel – Registrar Stakeholder Group - Alternate
Jennifer Wolfe – NCA
Alain Berranger – NPOC – Primary

Apologies :
Mary Wong –NCUC
J. Scott Evans – IPC Primary

ICANN Staff:
Marika Konings
Julie Hedlund
Glen de Saint Géry

Coordinator: Remind all participants this conference is being recorded. If you have any

                    objections, you may disconnect at this time. You may begin.

Glen DeSaintgery:Good morning, good afternoon, good evening everyone. This is the SCI call on the 20th of December. And on the call we have Ann Aikman-Scalese, Angie Graves, Alain Berranger, Wolf-Ulrich Knoben, Ron Andruff, James Bladel, Avri Doria and Jennifer Wolfe. And for staff we have Julie Hedlund and myself Glen DeSaintgery. We have apologies from J. Scott Evans and I think that is all the apologies.

Before I hand over to the Chair, Ron Andruff, may I just please remind you to say your name before you speak because this will increase the value and the accuracy of the transcript. Thank you very much. Over to you Ron.

Ron Andruff: Thank you Glen. I think...

Wolf-Ulrich Knoben: Thank you Glen. It's not to Ron but it's - is Wolf. So I would like to thank...

Glen DeSaintgery:Oh, sorry Wolf. Sorry. I'm very sorry.

Wolf-Ulrich Knoben: I have just my last minute here as - for the handover yeah to the new Chair. So that's what I wanted to do right now. So I just wanted to - I wanted to say thank you for this time, you know, I had the Chair here with all of you. And it was great. And I'm sure confident though that we are continuing smoothly and with good work. So and - so that's all what I would like to say.

And now to hand over and I'm so also to officially congratulate to Ron Andruff as the new Chair elected. And I'm also very happy that Avri is going to continue as Vice-Chair. So thank you very much and I'm going to hand over to you Ron.

Ron Andruff: Thank you Wolf-Ulrich. It's a pleasure and thank you to everyone for voting me into the Chair. I appreciate it and I appreciate the work that Wolf-Ulrich did over these last two years as Chair and also Avri having been the Vice Chair for these last couple of years. Very good leadership and I hope that

Avri and I will be able to continue to guide things forward as we grow and develop.

So I guess the first order of business that we have on our agenda then is the statements of interest. So I'd like to ask if anyone has any changes or modifications to their SOI that we should be aware of. Having heard none...

Julie Hedlund: Excuse me Ron. This is Julie Hedlund. I not that Avri has raised her hand.

Ron Andruff: Oh, I beg you pardon. Thank you Julie.

Avri Doria: That's okay.

Ron Andruff: Avri, please.

Avri Doria: Thank you. It's not so much an SOI change. However, up until now I've been occupying the slot as primary rep from NCSG and secondary from NCUC. I've resigned the secondary as NCUC so we should be seeing a new appointment from NCUC in that secondary rep spot. Thank you.

Ron Andruff: Thank you Avri. That's very helpful. And actually speaking of changes. Ann, did you and J. Scott switch primary and alternate as well seeing as we're talking about that topic or is that something that's still in the mix?

Ann Aikman-Scalese: Oh, that has been discussed. Very honestly it was put aside during this, you know, past period of ten days or two weeks where just trying to deal with and get direction on the particular issue that we were all dealing with. As far as I know, we've not yet officially switched but I think that you probably say J. Scott's note that at least for today's call that I'm the designated IP person, but...

Ron Andruff: Very good. Very good.

Ann Aikman-Scalese: ...that's the status for today.

Ron Andruff: All right. Thank you Ann. And obviously that will - you'll advise us when that change occurs...

Ann Aikman-Scalese: Yeah.

Ron Andruff: ...officially. But I just wanted to make sure that was clear. Very good. So again, no SOI updates (that we've) heard. So we can move on then with the approval of the agenda.

                 And I would also say before that, Wolf-Ulrich's brought something to the table, which I just saw before getting online. And I'm going to move that to any other business if I may and otherwise if everyone agrees with the agenda, we can move forward. Avri, I see your hand. Avri. I also see Alain's hand up. So maybe Avri is stuck on mute. Alain.

Avri Doria: This is Avri again. I was babbling on...

Ron Andruff: Oh please.

Avri Doria: ...mute.

Ron Andruff: Go ahead.

Avri Doria: I wanted to say that on any other business we should add the topic of requesting a liaison from the Council in the group since neither the Chair nor the Vice Chair is a member of Council. I believe we need to have some member of Council serving as - in the liaison role between this committee and the Council. Thanks.

Ron Andruff: Okay. Duly noted. Liaison for GNSO Council. And then the other item that Wolf-Ulrich brought up, which we'll get to. Very good. Alain, please.

Alain Berranger: Yeah. Hi. It's just a courtesy note to - if it has not been done already to thank Wolf for his services on an - outgoing services.

Ron Andruff: Thank you Alain. Indeed we had mentioned that perhaps prior to your arrival. But thank you very much for bringing that forward. Our leadership has done a great job in Wolf-Ulrich and Avri. So thank you for bringing that to our attention.

Alain Berranger: Thanks.

Ron Andruff: All right. So one thing that I would like to try to do in terms of perhaps just bringing a little more focus for all of us. I've got a couple of things that I brought to the agenda today. And one is the review of the charter.

We're now two years on. So I thought it might be a good idea just to kind of touch base on that again to recall and remind ourselves exactly what the SCI is doing. And so this is the issue on the agenda now that we're discussing.

We've allowed a couple of minutes for all of this and I'm not sure we're going to need all of it. But I felt it was important to again just to refocus on the (unintelligible).

I also wanted to discuss the idea of our reporting to our constituencies and attendants. And Avri mentioned earlier that there'll be a new member coming from - to join our team and that's very helpful.

And I wanted to relay the message to all of our members that we have a primary and we have an alternate. And it's really important for all of us if we can ensure that as we're representing our constituencies that we have at least the primary or the alternate at all of the calls because there's a lot of work, as we know, that we're doing. And it really requires more voices to be brought forward.

So we - the thinking is simply that I would like to encourage everyone to ensure that they do their part to make sure that one of the two is represented at all the calls.

I also wanted to discuss ideas of - and I have discussed with the staff about creating a chart on the Wiki to capture the things that we say that we'll come back and visit - revisit one year from now. These are a number of issues that we say we've always - let me back up and say that we've tried to take a light approach at the SCI and not try to recreate policy.

This had a lot of consideration and really our job is to try to smooth off those rough edges. Some of the things we've said we'll look at it again in one year. So staff will now create a chart on the Wiki so we can see exactly what those things are and make sure that they don't fall through the cracks.

And then the third element I wanted to talk about with regard to the charter is the idea of consensus because that's certainly been a topic on the list in the last period. And just to make sure that we all understand very clearly that it's full consensus that this group has to reach in order for us to hand something back to the GNSO Council.

These are things we all know but I thought it would be very helpful to discuss them. And I'm going to throw this open to the floor but I have one last comment with regards to the attendance of the meetings. And that is that I'd like staff following this meeting to put out a doodle so that all members can look at it.

And the idea is to establish a recurring date and time for our meetings. So for example we have been meeting as I understand this Thursday period the third week of each month at this time. And it maybe that that time works very well for us. But I've noticed that also a number of people have not been on calls recently.

And so the idea is for us all to come back and look at the time and a date that is something we can kind of carve in stone that it'd make it much easier to organize our time accordingly.

So with those three comments, I would throw I open to anybody who might have other comments or thoughts on the topic of reviewing the charter. Thank you. Please James.

James Bladel: Yes, thanks Ron. This is James Bladel speaking. And just a quick question or a suggestion is once we - as we have folks in new roles and as Avri mentioned, we will be gaining new representation from non-commercial folks.

Can we get an updated membership list of the SCI just so that we have a comprehensive list of who's attending and who's representing and who the primary and secondary representatives are because I fully admit to this group that I have lost track and I've forgotten some in many cases where folks are coming from. So I could benefit from that if there isn't - if that isn't already published in an updated form. Thanks.

Ron Andruff: Thanks James. I would turn to Julie and Marika. I believe that we have that published on our Wiki and that that's updated regularly but I would like confirmation. Marika please.

Marika Konings: Yeah. This is Marika. That is indeed on the Wiki. There's a page of members. We of course need to update it with some of the changes that have been mentioned now. But we do try to check on a regular basis while I do think we do go back once a year to different stakeholder groups and constituencies to make sure that the people that they have appointed are still the ones that are serving on the SCI.

Ron Andruff: Thanks Marika. Perhaps you could just - oh there it is. Julie is one step ahead of me. Excellent. So that's - the list has been posted in the chat. So everyone can see the current list. Wolf-Ulrich please.

Wolf-Ulrich Knoben: Yeah. Thank you. I have two observations. One is with regards to the election of Chair or terms of Chair and Vice Chair because, as you know, there is almost nothing in the charter. And we found a way to go with so the question is should we put something into the charter so to fix that. That's one point.

The other thing is with regards to the working method. You remember you have this - there's two options to the one which you put forward to the Council and ask the Council. The one is the more active one that means to do something - to come up with this task by ourselves on the one hand. Or to act or react this.

So it means waiting for input from others - from other groups and from the Council and so on. So maybe at one time it's - this might be also a point which should be put to the Council again as question well to put forward from our experience or to say okay. That are the options according to charter but maybe we are - after discussion we can have here. We as your opinion well why not to do some more actively. So these are my two points.

Ron Andruff: Thank you Wolf. If I understand you correctly then the first point is just talking about the Chair, V Chair terms and getting an updated charter. And the second point was with regard to whether we actively go out and look for activities in terms of the task of the SCI or we wait for the GNSO to send them to us. So if I'm correct on that, let's start with this idea of the updated charter with Chair and V Chair terms.

I'm not sure - perhaps Avri might shed some light on this and maybe you as well Wolf regarding - would we go back to the GNSO and ask them to revise our charter with some language that we would send them or how would that

actually function? Alain, I see your hand. Wolf I - your hand is still up. I'm not sure if you're still first in the queue Wolf. Okay. Okay. Now Avri please.

Avri Doria: Yeah. This is Avri. Can I be heard? I forget whether I'm on mute or not at the moment.

Ron Andruff: Yes, I can hear you. Thank you.

Avri Doria: Okay. Great. Thanks. I would think that any recommended changes in our charter would be like any other working group and yes, we would send a request to the Council saying we would like the following changes made to our charter because and they would be the ones that would have to approve it.

Ron Andruff: Excellent. Does anyone disagree with Wolf's recommendation of submitting some changes to our charter for the Chair and V Chair?

Avri Doria: I put my hand back up.

Ron Andruff: All right. Go ahead Avri.

Avri Doria: This is Avri again. I'm not sure that I agree. I think that we, you know, I have absolutely no problem with us having a discussion of what and wherefore. But, you know, I think we should talk about it at some point but I don't think I'm ready to say yes, we're ready to send them changes on our charter. I think it's a fine thing to talk about. (Okay).

Wolf-Ulrich Knoben: Okay.

Ron Andruff: Wolf, please go ahead.

Wolf-Ulrich Knoben: Yes thank you. Well, I - well for me was just a question though because, you know, from my experience my feeling was as Chair. So after the - after

this it is two years when it came up so I was looking in the - to the charter and was seeing okay, there's nothing in.

Oh, then let's talk about why it - I know we have just a kind of agreement about it is that okay, the Chair maybe should look at the Chair election after one year with the option of re-electing the existing Chair. I think that that was an agreement.

And I - (possibly) I could live with that. So this is not a problem. So I was just wondering whether there are other ideas about that, so.

Ron Andruff: Thanks Wolf. I think that this is a good idea to give some consideration to so I'm going to ask staff to put this onto our agenda for our next call and this will give us some time to give some consideration to this idea. And I'm going to move us on to the next agenda item, which...

Marika Konings: Ron.

Ron Andruff: Please.

Marika Konings: This is Marika. I had my hand up as well. I can make...

Ron Andruff: Oh I beg your pardon. Ann.

((Crosstalk))

Ann Aikman-Scalese: Marika was first.

Ron Andruff: Marika please.

Marika Konings: Yeah. This is Marika. Just as we're talking about the charter and refreshing everyone's mind on what is in there, I just wanted to remind people as well that if you look at decision makings and consensus calls, I think something,

you know, we haven't been very firm on in previous calls is that actually according to the charter it's only one of the two, the primary or the alternate, that make take part in the consensus call.

And I think the thinking behind that is there are representatives on the group are representing their stakeholder groups or constituency. The idea is that the position that is put forward is a joint or common supported position. So maybe that's something to take into account when, you know, moving forward and we have consensus calls in the future.

Ron Andruff: Thank you Marika. That was something I had written here in my notes and I realized I overlooked it. So thanks for bringing that to the table. Much appreciated.

Now we come back to the list. Ann and then Alain. Ann.

Ann Aikman-Scalese: Hi, yes. Thank you. Two things that just - in response to what Marika was mentioning. I'm not sure whether we have or have not followed that. I just - I didn't want to reassure everyone that with respect to the strong comments that I've made in the last couple of weeks, I would not think that and I would not want anyone to think that I had made those comments kind of going off like a lone ranger.

You know, my understanding of my role in these calls is that I represent the IPC and I do want everyone to know that it's, you know that since early one in the December 6 call, I've been consulting with leadership of the IPC and not going off and being a long ranger even though I'm the alternate.

But that's just, you know, a process question. I fully agree that only, you know, either the primary or the alternate should be voting. Absolutely seems very, very clear.

I have a question after re-reading the charter onto another topic. On Page 2 if you look at the first full sentence after the Number 5; and it says - and this may relate to what Avri brought up earlier about a representative from Council.

But this says one member of the group, which submitted the request - apparently, you know, the request is to be reviewed. If not already represented on the SCI, be nominated as an observer to the SCI until the review of the issue in question has been completed. And in looking at that I thought okay. Has that been happening?

Ron Andruff: Well, that's a very good question but I think that the topics that we've addressed so far Ann have been topics that have come from the GNSO and from the various working groups and elements that - where we needed to do implementation and there were things that weren't (in from convenience and netted) property.

The idea as I understand that line and I consulted with staff about this the other day myself, I think that that is about if a third party, if you will, comes to (unintelligible). So it's that this needs to be looked at and GNSO (vented) and believes in fact it should be so that the SCI should have a look at it at that point someone from that party that brought it to the table with them being observer.

But that's my understanding. I see Avri's hand is up. So Alain, if you don't mind, I'll let Avri speak to that first.

Alain Berranger: No problem.

Avri Doria: Yeah. Thank you. I think there's two issues. One, this is separate from the liaison issue that of course one could understand the liaison issue in the matter and pointing out because most of our issues have - in fact I think all of

them to date except for the ones we've picked up ourselves have been generated from the Council.

The other notion was that a working group specifically was having a problem with the rules and issues (remembering) it was too (unintelligible) to bring issues in any one chartered by the GNSO Council.

So if a working group had a problem with the rules as they stood and that working group sent the issue then they would get an observer. And I think that we haven't done that yet. And I think that's, you know, so I'm backing up what was said. Thank you.

Ron Andruff: Thank you very much Avri. And Alain, please.

Alain Berranger: Yeah. Thank you very much. Alain Berranger here. I don't know if this is the right place. I was wondering if we could get an update on a membership situation on the standing committee from NonCom. I know Ron you are on 2013 NonCom. So I guess you would also act as the primary member. Then who would be the secondary member?

Ron Andruff: Actually no. We have NonCom appointees that have joined and I'm going to say it's (John). I'm a little remiss here. Perhaps Wolf, you can assist me with this because you handled this - it's Jennifer Wolfe if I'm not mistaken and I want to say someone else. But Wolf or Jennifer, please.

Man: (Unintelligible).

Ron Andruff: Yes. Exactly. Jennifer perhaps you might shed some light on that for us.

Wolf-Ulrich Knoben: If I man Ron. Wolf speaking.

Ron Andruff: Please Wolf. Go right ahead.

Wolf-Ulrich Knoben: Well I understood the last question that way that he was asking whether the NonCom itself has the kind of liaison to us or somebody (else). And Alain, this understanding is not the - it's not the SCI understanding because the SCI is just consisting of people from the GNSO.

So that means well they're all members - GNSO members so they're coming from the different constituencies and stakeholder groups plus NonCom appointees to the GNSO Council and Jennifer is the one who is representing this - the NonCom appointee. But the NonCom itself doesn't have any relation, any liaison to us.

In case so we were discussing that if other groups outside the GNSO are coming and have a request to us here would have any request out to SCI as it happened with ALAC once. And we talked about that and we came to the conclusion well, that this should be done through our chartering body. That means to the GNSO.

So we would like - we would then refer in that case for example in NonCom to the GNSO Council and tell them okay, refer to them you have a request and please forward this request to the SCI. So that's the way how we working here.

Jennifer Wolfe: Thank you Wolf. I'm going to close out this part of the - of our meeting, this agenda item. But I'm going to note that there were two things that were brought up that we'd like to discuss on our next call. One is this idea of an updated - and update to the charter regarding the Chair and V Chair elections and the terms.

And the second element is going to be the question about whether we are soliciting work or we're waiting for work to come from the GNSO per Wolf-Ulrich's comments earlier.

I don't want to lose the last half hour to get onto other work. So if we have time at the end, we might come back to these. But for now we'll put them on the agenda for our next meeting.

So now I'd like to move to the suspension of the PDP that we've been discussing. And as I start that I'd like to say Ann, you've done an excellent job of really brining forward the detail of this issue. And it's given the - our committee the ability to spend a good deal of time thinking through the ramifications of this.

So it's been a very good discussion. And while it may have felt a little uncomfortable for you from time to time, I want you to know that you've done a fine job with that. And we do appreciate it. And so I think we've covered quite a bit of ground now.

Having said that, J. Scott was responding on the list in the last day or two and he said that you would be carrying the ball here. So perhaps I can hand off to you to find out from you what that footnote should look like in the IPC's vision. Please.

Ann Aikman-Scalese: Yes. Thank you very much Ron. This is Ann. And I certainly appreciate your I guess this positive approach to the issues that we've raised. I - there's an overall concern with respect to the responsiveness of ICANN to the constituents in the ICANN to our not responsible for policy making.

Yesterday I was on a call - a Webinar that was conducted by At Large and I don't know if anybody else was on that call. But there was a lot of discussion about the Board and the GNSO being responsive to the public interest, responsive to the GAC.

In this whole area of suspension of a policy development process I think that the point of view that we're trying to bring in from the IPC is again a

preventative point of view where we want to make sure that the whole process doesn't stop without at least a report of where it actually stands.

And that actually goes beyond just why was it suspended. It goes into okay we're voting by super majority to suspend now but we believe from a standpoint of, you know, transparency, accountability, responsiveness to the Board, responsiveness to the community, responsiveness to the GAC that we should say where we are and why we are there in the - as - in the form of interim status report.

And that that would not just be say well we're suspending for Reason A or we're suspending for Reason B or that there would be more to what is said at that point in time in order to increase the responsiveness of the policy making body to, you know, the public at large and the public interest to the GAC to the Board.

Because it's seen as a need organizationally for us to be - for ICANN to be effective and to be - and not to be subject to attacks on the authority of ICANN whether or not ICANN should be controlling Internet or whether it should be given over to the individual governments.

I assume there are people on the call who will have perhaps already participated in the GNSO Council meeting today. Is that the case or...

Ron Andruff: Well Wolf would have been - Wolf-Ulrich is a Council member. I think that we may have one or two others but please continue.

Ann Aikman-Scalese: I know that one of the topics on GNSO Council for today had to do with a letter that was to be written to the GAC that had to do with why the GNSO felt that a policy making process was needed for RC, IOC and the IGO process.

And so - and I think that maybe IPC had a minority position on that within the Council. But there are just a number of topics flying around which talk about,

you know, the working relationship among, you know, the various stakeholder groups and constituencies and those who vote on Council and don't vote on Council and the GAC and the Board and the GNSO.

And it just seems as though, you know, full reporting at the time a decision is made especially a decision that affects policy making is the way to go.

Ron Andruff: I appreciate your comments. And actually that element - that letter you're speaking of is something that Wolf-Ulrich brought to the - to us today and we're going to pick it up under AOB. So I just flagged that.

Ann Aikman-Scalese: Oh, okay.

Ron Andruff: But the - no, no, that's fine. And so now the question really is - I cannot see the footnote on this document Marika or Julie. I think it's the footnote that we were specifically speaking to.

And I think just as a overall statement, I don't think there's anyone on this committee that doesn't agree with your thinking on this Ann. Absolutely it's important that we - when there is a suspension of a PDP irrespective of whether it's a Board mandate one or not, what is critical is that we tell the entire community exactly why it was suspended and when it will restart.

So I think we got the restart language more or less ironed out so far. And I think it's just this question now about how we're reporting this to the community at large.

So I'll stop talking and turn it over to James and followed by Alain. James please.

James Bladel: Thank you Ron. James speaking for the transcript. And I appreciate the - I think your last couple of sentences helped me extensively here because I had lost the handle on what we were talking about.

My understanding is that, you know, the specific to - I'm not really sure how we got on some of the other subjects here. My understanding is that we were specific to the suspension or termination of a PDP.

And, you know, I know that there's been a kind of a lot of back and forth traffic on this on the email list about the transparency and accountability implications of this. But at least from my perspective and now I'm going back to the PPSC of which I know a couple of folks who are also members of that.

My understanding was that that - the intention behind this was more of a project management and resource management effort. So it's much more of a practical effort than, you know, hey we don't want to do this policy anymore. It's much more of a, you know, we don't have (unintelligible). Sorry there's some background noise there.

Ron Andruff: My apologies for - my window is open unfortunately some loud motorcycle riders. Apologies.

James Bladel: Okay.

Ron Andruff: Go ahead.

James Bladel: Nice to have your window open. I'm sitting in the middle of this blizzard. But anyway so I felt like that this was a very specific and narrow issue relative to balancing the workload of a PDP as opposed to, you know, any implications that it would be use or not be used to intercept policy, you know, policy making at ICANN.

So that was just my thinking. I guess I just wanted to make sure that we were all on the same page in that regard. I think that Ann - I believe it was Ann recommended on the list that any suspended PDP should be required to post an interim report. I think that makes, you know, practical sense.

It's a good idea. If nothing else just so that when the work on that particular PDP resumes, they left themselves sufficient breadcrumbs. They can pick up the work and restart that effort cleanly. But I'll drop my hand now and but those are my thoughts. Thanks.

Ron Andruff: Thank you James. That idea is a - it's a very apt - an apt metaphor about, you know, needing the breadcrumbs. This is where I had left off. This is where we want to go forward. This is, you know, to go forward, this is where we pick up. That's very helpful.

And as you said, there's so much stuff going on within ICANN, it's really important that we can go back and all get on the same page. And I use that comment very loosely Avri. Al Alain, please go ahead.

Alain Berranger: Thank you very much Ron. I still see myself and (PR) as a newcomer in ICANN although I've been active as much as I could in the past two years. And I need a generic clarification because it gets me into trouble all the time is to understand if GNSO is only a policy making body or is it the only policy making body.

And in that case I see that it's - if it was the case, it would be a very original organizational situation where usually the Board is empowered to make policy. So I constantly miss some of the details because this is not clear for me. This may be very clear for some of you and maybe the more experienced colleagues on this call can put some - shed some light on this for me.

Ron Andruff: Thank you Alain. My very basic view is this. The GNSO is the body which - that we refer to as the ICANN community. It is the supporting organization from which we have drawn representatives, which are called the GNSO Council.

So in fact policy is developed by the GNSO through the various constituencies. They then hand the - those - well actually it's handled through PDP process now but through a process. And it's the Council's job to kind of work through the elements of that and get to a point where they can send it to the Board for the stamp of approve, if you will.

So yes we are a very unique animal as ICANN community but that's really my view of it. We have a former Chair of the GNSO Council whose hand is up. Avri please.

Avri Doria: Yeah, hi. I put my hand up to address a different issue but I'll comment on this one first.

Ron Andruff: Thank you.

Avri Doria: The GNSO Council, the GNSO are a policy recommendation body. They recommend policies to the Board. They're the only formal method for recommending policies though GAC advice comes fairly close.

The Board is the policy making. They take those recommendations or anything else they please in putting the, you know, the astrology of the day and can make policy.

They are not forced to wait for GNSO recommendations other than by practice and by the fact that the GNSO gets upset if they don't wait. But that GNSO is the only way within ICANN that policy recommendations reach the Board in a formal process way.

The point I wanted to make when I raised my hand was that I think we've been getting to footnotes and amending footnotes and complicating footnotes. And I'm very much agreeing with Ann's point of view that a proper report needs to be written when you're suspending something.

I think in any case but especially if you're suspending something that was either requested by another - I mean by an advisory committee or whatever or was ordered by the Board. I think that it should be easy to product that because the working group that is the PDP that is recommending its own suspension in many cases through its liaison to the Board would be able to provide that information.

But anyhow I think we've gotten to the point now where we've mucked with the text enough that it really needs to be restructured, not be footnotes and be resubmitted to comment. Thank you.

Ron Andruff: Thank you Avri. I see Marika's hand up I think maybe in response to this and then I'll look to you Wolf. So Marika please.

Marika Konings: Yeah. This is Marika. I just wanted to point out that, you know, people are referring to the working group that can prepare the report but the one example that we have where a PDP was suspended there wasn't even a working group yet. The PDP was suspended immediately after its initiation.

So I think if, you know, I think we need to be clear as to if we're going to require an interim report that it needs to state, you know, who's going to be responsible for drafting it, what needs to be in it and does it need to be approved by someone and where would it need to get sent.

So I think if we're going down that road, I think it's really important that we are specific or indicate that there's only a requirement to have that if there is a working group and the working group should be the one that develops this - and interim status report on where their work is at the time of suspension.

I think I want to be clear as well because I think we're hearing Ann talk about work not getting done but I think I want to make clear as well that, you know, we have a process already for termination. And that's the case where a PDP stops and nothing gets done anymore.

And there is no requirement in that circumstance at the moment in the current rules that there needs to be any kind of reporting. Although in practice, you know, that will happen. I mean we've seen it in (product) integration where there is a communication from the Council to the Board saying well we've tried, you know, this is where we ended up but we haven't come to consensus.

But for the suspension it's a stated time interval. And I think that the examples I gave is you could see instances where our working group for example, you know, needs to have information or needs to conduct research before it can continue its discussion.

So there you might have a certain point in time where that work is stopped. And maybe in that case maybe it's easy for a working group then to produce an interim report or where they're at and I'm sure that the research or the survey they've conducted will also contain that information so it's easy to pull together.

But I think we're creating then different circumstances where in the termination where you would think it's even more necessary to have a kind of communication, there's not requirement. But in the case of suspension where it's just an interim period for a certain reason, which is also stated in the Council motion, which needs to be adopted by a super majority.

So again, it's a very high threshold to really make sure that it's not used lightly where people feel oh, I don't feel like doing the work or, you know, I don't think we should really respond to the Board to use that as an excuse.

So I just want to, you know, put that on the table so to make sure that as language is being drafted to address this that that is taken into account.

Ron Andruff: Thank you Marika. My takeaway from that is that we don't have any language right now when a PDP is terminated to report back to the community, which includes the Board of course. And we don't - and pursuant to the discussion we've been having, we don't have any language that we can agree upon at this stage in terms of a report that goes out for a suspension.

So it seems to me that these - both of these things need to be address in these discussions. Wolf.

Wolf-Ulrich Knoben: Well that was exactly my point so I would like to raise but you covered it and Marika as well. The last one is - I'm also of the opinion then we have to work on both points on the termination plus suspension and cover both of them. Thanks.

Ron Andruff: Thank you Wolf. So basically what we're looking for then is - and I think we all can agree on the language. It's just the fact that all we're trying to say here is that an interim report should be produced. I'm not of the mind personally that it's something being produced for the Board as much as it's something being produced for the community at large as well - which includes the Board.

All about the transparency. Why did this thing stop? When is it going to start again? And those are the points that need to brought up. So and the same thing with termination. When it's terminated then we get the report issued.

And I think what I heard from Marika is that the - when we were doing the BI that report came from the BI but when we're talking about this suspension, it in fact got suspended before a charter was actually completed. So that would have come from the GNSO Council.

So I think we're pretty well on the same page but it's just about having the language of this. Does everyone agree with that or do I have dissenters from that thought? Ann agrees. That's good.

Any other thoughts on this? Because if in fact what I just said is true, then I would ask Ann and J. Scott to draft some language and bring it to the list and then what we can hopefully do is sign off on it for our next meeting and send it to Council. Because I think there's - it's absolutely clear that the transparency rule is our first rule.

So if something stops or it is suspended we need to all know why and tell - and be able to share that. Marika please. I see your hand.

Marika Konings: Yeah. Marika - this is Marika. Just two points on that. The first on is as this is probably going to be a significant change to the original language that was posted for public comment, it probably requires another public comment forum. I mean the SCI can judge that depending on the language that's going to be suggested but I think that's something that needs to be considered.

And secondly, if the SCI is going to expand the focus so it also wants to cover the termination, it's something that will need to be communicated then to the GNSO Council as the original request of course only related to the suspension. So just two points to take into account.

Ron Andruff: Okay. Very good. Thank you Marika. In terms of sending it back for public comment, I don't think that's a problem. Communicating it to the GNSO Council I would like to get some input from perhaps Wolf or Avri or perhaps staff as to how we might handle that.

And Ann I'll come back to you in a second. If we can just get some sense of how would be communicated to staff what would be - or I'm sorry to the Council. What would be the simplest and most efficient way? Avri or Wolf.

Wolf-Ulrich Knoben: Sorry. I could not follow that.

Ron Andruff: Oh Wolf, I'm sorry. What I was saying was Marika brought up the point that if in fact we are going to require upon termination of a PDP require a report at this point in time that's not a part of the - that doesn't exist. That requirement.

Wolf-Ulrich Knoben: Yeah.

Ron Andruff: So Council had asked us to look at this idea of suspension and how we would deal with that. What we've uncovered now is that there's no - this idea of a report is the community doesn't exist for termination. Neither for suspension.

And so she's suggesting that we would have to go back to Council to make them aware that we're actually looking at that as well. So would that just be a communication from the Chair of SCI to the Chair of GNSO Council to make them aware or am I actually requesting something?

Wolf-Ulrich Knoben: Well I would say it's just a communication. It's not another request because, you know, they - the Councilors themselves have not been aware that this might be the case, you know. So they are - they will be - I'm sure they will be happy that we are going to cover that as well. So we could communicate to the Council just that we are going to do though.

Ron Andruff: Very good. Avri, your thoughts on that. Then I'll come back to you Ann.

Avri Doria: Yeah. Going to say something similar. I don't think it needs approval. I think it needs information. That's one of the things where since we no longer have a Chair who's on Council having liaison who's on Council who can merely report these things and carry information back and forth. But in the absence of that either you write a note or you ask staff to deliver the information for the group.

I don't think it's a big deal. I think any way you get the word there that this is our status update and this is what we're working on and we're looking into

this as well now. I don't think we note to go to them for permission to discuss it.

Ron Andruff: Thanks Avri. Ann, please go ahead.

Ann Aikman-Scalese: Yes. Thank you. This is Ann. I wanted to express first of all our willingness to draft as request and also to say that I agree that the scope that we're talking about here should go back out for public comment as Marika has pointed out.

And with respect to the drafting, I think I understand what we're trying to address from some of the discussion and that we feel that that should not be addressed in just the footnote at this point in time based on Avri's comments and others as well as Wolf-Ulrich saying well we probably shouldn't - we should take a look at termination as well and put that out for public comment and see what people say about that.

And so I assume that the drafting that's requested would relate not to the footnote but to the main body of the PDP amendment. Would that be correct?

Ron Andruff: Yes. That's correct Ann. I think that's the way to go forward. That makes sense to everybody. So let's go ahead and do that. And if you could send that to the list just after - like in the first, second week of January, that would be very helpful.

Ann Aikman-Scalese: Okay. Thank you.

Ron Andruff: So thank you very much. Thanks everyone for the input. I'm going to bring this section to a close right now with that - with Ann taking the lead on that and move us to the next issue and that's the working group survey.

The working group survey I was one of the people who took - who actually did the survey. It's a very short one and very well defined as I saw it. I was a little (disappointed) that only five people have done this.

And because we're a larger body, I'm going to ask every one on the call to go back to their colleagues who are not on the call and I'm asking both those on the call and the colleagues to please and take - literally it takes two minutes to do this survey.

It takes a few minutes to read through of course the working group guidelines but that's the point. That we need to go back and look at those guidelines and read them and then see - and respond to this because what we've got now is five people, which is not enough of a sampling to be able to come back and say this works or doesn't work.

We really need the whole SCI or at least a majority of the SCI to do this working group survey. So I'm not going to discuss anymore of that on this call just to say please everyone, let's go and take the survey. Give staff something where we can get this SurveyMonkey giving us some real responses back so that we can take this up as a committee and make some determinations.

So Wolf, please go ahead.

Wolf-Ulrich Knoben: Yeah, thank you Ron. I fully agree to that that we need more answers to this. On the other hand, I have one - just one observation to that. I wonder how we are going to deal with that with the answers. You know, they are different values. So it means in threshold.

So is this something we should think about, you know, how we'd use it? When are we - when do we see a red flag or what is - what do - how do we - how do we see the outcome of that in the future? You know what I mean. So

depending on the answer. So and then when do we see then that action should be necessary in these things? We should talk about that.

Ron Andruff: Thank you Wolf. We will but I need to get - move on to this next point now. And that is any other business. I want you Wolf if you would mind - wouldn't mind introducing this request from the - from Council so that we can have it all on record Number 1 and we can all give some thought to this between now and our next meeting. So please Wolf, if you wouldn't mind introducing this issue that you brought to the table today.

Wolf-Ulrich Knoben: Yes. Thank you very much Ron. It came up from a motion, which it was introduced at the last Council meeting in November with regards to the IOC/RC item. And this is motion at that time was rejected by the Council. The voting was different. There was pros and cons and objections and there were abstentions.

So and now it came back this time to the Council because they were - well for different reasons. And one of the major reasons was that the Councilors who voted in abstention the last time they argued they have not been - let me say they have not been aware that they hadn't to abstain because they abstained due to - the (answer) was done due to a conflict of interest.

So and in this case it came out of that they thought there is no conflict of interest afterwards and they were also discussing it internally - was also discussed I think with staff as well.

So that was the reason why it came up again here today. It was voted about and it's - the - well, the result does matter. But because - but the question was then raised to tell the SCI is that way - is other way how to deal with motions in future as well. Is that allowed or is that in accordance with the - all the procedures?

And so I drafted together with Ms. (Joy) this sheet of paper here raising this question putting that together. And the SCI is officially asked by the Council to deal with that.

Ron Andruff: Thank you Wolf. So if I might just restate that in simple terms so I understand it. Correct me if I'm wrong. What happened was there was a motion put on the table, a vote was taken, a number of people abstained but abstained for a reason that they found out after the fact they didn't need to abstain for.

The motion was put back on the table again and it was - and it was rejected a second time. The question...

Wolf-Ulrich Knoben: No.

Ron Andruff: That's correct?

Wolf-Ulrich Knoben: No, it was not rejected a second time. It was accepted then.

Ron Andruff: Okay.

Wolf-Ulrich Knoben: Reject - it was - (unintelligible). It was just a question that it was put to the table a second time though.

Ron Andruff: That's my point. That's what I'm getting at. So I was just trying to understand that. So it - so basically a motion was put forward. Some people on the Council found out after the fact that they didn't necessarily have to abstain so they wanted a do over. And in American English a do over basically means we can try this again.

And the question we face is that possible to have these do overs and I'm not sure if I - if that makes sense or not off top of my head but certainly something we need to consider.

So I'm going to -- in the interest of time as we only have a couple of minutes left -- ask that we put this again on the agenda for next - our next call. And then see if we can dive into this a little deeper on that call.

With that, I would move us then to this last point and that is the liaison for GNSO Council. This was - as Avri introduced earlier in the call the idea of having (liaison on Council) to be able to respond to questions that arise in Council. Do members have some thoughts on that? We have one or two minutes just to exchange a few ideas and then we'll pick this up also at our next call. I see Avri's hand is up.

Avri Doria: Yeah. This is Avri. I think it's in the basic design certainly of the working groups but even of a committee that there be a person that can basically be the connector to the GNSO Council.

Now as Chair it sort of was natural that Wolf-Ulrich who is on Council as Chair would just automatically fall into that role because this committee doesn't quite have that sort of supervisory balance that a working group does where a liaison actually has a specific role within a working group. I'm not sure that that role exists within this committee.

But certainly the communication path to the Council, the easy reporting of what's going on, the easy taking back and forth statuses, I suggest we have one. I suggest that in Wolf-Ulrich as past Chair and still member of the GNSO Council he'd make an excellent victim for it and my recommendation is that we just request the G Council make him a liaison from the Council to the SCI for the rest of, you know, this year. Thanks.

Ron Andruff: Thanks Avri. For my part, this is Ron speaking for the record. I'm not sure at this stage if that's overkill or if necessary be as you said - as you well said that Wolf has been able to wear both hats simultaneously. So he's probably one of the - one of the few people who could get respond to that.

Unfortunately we are now out of time. So with that, I think we will now bring this call to a close. The items that we did not discuss in detail will be on the agenda for our next call. But for the interim activity that I understand will happen is that the IPC Constituency will prepare some language for us with regard to suspension of the PDP that we can work on in the interim so that we can hopefully approve it at our next call.

I've also asked staff to send a doodle out regarding getting us all on a time and date that works for everyone and that we can carve in stone because it makes it much easier for everyone to planning purposes particularly for staff as well as for ourselves.

So with that, I will thank everyone for their attendance and the bringing all these great thoughts to the table. And for those who are celebrating Christmas, a very, very Merry Christmas to all of you. And for those that are just taking a break, enjoy it.

Woman: Thank you Ron.

Man: Yeah.

Ron Andruff: Thanks everyone.

Woman: Thank you.

Man: Thanks Ron.

((Crosstalk))

Woman: Thanks everyone.

Man: Bye bye.

END