ICANN

Moderator: Glen Desaintgery
September 13, 2006
2:00 pm CT

Coordinator: Thank you all for standing by.

At this time, the call is being recorded. If you do have any objections, you may disconnect at this time.

Thank you, ma'am. You may proceed.

Liz Williams: Thank you.

Glen, would you mind just running through who's actually on the call again, please?

I heard Ross?

Glen Desaintgery: Yes. I've got (Bret Fausett).

Liz Williams: Uh-huh.

Glen Desaintgery: Avri Doria, Marilyn Cade, Jeff Eckhaus, David Maher, Alistair Dixon, (Jon Nevett), Ross Rader, yourself, and Dan Halloran.

Liz Williams: Let me - okay. All right, we can get started everyone.

So we don't have any one from the (IPC), (NCUC) or (ISPC) if I heard that correctly.

Glen Desaintgery: That's quite right.

David Maher: This is David. There was a point of order on this call.

Liz Williams: Yup.

David Maher: Maureen Cubberley on August 25 wrote to Bruce Tonkin on the GNSO asking whether this PDP would have a retroactive effect. And since then, I've seen some commentary to the effect that if the answer is no and the registry constituency they believe that it should be no, then the continuation of this PDP is somewhat pointless.

And I'm wondering whether spending a lot of time now on this PDP makes any sense due to the fact that we have not had any response that I'm aware of from Bruce Tonkin or the GNSO on the subject.

Marilyn Cade: And - so just to respond, David -- this is Marilyn -- as a councilor, I did post it back to the task force and ask that we - whether or not as a task force able to pick that topic up. It has to be addressed by the council.

And I do appreciate the interest in it. But until the task force is informed by the council, and the council is meeting tomorrow unfortunately and regrettably, we're working on rescheduling the council call, but that would mean we need to move ahead with our work.

((Crosstalk))

Marilyn Cade: And I think this is largely administrative work we're going to do today.

David Maher: Okay. I'm not arguing with anything you've said. What I'm getting at is the more underlying issue of grant that the GNSO has not acted that in effect, why should we spend a lot of time today if the outcome of the council tomorrow is to say that the PDP is purely prospective.

                  Are you saying that in any of that we should go ahead on a prospective basis?

Marilyn Cade: So let me just…

Coordinator: Cary Karp joins.

Marilyn Cade: Sorry. Let me just sort of wear my councilor hat for a minute.

                  As I understand having been on the council for a while and having chaired two task forces, if I understand the role of the task force, it's appropriate for a task force to raise questions with the council. But until the council responds, the task force needs to carry forward with its work.

                  Now, perhaps individual members of task force can say personally and individually, "I'm going to wait," but I think as a task force is concerned, it has a charter.

                  Maureen asked a question and that has to be considered by the council. I had thought, David that that call would be tomorrow. I regret it's not.

                  But given the agenda today which I think is relatively administrative, and I had suggested that I would put forward to a suggestion of how we might just focus for one part of the call on work program, my suggestion would be that

we move forward with the work and we just send a reminder to the council that we're anxious as a task force to hear from them.

((Crosstalk))

Liz Williams: Guys, can I just break in here for a second? First of all, we need to establish the meeting in a proper way.

Glen Desaintgery: Sorry Liz. Can you please say your name?

Liz Williams: Yeah, I beg your pardon. I'm sorry. It's Liz speaking.

We don't have a chair and Avri has very kindly offered to volunteer to be the chair for this meeting.

So I'd like us -- if Avri is okay with that, then…

Avri Doria: Correction, when asked I said I was willing.

Liz Williams: Oh lovely. If you will…

Marilyn Cade: I'm sorry. Liz, I'm sorry, I have a point of order.

You - Avri was asked by whom to do this?

Liz Williams: No, no, Avri offered if it was necessary to take over the chairing of the meeting. So, we need to establish who's going to chair the meeting so it doesn't just turn into a conversation.

So I wonder if the group could make that decision and then move to whatever it's actually going to do.

David Maher: All right. I just have my first point of order…

((Crosstalk))

Ross Rader …procedure wrangling here and identify that somebody is actually going to deal with these "point of orders"? I'm finding it very frustrating. It's a quarter after the hour, we've yet to identify who's actually running this meeting and what our next steps forward are going to be.

We can either continue to have these marvelously enlightening mutual discussions or we can actually move forward with something of substance. And I'd recommend that we actually appoint a chair very, very quickly so we can actually deal with David's and those other concerns.

Denise Michel: Hey, this is Denise. I'm on the call.

Avri Doria: Well, can I say something?

First of all, let me point out that it was not so much that I volunteered. It was that I was asked whether if there was a need I'd be willing. And my normal answer to anything asking me if I'm willing was to say yes.

I also had read in a message that Denise was going to be running this meeting which I was fine with. And I did not prepare myself to chair it.

Marilyn Cade: Well, this is Marilyn. Can I make a proposal that Denise manage the agenda? And that put someone in charge of managing the agenda, and we move

	forward and then we defer the question of if we need a chair for further meetings, we can deal with that at that time.
David Maher	It seems to me that it would be better to have a chair of the meeting.
Mawaki Chango:	Well, I could (do them both)…
Glen	Hi, Mawaki.
Mawaki Chango	Hi.
David Maher:	I certainly support…
Liz Williams:	Sorry, David. I think your - end of your sentence got cut off. Could you just repeat what you said, please?
David Maher:	Sure. I said I believe it would be better to have a chair simply for this meeting, if not, I'm going. And I support Avri's - I support the nomination of her for temporary chair.
Ross Rader	I'm willing to support anybody that's actually going to move this meeting forward. If somebody is willing to come forward and do that that would very much appreciated.
David Maher:	Perhaps somebody…
Denise Michel	So is silence consent?
David Maher:	Is there anyone who strongly object's to Avri's appointment as temporary chair for this meeting only?

Avri Doria: I don't object. I'll do it -- this is Avri -- if no one else objects.

David Maher: Well, given several seconds of silence, Avri congratulations. I think…

((Crosstalk))

Avri Doria: Oh shucks.

David Maher: …temporary chair.

Avri Doria: Okay.

Liz Williams: So Avri, do you have I proposed agenda for this?

Avri Doria: I have your agenda now. And I think the first agenda was confirmation of the agenda. So it strikes me that we might as well. And as I said, I did not prepare to chair this, so I'll be doing it as that.

               Now, so I would say that we would go through your agenda, make sure people agree with it, and then go on, of course, there has a funny order.

               Now, the question I have is somebody having made a point of order before we actually start the meeting. How do we need to deal with that?

David Maher: I can just say, you know, very briefly I'd like to record my objection to this meeting going on in view of the fact that the underlying question of the effect of this PDP is before the GNSO, and there has not been a response.

               And that's all I have to say. So…

Avri Doria:	Okay. So then I guess we can proceed from that point?
	Anyone who want to speak to that recording that point?
Marilyn Cade:	I'd like to propose that we proceed. I can restate what I said before if necessary during my accounts for that.
	I did also propose a revision to the - an addition - an amendment to the agenda that I'd like to speak to. That is Marilyn.
Avri Doria:	Okay. So, I think those comments are already in the recording. So, there's probably no need to go through them again.
	Well, if no one else has anything to say, I'd now go to the agenda. We had confirmation of the agenda which we're in.
Marilyn Cade:	Actually, I had a modification to the agenda. It's Marilyn.
Avri Doria:	Okay.
	Should I read what it is first in case everyone doesn't have it front of them and then go through the modification?
Marilyn Cade:	Sure.
Avri Doria:	Thank you.
	The second was appointing a temporary chair if necessary. I think we could probably drop that one if we've done it. The third was acceptance of minutes at previous meetings have quorum.

Someone has to tell me that we have quorum. The fourth was updated statements of interest which is pretty all the boilerplate on our meeting. Then, was review and discuss status of agreement on terms of preference. The sixth was any other business.

So, hopefully no one objects two since it's done.

Mawaki Chango Okay. And I think it should be moving, right? It's just confirming that's done.

Avri Doria: Right, confirming that it was done at zero.

Mawaki Chango Right.

Avri Doria: Right. Okay.

And now you had a comment. Any one else have a comment?

Mawaki Chango Can I just actually put cushion. It's Mawaki.

Avri Doria: Okay. So right after ….

Marilyn Cade: Actually, let me defer to Mawaki to ask his question, Marilyn speaking.

Avri Doria: Okay, Mawaki

Mawaki Chango Yeah, definitely. Okay, fine. You know, I understand that it's Avri chairing the meeting.

Avri Doria: Yup, temporary chair for one time only.

Mawaki Chango   Okay. Thanks.

Greg Ruth: It's Greg Ruth joining.

Avri Doria: Hi.

Marilyn Cade: So Avri, it's Marilyn. I have a suggestion.

                 I did post that I wanted to offer a suggestion under other business. I did not,
                 unfortunate, because I've been both at WIPO and ITU all day, to have a
                 chance to elaborate. But I have a proposal for how to move work forward on
                 the task force assignment.

Avri Doria: Good. I have that.

Marilyn Cade: Yeah.

                 And in the absence of a chair, I'd like to address that I would also like to
                 propose that that be moved up on the agenda before we actually begin to
                 review work on the terms of reference given that we have - we're missing the
                 ISPC constituency until -- sorry, Greg you're here now -- I take that back.
                 We're only now missing, I think, the intellectual property constituency.

                 But I'd like to move a discussion about a work approach up on the agenda
                 before we go into the detailed analysis or comments on the TOR elements
                 itself.

Avri Doria: Okay.

Marilyn Cade:	And I'd like to get agreement to moving the topic up and briefly outline what the proposal was.
Avri Doria:	Does anybody have a comment on doing that? Specifically, does anybody object to moving that up to the first item after the boilerplate item?
	Okay, I guess there was no objection. So, that topic will come in as topic -- I guess it will be four.
Man:	Uh-huh.
Avri Doria:	And then two was the acceptance at the minutes, three is the updated statement of interest, four is the suggestion which I can read out what you wrote in the message.
Marilyn Cade:	Actually, you already mentioned it but…
Avri Doria:	Okay.
	Any other comments on the agenda? In which case, we move along with the agenda.
	Number two was acceptance of minutes of previous meeting if we have a quorum.
	Do we have a quorum?
Marilyn Cade:	No, we don't.
	Having Glen, it would.

Avri Doria: We have to have Glen…

Marilyn Cade: We need representation from all.

Avri Doria: Right. That's what I thought.

Marilyn Cade: Yeah.

Avri Doria: But - so we do not have quorum, correct, Glen?

Woman: No, you don't…

Avri Doria: Okay.

Woman: Perhaps - I haven't heard the phone beep, but I can't hear Glen.

Avri Doria: Yeah, I can't hear Glen either.

                Okay. So we'll…

Glen Desaintgery: Sorry, I'm here. But there is no representation…

Avri Doria: Okay.

Glen Desaintgery: …from the intellectual property constituency.

Avri Doria: So therefore we will not direct your acceptance minute.

Ross Rader: I have a question, Avri. It's Ross.

Avri Doria: Sure.

Ross Rader: I never heard the term quorum used in conjunction with the task force meeting before. What's the - I understand the notion, but what is it in this context?

Avri Doria: Good question.

It was in (Denise's) agenda, so I followed through. But now that you mentioned it, do we need quorum of all our representatives in all task force meetings?

Marilyn Cade: Okay. Can I volunteer to speak to that? This is Marilyn. And speak from practice as opposed to rules.

Avri Doria: Well, quorum is usually a rule-bound thing, isn't it?

Marilyn Cade: Yeah. But task forces have - so I'll go ahead and speak then. It's Marilyn speaking.

Ross Rader: Yeah. And I'm asking -- to be clear -- I'm asking a practical question so…

Marilyn Cade: Right. I think we've tried not to approve documents. We certainly can't do a vote without quorum, but we tried not to approve documents if we don't have at least one representative, you know, the people who participated in the event that is being minuted need to have a chance to look at it and say that they agree to it.

Perhaps I could propose that we approve the minutes by email and ask the entity - the individuals who participated in the previous meeting to confirm by email to Glen that they agree to the minute.

Avri Doria: Well, the meeting - the minutes were out and people did have a chance to read them and comment by email. I really like an answer on actually the notions since I jumped right into asking the quorum when there was no such concept.

Is there such a requirement formally?

Marilyn Cade: And I will say as someone who's just been around a long time -- Avri, it's Marilyn -- sorry, for the record.

Avri Doria: Yeah.

Marilyn Cade: I don't think we've been so rule-bound in the past. We've tried to be respectful of representation. And since approval of the minutes does not hold up progress of work, Glen can advise on this. But I don't think we've been so rule-bound. I think we've been - if we don't have every constituency represented, I think we've tried to defer the approval of minutes.

Avri Doria: Okay. Well, it's all seems kind of a sorry thing to spend a lot of time on - I think I disagree but we should move on. Because…

Marilyn Cade: Would you…

((Crosstalk))

Avri Doria: …have been published a long time, but we should probably move on.

Marilyn Cade:	Would you accept my proposal, Avri, that Glen notify the participants who were - attended the last meeting and ask them to confirm their approval by email?
Avri Doria:	I don't see the point in it but if others do, that's fine.
	Anyone against doing that?
Mawaki Chango	Mawaki speaking. I'm not against doing that. But I just want to get ahead of this. We don't have any clear answer about whether or not we needed quorum for this kind of a (recess), right?
Avri Doria:	Exactly because we got no answer from the group.
Marilyn Cade:	Okay, so…
((Crosstalk))	
(Jon Nevett):	This is Jon. Isn't Dan on the call -- Dan Halloran?
Dan Halloran:	Yes, (Jon), I'm here.
(Jon Nevett):	Hi, Dan. Could you just advise us on whether a quorum is required for anything? Are there any requirements related to quorum for a task force because, I mean, I didn't see any -- real quickly. But you and me…
Dan Halloran:	There is nothing in the bylaws about quorum for a task force. In the bylaws, all a task force supposed to do is gather information, collect reports, and send it to the council. A task force has no formal decision making authority.

Woman:	Right.
(Jon Nevett):	Exactly.
Dan Halloran:	So there's no provision about quorum.
(Jon Nevett):	So we could approve the minutes if we want to without the rep from the (IPCs).
Avri Doria:	Yeah.
Marilyn Cade:	And I will speak again that I'm not going to vote to approve minutes.
Ross Rader:	No, no, no. I think my - the practical question I was asking was whether the whole level of formality that I've seen proper for this task force is actually necessary at all, whether it'd be approving minutes, even keeping minutes, the formal minutes. The voting quorum just seems like a lot of structure around something that need not…
((Crosstalk))	
Dan Halloran:	This is Dan. It's not - none of that is required in the bylaws.
Avri Doria:	Okay. So it make sense that we just move on without approving the minutes and probably even without asking people to vote on the minutes in between. Though, I would suggest that whenever the minutes are put out, people be advised to read them and comment on them and collect them if they read them correctly.
Dan Halloran:	That sounds to be practical.

Man: Perfect.

Avri Doria: Okay. So any objection to moving on?

                Okay. Now, we have in here the updated statements of interest. I assume that's necessary.

                Any one has an updated statement of interest? Any one has any challenges to the absence of updated statements of interest?

                Cool. I guess we can move on.

                So there are no updates there.

                Okay. So the next thing was Marilyn's proposal. And Marilyn's proposal was a working group proposal. We sent out an email. I don't know.

                Do you want to speak it? Should I read what she wrote?

Cary   As a latecomer, can I just ask (unintelligible) roll call on this meeting? Do I know who's on the call?

Avri Doria: There have been a couple but of course it seems like a bunch of people have come in since then.

                So if you'd like to have one done now, it seems to make sense.

                By the way, this is Avri playing in the role of temporary one time chair.

Cart And doing a great job of it.

Avri Doria: I thank you.

Marilyn Cade: Do you just want us to say who's on the phone, Avri, or do you want Glen to read it?

Avri Doria: I would guess that if someone asks for a roll call, it's probably best if Glen read it.

Glen Desaintgery: I'll do the roll call for you.

(Bret Fausett), Avri Doria, Jeff Eckhaus, David Maher, Liz Williams, Ross Rader, Alistair Dixon, Jon Nevett, Dan Halloran, Denise Michel, Cary Karp, Mawaki Chango and Greg Ruth.

Avri Doria: Thank you. And thanks for doing it for me; I haven't been writing down names or anything, so I would have been stumbling all over.

Okay. Marilyn, you had the next point on the agenda to bring up your proposal. I have the email that you sent. So I wonder, do you want to talk to it, do you want me to start by reading it, how…

Avri Doria: Let me start with a short statement if I might.

Avri Doria: Okay.

Marilyn Cade: It's Marilyn speaking. Is that all right, Avri?

Avri Doria: Certainly.

Marilyn Cade: Yeah.

I've given some thought to how we have advanced work in other task forces. And as a former co-chair who probably tortured a number of colleagues, both in the - and in the council by holding a two-hour meeting a week on a couple of task forces, my suggestion is that we assign co-reporteurs. And I'll briefly define that term.

It's not a term that ICANN has used before, but it's basically parties who act as the informal leaders of a particular topic. And they, you know, we could use the term co-chair; it's just that at ICANN, that bears a certain amount of luggage.

So, I've used the term co-reporteurs as a point -- two sets of (co- reporteurs). There'll be a total of four people. That is two groups. And those co-reporteurs would each take two of the terms of reference elements -- I'm calling them elements for ease of reference. And they would progress the work, including asking for volunteers to participate in taking the next step on the work. They would document the work.

And then we would have conference calls of two hours in length and each set of the co-reporteurs would be given 15 minutes to present the progress of work. We could have a 30-minute discussion of the rest of the full task force. And then we could spend 15 minutes on that (co-reporteur's) list of work items on trying to agree on what the findings have been from that particular term of reference -- Item 1, Item 2, for example.

That would be documented by both real-time recording and then turning that into a transcription. And within 24 hours, the staff would publish sort of the general agreements that came up.

That would - the co-reporteurs groups could both discuss, consider the questions that have I put - been put forward for any experts that are in the future identified. And we would progress work in parallel fashion.

Now, it's clear that some members of the task force would choose to participate on both co-reporteurs groups that might not be true. Some constituencies might divide up their representation.

We would have written reports and preliminary findings -- that's a new term for us -- but let me just use that term for flexibility. And the full task force would then be able to further examine the preliminary findings of the two (co-repertoire) groups.

It means we offload work from a chair to some extent, distribute it into informal short-term leadership from the task force. It would be probably useful for us to have a little bit of criteria that we're very flexible about co-repertories.

And if - and we tried to have co-reporteurs so that everyone feels that there's a balance. So if someone feels that there's a side that needs to be presented in the co-repertories, then let's have three co-reporteurs instead of two so we can progress work.

It's a process that has been used very effectively in a number of international settings and it's a short-term project. That is, the work would need to be

progressed, I believe, in like the next three to four weeks so that we can have preliminary findings coming in to the face-to-face meeting.

It means that a chair is relatively relieved of having to oversee work because the (co-repertoire) is a sort of subgroup chairs. And that's the general parameters of what I had proposed.

Avri Doria: Would anyone like to speak to this (unintelligible)? Any comments?

David Maher: This is David…

Mawaki Chango   Mawaki here.

David Maher: I have two comments.

Avri Doria: Excuse me. I heard David. Did I hear?

David Maher: Yes.

Avri Doria: And who else did I hear?
Mawaki Chango   Mawaki

Avri Doria: Mawaki

                 Anyone else?

Avri Doria: Okay, that's all for now.

                 Okay, David, please.

David Maher: I think this is such a serious structural change that we need the input from the elected chair, Maureen, who is not present. I also believe that it's -- in any event -- premature. This absence of the motion, I don't have any strong feelings either way, but I do think it should be taken up when Maureen is present.

Avri Doria: That makes a lot of sense.

                 Mawaki

Mawaki Chango   Yes. I'll agree that, of course, we need to consult with Maureen, the chair. I just wanted clarifications.

                 Is this like a sort of a breakout session and if so, is a chair co-opted each session? And have you - at this point in time, have you already identified the level of issues that will be dealt with by those groups?

Marilyn Cade: Can I respond, Avri?

Avri Doria: And Marilyn, do you want to respond?

Marilyn Cade: Yeah.

                 I'll respond to, first of all, David and then to Mawaki if I might. I would assume that actually a proposal like this would be reviewed with the existing chair by the ICANN staff and via email and gain her concurrence. There is no change in the status of the chair at all in the vision of a sub-working group that just progresses work.

So I just want to be sure and I confess that was implicit, but it's good to have a chance to clarify that. So that's one point to David's - in answer, I hope, at least partially, to David's question.

Mawaki, I looked at the questions that came in from a number of parties to the idea of the expert questions, and I looked at the terms of reference. And I just adjusted that the identification of work would be sort of maybe that I'm really brainstorming right now, but maybe (Co-repertoire) Group 1 and the co-reporteurs need to volunteer. So that's all very open.

(Co-repertoire) Group 1 might take terms of reference 1 and 3, and I'm just hypothesizing. And (Co-repertoire) Group 2 might take 2 and 4 just so they could stagger the work and the report.

I'm not even looking at the terms of reference but they might take the expert questions that have been submitted and the input that's been posted, the summary that the ICANN staff has posted about existing contracts.

They might focus primarily on the input from the task force members that volunteer for their (co-repertoire) group I would think and try to identify just as we did in Amsterdam.

Given the mission statement and the core values, where are we on that particular terms of reference and how do people think that terms of reference fits into the context?

I admit I'm plagiarizing from the way the PDP '05 has been chaired. They might examine how that terms of reference relates to the mission and core values.

Take, again, to account any comments that have been received, comments from the task force members themselves, the questions that have been put forward to experts, and even maybe inviting whether there are individuals in the constituencies who think that they have particular expertise who would like to add additional comments, discuss this and then give a very preliminary progress report to the full task force so that in no way does it disrupt the leadership of the existing chair or the consideration of the issue by the full task force.

Avri Doria: Can I ask a clarifying question?

So if I understand, you're not recommending this as -- not that we do formal things like motions here -- but a motion for changing the structure of the way the task force works. You're basically making a recommendation to the chair of a way in which she could facilitate a work getting done.

Marilyn Cade: Exactly.

Avri Doria: Okay.

Marilyn Cade: If it's suitable to her.

Avri Doria: Right, okay.

So that means that at this point, really, the discussion we can have on is on whether other members of this group wish to sort of add their support for the idea when it was brought to Maureen or whether or not, but we're not in the process in making any decision on it.

Marilyn Cade: I never thought that.

Avri Doria: Okay. I'm just trying to clarify…

Avri Doria: Yeah, yeah, yeah, I know that's…

Avri Doria: …for myself on what we are doing.

Marilyn Cade: …very helpful. And I should say, Avri, it's Marilyn speaking.

Avri Doria: Okay, yeah. And I should have said it was Avri speaking.

                  So, does anyone else want to comment on the ideas merits in and of
                  themselves given that we are not making a decision on this, we're merely
                  passing a recommendation back to Maureen to consider?

(Jon Nevett):   This is (Jon), Avri.

Greg Ruth: Avri, this is…

((Crosstalk))

(Jon Nevett):   I'm sorry.

Avri Doria: Dan, yes.

                  And who else - anyone else on the list?

Greg Ruth: Greg.

Avri Doria: Greg.

	Anyone else?
Mawaki Chango	Mawaki
Avri Doria:	Mawaki
	Who else?
Alistair Dixon:	Yeah, Alistair.
Avri Doria:	Excuse me?
Alistair Dixon:	Alistair.
Avri Doria:	Alistair. Okay.
	Anyone else…
	Okay. (Jon).
(Jon Nevett):	Thanks, Avri.

(Jon Nevett): I for one thing - this is a strong idea and I would recommend support of this to the chair and to the task force. Essentially, I think it's a good way to set up whether it's two reporteurs and one (repertoire).

We've fixed the (screech) in terms of reference and that we start focusing on the substance of the terms of reference. I think we're much more likely to get some results and get some strong recommendations to the full task force and then to the council.

Avri Doria: Okay.

(Jon Nevett):   So I support the concept.

Avri Doria: Okay. Thank you.

                   Greg?

Greg Ruth: I want to voice some support for this too. I think it's really important that we
                   stick to our timeline and we try to get the work done in the time frame that we
                   originally scheduled the work to be done. And I think that this divide and
                   conquer strategy is - could be very effective.

Avri Doria: Thank you.

                   Mawaki

Mawaki Chango   Yes. I think it's a good idea as long as we don't get lost in procedures while
                   implementing it. I don't know what are the clearances we need to get before
                   we implement it.

Avri Doria: Clearances?

Mawaki Chango   Clearance.

Avri Doria: It doesn't sound like we have to get any if we - if our chair decides they want
                   to do it and the group decides they're willing to do it, I don't know that we
                   need clearances. Someone correct me from the authorities (to be) if I'm wrong
                   but…

((Crosstalk))

Marilyn Cade: …set rules, I think.

Avri Doria: Right, yeah.

Marilyn Cade: Yeah.

Denise Michel   They can do their own thing.

Avri Doria: Okay.

Denise Michel   To me, there's no clearance that's needed. And in fact, they're more distributed model where the task force members are very active in leading the discussions and exploration of expert material…

((Crosstalk))

Avri Doria: …Mawaki, I cut you off. Please continue if you have more to say.

((Crosstalk))

Mawaki Chango   Yes. I'm supportive to the idea it is conditional. And so I'm guessing if the chair agrees and would the whole task force agree on that, we need to identify the cluster issues and the number of them and the number of the subgroups to create with the (co-repertoires) and then we get it to ourselves.

Avri Doria: Okay. Can I ask a point of clarification again? I guess this is for Marilyn.

	You had basically already proposed that this would be along the lines of the TOR itself, one per TOR item, correct?
Marilyn Cade:	No, no. I would say…
Avri Doria:	Okay.
Marilyn Cade:	No. I was thinking it would be like a limited number of (co-repertoire) groups and they would have a number of elements. And so - and let me just be hypothetical here. I want to be really clear I was thinking about a framework and not trying to be prescriptive.
Avri Doria:	Okay.
Marilyn Cade:	So, the taskforce might say, "Oh my God, I'm really being rhetorical." So I shouldn't say, "Oh my God." But, oh my goodness, Element 4 looks like work to elements 1 and 2.
	So one (co-repertoire) group out of the 1 and 2 ought to be a single (repertoire) group for 4 and 3, and 5 and six looked like they're about the equal amount of work. But I'm really - I'm not - I'm merely trying to provide an idea on process.
Avri Doria:	Okay. Thank you.
	Okay Mawaki , have I let you finish?
Mawaki Chango	Yes. That's…
Avri Doria:	Okay, thanks.

Alistair?

Alistair Dixon: I'm also supportive of this. I think it's a practical way of getting the task force completed on time. So I'd like to give my support to it as well.

Avri Doria: Okay. Thanks.

Does anyone else want to speak on this? Does anyone want to speak the sort of a counter idea on it or a less than in favor?

If not then, okay, I guess we can pass a recommendation on to Maureen and I'm sure people can talk about it on the list. Perhaps it might be a good idea to talk about the chunking once, you know, Maureen has come back with sort of her view of it all.

(Jon Nevett): One question -- this is (Jon), I'm sorry -- one question we may want to ask before we sort of dividing it up is how many people are willing to serve as (repertoires) and that way you can figure - if you have six people, you might want six different (repertoires) for each issue. You might not have to double them up. If you have three or four people, you may start doubling up.

Avri Doria: Are you asking that we figure that out - do that now?

Marilyn Cade: (Jon) - Avri, can I make a comment on that?

Avri Doria: Sure.

Marilyn Cade: I would ask -- while we talk about that which is I think is worth talking about -- I think that the constituencies and breadth are going to have to divide

themselves into how many groups we create. And that is why I sort of suggested no more than three but that was just because I was trying to figure out how to slice up -- don't kill me Alistair -- BC representatives.

I don't know that we could ask…

Alistair Dixon: Thank you, Marilyn.

Marilyn Cade: Yeah. I don't know that we could ask the task force members to participate in six different conference calls and work. But we might ask them to participate in two out of three.

Alistair Dixon: That's fair.

Avri Doria: Okay.

Mawaki Chango Mawaki here. Can I make a comment?

Avri Doria: Sure.

Mawaki Chango Yes. I shouldn't be supporting this idea because if we have to go that way, then I'll be - I'll have to be free of Mawaki

Marilyn Cade: (Unintelligible), Mawaki Yes?

Mawaki Chango Yeah.

Marilyn Cade: But - so I might offer -- it's Marilyn. I did speak to a constituency today who asked me if it was still possible to provide members to the task force in order to augment their participation and I was asked to bring that question forward.

So perhaps I might bring it forward now and ask the question.

Avri Doria: Can I put that down at the bottom with any other business?

Marilyn Cade: You can. Yes.

Avri Doria: Okay, great. Thanks.

And that gives our (unintelligible) the chance to make sure that they've gotten an answer for what the procedures would be if we wanted to do it.

Liz Williams: Top line is fine, Avri. It's Liz here.

Avri Doria: Okay. Get to it later.

Liz Williams: Yeah, we can get to it later.

Avri Doria: Okay. So have we pretty much done this topic for now? And I guess we'll come to it after Maureen had a chance to…

Marilyn Cade: I think we should to the chunking before -- it's Marilyn -- before we - why don't we just do some chunking via email so that Maureen…

Avri Doria: Okay, yeah. I think - but I would really like to get Maureen to view the process and then if she wants to follow through, this is what I would recommend. If she wants to follow through, then she initiates chunking on the email list.

Does that make sense? As opposed to us sort of jumping it and starting to presume her acceptance before she had a chance.

Marilyn Cade: The only thing I'm going to say, Avri, is task forces make decisions, chairs facilitate decisions by task forces. So…

Avri Doria: Right. But we did decide that - we did talk earlier, if I understood correctly, that this constituted a recommendation to Maureen as to how this might be.

Marilyn Cade: I agree. I just was making that point as a kind of just a background statement.

Avri Doria: Right. So, yeah, if Maureen thinks it's a horrible idea, then she has to come back and explain why she doesn't want to do that.

Marilyn Cade: Right.

Avri Doria: Right. Since everybody…

((Crosstalk))

Marilyn Cade: And probably give us a better, you know, a better work plan et cetera…

Avri Doria: Understood, understood. I just didn't want to sort of presume to jump on the recommendation before she's actually had a chance to going to voice up any…

Liz Williams: Avri, may I just ask a point of clarification when you have a chance, please?

Avri Doria: Sure.

Liz Williams: Just a question from my side guys of how you would like…

Avri Doria: This is Liz for the record, right?

Liz Williams: Yes. I beg your pardon. Sorry. Avri, it's Liz, yeah.

                  How would you like that recommendation to go to Maureen because I'm
                  taking detailed notes as we're speaking having to put that together for the
                  group or if someone else wishes to do it and that's fine too.

Avri Doria: Basically, I was thinking that since I was playing chair, I might send her a
                  note with it. I might quote -- well she saw what Marilyn sent…

Liz Williams: Yes. Cool. Cool.

Avri Doria: Also mention that, you know, she sent the minute discussion, but I'll sent her
                  a note saying…

Liz Williams: Thanks, Avri. That's great. That's all I need to know. That's fine. Thank you.

Marilyn Cade: It's Marilyn for the record. I think it's very important for you to do it quickly
                  Avri because minutes sometimes do take…

Avri Doria: Days.

Marilyn Cade: …you know, 48 hours. Yeah.

Avri Doria: I'll do it right after the meeting.

Marilyn Cade: Okay.

Avri Doria: If I wasn't chairing, I'd probably do it during the meeting.

                   Okay. Now the next item -- assuming we finish that one -- was the review and
                   discussed status of agreement on terms of reference. Now that's a really big
                   mouthful.

                   So Denise, I'd actually like you to explain to me what you meant by that one-
                   liner before we jump into it.

                   Are you there, Denise? Are you mute?

Glen Desaintgery: Denise for some reason has dropped off the call.

Avri Doria: Okay. So we'll have to…

Liz Williams: So, guys, I can help you there if you like.

Avri Doria: Okay, certainly.

Liz Williams: It was - Denise and I spoke about this yesterday. It was actually a question
                   about whether the groups sort of - they had reached any agreement tool on any
                   portions on the terms of reference.

                   So for example, Terms of Reference 6, more work is necessary to be done in
                   like a Term of Reference 1 or whatever.

                   I suspect that - I would hope that the constituency, that they're able to speak to
                   that themselves that that was the intention of that question.

Avri Doria: Okay.

Liz Williams: Because that goes to, again, the chunking up by email questions if this, you know…

Avri Doria: Okay. Then I'll sort of walk through this one on a (tore-by-tore) basis.

Liz Williams: Yes.

Avri Doria: And ask what the…

Marilyn Cade: Avri, it's Marilyn, I have a point of…

Avri Doria: Yeah.

Marilyn Cade: …can I have a point of order?

Avri Doria: Sure.

Marilyn Cade: I need to understand -- first of all, we have had so far, two meetings, of which we have merely repeated our positions. I've been expecting analysis by the staff and summary by the staff on where this is agreement. Now, I can certainly put forward a summary myself of where there's agreement. But I don't want to…

Liz Williams: Just a point of clarification, Marilyn.

Marilyn Cade: Yeah.

Liz Williams:	The preliminary task force report which was supposed to be on the 3rd of August set out all the constituency statement and then identified whether there's agreement from the group. And that have been posted since the 3rd of August.
Marilyn Cade:	I understand, Liz. But I don't wan to spend the next hour restating, you know, I think that there are generally three categories - three broad categories of agreement on most of the terms of reference. So sort of like three general buckets -- I hate that word but let me use it.
	So let's - and I understand what were being asked to do.
Avri Doria:	Okay. What I'd like to recommend that we do, if I understand what we're being asked in jumping is Liz basically mentioned the 3rd of August report. Each one of the Term of Reference has one or two commentaries at the end of it that basically says things like it is clear that there is belief and expectation that it is - there is agreement here. There is no agreement.
	So perhaps we should take each one of those commentaries, look at it quickly, and just see what degree of concordance should we adhere to that (unintelligible) the 3rd of August document is a clear basis for moving forward.
	Does that make sense?
Denise Michel:	This is Denise.
Glen Desaintgery:	Denise has joined the call again.
Avri Doria:	Hi, Denise. Welcome back.

Does anyone have a comment on proceeding through it that way…

Marilyn Cade: I do.

(Avri):   …as a point the whole Term of Reference?

                  You do.

Marilyn Cade: I do.

Avri Doria: Explain why.

Marilyn Cade: Well, Denise is back so why don't we bring her up-to-date.

Avri Doria: Okay, Denise, my quick version of - we are in the last item which was in your recommended agenda which was review and discuss status of agreement on terms of reference.

                  Basically then, Liz sort of explained that what was looking for a notion from the councilors -- and please correct if I get this wrong -- of where there was agreement, where there's not. Basically, Marilyn put up a point is that we've gone through this two, three times and it's all there.

                  And, you know, there has been further resolution. Liz brought up that there was the 3rd of August report with the commentary sections under each TOR basically explaining she, and I guess others who are working on the report, felt we had gotten to.

I then suggested that we go through those commentaries quickly and just see whether people agreed with what they've said and ask that that was a reasonable way to continue. And Marilyn was just at the point of explaining why it was.

Does that cover - anyone object my rapid covering?

Marilyn Cade: Rapid but effective.

Avri Doria: Okay. So Marilyn, do you want to explain why that wasn't a good way to go through?

Marilyn Cade: No. I was asking the question of, you know, what are we being asked to do? We're being asked to go through a written report and say, "Do we agree with summary that the staff has put together," is that what we're spending the task force time on?

That's what I wanted to understand because I really think we've got to start breaking new ground. We have twice had meetings for all we did, regurgitate positions. I would assume that staff can capture those positions.

And so I don't think proofing staff report advances work online. That's my question. Now, if that's what we need to do then…

Avri Doria: The reason I thought it was is because in each of this commentary -- since it was my suggestion we go through it -- in each of these commentaries, there are statements like, "It is clear that there is this." And the further question is that…

Marilyn Cade: I understand. But Avri I'm going to…

((Crosstalk))

Avri Doria: And I'm moving head.

Marilyn Cade: Yeah. But let me be clear, I have line edits on this report because I don't agree
                 with every aspect of it. I'm sure other people on this task force have line edits.
                 Do we want to go through line edits on the task force or do we want to try to
                 advance understanding because we're all on the phone together?

Liz Williams: Just a point of clarification, I don't have a line edits from anybody else apart
                 from Marilyn's. So if there are line edits outstanding, then it would be very
                 good to receive them.

Avri Doria: Yeah, I've sent you a few comments I guess, but certainly nothing as detailed
                 as line edits.

Liz Williams: Yeah, that's fine.

Jon Nevett: This is (Jon). I think from my perspective, it would be best to set up a
                 framework for moving forward - of moving the work forward as opposed to
                 redoing what we - the bare amount of work that we've already done as far as
                 valuations of the six terms of references.

                 So I would think that if we set up some kind of process where we set up in
                 subgroups and assuming we're in agreement or comes with better and doesn't
                 come up with a better idea, that we setup these subgroups and set up a time
                 frame for the subgroups to work and get back to the main group. And then at
                 that point, we go through each term of reference when we have the benefit of
                 that process in place.

Avri Doria: A point of clarification then. So basically those subgroups would be the ones that would take these commentaries and go through and determine whether those questions were indeed the right questions to be asking that was indeed that state of it as opposed to the task force as a whole.

(Jon Nevett):   Exactly.

Avri Doria: Okay. How do other people feel about that? Who want to speak the idea? Obviously, it would make this a quicker meeting. Actually, we've already been added an hour. But who wants to speak…

((Crosstalk))

Marilyn Cade: Well, could we, you know, is that kind of thing that we can agree that even we could start work on?

Avri Doria: How do you mean?

                 I mean, certainly I think everybody should be reading the 3 August report, http://gnso.icann.org/issues/gtld-policies/pcc-pdp-03aug06.pdf
                 and if they have line edits sending them into Liz or discussing them on the per se. I mean but - or is that not what you meant?

Marilyn Cade: Well, I think (Jon) was making a suggestion that I could support which is, you know, let's advance very quickly with getting concurrence from Liz or a non-concurrence from - in fact from Maureen.

                 Maureen is the task force chair. Task force, you know, chairs manage work. They don't dictate work, right? That's the whole rule of both council and task

force. So we're looking to go to the task force chair proposal work program and an approach to work.

Can we do that quickly?

Avri Doria: Well, we were going to do that right after this meeting…

Marilyn Cade: Right.

Avri Doria: …you know, how quickly it goes beyond that.

I guess what I thought would happen going through the commentary which were rather short and had lines like the further question, et cetera was we would have either mark or not mark those as issues that needed to be clumped and aggregated. But certainly, we can wait until afterwards.

Marilyn Cade: Avri, I'm not online. If you want to read them, and if other people on the task force think that that's a good use of the next 40 minutes, let's do it.

Avri Doria: Well, it's either that or we finish the meeting now or…

Marilyn Cade: No, no, no, I'm happy to do it, I'm just not online.

Avri Doria: Right.

Marilyn Cade: So if you could read them…

Avri Doria: I would certainly read them. If people think that's worth doing, then I'm certainly willing to read them, you know, find out if people think that that's going in the right direction and then we move on from there.

Liz Williams: Can I just have a point of clarification before you go on, if you don't mind?

I had prepared for the next meeting and another iteration of a draft work plan sent for you. I wondered if you're going to go through this. If everyone could just keep in mind that this would amend again the proposal for specific dates and timelines that people might what to work towards.

So I have I have the draft work plan right in front of me which I haven't distributed to the group because I was waiting to see what progress you made this evening.

So just, if you have that in your minds as you're going through this that would be very helpful because it will be have a bearing on a work plan that I'll distribute to you.

Avri Doria: Liz, you might help us by sending that draft work plan.

Liz Williams: Yeah. I can do that in the morning. I'm not online at the moment. I can't be online and on the phone at the same time.

Avri Doria: Does anyone - do people think that we should go through the - just the commentary for now, not the whole TOR, not all the constituency statements and see whether where it brings out a question, that is one that we think should be followed further and perhaps should be put in theses chunks we're talking about.

Mawaki Chango   Mawaki here.

Avri Doria: Okay. Anyone else?

Anyone else want to comment?

Marilyn Cade: Why don't we hear what Mawaki says and then…

Avri Doria: Okay.

                   Go Mawaki

Mawaki Chango: Yes. I'm sorry, sorry, everything is clear, I guess, with me.

                   Where are those commentaries that are sort of - are they included in the
                   reports, in the…

Avri Doria: Yes. They're in the 3rd August report
                   http://gnso.icann.org/issues/gtld-policies/pcc-pdp-03aug06.pdf
                   within each of the TOR like after TOR 1A, you get to the bottom of it. And
                   then there is a commentary which is a one paragraph general, you know,
                   basically abstraction of what has been agreed, what hasn't been agreed, where
                   the main questions lies, et cetera.

                   So, yes, those are in the 3rd August report
                   http://gnso.icann.org/issues/gtld-policies/pcc-pdp-03aug06.pdf
                   that is the current state of the report as I understand.

Marilyn Cade: And that was distributed when?

Liz Williams: Third of August.
                   http://gnso.icann.org/issues/gtld-policies/pcc-pdp-03aug06.pdf

Marilyn Cade: It's dated 3rd of August, so it's also distributed 3rd of August?

Liz Williams: Yup.

Marilyn Cade: Okay.

Mawaki Chango: Okay. The fact is that I'm not - I don't have access to my hard drive right now.

Avri Doria: Right. So, yes, that's why I was going to read those commentaries aloud.

Mawaki Chango: That's hoping that the sound will be clear enough, help me to capture the whole matter.

                Thank you.

Avri Doria: Okay. I will try to read clearly.

                Does anyone think we shouldn't be doing this and we should just be doing something else?

Marilyn Cade: Why don't - Avri, why don't I propose -- it's Marilyn -- that you try to 3 and then let's take a sense of how we're doing this?

Avri Doria: Okay. So let's start with 1A here.

                Is that fine with everyone? Okay.

                1A, it is clear that there is at least an expectation that registered contract would be renewed following persistent performance failure. The further

question of how that process would take place will in part be addressed by the policy development process on new top level domain.

Marilyn Cade: It's Marilyn to speak on that. Do you want to take a queue?

Avri Doria: Yeah, let me take a queue.

Marilyn 1A. Marilyn - anyone else?

Okay, Marilyn.

Marilyn Cade: On the BC perspective, the word "persistent" has to be defined, and I will give an example.

A major breach which disrupts the Internet or the community or creates a huge problem like 'site finder' may not be persistent but it's really significant. So we would like to see a definition of persistent, otherwise, unless Alistair has other comments, I'm generally okay with it.

Avri Doria: Okay. Anyone else like to speak on 1A commentary?

Alistair Dixon: Avri, it's Alistair. I don't have any further comments or anything on what Marilyn said.

Avri Doria: Okay. So like Marilyn said.

Okay, anyone else would like to comment on 1A before I go on to 1B?

(Jon Nevett): It's (Jon). My only comment is that silence is not a consent and that, you know…

Marilyn Cade: That's a good comment.

Avri Doria: Right. It's just that no one has any further comment on the questions at the moment.

(Jon Nevett):   Exactly. Thank you.

Avri Doria: Okay. Although, it would be really good if people did think it was just far wrong or things do need to be fixed in order to work - move work forward that things get fixed sooner as opposed to later.

Marilyn Cade: I agree…

Avri Doria: I guess that's just a chair-type commentary.

Marilyn Cade: It's Marilyn. Perhaps you might - perhaps people might propose to you that they reserve further comment and that would allow the staff to document that.

Avri Doria: Okay. I can ask at the end of the conversation if anyone reserves a comment.

                  Anyone want to have their name attached to reserve comment? I guess (Jon)?

David Maher: David does.

Avri Doria: David.

                  Anyone else wants to be specifically listed as reserving comment, which I would take to mean that Liz should endeavor to talk to you guys.

Liz Williams:	Yup. I'm talking notes and I'm writing down initials. And you'll get a phone call.
Avri Doria:	Okay. Anyone else want to be on the reserve comment list?
Mawaki Chango:	Mawaki I just (wanted to state) not being under reserve comment but include someone to make comments which are right.
Avri Doria:	Oh, yeah. I don't think that this discussion is ever closed until the report is sent.
Mawaki Chango:	Yes.
Avri Doria:	I mean until the report is sent, so, yeah.

Okay. So we move on to 1B. We get to 1B.

I'll also read the TOR just so of people remember it. I should have done that for 1A.

1B was recognizing that not all existing registry agreement share the same rights of renewal. Use the findings from above to determine whether or not these condition should be standardized across all future agreements.

And going to the commentary was there is a divergence of use within the constituency statements as some argue for a standardized approach and others include additional factors which should be taken into account.

I don't know if there's anyone here that wants to argue that we reached convergence on that one.

Marilyn Cade: I don't wish to argue that but I wish to argue a different point. It's Marilyn.

Avri Doria: Okay. Anyone else want to get any initial list?

                  Okay. Go ahead, Marilyn.

Marilyn Cade: If you go to the foreword of which says something like not all existing agreements - not all agreements share. Can you read that part again?

Avri Doria: Okay. You mean theTOR itself. Let me get back there.

                  1B, recognizing that not all existing registry agreements share the same rights of renewal, use the findings from above to determine whether or not this condition should be standardized across all future agreements.

Marilyn Cade: Again, I just which to have a clarification which can be a footnote which is that future agreements can also apply to existing contracts, not only to future gTLDs. I think that's clear but I just want to be sure.

Liz Williams: Marilyn, you went quite quickly and I'm taking notes. Could you repeat it, please?

Marilyn Cade: Liz, I just said I just want to have a footnote which says this particular discussion is about the existing contracts. So when we use the term "future agreements"…

Liz Williams: Yup, got it.

Marilyn Cade: …future agreements applies to future agreements for existing contracts.

Liz Williams: Yup, got it. Thanks.

Avri Doria: Any more commentary on that commentary?

                    Okay, David.

David Maher: That raises…

Avri Doria: I have trouble hearing you. I don't know if others do also.

David Maher: I'm sorry. I think I can't respond totally at this time but I - they're implicit in that footnote, there are some issues that need - that are clearly controversial and instead of taking more time on it, I'd like to comment later.

Avri Doria: Okay. So that's reserve comment.

David Maher: Yeah. Thank you.

Avri Doria: Okay. Anyone else would like to make a comment at this point on 1B?

                    Okay. Guys, I suggest we move on to the next which is 2A.

                    2 is the relationship between registry agreements and consensus policies. 2A specifically examine whether consensus policy limitation in registry agreements are appropriate and how these limitations should be determined.

                    And moving down to the commentary, we have, more information is required from task force members before any conclusions can be reached about

consensus positions although there is a general trust to avoid limitation on the application of consensus policy.

Marilyn Cade: I'd like to be at the queue. It's Marilyn.

Avri Doria: Okay. Anyone else in the queue?

David Maher: David.

Avri Doria: Okay. So it's Marilyn, David. Anyone else in the initial queue.

No? Okay, Marilyn.

Marilyn Cade: I think this is a misread of the statement of the majority of the constituencies. I think the majority of the constituencies believe that consensus policy should apply to registry agreement. And so, I think you should take a second queue after David responds.

But as I understood what you read, I disagree with the staff analysis because I've read all of the comments of the various constituencies, the At Large, I read the posted public comments to the recent registry agreements, and I don't see how we could possibly say that there's a general thrust to oppose the application of consensus policy to registry agreements.

I further will say that the council has taken a position on this particular issue. There have been recent letters about this issue to the Board. So I'm really confused about this particular statement and can't support it.

Avri Doria: Okay. David?

David Maher: Again, instead of going through all of my objections to that, I'll reserve comment.

Avri Doria: Okay.

Liz Williams: Avri, could I have a point of clarification please, if you're ready?

Avri Doria: Sure, Liz.

Liz Williams: Marilyn is speaking for, it seems the other constituencies, so if the other constituencies believe that I have misread it or mischaracterized what has been said or decided, then I'd be grateful for each of the constituencies to come back to me with some specific amendments to text, please.

Marilyn Cade: Liz, I speak clear. I don't speak for other constituencies. I said I read the materials, I have different interpretation.

Avri Doria: So it sounds like though it would be useful if the other…

Marilyn Cade: It would be very useful. I just don't want to have the record saying the staff said I spoke further constituencies…

((Crosstalk))

Avri Doria: Okay.

                Does anyone want to - does anyone further - anyone else want to speak to this further now?

Marilyn Cade:	And your question is -- it's Marilyn speaking -- Avri is - the question is should consensus policies apply to existing registry agreement? Is that the question?
Avri Doria:	Well, the…
Marilyn Cade:	I just want to be sure I understand the question because that was what my answer was with that.
Avri Doria:	Well, the question is really is what is said about 2A correct. And so, yes, it can be interpreted as should consensus policy apply. If I go back to the 2A, it's asking whether consensus policy limitations are appropriate and how this limitation should be determined.
	So I guess it's do they apply, but I think the question -- and this purely my interpretation is -- and to what degree do they apply.
Marilyn Cade:	Yeah. I didn't answer the degree.
Avri Doria:	Right.
Marilyn Cade:	I just want to be clear about that in what Marilyn spoke to.
Avri Doria:	Right. And basically the commentary said more information is required from task force members before any conclusions can be reached about consensus positions.
	And then it was - the position you spoke against although there was a general trust to avoid limitations on the application of consensus policies. And that's - so the last clause is what you disagreed with.

Marilyn Cade: It is.

Avri Doria: So leading from your read of comments that the trust was going the other way.

Marilyn Cade: That is factual.

Avri Doria: Anyone else want to comment on their view of where the consensus is pending?

And Liz, this is actually one of those discussions that we had in the - type of discussions that we have in the gTLD. (New) gTLD) is as we've said, is it strong, is it weak, is it moving away? And so does anyone what to comment on that?

I made comments prior to Liz, when I wasn't playing chair, so I'll leave those as they were.

Okay. Shall we move on to the next one then?

Yeah, little bits of information that needs to be followed. So - but this was 3. So the suggestion was, Marilyn, that after 3, we should decide whether we contribute to - with this or we abandon it as a waste the time.

Marilyn Cade: And I will just say, Avri, I think it's a good use of time but other task force members need to comment on whether they think it's a good use of time.

Avri Doria: Does anyone else think we should continue?

David Maher: Well, it seems to -- this is David -- I don't think we're moving the ball forward very fast. I - clearly, I'm in disagreement with almost all of Marilyn's comments. And I would like to have a further opportunity to say something about that. If you want to go through the entire list and I will interrupt teach time and say that I reserve comment.

Avri Doria: Right. Well - yeah. But…

((Crosstalk))

Marilyn Cade: Can I ask David a question?

Avri Doria: I'd like to comment first in terms of moving the ball forward...

Marilyn Cade: Sure.

Avri Doria: I guess I'd like to say that if we're able to identify quickly going through these comments where the ball actually is…

Marilyn Cade: All right.

Avri Doria: You may not be moving it forward, but sometimes I think in this particular PDP process, we don't even have a clear view of where we are.

                 And so by going through these commentaries which are, you know, the staff, Liz's analysis of where we are and we can say, yup, that one's kind of where we are but I'm - but I have a problem with word X or word Y or I reserve comment or be, no, I specifically don't think that's where we are. I think we're doing a slight bit of identifying where we are.

And now, Marilyn, you wanted to comment?

Marilyn Cade: Actually you said exactly what I was going to say. Scary.

Avri Doria: Okay.

Marilyn Cade: I mean I just was thinking that it could - it…

Avri Doria: That it wasn't good if other people were commenting.

Marilyn Cade: Yes.

Avri Doria: Or should we continue?

Marilyn Cade: Let's continue and see if they'd agree…

Avri Doria: Does anyone think we should stop?

(Jon Nevett):   This is (Jon). I think we should stop.

Avri Doria: Okay. Does anyone else think we should stop?

David Maher: This is David. I voted to stop.

Marilyn Cade: And I have a question to both (Jon) and David.

Avri Doria: Okay. I'd like to see if there are more people that want to add their names to the list, we should stop.

	Okay. So we have two to stop and at least one to continue. Does anyone else think we should continue other the one who said we should continue?
Dan Halloran:	Dan speaking here. I think we should continue. I think we - I mean I think the way to move this forward is to identify whether (unintelligible) what needs to be done to try and achieve this (consensus).
Avri Doria:	Okay. So Marilyn…
Greg Ruth:	This is Greg. I think we should go forward.
Avri Doria:	Okay. Thank you. Anyone else?
Bret:	This is Bret. I don't know that I have a vote. But I would like to see this continue.
Avri Doria:	Okay. Okay, Marilyn, you had a question you wanted to ask?
Marilyn Cade:	Nope.
Avri Doria:	Okay. I think more people had said continuing than not. So, I'll keep reading. So the next one is 2B. Examine whether the delegation of certain policymaking responsibility to sponsored TOB operators is appropriate. If so, what if any changes are needed? Since I stumbled in the middle of that, let me read it again.

Examine whether the delegation of certain policymaking responsibility to sponsored TOB operators is appropriate. And if so, what if any changes are needed?

(Unintelligible) correctly. And the commentary, it is clear from these comments that it is not yet possible to identify a consensus position.

I don't know what there is to say about that one. Does anyone want to comment on 2B?

Marilyn Cade: Would you read the commentary?

Avri Doria: The commentary is, it is clear from these comments, speaking of the, you know, comments above - from all the constituencies that it is not yet possible to identify a consensus position.

Marilyn Cade: Okay. It's Marilyn, I have a comment.

Avri Doria: Okay.

Marilyn Cade: I want to be on the record and define - this task force needs to have a clear understanding on what a consensus is and what a consensus is not and what their job is and what their job is not.

                  And I'm a member of the task force so I take responsibility for that. I'm also a member of the council so I also take responsibility for making sure that the task force has the appropriate information and (advice) on that.

                  Consensus is not unanimity and I think this needs to be really - this should be documented and then we need to be sure that we are in agreement on where

we are with the council and the advice we have from the council. If not unanimity, we don't determine consensus. The council determines consensus.

So if we want to say that for our working purposes, consensus is (XYZ) and ask the council if they concur, that's okay. But we're using a term that has meaning in ICANN.

Avri Doria: Right. Yup.

Marilyn Cade: If we want to say the majority of the respondents…

Avri Doria: Yeah. I think that the language that (Bruce) has used and there is support - there is strong support, there is no support…

Marilyn Cade: Yes, right.

Avri Doria: …is probably a better language that - for us to be using here.

Marilyn Cade: Yeah. And I think if we could do that, it's probably better because we're confusing - we don't mean to be, but we're confusing the record when we use the term "consensus".

And so if we could agree to use the language we're using in (P2P 05) - PDP 05, sorry, and Avri that's strong support…

Avri Doria: A strong support? I mean I have to go back and review it.

Marilyn Cade: Yeah.

Avri Doria: Because I remember a strong support, support, no support.

Marilyn Cade: Yes.

Avri Doria: So there may have been more gradations in there and I'm not swearing that my memory is any good.

Marilyn Cade: But that would be helpful to this task force I think. And then when we actually do like a call for a straw poll, we can put - we probably need, you know, no support is not two constituencies or a constituency in the ALAC is not no support.

Avri Doria: Okay. So this would probably read, if I understand correctly, it is clear from these comments that it's not yet possible to identify a supported position.

Marilyn Cade: I would think it would say, the level of support. I'm not sure I agree with that but I think that's the next step that we need to take which is needed.

Avri Doria: Liz, what do you think of…?

Liz Williams: I'm happy that we can consistently are using language which everyone is beginning to understand from the other PDP. It still leads us with the necessity to look at (2B) and determine whether there is a supported position or not.

Marilyn Cade: And so, I'll speak to that, Liz.

Avri Doria: Anyone else want to get in the queue?

Cary Karp: Cary…

Marilyn Cade: Okay.

Avri Doria: I'm sorry. Who was that then?

Cary Karp: Cary please.

Cary Karp   Cary.

Avri Doria: Sorry, Cary.

Marilyn Cade: I think as a work item, we should go look if we could ask (task) to stop to go come back to us from the PDP 05 with the definitions we're using there, that could be helpful.

                And then we have some consistent definitions for task force whether we should propose them to the WHOIS task force as well. So that's a different work item and we ask the staff to come back to us.

                Then we can reserve when we come back and ask for if we agree there are four categories: strong support, support, weak support, no support. That is; nobody spoke. Then we can come back and ask this task force to put themselves into that category - (say) categories, sorry.

Avri Doria: Okay. Cary?

Cary Karp: Two things. It is the role of the GNSO Council to identify what consensus is.

Avri Doria: Right.

Cary Karp:	And we can't really do that by saying that we have no definition of consensus; certainly not one that can be applied in a task force situation. So we'll take a four-degree scale and put the support on that.
	So I think we actually do have to come to terms with what consensus means in council (unintelligible) because that's why the council is there. And see to it that that's somehow inherited by the task forces. Otherwise, it's very difficult to (mesh) with the front office so to speak.
Marilyn Cade:	Cary, I'm - it's Marilyn. I'm going to challenge that. Having been here a long time, that's actually not the role of the task force; it is a role that task forces often like to and want to assume but it's not how their role is defined. They can take a straw poll and send it to the council, but the council determines consensus.
Cary Karp:	That's what I'm saying…
Marilyn Cade:	Okay.
Cary Karp:	Because council determines consensus, they don't determine strength of support; they determine consensus. But it would be very useful for council to define what it means by consensus in a manner that makes it possible for the task forces to inform the consensus building process or the consensus identifying process, (better said).
	So the fact that we are here and we don't feel comfortable using notions of consensus suggests to me that the staff lost some aspect of communication between council and task force.

Avri Doria: But there might also be - Avri, there might also be staff that for example, which mean another task force is where there was this split opinion and they send a split recommendation to the council asking the council the one that made the decision.

So it seems like a very much confusing with the task forces informing of the council, send them differing opinions (unintelligible) reports or whatever that then allow the council to then go through its consensus process.

So I think it's good for the task force to understand what consensus means to the council. But I don't know the task forces need to do more than develop recommendations.

Cary Karp: And what I am suggesting is that perhaps the task forces don't know what consensus means in council.

Avri Doria: Oh okay.

Cary Karp: And the best that's - and the second thing is that at least the first time around, the class of 2000 sponsored TLDs or by definition those that were delegated policy making responsibility needs to be very defined communities. And that definition was transformed into the next batch of sTLDs.

But I think we should be aware of the fact that there was probably some depth of reasoning behind the first way of doing things and we may end up seeing that approach raised again.

So, indeed, we know very clearly what the situation is with sponsored TLDs as they were first defined and we probably need to understand why they were redefined. I'm not entirely sure that was such a smart move either.

Marilyn Cade:	So, Cary could I - it's Marilyn. Could I suggest that the task force say to the council, give us your - let's be really clear on what - because - I mean, I've been a co-chair, a chair, I've been around the block here. So let's not beat that.
	I've had it beaten into me by the council what the task force's job is on consensus. Why don't we just go to the council and say, we're going to work similarly to PDP 05 -- strong support, weak support, no support.
	And we'll be putting forward information to you. Is that going to provide you the kind of information you need realizing that you are the organ of ICANN that will have to make a decision about consensus.
Avri Doria:	Do other people have opinions on doing as Marilyn suggests?
Marilyn Cade:	And the council can come back and say, "No, we want you to do x, y, z."
Alistair Dixon:	Avri, it's Alistair here. Can I comment, Avri?
Avri Doria:	Anyone else want to be on the list?
	Oh okay. Alistair, please.
Alistair Dixon:	It seems to me, as seen in the other task force this approach of identifying strong support, weak support, is the usual way forward for identifying – the work that needs to be done and moving the process forward.
	So, I think this is something that would be useful to be put forward to the council for helping move this particular PDP forward. So, I certainly like to support that.

Avri Doria: Okay.

                   Does anyone else want to speak towards the notion of just asking the council,
                   I mean, I wasn't sure there was a need to ask the council since it was being
                   used effectively elsewhere. But I have, you know, no reason not to ask council
                   whether this is something reasonable.

                   Does the rest of the task force believe that we should ask the task force this
                   question?

Marilyn Cade: Avri, it's Marilyn. How about if you inform them and say, "Please advice if
                   you have concerns." Would that work?

Avri Doria: Sure. I would talk to (Maureen) and I would have (Maureen) do the
                   informing.

Marilyn Cade: Yeah.

Avri Doria: Yeah. Because that works for me. Does that work for other people?

Greg Ruth: This is Greg. Yeah. I like that approach.

Avri Doria: Okay.

Greg Ruth: Yeah.

Alistair Dixon: Sorry. I agree. It's Alistair here. I mean, that certainly - that would seem to me
                   a useful approach.

Avri Doria: Okay.

                  Anyone else want to comment on that before we go back to the (before) report
                  commentary?

                  Bet it almost sounds religious.

((Crosstalk))

Avri Doria: Okay.

Mawaki: Can you just state what is it the decision taken right now?

Avri Doria: I guess there was no objection and some support for informing council or
                  asking (Maureen) inform the council that as opposed to speaking about
                  consensus, we would be - in terms of the strong support, support scale and just
                  to basically inform them of that and make sure that doesn't give them anxiety.

Liz Williams: Avri, just a questions and clarification, I - did I hear you correctly to say that
                  you would do that with (Maureen)?

Avri Doria: I would basically take the idea to (Maureen), but (Maureen) would be the one
                  as Chair that should do it.

Liz Williams: Yup. Thank you.

                  Just checking. Thank you.

Cary Karp: I actually wondered just that in the terms of ICANN as a whole, I would be quite - I would expect that the typical GAC definition of consensus is widely different than any of the technical advisory bodies' definition of consensus would probably likely to be.

And council probably would be in some place in between those two extremes. But wouldn't it actually make it easier for ICANN to do its business since it is supposed to be consensus-based whether there'd be some very clearly articulated explanation at least of what consensus is and how the various bodies that contribute to noting it and putting it forward (need) to regard it.

Marilyn Cade: All right.

Avri Doria: That might be a good topic for the council to…

Marilyn Cade: Wait a minute. Wait a minute. It's Marilyn to speak.

Avri Doria: I don't know if we needed in the task force …

Marilyn Cade: We know that guys. We should not be debating this.

Avri Doria: Not - certainly, not in the task force.

Marilyn Cade: And I want to be on the record on this.

Avri Doria: Right.

Marilyn Cade: There is a definition of what consensus is from the council standpoint. And we - this is not our debate. Now, if we want to say we don't like the existing definition as task force, then say that to the council. But Cary, there is an

existing definition of what consensus is. It is a super majority vote of the council.

And so, I prefer we not get into that discussion on the task force. We can say from a task force level, we would like the Council to address whether that's the appropriate definition, but not to debate it at a task force level.

Cary Karp: Actually, I was suggesting debate at the task force…

Avri Doria: I want to actually say that this topic should really - almost be declared out of scope of the task force.

Marilyn Cade: Fine, fine.

Avri Doria: And especially to these two councilors arguing over the consensus positions that if it's something that belongs to the Council should work on - that it be brought up in the context of the Council.

Marilyn Cade: Thank you, Madam Chairperson.

Avri Doria: Thank you.

Moving on to Term of Reference 3 which was policy for price controls for registry services.

Three A: Examine whether or not there should be a policy regarding price control. And if so, what the elements of that policy should be? (Note: Examples of price controls include price caps and the same pricing for all registrars).

And now, moving down to the commentary.

Commentary: This section will be the subject of the development of export materials from price controls in other industries. It would be helpful if the task force considered registry service agreements in the context of other regulated industry such as the telecommunication or electricity sectors.

See the recommendation section below for further information.

So, I don't know where we are in terms of the development of export materials.

Does anyone basically have any comments on the commentary?

David Maher: This is David. And again, I reserve comment.

Avri Doria: Okay. We've got a comment from David.

Marilyn Cade: Yeah. This is Marilyn.

Avri Doria: (Any) reserved comments while I'm at it?

Marilyn Cade: It's Marilyn.

Avri Doria: You're reserving comment?

Marilyn Cade: No, I'm going to make a comment.

Avri Doria: Okay.

Anyone else want to be on the list for making comment?

Okay.

Marilyn?

Marilyn Cade: This scenario for the task force deserves and can benefit from dialogue with independent and neutral experts. And I think we should advance that opportunity for the task force.

Avri Doria: Okay. What is the standard of getting experts?

Liz Williams: Avri, I can speak to that if that helps you when you're ready.

Avri Doria: If that's okay, I'd like to…

Liz Williams: Sure. The preparation of expert materials, a draft is completed and I'm just doing a final edit on that.

I received one suggestion for an article to be included from (Jon) and some suggestions from Marilyn about experts that I've prepared; materials that cover registry review, price controls and other materials that the group had identified that they needed information on. I would expect that would be ready for you by the end of the week to send out.

And then within that document there is also an identification of expert had also on a number of occasions. So that is also being done. And I will leave it to the group to consider those exports which you will then come back to me with further suggestions for specifics about experts that they may or may not wish to hear from.

Avri Doria: Okay. Thank you.

                 Marilyn, I cut you off.

Marilyn Cade: Yeah.

                 I just want to add on the status on the - we had questions submitted from a
                 number of members to the task force on questions. A bit of it on experts and -
                 is that part of this section or another section?

Liz Williams: The questions that was - sorry, was that a question for me or for Avri?

Marilyn Cade: Hard to know.

Avri Doria: I would say it's for you.

Liz Williams: Thank you.

                 The question that was submitted came from Alistair and those have been…

Marilyn Cade: And Marilyn.

Liz Williams: Yeah.

                 I know that, I've already included you…

Marilyn Cade: Yeah.

Liz Williams: …in that list form…

Marilyn Cade: Okay.

Liz Williams: …and Alistair submitted some additional questions which I have incorporated into the expert material. So, that's far - as its stands, I didn't receive any questions from anybody else.

Marilyn Cade: Mawaki didn't you submit questions?

Mawaki Chango: Yes. I submitted some - a few questions online - by email?…

Liz Williams: Oh I beg your pardon Mawaki then I have to go back and look through my notes. I'm sorry. And I would do that in the morning. I'm sorry. I'll double-check that.

Avri Doria: Anyone else that submitted question should probably get in touch with Liz separately just to ensure that their questions were heard.

Liz Williams: Yeah.

                Yup. Sorry about that Mawaki That's my…

Alsitair: Alistair here. I recall that there were some responses for my questions and I expect that some of those responses made that you've included questions, Liz.

Liz Williams: Yes. You probably run it. Yeah. Thank you.

Marilyn Cade: Okay. So…

Avri Doria: Any other comment on - sorry…

Liz Williams: Sorry, Avri. There's one more element to this.

                   Quite a lot of these discussions also been going on the GA list about price
                   controls and tier pricing about many other issues that relate to this. So I've
                   been watching that commentary very carefully as well and taking that into
                   account where necessary.

Avri Doria: Okay. Anyone else want to make a comment on this? I don't know that there's
                   that much to be said other than, you know, we obviously have a fair amount of
                   work to be done here once we see the expert materials, et cetera.

Marilyn Cade: And this - sorry, I just want to verify. This is (TOR) - which number are we
                   talking about?

Liz Williams: Three A, we're in - if I remember.

Marilyn Cade: Three A. I realize I didn't close the 3A, so it looks like 3C to me and I was
                   getting confused. So thank you.

Liz Williams: Oh 3A.

                   Okay.

Avri Doria: Any objection to moving on to 3B?

                   Examine objective measures (cost calculation method, cost elements,
                   reasonable profit margin), for approving an application for a price increase,
                   when a price cap exists.

I'll read it without the examples.

Examine objective measures for approving an application for price increase when a price cap exists.

And the commentary was more detailed, economic analysis is required to facilitate for the discussion within the task force. This will be done through the development of expert material in addition to comments about price controls above.

So, I think this one is pretty much in the same class as 3A.

Marilyn Cade: I just want to - it's Marilyn.

I want to be really clear that I'm not accepting the idea as BC member of this task force. The expert materials that do not include the opportunity for independent expert advice is adequate.

So, if we're saying that the only advice we're getting is through reading expert materials, then I would like to reserve comment. If we're saying that the code word "expert materials" includes the opportunity for expert advice, I'm okay.

Liz Williams: Yes.

Avri Doria: So, that was a yes that meant, yes, I hear you and understand you or yes, it was a second?

Liz Williams: I would have said hi, if I meant, I hear you and understand you.

No, it's a code word.

Marilyn Cade: Okay.

Liz Williams: But we're taking it step by step. So, expert materials are being prepared and then the identification of experts comes after that.

A good part of it is included - the identification of individualized people is part of the expert materials.

Marilyn Cade: Thanks Liz.

Avri Doria: Thank you.

Okay.

Should I move on to Summary of Reference 4 or is there more to be said about 3B?

Mawaki Chango: And how many remaining?

Avri Doria: We have 4, 5, and 6.

Mawaki Chango: Please continue

Avri Doria: Right. I don't know what time this meeting is supposed to end. I can keep going until somebody says the meeting is over.

At the moment just reading them through and making sure everybody's heard them and had - because I think these people haven't had the chance to read this.

Summary of Reference 4, (Item C), 4A: Examine whether or not there should be a policy guiding registry fee to ICANN. And if so, what the elements of that policy should be.

And we get to commentary. It is clear that no consensus, and of course we've already discussed the word consensus, exists on this issue. This issue - the issue of how ICANN receive fees from contracted parties in a GNSO community may need to be considered in a wider context of ICANN's overall revenue structure.

Comments?

Marilyn Cade: I just did that. It's Marilyn.

                  I read the same comments and that's not the - that's not what I understood. The view of the community and the constituencies to be, so I'll reserve comment and come back with more detailed comments.

Avri Doria: Okay. Anyone else want to comment?

                  Now, I'll move on.

                  Four B.

Marilyn Cade:	Avri, before you move on, this is - we're all in agreement that these are the kinds of topics that will be discussed within hypothetically a (co-repertoire's) group. Is this right? We're not going to say this is settled.
Avri Doria:	No, I'm assuming - my assumption - I don't know about others. My assumption has been that these commentaries are the starting place for…
Marilyn Cade:	Thank you. Okay.
Avri Doria:	…figuring out the aggregate questions…
Marilyn Cade:	Thank you. That's fine.
Avri Doria:	Assuming we go there.
Marilyn Cade:	Yeah. Okay. Thanks.
Avri Doria:	And yeah, so that's - well, this is deciding on your aggregate questions. This is refreshing our memories about what these questions might be.
Marilyn Cade:	Thank you.
Avri Doria:	For those of us that read this one the 3rd of August who don't remember it anymore. Four B: Determine how ICANN's Public Budgeting Process should relate to the negotiation of ICANN fee.

And the commentary was, there is clearly a difference of opinion between the registries and registrar, constituencies and insignificant commentary from others to indicate any consensus position again.

It would be helpful to have further discussion on this area focusing closely on how existing constituency positions equate to ICANN's mission and core values.

Any comment?

Marilyn Cade: I'll put the BC on the record as saying, we thought we were clearer than apparently we were so we will provide further comments.

Avri Doria: Okay.

                  Anyone else want to add any commentary to 4B before I move on?

David Maher: Reserving the right to respond to those comments.

Avri Doria: Okay. Thank you.

                  Anyone else?

Liz Williams: Sorry, David. Just a point of clarification, you're going to - I didn't hear you properly. You're going to reserve a comment there?

David Maher: Yes. Based on the business constituencies, further comments.

Marilyn Cade: Or others, right David?

David Maher: Or others, yes.

Avri Doria: Okay.

                 Moving on to 5. This is the registry data. And there's a slight preamble which
                 I will quickly read.

                 Registry data is available to the registry as a consequence of registry
                 operation. Examples of registry data could include information on the main
                 name registrant, information and domain name record and traffic data
                 associated with providing the DNS resolution services associated with the
                 registry.

                 Five A: Examine whether or not there should be a policy regarding the use of
                 registry data for purposes other than for which it was collected. And if so,
                 what the elements of that policy should be.

                 Commentary on 5A is, there is insufficient information contained here to
                 identify any consensus position. Although task force members may find it
                 useful to examine the different kinds of registry data which is collected by a
                 range of registry, this data will be collected and analyzed as part of the
                 development of expert materials.

                 Can I ask Liz on a status? Is this included in the report?

Liz Williams: Yup.

Avri Doria: Okay. Anyone want to comment on 5A at the moment?

Marilyn Cade: It's Marilyn. I do.

Avri Doria: Anyone else?

Marilyn Cade: I did. And perhaps it is because I read other statements. I'm confused right at the moment. I've read other statements by the ISP, BC and the IP and the At Large that other statements that raise questions about the use of traffic data and I think the NCUC may have commented on that as well.

So, I do think if we - if those of us, and I'm not commenting on whether other constituencies raised questions directly in their comments. But the BC certainly has comments about the use of traffic data and I'm - we thought we had made our point clear. So, we will come back to you.

Avri Doria: Okay.

Marilyn Cade: We also thought others had made their point clear in other settings but we haven't done a research of the other constituencies, points of view to see if they have filed comments here and we leave it to them to raise that question.

Avri Doria: Yeah. I just definitely don't see this commentary saying that there wasn't comments from other people just that there wasn't seem to be anything that could be marked as having strong support. And that we might find it useful to do further examination of the data…

Marilyn Cade: Fine.

Avri Doria: I didn't actually see a statement here saying that not enough information happened.

Marilyn Cade:	Yeah. Well Avri, if four constituencies raised questions about traffic data, that would be strong support.
Avri Doria:	Okay.
Liz Williams:	But - just a point of clarification, raising questions about traffic data is not the same as with groups all agreeing on a particular position or tending towards one or not posting more questions than they've answered.
	And if people read the report again, you will see that I have put together what each individual constituency actually did say on each issue. And there were some gaps in the provision of that information.
Avri Doria:	And I think part of it is that we haven't asked - we're looking at this in the light of how we did things in the other task force and we haven't asked the question in that same way. So, it's certainly difficult to capture that.
Marilyn Cade:	Maybe. I'm going to make a comment about the difference between in-depth and sophisticated analysis and aggregation of information.
	And so, this is obviously - by day, it's obviously an area that whatever group - however we address it, we need to understand that analysis is different than merely aggregating opinions. And so, we should just comment from a task force member, we should just undertake that dialogue.
Avri Doria:	Okay.
	Anyone else want to comment at this point?
	If not, I'll move on to 5B.

Avri Doria: Five B. Some one should go on mute.

Avri Doria: Of course, they weren't paying attention.

                 Five B: Determine what policy is necessary to ensure non-discriminatory
                 access to registry data that is made available to third party.

                 With a commentary of - the commentary on the section, above although there
                 is a strong connection to the activities and expertise of composition authorities
                 in various jurisdictions…

                 Comment?

                 No comment. So I'll just move on.

Marilyn Cade: I - it's Marilyn. I think we should define what we mean by - we probably need
                 a definition. I know what I mean by non-discriminatory access, but I don't
                 pretend that my definition is understood by anyone else. So we should
                 probably define non-discriminatory access here to know that - so we can
                 debate/discuss this. We should…

Avri Doria: Anyone else wish to comment?

Marilyn Cade: …And - sorry. And we should probably define what we mean by third parties.

Avri Doria: Anyone else wish to comment?

Okay.

Okay. So I will read 6A. Six is investments and development in infrastructure. Six A is, examine whether or not there should be a policy guiding investments and development in infrastructure. And if so, what the elements of that policy should be?

And commentary on 6A is, it is clear from these comments - from these early comments that it may not be necessary to develop further policy recommendations in this area. I stumbled over, so let me read it again.

It is clear from these early comments that it may not be necessary to develop further policy recommendation in this area.

There's one extra word in there that I tripped over that I removed in reading.

Any comments on that?

Marilyn Cade: The BC will reserve comments on that…

Avri Doria: Okay.

Marilyn Cade: We don't agree with the - let me just say that I don't agree with that. So we'll reserve comments and…

Avri Doria: Okay.

Marilyn Cade: …consult internally and come back.

Avri Doria: Now that makes it all the way through the commentaries. The report also had a bunch of recommendations but I don't recommend that I read through those now because that's more extensive.

                Although I do recommend that all of us go back and read them before we have our next conversation just to make sure that we have them in mind.

David Maher: This is David. Could I ask a clarifying question? I've been trying to follow this based on the document that Marilyn sent out on August 17. It's ICANN Policy Development on Registry Agreements - MSC Comments. That's the last - that's what we're working with…

Avri Doria: No, I was working with the August 3 version of the documents…

David Maher: Yes.

Avri Doria: …that Liz put out online, not one that was commented on.

David Maher: Well, you were - as I understand that the comments you were reading were the ones that Marilyn submitted on August…

Avri Doria: No, no, no. I was - the comments that I was reading were the ones that the author of, which I believe is Liz, had written based upon her analysis of…

David Maher: All right, okay.

Avri Doria: …all the comments. So that was the commentary, not the comments that any one party had submitted.

David Maher: Oh I'm sorry. But could you tell me where those are available then?

Avri Doria: That comment, that is the - of record…

Liz Williams: You mean where is the document, David?

David Maher: Yes.

Liz Williams: I posted it on the GNS Web site under the PDP February 6 link to the paperwork.
http://gnso.icann.org/issues/gtld-policies/pcc-pdp-03aug06.pdf

David Maher: Well…

Liz Williams: It's on the top bar of the – list of references over there.

David Maher: Oh okay. Well, I won't hold up the meeting on that.

Avri Doria: Yeah, I can, you know, send you the URL or somebody…

David Maher: I…

Avri Doria: …could send you the URL for it.

David Maher: I appreciate it. Thank you.

Avri Doria: Okay. We, and so it says that there's a recommendation there. I don't propose we go through them now unless someone thinks we should.

We did have - someone had added one other item to the agenda. And we have at most 10 minutes left. So, Liz…

Liz Williams: Avri, there was a question if I might about whether the group had received Glen's email about the proposal for the future calls.

Avri Doria: Okay.

Liz Williams: And that's - I'll let Glen refer to that but it's the 27th of September, the 11th of October.

Avri Doria: Right, yeah. So…

Liz Williams: And it would be handy to have an idea from those who are on the call already whether that is actually going to be a workable date; noting that it is the day prior to the Council Call scheduled for - the weekend scheduled for Council Call for next week.

                   And going back to the beginning of the conversation with David Maher, I'd appreciate if I could ask the group about whether it's necessary to have the call on the 27th and then the Council Call on the 28th or chose another date.

David Maher: Well I, this is David. I can't do it on the 27th; I'll be traveling the entire day. But - so I would appreciate another date that…

Avri Doria: And I already sent to Glen saying - well, I can do the 27th, I can't do the 11th.

Marilyn Cade: Avri…

Avri Doria: Yes?

Marilyn Cade: …are you taking you a queue?

Avri Doria:	Sure, we can take a queue on this one. This is on the meeting date.
Marilyn Cade:	Yes.
Avri Doria:	Okay, sure.

Marilyn, anyone else want to be in the meeting date too?

Oh Marilyn?

Marilyn Cade:	I'm looking at the calendar and I'm going to put my counselor head on and comment about calendars for a minute. So the task force that has objective and work that needs to include if it eventually gets absolved which I would question that the one thing - but we're not there yet and so this task force needs to look at its work objectively and lay out a time plan to achieve that work.

We need to be flexible to accommodate calendar issues and conflicts of task force members like David or others but we need to progress the work. That's one point.

The second point is that we had agreed to a face-to-face meeting. And I disagree with the position being taken by some of the staff that we did not. We discussed that in two meetings and my view is we have an agreement to a face-to-face meeting.

We have major work to do and if the task force doesn't want to do its work, then it needs to resign. I think this task force wants to do its work. So we need to figure out how to do that work.

And having a conference call on the 27th and then the 11th is not showing any indication of concluding work in a timely manner given the amount of work we have to do.

So I think in fact we need to have an accelerated proposal of how to do the work. Now we've talked about putting a proposal to the Chair from the task force about sub-working groups.

And so my question would be, if we reach an agreement recommended by the task force, Chairs manage work; they don't dictate work, and we move ahead, then we have a call to review interim progress.

That means that we would need to figure out how to move ahead next week on (co-repertoire) groups. Otherwise, we're going to find ourselves not meeting our deadlines of work. I don't think anyone on this Task Force wants to say we did not deliver on our part of the work.

So this and I - the idea of a call in two weeks and then a call in another two weeks is not - that is not a feasible plan and I'm surprised to see it.

Avri Doria: Anyone else wish to comment?

Bret: Hi. This is Bret. I thought we had agreed to a face-to-face meeting too but we're just trying to figure out the time and place. I know that Marilyn had offered BC. I think Ross had offered Toronto. And I just thought it was a question of getting an agreement, not whether to do it.

Denise Michel: This is Denise. I'd like to get in the queue.

Avri Doria: Okay. Anyone else want to be in the queue?

Okay, Denise.

Denise Michel: Is it really useful for staff to get an agreement from the task force on a work plan that meets your needs and clarity on the type and level of support that you need from staff so we can make sure that you get all the staff and resources that you need to do your work.

On the face-to-face meeting, the - in order for ICANN to support - to provide travel support for the face-to-face meeting, when we - when ICANN started providing this type of support for (intercessional) meetings, the process that it requested, you know, to handle these types of requests is that the various task forces at the GNSO would - when they wanted to have an (intercessional) meeting, would give those requests to the Council Chair and include information on the, you know, scope of the meetings, progress to date, anticipated, you know, progress or reason for the face-to-face meeting and the members involved and, you know, some general budgeting or cost assessment on what would take and - that the account with the GNSO specifically your budget is, the various PDP and other activities that need to occur and then a discussion needs to be made in that context.

So my understanding is - has this task force made that request to Bruce?

Marilyn Cade: Denise, it's Marilyn. We talked about this in Wellington…

Denise Michel: Uh-huh.

Marilyn Cade: We talked about this in Marrakech. And to your point of have we made that request to Bruce who is the Chair of the Council -- many of us are on the

Council -- I'm confused about that question. And like Bret, we - I think the answer to that is from my assumption, yes. But you know, we can do it again.

Denise Michel: Okay. And I apologize. Obviously I'm catching up on many of these things since they were before my time. But let's, you know, make sure that if you need a staff out to craft a specific request so everyone's clear on how we're framing the task force work with - so the task force and if this is what the majority of the task force wants to do, what they want to accomplish at the face-to-face meeting and the staff can put some general numbers on it and we'll make sure that Bruce has it and we can quickly work it through.

Avri Doria: In my recollection…

Denise Michel: You know, I hear a lot of - I'm (adding up) - I hear that it's been discussed and then sorry I'm coming in the middle of this process. It's just not clear to me that there's been closure on this; that it's - gone through the process and there's closure on it.

Avri Doria: That was my impression from watching the - now that it got close but never actually been resolved.

Marilyn Cade: That's not, you know, that's not my recollection

Avri Doria: Okay, we have to go through the list…

Marilyn Cade: We talked about this.

Avri Doria: …then we should probably talk to (Maureen) and see what she has and whether she made the request to (Bruce).

Marilyn Cade: Fine.

Avri Doria: Because that would have been the way to do it. But I guess I've got 3 questions to pass back to her. And one of them is what is the status of the face-to-face and where was that and ask her to discuss that with the group. I think that's the most we can do about it at the moment since…

Marilyn Cade: Oh, I'm sorry, I'm sorry. Wait a minute, I didn't hear you. Say that again.

Avri Doria: So basically, I think the steps for me would be to basically bring this one to (Maureen); ask her what happened, what was the status of it. Did she take it to Bruce? Where did she see it was? And have her communicate to the group her view of where she was in the process of doing this?

Marilyn Cade: Okay. Avri, that, you know, we need to be really careful about the role of the Chair and role of task force

Avri Doria: Well the Chair basically is put through the process. So even - if I understand correctly, if the group had decided that there was going to be one and it decided firmly on the day,…

Marilyn Cade: Right.

Avri Doria: …which I would dispute, it would still be (Maureen) who has the process of…

Marilyn Cade: To communicate.

Avri Doria: …where was she at in terms of conveying that. Had she understood that to be the group's decision? Had she understood the group to have resolved the date? And that I can't - none of us can speak…

Marilyn Cade: Sure.

Avri Doria: …without her being here.

Marilyn Cade: Okay. But let me just make a caveat here. If we had a Chair who has, for
                  whatever reason -- healthcare, other responsibilities -- who can't make the
                  decision immediately, the task force is going to have to figure out a way to
                  address them.

                  We have deadlines to address and people have family crises and we need to be
                  sympathetic and respectful of those crises but we also need to support the
                  work and not burden. So we got to figure out how to do that.

Avri Doria: I will bring the points to her and I'll leave that issue between her and as a task
                  force to be followed up on in the future.

Marilyn Cade: Immediate future, yeah.

Avri Doria: Right. However, I guess, you know, that's kind of up to the whole task force
                  whether, you know, a majority on the task force feels as you do and wants to
                  make a specific issue of it. And, you know, I'm - as playing Chair at the
                  moment, I believe I'm going to defer and stay out of that one.

Marilyn Cade: Let me be clear about what Marilyn Cade is committed to advancing the work
                  of the task force. (Find) whatever method?

Avri Doria: Yeah. And I think we all are in our own ways.

Liz Williams: Avri, can I just ask a point of clarification…

Avri Doria: Sure.

Liz Williams: …I've - Glen has sent around a note about the 27th of September somebody proposing a different date.

Marilyn Cade: I think David can't do the 27th, but the…

Liz Williams: Yeah, and I - but I still don't have a proposal from the group to prepare for the next meeting.

Marilyn Cade: I'm sorry, Liz. Can you tell us what day the 27th is?

Liz Williams: It's a Wednesday.

Marilyn Cade: David? Could you do a different day that week?

David Maher: Let's see. I think I could do…

Avri Doria: David, you've gone very faint again.

David Maher: I'm sorry. I'm traveling also on Thursday. So Friday would work, but…

Marilyn Cade: Friday's going to be a problem for Alistair. Right, Alistair?

Avri: Maybe.

Marilyn Cade: But it depends on the time?

Woman: Yup.

Man: Are we talking about next week now?

David Maher: The 29th.

Avri Doria: The 29th so we're talking about…

Marilyn Cade: A week after.

Alistair Dixon: Sorry. Can I just comment? Friday, I mean that would be Saturday my time but I could do that if that would help make things (work).

Avri Doria: We should also - since we don't have everyone here on this list, we should really continue this discussion on the…

Woman: Yup.

Marilyn Cade: Sure.

Avri Doria: …the mailing list...

Marilyn Cade: Sure, but…

Avri Doria: …as quickly as possible.

Marilyn Cade: Right. But am I hearing that David could do it on Friday and Alistair has agreed to do it on Saturday. So we're proposing Friday the 29th, Alistair's Saturday morning. Is that what we're proposing?

Avri Doria: And that would solve the problem of it being after the…

Liz Williams: Yeah, exactly.

Marilyn Cade: David, is that okay?

David Maher: Sure, that's okay.

Avri Doria: Does anyone else have issues with the 29th that's on this call?

                  Okay. Say we propose the 29th then.

Liz Williams: Thank you Avri. That's helpful.

Avri Doria: Okay. The last thing we have was pretty much answered, and I don't know if
                  there's more we need to do about it now since we've gone over the two hours,
                  is new members for this group.

Marilyn Cade: Oh I need to - yes, I need to raise that. The IPC and I had a casual
                  conversation. I'm not speaking for them, but they mentioned that it could be
                  helpful if they could perhaps add or substitute someone such as
                  (SteveMetalitz) for - and I said I would ask that question about how do we
                  change or add task force member.

Avri Doria: Okay. I thought substitutes could pretty much be made at any time although
                  I'm not positive. I thought additions might be an issue if it was more than, you
                  know, the count per constituency but I asked the staff to respond.

Liz Williams: It's - that's not a problem for (Steve) to join because (Lucy) has removed
                  herself from the group for the IPC position. She's too busy. And I haven't
                  been able to raise Kiyoshi in the last time. So it would be no problem at all for
                  (Steve) to come on and take part.

Marilyn Cade:	Could you just - do you mind, Liz? Could you just follow up with that?
Liz Williams:	Yeah, you want me to do - sorry, you want me to email him and just confirm it's fine?
Marilyn Cade:	And email Ute, and Steve and say…
Liz Williams:	That's fine.
Marilyn Cade:	…and say - yeah.
Liz Williams:	Yup, okay.
Avri Doria:	Any other issues before we clear this meeting and my Chairship over?
	I thank you all…
Marilyn Cade:	Avri, thank you.
Avri Doria:	…for being here and…
Man:	Thanks, everyone.
Avri Doria:	…thanks for doing
	Okay. I'll see you all. Bye-bye.
Thank you.	

END

END