

**GNSO Operations Steering Committee (OSC) GNSO Council Operations Work Team  
21 April 2010 at 17:00 UTC**

**Note:** The following is the output of transcribing from an audio recording of the Operations Steering Committee (OSC) GNSO Council Operations Work Team teleconference on 21 April 2010 at 17:00 UTC. Although the transcription is largely accurate, in some cases it is incomplete or inaccurate due to inaudible passages or transcription errors. It is posted as an aid to the meeting, but should not be treated as an authoritative record.

<http://audio.icann.org/gnso/gnso-gcot-20100421.mp3>

<http://gnso.icann.org/calendar/#apr>

**Participants on the Call:**

Wolf Ulrich Knoben – ISPC

Ron Andruff – CBUC

Avri Doria – NCSG – vice chair

**Staff:**

Ken Bour

Julie Hedlund

Glen de Saint Gery

**Apologies:**

Ray Fasset – Registries

Coordinator: Excuse me. I'd like to remind all participants this conference is being recorded. If you have any objections, you may disconnect at this time. You may begin.

Avri Doria: Thanks. Can somebody do the roll call please?

Glen de Saint G ry: Yes, I'll do that with pleasure, Avri. On the call we have Wolf-Ulrich Knoben, Ron Andruff, Avri Doria. And for staff we have Julie Hedlund, Ken Bour and Glen de Saint G ry, myself. And this is 21 of April for the GNSO Council Operation Work Team Group. Thank you. Over to you, Avri.

Avri Doria: Okay, thanks. So I guess now I have to ask somebody to help me in terms of trying to figure out where we were in terms of an agenda for today. I know we have a bunch of documents that Ken had been working on and that we've been talking about in various stages. But I do not see in front of me something that tells me which document we're in the process of working on and I do not remember.

Julie Hedlund: Thank you, Avri. Well I can - I'll begin speaking it out -- this is Julie. But I will also turn it over to Ken because I know he's keeping track of all the various pieces of the procedures. But one of the main items that we've been discussing on the list is the SOI/DOI procedures in which the OSC sent back to the work team with changes suggested I see.

And Ron made comments on those and sent them back. I think that that might be a relatively easy one for us to tackle if we'd like to today. And actually I also sent to (Ray) -- but I haven't sent it to the team or he hadn't sent it on to the team. There were some public comments received in the public comments process on the working group guidelines that included a draft of the SOI/DOI documents that we may wish to consider as well.

And then there were some items that were tasked - tasks that were completed since the last call. And in particular on the last call we discussed the term limits section and had made some - had asked Ken to make some changes to the percentages there. And I think that we were closest now in agreement on that document but perhaps we could deal with that quickly.

And, Avri, if you'd like I can ask Ken to mention a few of the other things that are out there for the work team to discuss.

Avri Doria: I don't know if that's necessary. If we finish all that stuff, then that might be worth doing.

Julie Hedlund: That might be enough. Right.

Avri Doria: But we may already have enough there. Now if I remember correctly where we got to on the SOI/DOI and the recommendations that we got from Steve is that there seem to be general agreement with his suggestions. And I had, you know, made a little bit of noise about the fact that the OSC would just make the decision and send it up as opposed to sending it back. But that was really just a procedural, you know, blip. And so I guess the question to ask is do we have more to talk about in terms of Steve's recommendations? Or are we all setup on those?

Ron Andruff: This is Ron. I would - if I may, I would say the only issue that I wanted to touch on is just to make sure that the language was correct because there was some information coming back from the OSC saying there was some confusion whether it was declaration of interest or disclosure of interest. I went back and looked at a document; didn't see that per se but I think except for one omission. But other than that just making sure this is a declaration of interest and making sure that language is correct, I'm ready to go with it.

Avri Doria: Anyone else want to comment? So everyone else is fine with it?

Wolf-Ulrich Knoben: It's Wolf speaking.

Avri Doria: Yes.

Wolf-Ulrich Knoblen: Well I'm fine with that, okay. I didn't go into those details here so with regard declaration or disclosure or what else. But I think - so just have a question for that because I was searching for the document. Are we referring to the version from March 7 at the time being?

Julie Hedlund: Actually - this is Julie. There was a version sent to the OSC on 8 of April that I think was copied to the team. But I can send it around. It incorporated, you know, the changes that we had discussed probably with - I think it incorporated the changes we discussed as of our March 28 meeting. It may have even been of the March 8 version. I don't recall at the moment.

Wolf-Ulrich Knoblen: Okay.

Avri Doria: But it wouldn't include Steve's recommended changes?

Julie Hedlund: No, no it does not because I have not ever...

Avri Doria: So we don't have a version with that data?

Julie Hedlund: ...made changes because of the, you know, fact that I wasn't absolutely positive - well I hadn't seen that every work team member had weighed in so I didn't know if we needed to discuss them here. But I do have a question, Ron, relating to the issue of disclosure of interest or declaration of interest.

In the version that we sent to the OSC I think -- unless we've missed a reference somewhere in the document -- we have uniformly called this

a - called it a disclosure of interest as opposed to a declaration of interest?

Ron Andruff: Okay, yeah, I'm sorry. I may have been confused with the two of getting them...

Julie Hedlund: No, that's okay, I just...

Ron Andruff: ...in the wrong order, but exactly. My point was just making sure that we have that clarification there. Because Steve sent something out and I'm looking back this date -- OSC submission -- 13 April, version 13 April from KB. So Ken had forwarded us something and it was in that that Steve had made some mention of it. So I just wanted to make sure that that was correct. And from my point of view I'm not too concerned about which word it is because I know we did discuss that at some length...

Julie Hedlund: Yeah, we did. Yeah.

Ron Andruff: ...that's fine.

Julie Hedlund: Thank you. I should mention that actually that was also a question that was raised in the public comments that were received on an earlier version of the document that was sent around with the working group guidelines. And not so much what is - you know whether it should be a disclosure of interest or a declaration of interest, but Chuck Gomes in particular had asked what is the difference between a statement of interest and a disclosure of interest.

And someone else in the public comment period I think it was also the Registry Stakeholder Group had asked if there was any real difference between a statement of interest and a disclosure of interest since they note both documents appear to include a declaration of direct or indirect interests that may affect a relevant party's judgment or be perceived to affect an individual's judgment. So I don't know if we want to talk about whether or not we need to have any additional...

Ron Andruff: No, if I may. This is Ron. No, all of that got clarified and particularly in Nairobi with Chuck as well so he understood. He understands now the difference between the two and is quite clear. So I don't think there's anyone on the OSC unless Avri can correct me if I'm wrong. I think Wolf-Ulrich you're also on the OSC. I don't think anyone has any confusion between the two now.

Wolf-Ulrich Knoben: No.

Avri Doria: I don't. This is Avri. I agree with you. I don't think so. I am wondering though just listening to this how often the confusion will be encountered again in the future by new people reading this because we do slightly overload the term "interest." And one, we're sort of talking about a statement of general interest; and in another we're talking about a declaration of a particular interest.

And I just - you know it keeps coming up. I mean I had the question once months ago and then okay I got it. And then other people every time anybody runs into it they have the question, we explain it and they're fine. But I'm wondering if we haven't run into what might be a more generic problem with the naming of these two things. And I just bring it up as a question because it seems to reoccur a lot.

Ron Andruff: If I may respond to that. I'm actually on the Wiki trying to find the most recent version and I'm not finding it. But if perhaps someone could send the most recent one or point me to it. But it seemed to me that Philip Sheppard as the new chair or, you know, the replacement chair for Chuck when Chuck went off to chair the GNSO, there - when Phillip came in he redefined - he added some language to define it on the OSC level and everyone at the OSC was happy with that. That's what I was referring to. So I think there was a little bit of definition amendment if I can say that.

Julie Hedlund: Yeah, actually that's correct. And I'll send around the version shortly. I'm sorry I should have made it more prominent. I think it had been copied to the team but that was time ago.

So yes, first of all in the definitions Phillip had amended the definitions first of all to say - amended the definition for the GNSO, Generic Name Supporting Organization, to make it a little more clear. And then for statement of interest he amended the definition slightly, "Is relevant to membership of the GNSO Group, a written statement made by a relevant party that provides a declaration of direct and indirect interests that may affect or be perceived to affect the relevant party's judgment on any matters to be considered by the GNSO Group."

Ron Andruff: That's it.

Julie Hedlund: That's it. Oh I'm sorry. And then - well I'm reading down further. I'm sorry. I didn't scroll down. "Disclosure of interest, relevant to a specific issue at a specific time. A written statement made by a relevant party of direct and indirect interests that may be commercial -- e.g.,

monetary payment -- or noncommercial -- e.g., non-tangible benefits such as publicity, political or academic visibility -- and may affect or be perceived to affect the relevant party's judgment on a specific issue."

Ron Andruff: How does that sound, Avri?

Avri Doria: Yeah, I think the definitions are fine and they're clear. I am just - and the question I brought up really had to do with the name that basically it'll always be, "Yeah, yeah, yeah, don't bother us with this SOI/DOI question. Go read the book." Because everybody's going run into it. Well what do you mean?

And that's why - and it was just off the top of my head that the declaration of interest is really a declaration of particular interest. And you know but not that we want to call it dopey or anything. But it's just - and I just brought it up as a question. And it probably should just be ignored. I just see us running into this - and yes we will tell people, "Go read the definition." Or we'll end up explaining it forever.

Ron Andruff: And if I may. The other element there is that there are two more reviews as I understand this. I mean the work team is supposed to come up with high-level principles and so forth and pass them on to the OSC. The OSC then will chew on this to make sure that they feel comfortable and understand it. And then they'll send it on - provided they agree they'll send it on to the GNSO who will probably debate and finalize that. So from view is that, you know, any rough edges will kind of get knocked off along the way. But I think we're pretty well there on that document.



Avri Doria: Okay. Anyone else? In which case it might be worth just walking through the other - while we're on this document the other comments that were received.

Ron Andruff: And if I may. Has that document been emailed around or is it being done do you know?

Julie Hedlund: Ron, this is Julie. I just sent it.

Ron Andruff: Thank you very much.

Julie Hedlund: You are very welcome. Avri, if you like, I can go back. There was yet another public comment that we had not yet discussed.

Avri Doria: Yeah, that's what I was asking for, so...

((Crosstalk))

Julie Hedlund: Right . In this...

Avri Doria: You also have to ask someone to actually make the changes to the - I guess that would Ken to actually...

Julie Hedlund: Actually, Avri, this is Julie. That would be me because...

Avri Doria: Oh.

Julie Hedlund: ...I'm more specifically devoted to that particular document.

Avri Doria: Okay, sorry.

Julie Hedlund: No, no, not at all. Not a problem. So an additional comment - and let me just - I will forward these also to the group. I had sent them to (Ray), but I'll go ahead and read this as well. So this is a comment received by INTA and it concerns well several issues.

The committee I guess on behalf of INTA - INTA's committee understands as a GNSO secretariat will collect expressions of interest to participate and verify that submission was from a real person and then send a confirmation of receipt with a statement of interest and a disclosure of interest form may also be required.

Therefore the committee, that is the INTA's committee, recommends taking precautions to ensure that these SOIs and DOIs do not inadvertently contain confidential personal information. It appears that the SOI and DOI will be posted on the Internet. Which this is an aside by me, they already are indeed posted on the Internet. And that will continue at least according to these procedures.

The INTA suggests making changes to the template for the SOI. And by that they mean the questions that are asked. And I think they are actually talking about the SOI as opposed to the DOI. And specifically for current location, employer and position they recommend adding country/location of the individual. With regard to the requirement that an interested person identify any financial ownership or senior management leadership interest in registries, registrars or other firms that are interested parties and describe any arrangements, agreements between you and another group, constituency or persons regarding your nomination -- excuse me I lost my spot. I apologize for this.

Nomination/selection as a work team member, the INTA says, "State if accurate that this information will be kept confidential and/or provide examples of recommended language to prevent individuals from disclosing sensitive information that could potentially expose ICANN to additional (unintelligible) to protect that information.

Consider that these submissions will come from people in many different jurisdictions with different regulations, some quite onerous, regarding the protection of sensitive information. Existing SOIs demonstrate that this information can be and has been provided in general terms." And then, "Provide a checklist that individuals fill in to ensure that a no response is tracked." That's the end of it.

So I think the checklist would be, you know, to set these SOI/DOI - this SOI set of questions in the form of a yes/no. And I think in a subsequent version and the version that we have out there now we actually do have a format where someone has to provide an answer. Please answer yes or no. If the answer is yes, please provide the name of an entity, et cetera. So I think we set up a little bit that way.

So to summarize, they have concerns about the confidentiality of the information and they'd like location information to be added. And they would like the format to be in the form of a checklist to elicit yes or no responses.

Avri Doria: Okay, thanks. Any comments.

Ron Andruff: This is Ron. I'll go in the queue.

Avri Doria: It looks like you're the only person in it. With three of us it's not that hard to ward off collision.

Ron Andruff: All right. Then I'll start. I think the idea of including a location in terms of the country or location of the individual is a very good idea. I don't see how that would be detrimental and in fact it could be very helpful to give people an understanding of our geographic diversity within that particular work group. So from my point of view, that point seems kind of logical to me.

Avri Doria: Question from me on that one and as it relates to me personally, someone that is multiply resident and moving around all the time would need to put in all the locations that they might find themselves in? Or would "varies" be an acceptable answer? I mean when I saw that and wasn't sitting in - chairing a meeting role, I looked at country and said, "No way." You know of course I never even allow my country to be put on my badge at ICANN meetings.

((Crosstalk))

Ron Andruff: But I think you're unique in that way.

Avri Doria: No actually there was a couple of us. But beyond that if for example someone is - you know, are we talking about residence? Are we talking about citizenship? If someone basically has multiple country residence, are we asking them to list all of that? That's really where I'm going with it. And I don't think I'm unique in that respect at all.

Ron Andruff: I agree. I agree with your - the direction you're going with this, Avri, I think that the nation - which passport you hold. But then again, I'm

Canadian and I have citizenship in Canada and the United States. But I would declare one or the other. And I think that's the point here It's about making a statement of interest that, you know, I'm a Canadian citizen.

Avri Doria: So you think citizenship is more important than residency?

Ron Andruff: I would think so. I would think so because when we talk about diversity isn't that the barometer that we use today?

Avri Doria: I think on terms of the board we're using residence.

Ron Andruff: Oh is it residence?

Avri Doria: I believe so. Someone should correct me. But I believe that we've gotten to a residence model. Because otherwise what happens is a person with multiple citizenships was pretty much eliminated - could be eliminated from the board. If you wanted to pick them as the African but they also had a North American passport and there were already six North Americans, they were out.

Ron Andruff: Oh.

Avri Doria: So they basically I think have remodeled it to country of declared residence. And so that's partly, you know, why I would bring that up.

Wolf-Ulrich Knoben: Yeah, well, it's Wolf speaking if I may?

Avri Doria: Please.

Wolf-Ulrich Knoben: Avri, I'm not fully conformed with you because there's not a member for example - well maybe on board level it's the case. But we had this discussion, you know, just with regard to the review teams from the AOC, review teams though with regards to gender and geographic diversity. And it came up also that some people to some extent they were announcing their residence and then the question was is it a kind of permanent residence or is it just for some time.

And the other thing was his nationalities. And in this case we decided in the (unintelligible) action team to look at the national nationality because, you know, you couldn't judge on the question of permanent residence or not. So it seems to me that the nationality adheres to more - a little bit more permanence let me say rather than the residence. So that's my opinion on that.

Avri Doria: Okay, yeah. As I say it varies. And I was about to list multiple citizenship, you know. But yeah, okay. I guess we just need to resolve it one way or another. You know my personal peccadillo that I'll always say, "Other" no matter what is that something that'll have to be dealt with by people saying, "You can't say, 'Other.'" But I always will. But that's beside the point. So I guess this group just really needs to decide which it prefers.

Ron Andruff: With regard to the geographical diversity that, for example the Nominating Committee might look at, how is that - Avri, do you - are you aware if it's passport or...

Avri Doria: I believe that one is based on residence because what you find is you'll have a lot of people -- and I think it's happened in these particular

cases -- where they're listed as Africa, but they've lived in the U.S. for the last 20 years.

Ron Andruff: Right.

Avri Doria: And then there's a certain amount of - you know there's always that stress between the (unintelligible) and people that are sticking it out at home. And if you're supposed to be representing the interests of home, living 10, 20 years in the United States even if you're still traveling on just a, you know, African or Asian or Latin American passport, you know, you're a European, you're a North American just by a fact of staying there for ten years.

Ron Andruff: Okay, so if we go with residence, then being that that is already the standard at the board level and the (unintelligible).

Avri Doria: It needs to be confirmed. I want to say that. I believe that, but it needs to be confirmed.

Ron Andruff: Yeah. Understood. But if we went that way, then it brings up the question is this - how do we define your residence? Because coming back to a little bit what Wolf-Ulrich was saying -- I'm not sure if this is the direction you were going, Wolf. But is it my legal residence? Is it the residence where I pay taxes that makes me a resident?

Avri Doria: I'd do it on declared residence. Because you declare just one. And especially in something like this it really doesn't make a difference what your residence is in a working group.

Ron Andruff: Well it's only that we're only asking people to - you know we're trying to create a raise the bar here in terms of people being more ethical within the work teams and so forth. And this really is about making sure, you know, we're raising a level of honesty that can be tracked.

You know my wife's family is from Italy and I spent, you know, probably six weeks or so - six to eight weeks in Italy over the course of a year. If I were to say, "Well, I'm living in Italy so I really don't have too much - you know I'm making that my statement of interest," it's really not true. Now I can get mail at my mother-in-law's address and I can do a lot of things but it's not factually correct. So I think we want to have a look at that a little more closely.

Wolf-Ulrich Knoben: Well, it's Wolf speaking. So for me it's a - I will come back to what I think the question also Avri raised, so is it really requested here and required to come up with this country and the location where the people are living? In this regard, you know, I understand the question of the INTA was - though their suggestion was okay come up with some current location, employer and position which is - that's what I support.

And the question then at country/location of the individual, where does it come from this? Because is that really necessary with regards to the question of the SOI which is asking for any relationship to any kind of your employment and these things?

Ron Andruff: Yeah, I...

Wolf-Ulrich Knoben: So you know is it really so important?



Ron Andruff: I'm thinking a little bit like you, Wolf. I'm trying to understand the - you know again, we're working so hard on the Vertical Integration Work Group about harm. So I'm thinking harm now as we're discussing this. And you know where would somebody be advantaged by their location? If I'm an employee of Microsoft, does it matter if I'm in Redmond or if I'm in Germany or if I'm in Thailand? The answer to that question is, you know, what leverage would it bring me to be in a specific location? So I mean a number of scenarios could possibly happen, you know, it's just unending. So I don't know how we do it. And I'm not sure, again, what value it brings.

But there does seem to be some logic in saying that, you know, this is my employer and this is where I'm based because it may come up at some point with, you know, diversity for work teams or some other element that might have some value. So I don't see why we wouldn't want to do it. I'm just questioning how we might do it.

Avri Doria: This is Avri, if I can. I mean I guess I'd actually argue for some value in the declared residence. And yes people could - because what you're trying to say there - what we're trying to say in most of the statement of interest is, "When you listen to me, what perspective are you getting from my words?"

Ron Andruff: Right. Right.

Avri Doria: So I see it less in the harm thing, but more in the, "This is to give you a picture so that when I talk you know that this is the perspective I'm trying to put through." Now if I were to say -- and it's strange because my third passport if I ever get it would be Italian so I'll use that as an example. If I were to say that I am Italian and I'm identifying that way,

first of all, all the Italians would either giggle or they'd say, "Yeah, yeah, yeah, want to be." And so therefore it's something that is again subject to public feedback.

Where as if I say, "I'm declaring residence in Sweden where I spend half my year," nobody would - it would pass the giggle test. But if I say I'm Italian. I get the giggle test. And I say, "No, I've applied for my Italian passport and that's the perspective I'm taking." It is part of the self-referential picture that we build and such.

So I'm not sure that there's a loss in allowing it to be declared residence. And obviously one can't declare multiple residence in working groups. That would be noticed. The other people that are residents of there would notice. You know, "Hey, we've never invited you to the German speakers' dinner," if you declare German and so on. But I actually don't see harm and if somebody declares something that seems unusual because that's the identification they're giving, that may be the right picture to give. You know, that's...

Ron Andruff: Avri, this is Ron. I'm in agreement with you on this, Avri, that it does - you know if I stand up and say, "I'm Ron Andruff and this is my company and so forth and I'm based in Malaysia," then it does give a different picture that I'm, you know, saying, "I'm Ron Andruff and you don't know where I'm based." So I do think there is a lot of merit in that. So if we can agree there's merit in having a location...

Wolf-Ulrich Knoben: Yes.

Ron Andruff: ...then the question is on what basis? You know what's the principal deciding factor? And I would think that wherever I pay my taxes. Now

do you pay taxes in Sweden for your half year of effort there or you're...

Avri Doria: No, Asia.

Ron Andruff: Yeah, so my point is clear that you would pay some taxes because of your location and the check you get, you know, is paid out in that country. So maybe it's just a simple - that would be a simple determinator as opposed to passports. Because I do agree multi passports, you know, that's a whole different story. And Africans living 20 years in North America are pretty well out of touch I think with what's happening on the ground in Africa on a day-to-day basis.

Wolf-Ulrich Knoben: Uh-huh. Yeah, okay, I could agree either. So that means - this is Wolf speaking. So I also see merit of saying something about where you come from. Let me say it this way because, you know, also I expect from people talking or just presenting themselves, okay, I would like to know about that. You know it's just also kind of politeness.

Yeah, so the question is then here we are talking about of obligations to announce that or to bring it up. So well I could live with that, you know, either with the location where you are taxpaying. But you know for example it is - we have in Germany for example, we have the rule, you know, we have to pay the tax in this country where you are more than 180 days a year staying, yeah.

Ron Andruff: Right.

Wolf-Ulrich Knoben: So people are looking for that for example, yeah. And okay it could be done that way, yeah. I'm fine with it.

Avri Doria: And I also pay in the U.S. And I just want to point out one of the things we're not saying country, but saying location is for example we have people whose identity is being from Catalonia not from being from Spain.

Ron Andruff: Agreed.

Avri Doria: And so that would be another reason why one would not want to make it country and one would want to allow for them to declare what it was important about them to declare.

Ron Andruff: Very good.

Avri Doria: I'm not sure how we write this down, but that's I guess a challenge for Julie.

Julie Hedlund: Yeah, this is Julie. So I mean in the list of questions, you know, the first one is, "Please identify your current employers and positions." The next question could be, "Please identify your declared residence." How complicated do we want to make it? I mean is declare your residence?

Avri Doria: Yeah.

Ron Andruff: Exactly. I think that's fine. And you could put in parens, "The residence is defined by where you pay taxes."

Avri Doria: Or may be defined that way. Yeah.

Ron Andruff: Yeah, may be defined. Yeah, may be defined. That's exactly. A little more ambiguous would work there.

((Crosstalk))

Avri Doria: ...live in Catalonia pays taxes to Spain.

Ron Andruff: Right.

Julie Hedlund: Right. May be defined by -- okay, where you pay taxes. Okay, well this is good. Okay. All right, well then I will add that. I will add that as question number two. The other item that...

Avri Doria: A confidentiality issue.

Julie Hedlund: ...that the INTA raised was the issue of confidentiality. I mean they - you know after asking the questions concerning ownership and investment and compensation and so on, the INTA asked, you know, that the procedure state if accurate that this information will be kept confidential and/or provide examples of recommended language to prevent individuals from disclosing sensitive information that could potentially expose ICANN to additional burdens to protect that information.

Avri Doria: That is actually a really good point because the privacy rules vary worldwide. And giving the name of some of the stuff could run against somebody's, some nation's, some region's policy requirements and ICANN would be subject to whatever based upon the policy requirements. So that is a good issue. And I'm not quite sure. Anybody have a comment or thought.

Ron Andruff: This is Ron...

Wolf-Ulrich Knochen: I have question. Wolf speaking. So what is the procedure right now at the time being? So there are a lot of SOIs circulated or communicated to ICANN how to say (unintelligible)?

Avri Doria: Offer them the Web page.

Julie Hedlund: This is Julie. This information is not currently kept confidential.

Ron Andruff: Well and that's my point. This is Ron. I was about to say that I think it comes down to the commonsense test here. You know we all filled in SOIs to participate on the VI working group just recently. I don't think anyone put more information into that document than they felt was absolutely necessary. So I did not disclose how much ownership share I have in my company. I said I'm a shareholder of my company. Others have said, "I'm a shareholder de minimis." And that's very clear that, you know, they have some options or something that's vesting.

But for the most part they're not an owner in a material way. So I don't think that - you know I think the key of this whole thing was to say in the SOI and - well particularly in the SOI was about making sure that we do declare interest so people can understand from whence this person speaks as you mentioned earlier, Avri.

So to now make that - you know to cover that information so nobody can see it, what purpose does that serve? I think we've just gone full circle to say we never got anywhere with this. So I think that the

principle is right. Yes there should be some, you know, confidentiality. But I think that rests in the hands of the individual filling out the SOI.

So if I read your SOI, Avri, and I'm uncomfortable because I feel like you haven't been wholly honest, we have a bunch of provisions for that review to progress to find out in fact that's true. That is confidential. That's not public knowledge per se.

Those discussions happen between staff, between chairs, you know, between the individual who was seen to be out of line. All of those things are happening, you know, off record so to speak. So I think we already covered that by virtue of the fact that the individual filling out the SOI is going to put out - put information that is appropriate but not confidential.

Avri Doria: I think the only thing I would add to that is I think we have to make sure that people know that these things will be put on the Web.

Ron Andruff: Yes.

Avri Doria: We have to advise them to not disclose any information that, you know, they do not feel bound to disclose under their national privacy laws. But the thing that needs to be looked at perhaps -- and perhaps this is not us that needs to look at it -- is because ICANN is the one posting these things on its Web page, does ICANN need to take any precautions to protect it -- and I'm not a lawyer so why do I think this way?

But does ICANN need to take any precaution to protect itself from any privacy liability? Or is it fine that as long as it's in keeping with U.S.

privacy laws, which barely exist, it should be okay? I don't know. And that would be the legal question.

But since INTA brought up a what sounds like almost a legal liability question in terms of privacy law, it does require the legal folks to sort of think about this and say, "Nope, we're fine. It's U.S. as long as they give it to us knowing it's public, we're cool." Or, "We need to take some precaution." And I can't answer that.

Ron Andruff: I agree. I agree that legal staff and legal should have a look at it. But I don't want - what I'm fearful about is coming back with another five paragraphs on top of this thing. So I would suggest that legal needs to look at it and say -- as you just said -- it's good to go or, you know, here's a phrase, you know, that will protect us in that regard and we're done. But it's a phrase, not three or four paragraphs.

Julie Hedlund: This is Julie. If I might address that. I think that, you know, legal has already looked through this, you know, document pretty thoroughly, but we could ask the pointed question, you know, with respect to - I mean we could say, "Well these are the questions we're asking. Is there anything we should include, you know, on behalf of ICANN to protect ICANN from privacy issues? Whatever.

Ron Andruff: A caveat basically. Yeah.

Julie Hedlund: But not ask for a review of the entire document again, but of the specific...

Ron Andruff: No, right.



Avri Doria: Oh, yeah, yeah. No, I was just thinking. Since that one (unintelligible) and if they say, "No, we already thought of that," cool. No problem. Then we're fine.

Ron Andruff: Yep.

Julie Hedlund: Well I'll take the direction to do that and do that in a focused way.

Ron Andruff: It appears there's one last bullet here and the formatting might have jumped and that was the checklist. Is that how you read that, Julie?

Julie Hedlund: Well the way I read it is that they would like - that you have to - the way the questions are written -- and I think this is a change that we made -- you can't have a nothing answer. I mean or you have to be able to see if somebody has a no answer, you know, or if yes. I mean basically, you know, they want it to be in a format that elicits a response.

So if you answer yes, then you say why. If you answer no, you've said, you know, no I don't have any of these such interests. But you did get an answer. And then you could see if you - you know easily see if you didn't get an answer. If somebody didn't answer yes or no, then they didn't answer the question, in which case it would be easy, you know, to know that you needed to follow-up. That's my reading of it.

Ron Andruff: I don't have any - again, and the checklist. If somebody puts in no, the whole point is every SOI has to be updated every 12 months. And the DOI is a per subject update.

Julie Hedlund: Right. Ron, also keeping in mind that what we'd like to do is to make this a Web form so that you can't leave it blank.

Ron Andruff: Right, right. You can't hit submit unless there's a checked box everywhere.

Julie Hedlund: Right, they'll get that annoying question that you get on Web forms that says, you know, this can't go through because you didn't answer X, Y or Z.

Ron Andruff: Yep.

Julie Hedlund: I mean that doesn't prevent somebody from putting something bogus in there, but...

Ron Andruff: Well that's why it gets checked.

Julie Hedlund: Exactly that.

Ron Andruff: So that's the point. So from my part I don't think we need to go any further with that point.

Avri Doria: I think we've covered them all.

Julie Hedlund: I do have one more question. And I'm sorry to...

Avri Doria: No. Great.

Julie Hedlund: Just to clarify. One other item that Steve's - additional thought that Steve Metalitz had and I know this (unintelligible) to our list, but I just want to see how we want to deal with it because maybe I've missed something.

But he says, "A related issue to consider, if the system is to work as proposed, there needs to be an authoritative, current and publicly available list of all entities with which ICANN has a transaction contract or other arrangement -- e.g., registries, registrars, contracts, et cetera - - otherwise a person who has a compensation arrangement with such an entity on an issue totally unrelated to ICANN might well be unaware that this is a relationship which he or she is supposed to disclose."

And he said, "I don't think such a list exists" - or someone else that, "I don't think such a list exists today. Is ICANN in a position to prepare, maintain and post it?"

There was some discussion among staff that, no, such a list does not exist today. And I'm not sure that we - I think there might be some sensitivities to having such a list. Not among tasks, but...

Ron Andruff: This is a discussion. Yeah, this is -- I'm sorry.

Julie Hedlund: Yeah, not sensitivities among staff. I don't mean to say. But meaning that the list of which entities ICANN has a transaction contract or other arrangements may have sensitivities, you know, as far as those entities are concerned.

Ron Andruff: This was a discussion that actually was happening on the OSC list. And a number of members weighed in saying that made sense. I didn't see anyone push back on the OSC list to say, "No, no, we don't want to do that."

So I think from an OSC perspective they all agree. I can tell you from my work team membership responsibility and my OSC position I agree and ICANN is all about transparencies. So there should be no - not one party that has a contract or some agreement with ICANN that is unhappy about being listed there. And if they are, then we've got a problem in the house.

Avri Doria: Yeah, I would tend to agree.

Ron Andruff: ICANN has to be open.

Julie Hedlund: Well why don't we address this issue -- I guess that's my next question -- within these procedures. Or do we need to? I mean I'm not - I guess my confusion is and I'm not quite sure exactly where this fits in.

Avri Doria: Yeah, it doesn't actually seem to fit. This is information that we need to be able to double check. But nothing within these procedures actually calls for that as far as I can tell.

Ron Andruff: Right. And I think this is an OSC issue. OSC needs to then as a body needs to come back and ask ICANN to prepare this as a result of the work team's effort. The work product has come out, that they feel this would an addition that should happen. I don't believe this is happening at a work team level. It's at the OSC level that that discussion has to happen.

Julie Hedlund: This is Julie. That's a helpful clarification for me because I just wasn't quite sure what I was supposed to do with it with respect to this document.

Ron Andruff: There was one other thing if I can move past that if everyone's in agreement. And that was just I think Phillip or someone had made the comment about whether the statement regarding your nomination/selection as a work team member, he had said no one's really being nominated per se. It's not like you have a nominator and a secondor. It's more about participation as a work team member.

So that you're describing any arrangement agreements that you or any other group has regarding your participation as a work team member. I think that was a friendly amendment. I don't know if it happened at the OSC level or at this level, but I was inclined to agree with that as well. There is really a no nomination happening here.

Julie Hedlund: Oh, how do we want to amend the document?

Ron Andruff: Yes, just at that - you know, I'm looking at the comments from Internet which just - they just restate that point saying, "With regard to the requirement that the interested party" -- that's the bold text you see. "With regard to the requirement that the interested person."

And then it says, "Identify any financial ownership or senior management/leadership interest and registries, registrars or other firms that are interested in our interested parties." And that ends the quote. And it picks up again new quote, "Describe any arrangement/agreement between you and any other group, constituency or person regarding" - and then this is the word, "nomination/selection as a work team member."

And I'm suggesting that we change the word "nomination/selection" to "participation." So we're asking if you have any conflicts regarding your

participation as a work team because no one will be nominated. No one will be seconded. No one will be voted on. It will be - people will be selected to participate. So the question is as a result of your participation, do you have any conflict?

Wolf-Ulrich Knoben: Yep.

Julie Hedlund: I see. So that is five sort of question - set of questions five and five. And I see where that change needs to be made.

Ron Andruff: You're saying 5.5?

Julie Hedlund: Yeah, it's like five-point and then small roman numeral five.

Ron Andruff: So it's 5(v).

Julie Hedlund: Right.

Ron Andruff: Yeah. That's correct. That is correct. Exactly.

Julie Hedlund: Excellent. Thank you. I've captured that.

Ron Andruff: Yep.

Julie Hedlund: Okay. I didn't have anything else that I needed clarification on in case others do.

Ron Andruff: Did we lose you, Avri? I thought as much. We haven't heard from her.

Julie Hedlund: Well let's see what happens here.

Ron Andruff: She might have dropped off.

Julie Hedlund: It looks like she got disconnected.

Ron Andruff: Yep.

Julie Hedlund: I do know she also has a meeting at the top of the hour as well.

Glen de Saint Géry: Yes.

Ron Andruff: Avri? All right. So it's down to Wolf and I. Wolf, do you have any other comments or thoughts with regard to this then -- the SOI/DOI?

Wolf-Ulrich Knoben: No. I'm fine thanks.

Ron Andruff: So then I'm going to pick up as interim chair as our vice chair dropped just to - if you're in agreement, Wolf, just to say that as far we're concerned this document now can go back to the OSC with these revised changes? Are you in agreement?

Wolf-Ulrich Knoben: Yes, I'm in agreement. You know I'm not fully aware about all the entirety of the concerns Phillip raised in conjunction with Steve Metalitz. But if he went through all of this, so I'm really fine.

Ron Andruff: Yes. Yes and they have. And so I think what they'll see is when we return this they'll say, "Thank you for taking our considerations into account." So I'm comfortable with that.

Julie Hedlund: Ron, I would suggest since they've asked for specific changes to send back a redlined version so they can see where we've made the changes.

Ron Andruff: Yes, a redlined and a final one so that basically they can adopt the final one as opposed to sending...

Julie Hedlund: Right.

Ron Andruff: ...it back to us saying, "Please send the final."

Julie Hedlund: Redline and clean, okay.

Ron Andruff: Exactly.

Julie Hedlund: Now I'll prepare that for (Ray) to send and I'll copy the rest of the team.

Ron Andruff: That'll be good.

Julie Hedlund: (Ray) did say that he was trying to get on and was not able to get into the call. So I don't know what happened there, but...

Ron Andruff: He may be traveling and having a problem with the cell phone or whatever.

Julie Hedlund: Yeah, I don't know. Maybe. I'm not clear, but anyway, I will do that then. And the only other question I had is my recollection and notes from the last call was that on the term limit section we had made, you know, changes that were suggested during the call in particular to the percentages within that section that was - I forget. We made changes



to the percentages and then that section was supposed to be complete. That was at the March 24 meeting. Ken had made those changes and sent that around to the team.

Perhaps I can send that document again along with this revised SOI/DOI document. You know everybody would have a chance to look at that as well and then perhaps both if they're okay can go up to the OSC.

Wolf-Ulrich Knoben: This is Wolf speaking. So I have a question with regard to the timeline. As I remember it was the intention of (Perry Bossman) to forward it to the council this time, you know, but to do that - the open questions. It couldn't be done. So what is the timeline right now? I think the council meeting shall be - I think the next one is 20 May?

Julie Hedlund: That's correct.

Avri Doria: Right. And 12 May. This is Avri. I finally got back in after my battery died. 12 May is the deadline for motions.

Julie Hedlund: Right. Thanks, Avri.

Ron Andruff: In your absence, Avri, just to bring you quickly up to speed I stepped in as the vice, vice chair and we agreed that we will with these changes now we're good to go with the SOI/DOI document. And then we've moved over to talk about the term limits that Julie was just discussing.

Avri Doria: Do we need to see that document before we're fine with it or we just assume?

Ron Andruff: Well I understood on the last call -- and correct me if I'm wrong staff because you were taking notes -- I understood that Ken was going to send it around and we were going to put our comments online and if anyone, you know, had push back on it, we would - you know that would be it but otherwise...

Avri Doria: Yeah, that's sounds cool.

Ron Andruff: ...we were good to go.

Julie Hedlund: And it did get sent around. But I'm suggesting that I send it around also with this revised SOI/DOI document just, you know...

Ron Andruff: One last look?

Julie Hedlund: Right, right.

Ron Andruff: All right. Well let's do that under the provision that if anybody has comments they've got seven days to do it. If no comments come in, it just goes automatically. Because we're getting inundated with looking at the same stuff again and again and again. And I really want to see some of this stuff move off our desk if everyone agrees with that.

Wolf-Ulrich Knochen: Yeah.

Julie Hedlund: Yeah.

Avri Doria: Thank you. Julie, that sounds good.

Ken Bour: This is Ken. Just a quick comment. In the email I sent on 8 April. I said attached is the final clean version of Section 2.1 that deals with the special circumstance language per (Ray)'s comment on the 7 April teleconference this procedure has been reviewed and approved by the team. The attached document is ready to be sent to the OSC in partial fulfillment of the team's assignments. It was my understanding it was done -- done-done.

Ron Andruff: Very good. That's what I thought too. So let's consider it done.

Avri Doria: It's going to get kicked backed to us with these issues.

Julie Hedlund: No, it hasn't gone anywhere, Avri. Sorry, this is Julie. I think that the anticipation was that (Ray) would send it up. But I think that given that - - I don't know. It just didn't get sent. So I think this needs to get sent. And it was my confusion that it needed to be looked at again. And so it doesn't.

Avri Doria: Okay.

Julie Hedlund: So that would mean that it's ready to go and the other one...

Avri Doria: Which document is this? This is the SOI/DOI or is this some other document?

Julie Hedlund: Oh, well this was the term limits one I mentioned.

Avri Doria: Oh the term limits one. Sorry. I got confused with coming back after. Okay.

Julie Hedlund: Oh, no, no. I'm sorry. I know. Ken refers to it more accurately as Section 2.1. I just don't keep track of all the sections and call it...

Avri Doria: Yeah, neither do I.

Ken Bour: I live and breathe it all the time. Sorry about that.

Julie Hedlund: So that's the term limits document which as Ron had recalled to was actually was...

Avri Doria: Okay, yeah, yeah. Sorry.

Julie Hedlund: Thanks. All right. So we have two documents that are ready to go up to the OSC. I will send them both to (Ray) and, you know, that we recommend that they go to the OSC (unintelligible) team.

Ken Bour: Julie, this is Ken. May I make an observation or a comment?

Julie Hedlund: Sure.

Ken Bour: Or a question. I'm just curious what I or Julie - what we can be doing between now and the next session which I assume is two weeks away. It looks like we got two versions of two documents of the list that are now ready to be sent. But what would the team like us to do in the interim.

Julie Hedlund: Well actually, Ken, before we ask the team. I mean haven't we sent a few - you've sent some documents to the team to ask for comments, isn't that correct? There was board elections and I think there was some discussion on that.

Ken Bour: That's correct. I haven't any additional drafting work left to do other than make changes based on team recommendations. That was kind of where I was going with the question is what's the next step maybe.

Ron Andruff: This is Ron. I understood on the Section 2.4 the board seat elections that you had sent documentation around. We commented online. And that was going to get us to what I'll call the almost final version subject to us having one more conversation about it. So from my part I believe that board seat elections has - I've checked that off my list other than to see one last version of it.

Avri Doria: Yep.

Ron Andruff: And the second document that I was looking at was the voting - that was Section 4, voting and 3.8 absences. And I weighed in with my thoughts. I think Avri did as well. So I think that there's been some comments on those. And if I'm not mistaken when we had the last call we said that was the whole point of it was to send these out for the last round of comments and that we would be done with those two or three sections: voting, absences and board seat selection.

Avri Doria: Although we would probably need one more set of discussions...

Ron Andruff: Yes on the final version. Yeah.

Avri Doria: ...on that one because it was - and that one had all sorts of interdependencies between things that we need to see another version. We need to read through it. We need to understand really what sort of gothic structure we've got built here.

Ron Andruff: Yeah. But we are in agreement, Avri, that was going to be more or less this next round we look at is kind of the final version. We're looking at the final documents and saying, "Okay, we like this; we don't like this." Right?

Avri Doria: Assuming nobody goes absolutely nuts over what we see there, including me, yeah.

Ron Andruff: Yeah, yeah. Exactly. Very good.

Avri Doria: Right.

Julie Hedlund: So this is Julie. So then Ken can, you know, go ahead and send sort of clean version of the board's elections if that's necessary, if there were no changes from the one he sent and then incorporate the comments - - if not, all redone -- for Section 4.0 Voting and Section 3.8 Absences for the work team to consider for the next call?

Avri Doria: Sounds good.

Ron Andruff: That sounds good to me.

Julie Hedlund: Well thanks, Ken, for asking that question. That helps clarify. And thank all of you for your direction.

Ron Andruff: And I'm going to have to beg everyone's indulgence. It's a little after 2:00 and I have to get to another meeting.

Julie Hedlund: Right and I'm sorry to keep everybody.

Avri Doria: Yeah, me too.

Glen de Saint Géry: Yes, we've been waiting.

Avri Doria: Okay.

Julie Hedlund: Thank you.

Avri Doria: Thank you. Bye-bye all.

Glen de Saint Géry: Bye.

Ron Andruff: Thank you all.

Ken Bour: Bye.

Ron Andruff: Bye for now.

END