**Policy Process Steering Committee (PPSC) Policy Development Process (PDP)
Work Team (WT)
TRANSCRIPTION
Thursday, 12 May2011 at 13:30 UTC**

Note: The following is the output of transcribing from an audio recording of the Policy

Process Steering Committee

Policy Development Process (PDP) Work Team (WT) meeting on Thursday, 12 May

2011, at 13:30 UTC Although

the transcription is largely accurate, in some cases it is incomplete or inaccurate due to

inaudible passages or

transcription errors. It is posted as an aid to understanding the proceedings at the

meeting but should not be treated

 as an authoritative record. The audio is also available at:

http://audio.icann.org/gnso/gnso-ppsc-pdp-20110512-en.mp3


On page:


http://gnso.icann.org/calendar/#may


(transcripts and recordings are found on the calendar page)

**Participants on the Call:**

Jeff Neuman - Registry Stakeholder Group  - Work Team Chair

Alan Greenberg – ALAC

Paul Diaz - Registrar Stakeholder Group

David Maher - gTLD Registry Stakeholder Group

Tatiana Khramtsova -  Registrar Stakeholder Group

Avri Doria - Non Commercial Stakeholder


**ICANN Staff:**

Glen de Saint Gery

Marika Konings

Margie Milam

**Absent apologies:**

James Bladel – Registrar Stakeholder Group

Alex Gakuru - Non Commercial Stakeholder Group

Wolf-Ulrich Knoben – ISP

Marilyn Cade - Individual

Glen de Saint Géry: Thank you. Shall I do a roll call for you Jeff?

Jeff Neuman:     Yes please.

Glen de Saint Géry: On the call - good morning, good afternoon - I don't think it's good
                evening for anyone yet - this is the PDP call on the 12th of May. And
                on the call we have Jeff Neuman, David Maher, Alan Greenberg, Paul
                Diaz, Tatyana Khramtsova. And we have apologies from James
                Bladel, Alex Gakuru, Wolf Ulrich-Knoben and Marilyn Cade.

                And for staff on the call we have Marika Konings, Margie Milam and
                myself, Glen de Saint Géry. Thank you, Jeff, over to you.

Jeff Neuman:     Great, thank you Glen and thank you - I know we have a small group
                here today with all those apologies. But I do want to move forward in
                this so - because I think we're getting towards the end which is really
                good. And so let's - Marika, James offered his apologies but James is
                actually on for a few minutes so I could catch up on some of the things
                that happened last week.

I understand there were a number of subjects discussed last week and we'll kind of just review it on this call. But what I wanted to do too is to go over the timeline, the timeline until the end of the process and then we'll go over what we need to do.

And, Glen, while I'm looking can I just ask you to look - so while I'm going through the timeline can you just look and see when there's a meeting in the July timeframe of the GNSO Council?

Glen de Saint Géry: On the 21st of July, Jeff.

Jeff Neuman: Great, thank you. Okay so here's the plan that I'd like to see happen. And I'm interested in everyone's input. Did I just - I think I just closed out of - no I'm still in Adobe.

Okay so the way I see what I'd like to get done is I'd like to finish up the discussion, the open issues today, with the few of us that are on the call. Then I'd like to - then Marika is going to go back and finish the final report hopefully in time for next Thursday's call.

And the goal is to finish up all of our work on the final report and get it out although there's nothing going to be decided upon in Singapore on this most likely. What my goal is - there is a GNSO Council meeting on June 9 before the Singapore meeting that I would actually like to get the Council - usually the Council puts these things out for public comment for a certain period.

So I'd like to meet the document deadline for June - the June 9th Council meeting which happens to be June 2nd I think - maybe the 1st. Get it so that the Council - if they're going to put it out for comment

puts it out for comment on the 9th - when that time period ends before the July Council meeting so that we could vote to approve everything at the July Council meeting or if there's any questions on it that the Council could then at the July meeting refer any questions back to the PDP work team.

So that's my goal. And in order to meet that, Marika, we'd need to have the final report out - or at least the next draft of the final report out before next Thursday's meeting. And then on Thursday we could decide - that's next Thursday - we could decide whether we - whether one more meeting on the 26th is enough - of May - or whether we should have a call on both the 23rd, which is Monday and the 26th so to kind of finish everything up.

Any questions on the plan? Anyone think it sounds too ambitious other than Marika?

Marika Konings: This is Marika. No I think that's fine. Should we already fix the time for that Monday the 23rd of May so people at least have it in their calendars and then we can always cancel it?

Jeff Neuman: Yes, I would do that.

Marika Konings: Same time as we're, you know, having the call now? I think we did that before as well that we alternated with the Monday at the same time.

Jeff Neuman: Yes, if we could do that that'd be great because I know we can't - Monday the 30th I believe is Memorial Day for the United States and I'm sure attendance on that Monday would be very low. So if we're going to have a Monday call it would be the 23rd.

Glen de Saint Géry: Okay and then we'll have Thursday as well - Thursday the 19th?

Jeff Neuman:    Thursday the 19th, Monday the 23rd and Thursday the 26th.

Glen de Saint Géry: Okay thanks Jeff.

Jeff Neuman:    And then that would hopefully mean that everything is out to the Council by the 1st of June so that we could meet the - could have a motion to put it out for comment by - to vote on the 9th - at the Council meeting on the 9th. Sound like a plan? I think we're actually getting there so I'm very hopeful here. Judging from the silence I think everyone is ecstatic about it.

Paul Diaz:    Thanks Jeff.

Alan Greenberg: Woo-hoo.

Jeff Neuman:    All right so going to the actual substance then James was filling me in on the conversations you all had on Recommendation 14 - 42 and 13; 42 being the Board vote - what it means for the Board to act.

And I read the summary of the - or the conclusion - or the summary of the conclusion that you all came to last week. I'm very comfortable with that. I just want to double check that everyone on this call - and it's up on Adobe right now which talks about how - it basically reflects what was in Margie's paper that she put out just before the San Francisco meeting.

To just kind of go over that is everyone comfortable with that and that's what's going to be reflected in the final report? Hearing silence so good. I think that one's put to close and that's how it will be reflected in the final report.

Recommendation 13, the impact analysis, I understand there was a fairly lengthy discussion on this issue. And from what I've read that the basic conclusion of the group was that many would be comfortable in deleting in the recommendation for the impact analysis either - both before the issue report or the PDP is voted on.

And also I understand there was discussion towards - about having the impact analysis after the process but it seems like to me reading the notes that, you know, we believe that a lot of that is already covered in what the working group is already doing and that may be sufficient.

I know James - I talked to James and his - some of his comments were that he's okay with deleting the formal requirement for an impact analysis at the beginning of the process but would like to see some recognition of some sort of statement either on the quantification of a problem in the issue report or some sort of statement sort of towards the effect of look is this really a problem, has the problem only been experienced once out of the millions and millions of times it could have happened, you know, what is kind of the - what is the - or how quantifiable is the harm?

So what do people think about - James has volunteered to work with Marika on coming up with some language. But does that sound like some sort of compromised approach where it's again it's not a full

blown impact analysis at all but more some sort of quantification of the harms if that's possible. Alan.

Alan Greenberg: Yes, I'm a little confused. Does that imply that the out - an output of a PDP working group is going to be a set of recommendations and an assessment potentially that it wasn't really needed?

Jeff Neuman: No, no, no, sorry. No. And - no that's probably the bad way I communicated it, no. The - so I think - I believe by the way that impact - assessing the impact - I'm not going to call it an impact analysis - but I believe that assessing the impact of any recommendations is already implicit in the work that a working group has to do.

Alan Greenberg: Okay.

Jeff Neuman: And I'm sure that - and I'm sure that during the work of a working group you can expect that impacted parties will certainly make their voices heard on what they believe the impact of recommendations are. This is merely talking about before a PDP is commenced at the time of a issue report is if there is some sort of ability to quantify the - an impact of a particular issue to do that.

So for example that we know going in that - or the Council knows going in that, yes, there's been a potential harm that has been - that a group wants to take a look at but even though it's a potential harm it's been a potential harm for 20 years now; it's never been exploited, it never will be exploited. It doesn't really affect anyone.

You know, that kind of statement in there may be important for the Council in determining whether especially for a resource of

prioritization as far as whether a PDP should be commenced. And - or the other way around, look, this really impacts millions of registrants today and we really need to do something about this now.

Alan Greenberg: The way you're describing that now it sounds like that's all what should have been in the issue report or if not someone should have pointed out during what we now have as the preliminary one that it's missing.

Jeff Neuman: Right and I agree with that. And so I think James is going to work with - and Marika will tell you that she already thinks that's kind of covered in there when you talk about the, quote, scope of a problem. So I think James just wants to work with Marika to kind of make it a little bit more explicit that that's one of the things that we'd like to see as far as in the definition of scope.

Alan Greenberg: Okay but - so we're now talking about - in reference to the issue report really not a separate process that Council will do prior to commencing a PDP? I mean, it could but we're not recommending explicitly that it do that?

Jeff Neuman: Correct.

Alan Greenberg: Okay.

Jeff Neuman: And, Marika will you jump in? Let me know if I'm misstating but that's my belief but Marika?

Marika Konings: Yes, this is Marika. And I think just to - emphasize and I already raised that as well on the last meeting there are current provisions in the bylaws that already talk about the different, you know, questions we

need to address in the issue report and maybe, you know, a way forward would be to actually look at those questions and see if those can be more specific.

I mean, I did indicate as well on the last call that those are normally the hardest questions to answer because they're very broad and, you know, difficult to answer because at that stage, you know, you're just trying to scope the issue and don't necessarily know what the broader impacts might be.

So we can work on some language but I would recommend everyone as well to look at what is currently in the report an as well in relation to what should be covered in the issue report to see if something more specific can be put in there to, you know, to cover the point that James made. And I think others have supported it as well that, you know, some kind of scope assessment is important.

Alan Greenberg: Yes, I support that. I always worry when we use the term quantify though because there are some problems which we do not have enough of a handle on to quantify despite the belief that it is a problem so.

Jeff Neuman: Yes so why don't - Marika, why don't you work with James to get him comfortable and send around the language and make sure Alan and everyone else is comfortable with that language. But it sounds like that's kind of the path forward making sure that Alan's concerns are addressed as well.

Marika Konings: Okay.

Jeff Neuman:      Okay. Then I believe that the only issue - sorry I just lost my Adobe, there we go - the only other issue is on - Avri, are you on the line?

Avri Doria:       Yes I am.

Jeff Neuman:      Oh great, okay good. Did you hear some or all of that conversation?

Avri Doria:       I heard - I can't say if I heard all of it but I heard a bunch of it.

Jeff Neuman:      Okay. So you're good with that - the approach?

Avri Doria:       Well I'm still - yes, as long as we're still only talking about the a priori scope assessment and we haven't gotten to the point of talking about a true impact analysis later, yes, I think I am.

Jeff Neuman:      Correct, that's what we're talking about. Okay so just to review we're going to delete Recommendation 13 and we're going to make sure - and James is going to work with Marika to send around some language on making sure that some of this concerns are addressed in the issue report. And then we'll send that around and everyone else obviously will make sure that they're comfortable with that as well.

                  But, Avri, do you still want an impact analysis at the end?

Avri Doria:       Most definitely; I think an impact analysis needs to be done. I accepted the argument that people came up with at the last meeting that sort of said to do an impact analysis a priori is - well we don't really know what all is being talked about, thought about that it requires for staff to take a step into what the policy may be in order to discuss what its impact might be.

And that made perfect sense. What seemed to me therefore - an I thought we were moving towards that is all of these impact analyses are not just, you know, the ones that I am arguing for the human rights issues, the privacy issues, the freedom of expression issues, but also the economic, the competition and all the other impacts.

It needs to be done whether it's done at the end of the initial report or - which I think is probably a good place because at that point you know the policy direction you're taking - or it's done later it's something that, you know, obviously we need to talk about.

But that there be a real impact analysis of if we do this policy how does it affect A, B - A-Z? And I think that needs to be done. But I think it made perfect sense that it wasn't done before the policy process started. And so I thought that the scope looking at how this fits into, you know, AOC principals, stability, security, etcetera, as defined a priori, you know, makes sense.

I'm looking forward to reading that, you know, and I'll be looking to make sure that it does include what you see in AOC and the bylaws. But, yes, I still think we need a impact analysis.

Jeff Neuman:     So do you - so I guess before you came on we were talking about the fact that really the working group is tasked with - the PDP working group is tasked with doing a - or assessing the - I won't say impact analysis - but assessing the - I won't say impact analysis but assessing the impact on the different members of the community whether it's contracted parties, non contracted parties, registrants, you know, whatever it is that they're tasked with doing that and that kind of impact

assessment will come out during public comment periods from those groups that are impacted.

But what you're talking about - are you talking more about, you know, that there has to be either after the Council gets the final report or before it gets the final report that there has to be some sort of analysis, economic analysis or otherwise by, I mean, a bunch of groups or...

Avri Doria:     I think hoping that it happens and it gets done by all the vested interests along the way it is good. I think it needs to be explicitly called out that it needs to be done. Now how the working group decides to do it whether it decides that it has the in-group talent to do it or whether it needs to ask staff to do it or whether it needs to go for external to do it I think can be an open issue.

But the fact that there should be an impact analysis across all of those areas - and in some of them you might say, you know, this is not pertinent to competition and of course that statement will either cause people to giggle or everyone will say, right, this one's not pertinent to competition; this one's not pertinent to privacy rights, etcetera.

So you can make that decision along the way to sort of say what's pertinent and what's not and people will either say no you're wrong or they'll correct you. But, yes, I think it needs to be explicit that there needs to be an impact analysis. How it's done can be up to the Council, can be up to the group, can be up to, you know - well I guess those are the two alternatives.

And ultimately it's the group at Council but I believe it needs to be explicit that there be an impact analysis as part of is it the initial report?

Is it as a result of the analysis of comments? As I say I'm not sure - and I think those are good things for us to discuss. But I do think it needs to be done explicitly.

Jeff Neuman: Okay so let me - Alan, you want to comment on that?

Alan Greenberg: Yes, thank you. I request that when we use the term impact analysis or whatever it evolves into we don't use it standalone but put impact analysis of. We have been using invariably in the last little while about talking about of he problem or the perceived problem and of the recommendations. I think we're now talking about of the recommendations.

But let's make sure we make it clear because we've waffled - we've gone back and forth several times and we're using the term interchangeably. So I...

Jeff Neuman: Yes I think...

Alan Greenberg: ...I think we need to be clear in any given discussion which we're talking about and so let's not use it on modified.

My second comment is we're using the term impact which has a negative connotation. Are we looking for the negative aspects of the recommendations or - on parties - or are we looking for the - not quite sure how to put the word - the, you know, the benefits and impacts.

Jeff Neuman: Avri, you want to...

Avri Doria: Yes, as far as I'm concerned impact is a relatively neutral term and it can be shown that there's a positive impact or a negative impact. I never thought of impact as a negative term.

Alan Greenberg: Okay I think it's - it's generally perceived as being negative but I may be wrong.

Jeff Neuman: Okay well I think - so I think we can clarify that in the wording as, you know, if we have the word impact in there something is - and is parenthetical maybe basically saying, you know, both positive and - or pros and cons or positive and negative.

Alan Greenberg: Okay.

Jeff Neuman: I'm having Marika put on the Adobe right now Recommendation 31, Avri, which I believe has some language in there about doing some sort of - okay here it is, "Implementation impact and feasibility. The PDP work team recommends that the PDP - the PDP working groups provide input on issues related to implementation, impact, economic, business, social, operational, etcetera, and feasibility including when - including when considered appropriate," and then there's a list of a few bullet points.

Can we - does it sound like we can work on that language, Avri, to address your concerns?

Avri Doria: Yes.

Jeff Neuman: So why don't I task then to move this forward, Avri, if you could work with Marika as far as taking that language if you want to see anything

additional in there. Also making sure that impact, Marika, is both a positive and a negative impact to address Alan's concern. So I think we have a way forward. Does that sound good? Marika, are you good with that?

Marika Konings: Yes, I'm fine, so Avri will - Avri, you'll (unintelligible) or...

Avri Doria: I can't hear you.

Jeff Neuman: Yes, Marika, you go muffled.

Marika Konings: Sorry. Sorry, is this better?

Avri Doria: Yes, much.

Marika Konings: Okay. So, Avri, will you be sending some suggested language then to address your concerns?

Avri Doria: Yes I guess I'll read through it and see if I suggest anything. It may just be simple tweaks.

Marika Konings: Great, thank you.

Jeff Neuman: Okay good. So it sounds like then we can move onto the last item that we need to talk through. And actually, Marika, I thought I saw another one when I was looking through the notes...

Marika Konings: Yes.

Jeff Neuman: ...but let's...

Marika Konings: This is Marika. There's actually one number of 48 where Margie was going to confirm the issue of the voting threshold. And I think we...

Jeff Neuman: Right.

Marika Konings: ...we maybe covered it in the last meeting but I didn't really recall. I looked at the transcript; we did speak extensively about the other issue that also related to the voting threshold and I think where we did reach agreement and a way forward. But I think this one we didn't explicitly address so I don't know if Margie wants to comment on that one.

Margie Milam: On 48 - this is Margie. Yes, I looked at - the question was whether changing the wording like that was substantive or merely, you know, language cleanup. And when I looked at it I agreed there was no substantive change. So it just made the language read better.

Jeff Neuman: Okay. There was also a Number 39 on Page - oh there's no page numbers here so 16. I know we discussed 39 with a bunch of other comments so maybe this is in there but there's a note in the working group response that says - it's responding to the comment from (Atha) - it says, "Note to work team: the issue of consensus level should be revisited by the work team to see if a change is warranted."

I thought we discussed that. You guys see what I'm talking about?

Marika Konings: Right.

Jeff Neuman: Marika, do you remember why that note is there?

Marika Konings: This is Marika. I think this is actually the meeting that I was - wasn't at. I think Margie wrote this one and so that if she remembers.

Margie Milam: Are you talking about 39?

Jeff Neuman: Yes.

Margie Milam: As I recall, yes, I thought we - yes, I thought we discussed that it really wasn't a job for this group to look at the level of consensus. And I don't know why I didn't change that in the - in the document when I circulated it but that was my recollection that there was no reason at this point to take a look at it.

And in fact I thought that the group had indicated that it might make more sense to wait a while since the new thresholds haven't been in place for very long to see, you know, if, you know, to have more examples of how they worked out.

Jeff Neuman: Right, I agree with that. So I just wanted to make sure so in the next version that comes out we'll just make that change. All right so then it looks like the last thing is transition which I believe we - I'm not sure how much work there is to do on this one because I thought what we had concluded essentially was that we would say that this new PDP process applies to all issues - all issues that are raised, you know, where all future issues that are raised and initiated, a PDP is initiated after the date of adoption of this.

And then we discussed that it'd be possible for existing PDPs to adopt the new model upon request. And the general counsel confirmed that that's - we could do that. And so we - we're soliciting comments from

the public or from anyone to see whether they have any questions or concerns on it. I don't believe we got any so let me turn it over to Alan.

Alan Greenberg: The adoption for existing ones - the adoption upon request - request of whom? I guess this is my meeting for it to be specific. Are we talking about the request of the working group or request of Council?

Jeff Neuman: I don't see requests.

Alan Greenberg: The description says, "Should be possible for existing PDPs to adopt the new model upon request." Right in the middle of the paragraph...

Jeff Neuman: Oh.

Alan Greenberg: ...on transition.

Jeff Neuman: The work team discussed whether it would be - should be possible for existing PDPs to adopt the new model.

Alan Greenberg: Who has to has permission of whom? Whose decision is it?

Jeff Neuman: Well my guess is the PDP work team could only - the PDP working group - specific working group could always adopt it on - well no I guess it's part of the charter. Wouldn't that be part of the charter? So I'm just thinking this through. Wouldn't that be upon request by the Council?

Alan Greenberg: Generally the charter doesn't talk about how you do things; that's already cast in concrete. Now we're changing the concrete.

Jeff Neuman:     Well...

Alan Greenberg: I'm not sure I'm worried but I just think we need to be specific who is asking permission or who is requesting of whom?

Jeff Neuman:     I believe - I think the answer is - and I'll go over to Paul...

((Crosstalk))

Paul Diaz:       Yes, I agree with Alan. I think we ought to be specific. And why don't we make it upon request to the GNSO Council if a member of the working group wanted to initiate it they can go through their councilor. But I agree with Alan, I would put it as high level as possible so that it has that sense of, you know, it's official and whatnot. I think it might be a little dangerous to let working groups do whatever they want; have it come from on-high.

Jeff Neuman:     Yes, I think there's different parts that apply to the working group; there's different parts that would apply the Council in its own - on its own initiative. So for example if there was an issue report that was already in place and then the Council decides - it could only be the Council that would decide to put in the new rules about voting on a charter, etcetera.

                 It could really only be by the Council if you kind of think through it because there may not actually be a working group at the time that the rules change on something.

                 So I'll give you an example the rules can change and, look, the UDRP issue report is being drafted now. In theory it's possible for this PDP

process to be approved before a PDP on the UDRP is approved. The issue has already been raised. The issue report has already been done. If the Council wants to - it can only be the Council that decides that the new rules are going to be in effect to vote on things like the charter and the other rules that are in place. I think that makes sense. Marika.

Marika Konings: Yes this is Marika. And I think looking at the adoption of the GNSO working group guidelines I think at that point the GNSO Council basically said okay this now applies to everyone. So, you know, unless you have some concerns or specific issues but in principal this is now another rule.

I think as well in the discussion that we had with the general counsel office they said as well that, yes, we can build in that transition in the new bylaws but you will need to take into account that there are probably going to be some, you know, changing points.

So indeed as you said, you know, I think we can clearly identify the different stages in a PDP but it probably will be hard to change, you know, if an issue report is already being written or about to be published at that stage to say okay now we're changing to the new one.

So I think if indeed upon adoption, you know, the GNSO Council or when it goes to the board says okay at that point when it's adopted at that point all the PDPs change over - that are ongoing at that moment change over to the new PDP model you might just need to build in some, you know, parts in the process at which stage they'd actually change over.

Although of course a lot of the elements are the same but you might need to have some, you know, stakes in the ground saying okay when they reach that point at that moment is where they actually move into the new process and leave the old process behind.

Jeff Neuman:    Okay let me go to Alan and then Avri.

Alan Greenberg: Yes, can we be specific here? How many PDPs are in process right now which are not - which are not almost completed? We have the UDRP which is at the issues report. And I would think clearly we are going to use the interim issues report or whatever the term is in this case given that it is part of the rules that we think are good and this is such a crucial one.

How many other PDPs are ongoing? I've lost track but...

Marika Konings: Two.

((Crosstalk))

Jeff Neuman:    Yes was it just two, the transfer...

Marika Konings: Yes, and the PDNR. But they - both of them are almost at the end of - at the endgame.

Alan Greenberg: Right. So really we're only talking about UDRP and I don't think anyone is going to argue that UDRP should proceed under the old rules given that the stage at which they're at the new rules are well understood. So let's not spend a lot of - let's not spend all to of time on this.

Jeff Neuman:     I agree with Alan on this one. And for all intensive purposes I think the UDRP one is generally following the newer rules anyway with the preliminary issue report. But, Avri, do you have a...

Avri Doria:     Yes, I have a slightly different view. First of all just because that's today there's no guarantee that this is going to pass through into next week. You know, or be approved by the Board before other PDPs are started.

I think the general way on which things like this are often done is that anything that has started under a previous set of rules by default remains under the previous set of the rules unless there's an explicit decision made to change it.

So if you basically just have a presumption of things that are running remain under old rules unless Council decides to bring it under new rules after consultation with the group. And that's a simple statement. It works fine if there's only two.

But if we spend another six months haggling over getting this thing out the door or if the Board is too busy to review it or whatever is the case then we can't start new PDPs under this until it has been totally blessed I think we're covered. Thanks.

Jeff Neuman:     Okay, Alan - Marika...

Alan Greenberg: Yes, then if we use words like, you know, just basically what Avri said that the presumption is things proceed under the old rules if it's ongoing to change the new rules requires approval of - requires a decision of Council in coordination with the work group or in

consultation with the work group if one exists. And that covers it. So there's no request issue. The request can come from either side. It requires the agreement of both sides. And Council must make the formal decision.

Jeff Neuman: Okay, Marika.

Marika Konings: Yes this is Marika. Just as well to Avri's point because indeed, you know, we might be close to maybe coming to agreement but then the Council will still have a public comment period. There might be further issue that need to come back.

Then I think the Board will have another public comment period. Again there might be issues that need to come back. And then the Board still needs to deliberate and approve it. So I think indeed, you know, I think we need to be realistic as well that this is not going to be approved - be approved in the next two months.

And in the meantime indeed, you know, I know PDNR and then IRTP are about to finish but for IRTP for example there are, you know, three more waiting to get initiated. So it is likely that others will start before we have the new process approved.

Alan Greenberg: Okay. That's fine. I'm happy with - with doing it as long as we be specific. I was just - the only thing I was unhappy with or uneasy with was the term request without saying which direction it was going so...

Jeff Neuman: Okay. Marika anything else that we need to cover on this recommendation?

Marika Konings: No so just to confirm we're happy with as it stands and basically requesting - what did we agree now that it's the Council that would request?

Jeff Neuman: Yes. Yes it'd be the Council. Yes, no I think...

Alan Greenberg: I think we said we would not use the term request. It requires a decision or approval of Council in conjunction with the working group or in consultation with the working group or something like that.

Jeff Neuman: Avri?

Alan Greenberg: The request can come from either side but it requires the approval of Council.

Avri Doria: The way I expect this will work on the day that has been approved and received all the proper imprimaturs etcetera to become rules, you know, then the Council will probably put in its activities' list - I'm just guessing - let's review the PDPs and see if, you know, we want...

Alan Greenberg: Avri, you're very faint.

Avri Doria: ...oh okay sorry. I was just basically saying predicting that once this has been approved and gotten all the proper imprimaturs and is made blessed rule then, you know, I would expect the Council at some point will do a review of the PDPs in progress and decide how it wants to handle it.

And so, you know, I just think leaving it into the Council's hands as the manager if it wants to do something is fine and there doesn't need to be a request by anyone. Thanks.

Jeff Neuman: Okay so then the work team discussed whether it should be possible for existing PDPs to adopt the new model upon request. We would just change that to basically say the work team - try to do this on the fly here. It's not that we discussed - the work team agreed that it should be possible for existing PDPs to adopt the new model or say upon request but to say upon approval by the Council or something like that? Or is that even too strong, Avri?

Avri Doria: Could you repeat it?

Jeff Neuman: The work team agreed that it should be possible for existing PDPs to adopt the new model upon approval by the Council or something like that. I don't know, I'm just grasping here.

Alan Greenberg: Again approval implies someone else asked.

Jeff Neuman: Why does that imply that?

Alan Greenberg: Oh no...

Avri Doria: Upon...

Alan Greenberg: ...okay maybe not.

Avri Doria: How about upon review by the GNSO Council PDPs may be transitioned to the new rules.

Jeff Neuman:     I'm fine with that.

Alan Greenberg: Yes.

Jeff Neuman:     You got that Marika?

Marika Konings: Yes. And I think on this issue as well this is one of the areas where we probably get our legal team to draft some specific language so people can actually review it and see if they're happy with that. And that might take a little bit more time than me getting the rest of the document ready but I guess if people can already look at the other changes that's one item that we can then add when we get the input.

Jeff Neuman:     Okay, Margie has got a comment.

Margie Milam:    Yes I wanted to just say this is kind of the same thing that we may end up suggesting a more formal, you know, process like the GNSO Council, you know, moves to, you know, adopt the new guidelines for, you know, whatever, the UDRP PDP if that's one or - just have it explicit in the, you know, in the motions and the GNSO Council actions that it's, you know, clear as opposed to just informal way of doing it.

Jeff Neuman:     Okay. Any other questions or comments on this?

Alan Greenberg: Yes, I mean, bottom line on this if the Council ends up acting in such a way that they will not approve something unless the rigor of the new process which has been followed they have the ability of not acting. So it's somewhat moot as long as we've given the ability to be flexible.

Jeff Neuman:     Yes that sounds right. Any other...

Alan Greenberg: Everything is allowed if it's not forbidden.

Jeff Neuman:     Right and true. Any other comments, questions? Good, then I think - I think we may actually be able to end the call early. Just as a reminder - and Avri joined a little late - what we're going to do, Avri, is - the schedule is that Marika will hopefully by - before next week's call and next Thursday's call will have the final, final report or at least draft the final report, draft to review.

We're going to block out Monday the 23rd at this time as well if we need it to do some more review.

And then of course we have a call Thursday the 26th. And then the goal is to get out these final/final report to the Council by the deadline for the Council's June 9th meeting so that would have to be out by June 1 - the document deadline.

I would like to see the - usually the Council puts every report out for some sort of comment - public comment. So if they're going to do that I'd like to see that done on the 9th so that we could have all final comments and everything in by beginning or, you know, early July and then if there's any questions or comments that needs to be referred to the work - back to the working group - to us - it's done by that point in time.

Because I know once you get into later July and August we pretty much lost a lot of people for the rest of the summer. So that's the plan.

Okay? Any questions? Great, I'll talk to everyone next Thursday.
Thank you.

Paul Diaz:       Great, thanks Jeff.

Jeff Neuman:    Okay bye.

Alan Greenberg: Thanks Jeff.

Marika Konings: Thanks, bye.


END