Policy Process Steering Committee (PPSC) Policy Development Process (PDP) Work Team (WT)
TRANSCRIPTION
Thursday 13 January 2011 at 14:30 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 13 January 2011, at 14:30 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-20110113-en.mp3

On page:
http://gnso.icann.org/calendar#jan

(transcripts and recordings are found on the calendar page)
Participants on the Call:
Jeff Neuman - Registry Stakeholder Group - Work Team Chair
James Bladel – Registrar Stakeholder Group   Alan Greenberg – ALAC
John Berard – Commercial and Business Users Constituency
Paul Diaz - Registrar Stakeholder Group
Tatiana Khramtsova - Registrar Stakeholder Group
Avri Doria - Non Commercial Stakeholder Group
David Maher - gTLD Registry Stakeholder Group
Alex Gakuru - Non Commercial Stakeholder Group
Wolf-Ulrich Knoben - Internet Service and Connectivity Providers Constituency
ICANN Staff:
Glen de Saint Gery
Marika Konings

Absent apologies: Margie Milam

Glen de Saint Géry: Good morning, good afternoon, good evening everyone. On our PDP call

on the 13th of January we have Alex Gakuru, Jeff Neuman, James Bladel,

Tatyana Khramtsova, John Berard, Paul Diaz, Alan Greenberg, Avri Doria

and David Maher.

And for staff we have Marika Konings - we have apologies from Margie Milam

- and Gisella and myself Glen de Saint Géry. I have no apologies from

anybody else. Does anybody know of any apologies? Thank you. Jeff, over to you.

Jeff Neuman: Okay thank you Glen. It's January 13 for our weekly PDP call. And I just wanted to introduce everyone to - that doesn't know John - John Berard is a new member of Council but is a member from the Commercial Business User Constituency so welcome John.

James Bladel: Thank you Jeff.

Jeff Neuman: You're welcome. And just a reminder to everyone that we do have - it seems like almost everyone is up on Adobe but we do have Adobe Connect up. And I understand next week we will have a new version of Adobe Connect to show everyone which I'm told is a lot better in terms of functionality and so excited to see that.

What I wanted to do today is to, again, just go finalize - I know you all talked about it last week and thanks to James for taking over and helping lead that meeting last week - just to go over the timeline again to finalize it. I am expected to deliver this timeline to the Council by January 19.

And so I just want to make sure that everyone good with this again so that when I send it to the Council this is pretty much set in stone at least for now. And we'll do everything we can to meet the aggressive timeline.

And then go over a couple points from last week and pretty much move forward. And to remind everyone also that we had a Doodle poll for - I understand last week you all decided that in order to meet this timeline we should - we may have to meet twice a week as opposed to once a week.

And every Thursday call we'll decide whether the Monday call is needed or not but that - we'll have it set up for every Monday. And the time that we've now picked according to the Doodle poll that seemed to work with everyone

that responded at least was this exact time on Mondays. Does anyone have any questions about that?

Okay so thank you to those on the West Coast of the United States to - for agreeing to that early time. Paul, you have a question?

Paul Diaz: Yeah very quick, Jeff. Are we going to start this coming Monday? Was that the plan or starting the 24th? I just ask because this Monday is a holiday here in the States...

Avri Doria: It is?

Paul Diaz: ...and I know I won't be available.

Avri Doria: What holiday?

Paul Diaz: Martin Luther King.

Avri Doria: Oh okay.

Jeff Neuman: Okay well let's actually, you know, let's actually find out from others on the call to see - the plan was to start this Monday and I hadn't thought about that; unfortunately my work doesn't give us off that day. But let's - can I just see from - or hear from people as to who can and cannot make it?

So if you want to just - if you have Adobe and know how to use the checkmarks if you can just indicate whether by checkmark if you'll be available or not.

Avri Doria: X means you're not available?

Jeff Neuman: X if you're not available, right. All right...

James Bladel: Wow, my first official act as a member of the group.

Jeff Neuman: It's not a vote. Marika's not going to be available.

Marika Konings: Yeah, this is Marika. I apologize I just realized I'm traveling on Monday so that might be difficult. But I'm sure otherwise find someone to cover staff support.

Jeff Neuman: Okay so what it seems like is that it just seems - I tell you what we'll have the call - sorry, David was that a question or yes or no or - okay...

David Maher: Yeah, I'm sorry, I'm having trouble. I will not be able to make it.

Jeff Neuman: Okay. Let's see what we get through today and then towards the end of the call let's revisit this again to see how much progress we've made. So Paul let's just - if I forget or if someone could remind towards the, you know, the last five minutes of the call if we can come back to that.

Okay but otherwise that time for - we'll keep that time blocked on everyone's calendar for Mondays. And we'll determine on the Thursday before that whether to go ahead and continue with the call.

Okay so in going through this timeline you'll notice that we're - there's a date of January 21 that was decided on the last call as the last date for working group members to submit written comments to the draft final report that Marika, again, sent around I believe it was last week, right Marika, or was it earlier this week; I'm trying to remember dates here.

It looks like it was sent around on the 10th so I guess it was sent around Monday the 10th.

Marika Konings: Correct.

Jeff Neuman: So you all should have that again. You know, I know that date is only a week from tomorrow but the report, as you all had discussed, has been around for quite some time.

I will note that Marika, the report is - was last updated on the 28th, correct, of October?

Marika Konings: This is Marika. That's correct; the only change I made is to actually add line numbers to that version so it might make it easier for people to identify where they have comments or edits.

Jeff Neuman: Right. So the only issue that people may run into is that we've discussed a number of items since then and, you know, those are highlighted as issues in the draft report. But we have put some sort of - hopefully put some sort of closure on some of those issues so you may recognize that you're commenting on some things that we may have already discussed.

But I think we kind of just have to do it that way. Marika, you have a comment?

Marika Konings: Yeah, this is Marika. Because the idea would be that after 21st of January basically just accept all the changes and, you know, make note of the comments or edits received from members then and track changes so it's easy to see and then incorporate indeed those changes that we've agreed up based on our review of the outstanding issues.

So a member should already be able to see in that, you know, all the documents that provides the overview of the outstanding issue what the agreed upon approach is by the work team. So it should already be clear. And if there were any concerns I think those can already be raised as well but that's in principal then the changes that will be made in the next version.

Jeff Neuman: Right so I encourage you all that when you're reading it to read the two documents kind of together so when you come up to an issue in the draft report that calls out an issue you can then refer to the next document that will show up on the screen in Adobe that we've been working through the past several months. You kind of just read them and - together in tandem.

The next date we have there is for the completion of the draft final report which is about 10 days after the comments are received. So Marika has got her work cut out for her. Which would be completion of the draft report February 1 and placing that report out for a - what looks like again a substantial amount - it is a good amount of comment period time.

But that's for several reasons because you kind of have the ICANN meeting in between there as well and we kind of want to take the comments from the ICANN meeting into account as well. Alan.

Alan Greenberg: Yeah it may not be only Marika that has their work cut out for us but for her but us too since the comments may well require discussion to decide what goes into the report.

Jeff Neuman: Good point, very good point. So - and I'm hoping there are no surprises from the group so again I know we have until the 21st to comment but if you see something that's glaring that's not only an issue that's pointed out or even if it's not pointed out, you know, please - one thing this group has not been very successful at, you know, in the past several months has been getting comments done on email as opposed to waiting for the weekly call.

And so to the extent you can - if you see some glaring ones because of that really compressed timeframe please, to the extent you can, please get it on email so we can work on the (sponsors) even before a call.

So that's - really the comment period will be February 1 through March 25. And then really only a short time period, you know, until April 30 to compile

the comments, consider the comments, prepare the final report and submit to the PPSC hopefully on or around May 1. And then that will give the PPSC a - approximately two month period to (unintelligible) the Amman, Jordan meeting to consider the final report.

So any questions on that timeframe? Any - I want to hear - I want to know if there's any disagreement now and - so it's not a surprise if we raise it to the Council that, you know, all of a sudden there's members of this group that kind of don't agree with at least working towards this.

Marika.

Marika Konings: Yeah this is Marika. Just to note on the timeline that we've set ourselves for the completion of the draft final report I guess that's the only part where we might have some flexibility but, you know, or very hard (caught-up) date which is the 21st of February which is the publication deadline for the San Francisco meeting.

So it means that anything we want to discuss or present in Cartagena needs to be published by that date.

Jeff Neuman: Yep. Okay, Alan.

Alan Greenberg: Yeah, sorry. My only concern with the schedule is that when we transmit it to Council we make it clear that in our mind it is very aggressive. So I don't want to set us up for failure but on the other hand I don't want to set expectations that they think it's a slam dunk. You know, this is going to be difficult and I think we need to say that.

Jeff Neuman: Yes I will say that when I communicate that to the Council.

Alan Greenberg: Yeah, or, I mean, it could be done, you know, in speaking when you talk about it. But I really think it needs to be driven home because there are

significant people on Council who believe that we really could be doing this faster so.

Jeff Neuman: Right, right. Okay with that said let's then move onto the - well let ask James - James is there anything as far as a leftover item from last week that you think we should cover first or should we continue on with where we were? Anything you want to cover from last week?

James Bladel: There was one takeaway which was the discussion around Recommendation 45. And due to me sending some confusing requests to Marika it just was - the language for that recommendation was just posted to the mailing list this morning just before the call. So I apologize for the delay in that.

But if I can scroll down to - it's one of the latter - it was the last one before the overarching issues. It is Recommendation 45 regarding the PDP working group self assessment. And there was quite a bit of discussion about whether that should be required; whether it should be mandatory; whether or not a template should be provided, etcetera.

And what I did was I went back over the transcripts and I tried to capture all of that discussion into this revised language. And then I committed to putting that back to the group today for, you know, their sign off and discussion. And once we get this recommendation nailed down then I believe we're ready to move onto the overarching issues.

Jeff Neuman: Okay and so the language that you had submitted is also on the screen now; Marika put it on as Note 15. Is everyone able to see that? Okay just to - I don't know if everyone's on Adobe but it basically says that the requirement for - or the recommendation for a self assessment it's recommended but should not be required deliverable of the PDP working group.

And it should be coordinated by the working group chair and Council liaison. Further work in this area could include development of self assessment

templates to aid in the completion of this process. Anyone have any comments on that? It seems like Alan and Paul agree to that.

Okay all right let's then jump into the overarching issues. And on this I also want to draw everyone's attention to Marika had sent around an email also on Monday - and I just had it up but now I don't.

She had pointed out some of the areas that we should focus on as she was going through writing the draft report. These were some ideas and things that she had come across. And I don't know why I can't find it but obviously for definitions - had it and now I don't.

Marika, do you want to just go over what your note was for definitions?

Marika Konings: Yeah, this is Marika. The note basically just pointed out to the language that is the document that's up on Adobe Connect where basically the proposal is to where appropriate take the definitions that are included in the new Annex A or the Process Procedure Manual that have been developed based on the work team discussions and, you know, put those together in a separate spot so you would have definitions for concepts such as in scope, consensus policies and policy development process.

And there might be others that members of the working feel might be useful to, you know, group those together so that people reading either the new Annex A or the Procedure Manual know what the different terms mean.

Jeff Neuman: Okay. Does anyone have any comments on that? I think that makes sense to approach it that way. Does anyone have any questions?

Okay for the next item is the voting threshold. And, you know, the comment that was - that we have is that there are a number of items that have been discussed in the notes in the report for no clear conclusion recommendation on some of the items.

Marika I want to kind of drill down on this one a little bit more. So can we again, for the possibly the last time, go over the specific thresholds that we are recommending being added? And I don't think we recommend any - oh sorry, Avri says...

Avri Doria: That's an old comment; I just didn't get my hand up before, just wanted to get it on the record.

Jeff Neuman: So you think that self assessment should be listed as something that should be done. Using the word should but not must is that what you're saying?

Avri Doria: Yeah.

Jeff Neuman: Okay. And what was James' language was - Marika are you able to bring that up again easily or is that something that's...

Avri Doria: Sorry, I didn't mean to get you going back to it now I just didn't manage to get my hand up.

Alan Greenberg: I think James' word said recommended. We could certainly say strongly recommended which is close to a should.

Avri Doria: Right.

Alan Greenberg: I mean, I think recommended is a should already but...

Jeff Neuman: Okay.

Avri Doria: Okay, okay.

Jeff Neuman: So I think - I don't hear any disagreement with that.

Avri Doria: I think what we've got now is a should of a should as opposed to it should be done. But anyway, okay.

Jeff Neuman: Well we could just shorten that; the PDP notes that this should be a deliverable of a PDP working group.

Avri Doria: That would be great.

Alan Greenberg: That reads as if we're saying it's required without quite using the word and I'm not sure we want to say that. The tone at last week's meeting was very much so that it's a decision the working group should take.

Avri Doria: Well that's what should means; should means that it's a must unless you've got a really good reason not to.

Alan Greenberg: Okay.

Avri Doria: Now maybe we have to define the word should but that's what I thought should meant is that unless you've got a good reason not to do something...

Alan Greenberg: Okay I can live with that.

Jeff Neuman: All right; everyone else can live with that? Good. All right...

Marika Konings: This is Marika. So just to clarify we can remove the strongly recommended but not required and just change it to should be a deliverable of a PDP working group?

Jeff Neuman: Right.

Alan Greenberg: Do we use the term - what words do we normally use? Do we normally use must or something stronger than should in our recommendations which are - we expect to be accepted without discretion.

Avri Doria: That is probably a good - this is Avri, sorry, I forgot to raise my hand.

((Crosstalk))

Alan Greenberg: I can't put my hand up right now but...

Avri Doria: That's actually probably a good idea to make a pass through this at some point and - because one of the problems that I've noticed that we have in lots of our rules is where mushy on requirements words. And being mushy on requirements words means that you always allow the situation.

                  So perhaps we should - somewhere define the words should and must and then carefully use them and make sure that we've used the appropriate one in every way.

Jeff Neuman: Yeah I think that's good. And so as everyone goes through it if you could - if we could make this kind of a team exercise I think that's important.

Alan Greenberg: Yeah I don't want to make a lot of work for us just to cover this one case where we do want to be a little bit more flexible so we may want to think of it from that point of view. But let's go on.

Jeff Neuman: Okay. So in the voting threshold let's kind of scroll through the report, Marika, and where should we start as far as the ones that we've created versus the ones that already exist? I think there were only one or two that we actually added if I'm remembering correctly.

Marika Konings: This is Marika. I think the only one we've proposed to add is the voting threshold for the adoption of the charter.

Jeff Neuman: Okay. And for that we said the voting threshold was...

Marika Konings: The same as for the initiation of the PDP so if it would be a PDP in scope it would be also the same threshold for that or if it would be considered a PDP out of scope then the same threshold would apply to the adoption of the charter.

Jeff Neuman: Did we do a threshold for - canceling is probably the wrong word - but stopping a PDP? So if the Council wants to end - or just to end a PDP.

Marika Konings: This is Marika. That's actually an item that is - we still need to discuss and that's a bit further down this list of issues. But as far as I recall we didn't discuss that. I think the suggestion here is - scroll down - I'm not sure if there's a suggestion here what the vote should be.

I think super majority is suggested here. So if - that would be agreement that might be another one but we haven't really discussed that yet.

Jeff Neuman: Well let's go through that since we're going through voting thresholds. Let's kind of skip - what page of - oh there it is, okay. On the additional issues identified while developing the PDP Procedure Manual. So let's go through the termination of a PDP prior to a final report.

Okay good, Alan's back. Alan because I just called on you and there was just deep silence for a long period of time. I'm just kidding.

Alan Greenberg: I was away from my desk and trying to press mute and I pressed off instead, sorry.

Jeff Neuman: So okay what we're talking about now is voting thresholds still and...

Alan Greenberg: Yeah.

Jeff Neuman: ...what we hadn't discussed which is an additional issue is what if we want to terminate a PDP? What if the Council wants to terminate a PDP or the

community I should say prior to a final report what is it going to take from the Council to do that?

In other words right now it's pretty much assumed that once you start it it either just disappears and goes away forever which is not usually a satisfactory ending to a PDP or there should be some mechanism to put an end to it; put it out of its misery.

And so that said what are your thoughts? We have in here a suggested approach; it's the GNSO Council may terminate a PDP prior to the publication of a final report only for a significant cause, of course that's not defined, but upon a motion that passes with a super majority in favor of a termination.

And then we put some kind of reasons, you know, some just brainstorming on reasons for termination. So let me ask the first question - see if we can do this kind of in a structured approach. Do we all agree or does anyone disagree with the notion of putting in some sort of procedure to terminate the PDP? Anyone disagree with that notion?

Okay let me add another element; does anyone disagree with the notion that the Council should be able to terminate the PDP? Okay Avri.

Avri Doria: Yeah. I believe that obviously the Council as oversight has to approve any cancellation of a PDP but I believe that canceling a PDP would have to be a request coming from the working group itself or in the case of inaction. But I think it's a bad idea to just have the Council on its own able to cancel even if it's called for a significant reason.

So I think if it's there it's the Council as oversight certainly needs to endorse such a decision but I don't believe it should be able to make a decision on its own other than some sort of major force or request of the working group. Thanks.

Jeff Neuman: Okay thanks Avri. And that's actually why I raised the question because I kind
                   of knew there may be some, you know, good discussion on that. And let me -
                   one clarification and then I'll go to Alex. When you say the working group
                   should request it do you mean the chair, the liaison, any individual from the
                   working group or does it have to be some working group decision somehow?

Avri Doria: I would think it would have to be a working group decision somehow. But
                   there would have to be consensus in the working group for closing so that
                   you can't have one group of people who don't like the way something is going
                   just shut it down.

                   That's what you want to prevent; somebody that sort of says oh this is going
                   against us when we thought it would go for us and therefore we want to stop
                   this.

Jeff Neuman: Okay. So let me - on that let me go to Alex, James, Alan and then Wolf so
                   Alex.

Alex Gakuru: Yeah thanks. I think I wanted to reinforce what Avri has just said on the belief
                   that if the Council has approved something when an issue's report was raised
                   and the whole process was raised until our group was formed the best that
                   the Council should do is to accept the final output from that workgroup and
                   the recommendation. No

                   t to stop it dead on its tracks but then one recommendations are there in the
                   timelines that were defined (unintelligible) recommendations then can be
                   decided by the board or, you know, but then the Council should not come in
                   the way of completion of a task that has gone through the due process of
                   establishment. I believe that's what should be the case. Thank you.

Jeff Neuman: Okay thanks Alex. And do you also agree with the notion of it should be sort
                   of some sort of consensus of the working group that raised the request or
                   should it be the chair acting in the chair capacity making that request?

Alex Gakuru: I think it should be the group because then the whole - the chair only derives his authority from the entire group. So the chair cannot just use the top down sort of, you know, command and control and (unintelligible) of the group because I don't - I'm just fed up.

You know, let it be the group so that even the group can replace the chair if the chair doesn't like the work. Yeah, I believe it should be a group, a collective. And then the self assessment of how they reached a decision based on what they discuss earlier. Thank you.

Jeff Neuman: Okay thanks Alex. And, Marika, while this is going on I think it might help to, you know, at some point in some of the reasons that were shown on this chart, you know, one of them is deadlock and, you know, there may be reasons too. We have a Council liaison that's supposed to be going back to the Council talking about when there's difficulty.

And I just want to know how - if we can go back to a discussion maybe of the role of the - at least in the final working group guidelines report talk about how to interact with what the working group liaison is supposed to be doing. So let me go to James.

James Bladel: Hi, Jeff; James speaking. Two observations here. The first one is I don't think it serves us very well to try to anticipate why a PDP might terminate prior to the issuing of a final report. I think that there's a lot of circumstances that we probably can't foresee at this point. So maybe we could say that these were non-limiting examples of reasons why a PDP might wish to terminate before the issuance of a final report.

The second thing is I'm going to go ahead and disagree with Avri and Alex on this one. I believe that the Council has the - if we have in this organization vested the Council with the authority to approve a PDP then only the Council can initiate and vote to terminate the PDP.

I'm concerned that if this is left to the members of the working group that we'll have a couple of situations which might be well intentioned but will end up frustrating the process by having one or two individuals perhaps that hasn't participated in the working group or aren't familiar with the area - the subjects or topics holding - I guess holding the rest of the working group hostage, for lack of a better term.

It gives them essentially veto power over the, you know, maybe the majority or maybe near unanimous membership of the working group that might want to terminate this for a variety of different reasons.

So I think that leaving that to the working group is something that we should be very careful and think through very carefully because, you know, we have a lot of situations where we have folks who are very actively participating in working groups; we have folks who casually participate in working groups and then we have folks who basically audit or observe working groups.

And I think that we need to be wary of that if we're going to empower the working group with the ability to shut itself down. Thanks.

Jeff Neuman: Okay, Alan and then Wolf.

Alan Greenberg: Yeah, a whole number of points. I wasn't concerned about the proposed wording because it still requires a super majority of Council which means a single stakeholder group cannot shut it down unless the other three basically agree or something close to that. So I wasn't particularly worried about it.

On the other side - I, you know, one of the causes that was mentioned is inaction and I would want to define that very carefully. I think inaction has to come down to not meeting for a significant amount of time.

And simply not making the deadlines - we often set deadlines that are very unrealistic. And again I wouldn't want Council to be able to shut down a working group that is actively trying to get somewhere.

And lastly I would worry a little bit about requiring action of the working group. One can easily imagine a working group that is so dysfunctional that you cannot come to closure on even a decision to stop working.

So as a manager of the process I think Council should have the ability to shut it down but it has to be based on specific criteria; if it's not a request from the working group it has to be something very strong. And it's a rather onerous task that the Council would be taking on at that point. It's going to be awful hard to get volunteers for a working group if Council acts capriciously in something like that.

So I think we need to put serious words around it. But I'm not particularly worried about Council doing it without the request from the working group although clearly that's a far preferable way of doing it. Thank you.

Jeff Neuman: Okay. Wolf.

Wolf Ulrich-Knoben: Yes, thank you. Wolf speaking. Two points; on the one hand I agree to in parts to that what Avri was saying with regard to the - let me say the power of the working group, let me say, which should be - it should be really shown in this process; that's one thing.

On the other hand I'm looking for the role of the Council in that respect. And I don't think the Council should only just not to that what a working group is doing saying with regards to the termination or non-termination of a PDP.

We should also think about, you know, if a - the working group is in favor to terminate the PDP shouldn't be the Council in the position as well not to terminate. It's also the working group is saying so because there may be

some arguments from the Council point of view with regard to that. So I would like to take that also into consideration.

In this regard I also would like to join what Alan was saying so I think there is a strong position at the time being for the working team. And there is a high threshold with regard to the - to that point saying a super majority is needed now in order to shut down or not to shut down. So that's what I would like to say. Thank you.

Jeff Neuman: Okay. Avri.

Avri Doria: Yeah, hi. I want to take into account a couple of things that were said. I think that, first of all in terms of what just - Wolf Ulrich just said is of course the Council, by being oversight and by needing a super majority vote to endorse closing the working group obviously could be saying no you can't close this one. So I think that concept is probably already included.

In terms of what was said about a group being deadlocked and not even be able to make that - I think that makes a lot of sense. But I think that the Council still needs to be acting on some kind of advice and as opposed to just onus on deciding that.

So perhaps what we need is some sort of - and also taking into account that how do we decide what inaction really is and what were the causes for inaction. So perhaps there's two conditions under which - that would enable such a super vote.

One is that the working group through the liaison or however it works - and the liaison is basically, if I understand it, a message carrier between the Council - someone who is always in the Council meetings and someone who allegedly is also always paying attention to the working group and therefore they're the water carrier back and forth.

So either the working group as passed by the liaison or if the Council believes that something is a real mess than they go out to public comment to sort of say this group is a mess; this group looks like it's deadlocked; this group looks like it's inactive; this group looks like it's full of incredible morons and get a community comment.

But the group says it can keep on going so then get a community comment (unintelligible) the Council on whether something should be done. So it remains Council oversight; the Council could say, yeah, close it; no don't close it but that they act on some kind of advice either the working group's or if they can't get the working group's community comments. Thank you.

Jeff Neuman: Okay let's - why doesn't everyone focus on that suggestion and we'll see how people feel about that. And so Alex and Alan do you have any comments on Avri's proposal of two ways either through the liaison which in theory should be - the liaison should really only be carrying messages that the working group tasks the liaison to carry - which we may need to discuss that premise as well - or if the Council believes that on its own initiative that it should go off of some sort of comment. So let me - Alex and then Alan.

Alex Gakuru: Yes I do have a comment. Yes there are two sides of it; there could (all) dysfunctional, deadlines not meeting on the group, not, you know, being in harmony and the definitions and (unintelligible) so maybe that's - would require for that to happen. I agree that's one side of it.

But let's also anticipate the situation where you could be having a fully functional workgroup but then the Council on its own motion decides to issue a shut it down. So that's the other opposite side of the extreme.

So I believe either way, whether it's because a group is dysfunctional or the Council feels it should shut down a workgroup that either way the Council must put up a public notice asking for the community to show cause or reason why they should not shut down the workgroup and then that could be

part of the public comments and could give the Council position based on that which to act and guidance from the community. Thank you.

Jeff Neuman: Okay. Thanks Alex. Alan.

Alan Greenberg: Yeah, a couple of comments. I can certainly see going out for input. I wouldn't make it a, you know, an ICANN public comment; I think this is something that should go to the stakeholder groups.

However I'll - my other comment was to remind us that Council does have the ability of replacing the chair. The chairs are, if the process is working properly, appointed by Council and the chair could be replaced by Council I'm assuming perhaps even without the agreement of the working group and the working group chair.

I think that's with Council's right. So that's a pretty powerful tool that can be used prior to shutting it down. And the last comment I have is that in our current mode of operation what the liaison does and where the liaison takes messages from is vague and very heavily from liaison to liaison, working group to working group.

In some cases the liaison may be relying - relaying a message and in other cases the liaison is actually making judgment calls of their own. So I think we need to be careful in assuming that there is a single role for liaisons unless we have mandated that very carefully.

And I'm not really familiar with what the working group's rules say a liaison should be doing but it seems to vary in practice.

Jeff Neuman: So Alan I just want to...

Alan Greenberg: Yeah.

Jeff Neuman: ...you said early on in that comment that the Council selects - you didn't say the Council selects the chair, right?

Alan Greenberg: I said the Council - I said the Council approves the chair. I'm not really sure if there is a single way that Council - a working group gets a chair. Does the working group always select its own chair or sometime the Council appoints the chair? I know that Council is supposed to ratify.

Jeff Neuman: Well the Council usually picks someone to start the group and just to get it underway. That may or may not be the same person that continues as the chair; that's usually - that's done by the working group.

Alan Greenberg: Yeah. But the practice in the past has been Council does move to approve a chair or to appoint the chair generally after that chair is selected by the working group but I'm not sure that's mandated. I'd have to go back and look at working group rules because I'm not familiar with them in this case. But certainly in the past...

((Crosstalk))

Alan Greenberg: ...Council has acted to approve.

Jeff Neuman: But I do think that you are correct that Council does have the right to remove a chair if they desire and maybe worth looking at the working group final report to see if there's anymore guidance on that? But - oh, Avri, you want to jump in?

Avri Doria: Just quickly on the working group chair. The working groups would pick chairs but, yes, they're always advising their chartering organization of the choice and the chartering organization can say we got a problem here folks and can request further.

And I believe that's been in the charters of most of the groups recently and the Council has basically just done a tacit approval. They've been informed and taken no action which was a passive oversight. And I believe that's in the working group document but I'd have to go back and confirm chapter and verse.

Jeff Neuman: Okay, Marika.

Marika Konings: Yeah this is Marika. Just to confirm that in the new - or the proposed GNSO Working Group Guidelines it follows indeed that same practice where the working group is responsible for nominating or suggesting a chair if there's no one appointed by the chartering organization.

Because, you know, there might be a situation as well where the charter already defines who is going to be the chair. But in practice most of the times the working group. And that person then would need to be confirmed by the chartering organization; in this case of the GNSO.

It does talk about the fact if there's objection to the selected chair that the GNSO could then, you know, have a dialogue with the working group. It talks about needs to conduct a vote to establish whether there is majority support for the selected chair.

If there's no majority support the working group will be requested to reconsider their choice for chair and return to the chartering organization with a new proposal. But as far as I'm aware the guidelines do not talk about removal of a chair; it does talk about several procedures that can be followed if there, you know, just issues within the working group, if they have problems with the chair or with the liaison or working group members.

So there are a number of appeals procedures but I don't recall that there's a specific one for the - that deals with the removal of the chair in certain circumstances.

Jeff Neuman: So just trying to kind of collapse all this into some principals that we can write; it sounds like we're saying that yes the Council should have the right to terminate a PDP.

And upon either the recommendation of the liaison or on its own initiative if it goes out to the stakeholder groups and, you know, if it first gets comment or allows a comment period, if you will, by the stakeholder group slash constituencies.

And the reason I said it that way is as opposed to the entire community is that the comment raised by Alan that - I think it was Alan - that it's not really - it shouldn't necessarily go out to, you know, it's like an ICANN public comment out to everyone.

And that if it does - then the vote, the threshold for that would be a super majority as that term is defined in the bylaws - a super majority of the GNSO Council. Marika.

Marika Konings: Yeah this is Marika. Just one note; I'm wondering as well if - when you talk about on the recommendation of the liaison if you want to add there as well and/or chair just as a safeguard in certain situations I've seen as well that, you know, liaisons are missing in action or there's no good communication.

I mean, it's a separate issue of course the working group needs to deal with but to allow that flexibility I'm wondering if you want to say the chair and/or liaison.

Jeff Neuman: How does everyone feel about that? It seems to make sense. Alan.

Alan Greenberg: Yeah sorry I was just trying to raise my hand; I support it.

Jeff Neuman: Oh okay.

Avri Doria: I'm trying to raise my hand.

Jeff Neuman: Okay. Avri, as a comment in the meantime and say why not a public
                 comment...

((Crosstalk))

Jeff Neuman: Do you want to just go over that, Avri, and just phrase that?

Avri Doria: Yeah. Yeah I have basically three comments. One, I think I was
                 misunderstood or maybe (unintelligible) beyond what I said. I felt that it had to
                 come from the working group whether it was carried by the working group
                 chair or the liaison.

                 So I though the two options were the working group recommends or its
                 community review. And I'll get back to why I think it needs to be community
                 and not just the stakeholders; of course they're part of the community.

                 And that could be carried by the liaison. Now the liaison could just come back
                 to the Council and say this group is a mess; I think we should close it. In
                 which case then since the working group didn't say it just the liaison said it or
                 just the working group said it that would precipitate the community review.

                 The reason I recommend a community review is once the PDP has been
                 started and a working group has been created it is basically open beyond just
                 the stakeholder groups. And the trends we're taking is while this is a funnel
                 that, you know, has a - the Council sitting, you know, at the top it's got a
                 broad base beyond the GNSO community as membership.

                 Second what I said in the comment basically is when there's a final report
                 before the Council votes on it there is a community review. Now you don't

have to do what the whole community says but you have to listen and take it into account.

Likewise if you're closing it based essentially on a null report, on the absence of being able to produce a report for whatever reason, that too the community should be consulted. It's really no different whether it's a well written report or it's a null report it's still the termination of the PDP so I'd say it has the same consideration of letting the community comment. Thanks.

Jeff Neuman: So Alan raised on the chat that he doesn't object to a formal public comment period; just didn't think it was required. And then Alex said the working group should have a chance to defend itself against whatever grounds or events to terminate that PDP.

And I guess Avri, just to kind of point out like maybe devil's advocate let's say all the stakeholder groups - I guess you're right in the end; the Council could always vote to ignore what the rest of the community wants. But if the stakeholder groups don't want it, a super majority of the stakeholder groups, then it essence it is almost irrelevant what the rest of the quote, community wants because this is GNSO PDP.

Right, it's not - it's not the ALAC going out and making a recommendation or advice directly to the board; it's not the ccNSO it's the GNSO. So unless you're a stakeholder of constituency of the GNSO or a PDP it's almost relevant. And your answer I guess is that well the Council will vote on it anyway the Council will just ignore it.

Avri Doria: Well...

((Crosstalk))

Jeff Neuman: So...

Avri Doria: Can I respond?

Jeff Neuman: Yes.

Avri Doria: Well as I said on any final report even though it is just the GNSO - and of
                    course it does have to go to the board at some point on a PDP - the
                    community is involved. Certainly, you know, the GNSO is - the GNSO Council
                    is the one that gets to decide in the end. However they should decide based
                    upon full information.

                    Now if the GNSO wants to listen to the whole community and say we don't
                    care that's fine; that is their privilege and their prerogative. But it should be
                    obvious that they've done so; they should have a reason for doing so and
                    then, sure, they can go ahead and do so.

                    But to say it's our decision and we don't need anybody else's opinion in
                    making our decision in the new accountable ICANN really doesn't make a lot
                    of sense. Thanks.

Jeff Neuman: Okay. Alan then Paul.

Alan Greenberg: Yeah I have one very quick yes/no answer - or question for Avri before my
                    comment. When you're saying going out for community comment is it in all
                    cases or just if they recommend - if there was a recommendation from the
                    working group?

Avri Doria: Yeah, the way I said it, I'm sorry, I'm not good at yes/no because this is going
                    to be yes...

((Crosstalk))

Avri Doria: The way I said it it looks like it should be - it looks like my answer had
                    involved yes in either case. But when I originally proposed it I proposed it as

an either/or. So the more I talked about it the more I got into consistency required yes in any case.

Alan Greenberg: Okay. I guess I was going to come down in the other direction. As I listen to you more and more it seemed it was - a public comment was warranted if the recommendation did not come from the working group.

If there is a strong recommendation from the working group that it dissolve I'm not sure what the benefit is of Council saying no keep on working when the people, you know, that really involves completely repopulating the working group which I guess is possible so...

Avri Doria: Then I'll stick with my first recommendation even though I notice myself evolving.

Alan Greenberg: Sorry, be specific.

((Crosstalk))

Avri Doria: ...to either/or even though I noticed I was evolving to in any case.

Alan Greenberg: Okay. I can - I readily support it and I agree. In the case where a recommendation does not come from the working group a public comment is certainly warranted. In the case when a recommendation does come from the working group I don't think it's really necessary at all. I could live with it as I said in my text comment though. Thank you.

Jeff Neuman: Okay. Paul.

Paul Diaz: Thanks Jeff. You know, in just listening to this back and forth and I'm just kind of wondering, folks, are we kind of arguing about, you know, a marginal case here?

I mean, let's be realistic; if we have such a dysfunctional working group why not have a public comment period or it's really not going to matter because the working group is not going to do anything if there was a public comment period underway. If it's so dysfunctional what is three weeks or a month really going to matter?

They're not going to meet and do anything. And in the same way if the Council has to get together and have a super majority vote okay the likelihood that the first time it's up for the vote somebody steps forward and says I'm not ready, I'm not prepared; it gets deferred. Easily 30 days are going to pass.

So, I mean, I guess let's just put in public comment period, you know, in all cases that we're going to shut one down. It makes it consistent with ICANN's commitment to greater transparency. And let's just be realistic there's no time this is ever going to happen so quickly that, you know, if there were any public comments they wouldn't have an opportunity to be received and reviewed before that super majority vote is finally taken.

Jeff Neuman: Okay I think that makes sense. So again just to kind of recap it seems like we're saying that the Council with a super majority vote should be able to or shall be able to terminate a PDP upon the recommendation of a working group or on its own initiative. And it almost sounds like we're saying in either case it should go out for public comment.

Alan Greenberg: Yeah I can support that. The argument was good.

Jeff Neuman: And I think, you know, just while this is going on I think, you know, James and Alex have been having an interesting discussion about, you know, what if you're shutting down a PDP because of priority - changing priorities? So that's kind of been going back and forth. You guys want to raise any of that on the call just to highlight it or - James.

James Bladel: Yeah, Jeff. Just I don't think there's anything really earth-shattering here; I think we're just discussing some possible scenarios and going back to my original point that we shouldn't assume that it's being shut down because it's dysfunctional or shut down because someone doesn't like the outcome or the way it's going or something.

You know, there's a lot of reasons why this could be happening that we probably can't and should try to anticipate here. Thanks.

Jeff Neuman: Okay. Let me go to Alex and then Marika.

Alex Gakuru: Yes, the same discussion we're having again exploring difference scenarios we're also saying - my view is that the Council approves later PDPs that they didn't check whether maybe there are other workgroups that are doing the same.

And then there are ones that may have met for so long and done so much work and Council decides that all those that are working now there's a new (unintelligible) so they need to shut down the old one so that the new can take over then I think it only discourages the community from participating in future workgroups because they'll think that Council can come anytime and shut it down.

So I think the Council should look at already existing PDPs and find out whether maybe before approving a new one that the new one will not duplicate. And if anything maybe other people on those workgroups that agrees to whether maybe they'll go to consolidating to a new one but it should be bottom up, you know, that's my view. Thank you.

Jeff Neuman: Okay thanks Alex. And Marika.

Marika Konings: Yeah this is Marika. In response to James' comment what is currently in the language or the proposed language is, you know, certain reasons that can be

defined as significant cause. I don't think on the other ones listed there I would consider, you know, prioritization as one of those elements unless indeed one of the other criteria might qualify.

So if the work team feels that it should be broader and there should be more reasons for which a PDP might be terminated that language might need to be adjusted. But I, you know, want to express some concern there because I think, you know, you might indeed close down PDPs for not, you know, whether it's considered a significant cause or - and then you go basically over the heads I guess of working groups and their views on what is necessary or not.

Jeff Neuman: So let me - because I think, Marika, you kind of just jumped ahead because I haven't asked that question yet. So we haven't talked about whether there needs to be certain grounds or not. And I think I was kind of just trying to separate the question into three - or into several parts.

So the first part is does the Council have the ability to do it? Yes. Then it's upon the recommendation so we got the second part. Now the third part is should we limit that to only enumerated reasons? And I think that's the topic we need to discuss.

The way it's written right now is that it should be for the first part says significant cause and should that be our criteria? Does there need to be criteria/ And then let's - and then if the answers to that is yes and only if that answers to that is yes then we should drill down as to whether we can provide guidance as to what that means.

So let me break that down and basically say do people believe that there needs to be grounds and that those grounds need to be enumerated in our report? So I have James has a comment.

James Bladel: Yeah just I guess you can go ahead and put me in the column that, you know, we shouldn't try to anticipate those grounds. We define them and then we're going to find ourselves immediately limited by that through some situation that we didn't anticipate. Thanks.

Jeff Neuman: Okay so if we don't enumerate the grounds let me ask a clarifying question; can we enumerate some sort of standard? Like here it says - like what if it just says only for significant cause but didn't enumerate what those grounds were? Or do you think it just said they should be able to terminate it and here's how without saying anything?

James Bladel: You know, I guess I'm in the camp of, you know, the working groups are (targeted) by the Council and if the Council reaches some agreements that, you know, I'm afraid that we don't want to paint an overly prescriptive picture here that paints everybody into a corner.

                   I think that flexibility is key and that we need to make sure that we give the chartering organization the ability to manage the policy development process. And when we start putting these limitations and restrictions on that I think that's a sign of that we don't trust future Councils or something; I'm not sure where this is going.

                   But, no I guess - put me in the column that PDP working groups, you know, kind of serve at the pleasure of their chartering organization.

Jeff Neuman: Okay, Marika and then Avri.

Marika Konings: Yeah this is Marika. Just a note that I think that the language tries to give that flexibility because although it does say, you know, for significant cause I guess that's open for the definition and it does clearly say that, you know, the following illustrates - maybe we should say some reasons but I think it's given so some examples.

But - and in the way it's written now it's not limiting. So I guess the group we need to decide whether it needs to be more limiting - less limiting, you know, no examples at all, some ideas, so that it's clear what the expectation is.

Jeff Neuman: Okay so, Marika, you're saying you were just - so right now it says the following illustrates proper reasons. You would just say the following are illustrative examples of reasons to terminate a PDP.

Marika Konings: Right if the work team agrees that it should be more flexible and not restricted to the, you know, three different reasons.

Jeff Neuman: Okay. Let me go to Avri and then Alex.

Avri Doria: Yeah I tend to agree with James that it shouldn't be limited. I'm normally leery of examples because people take examples to often be the only examples. But I believe if we use the, you know, well we can't say interalia but, you know, including but not limited to type of phraseology for example so that it's open.

But I believe that the ultimate decision of what is significant is the working group, the community and ultimately super majority votes by, you know, they determine that they have a significant reason. And so I - so I agree with James, it should be kept open. I don't mind examples as long as it's very clear that that is not a limitation but just an example. Thanks.

Jeff Neuman: Okay. Alex.

Alex Gakuru: Yes I do not in any way have mistrust in future councils current or whichever it will be. But I believe that they are motivated by the need to have us recommend some sort of guidance onto some of these (unintelligible) wide and open statements.

And in this case let's imagine like a new member, maybe (unintelligible) joining and reading this document and trying to make heads or tails what we meant by it.

So in essence I'm saying maybe we could probably offer some clarity in the Council's management in regard to that significant cause because the significant cause is open to anybody's interpretation. So there might - there needs to avoid (very) grounds and who defines them, who'll define them later, you know, or define it what is significant cause later on.

In (unintelligible) it could be an issue of discussion for so long and people may not reach a consensus what are significant grounds. So it's - however it's phrased without limiting or without mistrusting let's also try to offer some - or recommend some guidance on what's a significant cause or what significant cause indicative but not limiting. Thank you.

Jeff Neuman: Okay. I mean, it sounds like we're kind of all in agreement although people have phrased it kind of differently but it sounds like we should say that it's - the language should be as it is here as far as for significant cause.

And then instead of the next language being, you know, really kind of as narrow as it is now to just basically say the following are examples of reasons to, you know, examples but - including but not limited; what ever language is best. I'll leave that to Marika to do a first draft of.

But it sounds like we're doing these examples as illustrative only and that it's not limiting but making the point that there really should be some sort of good reason to do this. So I think that makes sense.

And in the draft it says - it's got three reasons here, all right. It's got deadlock, changing circumstances and lack of volunteers. If anyone has got any other examples from past PDPs yeah please raise them in your comments. We'll kind of take that one offline on email.

All right so Marika that is a second - we got to talking about this through the threshold so I guess that's our second new threshold. The first one is voting on a charter; the second one is voting to terminate the PDP.

But going back we have not made any recommendations to change any of the ones that were put in place when we approved we being the ICANN community approved the change to the bylaws and the whole bicameral structure. Marika you have a comment?

Marika Konings: Yeah this is Marika. Because basically what we're looking at now these different items are covered in the chapter that, you know, addresses overarching issues. And what I've tried to do for several of those is write a kind of like conclusion on our discussion.

You know, some of those I translated as well in some of the recommendations but some of them is more, you know, recapping our discussion on those. So the question would be here if the - the conclusion for this item would be indeed, you know, to know that we've addressed those two different voting thresholds by maybe then referring back to the discussion we had on one of the other items.

I think the decision of the Council if I'm not mistaken or agreement of the Council where basically I think the work team said well, you know, this new structure is so new that, you know, it's too early for us now to make a recommendation on whether the exiting voting thresholds work or don't work or should be reviewed.

But maybe that's something for a later stage to see. So then if a semi-conclusion would be appropriate in that, you know, part of the report.

Jeff Neuman: Or, I mean, instead of saying it's too new is there a - and I can't remember when this whole bicameral structure was set up - is there - did someone say

there should be a built in review period to review this new structure? Is that one of the recommendations?

And if it was you could just say, you know, we'll push that out; this is a review done anyway. I can't remember if there is or isn't; I'm mixing up.

Marika Konings: This is Marika. I actually don't know either after the adoption of the new structure where anything was built in on review. But I see Avri raising her hand so she might remember.

Jeff Neuman: Right.

Alan Greenberg: I'm pretty sure there wasn't.

Avri Doria: What's built in is the - in fact it was discussed at the time was the fact that the GNSO will come under review again. You know, board/board review which had been three years but now is five years. So at that point that structure will be renewed and that was the assumption but certainly not before then.

Jeff Neuman: So latching onto that if we could find some language that states what Avri just did about, you know, when the GNSO reviews are, you know, if we could find that language instead of saying it's too new we could just say that the working group decided that the existing threshold should - a review of those existing thresholds should wait until the next cycle of GNSO review.

I mean, you're sort of saying the same thing but you're actually providing definitive guidance that it - this should be reviewed when the GNSO comes up for - so we'll - if you could help look for that?

Marika Konings: Okay.

Jeff Neuman: Okay? Any other comments on thresholds? Okay now the next issue is on decisions that are made by the working group - a PDP working group. This one could be fairly easy or, you know, complicated.

But the easy approach would be look the working group work team spent a bunch of time on working group guidelines on how they're going to make decisions and, you know, you're looking at things like what defines consensus or full consensus, strong support, all those terms it went through and defined it.

The easy approach that we could take here is to say well, yeah, we think those should apply to PDP working groups as well. Or we could take a look at that and say, no, we've got to make some changes.

So I guess I'll give a homework assignment unless people are ready to discuss that on this call maybe what we'll do is we'll post that - those couple of pages of material in email or - well, Alan, you have a comment?

Alan Greenberg: Yeah a question. Your (recent) comment triggered something which I think applies in this case. Are we making a recommendation implicit in our overall recommendations that this be reviewed at some point?

Jeff Neuman: You mean this - our...

Alan Greenberg: The new PDP structure.

Jeff Neuman: We actually do - we make that recommendation. Right, remember if you think back to the five categories or the five stages. One of the stages we recommend, and Marika can jump in, but we do recommend both the review of an individual PDP and a review of the overall process. So we are making those recommendations.

Alan Greenberg: Okay then this one probably fits into that review that is we haven't used these new criteria and consensus rules enough to really say they're not going to work for (unintelligible). But I think it's a reasonable thing to put in some period review.

Jeff Neuman: So your statement would start out saying that yes we should use the working group work team guidelines and then, you know, review whether that's appropriate upon, you know, the review of the PDP process at whatever intervals they're done.

Alan Greenberg: Yes I think that would be reasonable given that we have so little experience with them to date. They may be marvelous; they may not work in practice but I don't think we have - this group doesn't have the ability to make that judgment call I don't think.

Jeff Neuman: Okay. And just so like adding a little bit of color to that I believe that when the PPSC was discussing this, and Avri maybe you can - you probably recall this similar - I believe that everyone in the PPSC when they were going through the working group work team report assumed that when we were reviewing those standards that that would apply to PDP work teams as well as just other - sorry, PDP working groups as well as other working groups.

((Crosstalk))

Jeff Neuman: I think that was probably - everyone was thinking about that. So I think that works but I just want to verify with everyone that that does. So we'll still send it out on email; make sure, you know, because there's a bunch of people in this group that either are not members of the PPSC or are not members of the PPSC.

So, wait did I just say the same thing? They're not members of the working group work team or members of the PPSC so they should probably consider that and think about it as well.

And Avri just lost her phone connection...

Avri Doria: I got back in; I can say what I was going to say, yeah.

Jeff Neuman: Oh okay. Avri, yes.

Avri Doria: Yeah what I was going to say is I believe that during the work team - the working group work team process we did consider it. And one of the concerns we had was that we'd try as much as possible to come up with a common understanding and a common language that wouldn't necessarily change across every working group so that people wouldn't say, oh it's this kind of working group therefore consensus X were that kind and therefore it means Y.

                And there was a lot of discussion on it and there was a lot of discussion that had to do with their use in a PDP. So I personally am strongly in favor of sticking with those and if we don't like those changing them there but not changing them specifically for a PDP if we can avoid it. Thanks.

Jeff Neuman: Yeah, so I think, Avri, when you dropped I think that's kind of the similar conclusion that we were basically saying that, you know, when the PPSC was considering it as well I would - I believe that the PPSC members were thinking in terms of PDPs as well as just regular working groups.

                And that since we haven't really worked with these standards very long that it would seem like this would be something that may come up again if at all when you review the overall PDP process. So I think ultimately the recommendation is let's follow the working group work team guidelines and review them when PDPs are reviewed or the PDP process is reviewed.

                Okay? The last issue we have to discuss which is maybe easy, maybe difficult, I don't know but we've kind of avoided is, okay the transition. How

does a transition work? There are existing PDPs going on. Do we just set the rule saying this new PDP process applies to all future PDPs or this is - we're going to somehow work it into existing PDPs?

So that's the overall question and then depending on how we come out with that there's lots of little subtleties. So let's start with that. James, you have a comment?

James Bladel: Yeah, Jeff, just a typical operations management would say you pick a date and then you cut in the new process for all PDPs chartered after that date. And if there are PDPs that are still in operation that were chartered prior that are still operating past that date you grandfather them in and you have to kind of, you know, prepare for a little bit of a period of overlap of two separate operating guidelines.

But I really don't see how you could go the other direction cleanly and transition existing PDPs which may be close to the end or whatever and, you know, try and get those folks converted over to the rules.

Jeff Neuman: So let...

James Bladel: I think the - the simplest approach is the one I think that is the best.

Jeff Neuman: Okay so let me - let me - and it seems like most people agree - let me just get some clarification on when you say a working group is chartered or a PDP is - you used the word charter and I want to drill down as to what that means.

Does that mean for which an issue's report has not come out? Does that mean for which an issue's report may have come out but you haven't yet chartered the working group or initiated the PDP? Or does that mean for all situations where you may have issued the PDP but haven't chartered the working group? Where is that lying in your mind?

James Bladel: You know, if I could respond and just put a line out there - I haven't thought
                 through all the consequences - but we start our discussion and rule setting
                 around the issue's report. So I think it's issue's reports that are requested
                 after Date X start them as cleanly and as early in the process as possible.

Jeff Neuman: Okay so anything that already has an issue's report and anything that's, you
                 know, any further than that through the process would be grandfathered to
                 the old process. And any of the new requests for an issue's report would be
                 under the new process.

                 I will state that really the Council at any time or working groups at any time
                 can adopt any of these things on their own; there's not really too much that
                 are mandatory requirements. There's only two voting thresholds that we have
                 now recommended.

                 So, you know, when you do drill down into it some of these are common
                 sense - some of these working groups and the Council could initiate on its
                 own. So that may work easily. Let me go to Alan.

Alan Greenberg: Yeah I guess I don't support - I don't quite support what James was saying
                 but I think what you just said may cover it. In terms of a hard and fast rule I
                 think we have to go back to the - prior to the issue's report because we're
                 dictating the whole process.

                 On the other hand there may be - and I think there are very significant parts
                 of our process that could be adopted halfway through because, you know,
                 until you come to a certain stage it may be completely irrelevant which set of
                 rules you're working on.

                 I don't quite know how you make that decision or who makes the decision as
                 to which parts can apply and which parts can't. But my inclination is to say if
                 we say this will not be addressed - this will not be adopted until at the earliest
                 the Amman meeting we're saying any PDP that has gotten slightly into its

process is going to be forced to use the old rules for its entirety, says we are -
we'll be working on the old rules for another three years at this point at least.

Jeff Neuman: Yeah so I think...

Alan Greenberg: And I'm not sure it's necessary to do that but I think we're going to need some
discretion and flexibility in the wording of it.

Jeff Neuman: Well I think what you can say is, you know, all new issue's reports, all
requests for issue's reports, however we define that, after that certain date
must follow the new process.

Alan Greenberg: Oh sure.

Jeff Neuman: And then you could say and the Council and working groups are strongly
encouraged to use the new process for existing PDPs to the extent feasible
and practical.

Alan Greenberg: Yeah, I mean, to a large extent we are adding rigor and process to this; we're
not simplifying things...

Jeff Neuman: We're not...

Alan Greenberg: ...for good or bad. So I don't think this - it's onerous to adopt some of our
rules partway through.

Jeff Neuman: Yeah I agree with that.

James Bladel: Hey Jeff?

Jeff Neuman: I think that makes a lot of sense. I mean, I think it's not like we're changing
existing voting thresholds which would make things really complicated. We're

adding two new ones which the Council can decide, you know, that's a good practice anyway even though it's an existing one.

We want to terminate this PDP for example, you know, the PDP work team or PPSC make these recommendations; we adopted them. Let's voluntarily, yeah, the chair or the Council can say let's follow that process.

So I don't think there's anything here that's going to dramatically change an existing PDP to the point where you can't just start implementing new things right away as kind of a best practice. Paul.

Paul Diaz: Thanks Jeff. I agree with everything you and Alan just said and in fact would change my original support. You know, when you just said a simple cut-in date which new rules apply I think especially it's what you see in the chat, as Marika's noted there's - for Councils meeting today an issue report request for UDRP and, you know, that's obviously going to be a very hot issue.

Certainly a lot of people have very, very strong interest and opinions about it and whatnot. And I think it's very important that we - just the nature of that issue it's going to take a while to get through. It'll be very important to try and get these new rules addressed and ideally part of that process as soon as possible.

How exactly you pick the cut-in date I'm not sure but as you've just said I think it may not be an issue. But also in the chat Alex just had what was going to be my original question and so, you know, I'll just repeat Alex's question which is can we allow an existing PDP to request that the new rules apply to their group? And that was my question. I don't really have an opinion I'm just curious what the rest think.

Jeff Neuman: Well again, I mean, a lot of our rules - it's not like we're changing - it's not like we're saying at one point the threshold was a super majority and we're changing it to a majority now, right? Most of the things that we're requesting as I think Alan was saying it's more rigor.

An existing working group can always say you know what let's do all this; let's - and the Council when they're voting to amend a charter or do whatever they could always say yes let's follow what the PDP group has recommended. It doesn't seem to me to be - to me very difficult to start bringing in some of those practices into new working groups.

But let me - Avri, James and then Alan.

Avri Doria: Okay thanks. My original inclination was to support the original which is, you know, cut of dates, anything after that though I probably was going to recommend an initiation of PDP and not request for a report.

But two things occurred to me; one, I think that any PDP that is currently underway should continue under the old. So almost in the model of a student in a university, you know, you get to graduate under either the conditions that were set when you started or those that are set when you're finishing. So requesting the change it's certainly something that's reasonable to consider.

I think on any new like the UDRP should that become a PDP I think that the Council can at the time of whatever we end up recommending here can at the time of approving the PDP say in its motion that, you know, while it's, you know, that we request that it start under the draft rules as will be amended by the, you know, we did that a lot with the working group guidelines where for the last year of using the working group guidelines we would define the - there is a draft of the guidelines at the moment.

You know, you'd operate under those and so on. So the Council has in defining a PDP - I just think that there's a problem with having a PDP that is ongoing having the footing change under it; having more rigor added. Some of the stuff is indeed different.

And so I'd be leery about anything that is going and who knows how long it'll take for this all to get accepted so I'm just - I'd be careful about it is I guess what I'm thinking.

Jeff Neuman: Okay. Let me go to James, Alan and then Marika and then (unintelligible) and then I'll cut off and then we've got to spend two minutes talking about whether to have a call on Monday. So let me go to James and then Alan and then Marika.

James Bladel: Just real quickly, Jeff, you know, when I made my original proposal I think I qualified it by saying I hadn't thought all the repercussions all the way through. And Alan raised some very excellent examples so I'm going to go ahead and switch my position to what he's proposed. Thanks.

Jeff Neuman: So okay, Alan.

Alan Greenberg: Yeah, again, I'll be quick. I was just trying to think through as people were talking what are the things that a working group could not adopt at their pure discretion because much of what we're talking about - once the PDP has actually started there's not that much that has changed.

One of the few things that has changed for instance is the comment period where the current one says 20 days and we have interpreted that recently to say we must set it out for 20 days although we know partway through the process we're going to extend it but on paper we'll do it for 20 days because that's what the PDP rule says.

A little bit of flexibility which you've used in many other parts of the PDP process says we could set it out for 45 days or whatever the new standard is. There's not many other things once the PDP actually is in process where our rules are all that different.

So I don't think it's onerous; I think we need to read it over carefully but I don't think it's all that onerous. And I think we can come up with some good rules - maybe requires requesting or something. But I don't think it's a particularly onerous issue. And we need to read it carefully as - perhaps as we're reviewing the report. But I don't think it's going to be difficult to address.

Jeff Neuman: Yeah I think the - you've kind of hit on the big issue that maybe we'll go through it for the next call is the timelines that are in there is really the only things that - of huge significance that a working group on its own could not really change.

You know, there's existing timelines in existing PDP of when things have to be done. Now granted the Council has usually waived those. But, you know, we wouldn't want the working group on its own initiative to say no we're going to ignore that and go...

Alan Greenberg: No but the 20-day one is only one I can remember the Council has typically not been flexible on or at least interpretation has not been flexible on; all the other timelines have gone out the window. So I don't think I should worry about that all that much.

Jeff Neuman: Right so let's - we'll put that on as like the first item to discuss in the next call which, Marika, do you have another - an additional comment?

Marika Konings: Yeah this is Marika. I just want to caution everybody or maybe, you know, check where everybody's currently on this, you know, maybe transitioning or, you know, working groups can switch.

Because I do have a concern that, you know, especially if working groups are tasked to develop consensus policy to change their process or add elements or require elements that weren't there when you started the process if that might have any legal implications or whether someone could challenge that at

the end of the day the outcome and saying oh well you didn't follow the process that was set out initially.

You, you know, ignored that public comment period or you didn't respect a timeline. Because although we have been flexible with certain elements, you know, in some respects we've been trying to respect some of those as well, for example, you know, acting on PDPs, at least acknowledging them in Council meetings; maybe not having a vote yet but at least trying to do that in a certain way.

So, you know, I can check (Michael) internally to see what advice, you know, General Counsel Office has in that relationship. But just sort to let you know that as well.

Alan Greenberg: Good point.

Jeff Neuman: Okay so on that note I think we made some pretty good progress. I think we might be okay to just meet next Thursday as opposed to having a Monday meeting but I want to hear from everybody. I mean, I would like people, though, to take that time to work on their comments to the final - to the draft report - draft final report so that they could submit it by Friday.

So does anyone disagree with that? Does anyone think we need to - we must meet on Monday keeping in mind that it's - several people can't make it.

Alan Greenberg: I think you need to extract a promise from all of us to do our homework but other than that you're right.

Jeff Neuman: Okay I think, saying, yeah, well I'm taking everyone on their implicit agreement that they're going to...

((Crosstalk))

Jeff Neuman: ...comments. So anyone else? Anyone disagree with that? Okay so no call on this Monday but yes a call a week from today; same time, same place with a new Adobe Connect. So everyone good with that?

Alan Greenberg: Yeah.

Paul Diaz: Yeah, sounds great.

Jeff Neuman: All right.

Alex Gakuru: Yeah.

Jeff Neuman: Okay thank you everyone and I will talk to you all on - a week from today.

James Bladel: Thanks Jeff.

Alex Gakuru: Bye, bye everybody.

Paul Diaz: Thanks Jeff.

Alan Greenberg: Bye, bye.

Jeff Neuman: Thank you. Okay...

((Crosstalk))

END