**Policy Process Steering Committee (PPSC) Policy Development Process (PDP)
Work Team (WT)
TRANSCRIPTION
Thursday 14 April 2011 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 14 April 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-20110414-en.mp3

On page:
http://gnso.icann.org/calendar/#apr
(transcripts and recordings are found on the calendar page)

Participants on the Call:
Jeff Neuman - Registry Stakeholder Group - Work Team Chair
Alan Greenberg – ALAC
James Bladel – Registrar Stakeholder Group
Alex Gakuru - Non Commercial Stakeholder Group
Paul Diaz - Registrar Stakeholder Group

ICANN Staff:
Glen de Saint Gery
Marika Konings

Absent apologies:
David Maher - gTLD Registry Stakeholder Group
Wolf-Ulrich Knoben – ISP
Avri Doria - Non Commercial Stakeholder
Tatiana Khramtsova - Registrar Stakeholder Group
John Berard – Commercial and Business Users Constituency

Jeff Neuman: Okay, Glen, can you do the roll?

Glen de Saint Gery: I'll do the roll calls, pleasure, for you, Jeff. On the call we have - on

                the PDP call of the 21st of April we have Jeff Neuman, James Bladel,

                Paul Diaz, Alan Greenberg and Alex Gakuru. And for staff we have

                Marika Konings and Glen de Saint Géry, myself. Thank you, Jeff, over

to you. We have apologies also - sorry from Avri Doria, David Maher, Wolf Ulrich-Knoben and have I left off anybody that you know of?

Jeff Neuman: Not that I know of.

Glen de Saint Gery: Okay.

Jeff Neuman: Thank you Glen. Just one correction for the record I think you said it was the 21st, it's only the 14th of April.

Glen de Saint Gery: Oh sorry, yes indeed, sorry it is the 14th of April, yes.

Jeff Neuman: But we're looking forward to next week. And we will have a call on the 21st so we can say that again next week. Thank you, Glen, thank you everyone for showing up.

Glen de Saint Gery: Thanks Jeff.

Jeff Neuman: We do have a little bit less attendance than normal but I still think it's enough to start to continue going through the public comments review tool that was updated as of April 12. That's now showing on Adobe for those of you that are on. And we made really good progress last week in going through this.

Remember the goal of this is to go through to respond to each of the comments and then to make any necessary changes, if any, to the proposed final report that we put out before San Francisco. So with that said let's get started.

We are on Page 7 of the review tool for comment or should I say Recommendation Number 16 which is on flexibility of the process. And we received comments from Stephane van Gelder, the INTA and the Business Constituency. Alan, you have a comment or is on this subject?

Alan Greenberg: Sorry, I was on mute here. No going back to an earlier one I had missed the very beginning of the last call. And the item raised by Stephane on should we keep issue report requesting open to other groups other than the GNSO. The answer the workgroup came up with doesn't really address his question.

Jeff Neuman: Sorry, can you just - which number does this go to?

Alan Greenberg: It's Recommendation Number 1.

Jeff Neuman: Okay, thank you. That's on - back to Page 2?

Alan Greenberg: Page 2.

Jeff Neuman: Okay. This was what's the rationale for leaving in place the possibility for an advisory committee or the board to request an issue report?

Alan Greenberg: Yeah. The answer really says why should we leave it open to any advisory committee, not only the ALAC, he was asking a wider question than that of why should we let it open to any advisory committee. You know, with the reference to why should we allow outside influences to influence what the GNSO can do.

And I don't think the answer we have there really addresses that. And I'm sorry I wasn't here when the discussion was held. Hello?

Glen de Saint Gery: Hello?

Alan Greenberg: I think Jeff may have disappeared.

Paul Diaz: Sounds like he got cut off.

Marika Konings: He still looks connected on meeting view but - well maybe then...

Alan Greenberg: Jeff, if you're talking we can't hear you.

Marika Konings: ...stepping in - Alan, what would you suggest that we add or respond to address this question? Do you have any suggestions?

Alan Greenberg: I would think it should - if anything it should stop after the first sentence but agreed not to do so. The rest of it addresses why should the ALAC - why should we be allowing the other groups in addition to the ALAC, which wasn't the question he asked. His question as I read it was saying why should we allow any advisory committee or the board for that matter to influence what the GNSO will do.

My personal feeling is the answer is that we - outside influences of influencing the GNSO is exactly the reason it's included, you know, that was a deliberate action by the original drafters of the bylaws and then us to allow outside influences to raise issues with the GNSO. But if we don't want to, you know, put the gauntlet down and put that in the answer I think it should just say we've considered it but decided to keep it. I'm done.

Marika Konings: Right, and this is Marika. If I could maybe comment because I think part of the reason for our response is because I think in his comment - in the complete comment he even raises the question has actually anyone even used it.

Alan Greenberg: Oh.

Marika Konings: And I think part of our response...

Alan Greenberg: Oh okay, okay.

Marika Konings: ...was about saying well even though it has only been used, you know, by the ALAC to date we do think it's important to leave this option open. And I think another, you know, response we can say about, you know, the outside influences because I think part of, you know, his broader comment was as well like, you know, how does this affect work load? You know, in theory the GNSO could of course get swamped by requests for issue reports.

So I think that negating factor is still as well that of course there is the next step for the official vote on the initiation of a PDP where the Council can still say well, you know, we appreciate the request being made and, you know, the issue being raised by an advisory committee but we don't think it needs to move further than, you know, where we are now. So I think...

((Crosstalk))

Alan Greenberg: I mean, the concept of - the concept of advisory committee swamping the GNSO with simply the need to consider issue reports I think is a bit far fetched.

Marika Konings: Right.

Alan Greenberg: Certainly it has to happen.

Jeff Neuman: Hey guys, can you guys hear me now?

Alan Greenberg: Yeah.

Marika Konings: Yes.

Jeff Neuman: Yeah, I don't know what happened there; I was on - I was listening. I was not on mute at least from my side. So I don't know if the operator muted me or what.

((Crosstalk))

Jeff Neuman: So have you guys - I heard the tail end of that so I believe Marika, as I was hanging up was sort of saying what I was going to say on it which is - so, Alan, are we good on that now or do we need to do something different?

Alan Greenberg: Yeah if his comment was saying has anyone used it then I think we should say it has only - yeah, okay then I guess I can live with it. I'm not sure I like ignoring his question about outside influences but I'm also not looking to pick a fight so maybe better to leave it as it is.

Jeff Neuman: Yeah, I think that's probably wise.

Alan Greenberg: Okay. Then I retract; let's go back to the regular - to the - today's work. Paul has had his hand up though I think.

Jeff Neuman: Okay Paul.

Paul Diaz: Yeah thanks guys. I want to fully support Alan on this one, I mean, I think that's the whole point. You know, I'm uncomfortable with Stephane's use of the - in quotations, outside influences. That's what an advisory committee is all about is providing advice and trying to get something addressed that maybe the other constituent members of the GNSO are not focused on.

I would - and perhaps we can work into the response so something that we did discuss last week when we went over this the concern that I raised that the other major advisory committee - the GAC - if in the future a more involved GAC were to start making all sorts of demands for policy work I think that there needs to be a, you know, a clear understanding that the GAC doesn't just show up, demand all these things and then kind of disappear into the shadows again.

That, you know, that we run the risk here of GAC using its advisory committee status to create undo workload. And, you know, it's very hard to imagine any GAC members participating in policy work but it's not that hard to imagine them levying all sorts of requests.

So I guess with that, yeah, I ultimately will agree with Alan too that maybe we should just let sleeping dogs lie with this one. But if we are going to tweak the response maybe something to the affect that it

doesn't apply to ALAC, they always participate in policy work but for other advisory committees, really focused on the GAC, that should they step up their desire or requests for policy work that they also participate in those processes.

Alan Greenberg: I support the concept but I'm not sure there's a good opportunity where to put that or how we would pass judgment on, you know, whether their support has been - their participation has been adequate or not.

Jeff Neuman: Yeah. That's...

Alan Greenberg: If we try passing judgment on that there's a lot of GNSO constituencies and stakeholder groups that may not meet the target as with the ALAC also. So...

Jeff Neuman: Yeah I think we're getting into areas that might be difficult to assess and - let's, Marika...

Alan Greenberg: Okay with full appreciation of a discussion that I hadn't had a chance to listen to yet and what's been said here I'll accept what we have and let's go on.

Jeff Neuman: Okay. So if we go onto Number 16 - or Page 7, Recommendation 16, comment by Stephane is there's no practice to allow Council to defer a PDP for one meeting although there is an informal practice of allowing a GNSO as (g) or constituency to request to one of its representatives that a vote on a motion is deferred. Is this what's referred to here? I think the answer is yes. So that's pretty easy.

IHA has been received, they said there's general agreement with modification timeframes as proposed but INTA suggests that a request for deferral would need to be seconded in order to avoid delays.

And the BC says that it's a dangerous - codifying it seems like a dangerous precedent however if we do propose codifying it to make clear that it's not a cumulative right, I guess making it clear that, you know, it's not each stakeholder group get one deferral every time so the registrars defer a motion one meeting that the IP stakeholder group can't - or that the IP constituency shouldn't be able to request a deferral at the next meeting so in theory you could have, what, seven, eight - or sorry, six deferrals.

So I think the answer to Stephane's question is yes that's what we're talking about codifying. But no it's not intended to be cumulative at least the way we discussed it. And let's talk about the issue of whether it should need to be seconded so - well, Alan, you have your hand raised?

Alan Greenberg: Yeah, I think we should skirt the whole issue of the details of the process by simply saying that should the GNSO have a process for delaying votes based on stakeholder group or - stakeholder group and/or councilor requests that applies to this.

In other words they are obliged to vote at the next meeting or whatever the, you know, within the end days whatever the rules say should the GNSO have procedures for deferring a vote then they are applicable. You know, our timeline doesn't override that.

And let the GNSO set its operational rules; I don't think we need to do it in parallel and then change it if the GNSO changes its rules. Just make reference to it being allowed and leave it up for the GNSO rules to apply.

Jeff Neuman: Okay so that's another tactic we could take. James?

James Bladel: Yeah this is James speaking. Thanks Jeff. I think I tend to agree most of what Alan was saying here in that some of the comments almost want to pull us into the role of defining or creating a special operational procedure for Council when it comes to voting on PDPs which I think is what we're doing and I think that's okay.

And maybe we can clarify instead of saying - I lost my idea here - but it had something to do with using the term meeting cycles and that way to ensure that it wouldn't be a cumulative deferral. And I think that, you know, we really should tread very carefully here and to getting very prescriptive about what Council can and can't do on this.

I think they're going to do what we want them to do but we should express that we don't want them to delay these things indefinitely and that we don't want single individuals or constituencies to have that ability.

Jeff Neuman: So merging that with Alan's comments just basically say that, you know, we have timeframes in here however should, like Alan said, should the Council have a process for allowing a stakeholder group or constituency to defer consideration for one meeting that would be in line with what - essentially in line with what we're recommending. In

other words that wouldn't go against the - or unreasonably delay the PDPs.

Alan Greenberg: Yeah I was going to add that we could put an upper limit on it. But the wording you just used should the Council have a rule for delaying by one meeting covers that without explicitly saying it so I like yours better.

Jeff Neuman: Okay, Marika, you got that?

Marika Konings: Yes.

Jeff Neuman: Okay great. So then we move onto appeals. This is where we talked a little about an appeals process in our - in our report. It was very light weight and ALAC supported it. Right, it was basically to just have - this is an appeal if an issue is - or I should say a PDP is not commenced that there should be some - some discussion between the proposing advisory committee and the GNSO to understand why that was the case. So that's supported so that's good.

Recommendation 19 about chartering had comments from a number of different organizations including Stephane, the registries, INTA and CADNA. Stephane said the recommendation to change bylaws at the end of the recommendation to GNSO bylaws to make it clearer. It's not the same document as is being referred to - earlier in the paragraph. Marika, have you looked at that?

Marika Konings: Yeah, this is Marika. I think he's confused there because I think he just means that it's referring to another part of the bylaws where maybe in the first one we speak about the Annex and, you know, the - I think the

voting of the GNSO Council is defined in a different section because I think he's referring to GNSO bylaws but there are no GNSO bylaws. There's a section on the GNSO in the bylaws. So I think that's what he means but I'm not 100% sure.

Jeff Neuman: Okay let's - we can look at that and just make sure it's clear then. Recommendation from the registries that we explicitly state what a majority vote means according to the GNSO operating procedures. Any modification to a working group charter made after adoption by the GNSO Council on such charter, however, may be adopted by a majority vote of each house of the GNSO Council.

Did we not - are they saying - I can't remember now and I'm part of the registries. Is that just capitalizing majority or just creating a reference? Because I think the majority is defined in the bylaws itself. So maybe that's just, Marika, you and I...

Alan Greenberg: Well - is the concept of majority vote defined in the bylaws? I'll check.

Jeff Neuman: It is in Annex A I believe. I'm saying that now; I thought it was definitive. But I'm going back on my own definitiveness. Marika.

Marika Konings: Yeah, this is Marika. I don't think it's actually in Annex A but I think it's again in that part that describes the GNSO Council and the different voting levels. And I think here indeed it's just a clarification because what we say in the recommendation is majority vote of the GNSO Council. I think it's just specifying that what a majority vote in the GNSO Council actually means which is a majority of each house. So I think it's just...

Jeff Neuman: Great.

Marika Konings: ...a clarifying comment as I understand it.

Jeff Neuman: Good. Okay so that's pretty easy then. INTA agrees that a working group charter should be required. INTA would suggest setting a reasonable timeframe for the development and approval of the charter to ensure that this task is completed as soon as possible and does not delay the formation of a working group.

So I believe - I don't believe we actually set any kind of timeframe for this haven't we?

Marika Konings: That's correct.

Jeff Neuman: So what do you guys think on maybe providing guidance as opposed to a mandatory timeline? Well, you know what, one of the reasons we didn't do it - as I'm recalling now is that we did not specify whether a charter needed - could be prior to a PDP vote or afterwards.

So it is possible that - it's not likely that a number of PDPs may come to the Council with a charter already. So I guess that wouldn't violate. If we say a charter should be developed no later than 45 days after a vote to commence the PDP or something like that that wouldn't - if they had done the charter already that would still be consistent.

Now let me go to Alan and then Marika.

Alan Greenberg: Yeah, I would support not requiring that a charter be done before approval. You know, that almost forces a drafting group to be set up. And, you know, it's likely to be the same interested parties...

Jeff Neuman: Yeah.

Alan Greenberg: ...except in the case of a drafting group you're going to get the negative people coming in to try to reduce it. The Council still going - is still going to have to approve the charter so I would support keeping it flexible, setting a timeline perhaps but that's all.

Jeff Neuman: Yeah, I didn't need to - just - Alan, I didn't mean to imply I was just accounting for the possibility that it could be done prior. But the...

((Crosstalk))

Jeff Neuman: ...sorry, I was not trying to say that anyone was suggesting...

Alan Greenberg: No, no, I was agreeing with you.

Jeff Neuman: Oh okay.

Alan Greenberg: Going back to the majority the term majority vote is not defined in the bylaws so we shouldn't use it but we should be more explicit as the registry suggestion says.

Jeff Neuman: Okay. Thanks.

Alan Greenberg: Or recommend it be defined in the bylaws but either way it should be consistent.

Jeff Neuman: Okay I agree. Marika you had another comment?

Marika Konings: Yeah this is Marika. I would just like to caution a little about setting a timeline. I think we can maybe make a recommendation but practice has shown that it's drafting teams indeed, volunteers that need to gather, often developing - development of a charter in that stage is not the highest priority with other issues going on so sometimes it takes a bit of time. And it also depends on the issue that's on the table.

Sometimes it's very easy and straightforward because certain charter questions are just drawn from the issue's report and, you know, copied and pasted into a charter document. But for example if you looked at the vertical integration drafting team that developed that charter I think that went a lot more time into that because it was very complicated and very contentious as well what should go in there and what shouldn't go in there.

So I mean, maybe we can say like, you know, as soon as possible or feasible or something like that but I'd caution a bit about setting, you know, timeframes that might not reflect the complexity or also workload that's apparent at that stage.

Jeff Neuman: Okay so what do - Alan, you have another comment or is that...

Alan Greenberg: No I guess I, you know, in retrospect support what Marika just said. We have a Council right now which has taken the attitude in at least some cases that rules must be followed. And I don't think we want a rule that would force a bad product out of this. So I, you know, we may say, you

know, we'll generally be done within a certain amount of time or something but I think we want to allow flexibility.

Jeff Neuman: Okay. I think that's fair enough. We could say that the GNSO when it - if it votes to approve a PDP should - as a recommendation should set a timeline if they - in their - one of the options is that we could say that the GNSO upon approving a PDP should set a timeline for the completion of the charter. How do people feel about that?

Alan Greenberg: I'm not sure we need that. And the GNSO always has the right, you know, if the group hasn't come back in two consecutive meetings to lay down the law and tell it has to deliver by a certain date or something. I don't think it's worth our words to do that.

Jeff Neuman: Okay fair enough. Anyone disagree with that? Okay, let's go to Page 9 on Recommendation 21. Oh I'm sorry CADNA had said they support the recommendation; notes that it's important to ensure that the charter establish a clear set of goals to work towards in order to be able to properly measure the progress. Okay. I think that's just an agreement statement. Marika.

Marika Konings: Yeah this is Marika. I think that's something where we can as well defer to the GNSO working group guidelines that provide, you know, different elements that should be in charters among which indeed, you know, goals of work and milestones and things like that.

And maybe on the previous comment or the suggestion you made maybe that's just something to note in our - in the review tool by just saying, you know, that the Council always has the option to set a certain timeframe for a drafting to deliver a charter; it's not something

that needs to be mandated but that flexibility, you know, is in the Council's hands.

Jeff Neuman: Okay I think those are good notes. Jumping to 21 this is on advisory committee supporting organization input. There are comments from the registries and the INTA. Registries have said that the work team should consider more detailed procedures for communication and responsive to the GAC in an effort to improve involvement of the GAC and/or GAC members earlier in policy development and implementation efforts.

Registries also suggest that interim procedures be included regarding the involvement of community working groups in the GNSO policy development process until such time that community working group procedures are developed and implemented.

INTA says that additional explanation is needed regarding how to best involve ACs and SOs in a PDP. A clarification regarding how much input must be sought would be useful as well as the manner and timeframe in which the working group should respond to AC and SO comments.

Well let's take the first one of the registries. This one is a difficult one. And I think - I don't think that we talk about cross working groups with respect to formal PDPs. Marika, help me - keep me honest here. I think we talk about it in the working group guidelines but not here.

Marika Konings: I think that's correct.

Jeff Neuman: Alan.

Alan Greenberg: Yeah, I'm not quite sure I know what it means. It's quite clear that a PDP working group is a GNSO group. You know, nobody is talking about anything other than that. So what this involvement of community working groups in a GNSO PDP means; does that mean, you know, another group can input into the process?

Jeff Neuman: Well maybe they're saying...

Alan Greenberg: I'm not sure it's not allowed to but...

Jeff Neuman: Well let's take a hypothetical. Let's say that the DSO working group comes up with some recommendations for some kind of - something to do with security obviously. And they say it would be great if registries could do X, Y and Z - that registries or registrars could do X, Y and Z.

Now if the GNSO wants to adopt it the Council could always adopt the findings through its normal process. But let's say it wants to have that be a consensus policy to go into the contract. I guess in theory it would have to then go through a formal GNSO PDP and...

Alan Greenberg: You're back to a Fast Pass. The, you know, the potential rationale why we might want a Fast Pass is just that kind of thing. You know, it's cut and dry; everyone agrees but we need to go through the process and we've already decided we're not doing that or at least we're not going to specify it today.

Jeff Neuman: Well I wasn't necessarily talking about Fast Pass. What I was saying is more, you know, it would consider if I - as one strong input into the whole PDP process. So I'm sure that document would be used as a

basis to draft a charter and the issue report. The charter would certainly go in to the work of the group. But I'm not sure we need anything other than, you know...

Alan Greenberg: But, Jeff, that's not a working group influencing the PDP process; that's a working group being the rationale for creating a PDP process.

Jeff Neuman: Correct.

Alan Greenberg: Which, you know, I mean, if you look at the current IRTP PDPs, you know, they were created by a process, you know, that may well have been cross constituency working groups that we didn't call that. That's just the normal process.

Jeff Neuman: Okay so I'm not sure what we can do here or what we need to do here. So on the first part on it says we should consider more detailed proceedings, communicate and responses to the GAC. My gut reaction to that is that is a very complicated issue; one that is being addressed directly between the GNSO and the GAC.

I think we should agree with the comment that overall in all of its activities that the GNSO and GAC should find ways to better - to improve communication and improve involvement in each other's policy developments.

Alan Greenberg: Yeah the - the wording the ALAC added to the working group guidelines did address that to some extent. It says, you know, just sending out emails is not sufficient; we need personal contact.

Jeff Neuman: Right but this isn't - yes I agree. And this is a big issue that we're trying to work on at a Council level. And I think we should just reiterate that and just agree that - but it's not us that needs to create the detailed procedures; I think it's really more of an operation's issue for all - I mean, it's not unique to PDPs it's really for all of its work.

Alan Greenberg: It's not unique to PDPs but it's absolutely crucial for PDPs so that warrants us making a comment but not setting the procedures.

Jeff Neuman: Right. So I think we should do that. I definitely agree with that. Anyone disagree with that? Yeah, we support the comment the registries made. We say that yes we agree that more detailed procedures should be in place.

We view - and it's incumbent not just for, I mean, that it's important not just - in everything that the Council or GNSO does but extremely important in cases of policy develop PDPs. And so - but it's not really our place to develop at this point specific detailed procedures.

So I think it's the same way - similar answer to the INTA comments which are explanation is needed regarding how to best involve so how much input must be sought versus should be and the time and manner. Anyone have any ideas on that one?

Clarification regarding how much input must be sought - be useful. So we say input must be sought and they're saying clarify how much or how - no not how much, how such. So don't we say that - and maybe this is - maybe this is similar to Alan your comment to the working group guidelines. We put that here as well.

Alan Greenberg: I think perhaps we simply agree wholeheartedly that this is an issue which is going to require a significant focus over the next couple of years. But we're not pretending we know all the answers.

Jeff Neuman: I'll agreed with that, so let's go with it. Okay 22 we got complete agreement from Stephane so that's great. Oh, Alex.

Alex Gakuru: Oh sorry I'm back on the roll and I was removing the mute. I was saying maybe one of the other things that we could do is we could ask the work groups to demonstrate or to explain how they're sitting (unintelligible) from the various ACs and SOs to achieving this then we leave it to the work group so that they can show okay we are improving this AC and SO in this manner. They can base it themselves where we can - then we have less to them to demonstrate they're involving them. Thanks.

Jeff Neuman: So as part of the final report to make sure that the working group covers the outreach and what it did to solicit input from...

Alex Gakuru: Yeah.

Jeff Neuman: ...that. It's probably broader - it's broader than just ACs and SOs; it's how they did outreach in general.

Alex Gakuru: Yes.

Jeff Neuman: I think that's a fair comment. How do people feel about that? Marika is that something we can add?

Alex Gakuru: There's a comment...

((Crosstalk))

Marika Konings: Yeah, this is Marika. I think it's partly as well codifying existing practice because what we normally do in the, you know, in the different reports we do lists, the public comments received and, you know, if any experts participated in the working group, you know, those conversations are normally reflected as well.

So I think that's basically codifying what working groups already tend to do when they write their reports.

Jeff Neuman: So I think that's part of it; it's not just what we got it's more how do they - how do they try to get that? In other words did the working group take the effort - it's not - it's more of a proactive as opposed to a reactive or passive role.

Right, you could put something out for comment and then just react to the comments you get sort of like what we're doing now or you could - or you could actually - working groups generally don't show what efforts were made to get outside input in. Does that make sense?

So in other words did it just have a comment period or did the chair of the working group reach out personally to the GAC and ALAC was there a teleconference call, was there a webinar, were there efforts to reach out directly to those that may be impacted. Marika.

Marika Konings: This is Marika. I mean, looking at some of the existing working groups I know some of the outreach for example is done when public comment

forums open and those are send specifically to, you know, groups or organizations that people think that have an interest in.

But I don't know if we're really adding an additional burden on working groups if they have to start documenting as well, you know, who did they reach out to, who did they send the emails to, when did they speak to them? And, you know, I see the value and I think encouraging them to do that, you know, I think is helpful.

But I'm not really sure whether we should require them to document that as well in their report because that would really add additional dimension to do, you know, a lot of work there already doing basically.

Jeff Neuman: Okay, Alex, do you have thoughts on that? Alex, your hand is raised; I'm not sure if that's left over. Okay so Marika why don't we - at least I think we could still - I think, Marika, I think it's done now. I think, you know, that kind of thing is done normally in the reports anyway where it says that, you know, we have this webinar, we did this, we reached out with the survey.

Marika Konings: Right, right that is done but, for example, we don't document, like normally when we, you know, open a public comment period we do ask working group members like, you know, can you please, you know, use your networks or blogs or whatever you're using to, you know, promote this and reach out.

You know, we don't document like well a Person X ended here and Person Y posted there but it's standing practice we do indeed, you know, record if we did a webinar or if indeed we invited experts that,

you know, provided input or if there were specific, you know, requests for information sent to certain groups so that is indeed recorded.

Jeff Neuman: Okay.

Marika Konings: So I think we - you know, it's no problem to say that, you know, working groups should be encouraged to provide as much detail as they can on the outreach and input the gods from other organizations. I think that's common you know, that would fit well I think with the comment and hopefully as well what Alex comment is.

Jeff Neuman: Okay I agree with that. Okay if we jump into 23 which - I'm skipping 22 because it's just agreements - is clarify what in scope means. And so the registries and CADNA had a comment to this. The registries agree the definition provided by the work team is one definition of in scope and that this definition is important. The registry stakeholder groups suggest that this definition of in scope with regard - or that the definition of in scope with regard to possible consensus policies be included here for clarity. Marika.

Marika Konings: Yeah this is Marika. I actually had a question and I hope, Jeff, you might know as it comes from the registries because I read this is just meaning we should include the definition of scope as, you know, some people interpret it as being just, you know, linked to consensus policy just to contrast it to. Or to the registries mean that that is also a valid definition of in scope?

Jeff Neuman: No, and it's - it was the former; it was that you should just compare and contrast this section because I think we did that in the preliminary...

Marika Konings: Yes.

Jeff Neuman: ...report.

Marika Konings: Because that's why I'm actually confused because if you look at the recommendation it actually does say that because we basically say that, you know, that within scope means within scope of ICANN's mission and more specifically the role of the genus so as opposed to within scope of the contractor's party's definition of consensus policies. Simon little confused as to why they still think it needs to be called out.

Jeff Neuman: Well because I think - so in the discussion that we had it was - when you say as opposed to we're then now requiring each person that reads this document to now read each of the registry agreements. And if you could...

Marika Konings: Oh okay.

((Crosstalk))

Jeff Neuman: ...detail here it would be easier just for clarity's sake.

Marika Konings: Ok so you just mean the definition of consensus policies as it is in the contracts; that's what it's trying to say.

Jeff Neuman: Like as an example you could say for example the registries have this as their definition - or most of the registries - I'm sure it's not completely uniform. And then you could say in the registrar agreements here's what consensus or in scope means for them. Even

as a footnote or something like that so that they don't have to go back to other documents.

Marika Konings: Okay I understand now.

Jeff Neuman: Alan.

Alan Greenberg: Yeah, we're perpetuating the ICANN practice of using the exact same term in multiple ways here. And maybe we should move away from that. Maybe we should use the term in GNSO scope and in consensus policy scope as two unique things so that they're not confused on a regular basis.

Simply highlighting the fact that this is in scope A, not in scope B when they're both spelled exactly the same way just reinforces, you know, what we do in ICANN all the time. And maybe we should break some new ground and actually use two different terms in the new bylaws that go along with this.

Jeff Neuman: Well so I agree that we shouldn't have terms that are the same - that means different things. But if you look at the contracts they actually don't use the term in scope. The contracts, for example, the registries say consensus policies shall mean those specifications or polices established, blah, blah, blah, blah. There's nowhere in the registry agreements do the words in scope appear.

Alan Greenberg: Then - excuse me - then we should either be consistent with that or come up with terms that are in fact different. But let's not propagate the multiple definitions of in scope in what we're producing.

Jeff Neuman: Right so we could...

Alan Greenberg: Which is what the current wording does.

Jeff Neuman: Yeah so we could - I hear what you're saying and I think that's right. So instead of using the term in scope of a consensus policy we could clarify we're only using in scope to mean in scope of a PDP and - I know what you're saying, Alan. And let's look at the language and see how we can do that. I think you're right.

Alan Greenberg: That's fine.

Jeff Neuman: Let's see CADNA says that they support the recommendation. Notes that with regard to the initiation of a PDP it is important to define how the proposed issue fits within the scope of ICANN's mission, how it addresses the provisions laid out in the affirmation of commitment. So I think that's just agreement with what we said.

And then the last one I want to cover...

Alan Greenberg: Actually they're using a third definition of in scope.

Jeff Neuman: Which is affirmation of commitment?

Alan Greenberg: With ICANN's scope. I mean, we were just talking about GNSO scope and consensus policy scope; they're adding an ICANN scope on which presumably is a superset of GNSO scope.

Jeff Neuman: Yeah. So it's important to define how the proposed issue fits within scope of ICANN. Well by definition if it fits within the scope of GNSO it

fits within the scope of ICANN. You can't have something that's in scope of GNSO that's not in scope of ICANN. Adversely you can't have something that's not in scope of ICANN be in scope for GNSO.

Alan Greenberg: Based on some of our discussions you could.

Jeff Neuman: I'm not sure much else other than that needs to be stated.

Alan Greenberg: Noted.

Jeff Neuman: I think we note it and move on. Okay so working methods - registries, ALAC and INTA commented - let's see it would be helpful if some examples of possible different working methods are provided. ALAC is pleased to see that the work team has supported flexibility, that's in agreement. INTA is supportive but should clarify who may or who is responsible for suggesting and developing such alternate processes as well as approvals required to implement such processes.

Well I think the INTA one to respond to the Council and I believe we say as long as the essential elements are included it's really the rest of it that doesn't fall within (the) mandatory is Council's discretion by a majority of each house I would assume. Alan.

Alan Greenberg: Yeah, I disagree with the registry comment; I don't think it is our job to define what the alternate methods might be just that should they exist we don't forbid them.

Jeff Neuman: Well they're not - they're not - I think the registries are just saying can we - it would be helpful if we can provide examples.

Alan Greenberg: Well we have an example, a task force, you know, the ones we used to - the rules we used to use, a committee of the whole, you know, there's all sorts different things we might do. Delegating Jeff Neuman as god and letting him set the rules.

Jeff Neuman: I like that one.

Alan Greenberg: Yeah well I thought you might.

Jeff Neuman: Marika.

Marika Konings: Yeah this is Marika. To CADNA's comment I do believe that in the manual we actually - we did speak about that I think in the, you know, when we drafted the proposed final report and I believe - I would need to look it up but I believe we provided some language around that in the manual where indeed it clarifies that is the GNSO Council that could determine any potential different working methods. But I can look that up and if so we can reference that in our response.

Jeff Neuman: Yeah let's do that; I think that's good.

Alan Greenberg: Yeah.

Jeff Neuman: I think - it's just referencing to make sure it's not limiting so it's not - it's only these methods but these are some examples that have been used in the past that maybe should the Council decide be used in the future. So, you know, these are not the only example; be clear on that.

Alan Greenberg: Yeah that's fine.

Jeff Neuman: Okay let's see if we can nail down one or two others. CADNA supports the public comment period so that's good; that's, 28, 29. INTA supports but further recommends setting a reasonable timeframe, for example 30 days after the closing of the public comment forum to ensure comments can be relayed to the working group.

So is this a - oh and the working group shall review as opposed to responsible for reviewing. Marika, on the INTA comment is this basically saying that the summary should be done within 30 days? It's talking about the summary?

Marika Konings: Yeah, this is Marika. I think that's what they mean. And if I can just comment on that I think in practice we normally provide it way before that time. Again I would just be hesitant here of setting a, you know, exact limit of 30 days as in certain instances there might be reasons why it cannot be done in 30 days maybe due to the volume of comments or other work that's ongoing.

But I think in practice on at least policy-related public comment forums I believe staff is normally pretty quick in the turnaround time and providing that to working groups for their review.

Jeff Neuman: Well what if we said something like should be provided within 30 days after absent exigent circumstances.

Alan Greenberg: Should generally.

Jeff Neuman: Right.

Marika Konings: I think that's fine.

Alan Greenberg: That's fine.

Jeff Neuman: Okay. Paul agrees. Okay good. And then let's see, talk to 29, I think is - I think 29 is a good change; I think we've kind of - I remember at the meeting we all just looked at each other and said yeah. It's a more direct way of saying it as opposed to the passive way that we said it because saying responsible for reviewing indicates that we could delegate that to someone else where as opposed to saying shall review the comments.

Alan Greenberg: Anything that removes two whole words is good.

Jeff Neuman: I think I want to stop here because I think if we start talking about implementation - I think this is a good place to stop. Everyone agree?

Alan Greenberg: Yeah.

Jeff Neuman: So, all right, great so we are having a call - that is we are - yes we are having a call next week, at normal time, it's a weekly call. In fact we probably should send out a note saying unless you hear otherwise assume it's every Thursday at the same time. And then we'll kick off from - we'll kick off on Comment 31. Marika, you have a...

Marika Konings: Yeah, this is Marika. Just to note that I won't be available the next two meetings but Margie will cover so no need to suspend calls but I just won't be there.

Jeff Neuman: Okay. Well I'm sure you'll listen to all the tapes and...

Marika Konings: Of course...

((Crosstalk))

Jeff Neuman: Great. So that's good. Let's end the call here. We can stop the recording. And I will talk to everyone a week from today.

Alan Greenberg: Thank you Jeff.

Paul Diaz: Thanks guys.

Jeff Neuman: Sounds good. All right bye.

Marika Konings: Thanks. Bye.

James Bladel: Thanks, Jeff. Good progress.

Jeff Neuman: Thanks.

                            END