

**Policy Process Steering Committee (PPSC) Policy Development Process (PDP)
Work Team (WT)
TRANSCRIPTION
Thursday 14 October 2010 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 October 2010, 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-20101014-en.mp3>

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Participants on the Call:

Jeff Neuman - Registry Stakeholder Group - Work Team Chair

Alan Greenberg – ALAC

Wolf-Ulrich Knoben – ISCPC

Alex Gakuru - Non Commercial Stakeholder Group

Paul Diaz - Registrar Stakeholder Group

Avri Doria - Non Commercial Stakeholder Group

ICANN Staff:

Glen de Saint Gery

Marika Konings

Gisella Gruber-White

Margie Milam

Absent apologies:

James Bladel – Registrar Stakeholder Group

Tatiana Khramtsova - Registrar Stakeholder Group

Gisella Gruber-White: Good morning, good afternoon, good evening to everyone. On today's PPSC PDP call on Thursday the 14th of October we have Jeff Neuman, Alex Gakuru, Avri Doria, Paul Diaz, Wolf Knoben, Alan Greenberg. From staff we have Marika Konings, Margie Milam, Glen de Saint Gery, myself, Gisella Gruber-White. We have apologies from Tatyana Khramtsova and James Bladel.

If I could please just remind everyone to state their names when speaking for transcript purposes. Thank you, over to you Jeff.

Jeff Neuman: Thank you very much. This is Jeff Neuman, Chair of the PDP Work Team. It is, as Gisella said, October 14. And we are making some good progress and hopefully today will be a day that we can come close to (unintelligible) this public comment review tool.

Wolf already has a question so I'm going to go to Wolf.

Wolf Ulrich-Knoben: Hi, together - no it's not a question. I just would like to welcome Jeff to the Council for November. Congratulations to the election Jeff and hopefully we have good luck together in the future. Thanks.

Jeff Neuman: Thank you Wolf. Actually so I guess I joined after the annual meeting so Chuck is still there. Chuck and Edmon and I look forward to joining after that meeting. Avri.

Avri Doria: Yes, I just wanted to add to that that I will miss seeing your email that says, "Since I don't have access to send to this list."

Wolf Ulrich-Knoben: Yes.

Avri Doria: So I...

Jeff Neuman: Yes.

Avri Doria: ...just wanted to say that I'm going to miss those.

Jeff Neuman: Well...

Avri Doria: I'll start sending them now.

Jeff Neuman: I'm sure you'll just see the substance of those emails now as opposed to the prefatory statements.

((Crosstalk))

Jeff Neuman: Thank you. I figure, you know, it's enough time from the outside criticizing I might as well do it from the inside.

Avri Doria: It's a lot more fun.

Jeff Neuman: I'm sure. Okay on that note so what - just as a - some of you may have joined a little bit early to hear some of our pre-talk on this. The goal is to have a - I know our next step in the PDP process is to actually do a final report.

What we'd actually like to do because we're not sure we can get a final report out before the Cartagena meeting is to get the next draft out by the document deadline in Cartagena so we could have a session to talk about those things at Cartagena with the goal of issuing a final report shortly after the Cartagena meeting.

So we think there'll be enough new stuff to generate interest in commenting on the stuff that we've talked about since. And ICANN's legal staff is already working on some of the deliverables that we said we would be doing like a draft of bylaws and draft - well draft Annex A to the bylaws and some other things.

So we think we'll have a good amount of substance to put out before Cartagena to generate discussion even though it won't be a quote, final report. Does anyone have any questions on that?

Alan Greenberg: Just a comment, Jeff. My recollection is we were - we had scheduled the final report well into 2011, am I mis-remembering?

Jeff Neuman: I think that might - Marika, you might be better to answer that.

Alan Greenberg: I'm just wondering did we really make up a lot of time we didn't expect to?

Marika Konings: Yes, this is Marika. I think the idea was indeed from the start to have a draft final report as a number of the recommendations hadn't been decided upon yet and also because some issues weren't discussed yet.

Alan Greenberg: Oh okay.

Marika Konings: I think the question is a bit like how draft final is this report that we can put out by Cartagena? Will we manage to get through all the overarching issues and have recommendations on all the items that we feel comfortable that this is really the draft final report that we're putting out for public comments or whether, you know, we'll have a further discussion in Cartagena but we'll still need to do more work and still rework some of the recommendations that might need further community consideration before we really call it final and are happy to, you know, push it ahead to the (PPFC).

Alan Greenberg: Okay.

Jeff Neuman: Right. Okay thank you for that clarification. So what we'll spend the rest of the day doing or the rest of our time now doing is going through the public comment review tool. We are getting close to the end. We are on the overarching issues, which is on Page 36 of 39.

And just as a reminder we'll go through this and then we'll go through some of Mary's comments or actually I should say Mary's comments that were endorsed by the non-commercial stakeholder group. We'll go through some of those comments that we may not have covered in - previously.

And then after that we will get back to you next week as to - we're going to do a - basically inventory of the issues that we still have basically that were left for, you know, still to discuss. So we will take up on that starting next week.

Also today I'm going to - we're going to keep this call to an hour which is another 50 - 50 minutes. And I know that won't disappoint most of you but I think last week we did a good job with keeping it down to an hour and I think people got less fatigued by the hour so we'll try to keep this one to an hour as well. Any objections to that? All right I didn't think so.

So, going to Page 36 of the public comment review tool in the overarching issue's section, the first comment was from the - or a bunch of comments were from the International Trademark Association. And the first issue - the first comment they made is without firm recommendations or in some cases any roadmap suggesting a direction of the work team's discussions to date on a particular overarching issue it's difficult for them to comment. I fully understand that.

They hope that the public will have another opportunity to comment. And so I think that's something we were planning on anyway, we realized that. We were just hoping on some of these issues to get more brainstorming and ideas.

So jumping onto a specific issue the first one is on timing. They agree that an overall assessment of timing needs to be conducted. They hope that the public will have a further opportunity to comment, okay. There's really not much.

So one of the issues we will need to put on the agenda starting next week is on timing and putting everything together. We've had some discussions on some individual elements but we haven't looked at it from a holistic standpoint. And Marika, help refresh my memory, we did not do - in the chart that we did for the report did we do a kind of timeline as to, you know, did we

do like a draft straw man as far as timing? I know we did the steps but we didn't really put any kind of timing in that right?

Marika Konings: This is Marika. No we didn't. And if you look at the different recommendations that we've made I think so far the only thing we've identified as far as timing is like minimum timeframes for public comment periods.

It looks like for most of the others we've talked about, you know, maybe having the issue's report - a proposed timeline for the PDP org charter. But I guess in the end it might be a challenge to actually do the timeline because we're allowing so much more flexibility in the model we're looking at now depending on the issue and the outline.

So we haven't...

((Crosstalk))

Marika Konings: ...whether we want to set maximum timeframes for anything. But I don't think, you know, on any of the issues so far there has been support for that.

Jeff Neuman: So I think we've done some things like saying that once a initial report comes out or certain reports come out in the process that we take a minimum of X number of days of public comment period.

We've also said things that when the report is delivered to the council within X number of days prior to the council meeting, you know, we - there are some indications of timing even though it's not, you know, a concrete number of days.

But it was like, you know, we think the council should address it at their next meeting even if they decide to table it for one meeting. It would be nice if we could just lay out some of those things where they're listed even if it's not

made concrete number but more like, you know, X plus 30 days or something like that.

Marika Konings: Right and what we might do as well for those phases where we are not defining a time we might indicate like, you know, to be defined in the charter, to be defined in the issue's report to indicate, you know, in which context that is defined.

And it's not the kind of open ended or it's not the intention of having open ended, you know, working groups and developments of issue's report but the timing is normally decided either, you know, between staff and the council or as part of the charter discussions of such.

Jeff Neuman: Right. And maybe we can make up some sort of fake scenario which this group may be able to agree on, you know, what something like that would look like as kind of to say an example but not - it's just an illustration as opposed to a firm example.

Because we don't - what we don't want people to come out of this believing is that these are, you know, we started on the one end of the pendulum, if you will, with having time periods that are completely unrealistic and too fast. But we don't want to lead people to believe the other side of the pendulum is what we're recommending meaning that it's completely - like you say, completely open ended and every PDP will now take five to six years, you know, that's not - that's not the intention either.

Marika you have your hand raised?

Marika Konings: Yes, this is Marika. I guess something that might be helpful in that context, I did develop some time ago a table that compares the different PDPs and the different stages. And from there I constructed what the average timeframe is for example, you know, to get to initial report and get to the final report taking

into account that, you know, some groups move faster and others move slower.

So those timeframes might provide some indication if the group indeed wants to give a kind of overview of what a typical PDP might look like.

Jeff Neuman: Yes, let's take a look at those averages. Some of those averages are kind of scary because some of the groups went way over the timing and other group were kind of much more I would say realistic in terms of what our goal should be for PDPs. But there were some groups that were just, you know, years in the making. And so, yes, I agree that that'll be helpful discussion and helpful illustration.

Alan.

Alan Greenberg: Yes your observation is true but PDPs come in a lot of different flavors. And comparing the PDP on new gTLDs to the domain tasting one for instance I, you know, they're going to - you're going to see radically different times and efforts into those.

And - but that was - had a lot to do with the environment they were working in, what the problem was and the possibility for easy solutions or relatively easy solutions. So...

Jeff Neuman: Right.

Alan Greenberg: ...you can't take all these out of context.

Jeff Neuman: Exactly. And then I - yes, I agree with that which is why averages are kind of scary whereas if you just post a couple illustrations and the context as opposed to just doing, you know, like a straight average that might be better.

Okay so any other comments on the timing? So that's kind of one we'll have to push off a little bit. On translation - on the next item we did have some more concrete recommendations which is essentially we - going back to the report - and Marika, do you recall where in the report we talk about this?

But I do remember that we certainly had recommendations about doing executive summaries in the - I'll call it the ICANN languages but if there's a better, more appropriate term. Is it the UN languages or what is the term that ICANN uses?

Marika Konings: Correct I think it's the five UN languages that we use. It's in Chapter 8, Page 116.

Jeff Neuman: Okay. So we do have a recommendation about that. We have recommendations about certain - making sure that the executive summary includes things like the overall recommendations that the group is making to make sure that that's translated.

We have some discussion in there about - if I'm recalling correctly about whether a public comment period - whether public comments that we get back should be translated.

And so Alan you have a comment?

Alan Greenberg: Yes, I - your reference to the executive summary troubles me just a little bit based on the discussion that's been going on on the council list where Bruce had made the comment a week or so ago that what the board expects is executive summaries that are a page long not much more.

And, you know, if the executive summary doesn't do it then staff will do it for them. You know, we're going back to the issue of what does the staff report look like. So I think we may just want to be careful on the words. I tend to agree that executive summaries or something needs to be very short and

concise which may not have room for all the recommendations and things like that in it.

So it may not be the executive summary we translate it may be, you know, we seem to be drifting towards getting three things, the report itself, a summary of the report and then the one pager. And maybe we need new nomenclature.

((Crosstalk))

Alan Greenberg: We want to make sure that it's not the one pager we're taking about. If the executive summary becomes really curt then we need something else in between the two.

Jeff Neuman: Yes so I think that's really important and a good comment. And it's kind of why I started out by saying the executive summary and the recommendations because the recommendations themselves may not all be in the executive summary.

Alan Greenberg: Okay.

Jeff Neuman: But I do think you're right, we do need to spell that out. For example in the initial report we said that the work team agreed that the following elements must be translated, the charter, the executive summary or the initial final - other report and that public comments must be received in other languages where feasible.

We said that the work team agreed that policy recommendations should be translated. And we agreed to discuss at its next meeting the potential impact of translation on timing especially in relation to the public comment period.

And in relation to the issue of how to ensure doing the translations will not slow down the PDP process. The work team discussed the different options

such as waiting until all translations are available before releasing the documents and opening the public comment period, extending the public comment period for other languages if translated documents become available later or shorten public comment periods in other language than English to allow time to translate comments back into English.

The work team also noted the budget implication of translation - that translations have and ICANN staff was asked to gather data on the use of any demand for translated documents to help inform the deliberations. Most members agreed that the work team should propose guidelines instead of mandatory requirements.

And basically, saying that the target is to make as many documents available in the five UN languages in order for people to constructively participate in the PDP process.

The (INCA) - and I'll get to Marika in a second here - the (INCA) said that provisions to the new PDP related to translation should where possible be consistent with ICANN's translation policy. They support the idea of using volunteers to translate however it may support the role of a volunteer in a (unintelligible) group that would review professionally prepared translations to ensure the translations use technically - technical terms correctly. And qualifications for volunteers should be outlined.

Then their comment next is further considerations should be given to how the proposed translation of key documents and public comments will impact new timelines. Fairness and inclusion dictate that non-English speakers should have the same rights and time to comment. And providing translations on public comments may improve inclusiveness but may have a negative effect on the efficiency of the PDP.

Marika do you have any comments?

Marika Konings: Yes, this is Marika. In relation to the first comment made by the (INCA) and the discussions we've had - I think it's the second comment actually. There currently is no overall ICANN policy in relation to translation. We have some principals that we've reviewed.

But I'm wondering instead of, you know, because this is an issue where we've had internal discussions and I think is an item that we, you know, we could have a discussion on what should, what shouldn't be, the impact and the timing/cost implications and whether it would make sense just make a general statement that, you know, we encourage as much participation as possible and especially, you know, these kind of items but we strongly encourage that an overall translation policy is adopted by ICANN.

So in the end I think our plans for doing that and having those discussions and presumably, you know, once that gets into effect that will apply to all the different bodies within ICANN. So I'm wondering if that's an easier way forward here instead of really trying to define all the different principals and the timing and impact.

I'm just - because I think it's, you know, as we currently look at it it's a real impact on the budget. And it would require, for example, if we really go to translating everything for example, a request from the GNSO to have more budget allocated to translating specifically GNSO documents.

I mean we're trying to do as much as we can with the budget we have now but, you know, making it mandatory or, you know, maybe requiring it might have some implications that will need further steps in the process. So...

Jeff Neuman: So are you - just to clarify - are you saying that making things mandatory like translating the executive summary and the recommendations would be an issue or for other things with respect to timing?

Marika Konings: I think we're - as a practice we're already currently doing that especially the executive summary. So I think that's already a standing practice and I don't know if that would really have an impact on the budget as-is. Of course it depends as well on the number of documents we put out and etcetera all because it would apply to any document we produce or, you know, we're (unintelligible) only to the PDP.

So I think it's partly a question as well of a consistent approach that would be helpful. I think also for the broader community because they know what to expect if something is published whether it's going to be translated or not.

So partly here and, you know, talking and thinking at the same time this of course we're now only talking about PDPs, you know, the council - or the GNSO Council and community produce a number of different documents as well so there would be inconsistencies there if we make certain things mandatory here but not on the other side.

So maybe strongly recommending and basically highlighting the need for an overall ICANN policy on translation to really address the issue and make sure there's a consistent approach that manages at the same time the expectations and also takes into account the budget implications that, you know, translation might or could have.

Jeff Neuman: Okay. Alan?

Alan Greenberg: Yes, I find the combination of allowing the same amount of time for comments regardless of language and the possibility or the likelihood that the English language - English version will come out first very problematic.

That's happened a number of times in - over the last couple of years and it essentially presumes that someone will read a language version and comment on it and does not allow for groups which have multiple language speakers among them coming out with a joint comment.

So, you know, we've had the situation in the past where the English language comments are closed on one date and the translation comments close three weeks later. And ALAC has taken the position that we cannot comment with our comment in English until the end of the final period because we can't get input from people within our group who are relying on the foreign language ones.

So we need to make sure that the set of rules we come up with or recommendations we come up with are consistent and allow composite answers - composite responses to come - comments to come in which combine multiple language input. I'm not sure if that made any sense but...

Jeff Neuman: Yes, no that makes sense and that's a good ideal. I'm just - I'm trying to think of practical effect of what that means. Essentially what you're saying is that the public comment period shouldn't start at all until all of the languages - all of the executive summaries, recommendations, et cetera, are translated in all of those languages.

Alan Greenberg: That's one option.

Avri Doria: I don't think...

Alan Greenberg: And the other option is the comment periods not be the same length of time but end on the same date with obviously a reasonable amount for the shortest one.

Jeff Neuman: Okay. Avri.

Avri Doria: Yes, that's exactly what I was going to say, they should have an end to end linking and not a beginning - beginning link. You know, as in any type of scheduling exercise so, yes, you should schedule the end of them back from

what is reasonable for the translation. But none of them should end until all of them end.

Jeff Neuman: So we've said in our recommendations that a minimum comment period should be a certain number of days and I'm blanking as to what we said as far as 21 or 20, 21 or 30; I can't remember what we said, whatever it is. We said that the minimum should be that amount of time.

Are we saying that that minimum applies to each individual language? So - or are we saying that something shorter than the minimum could be for other languages?

Alan Greenberg: No I would think that there are - if we are putting out languages because we expect comments from those speakers those people have to have the minimum time allowed.

Avri Doria: I agree.

Jeff Neuman: Right so essentially what we're saying is 30 days from the last translation that comes out of the five UN languages...

Alan Greenberg: If 30 days is the magic number, yes.

Jeff Neuman: Yes I can't remember what that (lately) said but obviously, yes, using that as an example. So it's whatever that number of days from the date of the last translation.

Alan Greenberg: I mean, there are arguments from, you know, Spanish and French speakers and Arabic speakers saying it's not fair that the English people - or English readers have more time than we do. But I think it's less fair to the community to hold back a report that's available because the translations aren't available. I don't think this is so politically charged that we need to worry about that.

Avri Doria: Can I comment on that?

((Crosstalk))

Jeff Neuman: Let me go quickly to Margie and then I'll com back to you Avri.

Avri Doria: Okay.

Jeff Neuman: Margie.

Margie Milam: Yes, sorry, I was trying to turn off my mute. Yes, I just wanted to point out that if the goal is to reduce the amount of time involved with PDPs, I mean, I know this is a tough issue but I was thinking of something that Jeff mentioned earlier when we looked at the averages for PDPs.

And I had a feeling that if we were to do this with respect to the language issue that we would dramatically increase the time that it takes to get work done through the PDPs. So I just wanted to raise that that we're probably going to be going in the other direction if this were to happen, you know, because it's not only, you know, the translating but it takes a while just working with the translation department.

You know, obviously rush translations are very expensive. So you have to factor in the time it takes to do the translation and then you tack on the public comment period and then the - do the comments come back in English or they come back in the other languages? And then you've got to translate that back before the work that's concluded. You're adding months to the process.

So I just wanted to highlight that. I'm not, you know, I understand the issue and, you know, and I think what Marika said earlier about it being part of a bigger translation policy for ICANN is probably right because there's a lot of, you know, operational issues related to doing something like this.

Jeff Neuman: So can I ask a real quick question and then does everyone - Margie, I think our registry agreements and registrar agreements say that English is the controlling language, is that - that's right?

Margie Milam: Yes, I believe so, yes.

Jeff Neuman: So for PDPs that are binding consensus policies it wouldn't be that unusual for English - like we're putting a lot of emphasis in translations because we want comments but in the end it would be an English version that would control?

Margie Milam: Yes, that would be my understanding because there's a wide variation in quality of translations as well and that's a big issue.

Jeff Neuman: Okay. Avri then back to Alan.

Avri Doria: Okay, yes, I understand the - what Alan said about the unfairness and in fact that's one of the reasons why in a UN context they all have to come out at the same time and etcetera.

However I think that there's two points that can - one is - and I don't know that emphasizing the controlling language is necessarily a good thing in the political atmosphere of ICANN even though, yes, that remains the case and saying because it's the control language they get more time, saying that would be politically difficult to say.

I think, A, encouraging that the translation - that there be an attempt to get the translations out as soon or as close to the same time as the English is okay. And I think one of the reasons we can make is that, you know, we understand that so many people do have English as a second language that this does not stop its spread.

But one of the other things I would suggest looking at is in all of these reports in my experience we tend to spend the last couple weeks if not months in preparing something, word-smithing small pieces, changing sentences here and there, you know, doing careful crafting of, you know, sometimes just dithering over what a sentence should say.

And I think that - and this is again something that, you know, I've seen and experienced, you can get the bulk of a translation done and standing by waiting for the final edit. And in those cases there doesn't need to be much of a lag and you can shorten the elapsed time of translations.

And, you know, yes I know that feeds more into what is ICANN's general translation practice and I guess policy. But - and here we're making recommendations on what that translation policy should be and figuring out how to do the practice of it becomes, you know, another issue.

But it makes it possible to curtail that time so I think making recommendations that, you know, they not wait until the final is done makes it possible to do it. But I don't think we have to necessarily link ourselves to the beginning dependency and we can make it just an ending - an end to end event. Thanks.

Jeff Neuman: Yes I think one of the issues that - and probably one of the reasons Margie and Marika raised their hand is if you - if you do the translation before the English one is done, let's say, because PDP work team is doing it in English, that can get much more expensive because essentially you're going to have to redo translations to reflect the final language so that could have a pretty large budgetary impact I would think.

And let me go to Margie and Marika and then I'll go to Alan.

((Crosstalk))

Margie Milam: You got it best. I mean, it's a question of difficulty and cost. I mean, the translations can be extensive. And you're assuming that it's the same person that would be reading - that would be doing the two different documents. And I just think it's a extremely cumbersome process and costly.

And also just from my experience on the various working groups I've seen dramatic changes between reports. And so I don't, you know, there's some cases that certainly what Avri mentions is correct, that there aren't a lot of changes. But here's also I've seen, you know, a fair amount of changes so that it's essentially - almost a futile effort. So I just think that that's not a workable solution.

Jeff Neuman: Marika and then I'll get back to Alan.

Marika Konings: Yes, this is Marika, I mean, just to completely agree with what Margie said and that Jeff said as well on the cost and workability solution. But again because I think, you know, we're really getting bogged down in here and trying to solve the translation issue while I really believe that this should be done at a higher overall ICANN level.

Because even, you know, addressing comments I know it has been an issue, for example as well in the new TLD context. So I would really, you know, argue that it would make much more sense to, you know, just strongly recommend that, you know, this issue is moved up the priority ladder to address and make sure that there is an overall policy.

And my thought, you know, add a number of - a way to make the things they would like to see happen in that context or what they recommend to do. But I think, you know, we could spend weeks trying to develop a policy here which in the end, you know, might not be (incremental) because of budget considerations or might be overruled once a global, you know, or an overall translation policy is adopted.

Jeff Neuman: Yes, so well Marika I think some - I think with respect to some of the things you're right but I also think that, you know, Avri's come - her concept of an end to end dependency - and I think Alan agreed with that as well - making the strong recommendation to ICANN coming bottom up instead of top down and making our recommendations as look, ICANN, we'll defer to your overall efforts but please make sure you indicate - please make sure you follow these general principals as for PDPs we want to make sure that there's end to end consistency in public comment periods involving PDPs.

I think it's kind of a helpful exercise. I...

Marika Konings: Right, right.

Jeff Neuman: ...yes, so I agree that some of the detail may be too much; it could take us weeks. But I think even today just now we've come up with a couple of principals that may be good to recommend.

Marika Konings: Right and I think that's absolutely...

Jeff Neuman: Alan.

Marika Konings: ...right as long as indeed - in this context we don't mandate an (unintelligible) because I think, you know, it does require a bigger discussion also on budget implications so they'd be translating, you know, comments back and forth.

If you look for example at a comment period, you know, what happened with (XXX), I mean, the cost of translating that back and forth even though many of them, you know, probably said exactly the same thing, has a serious impact.

So, you know, I think we've, you know, do this on a sensible approach and making sure as well that I think working groups there will have a good sense if certain issues might be of more interest to certain language communities

and advocate in that way and work with staff on, you know, budget availability and timing and things like that.

I think it's - I believe it's flexible I think, you know, we all know what the expectations are and wishes are.

Jeff Neuman: Okay. Alan.

Alan Greenberg: Yes, the last 10 minutes has covered a fair amount of what I was going to say with people coming out on both sides of it. In terms of the step by step translation a number of documents that I've worked on - I've been involved with recently - and they may well have been at large ones, I don't remember - have been done that way, that is that translations have been done early.

And one has to be meticulous in keeping redline versions to make sure that you can readily show the translators what has changed. But that is possible if the document is the kind that is largely written and not going to be completely written from scratch.

It does fall apart however because very often executive summaries are only written right at the end. And if it's the executive summary where only the executive summaries we're translating the whole concept does fall apart completely. But there is some experience doing this and it does work in certain select cases anyway.

I think, Jeff, I think you're right in that we need to put some principals in. And one of them is the one I talked about before that one shouldn't presume that a single language version is sufficient for making comments and therefore, you know, you have to allow the minimum time after all languages are available if we're going to get comments which represent more than a single person or a single small organization.

And there are a number of principals I think we can put in that or at least give targets for whoever comes up with the formal language policies. And I don't think it's going to be a one-size fits all unfortunately. Different classes of documents I think are going to fall into different categories. Thank you.

Jeff Neuman: No thanks Alan. Avri.

Avri Doria: Yes, I'd like to get back to this notion that the current implementation constraints are somehow able to constrain what we're saying and what should be the policy vis-à-vis the policy development process. What we're talking about here is not just some general working group efforts; we're talking about what is the policy development process and we're talking about the necessity for multilingualism in that policy development process.

So to say that the current implementation of how it is done in ICANN presents a constraint to doing that in a way that's considered, you know, correct from a policy perspective I think is problematic.

Certainly for staff to come back to a policy recommendation that we make here saying, you know, to do that would require, you know, a budget change of X is a perfectly reasonable response from staff to sort of say listen from a policy perspective we understand what you're saying that multilingualism is something that ICANN has accepted as a policy necessity.

And in the PDP which is the most important of our policy efforts, you know, the kind of thing that gets AOC attention, etcetera, for transparency. We understand the necessity for multilingualism there and however that means that, you know, we have to be able to have so much of a staff of translators and that will have the following costs.

And then people who make the policy decisions at the council level and at the board take both of those into consideration and they decide that, no, we're not accepting the policy because it's too expensive and let the world know

that they've made a decision that multilingualism is not quite as important as something else if that's what they want to do.

But for us to back down on it at this point and say well it might be too expensive or it might be too hard to do especially when other people do it and then especially if we're talking about just executive summaries, those are short.

So the issue about, you know, long time lag makes a lot of sense. So to say that, you know, it's not just a request but it's a, A, the end to end dependency is mandated in our recommendation and it's also mandated that every attempt possible should be made to have a beginning to beginning dependency also unless there's good reasons not to or some such wording.

But at this point to sort of say, you know, well it's hard, yes, it might cost money therefore it should not be in the policy I think is to give, you know, the multilingual mandate that ICANN is more and more accepting, less - and mandated in our PDP recommendations makes every sense to me. Thanks.

Jeff Neuman: Yes, thanks Avri. And I think, you know, one of the key - there were a lot of good things in what you said. And one of the keys I think we should certainly emphasize in our report is that our recommendations - even though we kind of are deferential to the overall ICANN policy the point that you made about, look, this is the PDP process; this may require more than what is required for other non-PDPs in other types of documents.

That this is such an important function of ICANN and one of the core functions that it may be more stringent than what is applied to other types of activities that ICANN has on a global basis.

So to say that, you know, maybe in other circumstances translations may not be available or there may be budgetary impacts here we may want to say in our report that this is such a core function of ICANN and recognize by the

AOC that it may be - it may have a requirement above and beyond what the general global ICANN policy is.

I think that may be a helpful thing to point out in our report when we send our recommendations that we certainly understand that not everything (unintelligible) go all of this stuff, that the budgetary impact on that would be - or could be astronomical. But because this is one of ICANN's core functions we are recommending what we're recommending. Alan.

Alan Greenberg: Yes, I agree with what both Avri and you said in your last talks. Two things I forgot to mention; one is that we already significantly disadvantage non-English speakers in the PDP process because they can't participate in the actual ongoing dialogues. Our working documents aren't in multiple languages and our discussions aren't - in fact don't have simultaneous interpretation.

Therefore it becomes absolutely essential that there at least be some opportunity to comment. So I don't think that's a negotiable issue. And I think we need to phrase it like that.

Jeff Neuman: Alan, can I ask a question on that before you...

Alan Greenberg: Sure.

Jeff Neuman: ...got to the next point? Do you have any emails or something that would, I mean, for us to make that kind of statement - just sweeping statement is there any kind of evidence that we could show of that where people have actually come forward and said even if it's you recounting that we've had several discussions in the ALAC where, you know, a number of non-English native speakers - non-native-English speakers have commented on, you know, with respect to at least PDPs.

Is there something you could produce that we could explain as evidence of this?

Alan Greenberg: I'm sorry, I've lost you, evidence of what? Evidence that people are disadvantaged?

Jeff Neuman: Yes, I mean, you made a pretty sweeping statement that you're saying non-English speakers are - have been or are completely disadvantaged by putting - I mean, it's a logical - it's a logical statement that one would assume to be true but if there's some kind of emails or something we could point to where someone has actually complained about that fact that would be helpful.

Alan Greenberg: Well I - to what extent people complain I don't know but, I mean, it's somewhat intuitively obvious there are plenty of French speakers and Spanish speakers and Chinese and Japanese speakers in the world who could participate except they can't because we're doing it in English. I'm not sure we need to prove that. Maybe I'm missing something but...

Jeff Neuman: Well it's not - it's just helpful when statements like that are being made. Because I know that there's certain people that read these reports and if you make a general statement like that some people...

Alan Greenberg: Well I can give evidentiary proof but it's not something that we're going to be very happy of putting in documents. Just look at the number of people, I mean, you may not be familiar with and the number of people involved in ALAC and even to a lesser extent in the GNSO for whom English is a poor second or third language.

And they typically cannot participate as well. They misunderstand things; they can't express themselves well, they can't get their ideas across as well. And they are the ones who speak English well enough to actually try to participate. So, you know, one doesn't want to go point out that X and X and X on these committees have demonstrated that they're at a disadvantage.

But I think anyone who's worked in that environment recognizes this. So I'm not sure how we can prove it but I understand what you're saying.

Jeff Neuman: Is there some - just to play devil's advocate - some may argue that, look, reports have been put out in other languages and the amount of comments that those other - even when given the same amount of time to comment the amount of comments that come back in other languages are minimal.

((Crosstalk))

Alan Greenberg: That's true and you've led directly into my next point. We want to pretend or claim that we are an international organization and not restricted to English; there's a cost associated with that. And until we start doing enough documents so we attract people to be our audience we're probably not going to see a lot of comments.

We're going to need a critical mass of things done in other languages to get to the point where people notice. And I don't know what the UN budget is for interpretation and translation; it must be absolutely huge though.

Jeff Neuman: Sure.

Alan Greenberg: And that's going to be a cost of our doing business. And, you know, you were talking about the PDP is different from other things; it's really a core part. Well PDPs aren't the only thing. Look at some of the public relations documents we put out. We put them out in multiple languages.

Jeff Neuman: Yes.

Alan Greenberg: In many cases we release them all the same day. You know, it's viewed as important therefore it's done. Well from a public relations point of view that's true but our core business which is setting policy is also important. So...

Jeff Neuman: Yes, I've actually...

Alan Greenberg: ...there simply are costs.

Jeff Neuman: I actually - I agree. And it's interesting - I taken some notice that it's interesting that a number of press releases and other things come out in multiple languages on the same day when it's about, you know, something that ICANN wants to publicize. But it's a lot tougher to get executive summaries of policy development processes translated.

Alan Greenberg: Yes.

Jeff Neuman: It's an interesting observation. I made the same one as well. And it's - I'll leave it at that.

Alan Greenberg: Yes.

Jeff Neuman: I'm not sure what that says but it's probably - if ICANN staff is taking the position that translations are difficult then that these documents translated are difficult then maybe we should hold back...

((Crosstalk))

Alan Greenberg: Like everything else it's a matter of what you think are the priorities.

Jeff Neuman: Right. Marika.

Marika Konings: Yes, this is Marika. Jeff, to comment on your last point we're not saying that translations are difficult; we're translating a huge amount of documents. Think of all the reports we've put out over - at least since I've joined ICANN, we have translated executive summary in all the different languages.

That is not the point, you know, we're trying to make here. I just want to make sure that the wider picture is taken into account and, you know, it's part of the discussion.

On the issue of data, I mean, we did already share when we had the discussion the data that was on the different public comment periods that were held in other languages and also the download statistics on documents that were translated in other languages so we have already shared some of that data which we could.

And just, you know, on a little side note because we had this discussion as well internally on, you know, the need, the demand, the desire, budget implications, time implications. And I was actually very interested to hear that they actually specifically asked the ccNSO whether they would like to see more translated documents, you know, that being a community of different - they're (built) of different languages.

And they actually said no, they didn't think that was needed. They didn't want to ICANN to spend money on that. And they prefer to focus on other items which I thought was really interesting.

And also, you know, on the budget issue, yes I know you, for example, they spend a huge amount of money on translation and interpretation as well as the UN but these are all government organizations so, you know, in this context I would be interested to know if there are examples of other organizations that are not funded by governments or run by governments and the kind of translation policy they have as that might be an example to look at in an ICANN context going forward.

But again I...

Jeff Neuman: Right.

Marika Konings: ...we've spent almost the whole call on translation. And, you know, I think we've spread out the principals and now we just hope we could, you know, move it on and say look this is really important but it's also important to have a coherent policy and manage the expectations that others will have when it comes to translation and ICANN providing documents.

Alan Greenberg: That's really key.

Jeff Neuman: Yes. Okay let me jump on then to voting thresholds. I think some of these are - I'm skipping definitions because it just said that they want a further opportunity to comment was defined.

Voting thresholds, the first the (INC) is they agree to the higher voting thresholds should not apply if ICANN staff recommends initiating - against initiating a PDP.

I don't recall us saying that. I think what they're saying - what we said is that there's a higher threshold if ICANN staff finds that it's outside the scope. But did we ever say that - I can't remember if we actually talk about if ICANN staff says that, you know, they don't want a PDP but it's in the scope whether it be a higher threshold.

So I don't remember discussing one way or another. I think it's right that there shouldn't be a higher threshold simply because staff doesn't want a PDP unless it's outside the scope. Did we actually - I'm trying to find that in the report, I'm not sure - did we actually say that?

Alan Greenberg: I don't think we said it and I wouldn't - I don't actually agree with it. I think staff simply saying no there shouldn't be a PDP puts a major impediment in the road.

Jeff Neuman: Well but I think what we're saying is there's no formal threshold that, you know, if it's outside the scope it's a higher threshold; we all agree with that.

Alan Greenberg: Yes.

Jeff Neuman: If it's - but if it's in the scope and ICANN staff just says hey don't waste your time on it, it wouldn't be a higher threshold...

Alan Greenberg: I don't think we've recommended a higher one.

Jeff Neuman: Yes, so Marika?

Marika Konings: Yes this is Marika. I think we did discuss it at some point but I don't think we recommended it. I actually interpreted this recommendation as, you know, being related to the - being out of scope.

And I think - I'm just scrolling through the notes here and, you know, that we did discuss it so maybe I think they're just affirming what we've already put there because we did - the work team discussed voting (unintelligible) and a higher voting preference should apply if staff recommend against initiating a PDP. It's not related to the scope issue.

Most agree that no higher voting threshold should be required as it would otherwise give staff indirectly vote in the process. And it goes on a bit. So I presume that this, you know, confirming with the work teams on this issue.

Jeff Neuman: Okay. The next comment relates to - which I thought we made recommendations - about how to handle competing working group charters. And I think we made some general statements about, you know, in general it's really the council needs to grow - for lack of a better word - they need to grow up and figure it out. But we can't dictate how the council handles it.

Certainly by, you know, by requiring (unintelligible) majority. We basically say the voting threshold for approving the charter is the same as approving the PDP. I believe that's what we said. Someone correct me if I'm wrong.

And we discussed the issue of what if there's competing charters. And at that point it was well competing charters both get approved. But it shouldn't be the first charter that gets approved is automatically the one that's (moved) that a vote should be taken on all of the charter.

If both of them pass then there should be some sort of way that the council mediates that and figures out which charter to go with otherwise they don't move forward.

Alan Greenberg: I'm not sure I understand the concept of approving the second charter without the approval indicating that it replaces the first.

Jeff Neuman: Well I just think that - I don't think we should automatically approve the first charter since - well I guess if there are two charters that look like they'll meet the minimum threshold which is certainly possible...

((Crosstalk))

Jeff Neuman: Then I think it's...

Alan Greenberg: Where are these charters coming from? I'm confused.

Jeff Neuman: It's a working group charter.

Alan Greenberg: Yes.

Jeff Neuman: Right. And we said our recommendation was that the working group charter should - it should be passed by the same vote that passes to initiate a PDP. And...

Alan Greenberg: Right.

Jeff Neuman: ...therefore it is certainly possible to have two charters that meet that threshold.

Alan Greenberg: If you were running two parallel universes. But in fact the council can only do one thing at a time therefore I would think if there's a second charter that comes to light it would have to be deemed to replace it and wouldn't be approved unless it was.

And you could say you have dueling charters; you keep on flipping back and forth I suppose.

Jeff Neuman: Well but you can't say that then the fight is to which charter is brought up first.

Alan Greenberg: Well...

Jeff Neuman: Right, then you can have a fight and then do you vote on which charter comes up first? I don't think that's realistic, Alan. I think what you'd say is if you have two charters the chair is going to have to exert some sort of influence that if you have two charters, two competing charters and both look like they could meet the threshold just simply by, you know, discussions and other things that take place at that point then probably the council needs to figure out okay maybe we need to have this sort of committee to figure out how we're going to...

Alan Greenberg: Yes.

Jeff Neuman: ...merge these two. But it shouldn't, you know...

((Crosstalk))

Jeff Neuman: Sorry, go ahead.

Alan Greenberg: If I remember the problem was because it sets a low charter - a low threshold to approve a PDP if you had a higher threshold to approve the charter you could have someone vetoing the charter essentially - vetoing the PDP by not...

Jeff Neuman: Correct.

Alan Greenberg: ...allowing the charter to go ahead.

Jeff Neuman: Right.

Alan Greenberg: That was the rationale. I guess have we ever had a situation where there's competing charters?

Jeff Neuman: The vertical integration. It worked out in the end but with vertical integration PDP we had - they weren't holistically different charters but they were...

Alan Greenberg: Yes, yes, you're right.

Jeff Neuman: ...alternatives, right? And that was just potentially a pretty big issue. Marika, you have a comment?

Marika Konings: Yes, this is Marika. Just to point out what we actually put down in the report so basically we said like in theory it would be possible for competing charters to be adopted as only 33% of one house is required for adoption.

The work team agreed that this issue needed further discussion on the list as well review of the pros and cons of possible solutions that were suggested such as if there is more than one charter it needs to be adopted by majority vote, allow the working group to decide on its charter or the GNSO Council Chair to broker agreements.

And then hearing the discussion now I wonder if this is one of the issues where we just said look that's, you know, for the GNSO Council to work out at this time and they might, you know, consider indeed adopting the majority vote rule or discussing it and working it out.

Because I don't know either if we can set a, you know, black and white rule because, you know, it might be difficult to foresee all the potential scenarios that could occur.

Jeff Neuman: So, you know what but I do think - I don't want to push this to the council if we can come out with a recommendation here. Because the council is just going to push it back or - I think if we can make a recommendation here so let's - if we take a step back we know that if there are competing charter provisions those have to be presented at least eight days or whatever it is before the vote that the council would have to take.

At that point in time do we recommend if there are two charters submitted by the - or two - not even two full charters but two provisions that conflict with each other like because it may be just the alternative, you know, everyone agrees that in the charter 2 through 6 is the same but number one, there are two alternatives.

I think we should take a step back and maybe not on this call but we should recommend that if two charters or versions are presented by the deadline at that point the chair should convene a - or should ask for a committee of the two competing factions to meet to see if they can hammer out something - agree on one charter. And if not then we need to think about that further.

But so Avri, I'm sorry, you have a comment.

Avri Doria: Yes that's okay. Yes I don't - I think we're making it too hard. I think asking them to do it before the vote is problematic in that at that point each one will

be expecting that theirs can win and the others could lose. So to get people into that kind of arbitration is difficult before both of them have succeeded.

I think we can suggest a two-phase rule that says if one - if more than one charter is approved by the council at this voting threshold then first the chair tries to arbitrate between the separate - it doesn't have to be the chair it could be the co-chairs - but - or the vice chairs - try to arbitrate between the two to achieve one charter.

If the chair decides that such arbitration cannot succeed then a vote will be held of the various charters against each other and the one with the greatest number wins. And, I mean, you know, obviously cleaner wording than that. And, you know, you vote between the two, you vote between the three, you vote between the four.

Jeff Neuman: Right.

Avri Doria: I absolutely see no problem with us recommending a two-stage; first arbitrate, if you can't - if you can't close the gap then vote. And...

((Crosstalk))

Avri Doria: ...the one with the most wins.

Jeff Neuman: I actually - I agree with what you said, Avri. I would just change the wording on the first part of it not that there's approval for both charters but what you would say is if there are more than one or competing charters that are presented by the deadline, you know, for that GNSO Council meeting a vote shall be taken on both of those charters.

If both of those charters pass the threshold - or needed - instead of saying approval because Alan...

((Crosstalk))

Avri Doria: Okay, yes, yes, right no that's - yes.

Jeff Neuman: So we mandate that a vote is taken on both of those. If both of those are above the charter what would otherwise be approval then there would be a mediation session. We won't dictate the procedures at this point of how that would be done. And then whichever one...

Avri Doria: Priority...

((Crosstalk))

Jeff Neuman: Right, right.

Avri Doria: The only thing...

Jeff Neuman: The rest of what you said.

Avri Doria: The only one I would comment on that is don't assume there's just two.

Jeff Neuman: Right. So on all...

Avri Doria: It's more than one. Right, if there's...

((Crosstalk))

Avri Doria: ...more than one all are put to a vote.

Alan Greenberg: And plurality may not work with the bicameral system. You can have...

((Crosstalk))

Avri Doria: Wow.

Alan Greenberg: ...contracted versus non-contracted as one may well have is this is a consensus policy issue.

Jeff Neuman: Right. So I think - and so Marika, you got that documented? Is that...

Avri Doria: In which case...

Marika Konings: Yes.

Avri Doria: ...in Alan's case what happens therefore since plurality can't win he's right. What you have to do is majority wins and if there are more than two you go through that eliminating election process.

Alan Greenberg: What do you mean by majority Avri?

Avri Doria: Majority would be council.

Jeff Neuman: So GNSO's majority - the definition of majority there.

Avri Doria: Oh but then...

Alan Greenberg: Sorry, maybe I'm missing something. I don't see a majority.

((Crosstalk))

Avri Doria: If you vote between two things one of them is going to get a majority.

Jeff Neuman: Right.

Alan Greenberg: If the contracted party - if the two contracted party stakeholder group vote against something and the non-contracted parties vote for each unanimous, for argument's sake...

Avri Doria: There is no charter, you're right.

Alan Greenberg: ...it's equal.

((Crosstalk))

Jeff Neuman: Well at that - we cannot call...

Alan Greenberg: You know, the PDP says let's cut all fees to contracted parties in half.

((Crosstalk))

Alan Greenberg: Or double them. I know it's out of scope but I'm giving a ridiculous example...

Jeff Neuman: Right. Hey guys I need to...

Alan Greenberg: Okay we're over our hour.

Jeff Neuman: Yes, we're over the hour. I think at some point we need to just basically say to the council you've got to arbitrate that. You've got to figure it out.

Alan Greenberg: Yes.

Jeff Neuman: So - but I think we've provided good solutions. I think the only issue we need to really address is transition but that's an overarching issue anyway. So I think we're done with the public comment review tool. And I think we're good to adjourn until next week.

Alan Greenberg: Yes I want to go back to this one though - however because I think there's an issue that we want to make sure that the issue of the - of creating the charter does not - to use a gender-specific term - emasculate the PDP itself. And there's a distinct possibility of that if we're not careful so I think we need to go back and talk about this some more.

Jeff Neuman: Okay do you want to send out - can you send out an email on that?

Alan Greenberg: I can try to remember to do that. Yes.

Jeff Neuman: Okay that would be great if we can get that moving. Great, any other questions or comments? Thank you everyone; we are now - can say we are pretty much done with this public comment review tool. We just have to actually touch on some of Mary's comments that we didn't cover and then we're good.

Alan Greenberg: Okay. Thank you Jeff.

Jeff Neuman: Thank you everyone.

Avri Doria: Thanks.

Jeff Neuman: All right, by.

Paul Diaz: Thanks Jeff.

Wolf Ulrich-Knoben: Yes thanks.

END