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**ICANN Transcription**

**GNSO Drafting Team to Further Develop Guidelines and Principles for the GNSO's Roles and Obligations as a Decisional Participant in the Empowered Community**

**Thursday, 02 May 2019 at 2100 UTC**

Note: 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:
https://audio.icann.org/gnso/gnso-bylaws-02may19-en.mp3

Zoom Recording: https://icann.zoom.us/recording/play/YxpMqibpTb6tcplDWzRvt-gF26AYg4nXjjO5rVnspsDGCs5IR2Upo6FAgQZijPg7?startTime=1556830879000

Attendance is on the wiki page: https://community.icann.org/x/gBhIBg

The recordings and transcriptions of the calls are posted on the GNSO Master Calendar page:
https://gnso.icann.org/en/group-activities/calendar

MICHELLE DESMYTER:    I would like to welcome everyone. Good morning, good afternoon, and good evening and welcome to the GNSO Drafting Team Call on the 2nd of May, 2019. In the interest of time, there will be no roll call. Attendance will be taken via the Zoom room. So, if you're only on the audio bridge, will you please let yourself be known now?

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*Note: The following is the output resulting from transcribing an audio file into a word/text document. Although the transcription is largely accurate, in some cases may be incomplete or inaccurate due to inaudible passages and grammatical corrections. It is posted as an aid to the original audio file, but should not be treated as an authoritative record.*

Hearing no names. As a reminder, if you would please state your name before speaking for transcription purposes, and please keep your phones and microphones on mute when not speaking to avoid any background noise. If you're not able to mute your microphone on your PC, please mute your phone by pressing *6 and *6 will also unmute your phone.

With this, I'll hand the meeting over to Heather Forrest. Please begin.

HEATHER FORREST:     Thanks, Michelle, very much. Hello to everyone. The sun is just coming up here in Tasmania. It's a late Autumn morning and I suspect early summer for a lot of you or late spring. Welcome, everyone. Let's kick off by asking for any changes in SOIs. Does anyone have anything that they would [inaudible]? My [inaudible] no in the chat. Maxim, I saw your note that you are late hours and [inaudible] chat, so I'll keep an eye on that and make sure to [inaudible] in your chat.

Okay, I don't see any hands. I will say bear with me. This is the first time in a while that I've had to chair a meeting with Zoom. We used it for a little while on council when an Adobe Connect problem happened. I haven't had to do that in a while, so if I muck up particularly, I will tell you. For someone who's running a meeting, seeing hands up can be a challenge. So, if I haven't seen your hand up, it's just a visibility [inaudible]. It's a little bit different from AC. So, if I haven't seen your hand up, please feel free to put a chat message to tell me or just speak up.

With that, what I'd like to do is begin by turning over to Julie and Ariel to speak on our agenda, which is in Julie's screen. But as Julie is doing a share screen, actually we can only see from the middle of number two, just the way the screen is lined up.

I've asked them to – and don't worry, Julie, it's okay. I've asked them to give a little bit of explanation on some changes. I think Ariel took a great initiative with our timeline to make it a little bit more readable. So, I'll ask them to describe those and turn it over to them. Thanks.

JULIE HEDLUND:     Thanks so much, Heather. Actually, I'm going to ask Ariel to just walk through some of the changes, mainly just in formatting and have her go ahead and share her screen.

ARIEL LIANG:     Thanks very much, Julie. If you click the view option on the top, you can switch over to my screen which is being shared at the moment. And if you look at the timeline document, basically there are two sections. The first section is a table from the ICANN [staff]. The drafting team needs to tackle [inaudible] the different categories of things that we need to develop [inaudible] templates for. Then you can see in the second column, there is a status tracking. So, if drafting, it will be yellow. And if it's completed and approved by the drafting team, it will turn green. So, that's just to help us track the overall status of these items.

Then, if you look at my screen, scroll to the second page and you can see there is a second table that shows the intended scope of

work and actual work completed for each week of meeting. It's pretty self-explanatory and you can see the entire scope of work. It's more like a wish list of things that we want to complete but it's not always realistic to complete them, so in the actual work completed, we will update that after each week's meeting and just make sure the subteam is aware of other current work status.

And then to make it easier for you to reference the documents, we now have a fourth column that links to the documents and that the drafting team needs to reference. It could be a Google Doc initially circulated to the drafting team or it could be a clean version to the [app] where a Word version [inaudible] red line. So, whatever document the drafting team is supposed to review, we'll put that link in the table as well so we can easily find them.

Then, the last column is a note [inaudible] some special items that we want to call out. We will put the note there.

In summary, this table will be updated on a weekly basis, if not more frequently. So, just to make sure the drafting team is aware of work status and things that have [inaudible].

The last thing I want to note is also we created a Wiki page and I think Julie has sent that to the drafting team. This should be kind of a central [depositor] of all the documents the drafting team has been working on and then we will track the version for all these documents. Usually, the PDF will be the clean version and the Word will be the redline version. You can see that's also consistent with table one that has the category of things that we need to develop guidelines and templates for. That's how you can find everything on the Wiki.

Then we will make sure to include that link every time when we're distributing the documents, so we know where to find the Wiki page. We understand it's a little bit like a rabbit hole to find things on the Wiki.

I'll stop here. If there's any additional comments, [inaudible] questions, please feel free to ask. Thank you.

HEATHER FORREST: Fabulous. Thank you very much. Ariel, you got some positive comments in the chat there. I think this is wonderful. Julie and Ariel did ask for some input from me before it went to the group and I told them then and will tell them now I think it's brilliant. I think really this is a great way to organize things and much clearer. Super initiative from Ariel. Last call. Any questions from Ariel before we move on? No? Alright. Great. Ariel, I would suggest you send this – you share your thinking here with council there. There are a few things on council that would benefit from [inaudible]. We won't be greedy and keep your great ideas to ourselves.

Okay. What I would like to do is I'm going to switch back myself to Julie's screen which has the agenda on it just so I can get a sense of where we are. Julie, it occurs to be very quickly, before I do item three, I probably should have mentioned in the context of item one – maybe we'll circle back to that [inaudible] review the agenda – a comment about the Registrar Stakeholder Group.

So, review of agenda for today. We talked about the timeline which I was so excited about I marched straight into. The next

thing, the substantive item on our list today, we're going to circle back to the IRP community, IRP final version. I'll ask Julie just to take us through that very briefly.

The next thing we'll deal with is our ongoing work, [inaudible] current work which is section 18.12, special IFRs. Then you'll see we have, let's say, what's coming up ahead.

Before we move on to item three, I just want to make a note. Julie reached out to Graeme Bunton, the chair of the Registrar Stakeholder Group, to notify him that Sarah had stepped down from this group and Graeme did express a certain degree of reluctance to appoint someone from the registrars to join us, not because of any perception of the importance of our work but because the registrars are really just spread very, very thin right now in relation to EPDP.

I think what we'll do is I'll go back and have a chat with Graeme, just give him a quick sense of how much we've done, how much that needs to be done, and work out a way that we can keep the registrars informed to the level that they would like to be informed so that it doesn't cause us issues at the end of our work where the registrars say, "We don't feel like we've been part of the focus." So, I think that's for me to follow-up. I thank Julie for getting in touch with Graeme initially and we'll take it forward from there.

So, for now, I'll just make a note for the record that we don't have a representative from the Registrar Stakeholder Group, that we will follow-up with that and make sure that they have an adequate opportunity to be involved, to the extent that they want to and are

able to. Any comments, questions, concerns on that? I see no hands.

Can I then move us to item number three which is the article 4 stuff? Julie, are you willing to give us just a quick summary on where we are and what's happened since our last call on that one?

JULIE HEDLUND:          Absolutely. This is Julie Hedlund from staff. I did switch my screen view to the version of the document that I had sent around. What happened on the last call is that David McAuley offered to make some changes and I also captured some changes based on the discussion on the last call. That's what you see in redline here.

They are not substantive. This is basically just a reorganization and where we just moved one of the sections around to reflect the fact that 4.2 and 4.3 – I see there's a typo there – are actually in two different sections. One is in article 4 and one is in Annex D. 4.2 is in Annex D. So, we reflected that. You see that change there.

Then, what David did that was extremely helpful was he had noted – let me get to that section – a couple things. First of all, if you go into the motion template section, there is actually the note here that a notice will be delivered to the [EC] administration and we added some text saying the notice [inaudible] herein shall be attached to this motion and developed in sufficient detail to meet the requirement for a written statement of a dispute or claim as per bylaw section 4.2.

That's really just to follow motion protocol, that if there are any documents associated with a motion that need to be referenced, those need to be prepared as well. And we don't need to have that notice as a template here, because that is going to change depending on the nature of the petition to initiate a community IRP. But we did feel that it was important to include that language in the motion so that it's clear that a notice must also accompany the motion.

Then, David also was very helpful in preparing two other motion templates. One is to approve the petition to support a community IRP. So, we have a couple of different nuances. The GNSO can approve a petition to initiate a community IRP but also the GNSO as a decisional participant has the option in the bylaws to support a community IRP so that's a slightly different motion.

Then there was, of the template that we had originally created on GNSO becoming a consideration requestor. Finally, another motion template that David created is the motion for GNSO to file an IRP claim on its own behalf as a claimant. So, that's another aspect in the bylaws that we felt needed to be captured in a motion template.

So, those are the changes that David made. David, I don't know if you wanted to speak to them. I see your hand is raised. Please, go ahead, David. Thank you.

DAVID MCAULEY:     Thanks, Julie. Thanks, Heather. Julie, you described this very well but I would like to add one or two things in summary just so it's

clear that what I'm trying to do here and people should take a good look at this to make sure they agree that it captures the spirit.

What I'm trying to do is come up with templates that the GNSO can use to, one, initiate a community IRP and when you initiate a community IRP, you need to get the support of at least one other SO or AC. You can't just bring a community IRP. If it goes to certain things, maybe dealing with fundamental bylaws or some other such thing, the support level might be a little bit higher. It depends on Annex D. So, anyway, there's a motion to initiate one where the GNSO would initiate a claim and go out and seek people to support it.

Then, as Julie said, the separate motion is when someone else wants to initiate an empowered community claim and they come to the GNSO and say, "Will you support us?" Then the third template that I did was one where the GNSO just decides to bring a claim on its own, not an empowered community claim. But under the bylaws, any supporting organization is entitled to bring an IRP if it so wishes. So, there's a template for that.

The notice that Julie mentions, it struck me when I did this that the heavy lifting in these motions – the motions are really just motions, but the heavy lifting in initiating a community IRP or in initiating a GNSO-only IRP is having a statement of what the claim is. That is the internal discipline of actually putting pen to paper and saying here's what the grievance is and here's why we believe it exists and here's why we think it's entitled to relief at IRP. You sort of lay out the elements like you would in the legal brief.

So, this notice that we're talking about is not inconsequential. It is the discipline of writing down exactly what it is so that when you step away and look at what you just wrote, you realize you either do or you don't have a valid claim. Sometimes it's just [inaudible] dealings that don't amount to a claim and this will help flesh that out.

So, that was the purpose behind doing those motions and I hope that I captured that in these motions, but I would certainly recommend that people take a look at it. Thanks. And thanks, Julie. Wonderful description of it.

JULIE HEDLUND:     Thanks, David. Looking for any other hands for any other comments. Heather, please go ahead.

HEATHER FORREST:     Thanks, Julie. Quick question. I've been reminded that Zoom is a little bit frustrating. I keep trying to scroll your screen, Julie, which of course I can't do. Can you scroll us up, Julie? David's points are all extremely well-made. That notice, David, how does that relate to this form? Are these two different things notice that you're describing or is that, let's say, that would be the substance that sits behind a reconsideration request form. Is that correct?

DAVID MCAULEY:     Yes. In this case, a request for IRP form. The notice … I came up with the idea that we ought to append the notice to the GNSO's motion template. So, the motion template is the internal GNSO

document that says we're going to go ahead and do this. The notice that would be attached to it is simply informing the GNSO, "By the way, when we go and decide to approve or not approve this request for IRP, this document that's appended will be our IRP claim." And when you bring an IRP you have to submit … Actually, an IRP is begun by a claimant submitting a written description of the claim. So, that would have the elements of the claim. One of the elements obviously is that the action or inaction complained of violated either ICANN's bylaws or its Articles of Incorporation. There's a few other ways you can get to IRP, such as PTI complaints and things like that. But by and large, it's going to be a bylaws or Articles of Incorporation violation claim.

So, that notice that's appended to it is really the IRP dispute description, the claim that's going to be brought. Does that help?

HEATHER FORREST:     Yeah. I think that's very helpful, David. And as I put in the chat, I think it's helpful also from the perspective of it provides the rationale for the [inaudible] which the motion wouldn't otherwise do in detail. I mean, I could add some of that into the actual motion if they wanted to, but I think it's super helpful. Thank you. I think your explanations are really clear. So, thanks very much.

DAVID MCAULEY:     Thank you.

JULIE HEDLUND:     So, thank you very much. Heather, I guess from a staff point of view, what should we have as a next step here? Before the changes that David made, this had gone out for a review but now we do have some changes. Shall we send it again for a final review? Oh, I see, David, you have your hand up.

DAVID MCAULEY:     Thanks, Julie. The one thing I probably should've said – and it's germane to what you just asked, Julie. That is, should we send this around for one final read? When I did all this, I honestly was focused almost entirely on IRP and I did not myself go back and reread the reconsideration request part. So, if we decide to go back for another read, I won't object. Anyway, that's it. Thanks.

JULIE HEDLUND:     Thanks very much, David. We did actually … We had captured some changes in the reconsideration request that they [were] then incorporated and accepted before it went out for the last review. It seems to me that if you haven't had a chance to review that, it would be quite helpful if you did. But let me defer to Heather as to whether or not we could open up a week or so of review of the document.

HEATHER FORREST:     Thanks, Julie. I think your suggestion is a good one. Always good to sanity check, just to make sure that we have what we need to have. So, I would say open it for a week. I'll move on to phase two to have a look at it in that week, just on the basis of sanity check, and any comments we receive in that week, that's great. I wouldn't

anticipate at this point that we get anything substantive, major, earth-shattering. But let's give folks an opportunity and anyone who may be as not been super active in the group, this is an opportunity for them to catch up. I think it's wise.

So, no one is obligated to make any comments at the end of the week, but let's open it up, Julie, and close it for next Friday, please.

JULIE HEDLUND:          Excellent. Thank you, Heather. I have noted that in the action items. So, let me turn it back to you.

HEATHER FORREST:      Fabulous, Julie. Cool. Thanks very much. Julie, how do we get back to the agenda? I think you have to switch us back to the agenda. Is that alright?

JULIE HEDLUND:          I see that I have not … I will be there in one second. I have to realize that it doesn't magically change when I change my screen without me doing an extra step. Can you see it now?

HEATHER FORREST:      Yes, we can. All good. My husband and I have a joke about mind control. Every once in a while, you're in park and you want the car to go. Mind control still doesn't work. Doesn't work here either.

Julie, Ariel, Michelle, I wonder if there's any way we can … It's something you might have already come up with in other groups. You might have already come up with in your own sandbox sessions. One of the functionalities that we're really missing here in Zoom is a way to have that notes tab that had traditionally the agenda and captured action items. I can see from the point of view of chairing a meeting, I always feel comfortable knowing that staff had done what they've said and they've recorded action items and that kind of thing. But nevertheless, [inaudible] keeps me on track, just to see things in writing.

I don't know if there's a way to get the feedback back to the tech team or the Zoom team or whoever it is, if there's a way that we can somehow build that functionality in, that would be really helpful. Thanks.

JULIE HEDLUND: Thanks so much. You are not the first to note this. You will not be the last. Staff has raised it with our tech support. It's not possible for us to get the notes pod back. It's just simply not an option in Zoom. Zoom does have an option for closed caption where you can take notes, but you can't go back and edit what you've typed and it just runs along a chatroom. So, it's not particularly helpful.

What we've done now and are doing in the room right now but we've been using on meetings for the last couple of weeks is staff takes notes in the agenda page. So, what you see here, you'll see the draft agenda and as I scroll down, you see there's actions and then some notes.

Now, unfortunately, you can't scroll it, so that is a problem. I would have to go up again for you to see the agenda. Alternatively, we could have just an agenda document up and you do have the option to go between Zoom, a Zoom window, so you could look at the window with the agenda, a window with notes, a document window – all the things that staff has shared. These will all have to be shared separately by staff, so you'd need as many staff to share as you would have windows to look at. So, it's not very elegant, but it seems to be working pretty well.

Yes, we can send you a link to the Google Doc, although let me think about this for a second. This one may actually not be in an external drive. So, I think in that respect I could share it. I think it is also … Yeah. I'm in an ICANN-specific drive. I'm sorry for that. But in future, we can do the notes in an external drive, in which case I'll be able to share the link with you so you'll be able to follow along.

HEATHER FORREST:    Cool, Julie. Thank you very much. No worries about it for this meeting but it would be helpful I think, particularly when chairing a meeting but also participating. I would maybe then have that Google Doc open behind my Zoom screen, but I could always go and check it at my need. I think that would be helpful. Probably just helps to keep, as I say, certainly the chair but definitely the whole meeting [inaudible] on track. But don't worry about it for this meeting. Again, [inaudible]. Not that I don't trust you guys. It's more to keep us on track.

| JULIE HEDLUND: | Thank you, Heather, and understood. Yes. We're still looking for ways to improve. We'll definitely start that for the next meeting. Thank you. |
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| HEATHER FORREST: | Super. Then, let's turn to section 18.12. I don't know if it's just me or does anyone else think [inaudible]? 18.12, special IFRs. The first thing we need to do is give an update on the meeting that the ccNSO had on I believe it was Monday probably your time and Tuesday my time. [Well done, David. I like your comment]. |

What you see here on the screen is a reminder of where our substantive work is. Julie put together a Google Doc for us that contains the GNSO input process (or GIP), otherwise [inaudible]. Our task was to comment on how the GIP would need to be modified and how to go about doing that in relation to using it for a special IFR.

We noted in our last call that the special IFR is a pretty [weighty] circumstance, that it will involve a certain degree of formality because of the [weightiness] of the circumstance [involving] to bring a special IFR for effectively one of the IANA function reviews has – it has not been satisfactory, I suppose, is the high-level way to describe that.

There is a committee, a corresponding committee or group, in the ccNSO. Their acronym is the GRC. What was that, the Guidelines Review Committee? Is that the G, David?

DAVID MCAULEY:     That's exactly it, Guidelines Review Committee.

HEATHER FORREST:     Cool. Thank you. We're very fortunate that David is a member of the ccNSO CRC as well as our group, so he is a fantastic natural liaison between our two work efforts. That ccNSO committee, the GRC, they met earlier this week and invited us to their meeting. They had [inaudible] thinking about this section 18.12 and it was an opportunity to share some thoughts, collaborate specifically in relation to the contact that is required between the SOs in the event of, let's say, considering one of these special IFRs, considering the initiation on a special IFR.

We are expressly required to engage with the ccNSO to engage in I believe the language used is meaningful consultation or meaningful communication. The ccNSO chair, Katrina Sataki, raised some concerns from the ccNSO side about what meaningful consultation meant. How do we go about achieving that? I think it was quite a useful discussion. We had some questions that got raised back to ICANN Legal as to interpretation of certain sections. I personally didn't want us to get too bogged down into those questions that I knew we weren't going to be able to answer, necessarily. We really [didn't] need legal advice as to the interpretation of those.

One of them in particular was on who initiates the special IFR. The ccNSO had a question, or I should say the GRC had a question, as to whether the board initiated a special IFR. My understanding and having worked with our GNSO support staff, I think we were all on the same page from the GNSO side that the special IFR, the

decision to initiate the special IFR was a decision taken by the ccNSO and the GNSO. So, I was fairly confused by that but didn't want us to get bogged down and spend the whole hour discussing a question we weren't going to get necessarily an answer to.

So, what will happen going forward is this. The GNSO staff, support team, had volunteered to put together – actually, I should put it into [inaudible]. The ccNSO support staff, primarily Bart Boswinkel, has volunteered to coordinate with ICANN Legal and others if necessary, folks from the accountability support or whoever else necessary, to get some clarification on some of these questions, amongst which being the issue of who initiates the special IFR.

The GNSO support staff has volunteered to put together a list of practical questions that would go to the heart of the matter where I thought we had spent the bulk of our call and probably didn't on the business of how do we actually communicate with the ccNSO. Is it the fact that a chair communicates in writing, the chair of one SO communicates in writing with the other SO? What sort of response comes from that? Is that response in writing? Does it go to the GNSO's correspondence page? Does it go to the ccNSO's correspondence page? How do we build a record of that communication? Again, given the gravity of the situation.

So, GNSO staff is working on that. That will flesh out the agreement between us as to what that communication looks like. I know that Julie has noted in the chat that the action of the ccNSO staff, the review of those particular legal questions is on the way, and the development of the list of, if you like, mechanics questions is also on the way and they should have a draft shortly.

So, fortunately, there were several of us that were on that call and I want to offer an opportunity to David and others who were on there, staff as well. If anyone wants to comment, if I've missed anything key in that [call to] ccNSO, please fill in the holes in my memory. David, please.

DAVID MCALEY:     Heather, I thought that was a very good summary. I was glad during the call to see clarified – that ICANN Legal has clarified that references in the bylaw to GNSO is really a reference to GNSO Council. That's what I read it as but it was a little bit opaque and I think that was the right result. But I thought your summary was excellent. Thanks.

HEATHER FORREST:     Thanks, David, very much. Again, we're really super fortunate to have David sitting on both of these committees. David, I confess sometimes it felt to me like we were getting into the weeds in things and you would make an interjection and pull us out. I thought that was extremely helpful. We're super lucky to have you on [inaudible].

Any questions, comments on this one? Otherwise, what I suggest we do is we leave the ccNSO component of 18.12 with the respective staff teams that are each working on their action items and they will follow up with us when they have those. I see no hands. Great.

Julie, I'm going to pick up on one thing that I've only just seen. A quick edit on the fly in that action for [inaudible] members. It's

inconsequential. But we've got there in line three special IRF and if we can change that error, thank you, to change to special IFR, that would be great. Thank you. So, that brings us to … I like the ICANN brews. That's a wonderful suggestion.

Again, what you see here, at the risk of beating a dead horse, what you see here is a Google Doc that contains the text verbatim of what constitutes Annex 3 of the GNSO operating procedures which is the input process manual and this describes a process that as yet has not been used by the GNSO called the GNSO Input Process (the GIP).

What we have considered up to now in this group is whether the GIP can be used to undertake the review and contemplation that is required to determine whether or not to initiate a special IFR, IANA functions review being IFR.

The bylaws, as David very helpfully noted, the bylaws give us quite a bit of structure as to how and what we need to be thinking about. This GIP simply provides the process, so our task was to evaluate whether the GIP could be used in this circumstance. Did it have any gaps that would need to be filled in order for its use in the context of initiating a special IFR? Did it have anything in here that needed to be pulled out because it wasn't appropriate for a special IFR?

So, there's the substance of the GIP. There's also, if you like, what we actually do with the GIP, if we do indeed decide to use it. On the substance, in this document, several of us have made comments on that sort of gap analysis and the flagging things that

maybe aren't entire appropriate to the context of the special IFR. [I don't know] what we do with it.

We've also got an opportunity here to say do we draft a new, if you like, Annex to the GNSO operating procedures, which would be, for example, GNSO input process for special IFR? That would be a new Annex, a new document within or a new section within the GNSO operating procedures, or do we develop, as we have up to this point in this drafting team, do we develop, if you like, instructions or guidelines or templates on how to use Annex 3 in the context of the special IFR? I think there are arguments on either side of that.

If I summarize the high, the most compelling argument on either side, I would say, on the one hand, a new Annex in the operating procedures allows us to have everything captured in one single document and it fully tailors this particular process to the special IFR and perhaps then underscores the importance of the special IFR.

On the other side, when we develop a new Annex to the GNSO operating procedures, that then has to go through quite a significant process involving an I believe public comment and there's quite an administrative process behind making any future changes to that document.

So, on the one hand, the one is sort of process-like that contains the content. On the other hand, the [inaudible]. And Julie is confirming, yes, public comment and GNSO Council [inaudible] formal approval. So, there we go. That summarizes for you both

the task that was ahead of us and [inaudible] where we are in relation to that task.

I note that Wolf-Ulrich has been through comments and I should say it's great to have Wolf-Ulrich on the call. Wolf-Ulrich, unfortunately, had some problems with his emails and wasn't getting the emails from the drafting team list. So, we've missed Wolf-Ulrich on a few calls and I had reached out to Wolf-Ulrich [inaudible] doesn't like me either. But it's fabulous to have you back and you've made some great comments here in the document.

I wonder if what we might do is take each of these things in turn and start with the idea first, and if anyone wants scroll control – and I saw David's earlier comment. I agree, David, it is awful to not have scroll control. We can share around the link. Julie is about to do that now. You can open up the Google Doc in your own screen and be able to move through as and when you want to. The risk when I do that is just that I don't see hands up, so you might have to poke me if I miss any hands up.

I would suggest that we take it first through the how ideas because I think the how is going to influence … Actually, no. I realize as I say that – forgive me for speaking on the fly.

Let's talk about the substance first. What do folks think about this special IFR? As a very high-level question, is there anyone who has on review of this GIP process said this is entirely unsuitable for special IFR? It's a pretty bold question but I think as a starting point we need to determine is this GIP going to be workable for the situation of the special IFR? David, please.

DAVID MCALEY: Thanks, Heather. I didn't think it was [ideal], but I think it's workable. But as I think you and Wolf and I commented, time is … In a special IFR process, time, anything to do with the empowered community or IFRs, time is this sort of constraining element. So, this document sort of anticipates some measure of time, some deliberate time passing, whereas when we consider things like this, the ability to deliberate may be quite short. I think we can tailor it to do that. So, my sense is it's workable. Thank you.

HEATHER FORREST: Thanks, David, very much. Wolf-Ulrich, over to you.

WOLF-ULRICH KOBEN: Hi, Heather. Can you hear me?

HEATHER FORREST: Yes, we can, Wolf-Ulrich. Go right ahead.

WOLF-ULRICH KNOBEN: Okay, thank you. Thanks very much. [inaudible] agree to what [inaudible] was saying. I'm looking for a process which is manageable as easy as possible. [inaudible] can take some element to it to cover our needs with regards to special IFR.

What I would like to say is – and [inaudible] process-wise these different options we would have either to copy-paste and do it separately as a separate Annex or addition to Annex 3 to that. But

what that means process-wise or otherwise whether we should just replace, as your suggestion was, the introduction to the GIP and to rename it as a special IFR GIP, [related] GIP.

So, this we have to be clear about what is the impact on [council's] work on that and the decision to be taken. I'm all about [inaudible] as easy as possible and to find that way. Thanks.

HEATHER FORREST:    Thanks, Wolf-Ulrich, very much. I certainly agree with you that in order for this to be workable by definition it needs to be as easy as possible. We don't have Steve DelBianco on the call, so I want to make a note here of one of the points that he has raised that I found rather compelling on a previous call which was … His comment was twofold in relation to what we're discussing here.

One is that the GIP has never been used before. Would it make sense in that regard, given that it was designed for something more generic, just the way for the GNSO to do something that doesn't involve a PDP. Was that really sufficient to capture the gravity with the importance of a special IFR situation? Two, would that warrant maybe a complete repurposing, like sure we can use the GIP as a rough framework, but then really develop something bespoke?

I suppose my concern with that, the thing that I found most compelling about Steve's comment is I do now appreciate in a way that I hadn't before, because I hadn't really [inaudible], that the special IFR is certainly a grave situation. It means the community has come to a point that it probably doesn't want to

come to. And in that spirit, I do think it's important to capture the difficulty of the situation.

However, my concern is that we not have bespoke processes to everyone, because to Wolf-Ulrich's point – and David touched on this as well – from a counter-perspective, and I can speak from my council experience here and particularly as council chair, there are times that you feel that the working group guidelines or something else will box you in by being too specific.

One of the things I think that we constantly struggle with on the council is that fine Rubicon between too detailed and too high level. When it's too high level, it creates extra work for council because they have to interpret what [inaudible] terms mean, what vague phrases mean, and that creates extra work and it means something can't just be immediately deployed.

If it's too specific, likewise, in this situation, we've never encountered a special IFR. We don't really fully know what it's going to be until we see it. I am afraid if we are overly specific in what we do, then that's going to create its own set of problems. So, I think that's where my thinking is at this point. Wolf-Ulrich, I see your hand up. Over to you.

WOLF-ULRICH KNOBEN: Thanks, Heather. Just coming to that point, I remember that time. I think it's more than five years ago and the [inaudible] will be the new draft of the PDP and then came to these different Annexes, like EPDP and so on. And you know EPDP hasn't been used so far until it came up the first time one year ago.

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So, there was some reason to come up with the GIP process because there are different attempts from the board I think [inaudible] and from some board members to bring up some not really PDP-related items and to [inaudible] council the GNSO for comment on that. But the reason why we are thinking about, [inaudible].

So, what I would like to say is there is some stuff for this GIP available for the council to use it if it is necessary to use it and it may be not easy just to bring that decision before the council to say, okay, just give it away because it has not yet been used and we have a new idea, this special IFR we can use some type of it.

I'm not sure about the discussion within the council [inaudible], people from some corners of the [inaudible] come up and say, "Okay. I have doubts, but a GIP might be necessary to use in the future, maybe." What is it? We have it. Just leave it as it is and think about part of it you can use for an IFR. The only question is if we go through that and put an IFR-related GIP here forward, how can we reduce the work with regards to public comment, with regards to several rounds of reporting so that it can save time with that?

I really wonder. We should ask staff also to think about again, not just to rely on the existing rules but think about how can we make it as easy as possible on the one hand to leave the GIP as it is, on the one hand, but to start thinking about something which we can use from that GIP for the IFR related [inaudible] we need. Thanks.

| HEATHER FORREST: | Thanks, Wolf-Ulrich. I wonder if I might just … Wolf-Ulrich, you raised an interesting question there, really to staff about how to make this as easy as possible. Julie, from your perspective, how do you respond to Wolf-Ulrich's point? |
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| JULIE HEDLUND: | Thank you very much, Heather. One of the points I had made in the chat is how if we created a new Annex that would be for the special IFR, then that becomes part of the operating procedures and any change to the operating procedures have to go through a prescribed public comment period and a formal GNSO Council approval process. |

I would say that it's implement to note that in the last I'd say couple of years staff have – and I think also community members have – begun to realize that there is utility for having adjunct guideline documents or documents that are referenced in the operating procedures that then they themselves can change without changing the operating procedures.

So, having, for instance, the Annex 3 and process manual, but having a guideline specifically for the IFR that says the input process manual shall be used in this way. We may not have … We pick and choose what aspects and I think you've done some starts here in this document.

Wolf-Ulrich is asking if we change Annex 3. Yes. If we change Annex 3, a public comment period is required. So, Annex 3 by the fact that it is an annex to the operating procedures forms part of the operating procedures, whereas for example, the form that one

uses to fill out one's statement of interest is referenced – there's a reference to doing statements of interest in the operating procedures but the form itself is separate and can be changed.

So, any change to Annex 3 would require a public comment period. If we created an adjunct document, then right, precisely what you say there, Heather. If we have a separate guideline that says this is how the input process manual will be applied in this case – this will be applied, this won't be applied – then those guidelines can change and evolve and the operating procedures would stay static. That's all I had to add unless there are questions. I'm not hearing anything, so I'm wondering if I just somehow lost audio.

HEATHER FORREST:     Julie, I have you. Don't worry. I think we're all just [stunned] in silence.

JULIE HEDLUND:       Sorry about that.

HEATHER FORREST:     No, it's not you. It's not you. It's the subject matter. I'm going to make a suggestion. At times like this, I think [inaudible]. There are a number of comments that have been made in the chat here of the Google Doc which is on Annex 3. I am mindful of the time. We now have six minutes left in our call.

There are a number of comments in the chat that go to "this section is important, I think this section is not important" and so on. I wonder if – I have a suggestion – if I could work with staff to develop what could be a rough guideline, what that actually might look like if we were to go down the road of not amending Annex 3 but in fact creating a separate standalone how to use Annex 3 in the case of a special IFR. If we did that and circulated that for our next call, I think that will give us a sense of how folks feel about that approach. I think it's hard. I know it's late hours for some. I can't say it's early hours anymore for me. The sun is now up. It's hard to think about maybe on the fly and I think it would be better if we can see it in something tangible.

What that does as a premise is it suggests we are going to progress with this idea of using the GIP. So now is the time to declare if you think the GIP is totally unfit for this process. Now is the time to comment on that. Maxim, your hand was up and then it went down. Maxim, your hand is back up. Maxim, over to you.

MAXIM ALZOBA:          Actually, we are making an amendment to the Annex 3 from [formal] perspective and if we don't mention in the Annex 3 itself that additional document should be read, we might live without it but it might cause some confusion. I'm not sure, but it's the [inaudible]. We can create thousands of additional documents to prevent the original document to be stuck in public comments, etc. Who knows for what reason we might need Annex 3 to be changed because the current process of work with documents in ICANN doesn't allow you to have two simultaneous types of the same document. Thanks.

HEATHER FORREST: Thanks, Maxim. I think it's a good point. I'm inclined to say that what you described there is a good reason for … To the extent that we at least start out in this manner with having a guideline, to the extent that we ever get to a special IFR, I would like to think in our lifetime we don't get to a special IFR, such as that the problematic nature of that situation.  [inaudible] we got much bigger problems in the community than just the GNSO operating procedures.

To the extent that they then determine, okay, we tried it. We used the guidelines that we have and they weren't sufficient, I think there's more room then for changes to be made to that at that time than if we sit here and try to crystal ball, craft a new annex to the GNSO operating procedures and then it gets used and they find out that wasn't really fit for purpose.

So, Maxim, I'm inclined to your question to say let's try the route. What I'm proposing is not creating a new annex but creating a how-to guide for using this annex without having to change this annex.

I see that David in the chat has said that [inaudible] way forward. I note, Maxim, your earlier comment about you don't think we need to make the GIP more precise.

I look forward to saying yes to let's try and put this into a document. Does anyone object to that plan? So, what I suggest again that we do is that staff and I work together to rip the comments from this Google Doc that you see on the screen which

is the comments built into the GIP and we try and create this standalone how-to guide that would essentially be on how to use Annex 3 in the case of a special IFR and it would be specific instructions to council for how to use this process. Anyone object to that as a path forward? And Julie and Ariel, good time for you to speak up because I just voluntold you in the way that chairs like to do. I just voluntold you to help me with this. Cool. Julie says yes. Ariel tells me I have a hand up. Oh, Ariel's hand is up. Ariel, please go right ahead.

ARIEL LIANG: Just a quick note, because now we can now see the notes being taken on the screens [inaudible] problem. We are capturing the notes on the side of the current and [inaudible] Google Doc. If you click on the icon, it's actually the comment I made. You can expand it and see the main points that we captured. So, rest assured that we have captured the comments and suggestions being discussed during the call.

HEATHER FORREST: Thanks, Ariel. That's helpful. That's very helpful. I'm sorry. I was just taking a second to respond to Maxim in the chat and Julie and I were having a [inaudible]. No, Maxim, the point is we're not … What I'm proposing is we're not amending Annex 3. That's a very different process and it involves a formal approval process and so on. What I'm proposing is that we simply create – we make no changes at all to the operating procedures, to Annex 3 or otherwise. That we simply provide council with a guidance

document on how to use Annex 3 in the event of a special IFR, in a context of a special IFR. Correct, guidelines.

I note we're over time. We're one minute over time. What I suggest we do is … Maxim, I'm very happy to follow-up with you one-on-one on this one if you'd like to. I haven't seen otherwise any objections to heading down this path. Julie and Ariel said they're willing to do that, so that's great. We'll work together on that and that will form the substance of our next call. I believe – and Ariel, I wonder does your screen still … No, I don't have your screen anymore. I think [I'd still] keep this onto the timeline. I won't check the timeline now because – oh, Julie has it. Julie, can you give us the timeline very quickly? I don't want to hold everybody up. I'd hate to overrun the meeting.

JULIE HEDLUND:          Yeah, I'm sorry. I've got so many … It's the kind of thing where you really need two screens.

HEATHER FORREST:     For sure. That works. I believe that gives us the next meeting to deal with 18.12, the input from the GNSO – from the ccNSO, rather. And if you scroll down one more, Julie, that takes us to our next meeting. Review and approve final draft, I don't think we're there, to the 15th of May. And I don't think we'll be in a position to start further work on 3.1. Julie is suggesting a longer meeting, maybe 90 minutes, in the comments there. I think we'll tinker with that timeline a little bit. We knew this was going to take a little longer because of the interaction with the ccNSO, so we've got

those two points to follow-up with on our next call where we've gotten to with the ccNSO and the review – I would say review of a draft of guidelines for 18.12.

We'll follow-up on that on the 15th of May. We'll see where we get to. Any questions, comments, concerns before we end the call? No? Good. Alright, everyone, have an excellent day. Thanks very much for all your constructive input, to be continued. We will speak on the next call. Thanks, everyone. Bye now.

JULIE HEDLUND:        Thanks so much, Heather. Thanks, everyone, for joining. Bye-bye.

**[END OF TRANSCRIPTION]**