
ICANN Transcription

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

Wednesday, 12 June 2019 at 21:00 UTC

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<https://gns0.icann.org/sites/default/files/policy/2019/audio/audio-gns0-drafting-12jun19-en.m4a> [gns0.icann.org]

Zoom recording:

https://icann.zoom.us/recording/play/vefmryp_Q_NFFCSKra1VnFmP6pL7sS6MU9NPxgFZAU32n8aJlbps2aDcAT5TnkQ2 [icann.zoom.us]

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JULIE BISLAND:

Alright. Welcome, everyone. Good morning, good afternoon, good evening. Welcome to the GNSO Drafting Team call on Wednesday, the 12th June 2019.

In the interest of time, there will be no roll call. Attendance will be taken by the Zoom room. If you're only on the audio bridge, could you please let yourself be known now? Hearing no names, I would like to remind all to please state your name before speaking for recording purposes and please keep your phones and microphones on mute when not speaking to avoid background noise. With this, I will turn it over to Heather Forrest. You can begin.

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.

HEATHER FORREST:

Thanks, Julie Bisland, very much. I think I finally figured out why we switched from Adobe Connect because it sounds so much more exciting to say Zoom room. It makes it sound like we have something really whizzy going on here.

Hi, everyone. Fantastic to have you on the call. Thank you very, very much. You'll see we have our agenda in the Zoom room in front of us here. The focus of our attention today is to wind up as best we can the work that we've done on Special IFRs and I would suggest that we have a quick look at the agenda here. We've got a little bit of an extra AOB. Anyone have any concerns about the agenda, anything you want to add, takeaway? No? I can't imagine we don't have terribly controversial agenda today.

Alright. Just by way of reminder before we leave the review of the agenda, what you see in front of you reflects the new work plan that we have for the group. Based on the discussions we had on our last call, Ariel and Julie have very kindly made a pass at our revised agenda, which I tinkered with a little bit to make it even more conservative. The way that work plan that was then circulated around to the group looks is that we wind up our work in something early September-ish but because it's the document deadline for council, I think that package of guidelines don't actually go to council until October.

My action item in addition to working with staff to revise that work plan and send it around to all of you was to communicate that plan to the council leadership. And I note that just maybe five minutes before this

call, I had an e-mail as well from the second Vice-Chair of the council, so both Rafik and Pam has confirmed receipt, say thank you for our works. There's a note from Keith here as well: "We greatly appreciate your involvement in the support and effort, as well as the contribution of all team members."

So, it looks good. What I suggested was that given where we are in the process, it didn't really seem the best use of council's time beyond our agenda for Marrakech and I gather from the replies that I've received that they agree with that too. I'm not sure if we have Tatiana, but we do have Maxim on the call. It may well be that you are asked questions in the course of council meetings on the ground in Marrakech. If there's anything that I can do to help you, if there's anything that you need from staff, by all means, let us know. But it seems that our revised work plan is acceptable to the council and they're happy for us to keep going. I think we're making excellent progress on of course a large part of the reason for revising the timeline was the involvement with the ccNSO which, in fact, is on our agenda today.

What I suggest to the staff is, by and large, we spend the bulk of our call on one item as opposed to trying to do multiple things in the same call. I think that's going to be advantageous to us as we move into more controversial areas. So, with that, my aim here today is that we'll be able to wrap up Section 18.12 which, in fact, we have already spent two calls on but it is a fairly weighty matter and it also involves GNSO coordinating with ccNSO. So, that's all by way of comment around reviewing the agenda and a bit of an explanation as to why the agenda looks the way that it does today. It looks a bit light but I suspect it's not going to be.

Any questions, concerns, comments about the revised work plan? No? Alright, excellent. Thanks very much to Julie Hedlund and Ariel Lang for helping us to put that together. And with that, any updates to SOIs before we move into substance? I see none. Okay. Then let's dive right in.

You remember we've got two prongs of this 18.12 stuff. The first prong is the internal stuff which is, being GNSO, our own guidelines for using the GIP, the GNSO Input Process in the context of a Special IFR and the guidelines that we have on the agenda here, and I think we can go to those guidelines. The guidelines have now been true. I believe I did the math just for the call. I believe we've had about a month of time to comment on these. We might even have had six weeks.

Ariel and Julie, could I have you pull up the guidelines for us please? Bearing in mind that my Zoom room might have crashed.

JULIE HEDLUND:

It may have crashed for you. Let me ask if others [have] the guidelines. I have switched to that page.

HEATHER FORREST:

Bummer. I saw it switched and then it switched back. There, it's back. It's back. Alright. I apologize because I'm in Southwest Virginia today and the Internet has found Southwest Virginia, but yes, let's just say it travels by mule.

Okay. Here we are. So, hopefully we'll continue with the Zoom room. Yeah, close to Steve not far, not far. It's near Fountain Lake. Let's see how I can keep this going. I wish, Steve. I wish. I wish.

We have the document in front of us. So, you'll see that there are some fairly high level sort of going to proofreading type comments, non-substantive comments that were put in there by, I believe, Wolf-Ulrich and Maxim. I made some substantial comments before we did the sort of last round of this all going out. I think what we ought to do now is just one through here and have a look, you'll see on the outline on the left-hand column there, we've got 10 sections. Just have a look and see if there's anything else outstanding.

Steve DelBianco had made some very prudent points in the last call that, I believe, went to 4.3 and 4.4. So, let's have look, see where we are and we'll we go from there.

Wolf-Ulrich has made a quick typographical correction here in the introductory section that just sets out this business of we can use the GIP. Essentially, here in all these guidelines, this how we go about doing that. I think we can probably scroll through the introduction. We hope the Zoom room doesn't drop for me. I suspect it's slow for me. I suspect you guys have moved ahead. Bear with me while I fight with Zoom.

JULIE HEDLUND:

Hi, Heather. I've scrolled down to 4.3.

HEATHER FORREST: Yeah. You know what, Julie, do me a favor, would you? It's going to be a bit of a pain. Can I trouble you to – I'm so sorry. Sure enough, my Zoom room has just dropped and restarted. Julie, could you send me very quickly the link to the document in our staff Adobe chat, please, so I can pull up the Google Doc and I can maybe work off of that? Because actually Zoom is trying to reconnect even as I speak.

JULIE HEDLUND: Yes, Heather, let me do that right now.

HEATHER FORREST: Thank you.

JULIE HEDLUND: I see Ariel also will send it to you. It's in Skype for you.

HEATHER FORREST: Brilliant. Thank you. I'm sorry.

STEVE DELBIANCO: [Inaudible] in your Google Doc. It's just as good as being in the Zoom room.

HEATHER FORREST: Yeah, I think so. Then what everyone needs to do, please don't hang up. I love the way Google has animals assigned to all of us. I always wonder, I just so anonymous shark moving through the document. The Zoom has

back up for me too. Excellent. Okay. As I look at it, the Zoom room appears to be in 4.3. Is that where everybody else is? I'm so sorry.

JULIE HEDLUND: That's what I'm showing right now, Heather, as well.

HEATHER FORREST: Awesome, Julie. Thank you. Good stuff. Okay. Steve, here is where you made some comments in terms of initiation of the GIP, and Julie noted in the chat a bit earlier that those comments were accepted. Steve, are you happy with the way this looks? Have we addressed the concerns that you raised? I think they were quite valid concerns.

STEVE DELBIANCO: Yeah, that's really helpful because you clarify what it means to consider. Thank you.

HEATHER FORREST: Yeah, good. Okay. Alright. Anyone have any questions, concerns, comments about the changes that been made in here because they were – Steve, just noted just a clarification as to what consideration actually mean, the word consider means. Anyone have any concerns, questions here? I see none. Excellent. Alright.

Then let's scroll down then. We have the initiation of the GIP. We found that fairly non-controversial in our last call in 4.4 that that's any council member they do then by referring to the process in 4.3 that minimum

requirements. That moves then to 4.5 which is the outcome and what happens there and here. In fact, here it's where we see the comments or the edits that were made in relation to consider and the reference to the Bylaws.

I frankly think that's a really good idea that we need to keep in mind going forward when we do these guidelines. Is there any way that we can recreate or refer explicitly back to the language from the Bylaws because that is indeed the governing document? I think staff was really sensible in the way that they went about this. Any comments, questions, concerns in the changes that are here? I can't imagine we do but just make a check.

DAVID MCAULEY: Heather, it's David, can I make a question?

HEATHER FORREST: Of course, David. Go right ahead. Thanks.

DAVID MCAULEY: Thanks. It's a minor point, very minor, but it strikes me that – I'm going to ask a question then answer it myself. I'll probably say no but the question is this: we have language in here and it relates to what you just said about referring back to the Bylaws. We have requirements in here, it's very hard to think of a circumstance where this could happen but if the Bylaws were ever amended, if the community decided this is much too rigorous, we need to have more flexibility and amended the Bylaws. Between the time the Bylaws were amended and these guidelines was

amended, if an IFR came along, should we put language in there that gives the council flexibility to conform to then current Bylaws? I think it's so remote that we probably don't have to, but it's a one thing that struck me as I read it and then I was prompted to think about it again when you just talked about making reference to the Bylaws. Thanks.

HEATHER FORREST:

Yeah, David, I think it's a very sensible point. We need to figure out where you want to put it meaningfully. Julie has her hand up. Julie, over to you.

JULIE HEDLUND:

Thank you very much. First of all, if we are indeed sending this document up, there's guidelines as opposed to changes to the GNSO operating procedures. I think it's our underlying assumption then we can very quickly change these guidelines if there are any changes in the Bylaws. In fact, changes in the Bylaws will take much longer than it would take to make corresponding changes to this document. But we also could put in a statement that just said something subject to the current version of the Bylaws or something along those lines. So, recognizing that if those changed then this will change.

HEATHER FORREST:

Thanks, Julie. Thanks, David. David, I know your comment in chat, it takes care of the issue. I think the only thing – I wonder from the staff side, if this is something that you all might want to do is have a running tally of anything that needs to be [chimed]. I'm sure that the GNSO

operating procedures would have to be picked through in the event of a Bylaws change but it seems like at the time if it does happen, there would be plenty of time to do it that may well be a lot to change. I think your point, Julie, is helpful but it's more of a housekeeping purposes.

Maxim says in the chat, "This cannot contradict Bylaws." Yeah. Yeah, I suspect so. I think the point that David was making was something along the lines of as below or the then current version of the Bylaws, so we'll see how that pans out. Yeah, cool. Thank you, Julie. That's great.

Okay. David, as I understand that you're happy with that and it looks like we had dealt with this point. That means we can scroll down. And the thing is still moving for me, so that's great. So, we're now at section 4.6, the preparation of the post GNSO input. This is of course what actually comes out of the GIP, the either being input. So, we can scroll through here.

I made some typographical changes somewhere in here but nothing really detailed. Yeah, nothing terribly serious. Excellent. Alright. That takes 4.7. Okay, 4.7 I don't think we had very much at all and Steve had a few typographical changes somewhere along the way as well.

So, preparation of the input which deviates from the traditional GIP, council deliberations, transmission of the outcome of the GIP within 24 hours. We clarified there that it was the EC representative and the termination or suspension of the GIP prior to final report. We referred that back to the actual GIP. But it takes us all the way through this document. Now, Julie you just highlighted "encouraged." Why have we done that?

STEVE DELBIANCO: That was me, Heather, and I asked whether it's the right word or is it required? It is only encouraged in the Bylaws Annex 3?

HEATHER FORREST: Actually Annex 3, Steve, refers to the GNSO operating procedures. As I'm aware, that's the language there. I don't think that the council is required under the GIP which forms Annex 3. Julie's confirmed that's the language from the GIP.

STEVE DELBIANCO: Thank you.

HEATHER FORREST: There you go. You're very welcome. Move your cursor, Steve, so we can tell. Are you anonymous shark or are you anonymous squirrel?

STEVE DELBIANCO: I am anonymous tiger.

HEATHER FORREST: Oh, even better. Cool. Alright. Steve, good stuff. Alright. So, there we are. That takes all the way through this document. Anyone on – so, we've been through this several times. This was just a point of clean up and where are we. And are we all happy with this? Anyone see anything glaring at this stage? No. Blissful silence. Excellent.

Can I suggest then, Julie and Ariel, could you do us a favor please, and produce a clean version of this one for us? We can add it to our package. I think at the very end of our work, we'll want to just make a pass through everything to make sure that everything hangs together and that we haven't missed any sort of typographical errors. I wouldn't expect at that point to be any substantive, major or anything. But I think we can probably move this one off of our plate.

Now, this one will of course factor into the next discussion we're about to have which is the GNSO coordination. That said, this is the internal point. Yeah, I agree, David. That's great. This is a pretty big chunk of work, everyone. That's great to get this done.

Julie, thanks very much for noting action item there. Julie, may I turn it then to you, if you're willing, to give us a bit of an update on where we are with this second part of the 18.12 piece?

JULIE HEDLUND:

Yes, sure. I'm happy to, Heather. This is Julie Hedlund from staff. This section is conceived to follow the last section that we just looked at, Section 4. It has then provided to the ccNSO GRC. Last week, Monday, staff walked through the document for a GRC call. The sense with that, they would be able to start reviewing the document while this drafting team also is reviewing it. We have sent around as part of the homework for this call, I see that Steve DelBianco is working away in it right now. Wolf-Ulrich had a few minor edits, as did Tatiana.

David, correct me if I'm wrong – I think that you were going to help to liaise with the GRC as far as changes that they are suggesting to the

documents that we can jointly combine edits as we run through it. Sorry to put you on the spot.

DAVID MCAULEY:

Julie, hi. It's David speaking. No problem. Yes, I did volunteer to do that and you correctly described the call that we had last week. I have been through this document and I have not made any suggestions yet in it that show up. I did put some in there but I struggle so with Google Docs. They don't show up when I go back in. I'm doing something wrong with Google Docs, but many of that, I can mention some of them on the phone. But the long and short of it is, I haven't really done much with the GRC, the ccNSO Guidelines Review Committee, since the last call because I've just now basically finished with what I was doing with the document.

I do think coming away from that meeting though that it is almost inevitable that to finish something like this, it will have to have one more not necessarily long but one more joint meeting with ccNSO Guidelines Review people. It would be a meeting that I think we should have some formal preparation and formal agenda, and I'd be happy to help on both. I think we need to come out of that at least agreeing certain principles in the direction that we're going. I think that would be very helpful to finishing something like this and I think Katrina would be open to that. Anyway, that's my statement about what you asked, Julie. Thanks.

JULIE HEDLUND: Thanks very much, David. That was really helpful. Heather, how would you like me to proceed at this point? Would you like me to start running through the document and through the edits that we have thus far?

HEATHER FORREST: Julie, before we do that, let's just make a quick point. One of the things that we built into the revised work plan is we really don't have anything else on our plate until next month. My thinking was that we could use the opportunity of Marrakech potentially or something after Marrakech as an opportunity to liaise with the ccNSO. David, I know trying to cramp things into a face-to-face meeting isn't optimal, but do you think we could do that meeting with the GRC? Do we need to have that, let's say, at the next GRC meeting? Should we be setting up a separate meeting? If so, I think maybe we want to schedule that before everyone starts to get to travel crazy mode. Over to you, David.

DAVID MCAULEY: I think it probably would be a shorter separate meeting than a GRC meeting. I have to say, with regret, I won't be present in Marrakech. Even though I go to most ICANN meetings, I won't be at this one. But I certainly will be available by remote participation. If something does take place in Marrakech, that shouldn't be a problem. But I need to take it up with Katrina and I haven't done that yet, Heather. Sorry about that. I suspect that would be better done separately or if the GRC could put it on a typical GRC meeting agenda which now won't be until after Marrakech agenda, it's the first hour block or something like that, I think

they'd be willing to do that. But let me check with Katrina and get back to you and Julie. We'll try and sort out what makes sense.

HEATHER FORREST:

That's great, David. Thank you. I think you're right to think I'm always so overambitious with trying to do things in a face-to-face meeting. I think let's do this at a time that's convenient for everyone when everyone gets back. But we didn't put it into the formal work plan. So this is really our last call, our only call for the month of June for this group, for our drafting team, with the thinking that if we needed to coordinate with ccNSO, we do it outside of our formal schedule.

I'm more than happy to help in any way that I can, David, so you don't feel like you're the sole contact point here. I'll leave it to you to decide to proceed with catching up with Katrina. I will go from there. That's super helpful. Thanks, David.

Julie, would you like to run through this? Would you like me to run through this? What's easiest for you?

JULIE HEDLUND:

It's probably easiest for me to run through it just because it's easier for me to scroll without trying to guess necessarily where you are, if that's okay with you.

HEATHER FORREST:

For sure, Julie. Knock yourself out.

JULIE HEDLUND: Let me ask then this next question. We did already talk through this on the last call. So I'm wondering if it might be helpful to go to where the edits are. I see David has his hand up.

DAVID MCAULEY: Thanks, Julie. The only reason I put my hand up is I saw you scrolling past page 1 and I had some edits to suggest at the bottom of page 1. The document I'm using is the one that was online about three, four, or five hours ago.

There's a paragraph at the bottom of page 1 that begins, "The following are guidelines for the joint GNSO-ccNSO consultation." It goes on to say, "On whether to initiate a Special IFR, assuming that either 18.12(a)(i) or (ii) has occurred." I think that both have to occur. I thought I should say, assuming that both 18.12(a)(i) and (ii) have occurred unless I've read the Bylaws wrong, but I think it's the both of them.

JULIE HEDLUND: Thank you, David. Actually, the Bylaws are a little bit unclear because they listed two items as though they're two separate things. If one happens that triggers. If both happens, that triggers. If either one happens, that triggers. If it's not clear, that both have to happen. At least that's my reading of it.

DAVID MCAULEY: Let me push back just a little bit, Julie. The introductory paragraph (a) – before the various eyes appear – says, “Following the satisfaction of each of the following conditions.”

STEVE DELBIANCO: Right. In 3 and 4, there’s an “and,” David. You're right. Ultimately, the Bylaws require all four.

JULIE HEDLUND: Thank you, David. Yes, I think it was each that I was interpreting differently, but I think you're right.

DAVID MCAULEY: Anyway, that’s the only suggestion I had on page 1. Thanks.

STEVE DELBIANCO: Great catch.

JULIE HEDLUND: Yeah. I’ve changed “both” instead of “either” and we’ve changed “and” instead of “or.”

DAVID MCAULEY: Change the verb “has” to “have.”

STEVE DELBIANCO: She did.

DAVID MCAULEY: Okay. I'm sorry. I missed it. Thanks.

JULIE HEDLUND: Someone did. Ariel is in there too making edits. So then on to 5.2. Actually, Steve, you have several edits in here. Did you want to speak to them?

STEVE DELBIANCO: They're just completely arranging for responsibility rather than saying that something shall happen, let's say, who shall be responsible to arrange it? We've been doing that all along. Let's keep it up.

JULIE HEDLUND: Perfect. That's great. Very, very helpful. I see a comment at the bottom of 5.3 from Wolf-Ulrich and minor typo correction by Tatiana, "Through the SICT." Wolf-Ulrich did you want to speak to that? I think I understand what you mean there.

WOLF-ULRICH KNOBEN: Yes. I'm always picking things, Julie. I was just thinking when I was reading that paragraph. That is all of the outcome of the SICT, which comes out here and it should be conveyed to the websites of GNSO and ccNSO. So the question was just who is going to do that. It shouldn't be

the consul, isn't it, in addition to that? I understood it should be done with the SICT. That's my understanding here.

JULIE HEDLUND: Thank you, Wolf-Ulrich. I see, David, you have your hand up as well.

DAVID MCAULEY: I have a comment after Wolf-Ulrich says done and it was just before that section. So if we're done with that, then we can move on. Or I'm happy to wait.

JULIE HEDLUND: I think I understand what Wolf-Ulrich is suggesting there and staff can edit it accordingly. Please go ahead.

DAVID MCAULEY: Okay. So then in the two paragraphs, just before that joint release, a statement that you all were just talking about, in both of those paragraphs there's a sentence that says, "The input also shall be posted to the GNSO website and wiki." And then the next paragraph says the same thing to the ccNSO website wiki. This is with respect to the input that's received.

Here's my question. The input is going to be about a PTI service complaint of some significance. The input will include, especially on the ccNSO side from TLD managers and operators. Some of them, in order to give meaningful input, may request confidentiality. Should we

consider saying something in here subject to – well, come up with some language that would recognize that? If we tell folks that, “We need your input,” then we’re going to go post it on our wiki, we’ll get different results. That’s my question. Thanks.

JULIE HEDLUND: Thank you, David. That’s a really good point and that definitely had not occurred to me. But I’ve made a comment to capture that and I see that Ariel is in there. No. Steve I think is in there. That’s Steve, the anonymous iguana who’s putting in some comments along these lines.

STEVE DELBIANCO: Just read, just to help you out. Subject to redaction requested by input provider, something like that. Is that what you're getting at, David?

DAVID MCAULEY: Exactly. Thanks, Steve.

JULIE HEDLUND: Heather, you have your hand up. I don’t mean to be pretending to run the show here. So, please take over any time.

HEATHER FORREST: Don’t be silly. No, no, no, Julie. Don’t be silly. You're doing a great job. Here’s my question. This is one of these – I think we’ve gotten in this situation a few times with these guidelines. I’m trying to imagine exactly what happened. I think David’s point has provoked in my mind a pretty

interesting question. What do we think the [fish] outcome of the GIP is going to be? What do we think that the council is actually going to produce here? And do we think that that will have confidential material in it? I certainly don't – I have no concerns at all about making a statement to the effect of where necessary redact to confidentiality reasons as a insurance policy. But I just wonder, David, you maybe have thought this through much more than I have. What do you think the council is actually going to be saying here?

DAVID MCAULEY:

Thanks, Heather. I have not thought that through. But now that the question is on the floor, if I were a member of the council, I would be one of those arguing along the following lines, especially in light of the fact that the input we get from SOs and ACs and everybody else is posted on the website of wiki. I would go along the lines of saying, "We've been thinking about a Special IFR. We've deliberated. We've considered all the material stuff. You can go see what's there and we've decided to request a Special IFR." It would be short, simple, and non-argumentative, non-substantive. It would point to other sources of information.

HEATHER FORREST:

Thanks, David. That's what I sort of had in mind myself, putting myself in the position I was in six months ago. Again, I have zero problem with putting in a disclaimer there to say if there is confidential material then we need to redact it. I don't suspect we're going to need that provision. But yeah, that's what crossed my mind as we did this.

Julie, you got your hand up. Then, Julie, I'm happy for you to take over from there. Thanks.

JULIE HEDLUND:

Thanks, Heather. Maybe I'm misunderstanding but I think this is early on in the process and maybe what I'm hearing you describe – you and David – because this is just at a point where the GNSO had gone through its input process for a Special IFR and the ccNSO has done the same their internal processes. Based on their internal processes, they've decided to initiate a joint consultation, so the consultation process as to whether or not initiate the Special IFR.

When staff wrote this, we were thinking that there probably wouldn't be a lot of information provided at this point because it's really just the fact that both have agreed internally to consult as opposed to initiate. But I see, Heather, that you're saying that that is what you were saying, so I apologize for that. I just thought I'd make that clear.

I have Steve and then David.

STEVE DELBIANCO:

Let's say GNSO was leading it, in order to convince ccNSO to enter these consultations, do you think it would be necessary to present to them the kind of evidence that shows we really have a serious problem that's serious enough that we want to do a special review, not wait a year to do the regular review of IFR. This is a serious problem. There's a performance issue. If I disclose that issue in sufficient detail to alarm the ccNSO, at the same time, expose the vulnerability that could be

exploited by somebody with bad intentions. So I'm thinking creatively that if there's anything in the rhetoric I will use to scare the ccNSO into actually having a consultation, could that be something we would prefer to be redacted from a public website.

Thank you.

JULIE HEDLUND:

Thank you, Steve. I'll just refer to Heather's comment which is one I was also going to make. The output of the GIP is the GNSO's input to the ccNSO as to whether or not the GNSO has decided to initiate a Special IFR. Are you suggesting then that maybe that some of what is in that output of the GIP or outcome of the GIP might end up getting to be redacted?

STEVE DELBIANCO:

I'm just thinking. I've just given you a hypothetical situation which is entirely plausible. However, if it's in the GIP that the redaction would occur, then we don't need the redaction and these two paragraphs on page 2 since it's the underlying GIP that would've been subject to the redaction. Is that your point?

JULIE HEDLUND:

I guess. That's the other question is whether or not we need that confidentiality information, that language in Section 4 of these procedure where we have the outcome of the GIP but we don't mention that there could possibly be information in there that we might not want to make public.

Let me pause there because David has his hands up too and maybe he'll be speaking to the same issue. Thank you, David, please.

DAVID MCAULEY:

Thank you. The comments that you and Steve were just getting to be quite helpful. My only point would be that – I think Steve brings up a good point about exposing vulnerability. If that could happen then I think certainly we would want to protect against that. But it's more than just that. For instance, if IANA finds out that the driving force behind the Special IFR is perhaps a problem, maybe that a major problem but once the problem is described, they'll know exactly who the complainant is or complainants are. Those people may be reluctant to speak about it because they just don't want to get themselves cross [inaudible] with IANA. I don't know. I'm just guessing. But I'll note that under 5.6 of this document. When I answered the question before about a plain and simple statement that Heather was asking – I was speaking about the council. But there's also a statement that comes out from this SICT. It will review input from GNSO, ccNSO, and from SOs and ACs. In the paragraph just before 5.6, it's possible that the SICT will even recommend the public comment period. I can't imagine that but they could. And if they do, that public comment period would be on their draft joint recommendation.

So I think there's a need for enough flexibility to provide for confidentiality if it's absolutely needed. Maxim raised a good point in the chat. We want to be transparent. We don't want to have blanket confidentiality but there should be a happy medium. I guess my point is

this document should allow for it where it's absolutely necessary or something like that. Thanks.

JULIE HEDLUND: Thanks, David. That's really helpful. That seems clear to me at least. I'll try to capture that sentiment/comment in the document. We'll pick that up in the notes as well. Does that answer the concern or the issue you're raising as well, Steve?

STEVE DELBIANCO: Julie, I put the text in brackets to accommodate what David was saying since David doesn't have access to the current Google Doc. Just trying to help him out. If you're convinced that we have adequate means to guard against the confidentiality in the previous stage in the GIP doc then I have no desire to add another confidentiality qualifier on page 2.

JULIE HEDLUND: Thank you. I think that's really helpful. I'll make sure to work with David to make sure that he can get his edits either in this or I can [create] for him.

Let's go ahead and move on. I think we've tried to capture that pretty well. We have Section 5.4, the consultation with Supporting Organizations and Advisory Committees. I'm not seeing any edits there until we get to the top of page 3. That looks like a sensible edit also by Steve.

Looking at Section 5.5, deciding whether to request public comment period. Also no edits there. That really just follows on from what the Bylaws say in 18.12(a)(iv).

Then there's developing the joint recommendation. I'm not seeing any edits there. David, you have a comment for 5.7 but I also see Steve's hand. Your hand's up, Steve.

STEVE DELBIANCO:

I appreciate moving quickly but at the beginning we say the SICT shall decide whether to recommend. And later in the paragraph, "recommend" turns into "request." By the last sentence in that paragraph, "it shall happen." So we go from recommending to making it a request by saying that it shall happen. So all along, it's really not a recommendation or request. It's about whether they want to conduct the public comment period.

JULIE HEDLUND:

Yeah. Thank you for that, Steve. There is actually a process whereby groups do have to request that public comment periods are open of ICANN org. It's not that an organization can just simply open one. I think that, yes, the language in the Bylaws is [inaudible] request and we should be consistent with that. It should be request instead of recommend, and request throughout.

STEVE DELBIANCO: Then right here – I’m doing it in brackets so you can decide what to do with it – but subject to whose approval of the request is my question for you right there.

JULIE HEDLUND: Thanks. There is actually a process language. It’s ICANN org. But I’ll make sure I get the correct language in there. That’s a really good point.

I see David. You have your hand up, please.

DAVID MCAULEY: Thanks. I can make this quickly. In 5.7, we talked – at the bottom of page 3 – the supermajority of the ccNSO Council and then the GNSO supermajority. I know that has to be council. I think we’ve all agreed that has to be council. I would suggest we say a GNSO Council supermajority. The language in the Bylaws in (a) is confusing because it uses GNSO supermajority, but then the language in 18.12(d) makes it clear they’re talking about council. I just find GNSO supermajority a confusing term, but it is what the Bylaws say in certain respect.

STEVE DELBIANCO: You know, David, the previous Bylaws Drafting Team was one I chaired. We desired to take advantage of the word GNSO supermajority and have it be a supermajority of just the GNSO Stakeholder groups and constituencies. We lost that battle and the thing is in council’s hands pursuant to the procedures. So, you’re right to say that it should always say council since there isn’t allowed to be a GNSO supermajority that isn’t measured by council.

DAVID MCAULEY: Thanks, Steve.

JULIE HEDLUND: Thanks for that, David and Steve. This is actually pulled from 18.12(a)(iv) of the Bylaws. It is an unfortunate consequence with the Bylaws – and we have raised this with Legal – and that the Bylaws often say GNSO when they mean GNSO Council. Since we’re not actually quoting the Bylaws here, I think it’s clear for us to say GNSO Council. And then they do say further [inaudible] (d) GNSO Council. Thank you for that, David, in the chat.

STEVE DELBIANCO: Yeah, it’s not just okay. It’s probably to be consistent with other parts of our procedures that we did in the last drafting team.

JULIE HEDLUND: Correct.

STEVE DELBIANCO: Alright. So right there on page 4 another council.

JULIE HEDLUND: Yes. Absolutely. I think we’re going to have to do a Search and Replace for those instances. Actually, that’s the end of the document.

HEATHER FORREST: Julie, it's Heather. Real quick, just to pick up the point that you've just made and the change that you just made there, the GNSO Council supermajority, am I right in thinking – and Steve, you might be the quickest one to be able to correct me – don't the Bylaws use that term? Should we be using the Bylaws term and then having a parenthetical to say I'm meaning GNSO Council supermajority?

STEVE DELBIANCO: Heather, if I might, I think you can leave the Bylaws alone. We're not going to change the Bylaws but when you were Chair of Council, you presided over the debate that for purposes of the GNSO procedures regarding the EC, we are treating the GNSO supermajority within our procedures as a council supermajority.

HEATHER FORREST: Yeah, I get that.

STEVE DELBIANCO: That's why I think it's okay to do it just in these procedures and not reach back in and change the Bylaws.

HEATHER FORREST: No, that's fine. I very painfully remember that process. It's more of a case of – I'm just going back to my earlier comment. I'm trying not to be too cafeteria style about we quote from the Bylaws when it chooses us but we don't quote from the Bylaws when we don't like what they say. I mean as I understand it, the Bylaws term is GNSO supermajority but if

we want to use council here, as long as we know what we're doing, again this isn't the Bylaws. Yeah, so that's fine. I just wanted to make the point. I completely appreciate your pain, Steve. I completely appreciate your pain.

JULIE HEDLUND: I see David. You have your hand up and then I have my hand up.

DAVID MCAULEY: Thanks, Julie. I want to speak this quickly to the concern Heather had and also to you, Julie, to help you when you talk to Legal. I think this argument has some weight.

I would point to the Bylaw 18.12(c)(i). It's very short, I'll paraphrase in a sense. It says, "The recommendation for a Special IFR shall only become effective if each of the following occurs: (1) the Special IFR recommendation has been approved by a vote of the supermajority of the ccNSO Council and a GNSO supermajority." So that's the term it uses in (c). Then we have to go to (d) which says, "If the Board rejects a Special IFR recommendation that was approved by the ccNSO Council and GNSO Council pursuant to 18.12(c)(1)." That's a section I just read. In interpreting (c)(1) which uses the term GNSO supermajority, the Bylaws themselves in Section (d) say GNSO Council. Thank you.

JULIE HEDLUND: Thank you very much, David. I see that I'm not a host so I can actually raise my hand. So I just raised my hand. I will note that elsewhere, at the top of page 4 here that staff didn't actually quote but is actually

taken from the Bylaws is it originally read that “GNSO supermajority, two-thirds of the council members.” So, it was really still meant to refer to council. There are discrepancies in the Bylaws as far as how that is referenced.

HEATHER FORREST: Julie, it’s Heather. I have to say Ariel has prompted me on this point. So, (a) refers to the ccNSO. We can’t be referring to a GNSO Council supermajority in (a) because it’s not about the GNSO. Ariel gets all the credit for that one.

JULIE HEDLUND: Yes. You're absolutely right. It goes on to read, “Supermajority of the council members,” and (b) just says GNSO Council. I actually corrected the wrong thing. That was me. But what it does say is it says GNSO supermajority, which is the point that Steve brought up.

HEATHER FORREST: It’s (b) where we’re making any edits here. For making edits, it’s in (b).

JULIE HEDLUND: Absolutely (b).

HEATHER FORREST: Yeah. Good. Thanks, Ariel. Good work.

JULIE HEDLUND: Bravo. That's because I can't talk and think at the same time. Heather, over to you. We're at the end of the document.

HEATHER FORREST: Cool. Alright. Here's what I suggest that we do. First of all, we owe tremendous thanks to Julie and Ariel for doing a fabulous job of keeping us on track here. It's great to see so many edits in these documents that suggest that we're all fiddling and tinkering with them, and I think that's a good thing.

What I suggest we do here is we have the rest of the month to sort out our 18.12 stuff. What I suggest what that means then is if, Julie and Ariel, you could record an action item, if you're willing to clean this one up for us as well, I think that would be helpful. Actually, I'm thinking while I'm here – talk about multitasking, right? I wonder if it would be helpful ... David, a question for you. Would it be helpful to show this to the ccNSO with our comments in it so that they know what our thinking is, or would it be helpful to show this to them as the next version, as a clean version? Julie's got her hand up. Julie, old hand or new hand? I'll turn to David first.

DAVID MCAULEY: I think either way. I think I'll try and send to Katrina tomorrow. I'll try and send her the thing showing comments. She can make that call. She's very good about stuff like that.

HEATHER FORREST: Great. Thanks, David. I'm inclined to say send it with comments. It's only because they've seen a previous version of this document, so that tells them (A) that we're active in it, (B) that we've had some thoughtful discussions around these things and done with the cleanup, and is there anyone in the ccNSO who's keenly interested? I assume Katrina is. I know Bart is from the staff side. Is this something that, David, the GRC really keen on this? I very much appreciate your earlier point that there's not anything in here that they're really concerned by but is there anyone that's really keenly interested in this?

DAVID MCAULEY: As you said, Katrina and Bart, Stephen Deerhake I feel certainly will be. I am. I think it's a small team. I wouldn't be surprised if everyone in the team is.

HEATHER FORREST: Okay. That's good. It's not surprising Stephen is interested given his role in the EC admin.

Alright, Julie is offering in the chat we can capture it as a Word document. I think that's helpful, Julie, that it goes as a Word document because not everyone agrees with Google Docs and gets on well with Google Docs. So I think that's probably the way to go.

If we record that as an action item, we will circulate this to the ccNSO, we'll get their view on how they think this is progressing. David, I'm really mindful here that I don't want to shadow you with – as it is, you have the burden of being a member of each of these communities and I

don't want you to have an additional burden of having to be the liaison between the two for all things. But if we could be guided by you on how to do this next call with the GRC or a subset of the GRC or whatever it is, that's great, David. I appreciate your willingness there. Super.

Alright, so we'll be guided by you. I would suggest we want to put a call in. I would like to think that we do that as in put it into the diary. Let's schedule it before we get too close to Marrakech so that we can safely go off to Marrakech, come home – those of us that are going and coming back – and then have that already in the diary. Immediately when you get home, things are a bit confusing. So, Julie and Ariel, if you can help us just to stay on track with that, if it gets too close to Marrakech and we haven't put that into the diary, if you can ping me, I would be grateful and that we don't pester David too much.

Okay, fantastic. We've made huge progress here. Thanks very much, Julie. Any comments, questions, concerns before we sign off for today? No? Great. Alright.

We're going to finish up 18.12. After Marrakech, you will hear from me and/or Julie and Ariel in relation to the next tranche of work that we have coming up. You'll notice in that draft, I suspect Julie and Ariel will send around the version that we've all seen once before that they circulated once before which has lots of comments in it from me. I think the next one on our plate is pretty uncontroversial. The one after that is probably much bigger. So, hopefully we start off in July on a not too difficult task before we move back into something a bit like this.

Thanks very much, Steve and David. Who else is on here? Juan Manuel and Maxim and Wolf-Ulrich. Fantastic to have all of you. Have a safe travel to Marrakech if that is indeed where you're going. David, we'll miss you. I'm sorry, we won't be there. Julie, Ariel, anything from your side before we sign off? Anonymous chinchilla, anything from your side? Nothing from Julie.

Excellent. Alright, everyone. Thanks very much. Have a lovely rest of your day. Talk to you soon. Bye now.

JULIE HEDLUND: Thanks very much, Heather. Thanks, everyone. Have a good day. I really appreciate it. Bye-bye.

DAVID MCAULEY: Bye-bye.

UNIDENTIFIED FEMALE: Bye all. Thank you.

[END OF TRANSCRIPTION]