
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

Wednesday 15, May 2019 at 2100 UTC

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<https://audio.icann.org/gnso/gnso-bylaws-15may19-en.mp3>

Zoom Recording: https://icann.zoom.us/recording/play/FOI-bjP0XWerGtDmtghezJAzHNcTueUsR1PPsqPwfv-me5a5CNF9_RrJ06Z7OZ9?startTime=1557954217000

Attendance is on the wiki page: <https://community.icann.org/x/BQV1Bg>

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MICHELLE DESMYTER: Well, I would like to officially welcome everyone. Good morning, good afternoon, good evening. Welcome to the GNSO Drafting Team call on the 15th of May, 2019.

In the interest of time, there will be no roll call. Attendance will be taken via the Zoom room. Also, as a reminder to all participants, if you would please state your name before speaking for transcription purposes and to please keep you phones and microphones on mute when not speaking to avoid any background noise. With this, I'll hand the meeting back over to Heather Forrest. Please begin.

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HEATHER FORREST: Thanks, Michelle, very much. Hello to everyone and to everyone in PJs at the front and the back end of the day. It is now 7:04 A.M. here in Tasmania and I understand it's about midnight in Middle Europe and a bit earlier in the day in U.S.

We have a pretty full agenda in front of us. I've talked this through with staff. We're going to see how much we can get through today. I think it's an ambitious timeline but we're going to give it a crack.

The first thing I'd like to do is have everyone look at the agenda really quick. Items 2, 3, and 4 we'll not be describing. Two Items 5 and 6 will be new first impression items. Anything anyone wants to change, modify, or so on, in the agenda? No? I don't see anyone raising hands. Bearing in mind that Zoom is not brilliant in showing me who's raising hands, so if I missed you, you just have to jump up and down.

Okay. Any changes to SOIs that anyone needs to report? Nope. I'm seeing no hands on that one either. Great. May I then turn to Julie? Julie, can you give us a brief update on where we are on the timeline, please? Thanks.

JULIE HEDLUND: Certainly, Heather. This is Julie Hedlund from staff. Yeah, Ariel is scrolling it. So for today's meeting, you've seen what's on the agenda. What staff has done is these were changes from the previous time we sent around the work plan and from what we had

sent to the GNSO Council. So we've indicated these changes as red line here.

For today, because we did not actually get to reviewing Sections 1.3 and Sections 2.2 and 2.3 on the last call, we've moved them here, and so at this point you're looking at an initial draft of those two items as opposed to approving the draft.

And then to move down to the next page, we then also moved Section 3.1 draft text and 3.2 to the next meeting on the 29th since we didn't anticipate getting time to review those today. And so, you'll see on the 29th those are added. Next page please.

Then also indicating that since we've moved Sections 3.2, 3.3 then that would be reviewed as initial draft instead of a final draft. We haven't changed the fact that we will hope to submit the templates and guidelines that are completed thus far to the GNSO Council for initial consideration at us meeting at ICANN65. Obviously, we'll see how this timeline goes and we'll try to stick to it, but if there are any further shifts, we'll indicate them in red line as well so that we can see what we're doing.

Actually, you'll note in here too, what you'll be able to track is we have the intended scope of work but we will indicate the actual work completed so you'll be able to keep track of how we've been doing, and so we'll note that, for instance, for today's call. That was all I had to raise on the timeline of work plan. Over to you, Heather, and then also I'll see if there's any questions.

HEATHER FORREST: Thanks, Julie. That's very helpful. So as Julie said, we communicated this updated timeline. I think we'll continue to keep council abreast of where we are. What I would suggest is irrespective of how any further changes that we might make on the timeline that might push out what we're able to provide the council for its meeting at ICANN65, I think it would be helpful and if I can ask staff to put this on action items. Can we please communicate to the council leadership that we're happy to – if they would like this on the council agenda in whatever fashion it is in June, we're more than happy to come speak to it. I'm happy to join the council meeting if that's helpful. I encourage – we've got several councilors on the committee. Anyone who's not a councilor, by all means, please feel free to join and we'll present whatever we can. So, we'll see how we go but I think we anticipate regardless being on the council agenda in June, if they would like to have us.

So with that, any questions before we turn to our first substantive agenda item today, which is a review of prior work done? No. I see no questions. Excellent. Alright. Ariel, you're doing a great job with driving things.

Our first substantive item is to review the Article 4 provisions particularly around the IRP, the Independent Review Process. There were some changes made at the end of this by David – thank you very much, David – and we had an opportunity to review. Julie's got – and of course staff can't put their hands up in Zoom which is another weakness of this – but Julie tells me in the chat she had her hand up. So, Julie, over to you, if you'd like to say a few words.

JULIE HEDLUND: Thanks very much, Heather, and note that I can't actually raise my hand in Zoom – that's a problem with Zoom – but thank you for recognizing me. And just very quickly, with the final changes discussed on the last call in the 8th of May, those were incorporated and the document was sent out for a week review and approval. That period ended last Friday at COB. There were no comments or questions or further edits from anyone, so this document is taken to be approved. Therefore, we can add it to the first and what we hope will be a pile of documents that we can submit to the GNSO Council for their review.

HEATHER FORREST: Excellent. Thanks very much, Julie, and thanks to staff. Thank you, David, for working closely with staff. We have, as Julie said, our first completed piece of work, so I think – unless anyone has any questions about that, we won't spend any more time on that today and we will plow on.

Okay. Ariel, if you can turn back into the agenda. Sorry, if we could go just to the agenda to get our head as to where we are.

So, our current body of work is Section 18.12, Special IFRs. We have two parallel tracks happening here, and this of course explains the push in the timeline. The involvement with the ccNSO has added a bit to our timeline. We know that they don't work at quite the pace that we do, but we have our own independent track here, so to speak, the Guidelines for How to Use the GNSO Input

Process for a Special IFR, and then (b) is that ccNSO Consultation.

So, on (a), what we did in the last call was we said we were comfortable enough with the GNSO Input Process as a model or as the baseline for what needed to happen. We asked staff to put together in a Google Doc the aspects of or the notes that we had made in relation to that GNSO Input Process. So, they had initially put that into a Google Doc, the whole thing. We made some comments in the margins on how that could usefully be changed or added to or subtracted from, to account for the particular serious nature of a Special IFR, to account for the special timeline and context of the Special IFR. Staff then turned those notes into something that looks rather like the document that we just saw on the screen and approved for the IRP, which is Guidelines for using the GNSO Input Process for the Special IFR.

Now, Ariel, if you could take us to that document, that would be super helpful. Great.

This is the Google Doc as we all had an opportunity to see and make comments in it. Ariel, also provided us with the link in the chat. You'll see – we're looking at this live, so you're seeing comments right now. There's a comment from Wolf-Ulrich at the bottom of the screen.

The purpose of today is to go through the comments that are made here, progress this work, and hopefully get to a point where we say we've answered the main questions that we have and we are comfortable or not, if anyone is uncomfortable with where we

are with this process, and to push this forward to some sort of final resolution if indeed we are comfortable with where we are.

One thing I'd like to say is – Steve, it's great to have you back on the call. You have a tremendous insight into this project, having been involved in the earlier project and likewise talk to you. It's good to have that continuity in the group. One of the things that we took into pretty serious consideration, Steve, were your comments around – this is a pretty serious situation and we don't want to just shovel this off to some sort of no man's land and we need to make sure that we emphasize in these guidelines how we go about acknowledging that, let's say, and one of the ways that we do that is by keeping a very substantial documentary record of who's talked to whom and how the actual decision-making process is made by the GNSO Council in relation to either initiating or joining a Special IFR.

Of course, we don't have – “control” is the wrong word – but the ccNSO would be doing this themselves. They may not have the same approach as we do as to getting to that point of decision making. I know they share our concerns about the nature of the situation, but I think the importance here is for us to capture that this is a pretty weighty situation and the council needs to take it seriously, number one. Number two, there needs to be a full record of how the decision has been taken. So, I want to provide that background to make sure that you knew, Steve, that your earlier comments had been taken into consideration.

STEVE DELBIANCO: Heather, thank you for that. Apologies to the group that I've been completely swamped lately with what we call "tech lash" here in the USA, and I really appreciate picking up on those comments and looking at the document now. Thanks again.

HEATHER FORREST: Great. Thanks, Steve. So, looking through this, what I would suggest is let's make a general call for any comments, questions, concerns about where we are now. In looking at this document that it was entirely barking up the wrong tree, that we were going the wrong direction, or does everyone broadly feel – let's say if you object to this as a general direction for council, can you make your comments known now before we put our heads down into a discussion that would effectively assume that this is what we need to be pursuing?

David, please.

DAVID MCAULEY: Heather, thanks. I don't object but I do have a question that may be fundamental, I'm not sure. And I apologize, I came to this a little bit late because I was focusing on the IRP stuff, but when I read through it – and I'm trying to find the specific instance of it – but when I read through it, I got the impression that the GIP process will be seeking input – this is under 4.5 that I'm looking – from Stakeholder groups and Constituencies as well as Supporting Organizations and Advisory Committees in early stages. I just got the impression that the treatment of consultation

with SOs and ACs in conjunction with the ccNSO, it didn't come through to me.

“What the bylaw requires is that the ccNSO and the GNSO” – and I think they're talking about the councils but they say, “ccNSO and GNSO shall have considered the outcomes of the processes set forth above those of the remedial things that failed and shall have conducted meaningful consultation with the other Supporting Organizations and Advisory Committees.”

I got the impression when I read that part of the bylaw that that was in conjunction, they will do this. And when I read this document, I got the impression that the consultation with SOs and ACs will be done by the GNSO on its own as it builds up to doing something in this process and then going to the ccNSO. Maybe I'm reading it incorrectly or I don't know, but that was a discomfort that came through to me. Thank you.

HEATHER FORREST: Thanks, David. I think that's helpful. Ariel, are you able to take us to that precise language? And I think it's down in – it's 4.3 or 4 I think.

STEVE DELBIANCO: 4.5.

HEATHER FORREST: There you go. Thanks, Steve. Good. Steve, over to you please.

STEVE DELBIANCO: David's right. It would be better for us to interpret the ambiguous language so that ccNSO and GNSO do it together. So, we can't change what's in quotes but we can interpret it for the purposes of this, that the consultations with the other ACs and SOs should occur with the ccNSO and GNSO jointly conducting those consultations. It would be crazy to force all the other ACs and SOs to go through two separate rounds, one with the ccNSO and one with the GNSO. So, I'm agreeing with David on that but I don't know what to do since we can't change the quotes, we just want to interpret it.

And the second thing is that in the yellow text it says that there must be community consultation. But the specific language doesn't really say a community public comment period. It means this consultation, which is leadership to leadership or leadership to constituencies but not a wide open 30-day public comment period with staff analysis of comments.

So, those are two, I would say, ambiguities that I would prefer we resolve so that we don't have to do a public comment to do a community consultation, and that the ccNSO and the GNSO jointly conduct the consultations with the other ACs and SOs.

HEATHER FORREST: Thanks, Steve. Wolf-Ulrich, apologies for missing your hand earlier.

WOLF-ULRICH KNOBEN: Thanks, Heather. Thanks, David and Steve, for these comments. You see I made a comment at this [inaudible] because I'm a little

bit confused about what we are really doing. I understood from reading the bylaws here that this part, the ccNSO and GNSO, shall have considered the outcomes until the process is set forth. This has already been concluded before a GIP is going to be set up in action here. That was my understanding from reading the bylaws. So, I was really asking – my question here was why we put it here in this context and I understood in that direction that a public consultation may be a public comment period here, which I don't see a requirement for that in this context. So, this is my context. I was also a little bit confused from this text and I would be happy if could [inaudible] that. Thank you.

HEATHER FORREST: Thanks, Wolf-Ulrich. Tatiana, over to you.

TATIANA TROPINA: Thank you very much. Just further to what have been said, ICANN Bylaws state community consultations including public comments – so, it doesn't mandate public comment. It might include public comments but necessarily. So we don't have to really include public comments here, just some kind of lawyer remark. Thank you.

HEATHER FORREST: Thanks, Tatiana. So, I think another thing that we can note here as well is the time, the public comments normally they follow are very lengthy cycle, and I suppose it crossed my mind that we might not have that time in this instance. I know the ccNSO maybe takes a different view on how much time we'll have in this situation

but ... I think then what we've noted here is that as Steve has rightfully pointed out, we're dealing with a quote. We cannot change the quote but what we can do then is try and interpret what it means and interpret it in a way that makes the most sense, given the situation.

Who are good drafters on the fly? I confess, I'm struggling just to follow the Zoom chat and the hands up and all that. I may not be the best drafter on the fly this morning. Who can give us off the top of their head some language to get us started on how we interpret this, to get us out of the problem of mandating us down in the form of public comment?

If nobody is up for drafting on the fly this morning then I think what we do with the [inaudible], I think what we do is we flag this. I think what we do is, staff, if you can flag this. Steve, you have your hand up. If you can give it a crack, but otherwise we'll just come back to it in the Google Doc. Steve?

STEVE DELBIANCO: I was going to say that the yellow text where it says Community Consultation, can we not just simply change that to match what the bylaws say? There must be consultation with the other SOs and ACs – period.

HEATHER FORREST: Yeah. I think that's fine. I think we could even probably be a little bit more precise. We're going to say, "The GNSO will follow the procedures in Annex 3," which is the GIP Section 5. But we could say "but" specifically per Section 18.12 and then just include the

quote. Anyways, I think we've got some changes happening in there now. We'll flag it to come back and tidy it up, and we'll clean up that comment that Wolf Ulrich has made.

STEVE DELBIANCO: And I just put in brackets instead of making it –

HEATHER FORREST: Oh, good. That's you, Steve, great. Good. Thank you. Yeah. Yeah. Sure enough. Cool. Cool. good stuff. Alright, let's mark that then as something that needs to be returned to, and Julie has noted that for us so that she can help us make sure we can back to that.

Great. What I suggest we do, let's page up in the document. My brain hasn't yet decided with Zoom that mind control work so, Ariel, I keep trying to drive your screen. Ariel, could you take us up to the top please? Can we go to the first comment? And, Steve, your hand is up, I didn't mean to carry on if you have –

STEVE DELBIANCO: Sorry, sorry, sorry. Down now. Sorry.

HEATHER FORREST: Okay. Alright. No, problem. Alright. Let's go through the comments here. Clean up anything that's raised in the document itself and then see where we get to.

So, Wolf-Ulrich, you made a comment about the GNSO Council may decide whether to use the GIP to determine whether either of the conditions for initiating a special IFR have been satisfied. And you were saying it sounds a bit complicated. The GNSO may use – I think, Wolf-Ulrich, the logic on that was we were pushing council towards making a formal decision, again in view of the need to have an adequate record of how the decision had actually been made. I think that was the logic for the language behind may decide whether. With that I'll – Tatiana, you have your hand up and then we'll turn to Wolf-Ulrich.

TATIANA TROPINA:

Thank you very much, Heather. I actually would like to support Wolf-Ulrich's suggestion to kind of maybe not simplify the language but we draft to [be]. Honestly, I see the same problem with the complexity of using "whether" also in the first paragraph. There were a couple of sentences where "whether" was used in a very complex constructions three times, and so on. Yeah, I think it was the first paragraph. "In deciding, whether the initiation council must decide whether..." and so on and so forth. It's just too much of these. I'm just wondering, could it be in how we draft it because this construction is a bit mind boggling from any point of view. But I guess we can do it later, just fine tune the language. I don't know if this comment makes sense. I mean it's one of my first meetings. Thank you.

HEATHER FORREST:

All makes good sense, Tatiana. Over to you Wolf-Ulrich.

WOLF-ULRICH KNOBEN: Yeah. Thanks, Heather. I wouldn't like to overcomplicate it rather than to make it less complicated. So it seems to me – and you're right, the council may decide. It sounds a little bit formal to take a decision may need the motion or whatever. I don't know how this process is. And this seems, to me, it overcomplicates it, if somebody comes up and they say, "We need the motion for that." So, the council may decide better than to use just the GIP.

From this writing here, the first step, and then it comes to the GIP which is going to determine whether either of these conditions have been covered or not. So this is step by step, and I'm asking myself whether it's really appropriate to that of we would like to have. So, I'm looking for a less complicated thing.

I was just thinking, if the council is going to use it but he doesn't have it to use it as we write later on. Then anyway, he has to say yes or no before. Let's do it all, but make it easiest as possible. Thank you.

HEATHER FORREST: Thanks, Wolf-Ulrich. And, Steve, your language gets lots of support in the chat. Over to you.

STEVE DELBIANCO: Thanks, Heather. I put it into the document, but of course you can reject it. I've picked up on your point that we want to show the GNSO Council has to be explicit, that it must select some formal method to make a decision and document what it did, and then we

want to steer them towards the use of the GIP. That's where "may" and we could come up with "should consider" using the GIP. If we believe stronger, we would make that "should consider" instead of "may." Thank you.

HEATHER FORREST: Thanks, Steve. I actually I think you might – "should consider," again it's not compulsory language but it does suggest as we said in an earlier call quite frankly, we did want to give council the option to do something else. However, we don't want to force council into using a process that council may determine at that time which could be sometime from now but it doesn't want to use this. So, I think "should consider" is a good one and you've got lots of support again in the chat for your language, Steve. So, that looks great.

Anyone object to where we've gotten to with this? David says he agrees with the comments. Great. Good. And of course, what we'll do is we'll come back to this language and see how we go.

To Wolf-Ulrich's point then and, Steve, you're driving in the document, if the GNSO decides to use the GIP, are we happy to take that down with if the GNSO uses?

STEVE DELBIANCO: Good idea.

HEATHER FORREST: And we could actually there say, Steve, for precision – if the GNSO council uses. Okay. It looks like everybody's on board with that so far. Great.

Ariel, could you scroll us down to the next comment please? Okay. Now, Wolf-Ulrich, you've made a comment there, "Swap 4.3 and 4.4. 4.3 being a minimum requirement for an initiation request, 4.4. being the initiation of a GIP." Wolf, I think the logic to that is we're following the order of how things are set out in the actual GIP. But Julie, just make sure I'm right about that.

JULIE HEDLUND: Yes, that's correct.

HEATHER FORREST: Okay. So swapping the two will forward, it would take us out of order with the document that we're trying to mirror. Let's say that the document that we're giving guidance in respect of, does that impact your comment, Wolf-Ulrich?

WOLF-ULRICH KNOBEN: Okay, thanks.

HEATHER FORREST: Great, thanks. Steve, your hand is up. It might be because you're driving in the document or it might be because you have something to say.

STEVE DELBIANCO: I wanted to explain what I did in the document. It is better to say “whether either the conditions has been satisfied” – “either” is singular so it has been satisfied – and I moved that up so that it’s in the right place in the sentence so that people will focus on that as opposed to sticking at the end. This is in 4.1, the penultimate paragraph. Thanks.

HEATHER FORREST: Great. Cool. Thanks, Steve. Yeah, I can see that. Yup. Good. Thank you, Steve. Alright, very good.

So, we’ll consider Wolf-Ulrich’s comments there on 4.3 resolved. Now that on the status it’s not us, it’s the document that we’re using.

Okay, 4.5. GIP outcomes and processes. We started to look at this already. The GNSO Council followed the procedures. This is the comment about the consultation with other SOs and ACs that I think let’s come back to because I think that will require rather than just draft on the fly, but Steve has captured for us in brackets the broad concept that we want to get at there. So I think we can park that one for the moment. Let’s scroll down to the next comment.

I think the next block of comments – I think we’re good on all of those. Steve will continue to [trigger]. Ariel, could you take us down to whatever the next if we have any more? Brilliant. Excellent. Okay. So that resolves the comments that were made in the actual document. What I suggest that we do is each of us take the time between now and next meeting – actually I think the

first step, what we need to do is we need to put some new language there in 4.5. We need to tidy that up. Can I get a volunteer for tidying up 4.5? This business around the community consultation. I think Steve or David or Wolf-Ulrich would be our best candidates because you were the ones that started this right from the beginning.

David, you're a star. Thank you very much. We're going to leave that one to David. David, if possible, if you're able to do that by the end of this week, that gives everyone 10 days to then have a look at the document. If, David, you could let us know or let staff know who can then let us know that you've done that, that's the trigger for us then each of us to go into that document. Let's look at the changes that have been made today on the fly. Let's look at the changes made by David. Let's look at the whole document for making sense. It's a good opportunity for picking up anything further that we might have missed.

Wolf-Ulrich, you've had a number of comments in here to this point. Good for you to make sure that you think that they're resolved. Anyone coming up this fresh has an opportunity to raise any further issues. With that, I think that's as far as we want to take this one for today unless anyone has any further comments or questions. But I think we've made some excellent progress here.

No? Alright, great. Let's look then at Item 4(b) on our agenda, the Status of Guidelines for GNSO-ccNSO Consultation on Initiating Special IFR. So there were several of us who attended a GRC meeting of the ccNSO. That's the committee that's tasked with guidelines review and doing the sort of thing that we are doing

here in this committee. There were several action items that came out of that meeting mainly for staff. The ccNSO staff are going to follow up on certain questions in relation to interpreting the bylaws and specifically around the question of who initiates a special IFR. The ccNSO thought it might be the board and I put forward the view that I thought it was GNSO and ccNSO. Then the GNSO staff were going to work on a framework or a set of questions for what that consultation might look like.

So, Julie, may I turn it to you to give us an update on where we are on those two items please?

JULIE HEDLUND:

Thank you very much, Heather. Just to add to that, first of all, there was another GRC meeting this past Monday, which Ariel and I, and David as part of his regular membership in that group was there as well, the first item in the agenda was the ccNSO-GNSO joint initiation of the Special IFR. We talked through the steps that would need to happen overall. I gave the update that in the GNSO Drafting Team we're working on our internal procedures which you just saw.

Staff also have drafted guidelines for how the ccNSO and the GNSO would consult. That piece of the action whereby the GNSO and the ccNSO jointly agreed to initiate the Special IFR. We are nearly completed with that draft. We have a few updates based on the discussion on Monday's GRC call. The action item to consult with ICANN Legal concerning who initiates an IFR is still outstanding, although staff generally agrees from our further review that the ccNSO and GNSO are the ones who initiate jointly

the Special IFR and we're going under that assumption in drafting our guidelines here as well as the Joint Consultation Guidelines.

We're hopeful to have a draft of ccNSO-GNSO Joint Consultation Guidelines to both you and ccNSO very shortly perhaps, we hope, in the next week or so. Thank you.

HEATHER FORREST: That's great, Julie. Thank you very much for that helpful update. David, not to put you on the spot, no need to respond if you don't think but anything that you want to report from that GRC meeting? Anything would be helpful for us to know.

DAVID MCAULEY: No. I think Julie captured well. I will say from the GRC discussions generally that I think that there is a view – and Katrina expresses it's not that clear that the ccNSO and the GNSO do this entirely by themselves and the board approval was not required. I personally believe it will be good to get ICANN Legal's take on this. Thanks.

HEATHER FORREST: Great. Thanks, David. I appreciate that. I do think it will resolve in a future confusion to the extent that you have an SO concerned or confused about the language if the language is not clear. I think that certainly speaks for having clarification from Legal to make sure that we don't have that problem at the time that we actually might need it. So we'll pursue that.

Julie, your timeline on that is noted. We'll see how that impacts what we're doing here. It might be that that continues to slow us down a little bit but we'll just have to respond to that accordingly and to the extent that we need to poke Legal, then we'll do that.

Okay. Any comments or questions on anything that we've done in relation to Section 18.12, Special IFRs? Alright, I don't see any hands and no one is shouting. What that means then for our timeline is the 18.12 stuff will move into our sort of work under development and for review then we'll take on a new primary task. The new primary task we've got before us here.

In principle, we have two. We'll see how we go. The first one is Section 1.3, The Approval Action Community Forum. Staff have helpfully put something together for us on that. Maxim, you've got your hand up. Over to you.

MAXIM ALZOBA:

I have a question about a previous item. As I understand, the consultation of GNSO Council and ccNSO Council, for me, it seems a bit weird that the reason additional approval of board is required because, as I understood, the point of discussion is that we face some kind of failure and it seems to be more just consultation than approval. Because if you complain on someone's behavior or something, you don't consult the same person, let's say. I may be just a bit confused but there is that may be a consultation but definitely not an approval. Thanks.

HEATHER FORREST: Thanks, Maxim. I think that's one of the nuances that might have to come out of the consultation with Legal. Indeed it was the basis of the discussion with the GRC. It was what was meant by consultation, and I know the ccNSO is quite concerned about what that means.

What I would suggest is I think staff had taken those concerns in mind in developing some guidelines around what that looks like, what is that consultation, and how does that actually play out. I think, Maxim, I would suggest that we just put a pin in your comment until we can see those guidelines and see if your concerns are addressed there.

But Julie and Ariel, have you made a note of those concerns so that you can capture those? Julie says, "Noted. David, your hand is up. Over to you."

DAVID MCAULEY: Thanks, Heather. I just wanted to say I think Maxim raises a very good point that it should be – I'm just talking now in this sense about what should happen in ideal circumstances that those who have a complaint about a service provider don't have to go to the Board of Directors of the service provider to get approval to do an inquiry into it. I mean that makes eminent sense. The problem I think we face is the language of 18.12 itself, and then let me just read a little bit from Section 18.1, which is the IANA Naming Function Review. That paragraph begins: "The board or an appropriate committee thereof shall cause periodic and/or special reviews. Each such review an IFR of PTI's performance of the IANA Naming Function against the contractual requirements set

forth in the functioning contract, etc. to be carried out as established in accordance with Article 18 below.”

That’s some of the language that we have to address, we have to come to grips with. But I think Maxim’s conceptual point is eminently sensible. As I said before, I think it’s going to be interesting to see what ICANN Legal does with all these.

HEATHER FORREST: Thanks, David. Maxim, back to you.

MAXIM ALZOBA: Actually, I just wanted to underline that this situation where you have to consult the board of the party you're not happy with is some kind of bureaucratic classic of a bad style where the person complaining initially has hope but in the end realize that there is no hope. Thanks.

HEATHER FORREST: Thanks, Maxim. As David has pointed out, yeah, as you both pointed out, this is an odd situation. I agree. I think the point is well made. Let’s see what we get to with Legal and factor that into – Julie has noted that they need to do that, factor that into our own consultation with the ccNSO and how that works. I think, Julie, we need to make clear in that, Julie and Ariel, we need to make clear in those guidelines for GNSO and ccNSO consultation what the outcome is of the discussion with Legal, to the extent that we’re making the decision. That needs to be crystal clear in those

guidelines to the extent that there are some other actions then it needs to be stated there.

Okay. Maxim, your hand is up. Old hand? Okay, cool. What I'd like to do is in the 13 minutes remaining, I would like us ideally to take a look at, if possible, the two documents that staff have created for us in relation to Section 1.3 and 2.1. With that, I'll turn it over to Julie and Ariel to take us through and introduce what they have prepared.

JULIE HEDLUND:

Thank you very much, Heather. This is Julie from staff. The first, the Guidelines and Motion Templates is for Section 1.3, Approval Action Community Forum. In the staff, determination of where we might need some additional guidelines or templates – this was one of the areas that we thought needed a little bit more background but not extensively. So if we would just have the introduction, which goes back to the Drafting Team's original purpose and the need for guidelines and motion templates. The background is the sections of the bylaws that apply and indeed that there would be a forum of Decisional Participants, the Approval Action Community Forum. That's just all language from the bylaws, so we move ahead to page 2. That's all captured here just to make sure that we have the background for the existence of these guidelines and it's also for reference.

I know, Steve has done a community – we have never done. No, we have never done a community forum. We have not yet. Hopefully, we'll have these guidelines ready before we do.

This is from the guidelines that staff had developed from the original Drafting Team's determination. There's things that staff had developed or decided that there needs to be guidelines and motion template conceivably, and that would be to request a conference call. I'm just breaking this down into sections to make it easier. So 1.3(b), then 1.3(f), would there be a process for developing input. That's the input for the community forum. And you'll see that that's what we've tried to include in these guidelines.

Next page please. Next block please. Here's the motion for the conference call that we've referenced. I'm not going to read through all of these. You'll have ample opportunity to read all these, but just to explain.

Further down then next section. This is the guideline section of how to develop input into the Approval Action Community Forum. Again, we are looking at the possibility of using the GIP, so we set that out here as a possibility again for this Drafting Team to consider. Moving on to – this is the relevant section of the GIP.

Moving on again to the next page. I should probably just have this up myself. Okay, actually, keep going down, keep going down. So that's it. Essentially, staff is suggesting that the GIP as it stands could be used to provide input, developing input to the Approval Action Community Forum.

Now, actually, Ariel is suggesting that we have perhaps a wrong version up here. Yet, I think it is the correct [version] stated correctly. We'll go back and check on that.

HEATHER FORREST: Julie, real quick, while Ariel does that, you've got a hand up from David.

JULIE HEDLUND: Oh, I'm sorry. Thank you, David. Please go ahead.

DAVID MCAULEY: Thank you, Heather and Julie. Here's a question. In the Guidelines Review Committee in the ccNSO, we have developed and expert, Stephen Deerhake, on NXD, especially on Approval and Rejection Actions. The lead staff person in the ccNSO is Bart Boswinkel. So, Julie, my question is, have you consulted with Bart and/or Stephen about this just to try and save time and not reinvent a wheel that may not need to be reinvented? I'm not saying we can't build this from scratch. I'm just wondering, have you checked with them?

JULIE HEDLUND: Yes, actually, we have. In fact, I do have the Word document of the guidelines developed by the ccNSO. I think they're imminently to be approved by the ccNSO that correct –

DAVID MCAULEY: Yes, although I think we may have taken care of approval already. I have to double-check my notes.

JULIE HEDLUND: Right. I think I got the document like a week ago and [Joke] had said that she thought it was out for approval but I wasn't sure of the timing. So, yes, we're happy to look at that and see if that might be a more appropriate vehicle. I have to say that we actually drafted this before that we have the opportunity to see what the ccNSO had developed because it hadn't been finalized at that point.

DAVID MCAULEY: Thank you.

JULIE HEDLUND: Heather, may I suggest that we take the action to see if we can build in and build on now that we have it, the ccNSO Guidelines and send the revised version. I think we could probably do that fairly quickly.

HEATHER FORREST: Julie, I think that sounds good. In the interest of time and Steve's got to drop in two minutes, can we get to Julie? Are you able to introduce the final item in about five minutes and then we'll just leave the last minute or so for AOB?

JULIE HEDLUND: Absolutely. So switch that document. David will be happy to know that for the next document, it's largely based – because here we did have the opportunity to take an approved ccNSO Guidelines document and use that as quite a bit of the basis for these two

sections which we've combined together because they do have interactions. So the petition process for specified actions and that's the Rejection Action, and then the Rejection Action Community Forum.

I'm going to skip over the background and so on. This again is the chart where staff had identified that there must be some additional guidance. All around of course the action on the [inaudible] acceptance rejection or Rejection Action Petition. These sections here you see they're related to that. Go to the next page. Then a process for – I'm not going to read through all of it. You'll have a chance to, but let me just move on and just show you very quickly. This is the section that pertains to the Rejection Action Community forum. We'll go ahead, we've developed some motion templates. So, to approve or reject, the Rejection Action Petition. Moving ahead. Then approving or rejecting or Rejection Action Petition as a Rejection Action Petitioning Decision Participant. So, that's a separate motion. Ahead to the next page. Then another motion, Rejection Action Petition as Rejection Action Supporting Decisional Participants. There are several different nuances. So, this is – I know David knows.

Move ahead please. Just quickly, I think there's a rejecting or approving an Action Community Forum. Moving ahead. Then here we have the GNSO Rejection Action Petitions. This is based on what we received from the ccNSO. David, it should look quite familiar to you, but of course it has been adjusted to reflect how the GNSO works. Then moving ahead further. So that's all of these sections. I'm sure you will notice, David, that there's a great deal of correspondence to what the ccNSO has done and we are

taking advantage of that great work. Or at least we'll see if you all think it's helpful.

Then just keep moving. See all the various steps there. It's really fairly complicated. We are quite – and hold on there. Stop there. We are really very pleased to be able to use the work that the ccNSO has done. Then there is guidance that staff has developed on the input to Rejection Item Community Forum, but I'm going to make a note here also to look at what the Approval Action Community Forum guidelines say for the ccNSO and to the extent. And I think there's also Rejection Action Community Forum Guidelines so we'll take a look at whether or not we can incorporate some of those guidelines here as well and it might preclude then suggestion to use the GNSO Input Process.

So I'm going to pause there and I hope that was five minutes, Heather.

HEATHER FORREST:

You've done well, Julie, you've done well. Okay, leave it with me. I know everyone has to drop in two minutes, so I'm going to give a 60-minute summary of where I think we are. Apologies if you have any questions or comments we need to follow up on. Just let these folks go. I'm going to push rather hard for us to get stuffed on in the next fortnight. The reason being, after we get out of May, once we move to June, we're going to start moving to the silly season of gearing up for the ICANN meeting. I don't want our work to get lost in that process because if we lose them it's actually going to impact our timeline pretty significantly.

What I would like us to do – there are three things on the agenda. Ariel, if you can take us back to the agenda screen, that would be helpful. The first thing we're going to do, David, you are going to help us out with that language around community consultation in relation to Section 18.12. We're all going to then have a look at that document, the Guidelines document for the committee, not so much for staff and the Drafting Team.

Let's have a look at Section 1.3 and Section 2.2, the two documents that Julie has just introduced. Yes, I understand that's three documents for us to review in the span of a fortnight, but if we let that drop to June, I think if we push now, it's going to pay benefits. I'm not suggesting rush, but I'm suggesting we try and be a bit diligent in the next two weeks.

Julie will follow up in relation of the Section 1.3 Guideline and how that refers back to what the ccNSO has done. The Section 2.2 Petition Process stuff. As Julie has noted, that already aligned with the ccNSO. We don't need to do any further work there.

That's the three things on our list of follow up with staff, one-on-one to cleanup any action items that they can push forward for us on their own and come back to us. But back to the marching orders for the time being. It's the top of the hour. I hope everyone has a fantastic day, to be continued, and talk to you again in two weeks time. Thanks very much, everyone.

JULIE HEDLUND:

Thanks, everyone. Thanks so much, Heather. I hope you all have a good morning, afternoon, or evening.

DAVID MCAULEY: Bye-bye.

JULIE HEDLUND: Bye-bye.

[END OF TRANSCRIPTION]