

## GNSO Council Chat transcript 25 September 2014

Marika Konings:Welcome to the GNSO Council meeting of 25 September 2014

Marika Konings:Hi Maria - please note that the meeting doesn't start until 18.00 UTC (one hour from now)

Jonathan Robinson:Hello everyone!

Maria Farrell:hi marika, thanks! oh well, better an hour early than late...

Maria Farrell:hi jonathan!

David Olive:Welcome Everyone

Oswaldo Novoa:Hello everyone, I'm dialling in now

Ching Chiao (DotAsia):Hello everyone!

Bladel:I have pinged Volker, he is on the way.

Volker Greimann:apologies, just put the little one to bed

Bladel:~)

Maria Farrell:ah, cuteness.

Ching Chiao (DotAsia):this would be my last GNSO call at 2AM local time. Am going to miss it :-)

Tony Holmes:on the call struggling with audio input

Amr Elsadr:Hi. Apologies for being late. Dialling in now.

John Berard:@Ching, it is 2 in the afternoon in Upstate NY!

David Olive:Yes, Glen I am here

Marika Konings:For those only in AC, please note you need to call into the audio bridge. There is no audio via AC for this meeting.

Maria Farrell:maybe you could use this, Volker ... <http://www.amazon.co.uk/Go-F-Sleep-Adam-Mansbach/dp/0857862650>

Avri Doria:and i shouldn't be here

Amr Elsadr:Just joined the call. Apologies again for being late.

Marika Konings:Amr and Oswaldo are now on the bridge as well

Bladel:WE should definitely take advantage of her experience on that group.

Amr Elsadr:I also understood from the email that the WG would include council and board members. Thanks for the clarification.

John Berard:Stephanie and Susan will represent in microcosm some of the macro questions that faced the EWG

Maria Farrell:I am also a bit perplexed about what this group is going to do, and what its role is.

Bladel:I thought the EWG -was- a PDP. board-initiated.

Marika Konings:@James - correct

Marika Konings:it is about figuring out what the next step is

Mary Wong:@James, but not the EWG part.

Maria Farrell:No, but the board / steve crocker seems to want us to accept the ewg report as an issues report because the board is allowed to make the council start a PDP. in my understanding.

Avri Doria:it was NOT a PDP

Mary Wong:In other words, there IS a GNSO PDP initiated by the Board; the EWG was created and its input is intended to feed into that PDP work.

Bladel:Ok. So the next step is a charter.

Amr Elsadr:At the risk of sounding like a broken record, there is about a year and a half between the preliminary and final issue reports of this PDP. That is highly unregular.

Avri Doria:i think the issues report still needs completion, i think

Mary Wong:Yes - and this informal group may be able to help with how to break down the tasks into manageable chunks for a charter

Mary Wong:@Avri, yes - we do not as yet have a Final Issue Report.

Marika Konings:As the Final Issue Report kicks off the next steps, we are holding that up until we have more clarity on the next steps.

John Berard:Recall that in London we were asked by Chris Disspain to surface questions that needed to be answered BEFORE the report was sent to the Council.

Marika Konings:The Issue Report is about the scope of the issue, not necessarily the 'value' of the information it contains - that is something for the PDP WG to determine.

Marika Konings:so if the objective is to have input on the EWG recommendations, that might be more suited for the initial phase of the PDP WG?

Mary Wong:But this informal Board-GNSO group is not intended to supplant the standard PDP WG.

Volker Greimann:Alan +1

John Berard:I cannot argue with the logic of Alan's POV

Mary Wong:@Maria, the EWG Report is not the GNSO Final Issue Report.

Amr Elsadr:@Mary: But it's meant to feed into it, isn't it?

Marika Konings:@Amr - yes, like all of the other work that has been undertaken in this area

Mary Wong:The EWG's recs can feed into the substantive discussions of the WG to be formed

Marika Konings:The objective of the Issue Report is to provide as much information as possible on a certain issue so that a PDP WG has all the information it needs to start its deliberations on the topic

Maria Farrell:Hi Mary, thanks. I was getting different responses on that back in June, or at least ambiguous ones, so I'm glad the ewg is not now considered to be the issue report.

Mary Wong:@Maria, not sure who was saying what but as Marika says, from the staff perspective, that is certainly not the case.

Maria Farrell:thanks, mary & marika

Maria Farrell:and the messaging I was getting was largely from board members, re status of the ewg report

Mary Wong:Obviously, the Final Issue Report will necessarily make reference to the EWG and its work, but there is no assumption that the EWG recommendations are the GNSO's solution.

Bladel:I don't believe that was true for members of the EWG. They believed they were designing a successor to WHOIS.

Maria Farrell:yes, the ewg absolutely believed (believe?) they were coming up with THE solution.

Mary Wong:And they may well be - but that is for the PDP to determine.

Maria Farrell:well, some of them, anyway. not fair to say all of them.

Marika Konings:@Amr - the only new information would be the EWG Final Report on which there have been many rounds of public comment

Mary Wong:E.g. the GNSO PDP could say: (1) the EWG solution is the most appropriate; (2) some of the EWG recs are appropriate; (3) no, the EWG solution isn't the one, here's a better one' or (4) something else ...

John Berard:what about Jeff Neuman? Heck, he led the re-writing of the PDP rules

Amr Elsadr:@Marika: Yes, and if I'm not mistaken, there's even been more PC than was previously expected, but the context of people providing comments on a PDP's

issue report still seems unsatisfactory to me. I would recommend a new preliminary issue report with public comment. That to me would be the best way to integrate the two processes.

Mary Wong: @Amr, the current Prelim Issue Report already refers to the EWG work, and the EWG report has been subject to multiple public comments.

Amr Elsadr: Yes Mary, but it was impossible to comment at the time on a report (final EWG report) at the time because it didn't exist yet.

Marika Konings: But as said, to get input on the substance of the EWG recommendations, that is much better suited for the PDP WG to take that up

Mary Wong: @Amr, in commenting on the EWG report it was possible to refer to the GNSO PDP, :)

Marika Konings: as the Issue Report is not about the 'value' of the EWG recommendations, it just notes that these are there, basically

Amr Elsadr: Or even a prelim issue report that collectively included the EWG report along with a bunch of other work done on the topic.

Mary Wong: @Amr, I'm not sure what the value of that would be. The GNSO materials were all available to the EWG, and the EWG did refer to and use some of the prior GNSO work (e.g. Whois studies).

Amr Elsadr: Yes, a lot was considered and referred to in the EWG report, but I still don't feel the comments on it were provided with the context of it being for scoping the launch of a PDP.

Volker Greimann: We might even have to face the option of the DT breaking the EWG report apart into digestible chunks to be analyzed and reviewed separately

Amr Elsadr: @Volker: Yes. Wouldn't this be a job for the council as opposed to the joint GNSO/board WG?

Mary Wong: @Amr, the Council reviews the proposal from the DT (if there is one) and can of course modify or send it back - no different from any other GNSO PDP.

Klaus Stoll: Yes, we have to send people. We asked for it.

Amr Elsadr: @Mary: Who would normally decide whether to divide up the PDP into several ones or proceed with it as one large one? I'm a bit fuzzy on that?

Volker Greimann: I think the limitation to a small set of people will be detrimental to the process and the end result

Marika Konings: @Amr - that could also be done as part of the charter

Marika Konings: it doesn't necessarily need to be separate PDPs, but it could be divided into parts that are either done in parallel or consecutively

Mary Wong: @Amr, you're correct - it would be the Council in terms of deciding how to proceed with one, or several, PDPs (as with IRTP, for instance). The Council would also review a DT's proposal w.r.t. the charter(s).

Mary Wong: @Marika, yes - thanks for clarifying.

Alan Greenberg: This is not a drafting team, but one to map out HOW to go forward.

Mary Wong: @Alan, correct.

John Berard: Not responding is bad optics; especially in light of the process that makes the full Council ultimately responsible

Maria Farrell: Yes, John. But Board adhocism is bad optics, too. And I'm personally a bit frustrated that we are yet again having to scramble to put the 'bottom-up' back into a Board initiated end-run.

Mary Wong: @Maria, I can't speak for the Board but if you look at the transcript of the Board-GNSO meeting in London I'd have thought this letter from Steve is a genuine attempt by the Board to work with the GNSO on a very complex issue for which they know they had initiated a PDP for and so they're trying to assist?

Mary Wong: So to be clear, from the staff perspective, the group that Steve is proposing is NOT intended to replace a PDP WG; the EWG report is not being accepted by the Board at the moment as a "fait accompli" for a Whois solution, and given the size, scope and complexity of the issue the Board is asking the GNSO how it can assist in making sure the PDP succeeds.

Amr Elsadr: @John: Thanks for the ccNSO update on this topic. It's prompted action on our part, I think.

Amr Elsadr: It was just in time. :)

Maria Farrell: I just think the Board has a different idea of what a 'successful PDP' would look like to what I do, and likely to what the NCSG would. And I'm frankly unimpressed by the rather partisan take the Board has had on this issue. It's NOT simply a technocratic issue that throwing some experts at will fix, but rather taking an honest look at what are fundamentally difficult if not intractable issues of conflicts of law in a global environment.

Maria Farrell: And in the context of repeated Board adhocism and playing loose with the GNSO policy process, well, I'm not disposed to perceive interference as helpfulness.

Marika Konings: @Maria - as Mary said as well, noting in relation to the EWG report is intended to change the course of a PDP. It is just another set of information that the PDP WG is expected to consider and evaluate, in addition to other suggestions, ideas and input provided.

Petter Rindforth: We do not promise anything else than that "we are willing to consider possibly amending..." As long as we are not promising anything more clear, it is ok at this stage

Alan Greenberg: Yes, but Vhris did say the NGPC had not yet decided on what to offer the GAC.

Mary Wong: @Petter, yes - that was the aim.

Alan Greenberg: zzzzzzzzzzzig the NGPC goes beyond what we are asking, it may be ok. If they literally reply to what we are saying, we will be no further along wrt RCRC

Alan Greenberg: That first word should have been IF

Bladel: Revise, Review & Send.

John Berard: And what about "first"?

Mary Wong: Do note that we are only 2 weeks out from the LA meeting.

Tony Holmes: No objection

Petter Rindforth: Can you send it to the list first?

John Berard: Sorry, Alan. Snark acknowledged

Maria Farrell: @marika Please, the EWG report is not simply another piece of information equal to all others in a universe full of potential inputs to the GNSO. It is a Board initiated, financially supported re-engineering solution that occupies a highly privileged position in terms of the attention we are supposed to give it, and the direction by the board that we carry out a PDP on it. Anyway, I've made my concerns pretty clear. I just hope the group the Board has asked to be constituted does a balanced job.

Bladel: Spoiler alert - Everything is "public policy."

Marika Konings: Please mute your line when not speaking

Alan Greenberg: Note that the GAC will be selecting a new Chair at this meeting.

Amr Elsadr: @Mason: I would hope you could attend more than just open GAC meetings, but that isn't entirely up to us.

Marika Konings:@Amr - please note that normally the only meeting that is closed is the writing of the GAC communique.

Tony Holmes:Mason - cant see how you can cover all, issues at once willyou try and get GAC to prioritise?

Amr Elsadr:Yes. I would hope that Mason would be available to answer any questions during those meetings.

Thomas Rickert:Thanks, Mason

Ching Chiao (DotAsia):thank you Mason for willingness to serve.

Amr Elsadr:@Ching: +1

Mason Cole:it's my pleasure

Ching Chiao (DotAsia):just curious -- how the Chair of GAC will address you during meeting? "GNSO Liaison" , as they address each rep. using country / org name.

David Cake:Thank you Mason, challenging role.

Avri Doria:Ching, I bet that is the way they will do it.

Marika Konings:Not an optional step - but a required one ;-)

Alan Greenberg:And between Avri and me, we have been members of a LOT of WGs, so impressing us is saying something!

Bladel:Yes, a strong drink! :)

Mary Wong:Per Karen's comment, here is the link to the Nov 2012 GNSO Council resolution on an Issue Report for the review of all RPMs:

<http://gnso.icann.org/en/council/resolutions#201112>

Karen Lentz:Thanks to all

Avri Doria:NCSG selection should be available soon

Amr Elsadr:Alan..., who'll eventually be replacing you here?

Petter Rindforth:When (or where)can we see a draft agenda for the weekend GNSO council sessions?

Jonathan Robinson:@Petter. ASAP. Should be no later than Monday.

Petter Rindforth:Thanks, looking forward to it :-)

Osvaldo Novoa:Sorry but I have to leave, I have an urgent meeting right now.

Osvaldo Novoa:By all

David Olive:Thanks All

Volker Greimann:thanks all

Thomas Rickert:thanks jonathan and all! bye

Amr Elsadr:Thanks all. Bye.

Ching Chiao (DotAsia):thank Jonathan. see you all in LA !

Bladel:Thanks Jonathan and Staff. See you LA!

Jonathan Robinson:Goodbye all

Avri Doria:good travels

David Cake:Goodbye all.

Avri Doria:and happy new year