

Policy & Implementation Working Group Meeting TRANSCRIPTION

Wednesday 22 April 2015 at 19:00 UTC

Note: The following is the output of transcribing from an audio recording of the Policy & Implementation Drafting Team meeting on Wednesday 22 April 2015 at 19:00 UTC. Although the transcription is largely accurate, in some cases it is incomplete or inaccurate due to inaudible passages or transcription errors. It is posted as an aid to understanding the proceedings at the meeting, but should not be treated as an authoritative record. The audio is also available at: <http://audio.icann.org/gnso/gnso-policy-implementation-22apr15-en.mp3>

On page: <http://gnso.icann.org/en/group-activities/calendar#apr>

Attendees:

Amr Elsadr – NCUC
Alan Greenberg-ALAC
Chuck Gomes – RySG
Avri Doria - NCSG
Tom Barrett - RrSG
Greg Shatan - IPC
Anne Aikman-Scalese - IPC
Cheryl Langdon-Orr - At-Large

Apologies:

Michael Graham
J.Scott Evans
Carlos Raul Guterrez
Marika Konings

ICANN staff:

Mary Wong
Amy Bivins
Karen Lentz
Steve Chan
Nathalie Peregrine

Coordinator: The recording has started now. You may proceed.

Nathalie Peregrine: Thank you very so much. Good morning, good afternoon, good evening everybody and welcome to the Policy and Implementation PDP Working Group call on the 22nd of April 2015.

On the call today we have Greg Shatan, Amr Elsadra, Anne Aikman-Scalese, Chuck Gomes, Alan Greenberg and Tom Barrett.

We have received apologies from (Carl Hagusiar), Michael Graham, Cheryl Langdon-Orr, Marika Konings. And I see in the chat we have apologies from J Scott Evans too.

From staff we have Mary Wong, Karen Lentz, Steven Chan, Amy Bivins and myself Nathalie Peregrine. I'd like to remind you all to please state your names before speaking for transcription purposes.

Thank you ever so much and over to you Chuck.

Chuck Gomes: Thank you very much Nathalie, much appreciated. This is Chuck Gomes and this is the Policy and Implementation Working Group call on Wednesday the 22nd of April 2015. Welcome to everyone, looks like we have a pretty good turnout considering all that's going on.

So, first thing we have on our agenda as usual is roll call and any changes to statement of interest.

On the roll call let's use the Adobe Connect. And if there's anyone who is not in Adobe please speak up now.

Okay, not hearing anyone we will assume that the Adobe Connect's an accurate reflection of who's attending the meeting.

The next item then on our agenda is to try and wrap up the hierarchy of motions issue. And by the way, let me thank those that have participated in the online discussion. That really saves us some time when we get to a meeting like this, not that we've resolved it online, but I think we have a good basis for hopefully wrapping it up.

And Anne in particular thank you for some of the specific comments and examples that you provided. That is much appreciated.

Now with regard to hierarchy of motions Mary provided a suggestion on the 16th of April which was Thursday regarding how we might approach it.

And the discussion that is what I was referring to that's happened on the list right up to almost the start of this meeting. So that will be very helpful.

Mary why don't you just very quickly remind everybody what you suggested as a way to handle this. And then I'd like to go to the concern that Anne raised with regard to votes that require a super majority.

Mary Wong: Sure Chuck. Thanks. This is Mary for the record from staff.

And basically the general idea behind the staff suggestion is to give the council the flexibility and the ability to decide on the most appropriate course of action when faced with what we call competing motions.

So the proposal is to have a general recommendation as stated supplemented with specific suggestions as to faxes and documents that the council ought to consider in coming to its decision.

And those faxes would include of course the nature of each process and what it is each meant to do.

Secondly the document such as the scoping request or the issue request that was presented which are required by the processes that we're recommending. And thirdly any other information that the council may consider relevant.

For example if the issue originated with the board request then any correspondence or supporting documentation or discussions around that issue could also be considered.

So that's the gist of the staff's suggestion Chuck. It may not be as specific as perhaps it could be. But, like I said, the general idea is to have the council as manager of the PDP make that decision with at least some sort of boundary guidance from this group. Thanks.

Chuck Gomes: Thank you very much Mary. That - this is Chuck. Much appreciated. Alan go ahead and jump in.

Alan Greenberg: Thank you very much. I think Mary's recommendation that's recommendation's completely rational.

The only thing I would caution is if the decision to make to decide which to vote on or which to do it requires a motion we don't want a got you that that motion wasn't submitted a week ahead of time.

So just however you word the recommendation make sure that we don't get into a Catch-22 situation because of it.

But I think making the decision based on the, I won't say the facts, but based on the details is about the only way you can proceed.

I'll point out that I think Mary or rather Anne had asked, you know, what priority do motions normally have? And they normally have the priority assigned to whatever order the agenda is in which is essentially a chair's prerogative. So, there's not a lot of formal process right now. Thank you.

Chuck Gomes: Thanks Alan. This is Chuck again. And that point was - those points were made well in the list too.

Alan Greenberg: Yes.

Chuck Gomes: So that's consistent with what we've been seeing on our list. Mary go ahead.

Mary Wong: Thanks Chuck and thanks Alan. Just to follow-up on Alan's point about the council process and as Chuck noted that's been elaborated on email, as in case folks don't know the council's meeting agenda is prepared by the chairs with the assistance of staff.

That's normally circulated and discussed among that group and then circulated to the council well ahead of time of the meeting.

As someone noted in email obviously any councilor has the ability to object or to want to change or edit the agenda items.

But, the third thing I thought I would emphasize here is that this may not be a formal process. But the custom has been for all the motions to basically come first in the agenda following the consent agenda.

There's no convention as to which motion might necessarily go as Item 3 versus Item 4 however. Thanks.

Chuck Gomes: Thank you very much Mary, Chuck again. And you got Alan's suggestion to word it carefully with regard to meeting motion deadlines and so forth correct?

Mary Wong: Yes, typing it now.

Chuck Gomes: Okay thank you very much.

Alan Greenberg: Yes.

Chuck Gomes: Alan go ahead.

Alan Greenberg: Yes, just for clarity, the convention has been in council that decisions are taken without formal motions when they're procedural type issues.

I don't think that's written anywhere but that's been the practice certainly until the time that I left the council.

So given that it's not an issue but as I said we want to make sure we don't create an issue by how we word it. Thank you.

Chuck Gomes: Thank you Alan, Chuck again. Okay now let's go to Anne. And Anne if I understand correctly you're okay with Mary's suggested approach with the exception of when one of the motions involved involves the requirement for a super majority. Did I express that correctly?

Anne Aikman-Scalese: Yes.

Chuck Gomes: Thanks Anne. So I...

((Crosstalk))

Anne Aikman-Scalese: Or actually you know what? I'm sorry. I'm interruption you Chuck. But I would say that that's not really an exception to what Mary has proposed.

It's more of a detail with respect to the factors that should be considered when Mary speaks of those areas, you know, factors that should be considered.

I think it might be helpful to note that when there are two competing motions on the table that it would make sense to address the one that requires super majority first.

And I do need to ask first in terms of actual practice whether competing motions can be fully debated and discussed before either one has voted on them.

Because I know in normal sort of, you know, Robert's Rules type order you would have, you know, one motion and discuss them and voted on and the next one discussed and then voted one.

But it seems to me that with these processes for example if you had part of GNSO Council that felt that an issue that was presented really required say an EPDP and another group that felt that a GGP was sufficient if you voted on the GGP first you would have kind of cheated the group that thinks that an EPDP is necessary out of their opportunity to secure the EPDP.

Because the vote should come first if there's a - truly if there's a difference between, you know, doing an EPDP if that requires a super majority but the GGP we're suggesting might not require super majority. Then you'd want to vote that EPDP motion first to see if those who advocate the EPDP get their EPDP first.

And a second example might be it's been suggested by some commenters that - and this includes the IPC so I'll mention that. But then also includes the Registry Stakeholder Group and I'm sure, maybe others.

It's been suggested that the ICANN board should be able to initiate a GGP, a guidance process unless a super majority of the council votes against the board's request to initiate a guidance process.

And so it's again if you voted on something else prior to that some other process or if you - you would not I don't think procedurally properly responded in accordance with the recommendations that we're making because you would first put the thing to a vote for the GGP.

And if you got a super majority against doing so, against initiating a GGP even though the board had requested that then you shut that down and you move on to what the council itself thinks is the appropriate mechanism.

But if you vote on something else first and you say, you know, we're going to do the EPDP or whatever or we don't need to do this at all then you may not be implying what the procedures we're actually recommending.

So that it's more - it's certainly not a disagreement with Mary's language or Mary's approach. It's more just trying to see how that might work practically and suggesting that one of the factors is the level of voting that's required and suggesting that where you - a super majority is required that that vote should come first I think.

Chuck Gomes: Thank you Anne.

Anne Aikman-Scalese: I think.

Chuck Gomes: And I think that's a very important distinction in my calling it an exception. The way you expressed it is much better.

Now before I go to the queue -- and three people in the queue - I want to respond to what you asked at the beginning.

And the council typically follows Robert's Rules of Order. And technically I think in Robert's Rules of Order if a motion has been made and seconded then after any discussion that there might be it should be acted on.

But it's perfectly possible under Robert's Rules of Order for the submitter of the motion to withdraw temporarily or to allow things. And I think that council is fairly flexible in that regard.

So if someone raised a point that a motion could be tabled for a little bit or even till the next meeting. In fact that does happen sometimes. So I think there's enough flexibility to deal with that part.

That said, let me turn it over to others and start with Greg.

Greg Shatan: Thanks Chuck, Greg Shatan. I think you made some of the points I was going to make. And I think that the, you know, Roberts Rules of Order is probably makes it sound a lot more rigid than I think the council actually operates under.

So seems to me that it may be possible. I -- correct me if I'm wrong if anybody knows -- for the council in a sense to discuss which if there are two processes being proposed for the same purpose for the same study, the same issue or respond to the same issue is it beyond the council's ability to discuss them together and decide which is the more appropriate one before voting on either on?

It seems that this concern about priority and about gaming a lot of it assumes that there's, you know, some kind of queuing process that we need to somehow make sure it doesn't go awry.

But I'm not exactly sure whether we're kind of other thinking that and trying to create kind of secondary methodologies, the secondary gain of which is that it somehow games the gaming or out games the gaming.

But it isn't really, you know, the purpose. I mean to put a super majority on something so it gets voted on first rather than so it's harder to approve seems to me to be a kludge at best.

So I hope that's kind of not where we're going. So just my 2 cents. Thank you.

Chuck Gomes: Thanks a lot Greg. It's Chuck. And good discussion in the chat by - a good points made by Amr and Mary and so forth. So take a look at that if you haven't, that I think are consistent with what Greg said and with what I tried to say there.

So and I don't think we're going there Greg or I hope not. Alan, your turn.

Alan Greenberg: Thank you very much. I think most of what Anne said should be either implied in or put in or inferable from what Mary is drafting.

I must admit, I got a little bit lost in the alphabet soup of which process we should take precedent over which.

And I think depending on the details you may come up with an opposite answer in any given case. So I'm not sure we would want to put a rule in place saying though must do something before something else. But the fact is that should be considered by the council in making the decision.

And I think that goes for whether you can discuss both issues before voting. There was a case a while ago when council developed the concept of a councilor could request a vote be deferred to the next meeting.

At one point that was interpreted as all discussion must stop now until the next meeting. And I and a number of other people pointed out that it would likely be worthwhile continuing the discussion to advise the people who wanted to have more time to think about the issue than deferring all the discussion until the next meeting when they would again be surprised by something they hadn't thought about.

And the practice has now been that if you defer a vote that doesn't mean you defer the discussion.

And I think a reasonable extrapolation of that is the discussion on both of these issues if there's two motions could be taking place in parallel before the voting.

But I think these are all things that Mary can try to capture in providing the guidance. But I really think we shouldn't try to be too prescriptive. Thank you.

Chuck Gomes: Thanks Alan, Chuck again. Amr, your turn.

Amr Elsadri: Thanks Chuck. This is Amr. I wanted to point two things out first thing being on sort of the combination. I started this on list but just to point that out and hope someone could correct me if I misunderstand this in any way.

But they're the voting threshold levels in the - in Article 10 of the ICANN bylaws are - they seem to me to not actually allow a sort of conflict between the voting thresholds necessary to initiate a PDP and what a super majority voting threshold is.

And there are two sets of thresholds for each one. And it seems to me that if you have a sufficient number of councilors who would be willing to affirmatively vote to initiate a PDP then you would not have a sufficient number of councilors who would want - who would actually be able to vote in a super majority with the super majority thresholds who approve an EPDP. And mathematically it just seems to me that it's not possible.

So I'm not exactly sure that there is an actual concern between an EPDP and a GGP if the same voting thresholds for a PDP are used for the GGP.

I think what the actual concerns should be is when a PDP conflicts - a motion to initiate a PDP conflicts with a motion to initiate a GGP because those both have the same voting thresholds which are quite low.

So you could have a number of councilors that could sufficiently vote in the affirmative for both motions. And that's where the conflict may come from. So that's my first point.

My second point is just to - just my personal point of view is that we shouldn't be associating this concern strictly with a desire to gain the process and to - so where councilors may want to somehow use process to trump substance.

There could be genuine concerns about using a certain process for - to answer a certain policy question or to hold a certain policy discussion.

And if councilors disagree on which process should be used ideally there should be a dialogue, a discussion where things can be cleared up. But hopefully there could be some form of consensus.

But if there isn't it's really the voting that allows a decision to be made. And then and it could be because of actual substance of disagreements on which process should be used and not necessarily an issue of gaming.

So I just wanted to make that point as well. Thanks.

Chuck Gomes: Thank you very much Amr, a very good point. This is Chuck again. Greg your turn.

Greg Shatan: Thanks, Greg Shatan again. I'm wondering if we couldn't make a recommendation that in the event that two processes are - that motions for to commence two processes, you know, for the same, you know, question or to respond to the same issue are before the council at the same time that neither in essence neither takes precedence and that there should be a discussion prior to the vote on both motions and that only one motion can carry or something along those lines.

It seems like this idea of trying to get one in front of the other is kind of making it seem like things are more awkward at the council than they actually are I think. I'm not sure exactly how it works. I'm kind of trying to think this out loud.

But it just seems like that there should be a more straightforward way to kind of resolve which way to go and to - and to get the appropriate voting threshold of support for one.

Chuck Gomes: Thanks Greg. This is Chuck. And I think if I'm not missing it somewhere that what you're suggesting can be fit into what Mary has suggested in terms of the approach.

And also and I want you to confirm this Anne, I think that especially the way you re-characterized your concern it wasn't so much an exception as an issue to look at.

What we're really talking about is looking at the bigger picture when there are multiple motions for the same issue. And that's why I think what we really want to happen. Thanks Anne for that confirmation.

So Mary are you comfortable enough at this point to draft - redraft -- it doesn't really need the change to much -- but a few good points have been made that I think you can incorporate to draft some your - the approach. And we can all look at that on the list and confirm before next meeting and - or tweak it if we need to make edits or something like that. Mary, go ahead.

Mary Wong: Thanks Chuck and thanks everybody. I think so. I obviously will have to go back and listen to all of us again before sending something out.

My thought at this point is that the actual wording of the recommendation per se won't probably change too much.

But what we could do is add some context around that so for example, point to one or two of the situations that the group has raised and basically say kind of like what Alan said that, you know, this is what we think should be avoided for example.

So I think that's the direction that it would probably go in although I want to go back and listen to his recording and maybe read the transcript again just to be sure. So probably in a day or two you guys will get something.

Chuck Gomes: You are authorized to go back.

Mary Wong: Thank you.

Chuck Gomes: Okay. And this is Chuck again and make sure you get some alphabet soup in there please okay? And if you weren't looking at the chat you won't have a clue what I just said.

So anyway if there are no objections the - let's go on to the next agenda item. And that takes us back to - or excuse me, comment 5.5 and 5.6 which was ALAC comments okay, one of them listed as ALAC, one of them listed as Alan.

And we have in that regard I think staff Mary probably in particular has put into the action item for that a particular action item.

And what I'd like to do is just for Mary to quickly discuss the action item. And if everybody's comfortable with that we will move on. Mary?

Mary Wong: Thanks Chuck, sure thing. So as you see here on the screen this is the action item from last week that I assigned to staff.

And just to let you know that Amy, Karen, myself, Berry and Marika started trying to put something together. And so these are basically three things that

we would be do to provide to all of you, a timeline basic that shows, you know, what each of these processes might look like in real-time kind of like what we did with the PDP improvements effort a while ago and two things in relation to implementation. A potential guesstimate of implementing one or more of these processes as well as some recent data that you can compare.

As I think was noted by some last week it's not clear how helpful these will be. But, at any rate they can be done. We've confirmed that. And so you can look for that coming from us shortly.

Chuck Gomes: So does anybody have any concerns with that? Is that- is everybody - if anybody's not okay with this please speak up or raise your hand or put a red X in there. Alan, go ahead.

Alan Greenberg: I am not - I am not unhappy with what is there. I presume there is the understanding that this might be an iterative process as we go forward. But...

Chuck Gomes: Yes.

Alan Greenberg: ...in other words if I don't - if - if I as the protagonist in this game don't like the first set of numbers that come out I can say so and there may be some iteration on it but I think that's reasonable.

Chuck Gomes: Shall we take a vote on that, see if we will let Alan do that?

Alan Greenberg: I might go screaming on that one too.

Chuck Gomes: I'm just kidding of course. So yes...

((Crosstalk))

Alan Greenberg: My tolerance in meetings is going down as the length of the meetings go up over the last couple of days.

Chuck Gomes: I do understand.

Alan Greenberg: And for the record, those of us who were on the CCWG accountability five straight hours tomorrow for those who have an interest in legal issues.

Chuck Gomes: I am glad I'm not on that. I did my two intensive days. And some of you did it too already as well and are doing it again. So I have all the respect I think for you in the world in that. And I don't envy you in that so, okay, thank you very much.

Let's go now to Item 5.25. In fact we're going to actually go to items 525. You probably won't be able to show them all in the screen to the end of 5. So it's 525 to 533.

Now Mary and I in discussing these items in the call we had before this meeting Mary pointed out that they're all pretty much things that we've already covered by previous comments or they're simply support or things like that.

Well, what I'd like to ask all of you to do is to look at 525 through 533 and see if those need any further discussion on our part. If not we will jump right to 7.

Alan is that an old hand? Thank you. Okay. I'll give you a minute to just glance through those. I think they're all things we've already covered or they're things that are just simple supports or whatever. And there's one no opinion and so forth.

So Amr go ahead.

Amr Elsadri: Thanks Chuck. This is Amr. Just in regards to 5.26 I think it was Alan who accurately pointed out before that there are no GNSO activities that are binding on the ICANN board.

And I don't think that this working group is suggesting any either. So I don't know if folks would like to put that in as a working group response or not.

Chuck Gomes: Yes, thank you Amr, good point. And I think what the BRG is saying there is in the cases of GGP we did say that a GGP could be binding on the board. Now that's using the word very loosely because you're absolutely right. We can't do anything that's binding on the board.

So I don't know if we want to change our language in what we say about the GGP in that regard. But in other words the board had to consider - it was recommended that the board implement it but there was no binding requirements on registries and registrars was the distinction that we're trying to make like with regular consensus policies.

Anne go ahead.

Anne Aikman-Scalese: Yes thank you Chuck. I had to un-mute. I think that earlier when we were talking about definitions of what's binding and what's not binding and we were distinguishing between the GIP for example and the GGP Marika had pointed out that when we used the word binding we're talking about the level of board vote that is required to overturn the recommendation.

So ultimately although recommendation might not be 100% binding it is by our definitions in the report binding unless overturned by a certain level of board vote.

So I don't know if Marika's on the phone but I think she's one who had clarified in the initial report what we meant by the term binding and non-binding in relation to the GIP and the GGP.

Chuck Gomes: Thanks Anne. This is Chuck. And I'm sure she can but she is not on the phone. Marika is presently putting in about 48 hours work in 24 hours

trying to finalize the CWG recommendations for posting for public comment before the day is out. So that's why she is not with us today and why she wasn't with us last week.

And today is probably even worse than last Wednesday so that's what happening. Mary did you want to comment on that?

Mary Wong: Yes I did Chuck and Anne. And basically this is just to confirm what Anne says. But Marika has confirmed that the use of the language and I've tried to capture that in the working group response column here that, you know, we were talking about two things, one that what - distinguishing between the types of consensus policies and secondly in terms of, you know, recommendations presumptively of sort binding on the board unless they overturn it by super majority, et cetera.

Chuck Gomes: Thanks Mary. Greg, go ahead.

Greg Shatan: Thanks. It's Greg Shatan for the record. I think, you know, part of this may just be a semantic issue. We probably shouldn't have used binding to refer to the way that, you know, policy recommendations are voted on by the board. It's not really a binding issue. It's a supermajority rejection issue or probably ideally should have gone back to the bylaws and just, you know, characterized it exactly as it was.

So this is to my mind kind of a non-issue. Thanks.

Chuck Gomes: Thanks Greg, yes, well said. This is Chuck. Anne your turn.

Anne Aikman-Scalese: Yes thanks Chuck. The reason I think it's not exactly a non-issue is because what the group has recommended is that the outcome of a GGG - of a GGP process is "binding on the board" at the same level I believe a PDP recommendation.

In other words the - a distinction was made between the GIP process which is just hey, here's some, you know, here's some input and the GGP process in which if the board adopts - if the GNSO asks the board to adopt and if the board adopts our recommendations a GGP results in the recommendation that is binding to the extent that it can only be overridden by a certain level of board vote.

So there is a distinction in the processes that we're recommending. Thank you.

Chuck Gomes: Thanks Anne. Alan go ahead.

Alan Greenberg: I think what this raises is that we probably need to go back and not use the word binding.

Chuck Gomes: I think...

Alan Greenberg: We may have defined it somewhere carefully so we covered our something's. But technically it's not the correct use of a common English language word. And we should be careful because people will presume it means - it has the standard meaning even if we defined it somewhere else.

Chuck Gomes: Thank you Alan. This is Chuck. And I think we're all on the same page on this. We understand what was intended binding in the same sense that a PDP is binding on registries and registrars except for the fact that the board always has the last say.

So I think the language can be fixed and I'm sure Mary has captured that. Greg, go ahead.

Greg Shatan: Not to beat a dead horse but in the Accountability Working Group we spent quite a number of hours, even a couple hours today a lot of it revolving around what is binding and what is, you know what is not binding.

And I think, you know, it's a term of our in governance and corporate board governance and the like. And, you know, there's - people are fighting for the right to make certain things binding. And it - they definitely do not mean this when they are talking about fighting for the right to make things binding.

So let's be aware that we're going into a hyper aware community, at least any of those who are watching the accountability group. You know, we'll having binding all over their heads.

And, you know, to use the word in a - both incorrectly and in such an atmosphere I think doesn't do us any favors. Thanks.

Chuck Gomes: Thank you Greg. Alan go ahead.

Alan Greenberg: Chuck I have to thank you. You just gave the prime - the best example I could of the dangers. You said a PDP is binding on registries.

In fact, what it is is the implementation of a board approved GNSO supermajority approved recommendation that's within the picket fence is binding on registries.

Chuck Gomes: Well said Alan.

Alan Greenberg: But we use a short term. One word can mean that. Not everyone will understand all of those subtleties. So we need to be careful. Thank you.

Chuck Gomes: Very good. Good comments for everyone on that. So now are there any other comments on 5.25 through 5.33?

Okay. Let's move on then to seven. Now why did we skip six? I don't know if everybody saw that on the list.

But what Marika did in with the comments was a lot of the comments on six really blended very nicely with the comments on five so they were kind of blended together. So that's why we're going to Item 7.

Now I think Mary what we ought to do and I think I mentioned this on the list before a week or so ago is that we ought to have a note to that effect to explain why there's nothing for six.

Because this document a the - a comment review document will be part of our final report. And we can avoid a lot of questions if we put a little footnote or some comment in that regard.

Okay.

Mary Wong: Yes Chuck we've noted that. And my apologies. I actually lost Adobe Connectivity. So I'm going to put the documents back on right now.

Chuck Gomes: Okay. Okay thanks. Now let's go to Question 7 and notice what it says in the - well you can't see it on the table right now.

But Question 7 in the initial report the Working Group recommends that advisory committees and the board could request a GGP but only the GNSO Council would have the authority to actually initiated a GGP. And here's the question.

Should an advisory committee or the board have the ability to initiate a GGP similar to their ability to do so for a policy development process, i.e., the GNSO Council would be required to commence a GGP.

Now we might be able to and we don't have to do this. But it seems to me that there are several commenters that have suggested that the board should be able to do it and the GNSO Council can only counter that with a 2/3 vote, in other words what is defined as a supermajority vote in the GNSO.

And the - now we can go through each of the comments individually but I wanted to throw that out for general discussion. And then we can come back to it as we look at the individual comments in Section 7.

So my general question is to kind of help us through this maybe in a quicker manner is there any strong opposition to taking that approach of - and n- notice I don't think and correct me if I'm wrong because it's been a while since I looked at all of these comments on 7.

But is it correct that nobody recommended that SOs and ACs would be able to that? But several thought that the board should be able to request a GGP?

And the council then could only not do a GGP if they had a supermajority vote? Did I get that correct? If I didn't please speak up. Thanks Anne. I appreciate that.

And nobody's I don't think - let me scroll down and make sure nobody's disagreeing with that. Okay good.

So now that may help us go through some of the comments a little more quickly. And let's start out with our friend John Poole on Comment 7.1. And all in favor of John's suggestion please put a green checkmark in there, the GSNO should be abolished.

So oh, thank you Amr. I appreciate that. Okay. Who else was that other green checkmark. Avri too. Thanks Avri.

Yes well if it wasn't for some of the people on the council, you know, we wouldn't have to say that, right?

Okay, so I mean on John's comment I don't know that we even need to respond to that comment. My - my inclination is not to.

But if somebody thinks we should I don't even want to say noted on this one but that's my own personal view, not the chair's view, okay? Alan go ahead.

Alan Greenberg: Yes, I've had enough of these halfway recommendations. I think we just abolish ICANN and give us all back a hell of a lot of time.

Chuck Gomes: Should we put that as the recommended action? I...

((Crosstalk))

Alan Greenberg: Yes, only if you could put a smiley face with it.

Chuck Gomes: Okay thanks. All right, so let's go - nobody objects to just not responding to this? Is that okay?

Alan Greenberg: No, no, no. Chuck it's Alan. Respond. The idea may have merits but it's out of scope for this PD - for this working group.

Chuck Gomes: You think we should say that?

Alan Greenberg: I think we should say that.

Chuck Gomes: And Amr agrees. Well I mean I'm not opposed to saying that. I got several agrees. Greg disagrees. I could kind of lean to not saying anything but I could live with that if most of the people want to do that. Greg do you want to comment?

Greg Shatan: Well the call's being...

((Crosstalk))

Chuck Gomes: Go ahead.

Greg Shatan: It's Greg Shatan. Yes this call's being recorded so I will be temperate in my comments. But I think it's unfortunate to mollify kind of the - those at the most extreme comments.

It's just, you know, I think this should be rejected not that I believe that the GNSO is the greatest thing since sliced bread but I think the idea that it should be abolished for, you know, kind of any - yes, obviously I have plenty of criticisms of the new gTLD program too. But that's - I don't think that's, you know, puts one to the other. Plus I think as you say, it's out of scope.

So I would not - if the idea's out of scope we really don't have to make any comments on its merits one way or the other so I wouldn't humor the commenter on this. The - maybe I'm just reacting to a lot of the current atmosphere in the CCWG which I find to be a few people making very counterproductive.

But I think those who make things counterproductive should not be humored, tolerated because that's the way things go but not humored. Thanks.

Chuck Gomes: The one thing we could do in the Working Group response is just put out of scope and keep it at that. But let's see what others have to say. Anne?

Anne Aikman-Scalese: Yes thanks Chuck. That was certainly my suggestion. I certainly don't think we ought to spend any more time on this. And I don't think we should say that the idea has merit at all.

I think we should just put comment outside of scope for this Working Group period the end.

Chuck Gomes: Thank you Anne. Chuck again. Alan go ahead.

Alan Greenberg: I believe I said some people believe it has merit or at least that's what I should have said. But I'm quite happy with just saying it's out of scope.

Chuck Gomes: Thank you Alan, okay.

Alan Greenberg: Although I do like injecting humor into these overly serious documents.

Chuck Gomes: Well it certainly helps in our meetings. So thanks Alan. Chuck again. All right, so let's go on to Question 7.2 which was the registry comments.

But I think that they are and being I think the only registry representative on this they are consistent with the thing I said at the beginning.

So in this we can I think the recommended action would be as I described at the beginning. Is that correct? Any problem with that?

Now (Janet) in Comment 7.3 says yes. So I assume that she may think that the SOs and the ACs both make - maybe should be able to initiate or request the initiation of a GGP.

So the - what we have agreed to so far doesn't go quite that far. So we may need to put some comment here. And maybe the comment is as simple as - our response could be as the public comments tended to support the board doing that. And there weren't very - there were very few that supported the SOs and ACs. So the Working Group decided to put the board in that category but not the SOs and ACs. Does something like that work? Any problems with that?

But I do think we need to respond to her because she said yes and without much commentary. Alan go ahead.

Alan Greenberg: Yes remind me what we do have in the report so I phrase my next statement properly. What are we recommending that only the GNSO be able to?

Chuck Gomes: Yes I'll read it to you again okay? In the initial report the Working Group recommends that Advisory Committees and the board could request a GGP but only the GNSO would have the authority to actually initiate a GGP.

Alan Greenberg: Okay so...

Chuck Gomes: And so the question really is should an advisory committee or the board have the ability to initiate?

Alan Greenberg: Okay. So the first bullet from the registries is exactly what we said.

Chuck Gomes: Yes.

Alan Greenberg: Okay. If I remember the discussion leading to that it was that the GNSO must have the discretion to decide what process it uses to answer our question.

Because based on its understanding of the details of the question and the position taken by its various constituency parts it may choose to use a more heavyweight procedure or it may choose to use something very lightweight if there's really no controversy. And therefore the GNSO must have the discretion.

And I think that - I think we talked about that a lot. I think there was very general agreement that that was the way to go.

Chuck Gomes: I think you're correct. Thanks Alan. It's Chuck. Amr go ahead.

Amr Elsadri: Thanks Chuck. This is Amr. Yes, first off by I do agree with Alan. But I also wanted to note again the math of supermajority vote versus the voting thresholds required to initiate a GGP.

They really do not conflict. So if the GNSO council can overturn a request by the board or any other SO or AC using a super majority vote it really comes down to the same voting threshold that would be required to initiate a GGP.

So they wouldn't necessarily solve anything or it wouldn't create a problem either because if the board or an SO or AC are asking the GNSO to look into something and you need the voting threshold similar to a PDP to initiate a GGP if you have the number of councilors agreeing to that then you will not have the number of councilors who would - that would be required to have a supermajority vote to disagree with it. So it really makes no point to differentiate the two.

The only thing I see here is that it may just serve to waste time. Because if the board or an SO or AC do request for the GNSO use a GGP to answer a question then the GNSO would have to go through the motion of either agreeing or disagreeing. And in the event that it disagrees they would have to use another motion that would have to be submitted for a later meeting to answer this question using another process.

If we do leave the decision of the process to the discussion of the GNSO I'm guessing that this could move along a bit faster so that and - and the - and the earlier opportunity GNSO could just decide on which process to use to answer what question. Thanks.

Chuck Gomes: Thanks Amr. Any other comments on that?

Okay on Comment 7 - oh, I'm sorry Mary, go ahead.

Mary Wong: Sure Chuck. And this is more of a general comment to follow-up on Amr's suggestion.

There seems to be quite a lot of - well not quite a lot but some yes in this Question 7 overall. So it may be helpful for us to consider well yeses and nos

to consider the remaining responses and maybe formulate a single response rather than individual ones to each commentator because that seems to be the direction that we're going in.

Chuck Gomes: Thanks Mary. And that's kind of what I was getting at by my introductory remarks that we can kind of cover these all together in that regard. So I think that is the right approach. Anne go ahead.

Anne Aikman-Scalese: Thank you (Chuck). I wanted to understand Amr's suggestion better.

Is Amr, are you suggesting that the threshold for GGP and EPDP be the same? What concerns me there is what if you don't have that threshold for either process and where you end up? Thank you.

Chuck Gomes: Yes Amr you can respond.

Amr Elsadri: Hi Anne.

((Crosstalk))

Chuck Gomes: But hopefully not part of the question we're answering here but go ahead if you'd like to respond.

Amr Elsadri: Well I actually did not really understand the question. Anne are you asking me if I believe that the voting threshold to initiate a GGP be the same as an EPDP?

Anne Aikman-Scalese: Yes I - maybe I misunderstood what you said. I probably wasn't following correctly.

Amr Elsadri: Okay. Well in trying to work out the issue of the voting threshold for the different processes and I did look at the definition of these thresholds in the ICANN bylaws.

A supermajority vote in the ICANN bylaws for the GNSO is either 2/3 of councilmember's of each house or 3/4 of one house and a majority of the other house. So that's what a - those are the two sort of scenarios where a GNSO supermajority voting threshold would be.

And if you have either one of these levels of voting in the GNSO then they can't conflict with a minatory that disagrees using the regularly threshold to initiate a PDP which is - there's an affirmative vote of more than 1/3 of each house or more than 2/3 of one house? You really can't have it both ways.

So in no way can a supermajority vote for one process conflict with the voting threshold of another one. And that's kind of the point I tried to make a little earlier on today's call as well as on list.

So in my opinion I think a lot of them a lot of these issues could be resolved if the - both the GGP and the EPDP require a 2/3 or sorry, a supermajority votes of GNSO councilors to initiate the process. Thanks.

Anne Aikman-Scalese: Right. I'll just follow-up Chuck and say that that was my understanding...

Chuck Gomes: Go ahead Anne.

Anne Aikman-Scalese: ...of what Amr was saying. And then I was trying to figure out if you can't get supermajority in either case where does that leave you?

Amr Elsadri: That would leave you with the option to launch a full PDP. And that was my initial desire on either one of these processes being able to trump a PDP because eventually if a motion to initiate a GGP or an EPDP on a specific

policy question was rejected by a number of counselors sufficient to not allow the motion to pass you would still have the number of councilors required to still initiate a regular PDP.

Does that help at all?

Anne Aikman-Scalese: Yes, thanks Amr. I guess my concern there would be the same one that Alan maybe expressed last week is that oftentimes the, you know, we're trying to address issues that arise during the implementation phase and what we have said. And this is Anne for the transcript.

But what we said is we're trying to develop processes that will address issues that arise during the implementation phase that may have policy implications but people are going to argue about whether they're policy or whether they're implementation.

But oftentimes the truly issue that arises is the need to address the issue more quickly. And so I saw it as part of what this group was doing to develop standardized processes that could be - where there would be, you know, full input from all stakeholders as opposed to private deals that are made on the side which can be very, very rapid.

But that in fact, you know, would be tools that would be - get answer potentially more rapidly than a full PDP.

So when we talk about applying thresholds to these processes that, you know, potentially force the full PDP I'm not sure we're addressing the in particular the need of the board to reconcile the differences between GAC advice and GNSO recommendations. Thank you.

Chuck Gomes: Thanks Anne. Alan go ahead.

Alan Greenberg: Thank you. I think if we did what Amr's suggesting we'd be defeating the purpose of this whole process.

As Anne suggested yes we don't want to almost automatically revert to a PDP if the other processes are blocked because that's inserting a PDP at just the wrong time in many cases. That's number one.

Number two, the whole reason a threshold for a PDP is low is to make sure that someone who doesn't want the possible outcome cannot block it.

And it would be very easy if the threshold for a PDP was significantly higher than someone who almost, you know, who sees the writing in the sky that they know what the outcome is going to be and they really don't want it they block the whole thing occurring. And that's just as possible on a GGP or an EPDP.

So I really think you need to keep the thresholds low. And we're now back to the discussion I thought we finished already of which has priority, which process trumps which if both are being suggested.

You know, if you don't like one process make a motion for the other one. Then we revert to the previous discussion and that's fine. We can't stop that from happening.

But we really don't want to make it easy for a party who doesn't like a projected outcome to block the occurrences of the discussion. Thanks.

Chuck Gomes: Thanks Alan. Now I'm going to try and help us finish off Question 7. So just if you take a look at 7.4, 7.5, 7.6, 7.7 and 7.8 I think that we've got a response that works for all of these if we're in agreement that we're going to support a slight modification what we said.

In the case of the board they can request it and it'll be done unless the council votes with a supermajority not to do it.

Is that okay or do we need to and we've got representatives of the NCG and the ITC and certainly the ALAC here so those are three of the commenters in this case. Thanks Anne for the checkmark there.

Nobody's disagreeing so is it okay if I move ahead to Question 8? And I think the more controversial question we're going to get to is Question 9. That's where we're going to get to the threshold. So we - it'd be nice to leave a little bit of time for that.

But okay so not seeing any objections are you comfortable with what I - what we just concluded on 7 Mary?

Mary Wong: Yes Chuck I think so.

Chuck Gomes: Good, thanks. So going to 8 then, Question 8 is for an EPDP it is currently proposed that only the GNSO Council can initiate this process although an AC board could request the GNSO Council to consider doing so. Do you agree? That's the question in Number 8.

Now I'm going to make a big jump here. In looking at through the comments on 8 I didn't really - I don't really see any objections. I mean there are people that said we got a lot - we got - what did we get all yes and no? No, we got one no from John Poole. I won't comment on that because it is recorded right? And everybody else said yes.

So I think we're okay on that aren't we on Number 8? Any disagreement with that?

Okay. Let's go to 9. And Question 9 then as you can see on the screen is the proposed voting threshold for initiating a GGP is the same as for initiating a

PDP which is an affirmative vote of more than 1/3 of each house or more than 2/3 of one house. Do you agree?

And glance we have some mixed responses here on Number 9. So we probably need to spend some time deciding how we're going to do this.

The registry said yes with some comments. (Janet) said yes, no opinion from (Carlos). Yes from the IPC, no from the NCSG and yes from the ISPC and from the ALAC.

Let's start if you don't mind me picking on you let's start with the NCSG and let one of you from the NCSG who would like to comment on why - on the comment that's there rather than me trying to talk through it. Do we have a volunteer from the NCSG to talk about that?

By the way Avri I'm very happy to see you join because I didn't acknowledge that earlier. But as busy as you have been on the CWG today I'm very - feel very privileged that you've made time for this group.

So anyway is there a volunteer from the NCSG to talk about your comments which is Comment 9.6? Amr go ahead.

Amr Elsadri: Thanks Chuck. This is Amr. Isn't that the same issue that I've been talking about the past couple of calls? Is there anything new here?

I think I when I did phrase this earlier I said that this question wasn't addressed further in the survey but obviously I was mistaken. But I don't think I have anything new to add. I think we've gone over this quite a few times already.

Chuck Gomes: And so let's just refresh my memory Amr. This is Chuck.

So the NCSG thinks that the voting threshold for initiating a GGP should be higher than for a PDP correct?

Amr Elsadri: This is Amr. Yes I - that is the (ancestry) comments. It is also my personal opinion. Thanks.

Chuck Gomes: Okay. And the in this particular case with the exception of John Poole and (Carlos) with no opinion others said yes.

So I guess we need to talk about how we reach some consensus as a working group on this particular issue.

So Amr has stated his positions previously. If people have questions of him that would be fine to ask. Let me go to Alan since his hand's up.

Alan Greenberg: Thank you. Isn't this exactly the same discussion as we just finished? Because my answer is exactly the same as the one I would have - I gave last time. So maybe I'm missing something or having...

((Crosstalk))

Chuck Gomes: So in other words Alan you - this is Chuck. You want it - you don't want it to be so high that one party can...

Alan Greenberg: Can block the process.

Chuck Gomes: ...block it.

Alan Greenberg: Right. And if one group believes that we should be doing the GGP but should be doing a PDP then the onus is on them to propose - put a motion forward to that intent. And then we revert to the discussion that we had at the very beginning of the meeting.

Chuck Gomes: Thank you Alan. Chuck again. Anne go ahead.

Anne Aikman-Scalese: Sorry, coming off mute. I do think it's the same discussion. I think one thing I'd want to raise with Amr is in terms of the processes that we have designed in the group there's an issue of the scope of the process to begin with because with respect to the GGP I think we've all said that that's obviously not something that can, you know, result in consensus policy. It's not a process that's appropriate for that type of, you know, "binding out." I hate to use the word binding but - and so but the danger that NCSG has identified may not be as high with a GGP process as is here. I'm not sure but it just seems that the way that we scope these processes and the way that the council decides to pursue which of the processes they'll follow that as Alan says that would be potentially now debated and discussed prior to voting on any of the motions hopefully and that the GGP does not necessarily pose the type of danger that is anticipated here.

Chuck Gomes: Thanks Anne. Chuck again. Amr go ahead.

Amr Elsadri: Thanks Chuck, it's Amr. Yes I would pose this question to you Alan. Why does the onus fall - lie on the councilors that believe that a PDP is be used to address a specific policy question and not those who think that a GGP is this the correct process?

A PDP is generally a process that could address any policy question. It's got almost no criteria spelled out that would require the use of that process as opposed to a GGP that does have specific criteria. And those need to be met. And councilors do need to agree that this process is in fact appropriate to answer a specific policy question.

In the event that it is then sure councilors should vote in favor of initiating a GGP. And this would - this - I mean I can't see a blanket rule that would sort of require a GGP being the go to process in for example a policy question

that comes up during implementation. It could very well be something that requires a full PDP.

So if the criteria are there that would suggest that a GGP is the appropriate process then it is on the councilors who believe this to be the case to make that case and present it and have a higher voting threshold to initiate the process. That at least is the way I see it.

I see the standard being PDP and GGP being the exception that needs to be approved by a super majority of councilors. And that's kind of the point I've been trying to make this whole time isn't a question of blocking (substitutive) policy discussion. It's just about which process is more appropriate to be used. Thanks.

Chuck Gomes: Amr this is Chuck. I have a clarification question for you. You just used the term super majority. Does the NCSG think that the approved - approval for GGP should be a supermajority?

Amr Elsadri: Yes Chuck.

Chuck Gomes: Because it could be higher than what it is for a GGP without being a supermajority.

Amr Elsadri: If it is higher than what it is without being a supermajority then you would still have the issue of conflicting motions...

Chuck Gomes: Okay.

((Crosstalk))

Amr Elsadri: ...being in play. Yes...

((Crosstalk))

Amr Elsadri: ...if it is the...

Chuck Gomes: (Unintelligible) say supermajority?

Amr Elsadri: Yes, I would say supermajority.

Chuck Gomes: Okay, thank you. Just wanted to...

Amr Elsadri: If it's anything less than a supermajority I don't think it would make much of a difference.

Chuck Gomes: Okay thank you Amr. Thanks for clarifying. Greg go ahead.

Greg Shatan: This is Greg Shatan. I think that the PDP, you know, is - has been the standard for policy development because it's been the only route toward policy development. So I wouldn't give it such an incumbent advantage.

I think the reason that we have designed these other more lightweight processes is because the PDP isn't really fit for purpose for a policy question that comes up during implementation essentially during the rollout phase or pre-rollout phase on something where there's already been policy made once already.

And I think that a PDP, you know, is the right thing if a, you know, significant new initiative or change, you know, that's a, you know, very substantial and one that really deserves the full weight.

You know, the PDP is not fully speced out. There is some flexibility in it. But in the seven, eight years I've been around here, you know, I've seen some variation but, you know, you're not going to get a two month PDP.

And so it really needs to be something. You know, if we throw a PDP at something that's in the middle of implementation we are basically saying we don't want to implement it this year. You know, the idea is to be fit for purpose.

Part of the problem here is I think we've - maybe we need to be more, you know, I don't know, insistent isn't quite the right word because it's not up to us once we're done. It's up to the community but more clear about the purposes and reasons why these - each of these processes work.

Because most of the time it shouldn't really be a choice between to much less more than two of these in terms of purpose.

There obviously will be gray areas. But even there it's better I think to make the decision on the merits than by stacking the deck. Thanks.

Chuck Gomes: And Greg, Chuck again, asking a question. And what would you call stacking the deck?

Sorry to put you on the spot. Did we lose Greg?

Greg Shatan: Sorry, my phone was acting wonky. My answer simply would be thinking that I think that anytime we're putting a the voting threshold for one root higher than another where we're stacking the deck.

Chuck Gomes: Oh okay, thank you. And that answers my question for clarity. Thanks a lot Greg. Chuck again speaking. And Alan it's your turn.

Alan Greenberg: Thank you very much. I'll try to - and if I remember the questions that Amr asked. I'll try to address them at least address something related to them.

I think a reasonable principle assuming everyone's in this for the common good which is not always the case I understand, we want to use the most lightweight process that can be used to get to achieve an answer.

You know, some of us have been on a lot of PDPs and, you know, I've aged a lot over the process. And that's not necessarily a good thing.

Now yes there are cases I'm sure there there's going to be an interpretation. A GGP to a large extent is not setting policy but perhaps more interpreting policy.

You know, I'm not quoting verbatim from our words. But, you know, that's certainly part of the reason that we've invented that process is that we've been asked by the board to, you know, say, you what does this mean or can you modify something a little bit? Does that meet - still meet your policy objectives?

I really do not believe that we should be in a position where a lightweight process is thwarted by someone who doesn't like the potential outcome they see coming. And that's what putting a supermajority as requiring those that vote does.

You know, yes a single stakeholder cannot veto. But a single stakeholder group plus one can veto. And I think that's a really dangerous precedent to set. Thank you.

Chuck Gomes: Thanks Alan, Chuck again. Now before I suggest a resolution on this let me point you to Comment 9.2 from the registries and in particular the second bullet of the registers comment is already covered.

But the second bullet says the description of the GGG - GGP processes much make it clear that a GGP cannot be used to impose new implementation processes and contracted parties.

We know it can't change their contract by like a consensus policy can. But if a GGP is used to introduce some implementation requirement on registries that's what the Registry Stakeholder Group second bullet there is about. And they're suggesting that it not be - that the process not be used to do that.

So my question for you is in our description of the GGP should we - is there support for making a statement like that or not? So Greg your turn.

Greg Shatan: Yes I think this point concerns me a little bit. First off I mean part of just the phrasing new implementation process, well I mean implementation is putting something in place so it's not the implementation process that's really being talked about as well.

Right now if we're talking at implementation something hasn't been implemented yet so everything is new. So, you know, if it's, you know, as you say it's more interpreting - I think or Alan says, more about interpreting policy than making it in a sense.

But it's, you know, there is a - it's become a policy question. It's one that where you can't - the idea is that, you know, mere implementation isn't sufficient to answer the question. There are choices to be made.

I think to say that the GPP can't make certain choices that will result in something happening when in the implementation process itself the staff is making a decision about what should happen, how to fill in the details, how to actualize, how to make, you know, something that's been put on paper in some cases, you know, a bit sketchily is filling in the blanks.

So I don't think you can hamstring the GGP process that way. I mean I think that some extent may get to a question of fitness for purpose.

But I think you - it tell at the beginning what the - whether something's fit for purpose rather than saying that, you know, that this group can decide - you know, if this group is looking at A and B it can decide to choose B but it can't decide to choose A.

It has to be able to - there has to be, you know, a judgment method. And regardless we're still talking about multistakeholder processes and processes with a reasonable, you know, going to take place with a reasonable amount of care.

So I'm not sure why the allergy to the GGP. I know it's the shock of the new but, you know, really we're not trying to replace PDPs here. We're really trying to replace ad hoc processes and, you know, decisions made in the dark and, you know, things, you know, being different each time when trying to introduce some regularity to the types of, you know, policy or policy flash and implementation issues that come up, you know, in the cracks between, you know, the bigger PDP generated policy questions. Thanks.

Chuck Gomes: Thank you Greg. Alan, your turn.

Alan Greenberg: Thank you very much. I'm getting tired so I don't take full responsibility for what I'm going to say.

Well we've already covered the fact that the exact wording that is used here may not make a lot of sense. Because imposing implementation processes on contracted parties although occasionally we do ask contracted parties to participate in an implementation process I don't think the GGP does that as such or at least doesn't typically.

So assuming they - what they're really saying is the GGP should not be able to impose things on contracted parties, in other words should not facilitate implementation making decisions or implementations that can affect contracted parties.

I think what they're saying is the GGP must never have any outcome. Because almost everything we do, not everything we go but almost everything we do does affect contracted parties. That's the nature of the polices the GNSO is making.

You know, an awful lot of them do effect registrars or registries. So saying the GGP cannot effect the implementation which may have - be involved with contracted parties I think is saying, you know, we'll have it on the books but we're never allowed to do anything really. So I think this has to be objected to.

Aside from anything else as Greg pointed out this is a multi-stakeholder process. Even if it was a PDP a single stakeholder group cannot veto and cannot say no you can't do it.

And we certainly could not impose a rule on a PDP think it must never impact what contract parties do. So I think this is a nice try perhaps but I think is misdirected.

Chuck Gomes: Thank you Alan and thank you Greg. I agree with both of you it's not worded well at all. In fact the wording is problematic.

And I actually think personally that the registry concern here is maybe misdirected not to a GGP. If there is some implementation detail that comes out of a GGP that's not consistent with policies we've already dealt with that elsewhere in our recommendations I believe.

So my suggestions on this I think we do need a - we should have a response in the response action. I don't think we need to do - make any changes based on that.

With regard to the first bullet we can say that's already covered. The second bullet this may be asking a lot Mary but maybe Alan and Greg can help you because I think they both expressed it pretty well if not brief - briefly. Sorry about that.

Alan Greenberg: It's so late in the day.

Chuck Gomes: If you can capture Mary, capture a few of the thoughts that - on this. And if you need help ask for help from Alan and Greg because I think they're right. And that's coming from a Registry Stakeholder member okay?

Alan Greenberg: I hope we're recording this.

Chuck Gomes: Yes, you're trying to incriminate me? Well, yes we are recording. So okay, all right now let's go to before we close the meeting, here's my suggestion for resolving Question 9 and the various comments there.

I think this is a case and I'll give you a chance to disagree with me here shortly.

I think this is a case where we have - we don't have full consensus on the working group response here. But there is strong support in the working group for agreeing with Number 9.

But we have a minority position from one of our stakeholder groups.

And so what I'd like for the - I'd like the minority statement from the NCSG on this. Now Amr or whoever else is going to do it you can have the statement that you have in there right now or you can modify it.

But I would like you to be the ones that decide what statement is put in there. Because I think the minority positions needs to be reported. Is there any

disagreement with that approach on Number 9? Better scroll down so I can see everybody. Okay, all right, thank you very much.

Now Amr go ahead.

Amr Elsadri: Thanks Chuck. This is Amr. I think it would be helpful at this point since we're on the GGP to also revisit an earlier comment by the NCSG also on regarding this process regarding obligations on registrants.

And I think this is somewhat related to discussion as well. And I think it would be helpful to also understand where the Working Group stands on adding a criteria to the suitability or lack of this process regarding new obligations on registrants similar to that - those on contracted parties. Thanks.

Chuck Gomes: I'm fine with that Amr. I'm trying to understand where that fits and where we're at here.

So...

Amr Elsadri: Just if we are going to be submitting a minatory statement on this process I would - I guess I would include that in it as well if the working group felt the same about that as they should the voting thresholds. Thanks.

Chuck Gomes: Okay I'm still not clear Amr. Sorry, I'm a little slow. I'm probably tired like Alan. But the - are you saying that you - the NCSG wants to include a comment about impact on registrants in their minority statement or are you looking for agreement from the Working Group that the impact on registrants should be considered?

Amr Elsadri: Thanks Chuck. This is Amr again. Yes, it was already included in a previous comment that the NCSG submitted that a GGP should not create any new obligations on registrants similar to contracted parties.

We did discuss this in the public comment review tool. The working group response is noted. But I'm not sure what noted means. Does that mean that the Working Group...

Chuck Gomes: Oh.

Amr Elsadri: ...agrees with this or disagrees? And my question is that I would like clarification on that. Because if we are to submit a minority statement on the voting thresholds regarding this process I would also assume to include one on this if the working group disagrees with that as well. Thanks.

Chuck Gomes: Well I - well let me speak for myself first. And Mary I see you lowered your hand. I was going to get to you next.

But I personally don't disagree with that effect. In fact I think the only way to really impact registrants is to impose things on registries and registrars that they then have to flow down, you know, regardless of whether they want to or not.

But is anybody in disagreement with my view there? But Amr go ahead.

Amr Elsadri: Thanks Chuck. This is Amr again. An example we gave in response to that question on whether we agree with the GGP or not and it was specific to cases that may create new obligations on registrants without creating new ones on contracted parties include possible changes to process such as the UDRP or the URS.

So those wouldn't necessarily involve contracted parties but could involve registrants.

Chuck Gomes: Okay. But those are consensus policies right, the URS and the UDRP? So they would have to be changed via a PDP or an EPDP I think. Let me go to Mary.

Mary Wong: Thanks Chuck. And I put my hand up again because that was actually the point I was trying to make that maybe there's not clarity or, you know, total understanding about this general term contractual obligations.

Because the way you're putting it Chuck is that the contractual obligation sort of generally stays the same that a contracted party has to abide by consensus policies.

But there is a new consensus policy or a change to existing consensus policy that is still a contractual obligation.

I don't know if we need to address that in our report. But I wonder if that would go some way towards allaying the NCSG's concerns on this specific point?

Chuck Gomes: You - would you - this is Chuck. Do you want to respond to that Amr? Would that allay the concern?

Amr Elsadri: I'm sorry, this is Amr. I'm - to be honest I'm not exactly sure I got all of Mary's comment. Including what exactly would allay our concerns?

Mary Wong: Amr I was just saying that when we're going to contractual obligations I think what Chuck and other contracted parties might mean is that any time there's a change to consensus policy including say in the UDRP that counts as a contractual obligation.

Amr Elsadri: Yes that is true but I think it - the description of the process and it's - and the criteria that sort of would allow it to move forward are very - also specifically address changes to obligations on contracted parties without making the same specific case for registrants.

So although they do all fall into consensus policies and consensus policies are covered I would just ask that we add registrants, new obligations to registrants as well. Thanks.

Chuck Gomes: Does anybody - is anybody opposed to that? Anne go ahead.

Anne Aikman-Scalese: Sorry the mute button again. I see that we are, you know, a few minutes past the 1:30. And I think that this discussion that ran and also the chat that I see running it tells me that this is a discussion that should be continued on the list about the, you know, the issue of requirements on registrants and maybe thought through a little more by everyone...

Chuck Gomes: Yes.

Anne Aikman-Scalese: ...and by staff. And I was hoping we could take that up at the top of our next meeting.

Chuck Gomes: Thank you. That's a very good suggestion. Greg go ahead.

Greg Shatan: Actually I think I will withdraw in favor of starting the same discussion fresh rather than being the same, the last, you know, crispy commentator on this point.

I'll make myself ready to be popping fresh for the next call.

Chuck Gomes: So thank you very much everyone and sorry for going over. We will pick up on this point next time.

Remember to take a look at what Mary proposes on - what was it 5.5 and 5.6 or the escalation? I'm not even sure which one it was. But she's going to put some text out there to try and capture what we talked about.

And if we can resolve that on the list that would be great. Otherwise we'll pick that up as well before going on to Item 10 next week.

Thanks everyone. I think it was a very productive call thanks to all of you. And let's keep up the good work. And again if we can have some list discussion between now and next week's meeting that would be great.

Anne Aikman-Scalese: Thank you Chuck.

Chuck Gomes: Have a good rest of the week.

Anne Aikman-Scalese: Thanks everyone.

Nathalie Peregrine: Thank you Chuck. Thanks everybody. Operator can we stop the recording please? Thank you.

END