

Policy & Implementation Working Group Meeting TRANSCRIPTION

Wednesday 25 March 2015 at 1900 UTC

Note: The following is the output of transcribing from an audio recording of the Policy & Implementation Drafting Team meeting on Wednesday 25 March 2015 at 1900 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-25mar15-en.mp3>

On page:<http://gnso.icann.org/calendar#mar> (transcripts and recordings are found on the calendar page)

Attendees:

Cheryl Langdon-Orr – At-Large
Amr Elsadr – NCUC
Anne Aikman-Scalese – IPC
Carlos Raul Gutierrez – GAC
Alan Greenberg-ALAC
Greg Shatan – IPC

Apologies:

Chuck Gomes – RySG
Olevie Kouami – NPOC
Michael Graham – IPC

ICANN staff:

Marika Konings
Mary Wong
Karen Lentz
Caitlin Tubergen
Steve Chan
Berry Cobb
Terri Agnew

Coordinator: Recordings have started. Thank you.

Terri Agnew: Good morning, good afternoon and good evening. This is the Policy and Implementation Working Group call on the 25th of March 2015.

On the call today we have Carlos Raul Gutierrez, Greg Shatan, Anne Aikman-Scalese, Cheryl Langdon-Orr, Alan Greenberg and Amr Elsadri.

I show apologies from Chuck Gomes and (Elivi Quami) as well as Michael Graham.

From staff we have Mary Wong, Marika Konings, Karen Lentz, Kaitlin Tubergen, Barry Cobb, Steve Chen and myself Terri Agnew.

I would like to remind all participants to please the unique before speaking for transcription purposes. Thank you very much and back over to you Mary.

Mary Wong: Thanks Terri and hello everybody. This is Mary from ICANN staff in case you're joining late. I am still going to try and get back into the Adobe in my other guise but I think what you're seeing now in Adobe is the document the latest version which was sent out by Marika a day or two ago.

And so I guess what we can do unless folks have comments or follow-ups from the discussion last week is to continue from where we left off.

Does anybody have any comments or other suggestions?

((Crosstalk))

Man: That sounds good to me.

Anne Aikman-Scalese: Hi Mary. It's Anne Aikman-Scalese.

Mary Wong: Hi Anne.

Anne Aikman-Scalese: Did Chuck and Alan say that we would very quickly review the addition of Alan's comments or what was the final determination about how

we would process what Alan had put in for the previous, the topics discussed previously?

And maybe there isn't that much Alan? I don't...

Man: Well...

Anne Aikman-Scalese: ...I'm not sure.

Marika Konings: So this is Marika. I can maybe update on that. So we did insert Alan's comments which may be ALAC comments depending on the outcome of the polls and the vote I think they're having.

So basically they're already in the document. And I think the only one that we basically passed over if you look back is the one that's currently labeled as 3.11 which was very helpful in relation to the working definitions which probably means we don't really need to go back to that as it is very helpful.

And all the other ones will basically show up in the sequence as we're going through them as we're currently I believe at what is now 4.7 which will then I think get us to the next ALAC comment or Alan's comment. Let me see where that is I think which is 4.19.

So the only one we really like kind of missed is the one on (unintelligible) so say 3.11 which is very helpful.

And my suggestion is -- I'm looking at Alan -- if he doesn't object we'll just use the same thing as we've used for the other ones (unintelligible) very helpful which is noted.

And he's nodding yes so, I think we can note that for the next version and probably just continue where we left off last time.

Anne Aikman-Scalese: Great, thank you Marika.

Mary Wong: Okay thanks Marika. I wasn't sure exactly where the insertion was so pointing out 3.11 was very useful to me and everybody.

So as you said I think that brings us to 4.7 which you should be able to see on Adobe or if you have your own documents and laptops in front of you. And so this is principal C2C.

And I don't think I need to read that. And it seems like here we have a comment from the Registry Stakeholder Group agreeing especially the emphasis on core value 4 but, you know, noting again the need for communication.

Do we have a working group response follow-up or addition?

Cheryl Langdon-Orr: I think it's a noted one.

Cheryl speaking for the record.

Mary Wong: Okay.

Cheryl Langdon-Orr: Well Cheryl (unintelligible), that's why.

((Crosstalk))

Cheryl Langdon-Orr: I'm always for full disclosure you know that.

Mary Wong: Oh yes we do. And we appreciate it. So I've put there noted in the column under Working Group Response for which I assume therefore we don't need to have separate action at the moment?

Moving on therefore to 4.8 which is now at Principle D. And this is D1 about examining or the need to examine changes to implementation guidance.

And in all cases the GNSO would have the right to challenge whether the updates require any further review.

On this particular one -- and I'm going down a little bit in the document -- there doesn't seem to be - well, I'm sorry this was a comment by the Registry Stakeholder Group.

And so the question is whether anyone has any comments or questions or follow-up?

So this is Marika. Just do have I think that the registries here are suggesting specific change to the community to GNSO so that it would read it all cases the GNSO maintains the right to challenge whether such update needs further review for policy implementation.

Cheryl Langdon-Orr: (Unintelligible) regional. This is Cheryl speaking.

Marika Konings: This is Marika. I don't think it's traversing but I think it's narrowing it.

Cheryl Langdon-Orr: Very much, Cheryl.

Marika Konings: Yes.

Cheryl Langdon-Orr: Yes.

Marika Konings: So I think the question is do people agree with that, object to that?

Man: And by this is meant the entire GNSO not the GNSO council?

Marika Konings: This is Marika. It kind of says GNSO so that's...

((Crosstalk))

Marika Konings: Yes.

Cheryl Langdon-Orr: (Unintelligible).

Mary Wong: Right so should I make clear that was the suggested change as you see in the strike out?

Woman: Yes.

Cheryl Langdon-Orr: Greg have you got an opinion on this? I mean I'm not going to die on the - this is Cheryl for the record. I'm not going to die in the details of this one.

But it bothers me slightly that we had gone to some extent to ensure that all the significant leadership parties, affected parties, stakeholder groups and beyond the narrow definition of stakeholder group as in operational within the GNSO structure was really mean to some of this.

That term in my view is preferred community. And so to reduce it now as Marika said to GNSO was I wouldn't die in the ditch about it. I do think it makes me uncomfortable.

And it may be that others are more concerned about the necessity the requirement and indeed the other rights of community beyond GNSO if they are affected and if they are on the classification for which we've already agreed as being affected should be able to have an ability to challenge whether such updates need further review.

However that's just raising it for the record. As I said it makes me uncomfortable but not sufficiently that I'm going to leap up and down and say,

no, no, no it can't just - it can't happen. But I think we should be so warned as opposed to noted on this one.

Alan Greenberg: Sorry it's Alan.

Mary Wong: Thanks Cheryl.

((Crosstalk))

Mary Wong: Alan I think Amr had his hand up. You mind if I go to Amr first?

Alan Greenberg: Not at all.

Mary Wong: Thank you. Amr go ahead.

Amr Elsadr: Thanks Mary, thanks Alan. Actually I thought I took it back down. But I'm - I was - I think I was basically going to say what Cheryl said very well.

Yes. I wouldn't feel too strongly about it and to extent that I would object to a change but I'm - but I do agree with Cheryl. I think that the key word here is challenge, the word challenge.

And we should in this principle leave it open to the entire community and not narrowly define the GNSO as the only community that are part of the community that is allowed to challenge policy implications that may come up.

I think later on in the initial reports the description of the different processes we're suggesting make it clear what the role in the GNSO and the GNSO council is. But in principle I think we should leave the option to challenge wider beyond just the GNSO. Thanks.

Mary Wong: Thanks Amr. Alan?

Alan Greenberg: I support exactly what Amr just said. I'm not sure I would go to the wall over it but I feel stronger than Cheryl does.

What is this Greg? What is the rationale for the change, their rationale making the change in the first place from community to GNSO?

Marika Konings: This is Marika. I think the suggestion in here are as they were made and maybe this is something where we may want to put a note in that we have, you know, Chuck verify on the next meeting what was really the intention. Because I don't think we have any registered representatives on the call for now.

Maybe we could just know the, you know, in principle they working group does not support making this change but would like to hear the further rationale from the Registry Stakeholder Group representatives on why they're making that suggestion.

Greg Shatan: This is Greg. I'm not for it or against it yet because I don't understand why it might make sense. And therefore I can't figure out why I disagree with that.

I see the problem with it as that I think Alan and Cheryl do. I'm wondering if we're equally free with the ideas of the GAC to make an objection or challenge under this as well. I mean this is their community too.

Cheryl Langdon-Orr: Yes.

Greg Shatan: Yes so it's open season for everybody. But, you know, if we are comfortable with that...

Cheryl Langdon-Orr: It's a challenge, it's not an action.

Greg Shatan: Yes it's a challenge.

Marika Konings: Yes. And this is Marika as well. To reaffirm (unintelligible) talking about, you know, challenging it's not necessarily meaning that you if you challenge you automatically...

Greg Shatan: Right.

Marika Konings: ...get what you want but understand...

Greg Shatan: I think generally I think we disfavor voice (unintelligible) strongly.

((Crosstalk))

Mary Wong: Thanks folks. I see Anne has her hand up and then Alan. So let's go to Anne.

Anne Aikman-Scalese: Yes thank you. It's Anne for the transcript. I basically agree with Marika's approach to this question in terms of moving through it.

But if I put myself in the place of the Registry Stakeholder Group I would see it as a jurisdictional matter where their point of view would be well GNSO is, you know, charged with policymaking.

Now I think that, you know, what we can all see is that policy advice comes from other quarters as well, several other quarters.

And so but I do think that they may be trying to say that these principles would be adopted by GNSO but not necessarily by other groups and that may be sort of a jurisdictional delineation.

But I do agree with Marika's approach procedurally to the question. Thank you.

Mary Wong: Thank you Anne. Alan. Alan, are you there?

Alan Greenberg: Sorry. I didn't have control of the mute button. Can you hear me now?

Mary Wong: Yes.

Alan Greenberg: Let's assume you can. Saying that no one else can challenge is akin to saying for instance with respect to the GAC wait until I goes to the board and then raise the issue. That's exactly what we're trying to work against these days.

There's a number of people the governments and At-Large that don't have a seat in the GNSO. We don't have a seat on the GNSO also, we don't have a seat we don't have - occupy a space within the GNSO itself.

I just can't see the logic of saying no one else can raise an issue they think is important at a time when issues can be raised otherwise.

You know, we're back in the time of a few years ago where we have find a friend in the GNSO to say something on our behalf. I just think that's working backwards. Thank you.

Mary Wong: Thanks Alan. So it sounds like at least the folks on the call believe that unless there's rationale that we're not seeing -- and Anne suggested on one and we certainly would check back with Chuck in the registries -- that this narrowing is probably not advisable.

So let's just keep it there and we obviously would have to check with everyone as we get through the document.

Let's then go to the next issue as soon as I can get the typing done and I think I'm done.

So 4....

Alan Greenberg: Mary can I interrupt Mary?

Amr Elsadr: Mary this is Amr. Can I have one final...

Mary Wong: Yes sorry, we had Alan and then we have Amr. I just saw the hands. Sorry.

Alan Greenberg: Okay.

Amr Elsadr: All right.

Alan Greenberg: Sorry I - your note just check with Chuck on jurisdictional issues or something like that. I think it's check with Chuck for the rationale.

Mary Wong: Right. That was the idea.

Alan Greenberg: Yes.

Cheryl Langdon-Orr: Have to get the right words in there.

Mary Wong: I'm just realizing my shorthand probably doesn't make sense to anyone but me. Thank you Alan. Amr?

Amr Elsadr: Thanks Mary. This is Amr.

Yes. I think it would also be helpful to point out to the Registry Stakeholder Group or any other stakeholder group or SO or AC to provide comments that when addressing specific principles it's important to recognize them within the context of all the principles and how they complete each other.

Because although we're given the community the right to make challenges in this principle there are other principles that require input from different stakeholders and the word stakeholders is defined as done in a timely manner, it's done in accordance with the process and how it works.

So I just think it's important that people don't nitpick on individual principles all alone but try to think of them within the context of what the principles all together are trying to achieve. Thanks.

Mary Wong: Okay. So basically we're saying that, you know, at the end of this the working group will need to review each principle as amended in the context of all of the principles -- something like that. And I can reword it to be more elegant after this call as long as we know where we are. Anne...

Amr Elsadri: I'm sorry it's Amr again. Yes if I could follow-up on this real quick?

Mary Wong: Sure.

Amr Elsadri: Not just - it's not just about the Working Group reviewing any changes to the principles but also I think when we came up with these principles we were very aware of how they presented a sort of a complete picture of what we see in terms of principles or policy implementation and the community's involvement.

So also asking folks who are submitting feedback on these principles to also look at them in that light and not consider one principle independently all alone as a stand-alone principle because I think together they really complete each other.

And I think we were very thorough in doing this early on in the work of this working group. Thanks.

Mary Wong: Thanks Amr. Anne?

Anne Aikman-Scalese: Yes thanks Mary. It's Anne. I think one question this raises -- and I certainly don't disagree with all that's been said - but the question it may raise

is whether the working group wants to recommend that other groups within the community review and adopt these same principles.

And I think that's an overall a bigger question for our final report. Thank you.

Mary Wong: Thanks Anne. And I think we'll certainly bear that in mind as well. Again it will be helpful once we actually get through this to look at it more holistically which is partly what Amr suggested and I hope I've captured the other part of what you suggested as well.

So if we go to 4.9 then and this is principle...

Anne Aikman-Scalese: And Mary can you note that question that I raised in the notes as to whether the working group -- I'm sorry it's Anne again -- noting the question whether the working group wants to recommend that other parts of the community review and adopt the principles?

Mary Wong: Yes, doing it right now.

Anne Aikman-Scalese: All right, thank you.

Mary Wong: Marika you've got your hand up.

Marika Konings: Yes this is Marika. Just to (unintelligible) a question or point I think at this stage, you know, this is for GNSO. I don't think - you know, of course we can always ask other groups if they want to look at it or approve it but in principle these are recommendations which will go to the GNSO council and subsequently to the board.

However this is also something that is flagged as part of the ATRT2 recommendations that have recommended that the board look closer at policy and implementation functions at ICANN.

So I think basically the staff recommendation has been there to maybe first weight the outcome of this effort to determine whether anything that comes out of here may also be applicable or of interest to other parts of the community.

And it also goes back to the initial conversations because this conversation did start out with the involvement of all the SOs and ACs I think going back to the ICANN meeting in Beijing.

And while at that stage it was quite obvious I think that the other groups were less interested to actively pursue this.

So at that stage I think the GNSO council just said okay let's basically look at it from a GNSO perspective. But it shouldn't preclude whatever we come up with, you know, possibly being applicable or, you know, endorsed by other parts of the community.

So I think it's something we can flag. And I know it's, you know, just want to note as well as it's something that's already being flagged as part of the ATRT2 recommendations.

So I think it's worth noting but it may not be in scope specifically for this working group to make recommendations on but just to know that it's definitely something that is being considered not being (unintelligible).

Mary Wong: Thanks Marika. Alan did you have a comment on this point?

Alan Greenberg: Yes I did. For those who have been following I don't really remember whether it's the IANA CWG or the Accountability CCWG. But there has been significant discussion, disagreement and dispute over how the word consensus is used...

Man: Oh yes.

Alan Greenberg: ...and more specifically with how different the GNSO use of the term is from other groups.

Given all that we have a far way to go before we're going to unify practices across ICANN. And so I think we need to take a gentle position on that because if we try the GNSO is going to be a significant part of the group is going to have to change its policy and its use of terms.

It's not everyone else going to adopt GNSOs so a nice thing to keep in the back of our mind but let's keep it there.

Mary Wong: Thanks Alan. So I think that that means we can move on to 4.9 principle D1C.

And again this is a comment from the Registry Stakeholder Group. And you see there on the screen that it seems to be a transposition near trying to clarify that when we made a recommendation of the transparent change I guess it meant that the changes are fully transparent.

Are there any comments about this or is this another noted?

Cheryl Langdon-Orr: Yes it's Cheryl here, got back that's a notice for me.

Mary Wong: Well that was easy.

Cheryl Langdon-Orr: They won't all be like that, fear not.

Mary Wong: Well we have a hand from Anne and one from Amr. So Anne go ahead.

Anne Aikman-Scalese: Yes thank you Mary. It's Anne. It looks to me as though what they're trying to change is the noun being modified so that it's the recommendations that are fully transparent, not that changes.

Because the changes would of course ultimately be fully transparent. But I think they're trying to emphasize that the recommendations be transparent, just looks like a different noun being modified.

Mary Wong: Thanks Anne. And maybe we can all look at it and see if we have the same reading as Anne does. Because you're right, I think that makes a little bit of a difference as to what the adjective transparent refers to.

While we do that let's go to Amr.

Amr Elsadri: Thanks Mary. This is Amr. Yes I actually like this suggestion. And I would personally recommend that we do make the change that the Registry Stakeholder Group suggested here.

I think the issue here is the way we worded it. We - we're sort of giving staff the ability to make transparent changes as opposed to making - as opposed to require them to be transparent when making the changes.

And I think this is what the Registry Stakeholder Group was trying to point out. So I actually like the suggested language they provided I would recommend we adopt it. Thanks.

Mary Wong: Thanks Amr. Greg you had your hand up but you took it down again so I don't know if you wanted to say something about this. And there you are. Go ahead Greg.

Greg Shatan: Thanks. It's just a little lag in connectivity. I think there is the transparent here is modifying changes. And that's what we wanted to do so I think we're in good shape.

Mary Wong: Okay.

Cheryl Langdon-Orr: You don't have to agree with me.

Mary Wong: Excellent. So then we move to 410. And here we get a comment from the Brand Registry Group. And they support the concept of developing principles to guide policy and principles to guide implementation.

Marika I don't know if there's any more detail you want to add to this or if this is a general statement that we can simply note and agree with?

Marika Konings: Yes this is Marika. There was actually nothing more to it in their comments so I think we can just, you know, take it as is...

Cheryl Langdon-Orr: Motherhood and apple pie.

Marika Konings: Yes record...

Man: Thank you.

Cheryl Langdon-Orr: Yes.

Marika Konings: Yes exactly.

Man: Fatherhood and cherry pie.

((Crosstalk))

Mary Wong: I am not putting any reference to pies in this document at the moment folks just so you know -- M&Ms maybe.

So at 411 is the same or similar. I'm sorry Marika did you have a hand up again or is that from before?

Marika Konings: This is Marika. This is actually in relation to 411. So I just wanted to point out it's basically the comment or the response that was received as part of the

story said, yes, don't support adoption taking into account the following comment but actually no comments were made as part of the survey.

And this is one of those responses where someone did a couple of the questions but then didn't do any of the others. So and again this is purely my personal interpretation but it may be someone just tried to test the survey to see how it works.

And as that, you know, as person, you know, take the - taking into count, into account the following comments but actually did note any comments, you know, may support that assumption.

So just my suggestion to maybe just put noted and not pay any further attention to it because we don't have any further information on what those particular comments could or might be. And in fact there's no anything else in the survey I think from this person.

Maybe the one maybe the next question he possibly responded to as well but not the other one.

Man: The only other alternative is to go and ask the person.

Woman: (Unintelligible).

((Crosstalk))

Mary Wong: I think that we did talk last week about going back to different people. So there's always the possibility I suppose if we feel that it's helpful at any one stage or for any one comment.

Marika the next two 412 and 413 two different (commenters) but on 412 wisdom says yes and 413 the next (commenter) said no. Do you have any refreshes as to what 412 and 13 were?

Marika Konings: Yes. So this is Marika. So both of these responses are in a similar category as the current (unintelligible) comment.

I think they both filled in a couple of the questions but not all. And, you know, none of them actually provided further detail.

So again my assumption is that some of them were just, you know, testing the survey and see how it works and not necessarily disagreeing with the recommendations made.

And again they didn't provide any detail as to why they said no or yes.

So I know and it's hard for, you know, the Working Group to make a call on that and not having further information.

But I said, you know, the fact that we do have and again these survey responses were actually recorded by the survey tool as non-complete.

So I think the normal approach would have been to actually disregard them. But, you know, I did include them as I think we wanted to be complete.

But I did want to make a note that, you know, my assumption and again it's my personal interpretation is that some of these people may have just logged in to see what it looks like, you know, what it took, you know, maybe clicked a few boxes and then actually went away and didn't formally submit anything.

So again I think we should just indeed as Mary put - is putting in the chat just put there noted and, you know, unless someone's coming forward with further detail as to why they said no maybe just not give further consideration to it.

And again these were incomplete survey responses and not formally submitted as such so noted may be sufficient at this stage.

Alan Greenberg: But I think since the survey tool becomes a part of the public record I think it should be - it should say the survey was not formally - was not actually submitted.

Cheryl Langdon-Orr: Incomplete.

Alan Greenberg: Incomplete and not submitted so...

Marika Konings: Okay and that's something we can add to the survey tool to maybe make that clear...

Alan Greenberg: Or maybe - sorry. I was going to say or maybe we can list the respondents you can have that parenthetically under them so not having to repeat it.

Mary Wong: Okay. Thank you Marika, Alan and everyone. That seems reasonable. So that was 412 and 13. I want to apologize, my screen occasionally goes blank because I have it on full screen on my second one. And so sometimes I reach the bottom I have a little bit of a lag too apparently.

So here we come to a comment by Carlos on 414 and Carlos if you have any additions to your comment.

You did have a yes but you did provide additional comments regarding for example the GNSO centric nature of the implementation principles noting that the - this may - the status quo may change.

And this is somewhat similar to earlier comments that we discussed on this call with regard to a different principle that, you know, is more than just a GNSO.

Your point here being that it's going to be multi-script multi-language.

And so your comment is that as this is a process of evolution there may be a sort of cut off point or some overlap that we need to deal with.

Does anyone have any comments or questions? I'm sorry actually Carlos you have your hand up so would you like to elaborate?

Carlos Raul Gutierrez: Yes. This is Carlos for the record. Thank you Mary. I happen to recognize that there is an Annex H I think where we start dealing with the next stage with the GDD, the people who at some point will take over.

And there have been also discussions what is the relationship between GDD and compliance of the contracts.

And when I say it's a little bit GNSO centric it's not the critique. It's just recognizing we are working only within the boundaries of the GNSO.

And as previously noted in these calls well there might be comments from other parts of the community, et cetera, hence the one.

And I think it's at the end of my comment that I say I need a step-by-step approach where the GNSO develops policies the board approach and then there is an implementation.

And then the people who are dealing with the results on the contracts will be other people will be there, the people who deal with registrars and registries and when there is a problem then there might be a compliance or things like that.

I need this continuum for you. I start seeing the issue popping up but only in Annex H at the very end of the document.

And I miss like a flow at the very beginning of the discussion. And that is the only point that I'm trying to make in my response to the survey that the

boundaries are really narrow and we're keeping these boundaries
(unintelligible). Thank you very much.

Mary Wong: Not at all. And thank you for such a detailed comment. And in fact I suppose this is one of the general issues that this working group has been dealing with that though whether you call it an overlap or a continuum or a little bit of both, the policy implementation phases.

Alan and then Anne.

Alan Greenberg: Thank you very much. I don't have the principles in front of me so I'm working blind right now.

But certainly from the perspective of those of us who have participated in a fair number of policy development processes we've always assumed that other parts of ICANN as necessary be brought into both the discussion on policy and the implementation when it was applicable.

So PDPs do get input from compliance for instance, do discuss, make sure that the wording of our - of the recommendations are enforceable and unusable by compliance as an example. Legal certainly gets involved in it.

So I'm - if the principles really are GNSO centric and imply that they're not involved in any of these processes then we do need to fix the principles.

But I would need to go back and look at them certainly from the perspective of those that wrote the principles or that were involved in the discussions. We were not trying to be GNSO centric. And I think we were probably sensitive to it as they were being written.

So, you know, if there is a problem then we need to fix it but maybe Carlos you need to be more specific and identify which ones because that certainly was not the intent when they were written.

Mary Wong: Thanks Alan. And let's go to Anne. And Carlos if you wanted to respond to that please go ahead after Anne.

Anne Aikman-Scalese: Thank you Mary. It's Anne. And yes Alan makes a good point about making sure that our principles are inclusive of other members of the community. That's a personal point of view.

But I am also wondering I'd like to ask Carlos at the end of these comments there is a statement which almost looks to me like another principle that he's suggesting because it says there should be a clear separation between policy development and day to day operations.

And there should be an internal checks and balances as are being discussed in the accountability CCWG.

So I would like to ask Carlos if that is a recommendation for an additional principle or what is intent there? Thank you.

Mary Wong: Thank you Anne. Greg do you mind if I go to Carlos and come back to you?

Cheryl Langdon-Orr: He said go ahead. I think I've (unintelligible).

Mary Wong: Well I was going to say I'll take that as a yes. Thank you Greg. So Carlos please go ahead.

Carlos Raul Gutierrez: Thank you Greg. Thank you. This is Carlos for the record. Maybe I didn't use the right words. I didn't mean to be very harsh with GNSO.

Simply but if you take it to the extreme there is a tendency of (unintelligible) or we develop policies, we're clear, we go back, we go back on level one. And then we can go back on level two. And then we can even develop the policy (unintelligible).

And what I need is a cutting point where we pass over these to the day to day business as Anne just mentioned. There must be a point where it says okay good, the GNSO and the staff could have been involved here.

Finish the work. The - everything should be clear now. It's a building mission. It's a different world now that it has to be translated into Chinese and Russian.

And the questions might be of translation, not a principle. Alan said it has to be very clear what a challenge you have to create in many (unintelligible) in many languages.

I hope these questions don't come back to the GNSO on the implementation staff. I hope these questions are dealt with in a different place.

As I say there we go to Annex H and the GDD. Of course the GDD participates its input and says hey wait. If you don't clear up we might have trouble down the road and so on.

So it's a question at what time do we stop this danger of (unintelligible) here of what we are proposing and just give it over. It's over. It's not a policy issue anymore. It has been clearly said how it's going to be implemented. Now it's out there in the contracts.

I don't want to go further here. I don't think it's an issue of principle. I'm not trying to develop the principle. I'm just trying to see where - when does it end, when do we stop going to circularity because I get a feeling that these three mechanisms tend to give (perpetuation) of an internal discussion within the GNSO.

And I just want to have a clear okay. At some point there is a (unintelligible). The baby is 18 years old. That's it.

Mary Wong: Right, thank you Carlos. I mean it does seem to me anyway that, you know, you're making a general point and a couple of specific ones like Anne noted as well.

And the general point seems to me the first of all that it's difficult to distinguish between when something is pure policy and when pure implementation so there's all - just a little bit of fuzziness and overlap. But there's a caution against, you know, delaying and going back to the well too often.

You actually also had a very specific suggestion or comment about the need to make these principles clear in different languages.

So I guess I'll ask the working group if they wanted to highlight that or any of that in particular? And while we think about that Greg thanks for being patient.

Greg Shatan: Thanks. It's Greg Shatan. And yes, I see Amr's note in the chat which, you know, similar to what I was thinking which is this is about implementing GNSO policy recommendation. And therefore it should be GNSO centric.

The GNSO has a role to play and that role is not a role that's only played in one script or one language.

It's a role that's played in terms of all gTLDs. And, you know, the GNSO, that is the GNSO role. So unless we're changing GNSO's role it should be a GNO centric, GNSO centric process.

You know, this is, you know, so not necessarily every aspect for instance the idea that some other part of the community could challenge what we're talking about earlier.

It's appropriate to have challenges come from outside the GNSO. But when we're talking about implementing GNSO policy that is, you know, an offshoot of GNSO activity and falls under our overall remit.

Thanks.

Mary Wong: Thanks Greg. And I think that that's probably something that Carlos would acknowledge as well.

So maybe what we can do is have these comments, some of the notes that I've put in and we can say that, you know, noted the suggestions or the suggestions are noted unless someone else has something else. Anne?

Anne Aikman-Scalese: Yes. Thank you Mary. It's Anne. So further to what this discussion that Amr and Greg have raised the implementation recommendations that we are making I think those go beyond GNSO policy recommendations.

Because when the board itself makes policy it takes into account GNSO policy recommendations, GAC advisory letters from ALAC.

So I think that as a group we are making decisions about implementation that apply to more than GNSO policy recommendations. Thank you.

Mary Wong: Thanks Anne. So we have the working group response but there's probably not a separate or there's no follow-up action unless Greg you had a suggestion here?

Greg Shatan: Hi. Just want to respectfully disagree with what Anne said. Thanks.

Anne Aikman-Scalese: Can you elaborate please Greg because - it's Anne again.

But, you know, my point of view is that board - the board adopts policy it may not always be exactly what the GNSO has recommended. And yet it can be adopted and then implemented and has been.

Mary Wong: Greg do you have a response?

Greg Shatan: Sure. I think, you know, first it is GNSO policy that is being adopted. They have to adopt what we send or unless they rejected by a supermajority vote in which case they send back to the GNSO which then tries to get it right so that it can be passed by the board.

So it is GNSO policy. I think it would be in a sense marginalizing the GNSO or diminishing its remit to say that this does not fall under the GNSO umbrella.

Anne Aikman-Scalese: Oh, no it definitely falls under GNSO umbrella. Maybe where we're again I think this goes back to sometimes the battle between, you know, reconciling GAC advice with GNSO policymaking and how that can sometimes result in implementation which is I think our recommendation would still apply to, you know, compromise policymaking and implementation regardless of whether it's exactly the policy that the GNSO had initially recommended. Am I wrong about that?

Mary Wong: Can I step in here and note first that, you know, maybe this discussion seems to be going a little beyond what Carlos intended by his comments.

So we can come back to those as part of a broader discussion? But secondly Amr and Alan have their hands up so they might want to add some of their comments to this as well so let's go to Amr.

Amr Elsadri: Thanks Mary. This is Amr. Yes I think you're right we probably are deviating off course. But just wanted to say that again I very much agree with what Greg just said.

And again let's try to look at these principles collectively and not just look at any one or two principles individually.

There is a principle on the policy that says that gTLD is developed by the GNSO. So when some - when Anne might - may say something like the ICANN board makes policy the ICANN board make policy. The ICANN board is part of a process, a bottom-up process and they're near the top of that process.

And like Greg said they can reject the policy recommendations being provided by the GNSO under certain condition and in response to many of the things such as for example GAC advice.

But that does not mean that the ICANN board will develop policy themselves.

Like Greg said they would send it back to the GNSO and saying this is a policy recommendation that we have rejected and the GNSO needs to look into it because there is that principle there that says that gTLD policy is developed in the GNSO. Thanks.

Mary Wong: Thanks Amr. And we'll go to Alan but I'll note that we had scheduled this call for an hour so we are reaching the end of it. So we may have to cut off discussions very shortly. In the meantime Alan?

Alan Greenberg: Thank you. I'll be- try to be relatively quick. In the past in the minds of some the board has created policy. That's why we're in this work group to try to put a stop to it and try to make sure there are processes so they don't have to because they said they don't want to.

As a current example the GNSO gave policy on the protection of IGO and INGO names.

The board approved some of that. The board did not agree with some of the other stuff because it was at odds with GAC advice.

The board came back to the GNSO and said are you willing to change your advice to match what we think we want to approve? That hasn't played its way through yet.

But at this point the board seems to understand the concept that they do not make policies if they can possibly avoid it and they hope to avoid it and it is up to the GNSO. And that's why we're building all these processes. Thank you.

Mary Wong: Thank you very much Alan and I see that Anne agrees with you there as well.

So we are two minutes after the hour. I do recognize that we started a little bit late but it's also late for some people including the folks in Istanbul after a long day there.

So looking ahead the next comment which comes from the IPC and I know Greg and Anne you're on the call but it's fairly detailed so it may make more sense to start a fresh with that comment at the next meeting.

But in the meantime, you know, if we can remind everyone in the Working Group who attend the next meeting to also read ahead that may be helpful in our discussions as well.

I don't see any hands or rabid disagreement. Are there any last comments from anybody on what we discussed today or the approach going forward?

I don't see any hands either. But in any case then I am glad to give the chair back to whoever chairs next week. Thank you all for taking the time to join the call today, especially those who are in transit, traveling or just traveled.

And yes Carlos I see your note in the chat. We will send a note to the full working group by the mailing list and hope to continue this discussion next week. So thank you very much and Terri I think we can stop the recording.

Woman: Thank you much.

Woman: Thank you Mary. Thanks Marika.

Cheryl Langdon-Orr: Thank you Mary. We appreciate the efforts.

Woman: Thank you.

Mary Wong: Thanks Cheryl.

Man: (Unintelligible).

Terri Agnew: (Shania) if you could please stop the recording.

Coordinator: Recording is stopped. Thank you. Once again the meeting has been adjourned. Thank you very much for joining and have a wonderful rest of your day.

END