

**Policy Process Steering Committee (PPSC) Policy Development Process (PDP)
Work Team (WT)
TRANSCRIPTION
Thursday 09 July 2009 14:00 UTC**

Note: The following is the output of transcribing from an audio recording of the Policy Process Steering Committee Policy Development Process (PDP) Work Team (WT) meeting on Thursday 09 July 2009, at 14:00 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-ppsc-20090709.mp3>

On page:

<http://gnso.icann.org/calendar/#july>

(transcripts and recordings are found on the calendar page)

Participants on the Call:

Jeff Neuman - Registry c. - Work Team Chair
David Maher - Registry c.
Paul Diaz - Registrar c.
James Bladel – Registrar c.
Wolf-Ulrich Knoben – ISP
Marilyn Cade – Individual (joined after roll call)

ICANN Staff:

Liz Gasster
Marika Konings
Glen de Saint Géry - GNSO Secretariat

Absent apologies:

Brian Winterfeldt – IPC
Margie Milam – Policy Staff

Coordinator: This is the operator. This call is now being recorded.

Jeff Neuman: Great. Thank you. Thank you very much. Welcome to the - I guess it's July 9, 2009 meeting of the PDP Work Team and I'm going to turn it over to - this is Jeff Neuman, Chair of the PDP Work Team. I'm going to turn it over to Glen to see who's on the call.

Glen DeSaintgery: Thank you Jeff. On the call we have Jeff Neuman who's the Chair of this group. James Bladel our Registrar Constituency, David Maher Registry

Constituency, Paul Diaz, Registrar Constituency, and Wolf-Ulrich Knoblen, who is ISP.

And for Staff we have Marika Konings, Liz Gasster and Glen DeSaintgery. Have I missed anybody who's perhaps on Adobe Connect? No, it doesn't seem like it. Thank you Jeff.

Jeff Neuman: Thank you Glen. I think this indeed may be a short call unfortunately. Seems like the registries and registrars and Wolf, thank you for the ISP -seems like we're represented but I think without business constituency reps, ISP constituency reps, and BC ISP, sorry, BCIP and non-commercial or ALAC, I think we're kind of - I'm not sure how fruitful the discussion will be.

Glen, nobody's just joined in the last minute or two, right?

Glen DeSaintgery:No, not at all.

Jeff Neuman: Okay. So, well for those that are on the call and we'll end it shortly unfortunately. Most people - we'll at least end the recording if people want to stay on I think Marika and I and Liz may talk just a little bit about some logistics.

But for those of you that are on, the survey that everyone took - I think almost everyone in the group took at - by this point - is now posted or has been sent around to the group a few days ago and I think it's pretty good.

It gives a good indication on a number of questions of where we stand and also gives a good indication of some open items on the planning and initiation phase that I was hoping to cover on this call but it seems like we'll cover that on the next one, before we get into the second phase of PDP process.

I encourage everyone to actually - to read the survey, to read the questions, make - or in the comments and see if they have any comments to that and to

also look at the Stage 2 document that Marika sent around a little earlier today on the next set of topics that we'll talk about.

What ICANN Staff and we're going to work on is to try to take all these survey questions along with the planning and initiation phase documents. I think that was last circulated on the 18th of June that we can use those documents to put out a paper which will be used to either make recommendations to changing the bylaws or keeping the status quo based on what people have said so far, and obviously that'll just be a skeleton that'll - we'll have discussions on that as well. Is there any other questions?

Wolf-Ulrich Knoben: Yes, (unintelligible), Wolf speaking, Jeff. I myself, I was unable to participate in the Sydney meeting and I want to just - the last updates from that Sydney meeting. How - was it about just to be updated, so it's something else beside the survey you offered here or...?

Jeff Neuman: Actually we spent - so thank you for bringing that up. There is a transcript that I'm having Glen send around to the group of that session. Actually it's of the first two sessions. There was an hour session that started it off with the entire...

Woman: (Unintelligible).

Jeff Neuman: I'm sorry. What was that? Oh, okay, I thought someone was saying something.

Liz Gasster: I think we have some crosstalk. Maybe the operator can help.

Glen DeSaintgery: Marilyn's just joined the call. Marilyn Cade.

Liz Gasster: That's the crosstalk?

Marilyn Cade: No, not yet.

Jeff Neuman: Good morning Marilyn.

Marilyn Cade: Morning.

Jeff Neuman: For your benefit the only people we have on the call right now are David Maher myself, James Bladel and Paul Diaz, both registrar reps, and Wolf, ISP, yourself, and that's - and then ICANN Staff so we're kind of short on attendance.

Wolf just asked for a brief update on what happened in Sydney so I was just going over that. There's a transcript that Glen is going to send around. It's been on the GNSO Web site but I've asked her to send around to the group.

The first hour was a full PPSC, the Policy Process Steering Committee meeting so that, you know, there's two work teams. There's the PDP Work Team which is us, and the Working Group Work Team which is talking really about the functioning - the functionality of the working groups once a formal Policy Development Process is initiated and it's recommended to go to that working group stage as to how they will operate.

So we each gave an update as to where the teams are and just tried to just get a status. The next hour and a half was the PDP Work Team where we really just spent most of the time going over the survey which I think was really helpful because it was kind of a tool that we used to address some open items and to let people know just where we stand.

We had spent obviously the last several months talking about a lot of these issues but it was good to see kind of - even if the questions weren't the best worded questions they - it was still a good indication of where we were with certain of the topics - subtopics of the planning initiation phase.

Marilyn, I - you know, we have very few people on this call. The agenda for this call was to go through the rest of the survey and close out the open items on planning and initiation so that staff could go back, take all the stuff and write up the skeleton of proposed recommendations, you know, as to the - with the general feeling of the group.

Obviously that was just a real skeleton that we could just - so we had something on paper so that we could critique or add to, comment on, etc. I'm not sure if we have enough people here to do that or whether we want to push it off till the next call.

And Marilyn, I'm not sure - I don't know if you're by your computer, if you can get on to the adobe.

Marilyn Cade: Yes, I will try to do that.

Jeff Neuman: What does the group think as far as - it's kind of a mix here so I just want to hear what people think. You know, we kind of have half of a quorum I guess.

(Jim): Jeff, this is (Jim).

Jeff Neuman: Yes.

(Jim): Just a thought that perhaps we could continue with your plan of reviewing the survey responses of - for folks that weren't in Sydney and then that'll be, excuse me, two opportunities to go through those and when we reach the point of actually making any kind of decisions on any open items, that's where we would defer due to lack of quorum. It's just a thought.

Jeff Neuman: Yes, I think that's good. I think what we were going to do actually is we didn't actually get all the way through the survey. We got through half of it. So I - we're going to do the second half during this. I think that's a good idea. Now

that Marilyn's joined we have a BC rep, we have an ISP rep, we have registrar, registry. I think it might be...

Marilyn Cade: Yes, Jeff, we don't - you don't have a BC rep. I'm participating in my individual capacity but I am a member of the Business Constituency.

Jeff Neuman: Good point. Thank you Marilyn. Sorry about that. But I do think, you know, the recording will be available. It's not like this is going to be the only bite of the apple. Obviously we're just using this survey and the previous document to kind of come up with the next version.

So why don't we do that. Why don't we join from where we left off on the - in Sydney and for those of you that are on Adobe Connect it's up there now. It's Page - and for those of you who just have access to email, it's - we're on Page...

Marika Konings: Thirteen.

Jeff Neuman: Yes. Page 13, thank you. I'm not sure why my computer's not picking that up but okay. So what we'll do is, I know (Jim) is in the car so we'll kind of summarize the questions basically and Marika, just to review, how many people now have done this survey?

Marika Konings: Let me just go back up. Fourteen.

Jeff Neuman: Fourteen.

Marika Konings: I'll just pull it up and in Adobe Connect so you can see who have responded to date.

Jeff Neuman: Okay. So I noticed Marilyn's name's not on here. If you'd like to respond to the survey still Marilyn, do we close it up or is it...?

Marika Konings: It's still open.

Jeff Neuman: Marilyn, if you'd like to add your thoughts in there as well at some point over the next day or so.

Marilyn Cade: Sure. I'll do that. I - actually I had been confused. I thought it was closed so I gave it - I just kind of lost track of it but I will do that.

Jeff Neuman: Okay. I think I see Paul has done it, David's done it, (Jim), if he's - you've done it, you're I think the second one. And Wolf, you've done it, so great. So everyone else has - on this call has done it. So if we can go back then to question...Yes, I'll let you scroll to it.

Okay, so this question that was asked basically said, "Should, where available, positions of stakeholders be included in the issues report or some other product of the planning initiation phase." And I think two-thirds of the respondents said yes.

And then the remaining four people were split between no or no strong view either way. It basically says that opposition should be your comments. A couple comments were submitted. Opposition should be factored into any decisions perceived with policy work scraping together the bare minimum support to initiate PDP, suggests that the issue may not be the most effective focus of the community's limited time and resources.

And the second comment was yes, but in a concise manner with mutual reporting. And so maybe some links to other positions or - but the goal is not to have some cumbersome document.

So is there any questions? I don't know if anyone who submitted a comment is on this call or if anyone had a comment on this. Okay, do you want to just jump to the - the next one is talking - the next couple of questions I think talk

about our birds of a feather concept. And Marika, do you have control of the document? Do I? I don't think I have control.

Should birds of a feather - I'm sorry, one more up. Is this right? Okay. Should the birds of a feather type meeting be part of the planning initiation phase? And there were four options - or three options here. It's either yes, but it should be optional; yes it should be - the second one is yes it should be a requirement; strong no; or no view either way.

And I think overwhelming majority - three-quarters of the people answered and said, "Yes, as long as it's optional." And another one was - said, "Yes it should be a requirement." So I think two people said no strong view. No one opposed it.

So I think like a lot of the recommendations that have been discussed - I think this is - kind of fits into the category of best practice or something that - for those that aren't familiar with the policy development process, and I mean that with the lower case letters, as opposed to the definition of PDP, for those that aren't necessarily familiar with it or want to get an issue raised, it certainly is helpful to them as a good best practice and I think in the end would probably produce a better quality issues report.

So the comments that we got basically say that, you know, the first comment is, in virtually all the cases I'm aware of, the request for IRs proceeded - the issues reports proceeded with a variety of previous actions workshops reports. There's no need to add a new mandatory step.

Marilyn Cade: Can I just raise a question. I read that and I, you know, I did think it was interesting that people said kind of, "Oh, well we're doing it." But the fact of the matter is as Glen knows and as you will recall and others who have been around a while, the fact that we're doing it now is new.

And I'm not exactly sure that, you know, I think we need to ask ourselves, shouldn't there be some rigor or some predictability. So, you know, if we're doing it now that's good but do we actually have a structure?

There's a big difference between an hour-long presentation by staff or a - or outside experts or just a panel of different slices of opinions but not necessarily knowledge based briefings. All of those things could be called a workshop.

Jeff Neuman: Correct. And I think - so I know that several members of the working group that strongly opposed the mandatory requirement are not on this call. But if there's anybody that is on this call have any thoughts to what Marilyn said?

Or let me ask the question a different way. Recognizing the need to be flexible, recognizing that a formal - even the ITF birds of a feather is not a requirement but is a best practice, is there something we could do to put in structurally that would be required that would help achieve some of the - or at least that would as Marilyn said put some structure in it so that even though we know it's done today, that in the future we could ensure that there's something in place to more fully flush out an issue.

Marilyn Cade: I feel compelled to make another point before we go on. The other point I would make is if there's a workshop and it's scheduled at a time when no one can attend we've checked the box but not achieved advancing knowledge, information sharing or wisdom.

Jeff Neuman: Yes, that certainly we - issues of that in Sydney where there were workshops that...

Marilyn Cade: Yes.

Jeff Neuman: ...that were conflicting.

Marilyn Cade: Yes. So, you know, how would people feel about proposing it and maybe that's already there, proposing a best practice and a sort of a, you know, an objective statement, right.

So the objective of such a workshop should be - my view is we've got to go beyond opinions. And opinion-based policymaking is - that's not a good place to start. You have to go through that stage but it's not a good place to start.

Jeff Neuman: So can you maybe help us out, give an example of - and you could take something previously that was done obviously, and say what that objective statement would look like.

Marilyn Cade: So, you know, maybe we could take malicious conduct as an example since it's unlikely - we've had two workshops on malicious conduct. The objective statement I think or the purpose statement would be to examine the - to identify the areas that are being referred to as malicious conduct and to present fact-based information about the actual experiences and the circumstances and the various parties who were impacted.

Jeff Neuman: Okay, so it's a general statement as opposed to a predicted outcome, like to develop a policy to deal with malicious conduct. Your objective statement is much more, well, objective and is much more - without presupposing an outcome.

Marilyn Cade: Yes. I think so because, you know, part of the conversation, you know, and work on an issue by the - by a working group or may or may not result in a PDP, and a PDP may or may not result in consensus policy. A PDP could close without any action.

But it may have done a fair amount of examination of an issue and maybe even referred work off to other parts of ICANN, the operational staff, the contract reports staff, CCTLD, ccNSO, SSAC, so, you know, the workshop purpose I think - the purpose of having this kind of information baseline

development is to develop an understanding of the topic and the issues, not to presuppose what the outcome will be.

It's the stage I'm envisioning - by the way I would think there could be multiple workshops in the life of the working group. And at a later stage there could be a different purpose for a working group. But this is the very - sorry, a workshop. But this would be the very early I think use of a workshop.

Jeff Neuman: So the question is then, and I know - I guess - I don't want to speak for, you know, (Allen) and Mike Rodenbach who are pretty strong on this subject, is when it gets down to bylaws do you, you know, do you require either a workshop drafting team or other pre-PDP activity?

Marilyn Cade: Are we going to set the timeline for the PDP in the bylaws?

Jeff Neuman: Well I think there'll be certainly...

Marilyn Cade: Guidelines, right?

Jeff Neuman: I think it's expected that we set guidelines. I don't know.

Marilyn Cade: Right. So I would say in the bylaws that we ought to have some kind of source documents that are referred to in the policy development process that offer guidance.

Let's say, heaven forbid, all present councillors decide for one reason or another to retire instantaneously. There's no residual DNA memory of what to do and how to do it. So you've got to have some stuff documented.

Jeff Neuman: So when you're writing the bylaws you basically allocate some time for a pre-PDP activity giving the Council options of - options that they could refer to in source documents which would include things like a workshop, drafting team...

Marilyn Cade: White paper - a white paper, right, you know, a range of examples.

Jeff Neuman: And so you set some time for them to do that.

Marilyn Cade: More than 14 days.

Jeff Neuman: With the outcome being providing enough information for staff to then write issues report.

Marilyn Cade: Providing input to the staff. The workshop would not be the totality of the research that staff might feel they need to do to augment it, right? Because the workshop could be superficial, experts might not show up, the staff may need to do further research, they may need to do research internally on topics that weren't covered in workshops. But it would be one input. And - but it also is an input to the community.

Marika Konings: This is Marika. I have a question. Would this workshop precede the issues request? So would that be as well a way for the Council to be able to decide whether, you know, to feel the issue is ready for an issues request or that the Council says, "Yes, well more work needs to be done before we actually go to the issues request," because we're not clear what the issue actually is, or...?

Marilyn Cade: So, that's a good question Marika. You know, one thing that strikes me is I think we're trying to outline a flexible framework of tools, resources and activities, right? So I wouldn't want it to be would this workshop, right?

It would be more workshops, issue papers, staff briefings, expert briefings, are all resources that can be utilized throughout the pre-PDP process and in the PDP process. Isn't that kind of a better way to think about it?

So let's say had no idea you needed a - my favorite one - had no idea you needed an economic analysis. Having come to that realization you now

pause and, you know, get an economic analysis. You had no idea you needed an outside legal review or a technical review on something that didn't appear to be - have a technical implication when you started the PDP process.

Pause, get the outside technical update. So I'm thinking about it more as a set of activities that can be used - activated at the appropriate time in the process. Not that it's, do a workshop once and that's - you see what I mean? Okay, that's done. We did a workshop.

I'm thinking of it more in the way that inside a corporation like the one I worked at for many years at AT&T, or inside associations where I spend a lot of time still, when do we do - at the ITU in the process that they invoke, at the OECDS. What kinds of tools and activities are available?

Jeff Neuman: So the - so trying to fit it into the frameworks there is a point at which the Council needs to vote, A, to even have an issues report drafted. I'm just trying to figure out where's this - these tools fit in.

Or can it fit either before the Council votes even - initiate the issues report or is it after the Council votes that says, "You know, there's been an issue that's been requested of us to take a further look at so what we're going to do is we're going to vote to have an issues report drafted but going into that process we want the tools that are recommended, or we want people interested in this issue to take advantage of the recommended tools in helping to craft that issues report. Then we can decide whether a working group needs to be created."

Marilyn Cade: Don't think of it - the only thing I would say and then I'm going to go on mute for a couple of minutes to finish something that I need to do. Don't be so - let's not be absolute. Let's be - let's say you could do it - the - but remember that to do a meaningful workshop unless you're going to do it by webinar, that

you can only do a meaningful workshop and in - at an ICANN face-to-face meeting unless you do a webinar.

And we haven't really had a lot of good luck with attendance and participation in webinars.

Jeff Neuman: I think what I - yes, I think what I was trying to do though is...

Marilyn Cade: No, no, no. No, I'm with you. I'm just putting out a note of caution about, you know, if we say that the workshop has to be done before - if we say it has to be done before then we are tying the hands of the Council and the working group about how much flexibility they have. Jeff, I'll be back on in a couple of minutes.

Jeff Neuman: Okay. All right, why don't we - Marika, do you have any questions as to what we just discussed and maybe adding that to the...?

Marika Konings: No. I only think it adds to some of the other points have been made before and then adding that flexibility and having different kinds as well like the birds of a feather type meeting to help inform a discussion and as well help Staff to get information.

I mean, an option could be for example to have, you know, a request phase, have the Council review at the same time, see what next steps they see is necessary, asking to request for their input and maybe ask Staff as well what they would need and that the Council can then for example, the reps saying, "Well, we think it would be appropriate to consider either a workshop or birds of a feather or probably consultation or whatever."

But it may be that you provide them a list of options that can be considered and maybe, you know, the Council isn't the one who guides or directs based on the input received on, you know, what should be the necessary steps of, you know, of the initiation phase.

Jeff Neuman: Right. You can word it as something that says that if the Council votes to initiate an issues report it should - you could say instead of must, we say Council should recommend utilizing one or more of the following tools that are available to it and then list out the options or something like that.

Marika Konings: Yes, and I would personally as well recommend something that it should recommend it on the base of the consultation with either the person who has requested the issues report and/or Staff so they have some feedback as to what, you know, those parties have to work on the issue or have requested the issues think might be required in order to get, you know, well founded and with proper information issues report.

Jeff Neuman: Okay. Let's jump then to the next question.

Marika Konings: You should be able to scroll now. Jeff, are you...? I've changed your settings so...

Jeff Neuman: There we go.

Marika Konings: Giving you control.

Jeff Neuman: I thought we had covered this in other questions or we may have just covered this topic ad nauseum. But, let me see, I don't know if we need to go through this question because I think we've talked about this.

I know we talked about it in Sydney and I know we talked about it ad nauseum in a number of calls so for those of you who just want to read that as far as what could be the outcome of the PDP. I think we've talked about the number of different outcomes. I certainly saw that in the transcript.

Let me just go to - I think this is a - these are good questions on the role of ICANN Staff. I think there's some controversy here. It says that - so on paper

the role of the ICANN's General Council is limited to providing input for the staff recommendation which is part of the issues report.

Should other consultations be foreseen and the answer is that - it's pretty split here. Some say yes, but the majority - or, I'm sorry, some say yes but the majority have either said no or no strong view. Let's look at the comments here.

As - I think it - the reference to General Council should be replaced by ICANN Staff. General Council recommendation that is an issue is largely out of scope should not be easily dismissed by councillors with an agenda and/or ill-defined desire to do something about an issue.

Question is hard to answer as formulated. Discussion in the working team have shown that the expression staff recommendation is ambiguous and should be distinguished from a possible intervention from Staff as General Council directly to the President/CEO. Someone said if it's useful then why not. And then general opinion on how the issue is covered and/or affected by existing policy contracts agreements.

So the role of General Council has been discussed at a couple of our different meetings and at this point it's really - the General Council's supposed to weigh in on what's in scope and what's out of scope.

The - what's funny - or not funny, what's interesting is that Marilyn was on this - the PDP team initially. I was on it as well. It was my understanding when we initially crafted the PDP that what was in scope was really meant to look at in scope in the contracts but what it's evolved into is what is in scope with respect to the GNSO in general.

So however we come out on that issue we certainly need to clarify if we still want the General Council to make a recommendation or staff to make a

recommendation as to whether it's in scope. We need to define what scope is - what the scope is in our papers.

So is there - are there people with thoughts on that as to whether the staff should still have a role in the issues report or elsewhere if they think that's appropriate to issue a recommendation as to whether it's in scope or out of scope, and I will leave that open to - if people have comments, does that mean in scope with the GNSO or in scope with the registry agreements, or both? Any registry or registrar want to make a comment on that?

Paul Diaz: Jeff, it's Paul. Sorry, I was one of the people who voted no strong view either way so I'm not going to be much help on this one.

Jeff Neuman: Okay well let me ask you a different way. As a registrar, is this - well I guess you said you had no strong opinion either way. Is there anyone else that's got a comment? I don't know if I heard David.

David Maher: Would you ask the question again? I'm sorry.

Jeff Neuman: Sure. So the question is, right now the - there's a requirement that in the issues report General Council is supposed to make a recommendation as to whether something is in scope or out of scope, recognizing that the way it's been interpreted is, is it in scope within the GNSO scope as opposed to within the registry or registrar agreement scope.

And do you have thoughts as to, A, whether there should still be a recommendation by the General Council or ICANN Staff as to whether it's in scope; A, within the GNSO; and B, within the contracts if that's important, or is this something that we really don't need anymore?

David Maher: Well I - my view is that the General Council should do his or her job and the question of in scope or out of scope in both aspects is essential. I think we're entitled to - we might disagree with what the General Council says but it

certainly some - in my view is something that - the kind of assistance we expect from Staff.

Jeff Neuman: Okay. So just to flush it out a little bit it's been said by ICANN Staff and I know (Dan) and (Howard) has said this and I know Staff has said this in general is, it's hard for them - that requiring an opinion as to whether something's in scope or out of scope requires them to presuppose an outcome and therefore because they don't want to presuppose any outcome, it's hard for them to make a recommendation whether something is in scope or out of scope. Do you have any thoughts on that or maybe make it easier?

David Maher: Well I - I mean, in one sense that's always the case. We hope that these processes are reasonably focused so that the outcome is not so totally broad that it's impossible to give an idea.

I - in my experience with PDPs is that generally there is some focus but the - there's not a whole universe of possibilities and, you know, granted it's - it may be difficult to give a legal opinion on scope but it still seems to me it's possible and that should be done. I - and I don't really understand the Staff objection to that. A carefully drawn legally opinion should say, you know, it's an outline of the parameters of what it covers.

Jeff Neuman: Okay, well I see a few people have their hands raised so let me go to Marika.

Marika Konings: Yes, I know, just to add as well to what David already said. I think maybe part of our efforts as well to have a, you know, better definition process of the issues request stage might help the General Council as well.

But the point I wanted to make was on the scope questions, because something to take into account would be if this group would, you know, would feel strongly that the scope only relates to the contracts then this group would also need to consider an alternative process or mechanism to address issues that do not relate to contracts but that do fall within GNSO scope and

ICANN's mission. So that's something to take into consideration if, you know, we discuss that further down the road.

Jeff Neuman: Okay. I see Paul and then (Jim).

Paul Diaz: Yes, I was going to - wanted to add an echo to what David said and really focus on the second point that was raised here. You know, I appreciate what David's saying that, you know, let General Council do its job.

There's an expectation and although I don't have very strong views either way I do agree with whoever wrote that, you know, a General Council recommendation, if something is out of scope that, you know, they're not going to make such a determination lightly for the reasons that have just been discussed, you know, that it's a complicated issue and whatnot.

But if they come back and say something's out of scope I think that should be taken pretty seriously and I agree with whoever said that, you know, councillors should not quickly dismiss that because they perhaps have an agenda, they want to see a particular thing pushed through and they just brush it aside.

You know, if General Council comes back and the determination was something was out of scope, I think that's pretty significant and, you know, therefore I really do see a value in Staff and Council continuing to play the role that is traditionally played in offering that input at the beginning.

Jeff Neuman: So let me ask a clarifying question then. When you say General Council should still determine whether it's in or out of scope, you're thinking about the scope of the GNSO or scope of the registry/registrar agreement?

Paul Diaz: Yes, and then I think Marika just raised a very good point that the questions that are being put before the Council to consider, that question formulation's

very important because, you know, it could be argued and I'm trying to think of real world examples here.

I mean, we could all probably come up with some where it's in one camp or the other, narrowly within contract issues or broadly defined, something that's within the remit of ICANN or GNSO overall.

You know, and perhaps that's the challenge for all of us Jeff, that it's sort of going to depend and that's why we have this work team right now because there have been valid cases for both. It can't narrowly be pigeon holed into just contract issues inside the picket fence in other words. And therefore I think a more expansive view is probably still appropriate.

Jeff Neuman: Let me - and I'll go to (Jim) on the next one, too. Let me go to - the other complicated wrinkle is that the previous committee had decided and the boards approved this, that there is a different threshold as to whether you could proceed to a working group if the General Council determined something's in scope or out of scope.

Obviously it's a higher threshold if Staff determines that it's out of scope and so I want to ask when we see that requirement, how do we view that? Does that mean in or out of scope of the GNSO? Because we have to define that. All we have before us is if the Staff determines it's out of scope it's a higher threshold, so I want to ask what we should say that out of scope means.

David Maher: This is David. My view is that the Council for ICANN is and must be aware of the picket fence, the registry contracts. And if something is clearly or out of scope because it violates the terms of the picket fence contracts, Council can certainly point that out. They don't necessarily have to reach a conclusion but they can say that this presents a legal problem which at some point is going to have to be addressed.

Jeff Neuman: So is it your view and then I really want to get to (Jim), is it your view though that the - so that should be pointed out but the higher threshold should only apply as to whether it's out of the scope of the GNSO as a whole?

In other words it could be a best - it could - a policy could result as a best practice. I mean, in my thinking a policy could result in a best practice so therefore the higher threshold probably should only be required if it's out of scope of the GNSO as a whole.

David Maher: Yes, I agree with that.

Jeff Neuman: Okay. (Jim), do you have thoughts on that or other thoughts?

(Jim): Yes, thanks Jeff. And my comment's probably a little bit behind the train of the conversation but I wanted to echo what - when David and Marika submitted earlier that the role of General Council would be to, you know, very carefully and should not be taken lightly when they declare that something is out of scope.

But I also wanted to add that aside from scoping that perhaps the General Council could offer warnings when - and as we accumulate consensus policy and we continue to modify them on the fly, I think that General Council's role could be to indicate when, without presupposing an outcome, but indicate when a potential policy or PDP is touching upon existing policy.

I think it's going to be more and more difficult as we go forward for people to just intuitively know when that's happening. I think that, you know, having someone weigh in on that and point out where that might be the case might also be helpful. So that's all I wanted to add to what Paul and David and Marika had said earlier.

Jeff Neuman: I think that's good. Could you just help me flush that last part out that - so you said the General Council should point out where something impacts an existing policy?

(Jim): If it's possible to do that without presupposing an outcome I think that's true. If you could say that, you know, here, based on this issues report here are the current policies that are - govern this issue or could be impacted by any policy recommendations or changes from a PDP, and then essentially also point out if there's any of these that are currently under review with other PDPs that the issues report or the participants in the workshop may not be aware of.

You know, as ICANN continues to grow with its docket of PDPs I think that that's going to be harder and harder to just know or just have a gut feel on. I think that, you know, someone needs to kind of be the referee on that. So I don't know if that lends itself well to the question but...

Jeff Neuman: I think it does. And I think an example may be, you know, you're on this group too so for example the registration abuse group drafting team. They - that touches on WHOIS, for example.

And so it would be helpful for the group, you know, we all knew it because a lot of us have been - and the WHOIS has basically gone on forever. But something from Staff that says, you know, "Look, if this - if registration abuse touches WHOIS you should be aware that there is these other PDPs that have gone on in the past and other ones that are continuing now to go on." Just be aware of those and just to point that out, I guess.

(Jim): Right, and it's less of a declaration of scope and more of an establishment of boundaries and, you know, an indication that this is where you need to reach out to other work that's going on in other areas.

Jeff Neuman: I think that's a good point. Anyone else have comments on that? Thoughts - anyone have thoughts on that? So maybe it's not the GC but it's certainly ICANN Staff that could in the issues report or should point out where something impacts existing policy or if there's other work going on that may be helpful, instructive, or otherwise to the group that's - that may be formed to talk about this issue?

David Maher: Yes, that seems helpful to me. Certainly grateful for advice from Staff on something that might have been missed.

Jeff Neuman: Other questions. Do we need to - right now it's limited that the general council should provide the advice as to whether something's in or out of scope. Should we basically leave that just to say - should we keep it at general council or should we just make it more general and to say ICANN Staff?

David Maher: No, I think the question of scope is a legal council's job of - I - your previous question I thought was directed to staff letting us know that, oh by the way, the CPNSO is, you know, conducting some procedure which would impact what you're doing. Just general background.

But I think scope is requires the legal analysis.

Paul Diaz: Yes, I definitely agree with David on that one. Jeff, it's Paul. And, you know, the reality is so often Staff is working with council and vice versa but on an issue of scope I think it needs to come from general council. It needs to be identified as such.

Jeff Neuman: Okay. Or at least General Council's office. Some...

Paul Diaz: Yes, agreed.

Jeff Neuman: Okay. And Marika, Liz, any thoughts on that? Anything you want to add or no opinion on this call?

Marika Konings: No strong views. I mean, I do see - I don't know, maybe that can be done in the wording where you say that, you know, of course the General Council will need to review the scope question, you know, down the road maybe, because, you know, as you said our - (Dan) has indicated that it's not always easy to define the scope if an issue's not very well defined.

And I think that's, you know, something that happens for example with fast flux where I think the opinion of the general council was like, well it depends a bit on which direction you go. If you really look at this part, you know, it might be in scope but if, you know, the PDP goes down this road it might not be in scope.

So - but as long as of course they indicate that and, you know, have the flexibility to put it in those words I think, you know, I think it's - shouldn't be a problem to leave that in the general council provides an opinion of the scope of that issue.

Jeff Neuman: Okay. So I think that leads well into the next issue, too, which is - okay, so general council has issued an opinion. What about a second opinion? What if you don't agree with the general council? Should there be someone to go to?

And then obviously the next question is who. But should there be someone to go to if you disagree? And I think two-thirds of the people said yes and a third said no strong view either way.

So a bunch of comments obviously the - comment number five which is from whom is a very key question and so does anyone have any thoughts as to - okay, so let's say we do have a second opinion or - well I think comment one is good too that there have been a number of suggestions. GNSO should have access to council other than ICANN Council.

David Maher: Speaking as a lawyer, and I may be a traitor to my class or my cards, but there comes a point where this is turning into hopeless bureaucracy. It - I - if we're going to lawyer these things to death all we're doing is ensuring that every PDP will last 30 years. I'm exaggerating.

Jeff Neuman: No. I think that's a good comment as to, you know, beaurocracy and adding time. So the - anybody that said yes on this call that there should be a second opinion? Have a thought as to who it should be? You know, my own thoughts and I'm trying to - is just - the ICANN general council has a fiduciary duty to the corporation active in - and I'm not sure what - it seems to imply that we would turn this into an advocacy session.

I mean, it's really only the general council of ICANN that could determine whether something's in scope of an ICANN activity. I'm not sure if...

David Maher: Well, he doesn't determine. He gives an opinion. There are going to be cases where there's a lack of consensus and strong disagreement and we've seen this already in one or two instances.

You know, when worse comes to worse somebody may have to go to a court that has jurisdiction or wherever and say, "Look, there's an attempt here to do something that we believe is illegal." And a court should step in and the court or ICANN to stop it or whatever the relief is required.

I mean, you have to recognize that but the - and all we're asking for - from ICANN council is an objective legal view, an opinion as to the legal consequences of what's being proposed. That isn't a final determination. It's not - it's just a local court making a final decision. We're still trying to build consensus.

Jeff Neuman: So the other thing I'll not for the record too is that even an opinion of general council doesn't stop. It just creates a higher threshold but it doesn't stop the policy process from going.

David Maher: That's my understanding.

Jeff Neuman: Anyone else with thoughts on this? So I think this is a good question for - put it on the mailing list Marika. Because I think the people who are really strong on this issue are not on this call. Or at least were strong that there should be a second opinion.

I'd like to hear their thoughts as to why and from whom - what they're thinking. Just kind of throw that out there.

Marika Konings: Okay.

Jeff Neuman: If we jump onto the next question. I think we've kind of talked about this. Should the role of ICANN staff and the planning and initiation phase be clarified?

I think the majority said yes. A couple said no. And a quarter of the people said no strong view either way. And then the follow-up was what's - why did I just go that far?

Oh, here. If, yes, what should the role of ICANN be? And I think - I'm not sure if we need to talk through all this. I think in our different stages we've kind of talked about this.

Marika or Liz, do you think that we need to add anything as to what - I mean, I think every stage that we've talked about we've talked about some roles of ICANN staff. Do you think this is broader than that? It's one of the comments that says if yes it should make clear if there's a difference of opinion among staffers currently issues reports are drafted by one person. It's not (unintelligible) internal editing, do processes work.

If certain staffers have a strong view it should be spelled out, understanding any such differences of opinion could help councillors anticipate that's a controversy hurdles that would accompany a PDP.

Marika Konings: If I could maybe just point out that that's not the way, at least as I've been at ICANN, how we've developed issues report. It's not one person writing it and then just putting it out. It's normally sent round to everyone and anyone that, you know, might have a view or might have dealings with the specific issues for feedback and input.

And especially as well with the legal council's office of course, the general council's office, so, you know, and at least for all issues reports I've written I haven't seen a case yet where it's just because one person has a very strong opinion something that the way the issues report is written so I think it's not a correct statement.

Jeff Neuman: Okay. Anyone else just thoughts on that? I think that staff should speak with one voice.

David Maher: I agree.

Jeff Neuman: It would just complicate everything to have some staffers feel one way and some staffers feel the other way, even if that's true I think staff needs to come out with paper, a recommendation, or whatever it is with one voice.

Marika Konings: And I think that's how it currently works. I mean, we discuss this. We have conference calls. We've reviewed the document and we come out in the end with something that everyone, you know, feels they can support at least that has been my experience so far and I absolutely agree.

I think, you know, staff should speak with one voice and even if they have discussions internally that's something completely different but, you know, the end product should be supported as a - as staff document.

Jeff Neuman: Anybody disagree with that? I mean, there's some other comments that said it's critical that policy staff be seen as providing assistance but that they have no role in advocacy or decision making and should refrain from at all times from lobbying and from trying to influence the direction of policy making.

Marilyn Cade: So Jeff, it's Marilyn. Sorry. Can I speak on that issue?

Jeff Neuman: Please.

Marilyn Cade: I - and I realize this is being transcribed, but I think my experience as a councillor is that there was a period of time when that was a - that was a problem. However my observation - I'm not a councillor but I pay pretty close attention to what is going on. My observation is that we have highly professional staff who are highly qualified and that we want to create an environment for them where they are a neutral but informed and expert group.

And I think we want to be really careful about not saying that staff cannot give advice. So I'm going to use an example of, you know, our tying our own hands by studying a structure in which staff is not allowed to express an expert view as long as it's done in a neutral way and it is done in - to support and educate.

I think we do not want to create this barrier which says, "You can't tell us that we've overlooked something." You know, because there are people in the community who are not yet fully comfortable with the idea of having expert staff.

They are still adjusting to, you know, we're kind of growing up and maturing as an organization and we've gone through the days of having no staff and being our own staff to now having expert highly qualified staff.

I'm just very cautious about the tone that came across to me in that comment. It sounded to me like people were saying we can ignore expert opinions, research, information, advice if it comes from staff and just stick to an uninformed opinion if we want to. And I don't think that's what anybody means to convey.

David Maher: Jeff, can I get in the queue.

Jeff Neuman: Yes.

David Maher: Marilyn, I don't when you - how long you've been back in our call but I think - I don't disagree with what you say. I was the one who took the position that we certainly encourage staff to give the benefit of their counsel and their expert advice and their breadth of knowledge of what else is going on in the ICANN processes.

I would never want staff to feel that they couldn't bring up topics that they thought were appropriate for consideration. But - and there's a very fine line that may be difficult to draw but there is a line between lobbying or taking a position and urging a position as opposed to making useful information available. Does that help in resolving this?

Jeff Neuman: Marilyn.

Marika Konings: I think she's been disconnected, I see here in the meeting view that she's listed as disconnected.

Jeff Neuman: Maybe she was insulted by your answer, David. I'm kidding.

David Maher: Nothing personal.

Jeff Neuman: I'm sure she'll join back on. Let me jump ahead because I want to make sure we get to most of these or - yes, we have about 15, 20 minutes left - 20

minutes left. Next question was on community input, should there be a requirement to obtain public input at this stage of the request?

Marilyn Cade: Jeff, I'm sorry, I disconnected myself. I just wanted to apologize and say I was back.

Jeff Neuman: That's okay, thanks for coming back. We've moved on to the next area which is...

Marilyn Cade: Right. Right. Right.

Jeff Neuman: ...community input. Should there be a requirement to obtain public input at this stage and I will note that a majority said no.

I think it's - well let me read the comments here. It should be optional, one comment, requests are almost always driven by public input. This is one of the functions of optional birds of a feather. And then someone else said not a requirement but if they're stakeholders identified in the issue's report they should be allowed to submit comments or positions.

Marilyn Cade: I had a - birds of feather are not a substitute for public comment, right? Birds of feather typically means likeminded people get together or people who, you know, so I didn't think that was a substitute for public comment.

But did the last suggestion provide the option of like let's say that the recommendation is that public comments should be taken at this stage, can that be provided as far as an option?

Jeff Neuman: I'm trying to figure - Marika, maybe you can help out with the question. I think - and I don't know if people would disagree but once an issue's report is actually drafted, that - we're not talking about public comment after that, we're talking about public comment before the issue's report is drafted.

Marika Konings: Yes, I think that's correct because it's at the stage of the request. So it would basically be - I mean, I think in this case, at least from a staff perspective, I think, you know, it would more be the optional way, if there's really an issue that, you know, we would say well we really have no information and, you know, would like to at least put out some specific questions that we need input on to write the issue's report, then that I guess might be a way to do it.

But I think the question really was in line with at the agent's request, so the agent's request has been adopted and then the question's okay, do we - you don't need to do a public comment just to ask, you know, the public in general what they think about the request.

Or I think more from a staff's perspective would be more like are there any specific questions we need to put out just because we're lacking the information or, you know, we just need to see if there's any public information out there that people will want to contribute?

Marilyn Cade: So can I make a distinction between staff is looking for particular information as opposed to public comment because I think those are two things, right? One would be staff might publish a list of questions and invite people with expertise and anyone else to comment on those questions, right? It would be further data gathering.

Marika Konings: Yes.

Marilyn Cade: The second would be we're seeking public comment on the issue's report -- and I'm sorry I've lost track -- do we do public comment on the issue's report now?

Jeff Neuman: Yes.

Marilyn Cade: That's what I thought. So we're planning on changing the status quo?

Jeff Neuman: No, that was my question. I think this is before the issue's report is even drafted, should there be a public comment period?

Marika Konings: There's no public comment period on the issue's report, there's only an initial report. There is after the initiation of a PDP there is a prescribed public comment period. But I don't think there's one on the actual issue's report.

Jeff Neuman: Well, we've been doing that in - the GSNO has put out issue's reports for...

Marika Konings: No.

Jeff Neuman: ...comment.

Marika Konings: At least not the last two or three I've written, there haven't been any public comments periods for the issue's reports. They've only been done for the initial reports of working groups.

Marilyn Cade: So maybe we could ask a question of the staff in their role, just a question from those of you who have written issue's reports. Do you envision the need for flexibility to allow for public comment?

Marika Konings: I think I made that point before. I mean, I would see the need for public comments here but only maybe to correct like, you know, factual - make factual corrections or, you know, provide information that has been lacking because I'm not sure whether the issue's report should already, you know, have a public comment period where actually people started debating the merits of the issue and, you know, what the potential outcomes should be.

That might already, you know, go ahead of the actual discussion on a possible initiation and the work of a working group. So - because what we've experienced as staff or what we do miss is that, you know, indeed we write this issue's report and it goes out there.

But, you know, when you have limited time to do it and there's no way formally to actually update it or, you know, add other information as we, you know, people say well, you've put that in there but it's actually no longer correct or this has changed or whatever.

So, you know, that might be that public comment period where you say like, here's the issue's report, let us know if there are any, you know, factual mistakes or any information that you really think is lacking to really inform the debate. But this is not the place to, you know, start debating the issue.

Jeff Neuman: Well, so just add, I mean, you could say did we get all the issues, right? You draft an issue's report, you may have missed...

Marika Konings: Yes.

Jeff Neuman: ...so I mean, I think that's a good question, Marika, probably for the mailing list too, is currently there's nothing in the bylaws once an issue's report is drafted to have a public consultation or public comment period. Should there be one?

And again, you can narrow that down saying should there be one for the purpose of ensuring that the issue's report has covered all the issues. Again, it's not a solutions meeting but it's an issue's meeting. I'm sorry, an issue's report.

I'm thinking of - I'm mixing up two concepts because I was going through my mind, we have, you know, project management obviously in our company when we do proposals. We have meetings that are just issues meetings that we're not allowed to do "solutioning."

If we start solutioning, we basically get kicked out of the meeting. It's really strict. It's kind of like that concept where you basically can only - should only

take comments that are comments on the issues and not on solutions or merits.

So Marika, can we maybe throw that out as a question?

Marika Konings: Yes.

Jeff Neuman: I actually think it's got a lot of merit. I don't want to put - it just makes the Council's job I think easier. It may add a little bit of time but I think it would make their job easier.

Marilyn Cade: Yes, I really like that, Jeff, because let me just give an example. Let's say if we would just remember wild cards, for instance. Let's say hypothetically that staff would have written an issue's report at that time and it would've happened before the (unintelligible) got heavily involved.

Putting that out would have been an opportunity for, you know, technical people in the Internet to say no you missed this issue.

Jeff Neuman: Yes, so, you know, for example, had missed the issue of well how does a wild card affect email? You know, someone needs to...

Marilyn Cade: Exactly.

Jeff Neuman: ...put that in there. So let's - Marika, let's throw that out there as a question and just - with those kinds of caveats saying there's nothing in the bylaws currently that requires this comment period. A number of people have suggested this on the last call. Here are the reasons that were suggested. What are your thoughts?

Marika Konings: Okay.

Jeff Neuman: Because again, I think from people not on this call, you'll hear that they're afraid it will delay things too much, that there's no need, that that'll all come - you know, but I think they need to have - to voice in on this.

I think we talked about the number - the next question, so I'm going to skip that in the interest of time. I think we've talked about three, if there is a public consultation and I think efficiencies will be allowed to also report.

How to incorporate? Okay, so let's say we do have a public comment period at the - so we're saying at the initiation phase, that it's an option available, I think is what I've heard, that it's an option available to the person whose requesting the issue's report.

It's one of those - it's possible for workshops or white papers or other things if they choose to go down that path. Council may want it to go down that path and make that recommendation. But now we're talking about a community input after the issue's report is drafted but before the Council votes on it.

Marika Konings: Jeff, I have another question on the previous question and I think it links as well to this one on, you know, constituencies providing input.

Is there a feeling as well that there should be, you know, once an issue's request has been adopted by the Council, should an automatic request for input go to constituencies or they should just be a voluntary like well you should know that this issue's report is now being developed.

You know, if you want to, you can provide information or how would you envision - how do people envision that?

Jeff Neuman: And right now there is no requirement that it goes to constituencies?

Marika Konings: Not at the request stage or the issue's report stage. I mean, I think probably the person who puts forward the request for an issue's report will consult with

some constituencies, you know, to prepare for a vote but I don't know, you know, how much discussion into the formulation of that or, you know, at the stage of the issue's report.

But there is currently no formal request for input for constituencies. And something we discussed as well that in Sydney that the staff has taken the approach not to go out and ask certain constituencies for information as it might be seen as, you know, being biased or only talking to one and not to the other. So we've been very cautious about that.

Jeff Neuman: I think that's another thing to add to kind of the question that we asked before. Certainly at the stage of when the issue's report is drafted, I think I'm getting the feeling from people on this call that if public consultation period is a good idea, although we're putting that question out to the fullest.

Maybe another rationale is to get ideas from constituencies that may have not - may not have been involved in the initial request.

Any other thoughts on that one? And then the question is what - if there is this public comment period or with the constituencies or the public or both, how is that incorporated in? So I guess, does that mean that staff then needs some more time after the public weighs in to finalize the issue's report?

I think the answer would be yes if we do have a public comment period. I think - I don't think it would be useful to have a public comment period and not have input be considered.

Marika Konings: I mean, from a staff's perspective, I think how we would see it if indeed you have different options, you have maybe birds of a feather, a workshop or like a public comment period or constituency providing input.

I think that's all information that should go into the issue's report to really have, you know, a broad overview of, you know, the different views and

opinions that have already been expressed and the issues that have been discussed.

And, you know, for staff to make an attempt as well to analyze to see if there's, you know, what has been said to date. And, you know, incorporate that all in that one document that that will be used for the Council to decide whether to initiate a PDP or not.

Jeff Neuman: Any comments or thoughts on that? Okay, I think next on the role of workshop, information gathering, I think you can all read that but I think we talked pretty much about that stuff.

Timelines which is a big topic I think people could just read this. I think we're going to need to be flexible. I think what I've heard from previous discussions are things like there should be guidelines, there should be ranges as opposed to exact dates.

And possibly if those guidelines need to be exceeded, some reporting mechanism to Council as to why more time may be needed.

Marika Konings: Jeff, I would be happy to share a document that I developed recently that basically gives a bit of an overview of the recent PDPs and the time it has taken the different phases.

I mean, for the issue's report, I think it's less relevant because we've always tried to at least do 15 days or 30 days, you know, to get things done but it does give an idea for the other phases what the reality of, you know, policy development currently is.

Jeff Neuman: I think that's good, I think you should resend that around. I think part of that may be, you know, may be a redistribution of time, maybe there's too much time spent in the working groups because a lot of the pre-work hasn't been done.

Marika Konings: Yes, I think that's a good point.

Jeff Neuman: So I think from that standpoint, it's good to send around and maybe say, you know, look - or I don't know if this is an easy thing to predict obviously but maybe talk to some of the chairs of those groups and say hey look, you know, this took a long time.

Is that because - is it your opinion that some of this time within the task force and working group could have been shortened if more work was done up front or what do you think of the reasons?

Marika Konings: But I think if you look at the list, you can clearly see the difference in the timelines. For example, if you look at a fast (flux) that, you know, went in all kinds of directions and struggled with all kinds of things, of course, that has one a very long timeline.

But if you look for example I think at IRTP Part A, which had very focused questions, you know, a group that was meeting on a weekly schedule and I think worked very diligently, I think that's a very realistic timeline for PDP that's very focused and looks at narrowly defined questions.

Jeff Neuman: Right.

Marika Konings: So I think we can assess looking at the issues that were discussed and I think especially those that have been involved in those different PDPs which ones could be a model for well defined issues.

Jeff Neuman: Okay. Good, I think you should send that around, I think that may be helpful.

Marika Konings: Okay.

Jeff Neuman: We're reading question two now, it says would a flexible time table be an option, i.e., in the request of the submitting party with staff support develops a draft timeline which can consist of a number of phases that our predetermined with a set time frame.

And then the comments are only if time allotted is no more than 45 days, otherwise advocates may try to form shop to get a pet project accepted when that issue couldn't pass muster on its own.

I'm not sure - fully understand that. I like comment three, well that's one way to go. All right, well we can read that. Let's see, we talked about additional research, I think we talked about that one. Our economic - this is Marilyn's, are you still on the call? Is Marilyn still on?

Marilyn Cade: I am.

Jeff Neuman: Hi, this is your part. Question is, "Should a preliminary economic analysis be conducted such as to evaluate market demand, impact community, ICANN staff costs and other resources needed from ICANN as part of the planning and initiation phase?"

Marilyn Cade: So I have two comments. First of all, an economic analysis is not an economic analysis about the cost to ICANN of doing its day job which includes policy development. So I was really amused that was included.

You know, I'll just say that I - and I'll say more about this at another stage, policy development is a major output of ICANN. It is a core service. Should ICANN think it can go into cost recovery on policy development, I think it will find itself quickly totally illegitimate in the eyes of many people.

So, you know, I think it's appropriate to identify staff resources that are needed and to scope the cost of, you know, research et cetera but I want to set that aside from an economic analysis related to the issue.

Jeff Neuman: Okay, so let's strike that part. So without the ICANN staff or resources, the general question of should a preliminary economic analysis be conducted with regard to the issue?

Marilyn Cade: And my point would be when should an economic analysis be part of the research that is needed, right, because it may be that - and I'm just going to use wild carding again as an example.

I don't know that you would have needed to do an economic analysis of the impact of wild carding. That wouldn't necessarily make sense. But if you are doing a change in an existing policy - so I'll go back to PDP '06, I personally probably would have at the time thought - I don't want to start an argument over this because it's in the history.

I would have thought that understanding the implications of allowing registries to introduce certain kinds of services versus registrars probably did have an economic impact on both of those sub-elements of the provider category.

But we didn't - we did not include an economic assessment, an economic overview, an economic analysis or an economic position paper. Those are all things that in my life and times I have purchased.

They're very different. They take different amount of resources and knowledge. So, you know, again I would say striving for flexibility and the right tools to be used in building whatever the house says we're building. In some cases you need a saw and in other cases, you need a brush hog, right. So...

Jeff Neuman: This could be done as - it doesn't have to be done at the research stage, it could be done at the working - at the request of the...

Marilyn Cade: Oh yes and probably is actually better later but it needs to be done before the policy is formulated.

Jeff Neuman: Okay. All right, any other comments on that?

Marilyn Cade: And can I just say - and I don't - but I'm clear aren't I that you don't need it in all cases.

Jeff Neuman: Right.

Marilyn Cade: Yes, okay.

Jeff Neuman: So I need to - and I know a number of people have to drop off and maybe some have already dropped off, I think this is a good place to end it. I want to thank those of you that are on the call and I think we're almost done with the survey but I think is great for pointing out some of the issues that we had some gaps in.

The next call is in two weeks, we're going to finish this up, figure out when we can get a draft of this stuff out with recommendations and then start on stage two.

Marika Konings: Jeff, is that correct that we are next in two weeks because I think last time we decided to go back to weekly calls as we weren't getting enough done but is it weekly or biweekly?

Jeff Neuman: I think it's biweekly now. I don't think we decided for every week that would be too much.

Marika Konings: Okay, so biweekly's on two weeks' time, okay.

Glen DeSaintgery: Okay, so that will be on the - sorry, it's Glen - 22?

Jeff Neuman: Twenty third.

Glen DeSaintgery: Twenty third, sorry, yes, 23. Okay.

Jeff Neuman: And in between, Marika, we can send out those questions. I think that will certainly help get some input on some other - from some other people that I know felt strongly on those issues.

Marika Konings: Okay.

Jeff Neuman: Okay?

Woman: Thank you, everyone.

Jeff Neuman: Thanks.

Marika Konings: Bye.

Jeff Neuman: Bye.

Wolf-Ulrich Knoblen: Bye.

Man: Bye now.

Coordinator: Thank you for participating in today's conference call. You may now disconnect.

END