

**Vertical Integration PDP Working Group
Transcription
Tuesday 23 March at 16h30 UTC**

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Coordinator: This call is now being recorded.

Stephane van Gelder: Thank you very much. Welcome everyone to this second meeting and first telephone conference for the VI PDP Working Group. I hope you've all seen the agenda that I put forward for this meeting which you can find on the Wiki for this - for the working group.

And let's start with Item 1. Glen, if you could start a roll call please.

Glen de Saint Gery: Yes. I'll now do that for you Stephane.

On the call we have Mike O'Conner, Berry Cobb, Michele Neylon, George Sadowski, Kristian Ormen, Richard Tindal, Jeff Neuman, Krista Papac, Faisal Shaw, Ching Chiao, Roberto Gaetano, Stephane van Gelder, Ruslan Sattarov, Avri Doria, Ken Stubbs, David Marher, Graham Chynoweth, Vladimir Shadrinov, Brian Cute, Jeff Eckhaus, Dan Trampedach, who is on - for the - for somebody else. Kristina Rosette, Frederick Felman, Michael Palage and for staff we have Marika Konings, Margie Milam, Liz Gasster, and...

Mike Zupke: Mike Zupke.

Glen de Saint Gery: Mike Zupke. Yes, sorry, Mike Zupke. And we have in the meantime others which joined Paul Diaz, Alan Greenberg and Statton Hammock. And we also have Gisella Gruber-White and Glen de Saint Gery. Thank you. Stephane - I'm sorry. Ben Anderson has just joined, as well.

Stephane van Gelder: Thank you very much for doing that Glen. So welcome everyone who has just joined. My name is Stephane van Gelder. I'm the interim chair of this group until Item 2 is over on today's agenda. And I will be acting from then on as Council liaison or liaison to the GNSO Council for this group.

So I'm sure most of you have followed the discussions so far on the list and my suggestion for the agenda was to start with the election of a chair or vice chairs depending on what the group would like to do.

So far I have only seen nominations from for chair and I have seen three nominations -- if I miss anyone out, please point it out to me -- those nominations being myself, Mikey and Roberto.

Before I go on, can I just ask people or remind people that there is an Adobe Connect Room for this meeting, so if you do wish to speak and you can, you are able to use that. Please use that system to raise your hand and that will mean that we can give you the mike. And if you don't use that, just speak up and we'll add you to the queue.

So coming back to the chair issue, have I missed any nominations out? Hearing no one, let me just start off by saying that I respectfully decline the nomination, although I want to thank the person who did nominate me for doing so.

But I don't feel that seeing the discussion that we've had in this group so far that there would be - everyone would be comfortable with having a registrar stakeholder group representative chairing this group and that is fine, so I will not stand for the post of chair.

So that will leave us with two candidates, Mikey and Roberto. I would suggest first of all that both candidates reviewed their nominations and I think both have accepted the nominations have sent us on the email list some explanation of why they have decided to volunteer for the role of chair.

But perhaps both of you can just give us a brief explanation of why it is you're doing it and maybe answer people's questions. Mikey, Roberto, you both on the call?

Mikey O'Conner: This is Mikey. I'm on the call.

Roberto Gaetano: Yes, Roberto, as well.

Stephane van Gelder: Great. Well, Mikey, do you want to start?

Mikey O'Conner: Sure. I also want to thank Barry for nominating you and I will accept the nomination but I would like to start right off by saying that I would quite cheerfully serve as a co-chair with Roberto and in fact, would be somewhat daunted by the prospect of serving as the solo chair of this group.

It's a very large group. It's got a very complex topic, a lot of ground to cover and not very much time. And I quite frankly think that it would be very helpful to have more than one person in the leadership group.

So I'd like to amplify that part of my statement. I'm a pretty good project manager and so that's really the contribution that I would like to make to the chair role is to help move a pretty large group along as quickly as we can.

I'm also a big fan of consensus decision-making. I tried to point that out in my statement. I've been doing it for quite a while.

And so those are sort of the two things that I bring to the table. The one thing that I don't bring to the table is a very strong opinion about what the outcome of the group should be.

I've been following the discussion, but haven't formed strong opinions and don't have a stake in the outcome.

So there's a quick synopsis. Roberto, over to you.

Roberto Gaetano: Well, thank you for saying what you said because that is a big relief because I'm pretty much in a similar situation in the sense that I think that the task is pretty big. The time is short.

My strong point is more than project management is I would say the ability to talk to people. So if somebody is - if we can do this in a couple with somebody who pushes the agenda forward and stops me when I lose a little bit in the details, my speaking, that that will be great.

I - and I'm also very much happy to hear that Mikey also doesn't have a strong opinion on what the outcome must be. I don't have any specific interest in one outcome rather than another.

And I think that I fully endorse the proposal that Mikey has thrown for discussion to co-chair this working group, the two of us.

Stephane van Gelder: Right.

Roberto Gaetano: Unless there are other, of course other candidates that come up during the call.

Stephane van Gelder: Great. Okay. Well, thanks to both of you. I think you've both made our task considerably simpler by being both in phase with the idea of a co-chair.

I suggest that I see - I saw that Michele had his hand up. I see Ken has - you have your hand up. Before going to both of you, I would suggest first of all that I just ask the group if anyone is opposed to the idea of having two co-chairs.

If there's no opposition, then we can move straight on to asking if there's anyone that's opposed to having the two candidates serve in one of those two positions.

So is anyone opposed to the idea of rather than having one chair, having two co-chairs?

Good? Okay. I don't think to answer Jeff's point on the chat that we need a motion to do that. This call is being recorded and that consensus will have been recorded.

So can I ask the group once - well let me just go to Michele first who wanted to speak earlier on before I asked the group if there's any opposition to the two candidates that's - as co-chairs.

Michele?

Michele Neylon: Thanks Stephane. The first thing I was going to say was just another thing worth noting that Mikey is in North America while Roberto is in Europe. So in terms of time zones, that's also a good thing, because I can imagine that at various points during this group's work, that there will be conflict on everything else.

So with two different time zones in play for two different co-chairs, I will see that being a positive thing, and I also support both candidates. Thanks.

Stephane van Gelder: Okay, great. Ken, your hand was up to make the motion and I said I don't think there's any need for that but you can make it if you want. And if people feel that a motion is needed at this stage, Ken?

Ken Stubbs: I don't think it's necessary. I just can't figure out how to take my hand down on the site.

Stephane van Gelder: No problem. (Gray) you wanted to say something and then we'll move on to the vote.

(Gray): My only comment was that obviously when you have two chairs it involves more syncing between the two to make sure that you have good information, that everything is working - you know, it's easier if there's just one point of contact.

So I just raise that as hopefully something we can think about, work through. It's obviously a lot of work, but there is that syncing issue that comes up that I hope we do pay attention to.

Stephane van Gelder: Is that something that either of the co-chairs elect to be - sorry, want to answer?

Mikey O'Conner: This is Mikey. Let me dive in on that. I actually am looking forward to staying in close touch with Roberto because I plan to learn a lot from him and don't see any difficult with that at all.

Stephane van Gelder: Okay, well, there's good spirits there. That's a good encouraging sign. Michael Palage, you have your hand up?

Michael Palage: Yes, Stephane. Just a little help for the co-chairs. What the High Security Zone Working Group does is the chairs generally have a 15 minute call at the beginning of the week before the group-wide call where there's the

opportunity to sync up with staff and outside consultants in moving the project forward.

So that's just something that the co-chairs may want to consider in syncing up their work. It's worked well in the High Security Zone Working Group.

Stephane van Gelder: Great. Thanks Mike. Do any of the two candidates want to - just dive in if you do, otherwise I'll just keep on scrolling down the list of people who want to speak.

Roberto, you're next any way.

Roberto Gaetano: Yes. I think that there's also from my point of view it will be good not only to have coordination between the two co-chairs but also to have coordination with you, Stephane, as the liaison with the GNSO.

I think that if we have these calls, that is a good idea. And in any case, we have tied coordination. This should be extended to you, as well.

Stephane van Gelder: Thanks very much. I'll be happy to help in any way that I can. Michele?

Mikey O'Conner: Yes, this is Mikey. I agree with that, as well.

Roberto Gaetano: Thank you Mikey.

Michele Neylon: Backing up what Michael Palage was saying, in one of the RAA things which I was co-chairing up until recently, we had like a 15-minute call between our - between the co-chairs, the staff and sometimes other third parties just before we'd have our - earlier in the day before we'd have our actual meeting.

So it was easy that we actually get coordinated so we weren't disagreeing too violently.

Stephane van Gelder: Okay, thanks. Any other questions for the candidates? Okay. Then I suppose we should move onto the vote and I'll try and make this as simple as I can. Is anyone opposed to having the two candidates, Mikey O'Conner and Roberto Gaetano as co-chairs of this working group? Please speak up now if you are.

Hearing no opposition, I am glad to hand over control of this meeting and the group to both of the co-chairs. Perhaps I can just give - because it - I drew up the agenda, just give you a heads up on the next three items.

The first one was initiated by me and has already generated some discussion. You may want to ask the group if they feel that discussing the idea of limiting participation is worthwhile or not. Some people felt it wasn't and we shouldn't even discuss this. I left it on the agenda but it may be a point that the groups wants to move over quickly.

The second is obviously a housekeeping matter.

And the first is important for us as a group today because the GNSO Council has asked the working group to come back with a definitive Objective 5, either one definitive version or two possibilities in time for our next meeting which leaves you very little time - leaves you the group, very little time to complete that.

So I suggest that should be your main objective in terms of today's agenda item.

Guys, it's all yours. Thanks.

Mikey O'Conner: All right. This is Mikey. Roberto, do you want me to run the meeting? Do you want to run the meeting?

Roberto Gaetano: Yes, well, why don't you start? The only thing that I wanted to check is whether the - whether we need also to discuss the follow-up of the list of points that were sent to the board or whether the explanation that went on between Milton and...

Mikey O'Conner: Jeff.

Roberto Gaetano: And the team - and Jeff, is sufficient and we can go on with that so sent to the board. And - but in the meantime, not to be stopping our work, and that can be added as AOB at the end.

But yes, why don't you go on and start running the meeting.

Ken Stubbs: Mikey, this is Ken Stubbs and I have a real quick point of order.

Mikey O'Conner: Go ahead, Ken.

Ken Stubbs: Yes, Stephane, I'm somewhat confused by your comments with regard to the Council. Exactly what is the Council asking for by their next meeting?

Mikey O'Conner: This is Mikey. I think I can clarify that. During the chartering phase of this working group, there were five objectives listed in the charter and there were two versions put forward. And I believe that we need to decide which version to settle on. Is that right Stephane?

Roberto Gaetano: Well, that was my - are you asking somebody in particular...

Stephane van Gelder: Can people hear me?

Mikey O'Conner: Yes. Now we can Stephane. I think you were muted.

Stephane van Gelder: Oh, sorry. I was on mute. So I was saying that Mikey you were correct for the most part. First of all, let me start by congratulating both of you which I forgot to do earlier on.

The Council in its motion, for those of you who followed the Nairobi meeting, you will remember that there was discussion on the Objective 5 which was we did not reach in the Drafting Team consensus on the Objective 5. So those two versions were proposed to the Council.

And the Council decided to adopt the charter with a proviso that the group would go away and either come back with two definitive versions or turn up versions that the Council would then be tasked with choosing, you know, between one of the two or the better solution, the preferred solution, would be for the group itself to determine a final Objective 5.

After the Council meeting in Nairobi, the group had its first meeting face-to-face meeting in Nairobi and started working Objective 5 and that, the work so far, is up on the Adobe Connect right now. That is not final. So it is now up to the group to finalize either that objective or go back to two versions of Objective 5.

But I suggest that if it's possible to just work on this version, try and finalize that and you will need to send that back to the Council for consideration by - let me look up the date and I'll put it up on the chat in just a minute when I've found it.

Mikey O'Conner: Thanks Stephane. Ken, does that meet your point of order? I'd like to zip us through a couple of the earlier agenda items before we take this up?

Ken Stubbs: Yes. That's all I needed Mikey. Thanks.

Mikey O'Conner: Okay. If we could go back to the agenda that's - that was up on the screen a minute ago. Whoever is running the Adobe Connect is doing a fabulous job, by the way. I bet that's Marika.

The next point that we need to take up is just the breadth of working group participation. Given that it's the - almost the top of the hour and we've only got about a half an hour left before the end of this call, why don't we just take about five minutes to discuss this.

If anybody has strong opinions, let's hear from you now, otherwise we'll defer this until we run into a problem. So far things seem to be working all right, although it's a very large group.

Jeff, go ahead.

Jeff Neuman: Yes, I mean, as I said on the list I have a strong opinion in not limiting this working group. I think to figure out if mechanisms limits this working group is next to impossible.

Many of you have seen my comments on the statements of interests. I think the issue is that unlike other PDPs we've done where it's kind of easy to break people down into different categories, you know, of contracted parties and non-contracted parties, I think people here are wearing - I think I put - send around a list last week and not everyone was on it of like eight different hats.

You know, because even if you're a non-contracted party, you may want to be a contracted party and you may want to have a view. So to make a long story short, I know it's too late, I think it's impossible to limit the membership by category and therefore we should just get on with the work.

Mikey O'Conner: This is Mikey. For those of you who are only on the call and not on the Adobe Connect, there's a pretty good series of agree with Jeff comments showing up in the chat.

Jeff Eckhaus, up to you?

Jeff Eckhaus: Yes, so I was actually one who was thinking about the limiting but I've sort of - I guess, it can evolve it just seems that there is no possible way to limit it and that I believe that the only way we could have if it was from the Council had asked that we limit it? Sort of like how the (STI) worked.

So I think that it's going to be impossible and I move to move to agenda Item 4 of the frequency of these working group calls and maybe the length of the calls because I don't see any way we could limit it to let's try and see if we could maybe get some more time on the agenda so we can move forward with the group size that we have.

Mikey O'Conner: Okay, Jeff, checking with the next two folks in the queue, Stephane and Alan, is it all right if we moved ahead.

Alan Greenberg: It's Alan. I do want have one thing I want to raise.

Stephane van Gelder: Same here.

Mikey O'Conner: Okay. Go ahead Stephane.

Stephane van Gelder: Thanks. First point is that the deadline for submitting documents for the next Council meeting is actually tomorrow, so if the group is able to come to some kind of agreement today on Objective 5, that would be useful.

Second point, I do agree that the discussion on limiting the group is probably moot at this point. You have two co-chairs now which changes things, plus the group is actually limited because there's a deadline for volunteers has

passed so no further volunteers can join unless the chairs want to allow them to.

So I have to agree with what's been said already there.

Mikey O'Conner: Thanks Stephane. Alan?

Alan Greenberg: Yes, I was actually going to ask the questions that Stephane just referred to, is the deadline for volunteering a hard one or will the group still accept new volunteers, just for clarification.

Mikey O'Conner: I think - this is Mikey. Given the size of the group, I'm inclined personally to say that this is a hard deadline, but I don't want to make that decision for the group, I just think that we do have to be mindful of the size of it and it's very large. It's the biggest one I've ever seen.

Any other comments on participation? I'm not seeing any opposition to the notion of leaving it the size it is and moving on to the...

Man: Margie has her hand up.

Mikey O'Conner: Oh, Margie's there. Sorry, go ahead.

Margie Milam: Sure, Mikey. I just wanted to point out that the working group guidelines typically do not limit orchestration in group, so it would be - I don't think it would be our standard to say that the group size will be closed at this point.

Mikey O'Conner: Fair enough. Thanks for the clarification. We're about two minutes away from my arbitrary five minute deadline. Ken, you're next.

Man: Hello?

Man: Hello? Hello?

Man: I hear a lot of hellos. I don't know if the - if some have been dropped or not.

Man: Hello?

Man: Mikey, Roberto, are you there?

Roberto Gaetano: I'm here.

Man: Good. So may want to take over as co-chair, considering Mikey appears to somehow been dropped.

Mikey O'Conner: Oh, I'm sorry. I was on mute. I muted myself. Sorry about that. Jeff Neuman?

Jeff Neuman: Yes, sorry. Real quick point before moving on to 4, I think there will or they may come a time in this group that we'll be asked to provide opinions from each of the stakeholder groups.

And I think for that purpose and that purpose alone, perhaps people should go back to their groups and figure out who the primary person to indicate the will of that stakeholder group is and we should just indicate that in the notes, but not for the purpose of limiting participation.

Mikey O'Conner: That's a great idea. I'll take that as an action item. How do you want to go about determining who that is? Do you want to let the stakeholder groups just determine for themselves?

Jeff Neuman: Yes, that's normal practice.

Mikey O'Conner: Yes. Thanks Jeff. Roberto?

Roberto Gaetano: Yes, although it might be a good idea, I don't want to go in the direction where we reproduce in the working group the scheme of the constituencies

that we have. That was the major point in the GNSO review was to get away with the reproducing in working group the composition of the constituencies.

So I think that the - we might be aware of the risk of doing this.

Mikey O'Conner: Avri, was that your point, as well? I saw that you disagreed and then hopped off?

Jeff Eckhaus: This is Jeff. I'll just withdraw that then. I mean, it wasn't that big of a point.

Mikey O'Conner: Okay. Kristina.

Kristina Rosette: I actually agree with Jeff's suggestion only to the extent that somebody is going to report to be speaking on behalf of a particular stakeholder group.

So in other words, if I were to say well the IPC thinks blah, blah, blah, I think I would have an obligation beforehand to indicate that I was the person authorized to speak on behalf of IPC, but other than that, I think I agree with everyone else.

Mikey O'Conner: Maybe that's the way to handle it then is for people to self-identify their role when they're speaking. We'll presume that people are speaking as individuals unless they indicate that they're speaking for the group.

I was actually thinking more in terms of the other direction making sure that there's somebody who takes it upon themselves to report back to their stakeholder group and keep them up to date and obtain opinions and thoughts.

So I, too, will withdraw my thought.

We're drawing to the end. I'm going to take Michele and Alan and then close this off. Michele, go.

Michele Neylon: Just reiterating what Kristina was saying. I mean, basically I only speak for myself and I always of making that clear, but in case anybody hasn't got that clear in their heads, if I give my opinion, it's my personal opinion.

It might be the opinion of my company because I own the company, but it should never be construed as being anything else.

And I would never take it upon myself to speak on behalf of all registrars unless I was told to do so by the registrars and I think that would be a fairly good assumption to make with most people unless you're completely insane and just love having arguments with people in your constituency.

Mikey O'Conner: Alan? You get last word. And I think you're on mute.

Alan Greenberg: Sorry, I was on mute.

Mikey O'Conner: There you go.

Alan Greenberg: Just pointing out that we're still running under PDP rules which call for things like constituency statements. So it may be useful to know who it is that's empowered to talk or submit something on behalf of the constituencies if we get to that.

Mikey O'Conner: Yes, okay. I'm going to call this part of the discussion closed and haven't heard any significant opposition to the idea of leaving with size of the work group essentially unbounded.

And would like to move on to the housekeeping item of how often to have these calls. Alan's laughing in the background. Please mute while...

Alan Greenberg: No, it's not me.

Mikey O'Conner: Oh, okay.

Alan Greenberg: I think it's Michele.

Mikey O'Conner: Michele is laughing in the background. Anyway, anybody opposed to the idea of weekly calls? Seems like weekly is what we're going to need at a minimum to get through all this stuff.

Man: That's a very weekly -- 1.5 hours would be excellent.

Mikey O'Conner: Going once at 1.5 hours once a week, doodles to follow? Okay, that's the plan.

Let's move on to Objective 5. That's clearly much more substantive work.
And...

Man: Sorry, Mikey, can I just make a quick comment on that? Can we just make sure that it's set up for the same time every week as opposed to doodles each week for the best day?

Mikey O'Conner: Yes. Yes, absolutely. Agreed.

Marika, do you - or I'm assuming it was you that put the Objective 5 language up. Could you put that back up on the Adobe Connect Room? And why don't we spend 15 minutes. Let's try to get this wrapped up by 12:15.

And given that this is consensus, my inclination is to say that we will either agree or defer and we'll see if we can come to agreement in 15 minutes. And if we can't, then we'll work on coming to agreement by next week's call.

Milton? Go ahead.

Milton Mueller: Okay. Can you hear me?

Mikey O'Conner: You bet.

Milton Mueller: All right. I was on the drafting team and not in Nairobi, so I'm not sure what happened to Objective 5 in the interim between the time the drafting team turned it in and what came out of Nairobi, but it seems like the board resolution really alters what were some of the original intensions of Objective 5 and particularly the party about determining whether what's being prepared in the DAG constitutes a material deviation from current and past restrictions, blah, blah, blah.

That all seems quite irrelevant now because the board has given us a new baseline which is not the DAG and therefore whatever we do, probably that language should be eliminated, aside from the fact that the sentence it's part of is completely ungrammatical.

So that's my initial contribution. There's another debate to be had about what it means for us to determine how the world's population is effected by various changes we make but let's just keep that discussion to what should be an easier decision which is to eliminate the part of Objective 5 that discusses the options set out in the most recent version of the DAG and whether they constitute a material deviation.

Mikey O'Conner: Okay. Jeff?

Jeff Neuman: I want to...

Mikey O'Conner: I'm just going to go through the queue for a little while and see if we can get a theme that emerges. And I would encourage everybody to sort of listen very hard to what the prior speakers have said and try and shape the conversation to something that we could get to agreement on by not too long from now.

Jeff, go ahead.

Jeff Neuman: If I could actually defer to after Mike Silber speaks, because he may provide a point on the last one that was raised.

Mikey O'Conner: Sure. Mike?

Mike Silber: Thanks. I would just encourage the working group to largely ignore the board resolution. That baseline is intended to be an unintrusive baseline, so one that wouldn't interfere or wouldn't direct the working group in terms of its PDP.

But to give a fullback position, if this working group can't develop the policy in time and I think that needs to be taken as the critical aspect of the board resolution is we don't want to interfere.

So that's a baseline interpreted as you will, but it's a baseline only so far as this working group doesn't come up with a policy.

And I would then ignore the board's baseline than rather look at the way this working group wants to go.

Mikey O'Conner: All right. That's very helpful. Somebody on the staff might want to capture that part of the transcript and publish it to the list because I think that that's a nugget that we probably want to highlight.

Jeff, back to you.

Jeff Neuman: Yes, thank you Mike for that. I do want to make the similar point to Milton that I do believe that the options in the DAG should not be considered as any kind of - have any kind of standing. I think there are a number of options that were presented.

I'm not sure the DAG - in fact I know the DAG didn't capture all of them. I think that one of the things that should be done by this group is to capture all of the possible proposal and to evaluate them.

My comment specifically on Objective 5 is that I thought the drafting team's version was much too narrow because it just left the so what. You know, you can judge whether DAG 3 presented a material deviation but then there was no so what, so what do you do with that once you make that judgment.

But my fear is that when we make it broader and this is - which I think I'm inclined to agree with that the timeline and the timeline that's set forth in the charter just doesn't take into consideration things like expert opinions and things on markets; you know, internet users in general and the retail and wholesale markets for domain names.

There's no time built in to actually get the expert opinion or, you know, the actual information that we need.

So as we think about making it broader, we also need to think about, you know, the timeline that we set up that's in the charter.

Mikey O'Conner: This is Mikey again. The timeline in the charter is a topic that I want to take up with Roberto and Stephane before commenting on because it is quite aggressive and we need to understand the interrelation between our timeline and DAG and the board decision.

So I'd like to defer that one if we could and zero in on this objective, if we can.

Can folks start - I'm going to get to Richard in a second, but then can folks start crafting alternate language that we could start maybe dropping into the chat that we could start to evaluate to refine this or are we - at some point I want to come to the decision as to whether we're really able to make a choice today or whether we need to defer.

But Richard, you're next.

Richard Tindal: Yes, this is Richard Tindal. So if I heard Milton correctly, he's proposing that we delete the sort of last piece, if you like of the current Objective 5 which is the bit asking does it constitute a material deviation.

If I misstated you, then Milton, please jump in, but if that is the case, then I agree with that.

I think the current objective is asking two things; it's asking to assist impacts of the various alternatives and then it's asking secondly to me, you know, do any of those options constitute material deviation.

So I agree with Milton. I don't think that second part adds much to it. In fact, the DAG lays out such a very, very broad range that the answer has to be. And there is such a diversity in current contracts that the answer to that second part has to be yes, of course, it's a material deviation.

So at least in part, you know, in the various options that the DAG lays out. So I agree. I think we should be removing that sort of last piece that talks about constituting material deviation.

The first part of the current objective looks pretty good to me so far. Maybe we can tweak that a little bit, but let's drop the second part.

Milton Mueller: Should I go ahead? This is Milton again.

Roberto Gaetano: I can't hear Mikey, but Milton, why don't you go ahead?

Mikey O'Conner: Mikey here. I got to get off the mute button. I'm terribly sorry. Milton, I was wondering if Palage could go in front of you since he hasn't spoken before?

Milton Mueller: Sure he can. Yes, go ahead.

Mikey O'Conner: Thank you.

Michael Palage: Thanks. Mike Palage. Just an administrative process consideration for the co-chairs. One of the things we've we done in the High Security Working zone is recognizing that not all participants are able to participate on a weekly call because of time differences.

Before taking a definitive action, we generally put stuff out on the list in the Wiki for one week so instead of trying to sign off here on Objective 5, perhaps just allow the entire working group, since we do have such a large group, perhaps use the Wiki and the mailing list to flesh this out.

We found at least in the High Security Working Zone that taking that extra time before taking substantive decisions regarding mission statements and stuff like that, tends to be conducive towards moving the group forward and not having to revisit stuff week after week.

That's just something to consider.

Mikey O'Conner: Thanks Mike. The reason...

Stephane van Gelder: Mikey, can I - sorry, it's Stephane, can I just address that?

Mikey O'Conner: I was going to refer to you. You go ahead.

Stephane van Gelder: Thanks very much. I think that's a good suggestion Mike, but I don't think it's appropriate in this case for two reasons.

First of all, the discussion on Objective 5 has been going on for a while. I agree that all present working group participants may not have been included in that discussion because it started in the drafting team and some of the

working group people weren't in Nairobi and weren't following that, but it has been going on for a while.

And also if we do what you suggest, we will miss the GNSO Council deadline. Now that deadline is flexible to some extent in that, I mean, you know, if the group misses it, then the group misses it. And the GNSO Council is open, I believe, to a deadline being missed by a couple of days and discussing it on the list prior to the meeting.

But the meeting is next week, anyway, so, you know, if you take a - if the group takes a week to discuss this further, then you will definitely miss the next Council meeting.

So my advice to the group would be to try - Milton has said earlier on on the chat that he had some language that he wanted to propose for Objective 5. Perhaps he can start with that.

If you are able to work it out today, it would be a great step forward.

Michael Palage: Thank you.

Mikey O'Conner: Thanks Stephane. Milton, I think you're next up.

Milton Mueller: Okay. I'm going to propose two very specific ways of modifying the language. The one - the simplest one is to take the existing language and just put a period after the word "non-discriminatory access" so that you basically get the first four lines of what we have in front of us.

Another alternative I'd like to float, a little bit more controversial is to delete Objective 5 altogether which is why it would be helpful if we had the entire charter in front of us so that we could see what else is authorized by the existing charter.

But the problem as indicated by Jeff Neuman with Objective 5 is that it seems to imply a kind of fact finding and research mission that it's simply not something that we can really do.

However, the saving grace of that language is that it says using information that we already have to date, we can make sort of ballpark determinations that we think certain kinds of policy changes or structural changes will have certain beneficial or harmful effects on consumers in the market and so and so forth.

But the real problem that we've also had - at least that I've always had with - in the debate over Objective 5 has been the incredible amount of research and analysis it seems to imply that this working group would be conducting.

And I'm just skeptical as to whether we can really pretend to be doing that. That's all.

Mikey O'Conner: That's a very helpful comment because we really don't in the timeframe that we're chartered under, anyway, we certainly don't have time to do much in the time of new research.

I would entertain that if we felt that the existing charter covered everything else that would otherwise would have been in that Objective 5.

Brian, I think maybe we'll take your comment and then maybe what we could do is get a little straw poll up on the Adobe Connect to just get a sense from the group between Milton's two suggestions. One being - well, let's make it three choices.

I like Milton's change to the language. I like Milton's idea of dropping Objective 5 or I don't like either of those and we'll just get a sense of the group and see where we're at.

Brian, you're up.

Brian Cute: Thanks Mikey. Without getting too endorsing Milton's proposal one way or the other, with regard to the version of Objective 5 that was up there before Milton's proposal, the first area to test the effects was the impact on internet users.

And if whoever made that recommendation, if they wouldn't mind elaborating as to why they thought that that segment was important for doing an effects analysis, I'd like to hear that.

I also think that this really represents a significant conundrum for this group and for this work. I agree with Jeff's remarks and Milton's remarks. To do an effects analysis on wholesale markets, retail markets and registrants, you're talking about considerable expertise in the areas of competition law. You're talking about considerable expertise in the area of economics and a combination of those studies and research and analysis.

I think we all see that problem.

At the same time, if we turn the direction of this work around where we are not going to undertake any analysis of that nature, and put forward policy recommendations and using Milton's words, all I see recommendations that may include about what the impacts and registrants may be, I don't think we can do that without some analytical basis.

And the last point I'll make is one of the frustrations of the process so far on this entire issue from the beginning of time when staff teed it up, is that there have been iterations of what I would characterize as incomplete or not actually well-founded economic analysis have been used as a basis to (unintelligible) in the (unintelligible) and what I don't think we want to do is perpetuate that problem.

Mikey O'Conner: I like all of those comments a lot. I'm going to violate my own rules. I'm going to let Stephane speak a little bit and Jeff have last word.

No, Alan, I'm not going to let you in. We're going to cut this off. Stephane, go ahead.

Stephane van Gelder: Thanks Mikey. Just a couple of things. I just wanted to react to what Kristina said on the chat that if we went with Milton's suggestion of deleting Objective 5 which to me personally seems like a good way of taking this forward then we couldn't modify the charter because Council would have to do so.

My understanding is that Council has asked us to do exactly that, i.e., forward them a suggestion on how to modify that charter with respect to Objective 5.

So if the group desires - so desires to send Council a suggestion that we delete that, that is in my mind fine and consistent with the request that Council put to the group.

Mikey O'Conner: Jeff Neuman?

Jeff Neuman: Yes, there's - I just wanted to - there's a discussion going on in the chat about breaking these things into different phases which I think may merit some discussion.

I know Mikey you wanted to cut it off, but there's some good discussion going on. My only comment on breaking into phases, I got to say I agree with Brian. We can't really change - we can't recommend a policy without doing the research and analysis as to what those changes in policy are going to entail.

And I do agree with Brian that that has been severely lacking to date. And so, you know, we should think about researching it and putting it into phases but we can't just decide today that that's - or on this call what's going to happen,

one, because it's something to think about and two, not everyone who is on this call in the working group, so that's even before we take a poll as to what we're going to do. We probably need to put that off to the email list.

Mikey O'Conner: Okay, this is Mikey. I'm going to draw this to a close. I don't think that we're going to be able to conclude this because I agree that the conundrum that Brian raised is too important to just blow through the call, unfortunately, as much as I would like to make that deadline.

I think what we'll have to do is throw this to the list and I would encourage people to come up with some proposals regarding the phases of the work. One of the things that I could use some clarification on is how firm the deadline for our deliverable is vis-à-vis the DAG and the board.

Whether Brussels is firm or whether we could come up with, you know, a phased approach where we delivered some things by Brussels and some things by the next meeting. That does strike me as a little bit too much to tackle all on the phone call.

And so, why don't we admit defeat on that particular one for this call, as much as I wanted to and we'll pick it hard on the list with kudos to all.

Milton, I guess I want to circle back to you. Where do you stand on the conundrum of research? Are you pretty much in line with Brian and Jeff that the research is an important part of this and hasn't been sufficiently done to date?

Hate to put you on the spot like that, but...

Milton Mueller: This is Milton. I think what my whole approach to this working group to begin with was that we should have a short-term and a long-term approach. And that the short-term approach would clear the way for the new detailed e-process to go ahead expeditiously by making some minor determination

about the DAG as being a deviation from policy, remember that original language in Objective 5.

So if the DAG - if the group said the DAG is okay and that was not all that big a deviation from current practice and then we would go ahead with the long-term issues about, you know, proprietary TLDs, about complete vertical integration, where that goes, that was my original idea.

I think the board has destroyed that conception of how we could proceed, so I'm not sure exactly how to solve this conundrum.

I think if we say we're going to study the effects and we're also going to do that in, say, three months, we're lying...

Mikey O'Conner: Yes.

Milton Mueller: Because we don't really know that. But on the other hand, the point that Anthony van Couvering was making which is that, you know, different parties will not accept the results of economic analysis anyway if they don't like the policy outcomes suggest, so the research is going to possibly introduce a year or two of delay without necessarily creating consensus.

So I'm afraid I didn't really answer your question in a simple way, but that's my view.

Mikey O'Conner: Well, I don't think that this is a question that can be answered in a simple way and it's helpful to hear that view.

I would like to take a checkpoint at this stage and commend everybody for the tone of this conversation and their willingness to work really hard constructively to get to consensus.

I think we have to carry the momentum of the last 20 minutes to the list and see if we can get to resolution on the list over the next week and try and drive this to ground on our next call, because this is I think core to the group and we just don't have time to do it on the call.

Can we go back to the agenda real quick Marika? And we're five minutes from the end of the call.

Could I take a quick show of hands if everybody has a hard stop at this point and we'll probably need - let's see, we've got common forum, staff support, show information from the board.

Mike Silber, was Number 8 really what your comment was with the additional information from the board or is that a different agenda item?

Mike Silber: I think that is largely covered by it but there's been enough comment on the list as to possibly warrant a response on list.

Mikey O'Conner: Okay. (J.C.), I see you're disagreeing about something but I didn't see when you put your disagreement up. Do you want to comment?

(J.C.): Sorry about that. Just messing with Adobe I guess. But if I have the mike I would like to say that in the chat, there seemed to be some strong disagreement on the phasing and I for one wouldn't support phasing.

I believe saying during the first - the very first call of this group that Brussels is just one step is a rather odd and difficult message to send to the community.

We need to have a clear deadline otherwise the process will keep dragging on and many of us, if not all, don't want that. So phasing to me seems a terrible concept to start with.

Mikey O'Conner: Okay. I hear you. Let's have this conversation on the list. We had one piece of AOB which quite frankly I forgot.

Jeff Neuman: Mikey, I can introduce this. This is Jeff Neuman.

Mikey O'Conner: Okay, go ahead Jeff.

Jeff Neuman: Now, so and Stephane can jump in, there was a list of questions that a number of us had on the board resolution simply the use of the terms that were in there, things like entities providing registry services or entities acting as registrars or what it means when we say no cross ownership at all.

So there was a list of about - I think I broke it into four questions with subcategories and I think Stephane has actually sent those to the board.

The board members that are on this call, we would love to have answers to those as soon as possible so we can understand, you know, what your baseline actually is.

And I know from the call you've actually said you're deferring to the policy, but you must have had conversations about this in your workshop as to what you meant by each of those words because every one of those words has some meaning and so clarification on those would really help.

Mikey O'Conner: There was conversation about this on the list and I - my recollection was that Milton you were on the other side of this conversation. Are you okay with the notion that we go ahead and ask the board but in the meantime carry on as a working group?

Milton Mueller: Well I just think it's irrelevant. I mean, the board doesn't know how to answer those questions any more than we do at this point is my position. And sitting around and waiting for them to answer it as if that really contributes something to our attempt to answer them is not productive.

I'm still trying to figure out why we didn't just go with the straw poll to find out whether we wanted to delete Objective 5 or cut it in half. Procedurally, I'm a little bit lost right now. We're...

Mikey O'Conner: At the paling of your chair, we could still do that. My sense of the conversation evolved after I suggested the straw poll because of the sort of fundamental nature of the discussion about research. But I'd be happy to put the straw poll up and get a sense of the group.

My understanding came to the point of saying that this was probably something we should get out to the list rather than just doing on the call. So I'll take the bullet for that one.

This is sort of like catching a football at a dead run and I will be better prepared for the next meeting, believe me.

Roberto Gaetano: Mikey, may I?

Mikey O'Conner: Go ahead.

Roberto Gaetano: Yes, I think that - I think Milton has a good idea by having a straw poll during the call, however, it has been already noted that not everybody was able to make this call.

So I think that if we had a straw poll, it will be much better if we have it on the mailing list given a very short time like 24 hours and do it on the mailing list, given the circumstances.

Here in the call we are pretty even split seeing the comments, so we are not going to go very far. I believe that if we defer that to the next 24 hours, we do a better job.

Mikey O'Conner: I like that idea a lot. Is anybody opposed to that that we do the straw poll but we do it on the list? We could do a little survey monkey poll and get that out there very quickly.

Margie, you've got your hand up.

Margie Milam: Yes, I just wanted to pull up on that and clarify what the stroll poll is going to ask. Is it going to ask to delete Objective 5 or is it going to ask to make Milton's suggestion of ending 5 after the word, whatever it was, equivalent access?

Mikey O'Conner: The original straw poll that I proposed was three choices; one would be the language change ending Objective 5 before the last sentence. The second being deleted all together and the third being I don't like either of those choices.

Why don't we leave it at that?

Margie Milam: Okay.

Mikey O'Conner: Other people have their hands up. We are out of time, folks, and so Mike, Jeff, George - George, you haven't spoken. Why don't you get last word in.

George Sadowski: Okay, thank you. Can you hear me?

Mikey O'Conner: Yes, yes.

George Sadowski: Okay. Clearly if you look at the board resolution, it's a pretty draconian resolution and I personally would be very disappointed if somehow the result of this PDP couldn't be fashioned in such a way to provide a better solution to the issue of vertical regulation.

I think that Milton has a very good sense of what's going on here.

Mikey O'Conner: Great. Thank you sir. It's 12:30 for me. I'm going to thank you all for your participation and we will get a bunch of stuff out on the list including a doodle for the call.

A quick sense of the group, people were saying this time is all right - no. I'm not going to do that. I'm going to end the call. Sorry.

Thanks very much folks.

Roberto Gaetano: Thanks everyone.

Man: Bye.

Man: Thank you.

Man: Bye-bye.

Man: Thank you.

END