

**Policy Process Steering Committee (PPSC) Policy Development Process (PDP)
Work Team (WT)
TRANSCRIPTION
Thursday 13 May 2010 at 13:30 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 13 May 2010 at 13:30 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-pdp-20100513.mp3>

On page:

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Participants on the Call:

Jeff Neuman - Registry Stakeholder Group - Work Team Chair

Paul Diaz - Registrar Stakeholder Group

Alex Gakuru - Non Commercial Stakeholder Group

Tatiana Khramtsova - Registrar Stakeholder Group

Alan Greenberg – ALAC

Avri Doria - Non Commercial Stakeholder Group

James Bladel – Registrar Stakeholder Group – Interim Chair

David Maher – Registry Stakeholder Group

ICANN Staff:

Margie Milam

Gisella Gruber-White

Absent apologies:

Wolf Knoben – ISCPC

Marilyn Cade – Individual

Marika Konings

Glen de Saint Gery

Liz Gasster

Coordinator: The recordings have been started, please go ahead.

Gisella Gruber-White: Thank you, (Nicola). Good morning, good afternoon, and good evening to everyone on today's PPAC PDP call on Thursday the 13th of May. We have Jeff Neuman, Alex Gakuru, Tatiana Khramtsova, James Bladel, Avri Doria, Alan Greenberg, Paul Diaz, from staff we have Margie Milam, myself, Gisella Gruber-White, we have apologies from Marika Konings, Glen de Saint Gery, and Wolf Ulrich-Knoben.

If I could please remind everyone to state their names when speaking for transcript purposes, thank you. Over to you, Jeff.

Jeff Neuman: Thank you very much. Good morning and good afternoon. I don't think it's evening for anyone on this call, although I could be wrong. As was said it's April - I'm sorry, it's May 13, 2010. This is our weekly meeting of the PDP Work Team. And it's - some low attendance today, but I think - I still think we can make some progress on the call.

And basically what we're going to do on this call is go over the flow chart. Oop, it sounds like someone's in traffic there. We're going to go over the flow chart and then we're going to also go over some of the questions that were asked on email that we were hoping to get answers to.

A reminder that comments are due to the full report that's out there by May 15, which is two days from now so that we can update the draft and publish something by the Brussels meeting.

And so those of you that have not provided your comments on all of the five sections plus the overarching plus the (70) - we know we're going to be revising some of the recommendations in the executive summary in the next week or two depending on the answers that we get to some of the questions, but please, you know, it's getting, you know, close to crunch time and so we need to actually get something out before our Brussels meeting and so please provide your comments in the next day or two.

So that said, is there any questions on what we're going to go over or on that? The other administrative item is talking about the Brussels meeting, although I don't believe Glen is on and I'm not sure, Margie, if you have an update on the schedule. I think it's one of those things that we're all kind of waiting to see.

Margie Milam: Yes, I do have an update. I don't recall, but let me - give me a few minutes and I'll (put you guys on) - I'll look through my email. I do have an update. I just need to pull up the document.

Jeff Neuman: Okay, yes. We can cover that in a little bit. So with that said, why don't we - if you remember on the last call, you know, one thing that people had asked about, actually for a couple calls now, is to have some sort of visual layout of all of the items that we were talking about and how the recommended PDP process, at least as we've discussed would be and so there is a nice color coded chart that's in front of us right now that's three pages long. Although the first chart's only, you know, the first page and a half or so.

And so I thought that, you know, Margie could just go through and explain this to us and then we could just spend a few minutes talking about it and seeing is this helpful, is this something we'd like to include in our report, are other people going to find it helpful, things like that.

So, Margie, do you want to take us through that?

Margie Milam: Sure. Sure, yes. This is Margie. What Marika and I did was try to look at the changes that have been suggested in the group and put together a visual chart because I - we thought it would be helpful to see the flow. And then it - from this document once, you know, everyone's in agreement that the steps are correct and all of that that would lead to the development of the bylaws that are, you know, incorporate all of the recommendations that we've talked about.

And so - and particularly we thought it was useful to have a - on one page or two pages the recommendations so that we could go through the process of analyzing whether they are something that should be incorporated into the bylaws or something that should be in the rules of procedures.

So Marika has designated B for bylaws, meaning that it's, you know, it's - if it's the type of recommendation that's important and should be, you know, formally documented in the bylaws versus the rules of procedures that might be something that's a little more fluid and can be changed and so she's referenced that as an R.

Alan, do you have a question about this before I go in more detail?

Alan Greenberg: Yes, well, the first - sorry, the first question is do we want to take questions as we go along or not?

Margie Milam: Yes, I think that makes sense because the...

Alan Greenberg: Okay.

Margie Milam: ...they might get lost.

Alan Greenberg: I - I'll have one for the first box when you get to it.

Margie Milam: Okay. Okay. Okay, so I - we start of the process as trying to identify whether a consensus policy is a potential outcome. Because we were - on our last call we were talking about, you know, the fact that the GNSO Council works on all kinds of things and some of it isn't, you know, what we'd consider a true PDP. Things like the WHOIS Study report that came - we just talked about last week.

And so we thought that the - at the onset you'd need to have just a high level, you know, and I think we do - we all do this intuitively, we've just never formally documented it, you know, is a consensus policy a potential outcome.

And if it's a potential outcome, then you have to go through the process that, you know, that we're all working on. If it's something like WHOIS studies, you know, we're just - or what, affirmation, you know, stuff, what are all the other

things that the GNSO Council does, then you go the other path and you just follow the GNSO Working Group Guidelines.

So, Alan, is this where you have a question?

Alan Greenberg: Yes, I don't think the con - the term consensus policy is the right keynote to trigger this. When we're talking about scope, you know, we've made reference to the old definition that people thought it meant is it within the picket fence and the current definition we're using and the advice we had - we got from legal counsel is that is it within the GNSO scope, which is a wider field than just picket fence consensus policies.

So my standing is we could be doing PDPs which do not have consensus policy coming out of it but nevertheless have policy coming out of it. So I think consensus policy is too narrow a focus on - in the - in - to trigger it. Because I - consensus policy must be within picket fence I thought.

Jeff Neuman: So, Alan, do you have any other, you know, we were talking about this kind of how we delineate, you know, what must go through this process we're setting up. Is there any...

Alan Greenberg: I think it's - I think is policy a consider - a potential outcome. Or GNSO related policy. Because I think consensus is used purely to, you know, maybe not. Maybe in lowercases it's a more general term. Certainly with an uppercase Consensus it applies to the consensus policies as defined the registrar and registry agreements, which happen to be different right now, but ignoring that.

Jeff Neuman: Yes. What do you think, Margie?

Margie Milam: Yes, I agree with Alan. I had that similar concern. I didn't know how to describe this process we all do intuitively, so I used the word consensus policy but I think he's right.

Man: (Oh).

Margie Milam: You might go into something starting a PDP that isn't intended to be a consensus policy...

Alan Greenberg: We use words in so many different conflicting, confusing ways, I think we need to try to avoid that were possible and (tiered) GNSO related policy or GN - you know, policy within the GNSO scope is a potential outcome.

James Bladel: Jeff, this is James. Can - Alan, can you provide an example of a policy that is not a consensus policy? I'm just trying to wrap my mind around this a little bit better.

Alan Greenberg: Well, the - a couple. I mean, the classic one is PDP 06, the one on contractual terms, which was somewhat ill fated although it did - it has had some impact on the contractual terms within the new gTLDs. Post expiry domain name recovery as draft - as the scope was drafted by Council could include best practices and things like that. I mean, it may well end up with some consensus policy, but it wasn't limited to that.

Jeff Neuman: So was the intent, Margie...

Margie Milam: (My)...

Jeff Neuman: Margie, was the intent just where it's a possible outcome of the group that we need to follow this process not that it's inevitable outcome but just where it's a possibility?

Margie Milam: You, Jeff, you raise a - it's a good - I was going to say it was - yes, it's just if it's a possibility. So think of, you know, fast flux or something. It's possible that we can come up with a consensus policy, but it doesn't have to be that. Because I don't - I didn't know how to document what Alan is talking about and, you know, the things like studies and affirmation work and all of the

other stuff the GNSO Council, is that policy, I don't - I don't know, you know. We - but we've gone into this debate over what is policy, what is not policy and how do you define it.

Alan Greenberg: Well, I...

Margie Milam: Jeff...

Alan Greenberg: ...I don't think we've ever done it. The GNSO could be in a position where they believe ICANN staff need to do something and they're not doing it and the normal processes of suggesting and talking don't do it, the GNSO could come up with a PDP which would force, you know, nearly force the Board to adopt a resolution that staff do something which is not a consensus policy but it's wholly within the GNSO scope.

Jeff Neuman: Yes, that's actually a good point, Alan. Avri, you had your hand up. I don't know why it was lowered. Do you have something to...

Avri Doria: Because I listened a bit more and got myself confused again. Basically this is Avri. I do think - I realize the word policy versus practice is not as bright a line as one would want it to be, but I tend to believe that anything that is a - more policy than practice can go - follow the PDP route where you have to ask that first issue question. You have to ask that scoping question. And so if there is a scoping question at the beginning of the road, then it follows the yes route. And it's only if it's - the bright line is there - no, there's no scope in here, there's, you know, there's process.

For example with the WHOIS testing, And I mean, not testing but studies. That was quite easily not a policy but a process that - of work that was being done and I think - so I think trying to use that kind of line is if there's any question about scoping it is policy, whereas if it's a group to recommend a practice to, you know, decide on how seats are going to be apportioned in a group to decide on any of the other things that the GNSO does that are not

policy related but are in some sense practice related would fall through to the Working Group - straight to the Working Group and I said that as opposed to needing to be scoped.

Jeff Neuman: So, Avri, let me ask you a question and Alan as well and James and it's actually a debate right now that's in our own stakeholder group within the registries. But there's a motion that's coming up to the GNSO Council at this next meeting which is recommendations by the IDNG, so it's an IDN Working Group that the Council set up not through any PDP process but just a group that they set up.

And the motion is to make recommendations on changes to the guidebook with respect to - without getting into details, it's to - basically with respect to IDNs. That did not follow a PDP process to set up the group. In fact there's been no public comment period to discuss it. And the GNSO Council is going to vote on it on - at their next meeting, next week I guess.

So the debate in my own stakeholder group and what I've said is I don't think the GNSO Council should even vote on it. I think it's probably something that the IDN group could send directly as the IDN group to (Kurt) as comments to the DAG, right, the Draft Applicant Guidebook. But for the Council to vote on it without it going through any process, without it going through any public comment periods I just think is, from my own opinion, is kind of contrary to some of the stuff that we've all been recommending here.

But putting that aside, you know, Avri, is that policy? Is that administrative? Is that, you know, what is that? And so, Alan, you have your hand raised, so...

Avri Doria: Yes.

Alan Greenberg: No, let Avri go first.

Avri Doria: Okay. Okay. I would - now, I have to confess up front that I was part of this IDNG group and part of the group that sent this thing in. I think that this was - is asking for purely a practice change in the DAG which is something that the Council can do if it doesn't have a difference of opinion on it.

But you're right, the IDNG group could indeed have sent it or any group of people together could have sent it. But it's just basically looking at the DAG and saying, hey, you know, you do an extended evaluation for everything except this one category, we think there should be an extended evaluation for this one category too.

Man: (Unintelligible).

Avri Doria: It doesn't create policy, it merely says, you know, we think there's an issue in the practice. So I think that, you know, in that kind of thing, leaving aside whether the Council should or should not vote on it question, I would say that this would be a practice issue not a policy issue. There's no - and that is the policy issue that this group was never able to make a recommendation on is, you know, what kind of things should they consider and how should they consider them and getting into more of the minutiae of IDNG than you would ever want to think about. A nightmare. But, you know, the fact of there being such a thing that it is not a policy issue, it's a practice issue. Thanks.

Jeff Neuman: Right, and I'll go to Alan in a sec. But you just said something that's interesting. The creation of it, it could have resulted in policy and therefore according to this chart should have been done through a PDP.

Avri Doria: If I can correct, the - this is a Drafting Team that was sent away to do charters. It could not arrive at a charter for the stuff that might have been policy. It just came out with this one particular issue that the group felt was not a policy issue, although we didn't discuss it in those words, was not a policy issue but just a missing thing from the DAG that by parallelism type of analysis should have been there.

Jeff Neuman: Okay, Alan.

Alan Greenberg: Yes, I guess perhaps my lifeline - lifetime is shorter in this and I don't take nearly as rigid a position as that. I don't think it's - the question is purely whether it is policy or not. The bottom line is if council votes on something that has policy but has not gone through the PDP process it doesn't have the same weight. It doesn't require that the Board adopt it unless the Board is massively against it.

It simply says this is something that the GNSO has reached consensus on, without all of the benefit of public comment without all of that - the benefit of the checks and balances that are in a PDP process. It's still input into the Board or into the overall ICANN processes, but it doesn't have the weight that a PDP does because of the com - of the checks and balances and the process that we're building into the formal PDP.

So I don't find it objectionable that the PD -that the GNSO could pass policy advice if they can get a consensus without the PDP. It just doesn't have the same weight.

Jeff Neuman: Well, let me ask the question a little bit different way then. Even into your explanation though this issue should follow the Working Group Guidelines, right? Put aside what actually happened in this case.

So if this were a new case that comes to the GNSO and so they say, look, we want to work on something that we believe is an issue in a Draft Applicant Guidebook, whatever version it was on at the time. And so we want the council to put together a Drafting Team to kind of discuss some potential comments that we want to make to this, it - in your recommendation which - would it still be, look, we should at least have some guidelines therefore we should still go through the Working Group Guidelines that they're developing even if we don't go through with the PDP.

Alan Greenberg: I think the bottom line is that's what Council is there for, to decide how well - how much process was used. Because if one person comes back and go - or comes up and says, hey, I have a great policy recommendation and everyone on Council looks at it and says that wasn't vetted by anyone, no one else participated, we're going to reject it based on process, not based on we don't like the idea, based on process. And that's totally within Council's right to do that.

If on the other hand everyone looks at it and shakes their head and goes why didn't we think of that, we're unanimously - we unanimously support it, then they can approve it. It's still not a PDP and doesn't have the weight of a PDP, but, you know, the At-Large or the SSAC make - gives advice to the Board. The Board is not bound to follow it and the details of...

Jeff Neuman: So...

Alan Greenberg: ...the process they followed are not written in the bylaws, but it's still advice which may have some value.

Jeff Neuman: So let - I'm going to go to Alex or Avri, but that would be - almost be a third arrow on this chart. That would be - I'm not sure how to define that, but you almost described a third arrow. Assuming...

Alan Greenberg: No, no, no we're just talking about...

Woman: No...

Alan Greenberg: ...something that isn't a PDP at all, it's just another process the GNSO may have which may end up making a recommendation policy or not. We're looking at the formal one which ends up having a very strong weight. The Board cannot ignore it unless they overwhelming disagree.

Jeff Neuman: Well, the reason I say - and then I will go to Alex and Avri, I apologize. The reason I said a third arrow is because if the question is is this policy or practice and the answer is yes, then it goes through - I'm sorry, is it policy and if the answer is yes, then it goes through a PDP. If the answer is no, right now on this chart, it would go through a Working Group Guidelines. You're almost saying if it's no it could also go through some other process that's not defined either by our team or by the Working Group Work Teams. So that's why I was saying it's a third arrow. Not...

Alan Greenberg: It - you're -

Jeff Neumann: (Unintelligible).

Alan Greenberg: I agree with you. I'm not sure it needs to be on the chart, but yes.

Jeff Neuman: Okay. Let me go to Alex. And then to Avri.

Alex Gakuru: Okay, thanks. Alex speaking. I'm just wondering if there were instances where we said we could be in a process and then halfway we find that maybe an issue arises that needs to have - it's identified as a policy, a policy is required (while doing) the process.

So there might be a need somewhere of an arrow pointing backwards; if it is found to be this, it needs to go back so that it can now take the other route to follow the GNSO. And so in this there probably might be an arrow somewhere saying within an issue - a process if it's found that it's - a policy has been deemed that it (will) be needed, maybe it might be taken to the other route.

The assumption we have on our starting point is that we are starting afresh, nothing has happened before, therefore we are now starting on consensus and the issue identification, but you've come across issues midstream and I think that was like the implementation issue, we give that example a couple of

calls ago. But that's just what I wanted to contribute to this discussion. Thank you.

Jeff Neuman: Yes, Alex, I think that's a good point because, you know, essentially that's almost what - sorry, what's the group, the RAP, the Registration Abuse Policy is a Working Group now, it's not a PDP, although it actually at the beginning followed a lot of the same things that a PDP would.

Essentially it was decided there'd be this team that would look at the issues and recommend which issues should be part of the formal PDP and that's what the report is basically going to say, you know, the initial report said. And then the final report will say, you know, these are items that we think we would recommend have formal PDPs. So it's almost like that where the group was just set up to figure out which issues may be potential PDPs or recommend them.

Avri.

Avri Doria: Yes, thanks. I actually find myself agreeing with both you and I think indeed an issue was identified and as going back to your example, but an issue was identified by this Drafting Team that was set up to do charters for something else. It identified a side issue while it was doing its study, its work. It was not what it was sent out to do, it just in the process of its discussions it found this issue.

Now it's sending this issue with a recommendation that this issue can be cleared by simply sending a letter saying that - of course now the Council gets this and the Council can say, hmm, yes, they're right, this is a small little thing that can be dealt with by sending a letter, we all agree to send a letter, let's send a letter.

It could say, hmm, this might be policy, let's, you know, go down the scoping issue and see what's happened. Or it could say, you know, they're right,

there's an issue here but we think it needs more work and, you know, it doesn't matter that we'll be too late for DAG v4 and so on and so forth and so yes, let's start a Working Group on it.

So I think you're right. I think there is an arrow pointing out of an issue's been identified and you decide to do something else, which includes we don't want to do nothing. We want to send a letter. We, you know, we want to send it to our prioritization group and see if this is something we should work on in 2012. Any number of other avenues that one could take other than yes, get the issue scoped or no, start a Working Group.

Jeff Neuman: Or - yes, and in this case actually my - and, again, this is internal within my own stakeholder group what my recommendation is, so I don't know if it'll actually come out of it that way. But, you know, one recommendation could be hey, you know, the Council can talk about it and say, you know what, this - thank you, IDN Group for working on it, why don't you guys send the letter to the Board coming from you all as a Working Group, but, you know, because we haven't gone through any process of getting stakeholder feedback and other things, you know...

Avri Doria: Yes.

Jeff Neuman: ...we as a Council shouldn't necessarily vote on it. But you guys should go ahead and thank you for your work and if stakeholder groups agree with it then they can always later on sign on to (Sputter) or say we agree, but, it - you know, that's an option too. That's kind of what you were...

Avri Doria: Yes. Yes, I mean, there is - I think - this is Avri again. I think there is infinite number of - not infinite but an indefinitely large number of possible, you know, options that one could take. By the way, just so it's clear, the letter was being sent to Implementation Team staff and just copied to the Board. I think.

Jeff Neuman: Right.

Avri Doria: Right.

Jeff Neuman: So then trying to - and then also - and, Margie, trying to bring it back to what we do with this first item - element of the chart and I know it's been a long...

Margie Milam: Sure, I'm back.

Jeff Neuman: Yes. Margie.

Margie Milam: There's definitely (I think) it would be. Yes, I think we replace follow Working Group Guidelines, GNSO Working Group Guidelines with other GNSO process, something, you know, something generic like that so it's not tied to having to have a Working Group.

And then I think in the first one, I think you just say issue identification. I, you know, is a policy a potential outcome and the only thing I wanted to kind of point out here, I don't know how we can clarify it, is that the process - I mentioned consensus policy because that's required to go through the PDP process. But we don't have to be that limited. The PDP process could be for other things.

It's just that if it is for consensus policy, if - as one of the potential outcomes you have to go through the process. And then anything else would be volunteer instead of mandatory, so if there's other issues that may not, you know, it may produce a best practice or whatever, but the Council believes it's the right thing to do to go through the PDP process then, you know, it - we certainly wouldn't prohibit that.

Jeff Neuman: And is there a way to draw another picture into - or another box into this, which is if they've gone through some other process and then it turns out through their work that, oh wait, may result in a formal - this may result in something that people want to put through the process, is there another

entrance into it - into this? Does that make sense? I'm sorry, I didn't say that very well.

Margie Milam: I think that's right. And so if my other box says other GNSO process, we would do - I think what we would do is like we do with the other ones where we have issue scoping, we've got a separate page on issue scoping, we would have a separate page on other GNSO process and we'd kind of identify some of the things we've talked about.

But - and have one of those - one - you know, one process includes, you know, if, you know, results in an issue that needs further policy analysis, you know, refer back to the, you know, the issue scoping step or something like that.

So we could actually, you know, expand out so we could - so everyone understands the kinds of processes the GNSO Council goes through and that you could still end up in a PDP if through that process, you know, it's - an issue is identified.

Jeff Neuman: Okay. Let me go to Avri and then to Alan.

Avri Doria: Yes. Hi, this is Avri again. Yes, I think it's quite reasonable to have at the very top there is it a consensus policy, yes. And then another decision box that says it's not a decision, you know, it's not a consensus policy. Then whatever wording you pick for is this a policy thing that you really want to do the heavyweight PDP process on, yes, no. And then following the Working Group Guidelines.

I'd like to point out that the discussion we were having was one where it was in the Working Group Guidelines for a step of, you know, Drafting Team go away and figure out how to do Issue X and this was just something else that came out of it. So we were already in that greenish box. Thanks.

Jeff Neuman: Yes. Okay, someone - Alan.

Alan Greenberg: Yes. One of the things that doesn't come out in this chart, it may be obvious to us but it may not be obvious to someone looking at it from a fresh viewpoint, is that there are decisions boxes here which aren't shown, you know. For instance, out of the issues report, there is a decision box do we hold a PDP or not. So that, you know, there's another stub arrow coming out of it saying no, we - it's either dropped completely or it goes through some other GNSO process. So...

Margie Milam: Jeff, if I can respond.

Jeff Neuman: Yes.

Margie Milam: For each of these boxes we're going to have further subpages, you know, with - that go through that analysis.

Alan Greenberg: Okay.

Margie Milam: Because we wanted to have on one page kind of the really high level and then as we, you know, we've gone through this process in this group and identified all kinds of issues, there will be subpages and the, you know, that talk about the various steps within that process because you're right, Alan.

Alan Greenberg: Good, good. That comes to my next point of there are decision processes in many of these boxes that are buried right now in the box. And I think the one of kind of the things we're talking about are within that area that if we're trying to end up with Consensus policy, capital C, it must go through a PDP in order to pass it. That's contract related and bylaw related.

The other ones may go through PDPs, you know, for any of the other thing if as Avri - the expression Avri used if we want to go through the heavyweight

process. And, you know, if there's some (issue) - merit in doing that. Or if there might be a consensus policy coming out of it.

And I think the - those are buried in the details and we may be looking at this with too fine tooth a comb for the level that this chart is try - excuse me, is trying to represent now. And if so that may be my try - my problem for starting it.

Margie Milam: No, I - actually, Alan, I think you, I mean, you raised a really good point because I was struggling and (unintelligible) that first box what the right question was. And I think this discussion really clarified, you know, what we're talking about. So I think it was useful.

Jeff Neuman: Okay. So let's - I think let's try to move - I think the other boxes are pretty - are not as - hopefully won't take as long to go through. So if we could just kind of go through some of these I would like to spend the bulk of the remaining time on the questions that have come up on the list.

So if, Margie, you could just go through the boxes and I ask that if people have questions that they could either put it in email or if it's - if they really believe it's something that needs to be answered now, obviously, I'm - I don't want to stop discussion, but just trying to move it along.

Margie Milam: Okay, sure. Sure. So obviously the next step is the issue scoping step and like - and like - and I indicated we'll have a separate page on that and it's further down on this. Then we go to the issue - requesting an issues report and it talks about the three parties that can request and issues report.

We've highlighted that the Board because if - when the Board requests the issue report that it goes straight to the development of the issues report and it doesn't go through the Council voting process. So we've highlighted that with the Advisory Committee and the Council you have the vote thresholds that are specified in the bylaws.

And then we have a public comment periods and that's a question as to whether they're required or not required. We have the initiation of the PDP, the development of the charter Drafting Team, the adoption of the charter and the voting thresholds that would apply to the adoption of the charter.

And then we move on down to the creation of the Working Group and then we've got side processes for the deliberations, the public comment period, the constituency statements. And then as we go down to the publication of the Working Group initial report and then the steps that get take - undertaken in that process, such as the public comment period, the review of the public comment period, and the deliberations in producing the final report.

And then on the next pages, the next page we go through how the processes work from the final report to the Council deliberations to the reports to the Board, Board Vote and implementation. And as I indicated, we would have processes - separate subpages that go into the detail on this.

And so on the very next page, Page 3, we've got what Marika put together for Stage 1. And this is probably where I think we could use a lot of input from the group on how to make this helpful. What initially - and Marika had had included all the recommendations in each of these bullets but it became very unreadable, and so what we tried to do to make it more simple was to identify which recommendations follow what stage. And then - with - and so you'd have to refer back to the initial report where we have for example Recommendation 6.

And then in the parenthesis is R for it being more appropriate for rules of procedures and then there's other recommendations where we have a capital B which means that we think it should go into the bylaws. And these are purely suggestions to get the discussion started.

What I did suggest to Marika was if we were to do this that we'd maybe have at the bottom of the page a little box that actually summarizes in real shorthand what Recommendation 1 is, you know, what Recommendation 2 is so you can get the gist of it. But we didn't go - we wanted to make sure that (unintelligible) could work before we, you know, before we did that. And so - so you can see, you know, how we would try to provide more detail on the subsequent pages.

And I think this is really a, you know, I'd like to hear from you guys whether you think the format on these subpages work and what kind of information would, you know, would be helpful.

Jeff Neuman: Okay. Thanks, Margie. Anybody have any questions? So while people are thinking about that, so you did say that somewhere on this page you'll have, you know, like a one word or two word as to what the recommendation related to?

Margie Milam: Yes, because I thought otherwise we'd have to keep slipping back to the initial report and that's not very useful. But if it's something like, you know, issue scoping like I think numb - I think the first recommendation has to do with having a manual, you know, to refer - guidelines or something. So, yes, we would have a three or four wo - you know, word topic that describes what the recommendation relates to.

Jeff Neuman: Okay. Anybody else have any questions on this or recom - I mean, I think it's - I like it. And as Alex said, you know, I think this - these charts will help us prepare for the public presentation in Brussels, so I think - I actually think it's a really good idea and it's something that, you know, people who are visual can see.

Avri.

Avri Doria: Yes, I have a question. I too think it's a good idea. And I think the keyword explaining that, you know, Recommendation 1, you know, or R1 because you'll probably get tired of writing recommendation is a good idea. Do we have already a sort of general principle that tells us which things are going into bylaws and which things are just going into that or is that a decision that's already made? I just don't recall.

Jeff Neuman: I think we've been - so you're - sorry if - I'm just trying to re-ask a question. Your question is whether we've decided on overall principles as to what should go in the bylaws and what should go in the rules of procedures, is that your question?

Avri Doria: Yes. Yes.

Jeff Neuman: You know, I...

Avri Doria: I mean, is that already a done thing?

Jeff Neuman: ...don't...

Avri Doria: Because I don't remember that being a done thing, so I'm not sure.

Jeff Neuman: Hey, you're right. The way we've done it is I don't think we came up with overall principles. I think as we've been discussing topics, we've kind of discussed is this something we think should go in the bylaws or is this something...

Avri Doria: Okay.

Jeff Neuman: ...we should go in the rules of procedure and it's - I'm not sure we've developed that list of principles of how we decided it. It just kind of was as we...

Avri Doria: Okay.

Jeff Neuman: ...went along, which is why we're back and revisiting it now.

Avri Doria: Okay, great. Okay, yes because it was...

Jeff Neuman: So that...

Avri Doria: Oh, sorry. I was just not clear. Yes, the - one of the things that I think is great about doing these kinds of things is it's actually allowing you to test the process in a real way other than obviously running a process, so I think it's great. Thanks.

Jeff Neuman: Okay. Any other comments? So given that, Margie, I think what you're hearing or you're not hearing anyone against it, I think is - I think you guys did a good job, a really good job. And if (I think it's completely) down the - with as you suggested with, you know, maybe instead of saying the full word Recommendation 1, you just say R1 and, well, I guess you have an R for something else. Can you maybe create a key, a box as to what some of the letters (mean)?

And then also, like, so if you had R1 and then you have in a key box on the side saying R is for recommendations and then create something for - else for rules of procedure, but, you know, and then have something in there in parenthesis, you know, saying R1 relates to whatever it does, that would be great.

So I think you guys are doing a good job. Alex, you have your hand raised.

Alex Gakuru: Yes, just a comment. I - actually I think that it part is good. I think that I mentioned that in email and I agree we move on to the email. But I'm just thinking if where there is a recommendation we have ideas, might it be possible to have a link to our big recommendation report so that in case

somebody wants to look at that - details of that (actual) recommendation, maybe a hyperlink. It's just a quick thought that I had. It came to me and I thought I should mention it. If it's possible on the chart. But if it's not, I will leave it. Thanks.

Margie Milam: That's a very good idea, Alex. I'll check with Marika to see if we can do that. I think that would be perfect.

Alex Gakuru: Okay, thank you.

Jeff Neuman: (Unintelligible) it certainly would be a lot easier to do on the wiki or on the, you know, on the Web. It would be hard to do in a presentation. But yes that is a really good idea if that could be done.

Okay. Any other overall questions on this? And please, you know, send emails. I don't mean to cut off discussions, but I'm just trying to move on to some of the other things. So, okay, seeing none then, Margie, I don't - oop, you've raised your hand, so Margie, yes.

Margie Milam: Oh, yes, a separate issue. You had asked about the time for the PDP group in Brussels and we've got it...

Jeff Neuman: Oh, yes - sorry.

Margie Milam: Yes, we've got it down for Sunday morning from, hold on a second, 10 - 10:30 to 12:30.

Jeff Neuman: Okay.

Margie Milam: Okay.

Jeff Neuman: I would still - because things can change, I would still recommend those that are going to Brussels if you could be there at some point on Saturday that

would be great. I know we've - Margie just said it's scheduled for Sunday, but, you know, things sometimes change, so...

Margie Milam: Change, yes, they do change a lot, especially because some of the meetings relate to things that we have speakers and so like for example (Kurt) talking about new GPL leaders or something, if his schedule changes, our schedule changes. So being there on Saturday is useful.

Jeff Neuman: Okay. All right, so then moving on to the next subject, and I don't know, Margie, to post the document - the overall document or should we just go to the emails and kind of raise them.

Over the last week the - Marika has - in accordance with our discussion, Marika has sent around separate emails. We broke out some of the issues that needed be decided to 1, 2, 3, 4, 5, 6, I believe 7, seven emails with different questions that are being asked. And again, it was - we requested this as kind of a way to streamline. We don't really have any comments yet. They were sent around on Tuesday.

But the emails, you know, for example the first one that was sent out has the items in bullets that say for discussion, consideration and it's related to Recommendation 7, which is the creation of the issues report and it goes through the outstanding questions and then background on that. And by background I mean things that we discussed during those calls or during the survey or in the report essentially, it reprints what we have in there, so it gives you some background.

I really encourage - I know the PPSC - sorry, the P - the Working Group Work Team has had some success with getting people to respond to individual questions as opposed to, you know, throwing everything out there and so we're trying this to see if it - if we get some comments. We haven't gotten any yet, but, you know, we'd really appreciate it if people could respond to individual emails.

So, okay, Margie has posted it up there now. And so, for example, this is...

Margie Milam: This is Recommendation 7.

Jeff Neuman: Right, this is the first email that went out. So the questions are, you know, would the Work Team like to reassess its position as the review of all phases has been completed.

One, you could consider including in the PDP rules the procedure of recommendations for the entity requesting the issues report to indicate whether there are any specific items they would like to see addressed in the issues report which could then be taken into consideration by the Council when reviewing the request. In addition, it could be an option for the Council and their staff to provide advice ahead of a vote on the request for an issues report.

So I think those first few notes for discussion are staff questions and other questions that were put into the report. And then below that is, you know, our Recommendation 7 was simply (there)'s no changes are recommended by the PDP Work Team to the bylaws at this point, however the group may choose to reassess at the completion of work on all of the phases. That was our recommendation to ourselves, right? That wasn't...

Margie Milam: Right.

Jeff Neuman: Right, that was our Work Team could reassess that. So I think the recommendation has to change. Either it says no changes are recommended at this point or it could say no changes are recommend to the bylaws but here is something we recommend to the rules of procedure. But we can't leave in there however the group may choose to reassess upon completion of work because we in theory completed the work on all the phases.

Does that make sense? So we need to recommend something. Alan.

Alan Greenberg: Yes, on one particular point, maybe I'm imagining because I've had the discussion in other forums, but I thought we did have a discussion on the 15 day issue and said we need more flexibility in that. Maybe it's (that) discussion we've had routinely with PDPs so many times that I'm imagining that we held it. That we had the discussion. I'm not sure.

Jeff Neuman: So you are correct, we've had an other discussion with the 15 - I think this is 15 days for the staff (recommendation).

Alan Greenberg: Yes, no, no that's the 15 days I'm talking about.

Jeff Neuman: (You're right).

Alan Greenberg: Because in the last few PDPs that has been extended because it wasn't reasonable. In other PDPs we've delayed requesting the issues report to accommodate staff. And I thought we had the discussion that the 15 days is just too tight a constraint if we want a good pro - good work product out of it. But maybe we didn't have it in this group. I'm not sure. But if we didn't, we should.

Jeff Neuman: Yes, no, I believe we did.

Alan Greenberg: I'm just surprised it's sitting there with the comments saying we didn't discuss it.

Jeff Neuman: Well, I - it's not that we didn't discuss it...

Alan Greenberg: Well...

Jeff Neuman: ...I think what we had said is that we didn't recommend any changes to the bylaws.

Alan Greenberg: Okay. Okay, that...

Jeff Neuman: And I think that may not be...

Alan Greenberg: That...

Jeff Neuman: ...the (aspect). So there is a discussion below that talks about, you know, what we - we actually discussed a number of things that took like a lightweight, you know, versus a heavy, you know, more of a - we discussed a lot of things about the issue of course (unintelligible).

Alan Greenberg: I guess I'm just expressing surprise that we didn't definitively say this needs to be changed. So, okay.

Jeff Neuman: Right. So, Margie.

Margie Milam: Yes, I thought we had talked about the time period changing but we didn't talk about what the time period should be is my recollection.

Alan Greenberg: Possibly.

Jeff Neuman: I think that's - I think that's accurate. James.

James Bladel: Yes, we didn't discuss what the time period should be or make any recommendations. What we did was we kicked that over to our discussion of the prioritization because we recognized that 15 days could be subject to whatever their workload was at any given time. That's how I remembered it anyway.

Jeff Neuman: And remember the - these reports can come from three different - the request for an issues report can come from three different sources.

James Bladel: Right.

Alan Greenberg: All the more reason to put the flexibility in.

Jeff Neuman: Okay, so everyone should really read the discussion that's below it as to the PDP Work Team response. That's, you know, that's some of the items that we discussed and then on the email you'll right back and say, okay, here's what I think is reasonable to put in there. Or, you know, is this even something that should be necessarily in the bylaws. Should we in the bylaws actually have something like this?

I think a lot us through discussion said yes, we wanted to see certain mandatory elements in the issues reports, but they could have rules of procedures of other best practices to put in the issues report as well.

Alan Greenberg: Well, Jeff, in this case since as you point out the issues report could be triggered by other groups, it's not a GNSO issue so it can't be in the GNSO practices.

Jeff Neuman: Well, no, I - sort of. I mean, I think the GNSO, since we're going to be required to work on it, can have mandatory elements that must be in an issues report, regardless of who wants it. See what I'm saying, Alan? So we could say, okay...

Alan Greenberg: I...

Jeff Neuman: ...yes, we can't control whether an issues report is created, but staff when you do create an issues report that we're going to have to look at it's got to have these five, ten things.

Alan Greenberg: Oh, I'm not commenting on the content, I was talking about the timing.

Jeff Neuman: Oh, okay, I see. So where the Board recommends an issues report - or requests an issues report then it's hard for us to say, okay, you've got to do it within 15 days.

Alan Greenberg: Yes, I don't think...

Jeff Neuman: (Unintelligible).

Alan Greenberg: I don't think we can even put a constraint on staff that way.

Jeff Neuman: Margie that's something to think about as to whether we can actually do it. I'm not sure I take as rigid of a view as Alan.

Margie Milam: Yes, I mean, it's in the bylaws now so it's - and I think it's done regardless as to, I mean, at least the intent in the bylaws is that it should be done regardless of who requests it. I don't think there was a distinction between where the request came from.

Alan Greenberg: No, there wasn't.

Margie Milam: Right. And I think it's appropriate for us to change that time. I mean, we need to have the bylaws (reflect) what should be done. And it's not a good idea to (that) the bylaws have a date that can't be met.

Jeff Neuman: I think our idea for flexibility now that I'm thinking back to it was a range of days. Which could always be extended if staff has a reason or comes to Council and says, look, you know, there's all these other things on your plate - or our plate as staff and so, you know, that range is still not obtainable, you know, and GNSO Council can always - or should be able to extend that.

Avri.

Avri Doria: Yes, I guess I have a couple of views on it. One, I definitely agree that we should not; a, have impossible times or times that are ignored and, you know, we've made such a practice of ignoring them for so long now. I think that 15 days is difficult.

I think that if there was anything in the bylaws it should basically be something that upon getting the request, you know, the staff has five days to give an estimate of how long it's going to take them. You know, or - because if it's from the Board or it's from an Advisory Committee, it's not going through the Council yet where the Council can negotiate.

What we've gotten into lately in the Council - or what, I guess, I don't know what they've done lately, but a while back was negotiate with staff saying can you get it in 30, yes, we think we can get it in 30, cool, then let's ask for it in 30. So either a negotiated time if it's going through the Council or a requirement that within a week they say, listen, it's going to take us three weeks, listen, this one's tough it's going to take us two months, and that kind of timing.

But I think staff has to be free to look at its workload, to look at whether the person they need to do it, the expert that, you know, is that - is totally booked for the next two weeks and therefore there's no chance that they can even start it sooner, to be able to give that information back. So, thanks.

Jeff Neuman: So, I think - I'm going to go to Alan in a sec, but what if there's - instead of having them have to come back with the actual issues report, perhaps within a certain time period or within the next meeting they have to come - staff have to come with a recommendation as to how long it will take them to do the issues report, when they can have it done and that's it, right.

So it's basically just a requirement for staff to just come to the Council (by the next), following the request for the issues report, and again we have the general rule in there for others that if it's not - if the request doesn't go to staff

before seven days prior to the GNSO Council that would be moved to the following Council meeting.

But essentially it's just you need to come to the Council with a date or an estimated date for the delivery of the issues report. And then the Council can discuss whether that's, you know, too long, too short, do better, we understand, whatever it is.

Alan, do you want to comment on that or you don't agree with that? Okay, do you want to...

Alan Greenberg: Oh, I'll disagree with it and give you my proposed solution. I disagree because that puts Council in the path of a request for an issues report which was not requested by it and they have absolutely no interest in it. And I don't think that's in anyone's benefit. The process allows issues reports to come from three different places, we decided that was appropriate early in the game, and I think Council cannot be involved in that process and agree to something which the requesting body did not agree to.

I believe what should be there is a simple statement saying it should be done in 15 days or we can pick another number, but I think (50) is completely acceptable or another time as agreed to by the requesting body.

Although I understand it was done in the past, these requests for issues reports are no longer tossed over the wall to staff. There is always discussion ahead of time, at least there has been in the ones I've been involved with. And I don't think we're going to revert to coming up with an issues report out of the blue and requesting it with no opportunity for discussion ahead of time in terms of scoping it and in terms of the time that it will take.

So I would think we'd say put a time and then add the caveat or other - or some other time as agreed to by the requesting organization. And I think we're completely covered.

Jeff Neuman: So...

Alan Greenberg: It - that maps exactly to the process that we've gone through in all of the last requests for issues report by both At-Large and the GNSO.

Jeff Neuman: So let me...

Alan Greenberg: And I think it's completely workable.

Jeff Neuman: The date you said was 15 or five-zero?

Alan Greenberg: I said 15. I said the number there is about as short as one could imagine is reasonable and I see no reason to change the minimum one for a fast pass because we, you know, because urgency is involved, but I think the norm is going to be a longer time as discussed by the relevant people. If we feel it must be 21 calendar days, fine I can live with that. But I don't think it's crucial because I think it's going to have to be a negotiated issue.

Jeff Neuman: So remember, you know, at the bottom of this discussion, and then I'll go to Margie, we talk about some additional things or some recommendations as to what should be in the issues report and so there's some more detail that we've put around it. So when you're talking about the timeframe, you know, we're asking them to do more than maybe what they've been doing. Or maybe not, maybe it's just a reflection of what they've been doing.

Alan Greenberg: Yes, I...

Jeff Neuman: Margie, do you have a comment?

Margie Milam: Yes, I did in response to Alan's thing about the, say the Board requests. I mean, I don't think it's appropriate to negotiate with the Board because they don't really act outside of their Board meetings and I think we saw this in the,

you know, the VI response for example. I mean, it's - you can't get a timely response to basic questions because they have their (selling) and their needs to, you know, whatever they've got other issues.

But I - but maybe what you do is, you know, and the GNSO Council even in that case is still involved. You have - and yes they don't vote to approve it, but they're going to be involved, they're going to discuss it, they're going to set up the Working Group, they're going to set up a, you know, Council liaison, so that it's still part of their process. And so I don't see anything wrong with allowing the Council to set the time.

I do think the reason that the - (with) - the bylaws has the 15 days, and, you know, I don't recall because I wasn't really that active in ICANN years and years ago, but it could have been that sometimes staff, you know, was delaying it or not taking, you know, responding quickly enough. And so, you know, the - that's probably why the 15 day period was there to begin with.

You know, we've kind of moved away from that, but you may want to include something like, you know, not to exceed and have an end date or something so that it just doesn't go on forever and have it be a range of, you know, time periods where an issues report is, you know, is timely.

Jeff Neuman: Okay. Alan, you have a comment on that.

Alan Greenberg: Yes, I don't think what I was describing was negotiations between the Council and staff or between the Board and staff or At-Large - or ALAC and staff, all I was saying is that when one puts this together there always are some corridor discussions. And if I'm sitting on the Board and crafting the resolution to request it, I'm stupid if I haven't at least unofficially talked to staff and found out, you know, some thoughts of what's going on and there's an opportunity to put a reasonable number in any motion of whatever body it is requesting the issues report.

And as far I can see that happens already and I'm - I see no reason not to institutionalize it. I can certainly live with what Margie is talking about, but I would not want to see it go to Council action to determine that, because that adds weeks and weeks and weeks into the process, you know, which could change the 15 day into a 75 day process or something or a 60 day process if it requires formal Council action to agree.

Jeff Neuman: Yes, so I'm not - (let me show) just to clarify what my proposal was was just having staff come back to Council and tell then what date they'll realistically have it done by. And it wasn't like talking...

Alan Greenberg: I think staff should come back to the body that requested it at the very least, not Council. But...

Jeff Neuman: Okay. Avri.

Avri Doria: Yes, I think I'm agreeing with what I understand your proposal to be and with thinking like staff is given five days in which to say this is going to take us X long and to give their date. And of course if it's an outrageous date then people will start yelling and screaming so it wouldn't be an outrageous date. And just to leave it at that that, yes, there has to be a fixed term so that we don't have, you know, oh you didn't tell us when you needed it kind of, you know, and, yes, I expect that these numbers came out of some case of that there having been a hard case and people having made a silly rule.

And I think it's enough to just sort of have a response time, not a response time with the report, but a response time to whomever asked for the report, yes, this one's going to take us 22 days, you know, yes, this one is going to take us 10, yes, and we already had this one (canned), you can have it in a week. You know, I just think that that is a sufficient indicator just, you know, give them five days to figure out how long it's going to take them, who's going to work on it, et cetera.

Alan Greenberg: And then there needs to be a cap in the bylaws because although we have extreme goodwill and competent staff at this point, sometime in the future we can't guarantee that we're not going to have staff basically stonewalling and saying it's going to take us (through) nine months.

Avri Doria: But then we've got a bigger problem than the PDP.

Alan Greenberg: Well, yes, indeed. But we're trying to draft (the minimal) of the bylaws.

Avri Doria: And the cap won't make a difference. I don't think we can make rules that will protect us against everything that might go wrong.

Jeff Neuman: Okay, so it may not be - just to try to kind of combine both of them, it may not be a bad idea to have a cap in the bylaws. Obviously that cap would not be 15 days, right. But so, Alan, if, you know, you're recommending a cap, do you have a date period that we could recommend?

Alan Greenberg: Well, I think if we put any cap there it's all - it's going to be the one - the number we use to be honest. So I wouldn't want to see anything longer than the 30 days, but in reality I think longer than 30 days may be a reasonable target for any give PDP. And - but I'm worried that as soon as you put a cap there that's the day it gets delivered. You know, work always exceeds the ability to do it. And certainly something...

Jeff Neuman: So I'd like...

Alan Greenberg: ...like this it is the case.

Jeff Neuman: But actually like...

Alan Greenberg: And I'm just one voice but I'm...

Jeff Neuman: Right.

Alan Greenberg: ...I think it's an important issue because I think it's what gives the PDP the weight of importance is that indeed we don't want huge delays involved in even deciding whether we do one or not.

Jeff Neuman: But I'd like - I'd actually like to move on to some of the other questions, but...

Alan Greenberg: I -that's fine. I've made my point.

Jeff Neuman: The one thing I might recommend, and I know Margie's got her hand raised, but maybe it's a question for ICANN staff. Maybe you guys come back to us and tell us given all of these things that we've recommended to be in there, why don't you come back to our group on email and say, look, we think this is the time that is a reasonable cap or is a reasonable timeframe to do it or even (a range) because right now - I mean this is primarily - it has been a staff issue so I'd like to hear from them.

(I'm trying to tell you) we don't have to take what staff gives us, but it be good feedback. Does anyone disagree with that? And Margie you have your hand raised, so maybe on this or something closely related but...

Margie Milam: Yes, it's similar. Yes, (it's for the) and, you know, I do agree with Alan. If you put 45 days it's going to end up - or whatever, you know, it ends up being the longer period. That the one thing, you know, the - just in past experience. The only issues report that I wrote was the Vertical Integration one and that took more than 30 days because it was requested right before Seoul and we did - and we also had the STI work going on at the same time and so that didn't get delivered until early, I guess, December. So sometimes it's the prioritization work that, you know, that has - affects the time.

I think, yes, I mean, and definitely I can take back to (Liz) and Marika and try to figure out, you know, at least from our perspective what works. Because that's - I think that was an unusual case. Most of the time the, you know, the

issues reports get done, you know, far quicker than that. And they'll have more information on how long it took us.

Alan Greenberg: Well, I'm not sure it's that unusual, Margie. I know on the post expiration one if we had requested it when we were in the position to request it, it probably would have taken 45 days, but we in fact delayed the request because of discussions with staff. And because we didn't want to have to force, you know, change the third - the formal 15 day process.

Margie Milam: Right.

Alan Greenberg: So I - that's why I like the idea of put - setting a minimal of time which doesn't set a huge cap which becomes the norm but yet gives the opportunity for it to be 15 days or for it to be 90 days.

Jeff Neuman: All right, so in the interest of moving it on, if Margie you can come back or Marika, come back and basically say, you know, this is - given these other elements that are in 4-A through see below, this is what we think is reasonable. And then we'll discuss that obviously on the list and see what we can come up with. But for right now we - this is really your issue.

Margie Milam: Okay.

Jeff Neuman: Okay, if we can jump on to the next series of questions, which, I'm going through my own email here, relate to - I believe the next one was the, yes, 16, Recommendation 16. Is that the next one you're putting up?

Margie Milam: Yes, give me a second.

Jeff Neuman: Sure. Okay, so go through while it's being put up, this relates to resources and prioritization and all - what we had - we didn't have a recommendation here. The concerns and questions were should there be a maximum number of issues that could be taken into consideration, at the same time taking into

account ICANN's staff time but also volunteer workloads and should there be a fast track procedure for emergency proc - for emergency issues.

We discussed this and we all said - there was overall agreement, there should be a mechanism for prioritizing and planning PDPs over time. We discussed a bunch of ideas which are listed. And then the group noted it would be worth checking with the Working Group Work Team to see whether they considered this. I don't believe that they have.

And then our other thing was some agreed that such a procedure and this is for the emergency could be developed but more time would be required in order to do so. Issues to be considered would include how to demonstrate a higher need and how to avoid (gaming) and some criteria suggested included does the community consider it an emergency and is the issue clearly outlined and a common goal clearly identified and the ICANN board and GNSO Council agree that there's urgency.

So those are the things that we discussed about it and then the discussion items for this email are, you know, in light of the ongoing GNSO Council prioritization activity, we may want to defer on that. You know, we also might want to consider further input for the community on how a fast track procedure could be devised that would allow for quick action.

And, again, this relates to another recommendation, 23, about expedited procedures. So I don't...

Margie Milam: Hey, Jeff, I think I've got one. What recommendation are you focusing on?

Jeff Neuman: This was 16.

Margie Milam: Sixteen.

Jeff Neuman: This is, yes, this is...

Margie Milam: Oh, I have it, okay.

Jeff Neuman: Yes, this is what you have up now.

Margie Milam: Okay.

Jeff Neuman: I just started reading at the bottom, so the concerns and questions to give some background.

Margie Milam: Okay, great.

Jeff Neuman: And, again, this is not one that we need to discuss now on the call, but we want feedback on a list. Does everyone understand the - I don't want to again discuss the substance, but I just want people to understand what we're talking about here.

And Avri's got to obviously - a comment on the whole GNSO prioritization finding it confusing and - and, you know, I must agree with Avri. I'm not - I've read some of the documents, but I'm not sure exactly what that all means.

Margie, do you have a comment?

Margie Milam: Yes, I mean, I do think it's really important for us to do a fast track procedure for emergency issues. I guess (unintelligible), you know, virtual integration was one of them where it would have been nice to have some (unintelligible) that we've all, you know, agreed to in advance and it somehow takes, you know, prioritization step into effect - into account. I don't - I agree with Avri and I don't know how you do that, but we need to get some thought on - to have a fast track procedure.

Jeff Neuman: Yes, there were - there was a lot discussed on the subject and I think - and James was certainly one who had asked the group what is an example of an

emergency and you, Margie, have raised one. I'm not sure I agree with you that that was an emergency. You know, when people have emergency in mind it was because there was actual harm that was being done, not working around some Board deadline which was sort of arbitrary in its beginning, right. It was the Board wants new gTLDs and they're kind of opposing arbitrary deadlines.

But, yes, James put on the list, you know, security and stability was the criteria for emergency and I'm not sure VI would fit into that. And in fact I think it was discussed and that's probably something that James had said and others have said that that would be gaming a system, right, you're basically creating an emergency where none existed. And it was an arbitrary - I call it an arbitrary emergency. An emergency set by the Board because they wanted to meet a deadline, but that deadline didn't have anything to do with security stability.

Margie Milam: Yes, now that I think about it, you guys are right. That's more of a prioritization issue, not an emergency issue.

Jeff Neuman: Right. Because then when you - if you do classify something as an emergency then you have these other procedures that have to be developed.

So I think our conclusion was at the time was really to put it out there that, you know, this group talked about, you know, an emergency procedure but couldn't, you know, we thought about this as being the criteria of security and stability and couldn't think of an example where this was actually something that we needed.

Alan, you have a...

Alan Greenberg: Yes, I think, although I don't have a concrete example, I think the fast pass would be used if the - in cases where the Board took emergency action but is required to refer to the GNSO for a longer term solution we may well deem

the Board emergency action so offensive, you know, that it was the only action they could take. But we really do need to develop some real policy on a fast pass.

So since the Board has not often used its pri - its ability to take emergency action, it's hard to find concrete examples where we then also need to take fast (track) action. But I think that's the scenario where the situation would arise.

Jeff Neuman: So if you - just to clarify, are you talking about - and then I'll go to James and Margie, are you talking about when the Board issues a temporary...

Alan Greenberg: That's correct.

Jeff Neuman: ...policy as defined in the contract. Okay. (I)...

Alan Greenberg: And the bylaws require it to go to the GNSO for the GNSO applicable ones I believe. And that's the kind of case where the GNSO may want to bypass as much of the bureaucracy as possible and come up with a longer-term solution, which is - which meets the test of a PDP but it is speeded up as much as possible.

Jeff Neuman: Okay, and, again, I'm not sure that, you know, just to play a little devil's advocate, and then I'll go to James, I'm not sure that it, you know, where the temporary policies in the contract say a year, in theory a PDP should be able to be done in a year without invoking any emergency procedures, and again, I say, that's in theory. But let me...

Alan Greenberg: (It)'s also hard.

Jeff Neuman: Let me go to Margie and then James.

Margie Milam: Yes, and I think I'm agreeing with you guys that we - the - what, you know, the contract you talk about (it's emergent) - you know, temporary procedure process, so we might want to make sure that our process, you know, would satisfy the, you know, the needs of the contracts. But there might - but setting that aside, there might actually be, you know, an issue where we want to move faster and, you know, you think of a - some of the malicious (conduct) things, you know, like (conflict) or (something like that).

Suppose that there was a very specific domain issue that's clearly within scope and needed to be enacted quickly, you know, we might want to have a procedure for that. So, you know, I can't think of an example in the past that has happened, but I do think it is possible that that high level, you know, security and stability issue of, you know, that relates specifically to domain - do domain names, you know, might come up.

Jeff Neuman: Okay. Let me go to James and then Alex.

James Bladel: Yes, Jeff, James speaking here. And I think that the emergency authority for the Board to do that, what Alan was (citing), is also predicated on the topic being or the context being a security and stability issue.

Alan Greenberg: Yes.

James Bladel: Is that correct?

Man: Okay.

James Bladel: So (unintelligible), we're all kind of singing from the same songbook here.

Jeff Neuman: Yes, I guess my one clarification though is that I'm not sure for that even a temporary policy that you need to have (differences). You may just need a (unintelligible) saying, (specific to this) process and even though there's

flexibility in there that for a temporary procedure we need - just need to make sure that everything is done within a year.

James Bladel: Well...

Jeff Neuman: Because...

James Bladel: ...I may be a little more cynical, Jeff. I just - I think that it - I think completing a PDP within a year is an emergency.

Jeff Neuman: Okay. Let me go to Alex and then to Alan - Avri and then Alan.

Alex Gakuru: Okay, thanks. I'm seeing a situation where maybe they - what Margie is talking about with the new gTLDs, maybe there is a concern and maybe some new issues may arise in as much as we didn't have the emergencies in the past hence the need to have some sort of mechanism of qualifying something as an emergency.

Perhaps what we could think of is maybe the criteria of defining what an emergency would be subjected to before it is approved to be an emergency. And then maybe that way we can address the concerns of the future. Because I'm sure maybe this is (right) but with the new gTLDs, but at the same time we create that criteria I think that might answer both ends of the spectrum and sort of get a place where we know if a (real) emergency is going to arise there is a cross check of (feeling) justifying it as an emergency. Thanks.

Jeff Neuman: Okay, Alex. And I think we tried to do that on some of the calls and going back to them it's just we - I'm not sure we necessarily got agreement on what those where, except for, you know, something - some imminent threat to security and stability I think.

But that's something we can't - or it's nothing - we shouldn't put that out for comment saying that, you know, our response could be the group did think that, you know, there should be some process for emergencies. The group had this, you know, had discussions as to what constitutes an emergency, these are some of the things that came up, we're seeking your input on this. And then of course, you know, once you do decide something's an emergency, you know, what is the fast track process, what does it keep in, what does it leave out, or does it just shorten things.

Avri and then Alan.

Avri Doria: Yes. Okay, hi, I wasn't sure I was going to say anything until I heard we were all singing from the same hymn book. And then I knew I wasn't. And I may actually betray more cynicism even than James. If we say it's just security and stability, we know that people will find some way to call anything they want security and stability. That has always been the mantra of if I want to say something's really, really important, I just call it security and stability and anybody can argue as to whether it is or not.

So I think that - and also to go in another way, I can think of things contractual that somebody may find some way to (game) a contractual condition in such a way that they can do harm to registrants. And I'm not even going to try and invent it at the moment because if I invent an example and it's at all realistic somebody will do it.

So but I can imagine that such a thing could happen. So I could see that there would be a contractual emergency where something was happening and registrants were really, really being hurt by it, either financially or losing their names or something, imagining a loophole.

So I think that anything that gets defined as an emergency would need to meet a very high criteria of just about everybody looking at it and say, yes, yes that is an emergency. And so I think it would have to be done through

some sort of vote threshold that basically says we've got a fast track, the fast track works this way, and you get into it with this kind of higher threshold vote. So another - you could start a PDP or you could start a fast track PDP and it's a different vote threshold or something like that. Thanks.

Jeff Neuman: Okay. And, you know, I think a lot of us in this group see your point, Avri, about how...

Avri Doria: (Unintelligible).

Jeff Neuman: ...people will try to classify everything as an emergency and I note that's something that James has certainly pointed out and others had pointed out when we've had this full discussion, you know, a couple of months back.

Alan.

Alan Greenberg: Yes, I think I agree completely with Avri on that. I think we should not try to define emergency. If we could define them all that well ahead of time we would probably be taking action ahead of time. People are very innovative and the world changes.

I think there's going to be enough pain involved in carrying out a fast track PDP in terms of reprioritizing, allocating resources, you know, Council taking extraordinary action that it's going to require - that requiring a vote. And I'm not talk - you know, I don't think we need to discuss the threshold at this moment, is going to be clear enough to everyone to say, yes, this is something, or at least a large number of people, this is something we need to do fast. And I think that enough - is enough of a deterrent that we don't have to define it carefully.

When one looks at how long it takes to do the process today - to start adding up how many Council meetings it takes to get to the point where a PDP is actually created, you know. First Council has to request the issues report.

Then it has to get it back. Then it has to vote on it. At each stage almost invariably we have someone saying we're not ready yet, there wasn't enough notice and we defer a meeting. And it can easily take five or six meetings to get to the point where you - Council even considers whether a PDP should be done, never mind actually starting the work on it. Then we end up having two meetings to discuss the charter.

The process right now is very long and doing it in a year from concept to finalization I think is virtually impossible. Not only difficult, but probably impossible. So I think we do need the process and I think that there will be a high enough threshold even getting it approved that we don't need to define it all that carefully.

Jeff Neuman: Okay. So I think that's probably, let me see if there's anyone, yes, probably a good place - and Margie, you've probably captured what we've been talking about or at least on - you can capture it afterwards to take some notes on this one.

And then, you know, look, there is five other emails that are out there that we don't have time to go through today. But we do need answers on fairly quickly or at least discussion on the email, so please take the time this week, I know I've said this every week, but if you can really make the time this week to do it and have those discussions. Even if it's just a one sentence thought on one of the items just to get discussion going, I would really appreciate it. And, again, we also have the full report to look at as well. So, Avri do you have - is this a new question or is this -- (hand popped up).

Avri Doria: Sorry, no, I just - I walked away from my computer, sorry.

Jeff Neuman: Okay. So I want to - I think this is a good place to end the call. We have a call next week same time. But please, we need your comments in by the end of this weekend so we can (finish) the report on the 30th, 31st, I forgot how

many days are on May. Whatever the last day of May or the first day of June is is to when this - are due. Alex, you have another comment?

Alex Gakuru: Just a quick apologies in advance for next week. I'll not be - I'll be in Ghana so maybe I will miss the call for next week. That's the only comment. Thanks.

Jeff Neuman: Okay, thanks, Alex.

Alan Greenberg: Jeff, can we assume that the 15th date is really by the beginning of start of work on the 17th? The date for commenting on the report.

Jeff Neuman: It's more of a - Marika who's got to assemble this - assemble the comments. But I guess I will speak for her. Probably by the beginning of her day on that Monday.

Alan Greenberg: Yes, that's what I meant.

Jeff Neuman: Yes, so I assume that the beginning of her day on Monday in Europe in Brussels would probably be the real deadline because I don't - I'm not sure if she's going to look at it over the weekend.

Alan Greenberg: She often does, but she shouldn't be required to.

Jeff Neuman: Right. Okay.

James Bladel: And we shouldn't count on it.

Jeff Neuman: And Margie if you can...

Alan Greenburg: And again, that's the weekend also which is valuable time from my point of view.

Jeff Neuman: Right.

Man: Okay.

Jeff Neuman: Margie.

Man: Thank you, Jeff.

Jeff Neuman: You're welcome. Margie, you just...

Alex Gakuru: Bye everybody.

Jeff Neuman: Yes.

Man: Bye, Jeff.

Woman: Bye.

((Crosstalk))

Woman: Did you say something?

Jeff Neuman: Margie.

Margie Milam: Yes.

Jeff Neuman: Yes, it's just - if you could just pass on to Marika that I...

Margie Milam: Yes.

Jeff Neuman: ...said it was okay to do it by, you know, the first thing on her Monday morning, which is actually the 17th.

Woman: I'll (tell her) that.

Jeff Neuman: Okay. Thank you.

Margie Milam: Okay, thanks. Bye.

Jeff Neuman: Bye.

Gisella Gruber-White: Thanks, (Nicola).

Coordinator: Thank you. Just stopping the recordings now for you.

Gisella Gruber-White: Thanks.

END