

**GNSO
Operations Steering Committee (OSC) GNSO Council Operations Work Team
13 October 2010 at 17:00 UTC**

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Participants on the Call:

Ray Fassett – Registries Stakeholder Group

Wolf Ulrich Knoben – ISPC

Ron Andruff – CBUC

Avri Doria – NCSG – vice chair

Staff:

Gisella Gruber-White

Glen de Saint Gery

Julie Hedlund

Apologies:

Eric Brunner-Williams - Individual

Operator: Excuse me. This is the operator. I need to inform all parties that today's conference call is being recorded. If you have any objections, you may disconnect at this time, and you may begin.

Gisella Gruber-White: Thank you. Good morning. Good afternoon. Good evening to everyone. On today's call we have Avri Doria, Ron Andruff, Ray Fassett, Wolf-Ulrich Knoben. From staff we have Julie Hedlund, Glen de Saint Gery, and myself Gisella Gruber-White. We have apologies from Eric Brunner-Williams.

If I can also please just remind everyone to state their names when speaking for transcript purposes. Thank you. Over to you Ray.

Ray Fassett: Thank you, Gisella. This is Ray Fassett. So a couple of housekeeping items to start. First, any updates on disclosures of interest that anybody would like to state?

Okay. If not, I would like to pick up on a subject matter we discussed on the last call, which pertained to Avri's status as the Vice Chair of the group. I requested that Avri inform us today of her desire to continue in that role. So off the bat Avri, have you given that further thoughts? And, do you - have you arrived at a position?

Avri Doria: Sure. This is Avri.

Ray Fassett: Yes.

Avri Doria: Okay. Obviously, I...

Ray Fassett: Before you start, I'm going to interject.

Avri Doria: Okay.

Ray Fassett: I made the request that Avri seek to work within the role of Vice Chair while still being allowed -- and perfectly understood by all -- to champion a position if she so choosed. I believe as the Chair that those two things can co-exist, even if the individual on their own volition wants to recuse themselves of the role of Vice Chair because they feel it is in their best interest and belief to do so.

Okay. With that said, please Avri.

Avri Doria: Okay. I think I made it really quite clear and probably made a total pain of myself in making it clear that on several issues regarding the SOI and DOI, and in fact our role in even discussing it, that I have a view that is being

championed by me, to put it in the mildest form. And if you all are comfortable with that, including comfortable with the possibility that after all is said and done, I may be you know asking to insert a personal contrary opinion - I guess it's called a minority opinion in any report we put out. And if all things considered you guys still want me to play that role, I'm willing.

Ray Fassett: Okay. Let's have a brief discussion. Wolf or Ron, do you have any thoughts on that?

Wolf-Ulrich Knoben: Yes. Wolf speaking. Thank you. Avri, I've - I'm fully open to that and agree to that, what you have just mentioned. While I would accept that way you are arguing and how you are going to proceed in our discussion and with your role as Vice Chair. Thank you.

Ray Fassett: Okay. Ron, anything?

Ron Andruff: This is Ron. No, I have no problem with that. Thank you.

Ray Fassett: Okay. So, I would like to formally follow-up on last week's call that as the Chair of this work team, Avri has - and Avri has - and Avri you can correct me if I'm wrong, she has withdrawn her resignation as Vice Chair and/or it has not been accepted by the Chair on behalf of the interests of the work team.

Okay. Anything not accurate there Avri?

Avri Doria: Nope. I think the - the with all and/or been rejected is a fine way to put it.

Ray Fassett: Okay. Thank you very much. Okay, so let's move forward. I have the - on agenda item today based on the - as I said, the sentiments of the last call, you know there's a procedural matter at play as well as a substantive matter at play. The procedural matter has to do with whether or not this work team is rightfully the venue if you will, to be discussing adopted resolutions by the

GNSO Council that came originally from this work team, then to the OSC, then to final adoption by the GNSO Council.

So procedurally, if there are matters of modification to those things that have been adopted, should - is this work team the venue for that? That's procedural matter. The substantive matter is that an issue has been brought back to us with regards to the idea of the current adopted language stating that declarations of interest are to be a written statement or document. That has been brought back to us.

We had a discussion on this last week, and we landed with not 100% consensus that we are okay or it is worthwhile - let's use that word, worthwhile for this work team to at least entertain looking at the language and put forth, if we get there, a modified recommendation of the language to the OSC where it would then - could be debated again at the OSC level, whether or not it should even be accepted procedurally. So, that's where we are.

I would like to know if anyone disagrees with that, in relation to where we landed on our last call.

Avri Doria: This is Avri. Can I comment?

Ray Fassett: Yes. Of course.

Avri Doria: Okay. I don't know if I'm disagreeing with it being where we landed on or not. I'm not quite sure how to parse that. I did send an email and I know that you don't want to get bogged down in the procedural issue, and perhaps this will be a good time for Wolf and/or Julie to talk about the GNSO Council meeting.

But, it is - I have basically two points to make on this. One, it's like this is no longer just an OSC issue because the PPSC's work team has accepted the notions that were proposed by this group on (SODI) - SOI-DOI, and have inserted them into their work. So as we start to change things unilaterally and

say it goes up to the OSC, because what we're only talking about for the Council, and whereas the working group working team accepted this for working groups, we take a problem of A, either unilaterally making that decision for a group within a different Steering Committee; or B, sort of ending up with two different rules on SOI/DOI, once for Council Members and Council and one for working team members and working teams. So, there's that complexity that I think has to be taken account in procedure.

And second, I think if I understood - I was listening to the Council meeting as it was going on, and if I understood correctly, and I'm sure that Wolf and/or Julie can and will correct me, that this is still an open issue in the GNSO Council, something that they're going to discuss at their next meeting and hopefully resolve in terms of should it be the previous Steering group that makes changes post-approval? Should it just be the Council itself that says, "Hey, this is silly we change it," or should it be this yet to be fully formed standing committee that does it?

So given that that's still an open issue at the Council level, I'm not sure - in fact, I'm fairly sure I don't believe it's appropriate for us to deal with again.
Thanks.

Wolf-Ulrich Knoben: Ray?

Ray Fassett: Yes, Wolf.

Wolf-Ulrich Knoben: Wolf speaking. Thank you. So, I would like to add something to Avri was saying, in that my understanding was a little bit different. So, I think Avri, you just brought up two things. The one is the question with regards to the implementation of the recommendations for the improvement. And with regard to that question, whether a different Steering Committee should be established, or whether the existing Steering Committee should take those points - those items for the future and also control the implementation. That's one point.

And the other one, that's the different one that was the - basically with regards to the DOI/SOI handling in the future. So, let me - with regards to the second point, the SOI and DOI, the Council - let me say - well formally - that way, some people of the Council seem to be still very confused about how to act with regard to SOI and DOI. That is reflected in advance of the Council meetings, at the time being that for example, Chuck and others are going to submit a written DOI.

So, Chuck is - (whether) he's going to (service) the agenda of the Council meeting, he points out every time in advance which are the main items to be discussed that everybody could think about, okay. Is he - is his DOI touched in any sense in this regards - with regard to that items? And some people are sending written DOIs, others do not, so it's confusing whether it should be done or whether it would only be asked in advance (but there is some) (unintelligible) to the existing DOIs to be done. So, that's one point.

And that resulted in the end in a request from some people on the Council level which asked - because it's very confusing, and this team - (unintelligible) its team may be not able to cover those points or to come up with a satisfactory solution (unintelligible) (Council) (unintelligible). So, let's take this point, the DOI and SOI, and discuss it in a new - newly to be established committee or kind of working team. So - and I argued in that (unintelligible) - I said, "Okay. No, that's not possible. We shouldn't do that if somebody is of the opinion that somebody - that something should be changed with regard to that, then please join our GCOT team here." So - and that's the right way how to do that in the future.

So at the end it's still open at the time being, and it's open for further discussion. There is no decision taken about that. And - okay, so far from my point of view. Julie if missed something, please complete that. Thank you.

Julie Hedlund: Actually Wolf -- this is Julie -- you are very precise, and thank you very much for that.

Ray Fassett: Okay. So you know, being the impartial Chair that I am -- this is Ray -- you know, I am stating that there's to me no harm in this work team working in parallel with other things that are yet still open. So, I don't see any harm in this work team taking up the discussion, exploring if you will a remedy, recommending what this remedy could potentially be and leaving it up to others to either accept or reject on any basis, whether the substantively or legitimacy of it, procedurally speaking.

So unless there's objection to that, let's just move right in to...

Avri Doria: There is.

Ray Fassett: Okay. There is objection to that. Avri, I take it.

Avri Doria: Yes.

Ray Fassett: Is there...

Avri Doria: And there's two points.

Ray Fassett: Yes.

Avri Doria: One, you're right. I mean, in some sense we could talk about anything in any group, then you know take it or leave it at the end of the day what's harmed, other than perhaps wasting everybody's time a little.

Ray Fassett: Yes.

Avri Doria: The other issue that I bring that no one's responded to was the fact that once the (unintelligible) we did was sent up and approved, it was adopted by a

working team in the PPSC. And so, I'm looking for clarification of you know, by what right do we now change something that has been adopted?

Granted, it was this group's work in the first place, has been adopted by a working team in the other Steering Committee, and the danger there of A, either unilaterally presupposing something on another group; or B, ending up in a situation of perpetual confusion where if it's the Council it means one thing, and if it's a working group it means something else.

So, I think there's more to it than just waiting for the Council to make up its mind in two weeks about what the right thing to do is.

Ray Fassett: Well I know, but let me just ask for clarification on this PPC - PPSC issue. Are you stating that that group adopted the same language that was eventually - okay, so is it fair to say that that group was working from a wrong assumption, because what ended up being the adopted language was not what the - so if they were starting from the wrong place and all we're doing is looking to inform them of that fact on the one hand...

Avri Doria: As you know, I don't accept that premise at all. I think we have shown - I think we have seen that what Ken reported - what Ken wrote is what we were saying. We reviewed it. We acknowledged it. It went on. I think that we may want to discuss changing it. But for us as a working group to say that someone on staff got our intention wrong is I think wrong. I think our intention was properly recorded, and (unintelligible) is against it.

Ray Fassett: Okay. Stop there. Yes. No, this is an important point, so stop there, and now I'm just going to look at the two others on the call to see if they agree with that, that staff got it right or did staff get it wrong. I'm not trying to blame staff. What I'm trying to do is understand from the other work team members if they feel that it is not what was the original intention of the group. And now Ron and Wolf, I'm going to need you to weigh in on that.

I know you have already, but I'm asking again please.

Ron Andruff: This is Ron. I think...

Ray Fassett: You can make it brief, because I know you have already.

Ron Andruff: I have a quick question though, in advance of that. Is the PPSC, does it fall under the OSC or is it a separate body...

Avri Doria: It's parallel.

Wolf-Ulrich Knoben: (Unintelligible).

Ron Andruff: It's a parallel body, right? That's - so that's where the rub is, if I understand it from Avri.

Avri Doria: Yes. Wonderful. Yes.

Ron Andruff: Okay. So, I just need that point of clarification. I can come back to that in a second. But in answer to your question Ray, the - this is not about finger pointing. What it is is we've got a lot of busy people doing a lot of busy stuff. We're volunteering for ICANN. We have calls every two weeks. I honestly do not keep my mind focused over the two week period on this work team. What happens is I think about the elements that need to be addressed. If there's work that I need to do, I'll get that done during the two weeks. But more or less, what happens is I do a quick review about an hour or so before this call happens to refresh myself as to where we are and everything and what I need to be - so I'm ready for the call.

This is one of those things that fell through the cracks where people checked (about) - checked that box. For my part, I checked that box. As soon as we got the DOI language - we got the SOI language, I checked the box. Now when it came - when there was some back and forth and clean up the language, I didn't go back and re-read all of the documentation as clearly as I

should, and I take full responsibility for that. But, the net result of what we're trying to do is not make people within the GNSO working groups jump through hoops. What we're trying to do is streamline an activity so that we get a - more transparency in the organization overall.

So while I agree with Avri's arguments about you know, procedure and do we have a right and this and that, all of that is you know all fair. Bu, the reality of that is a mistake was made. Some of us - one of us don't agree that a mistake was made. Others of us do agree a mistake a made. But they - when we took a vote the last time, everyone overwhelming agreed DOI should be a verbal thing. I think we should just take this back to the OSC and have the OSC instruct the PPSC as to that there was an error coming out of one of the work groups, and it looks like it seems to be compounding as it gets further out. So, the OSC Chair can bring this to the PPSC Chair and get that corrected.

But we need a correction here, and we cannot start - when Wolf just made the comment that there was some discussion about get another committee to go back and look at this, that's insanity. We've already been on this all - these calls for weeks and weeks, and months and months, and it's just - this is long past its due date. We should've been wrapping up this group a long time ago. So, I think we need to cross the last Ts and dot the last Is, get this - get the corrected things - you know, that we've revised, amended, or corrected - whatever each element was that we are working now, get those to the OSC, and then let the OSC have its final review and disband this group. But, get this area clarified.

Ray Fassett: Very good. So, we're 23 minutes into the call right now. Now, Julie sent after our last meeting what we asked her to do, which was go back and see you know, discover if you will where these discussions took place and try to find you know, an intent if you will. And, intent can be subjective; however, I did review those. And as the Chair, it is unquestionably objective to me that the statement of interest was meant to be a written. There is just no gray area

about it, whereas in the DOI discussion it is not objective at all. It is not clear cut at all whether it was the intention of the work team to have it be written or not.

So, if I use that as the barometer - the comparison if you will - the starting point, a way to go about this, I think that is a reasonable way to look at it. If anyone can disagree that it is absolutely black and white that the Statement of Interest was intended to be written, whereas it is not the same for the DOI, please speak up, because...

Avri Doria: Okay. This is Avri again.

Ray Fassett: Yes.

Avri Doria: I'll agree that in terms of the conversation it was not made explicit that it was not written. It was associated with the SOI and DOI that they were essentially the same sort of thing but had different intent, different purposes with no differentiation made between them to say, "But, this one is not written." So first of all, it's quite clear that they were associated with each other, and that one of them was quite clearly stated as written, whereas the other one had no statement attached to it, adding to that the fact that after the discussion text was floated to us that explicitly discussed the DOI as written.

I read that text. I understood that text to say DOI is written. I understood that to be in accordance with everything else we had said. And, no one else raised a hand to say, "Wait a second. DOIs are not written." And we all reviewed the text. We all discussed it over and over again and wordsmith and everything. So to say, "Oh, I didn't really read it," I don't think that stands proof for the (unintelligible)...

Ray Fassett: Well Avri, let me just - we're talking about - what we're acknowledging is there's an error. What that error is, whether we're...

Avri Doria: I'm not acknowledging that there's an error. I think if we say...

Ray Fassett: But, we have a...

Avri Doria: I think if we say that we want to change it, we could change it. But, I do not believe it's an error.

Ray Fassett: Okay.

Ron Andruff: Well Avri with respect, I'm -- this is Ron -- I'm telling you again, it was an error on my part. There's zero - there's little - a zero doubt about that. There's no question about it.

Ray Fassett: No, I think it was an error - Ron, I think it's an error of the work team. So I mean - so anyway, now whether Avri wants to agree it was an error or not, I'm just saying that that seems to be the position here. There's an error here. It doesn't matter who, why, or how. The fact is it exists, and that's you know, the basis of why we're going down this path.

I thought Ron, your remedy of the OSC Chair being able to talk to the PPSC Chair is certainly reasonable in terms of - in that concern. And Wolf, one last comment on this, then let's just move to it, okay.

Wolf-Ulrich Knoben: Just a quick comment really. So, I would like to urge all of us really to look at this. It should be manageable and really (handy work) for all of the work team members and Council members. And, I got impression on the last Council meeting that people - you know, they would like to have one and this is necessary to have something which is easily (handy work), you know. And in that case really, if I might have - I really don't know whether I would rather have that in advance to that? If I might have motive for a written document, it is now I would see it as a mistake, really.

So, I also am in favor of not for a written document in this respect.

Ray Fassett: Okay. Let's move forward. I sent out an email a little while ago just before this meeting that from what I can see in the current Adapted Rules of Procedure, the language that needs to be looked at is simply - and I could be wrong. Julie, you can correct me. I don't know - I don't think Ken's on the call, but it's just the definition of Disclosure of Interest. It is just that language that is really causing all of the...

Julie Hedlund: Right. Yes. This is Julie, Ray. And so, the version that came out of that call that I referenced in the summary that I made of the various calls had included the term written in both the Statement of Interest and Disclosure of Interest definitions. And, that is the only place it appears.

Ray Fassett: All right. So, that's what's causing all of this, if I understand it, to be - is the definition of Disclosure of Interest where the word written is contained in the second sentence. Does everybody have this definition in front of them?

Ron Andruff: Yes.

Ray Fassett: Okay. I'm going to read it for the record. "Disclosure of Interest. Relevant to a specific issue at a specific time, a written statement made by a relevant party of direct and indirect interests that may be commercial -- example, monetary payment -- or non-commercial -- example, non-tangible benefit such as publicity, political, or academic visibility -- and may affect or be perceived to effect the relevant party's judgment on a specific issue."

In that definition, I am looking to the group here to offer a remedy of how to correct the confusion that this needs to be a written statement.

Anybody have any ideas?

Avri Doria: This is Avri. A little bit of historical revision in them always worked. Let's say we didn't mean written to mean written.

Ray Fassett: Right.

Avri Doria: We meant written and then not written.

Ray Fassett: Right.

Ron Andruff: Could you literally - it literally describes the word written - a statement made by relevant parties.

Ray Fassett: I had an idea that I'll float out. I was going to say something to the effect - a voluntary statement, whether written or oral, made by a relevant party. A voluntary statement, whether written or oral, made by...

Wolf-Ulrich Knoblen: Ray?

Avri Doria: Can I ask a question?

Ray Fassett: Yes.

Wolf-Ulrich Knoblen: Ray?

Avri Doria: Okay. Wolf was before me.

Ray Fassett: Okay. Wolf first.

Wolf-Ulrich Knoblen: (Made) just for clarification. That sounds to me that the statement is - should be voluntary, not to question whether it's written or not written. So, that's the difference. Do you think - do you see (we) would like to (formulate) it in that way that the statement should be voluntary - on a voluntary basis maybe?

Ray Fassett: Before I answer that, is your question Wolf are we trying to bring clarity - is your question that we're trying to bring clarity that the Disclosure of Interest is to be - isn't to be voluntary?

Ron Andruff: No. It's more the way you read that statement Ray -- it's Ron -- the way you read that statement, it sounds like the disclosure is voluntary, rather than whether it's written or it's verbal.

Avri Doria: Yes. That was my observation as well.

Ron Andruff: That's it. That's it.

Avri Doria: That you were making it an optional thing.

Ron Andruff: Yes. And if I may...

Ray Fassett: Yes. My intention is to do that. I think it has to be.

Ron Andruff: No. No. No, it's not. The DOI is not optional. The DOI is made before every meeting. That's an absolute.

Ray Fassett: Oh, no. No. The procedure of asking for a Disclosure of Interest is a requirement...

Ron Andruff: That's my point, but the way you've written it, it sounds like I could choose whether to - as a participant, I could choose to give you something or not give you something. Whether - that's my point. I can give you a DOI or not give you a DOI is my choice the way it's written now. So, what I - so I think what...

Ray Fassett: Isn't that reality?

Ron Andruff: Yes. So, I - but all three of us heard it that way. So what I was going to - I was thinking we just come back and take away the word written. It's just that simple. I think - let's not try to (kill the lily).

Ray Fassett: All right.

Ron Andruff: Disclosure of Interest, relevant to specific issues at a specific time, a statement made by a relevant party.

Ray Fassett: Yes.

Ron Andruff: Boom. Done.

Ray Fassett: Yes.

Ron Andruff: And because we asked that that statement - and I'm not sure if we asked when that statement to be made, but I think we've recommended that it be made at the start of the meeting, somewhere in the text. So, we just stick with that.

Ray Fassett: I think that was very well said. Anybody else have any comments?

Avri Doria: Yes. I have one.

Ray Fassett: Okay.

Avri Doria: I agree that it was - that your reading was making it optional, and okay - now I see that you're not going to make it optional. I think the other thing that comes up in the how that is made, and that's another question that has come up. And, this one I think is gray all over. On whether people were individually asked do you have a DOI update? Do you have a DOI? Or people were - groups were asked, what has - seems to have become the practice is, "By

the way, does anybody have a DOI update to make? No one? Okay. Fine. Let's move on."

So - and I don't think that we're clear on that either. And in fact, I know that there's been confusion, and perhaps somebody can point me to where we're clear on that. So in fact, you said when you were reading it, "Oh and yes - and that at some point in time, you know a question is asked." So, while we're doing clarification of alleged mistakes, do we also want to deal with that issue?

Ray Fassett: The - that's again - is your question a procedural question of the timing of when?

Avri Doria: It's basically not so much procedural of timing, but procedural as to how it is done, because that was also considered ambiguous.

Julie Hedlund: And Ray, if you'd like I can give you the language that Avri is referring to that sort of clarifies what the sort of problem is I think that arises from it.

Ray Fassett: Yes. Do you want to read it Julie?

Julie Hedlund: Sure. I'll go ahead and read it.

Ray Fassett: Is it long?

Julie Hedlund: No, it's not.

Ray Fassett: Okay.

Julie Hedlund: Under Section 5.4, a Disclosure of Interest Procedures, 5.4.2, duty to remind participants and speakers, a sentence within that paragraph states, "Participants should be polled individually by the Chair to ensure that all

updates to respective Disclosures of Interest have been received, and those responses shall be recorded in all minutes.”

Ray Fassett: Yes.

Ron Andruff: So - yes.

Avri Doria: But, that’s not my point there. So, there’s two points in there. One, you’ll have to change the word received because received implies written, as opposed to DOIs that have previously been made, which doesn’t include the assumption of it being written. And, we have to clarify the question of polled individually. Which - okay, it explicitly says polled individually, and everyone is going, “That takes too much time. That’s too hard.” You know, “Let’s just do it as a group question.” Which again if we want to change things, and if we presume the right to change things, that has to be part of this package I think in terms of if what we’re trying to do is fix mistakes that people have identified as making their participation in the meeting and in the process too onerous.

Ron Andruff: I agree. I agree that that has to be changed.

Ray Fassett: Okay. So before we go to 5.4.2, which I now have in front of me and see the issue at hand -- thank you for raising that -- are we in agreement that as far as the definition is concerned, we - our recommendation is to simply delete the word written from the definition of Disclosure of Interest?

Wolf-Ulrich Knoben: Yes.

Ray Fassett: Okay.

Avri Doria: And I’ll be abstaining on the basis that I don’t believe we have the right to make that decision.

Ray Fassett: Not only that...

Avri Doria: Right.

Ray Fassett: ...you are also free to provide a descending opinion in that.

Avri Doria: Yes. As I say.

Ray Fassett: Yes.

Avri Doria: I'm just - and you know, since you asked (this) obvious thing (unintelligible)...

((Crosstalk))

Ray Fassett: I'm not - this isn't a vote. I'm just (unintelligible)...

((Crosstalk))

Avri Doria: I won't vote against it. Just want to state my point clear. I won't vote against it because I think it's a great idea. I just think procedurally we're going all over the place.

Ray Fassett: Yes.

Avri Doria: So, all I'm saying (unintelligible)...

((Crosstalk))

Ray Fassett: And for the record we're not voting. We're simply discussing...

((Crosstalk))

Avri Doria: (Unintelligible).

Ray Fassett: ...and trying to reach a consensus view, while at the same time allowing a substantive...

((Crosstalk))

Avri Doria: Right. Minority view.

Ray Fassett: ...you know, a descending - yes, a minority view or descending opinion, which I think is healthy by the way, for those that will be reviewing you know, from all angles the issues at hand here. So, I - actually, I think it's very healthy, Avri.

Okay. So on the 5.4.2, is there any suggestions on how to modify the language to resolve the - to offer as a remedy?

Avri Doria: By the way - this is Avri again. On this one, again I'll be abstaining, but I am so grateful to see it changed, because I argued against having to poll at every meeting, but everyone else was in favor of it and I eventually stood down. So, to see you guys decide to change it, even if I think procedurally it's a horrible thing to be doing. I think it's a great idea.

Ray Fassett: Well, that's new information to me. So, are you saying that you're...

Avri Doria: Oh, I was always against the individual polling.

Ray Fassett: But, (unintelligible)...

((Crosstalk))

Avri Doria: I insisted on doing it once the written was - rule was written.

Ray Fassett: Well, sure. Sure that makes sense, but I'm trying to understand. You're saying that others that are involved in these meetings are saying that they're in favor of individual polling?

Avri Doria: Oh, I have - no. No. No. It was my perception of what the rest of this committee wanted was the individual polling, and in fact I remember us having discussions on that where I was in a minority saying that'll be too onerous.

Ray Fassett: Probably true, given your experience. I'm just trying to understand in the practical sense...

Avri Doria: No. As a practical sense, I think it's universally people have said asking a group question at the end is sufficient. I have not heard anyone - I was insisting on doing it...

Ray Fassett: Yes.

Avri Doria: ...until everybody booed me to where I stopped doing it, but...

Ray Fassett: I understand. Okay. Thanks for clarifying that. And by the way Avri, if you wouldn't have put in play in practice, we - you know obviously, there's been benefit to your doing that. So, it's not gone unnoticed.

All right, so any discussion on this in terms of the language of how to remedy. Any ideas?

Ron Andruff: Well, I think we - just looking through the paragraph now, if you look at the B section of that 5.4.2, it says, "At the beginning of any ICANN meeting, forum, or discussion being coordinated or moderated," blah, blah, blah, "the Chair shall encourage all speakers to provide Disclosure of Interest prior to beginning their remarks."

Ray Fassett: Yes.

Ron Andruff: So, that's public meeting right? That's an ICANN public meeting. So if we bring it back, we can say that the Chair - participants - rather than participants should be polled individually by the Chair, we could say that the Chair will open the meeting by asking -- I'm just talking just general terms -- open the meeting by asking if anyone has a DOI - Disclosure of Interest, and the response to that request shall be recorded in all minutes. The response from the working group members or working team members will be recorded in all minutes.

I'm just trying to be consistent with the way it's being approached in - make A consistent with B, and we just want to say that we remove this idea of polled individually. So, does that make sense to you all?

Ray Fassett: It does to me. I'm kind of just thinking to myself can you collapse A and B together? Do we have - I remember us discussing we wanted to distinguish between ICANN public meeting and not a public meeting, because I think there was -- if I recall correctly -- the sort of nagging issue that people aren't disclosing at public meetings. So, we want it to be crystal clear. But, I'm just asking is - can A and B be collapsed into one?

Ron Andruff: This is Ron Andruff.

Ray Fassett: Yes?

Ron Andruff: (Unintelligible).

Ray Fassett: Any thoughts to collapsing A and B together?

Wolf-Ulrich Knoben: (Will it be final)?

Ray Fassett: I think it's probably in the first sentence of A where we...

Ron Andruff: (Unintelligible)...

Ray Fassett: Where we simply say something to the effect to - that includes ICANN public meetings, you know somewhere in that first sentence. And getting in there the timing at the beginning - and I'm talking out loud here, too. So, I'm picking the first part of B and throwing it into the first part of A and saying, "At the beginning of any ICANN meeting, including public meeting, the GNSO Council Chair or Vice Chair, or Working Group Chair," all right? Julie are you kind of understanding my logic here?

Julie Hedlund: Yes, this is Julie, Ray. Yes, I'm trying to parse it out. So yes, we could say, "At the beginning of any ICANN meeting, including public meeting, forum, or discussion being coordinated or moderated by the GNSO, the person acting as Chair or coordinator of the public meeting, forum, or discussion shall encourage all speakers,"...

Ron Andruff: To request.

Julie Hedlund: And - well, yes. Should we - yes. Because we got to get relevant - we got to get the word - the phrase relevant parties in there, because there's a good chunk of these procedures relate only to relevant parties as opposed to you know, speakers in a public meeting.

Ron Andruff: I would suggest, Ray if I may, that we keep them broken apart, but we might use the same kind of language here that you're looking for. I understand where you're going, but I think that there's two different things. One is a working group and it's closed meeting, and it's a smaller group. The other is it's a public forum environment, and so it's an encouragement in that case. You know, please - you can't really force someone to go to the microphone and say, "Okay. I'm going to give you my DOI right now." As much as a working group we meet regularly. We're you know, focused on a specific topic or a series of topics.

So, let's try to keep those two separate, but I think you know where Julie's going with the language in terms of rationalizing the language. We might be able to use the same kind of terms, but we do need this idea of relevant parties, and that's really the first part of that Section A.

Ray Fassett: All right. So in a nut shell, what we're asking is that in A, we get in there at the beginning. And in A, we remove the requirement of individual polling.

Ron Andruff: Yes.

Wolf-Ulrich Knoben: Yes.

Ray Fassett: And then with that, I will look to Julie and say okay, can you take that advice and craft A to capture those two things?

Julie Hedlund: Yes. And I'm wondering - this is Julie. I'm wondering - because I'm just looking through A, and I'm wondering if we - what we're saying is that you know, a GNSO Council Chair -- blah, blah, blah, blah, blah -- shall remind all participants to provide Disclosures of Interests and update Disclosures of Interest at the beginning of each meeting, during which the relevant parties (unintelligible) -- blah, blah, blah -- at that time - what if we just took out the next sentence and then continued at that time, anyone who has a question of the interpretation or meaning of a relevant party's Disclosure of Interest - because what we're saying already is is that the Chair is going to remind all participants to provide Disclosures of Interest.

Ray Fassett: Yes. I think...

Julie Hedlund: And then, anybody has a chance to ask any questions about them.

The only thing that we don't have in there - oh, no. It does. Because then we said to which the disclosure pertains, expressed Disclosures shall be

recorded in the minutes of that meeting. So, we sort of already say remind them to do it. They do it. It's recorded. And then you know, anybody can ask questions about them.

Avri Doria: This is Avri.

Julie Hedlund: Yes.

Avri Doria: That one point - other change on there, since you have the received, you could probably change the received word to the previously recorded.

Julie Hedlund: Received...

Avri Doria: In other words, because in the first phrase that it talks about any changes to the DOI received. So, received has a connotation.

Julie Hedlund: But, I don't see...

Avri Doria: I'm not looking at the text at the moment, so I'm doing it from...

Julie Hedlund: Yes. There isn't - the word received actually only appears in the second sentence. The first sentence just says remind all persons to provide Disclosures of Interest and updates at the beginning of each meeting - blah, blah, blah, blah. The second sentence said participants will be polled individually and that all updates and respective Disclosures of Interest have been received. If we delete that...

Avri Doria: Oh, we delete the whole sentence, yes.

Ray Fassett: Yes.

Julie Hedlund: Then we won't have the word received in there.

Avri Doria: Got it. Got it. Thanks.

Julie Hedlund: Sure.

Ray Fassett: That remedy happens to work for me. Is there - anybody else have any thoughts?

Ron Andruff: Works for me.

Ray Fassett: Wolf?

Wolf-Ulrich Knoben: Yes. Is okay for me.

Ray Fassett: Okay. No for sake of consistency, I have to state that I don't believe this sentence was an error. I believe this was our intent folks. We intended when we did this for participants to be polled individually.

Ron Andruff: Yes. No, I don't disagree. I agree with that. We had said you know, this is - but it was a lot of talk about how do we keep people honest? What are the - you know, what are the rules here that would make someone be honest? And that was the whole point, to put people on the spot. So, I don't disagree that that's where we're at, but...

Ray Fassett: I think in...

Ron Andruff: ...now we've got it in hindsight, it just doesn't make sense. So, that's where I'm coming from.

Avri Doria: Can I make a recommendation then perhaps?

Ray Fassett: Yes, Avri.

Avri Doria: Can we - since we are opting -- I guess whatever the procedural judgment may be of that -- since this group is opting to change something where this is unquestionably not an error, can we just sort of bite a bullet and sort of say because of the issues that have arisen with the implementation of these things as written, this committee has decided to recommend that they be changed, without any mention of mistakes, intentions one way or other.

And doing that, while I'll still work through my NCSG post to sort of say it's not this group's job to do it, I'll still argue that in the OSC that it's not this groups to do it. I won't feel the need to make a specific statement in this.

Ron Andruff: I have no problem with that.

Ray Fassett: Wolf?

Wolf-Ulrich Knoben: Okay. Yes. Okay.

Ron Andruff: That might be an elegant solution out of this problem.

Wolf-Ulrich Knoben: Yes.

Ray Fassett: I don't have a problem with it. This is Ray.

All right. So, I think we - I think that's a good idea. We'll see how that goes, so I'm not against it.

So, we've got our modification as a result of this meeting. A work product that we have from this meeting is the modification to the definition of Disclosure of Interest and the modification to 5.4.2. I would ask that Julie prepare the redline -- if you will -- of those two things, send it around to the list. And if a few days go by, say Monday at the latest, I will send it to the OSC Chair as our recommendation.

Julie Hedlund: Ray?

Ray Fassett: And Avri, you'll need to get your statement in there.

Avri Doria: Well as I say, if - as long as we couch it properly and we're not claiming that we're correcting mistakes, but we're claiming that we're fixing things that the public finds onerous, I don't need a statement. I'll make one in OSC about the appropriateness of this group having done it, but I don't need to attach it to this group.

Ray Fassett: I see that, and I understand that better now. Okay, good. Yes, Julie.

Julie Hedlund: Yes. So I know I missed this call, but I tried to follow-up by reviewing the notes and so on. But, the call where the Contents section was discussed, it was several calls back. Sam Eisner was on that call from Legal. At Section 5.3.3, Contents, it is the section that has not been approved by the GNSO Council, and it the section relating to a list of entities with which ICANN has a transaction, contract, or other arrangement. What is the disposition of that section?

Ray Fassett: I think what I am trying to do here -- I'll answer that -- is I'm trying to slice and dice here. I want to fast track if you will, where it seems that there is a sentiment from the group that it can be fast tracked. These Sections 5.4.2 and the definition, so that those that are actually trying to follow the procedures are not bogged down. And, we're addressing concerns timely as they've been raised.

So now, you're question is talking about something else. It's talking about language that has not yet been adopted by the GNSO, correct?

Julie Hedlund: That's correct.

Ray Fassett: Okay. So, that now is a different track that we would be heading down. It is still an open point in my view how we are dealing with the issue of whether staff and contractors are to be complying with the Statement of Interest and Declarations of Interest. I don't think that impacts our ability to fast track these two particular remedies. Is that - do others agree, or is there something not correct in that logic?

Julie Hedlund: I don't disagree, Ray. I was just looking for clarification.

Ray Fassett: All right. The clarification is it's an open point. We are doubling back to 5.3.3 on our list of things to do. We can probably do a little bit of that today.

Julie Hedlund: My - I do actually - and if we do, because we're getting close to the hour - I do have some suggested language for discussion by the work team from Sam that was sent I think after one of the previous meetings that changes the language in the Contents section, and I can send that around for folks to look at if you would like.

Ray Fassett: Before you do that, is there anything in your interpretation -- because you have the language -- that impacts in any way what we have agreed upon in terms of this modified language to the definition and to Section 5.4.2 that we just decided upon? Is there anything in that that affects that?

Julie Hedlund: Ray, this is Julie. From my part, nothing that I can see.

Ray Fassett: Okay. All right. Then that's fine. So, let's - so what I'm trying to do is I want to check off these things as we go, and so once we get this redlined version of the definition in of 5.4.2, and assuming no further objections or discussion by the work team, it is ready to go from - as a work product of this work team to the OSC for - as our recommendation for their consideration. And we're all in agreement on that?

If so, then let's move to 5.3.3.

Ron Andruff: Yes. We're in agreement.

Wolf-Ulrich Knoen: Yes. Okay.

Ray Fassett: Great. So, let's go to 5.3.3. I think at high level again, without getting into the nitty-gritty of the existing words and start wordsmithing - at a high level, the issue as I understand it to be is the question of should ICANN staff and contractors be required to follow the Rules of Procedure as it pertains to SOIs and DOIs in their participation in ICANN Council meetings, work groups, et cetera, et cetera? That's the issue.

Julie Hedlund: And Ray, this is Julie. If I might at this point say that the Legal staff are preparing a response to that question. They've been studying it and they have something that they'll be sending I think soon. They just didn't have it ready for us today to look at.

Ray Fassett: All right. So rather than spin our wheels, should we continue to discuss the theory of this? Should we take five minutes to do so, or should we just wait until we get this staff input and have the whole picture in front of us and then go from there?

Julie Hedlund: And I should say Ray -- this is Julie -- that the staff input will pertain to you know, whether staff should provide SOIs. But, there is the other issue of whether - of a - through the - having a list of contractors is a separate issue?

And, I know that one that Kristina Rosette had raised was even if there is a list of contractors, if it's - you know if it's luminous, she - you know for instance, wouldn't be able to say with certainty that you know whether or not she had any ownership or investment interest. And Sam has suggested some alternate language to these questions in 5.3.3.4.i, ii, et cetera, that would sort of reduce the requirement of the respondents to ask sort of

exhaustively to determine whether or not you know if they have a possible interest in any possible entity with which you know, ICANN does business.

So, I sort of see that the response you'll be getting from Legal relates to the staff SOI, as opposed to the issue of the contractors.

Avri Doria: Ray?

Ray Fassett: Yes.

Avri Doria: I would think if you spent the last I guess four minutes at this point thinking slightly on your proposal, and perhaps in the process of answer the question I asked on your proposal about how it would treat consultants, I think that it'd be a great way to close up today.

Ray Fassett: Can you repeat your question?

Avri Doria: My question was you put out a proposal that we're trying to sort of find a middle line between staff having to do SOIs and perhaps staff doing DOIs when they had some outside interests that might pertain, and I felt that was an interesting possibility. And the question I asked you, how would that proposal deal with the consultant who happens to have ICANN and someone else who may or may not be pertinent as a customer?

Ray Fassett: Oh, I see an email.

Avri Doria: Yes.

Ray Fassett: I'm sorry.

Avri Doria: That's cool.

Ray Fassett: Okay. Okay, yes. I - all right. Let's try that real quick. How about if we look to first talk about ICANN employees for a minute? Let me ask the group their opinion.

If staff - if ICANN staff at our request informs us that all ICANN employees are duly obligated to represent the interests of ICANN the organization at all times, including their involvement in policy venue and work groups, is that reason enough for us to say why individuals that are employed by ICANN are not required to file a written SOI? That is my question. Staying away from contractors for a minute.

Avri Doria: My view is that it's worth thinking about. I'm not sure yet.

Ray Fassett: Yes. Good answer. Okay, Ron or Wolf, any quick last minute thoughts on that question?

Ron Andruff: Well, this is Ron. From my part, it was more -- you know after we talked this through in the last call -- it seemed to me the bigger issue was contractors. Full time staff have got an obligation to the company, and there's no doubt about that. Contractors - guns for hire, so they could be you know involved in all manner of things. So, that's where I think I - contractors should certainly be doing an SOI/DOI, but I think the staff should be exempt based on what you just said.

Ray Fassett: Okay. All right, we have to have language from staff that states that. I mean, we're not just going to - what I'm trying to say is we have to have language from staff that states that they - that full time ICANN employees are obligated to the organization.

Now the last I remember, we had language. It said that their bound to the duties of the organization and to Internet users. I was having a little difficulty with that, because it was - it got too ambiguous. So, I think we need - you

know, the real crispness in order for us to say, "Okay. Here's why we don't think staff members need to have a written DOI on file."

But, that's my opinion. Others might say, "Yes. That's fine. As long as they're saying that they're representing the organization and Internet users, that's enough for us." I don't - it doesn't really matter to me to be honest. Any thoughts on that?

Avri Doria: This is Avri. So, we've hit the 2:00 and we're starting to get (unintelligible). I think that some sort of policy statement relating to employees and their participation in groups would be needed from staff. And therefore, it then becoming something that is (redressable) in for example, some of the cases that - you know, like Eric talked about without passing any judgment on whether that one was an appropriate case or not to take action. That if inside a working group there is an impression that a staff member is not meeting the prescribed - the department for a staff member as you know, declared by the staff in Proclamation Number you know, 57.3, then you know, there is this redress to be taken.

So, I don't think that we need to get one per working group, or we need to get one per Council. If staff and Legal wants to say you know, staff members never voice their own opinion, and if they do they have done something wrong. All staff can ever do is voice the opinions of ICANN, or whatever it is they want to say, then they should say it. It should be a public you know proclamation...

Ray Fassett: Right.

Avri Doria: ...and be something that's enforceable.

Ray Fassett: Right. That's a - that is very well said. That's exactly what I was thinking. So - okay, so we just need something from staff there, and then I think we'll all be comfortable. You know, we'll review if - you know what the staff provides

us. But assuming it is sort of like what Avri just described, I think we'd all be comfortable then saying why staff members are not required to have a written SOI on file. Are we all agreed with that?

So, there's another open item action item for you Avri, right - I mean Julie, right?

Julie Hedlund: Yes.

Ray Fassett: Yes.

Julie Hedlund: This is Julie. It's my action item, and in fact I'll convey also to Sam that we discussed this and we are looking for that language.

Ray Fassett: Okay. So that...

Julie Hedlund: And we'll also (unintelligible) action.

Ray Fassett: Okay. So now to contractors.

Avri Doria: Well, you also have your DOI piece.

Ray Fassett: Well, the DOI piece - right. If...

Avri Doria: I felt that was fine for SOI. The DOI piece might be worth considering also. I thought that was clever, you know that if somebody happens to also be a volunteer in some other organization and is working on the same issues, that's worth knowing. It's not a bad thing, but it's worth knowing.

Ray Fassett: Yes. And hopefully in time and practice, staff members who are -- like in your example -- say participating in an IATF venue will realize that they're gaining respect and stature in their work by you know, consistently disclosing those kinds of things. That's the idea, isn't it? Which is different than a

requirement, I suppose right. I don't know how you police or manage, or - on a requirement level. Others can bring it to other's attention, like you know, "Hey, John Smith, aren't you also part of the IATF working group?" So, a few times going through that exercise, I think the individual decides, "Well, I'm just going to disclose it." Isn't that the spirit of what the DOI is supposed to be about?

Ron Andruff: Well, this - yes. Yes, I think that's the spirit, but the principle is that something has occurred more in the short-term, something just happened and that's why I'm declaring my interest in that. Because if it's a longer term interest, I should have that noted in my SOI.

So if I'm working for a company that has a relationship with ICANN in some form; registry, registrar, whatever and I note that in my SOI, but then I take on a position at IATF where I'm responsible for some specific policy issue, then that's a short-term thing. Now if I move over to the IATF, I'd become a staff member of theirs, then that goes on to my - would go onto my SOI.

Ray Fassett: Yes.

Ron Andruff: Does that clarify that? So, it's something that's happened in the short-term that's not part of my long history. But if it becomes - if it's going to become part of my longer history, then I need to correct my SOI, which is a written document. But these Declarations of Interest are just to clarify that at this moment this is happening and I want everyone to be aware.

Ray Fassett: But other than watch dogging, how do you require the Declaration to be made? The offer - the ability for the person to make the Declaration...

Ron Andruff: Yes. And if they do not, then as you said, "Hey John Smith, don't you also do this," that's when we have those remedies in place to take it then to the Chair and say, "Hey. You know, this guy - I'm very clear that he has a conflict, and I'm telling you about it," and then the remedies kick in.

Ray Fassett: I don't think there's really any other way to do that. I don't think you can - so on the one hand we're saying, "Okay staff, you're absolved of having to complete a written Statement of Interest," and on the other, "You are on the honor system that you will declare things that you feel are - should be declared as these issues come up."

Ron Andruff: Exactly.

Ray Fassett: That's what we're saying. Avri, I'm not sure you're comfortable with that.

Avri Doria: I'm comfortable as long as it is reasonable for them to be invited to make the DOI. If there's no expectation that they comment on these things, then there's no way to prevail on them you know because if you say, "Hey. You know, I know that you've been arguing - you know, that you've been participating in the IGF, and that you've taking various policy positions with regard to gTLDs in the IGF. And yes, I acknowledged that the IGF is a voluntary activity, but still you haven't mentioned that here." And I get, "I have no obligation to mention that to you. I'm an ICANN employee and that's all that matters. Leave me alone."

Ray Fassett: Well maybe - well no, let's go back to 5.4.2, very first sentence.

Avri Doria: Well, that's all participants.

Ray Fassett: Remind all participants, including any ICANN staff member.

Avri Doria: Okay. As long as it says...

Ray Fassett: How's that?

Avri Doria: Yes. That works for me.

- Ron Andruff: Yes. And that simpler language will be all participants and staff, not including...
- Ray Fassett: Yes.
- Ron Andruff: It's not like there is a special inclusion item, but all participants including staff.
- Ray Fassett: Yes.
- Avri Doria: Yes. That kind of language works for me.
- Ron Andruff: Just the bad staff I guess...
- Avri Doria: I don't know that it'll work for staff however, but it does work for me.
- Ray Fassett: I think that what we're saying to staff is you had a problem with the Rules of Procedure requiring you to submit SOIs and we hear your problem. We acknowledge it. We accept it even. Now when it comes to DOIs, this is what we feel needs to get you there. I'm perfectly - I think that's truthful and straight forward.
- Ron Andruff: Agreed.
- Ray Fassett: Okay. So Julie, there's a new modification to 5.4.2 beyond just deleting the one sentence.
- Julie Hedlund: Okay. However...
- Ray Fassett: I know what the however is.
- Julie Hedlund: Maybe - that may be affected by the discussion of the language that Legal will be sending shortly.

Ray Fassett: Okay. All right.

Avri Doria: And so this allows us to respond to that.

Ray Fassett: Okay.

Julie Hedlund: But if we're sending it to the - I'm only...

Ray Fassett: We're not. We're not. Let me back up.

Julie Hedlund: ...(unintelligible) OSC for approval, that might...

Ray Fassett: Let me back up. Back up. Back up. I'm only going to send out based on this latest discussion that's the modified definition at this time.

((Crosstalk))

Julie Hedlund: (Unintelligible)

Avri Doria: There's no harm in waiting for finishing everything to send anything.

Ray Fassett: Okay. That's fine too.

Avri Doria: I mean, people are already doing what they're doing.

Ray Fassett: Okay.

Julie Hedlund: My understanding - this is Julie. But the - this language from Legal is imminent, and so I shouldn't think that we should have to wait too long, and I'll emphasize this again in my message back to Sam. But my understanding was it was in the works, so...

Ray Fassett: All right. So...

Julie Hedlund: ...maybe we'd be able to sort kill two birds with one stone if we can wait just a little longer.

Ray Fassett: Okay. And as you're going back to Sam, maybe you could just throw out there do you see a problem if the language -- remind all participants, including ICANN staff participants...

Julie Hedlund: I will actually. I'm going to try to make this...

Ray Fassett: Yes. Just...

Julie Hedlund: ...point very clear both you know, the inclusion of staff in the SOIs as well as the DOIs and the change there as well.

Ray Fassett: And please on behalf of us, explain that this how we're trying to get staff its request of not having to complete SOIs as the rules require. That's - you know, we're not trying to trap anybody here. We're actually trying to get to a finish line per their needs and desires as they communicated to us.

Julie Hedlund: Right. I will make that clear.

Ray Fassett: Okay. All right, so contractors real quick. It's ten minutes after the hour, bur real quick as we speak to contractors, is part of the concern whether you are a full time contractor or part time contractor?

Ron Andruff: Well, a contract to the contract is a contractor.

Avri Doria: Right.

Ron Andruff: That's the bottom line.

Avri Doria: No such thing as full or part time. I mean yes, you might have 40 hours, but that doesn't mean you don't have another contract with somebody else for another 20.

Ron Andruff: Right.

Ray Fassett: All right. Can - all right. So, I think we're probably there on staff employees. You know, can someone describe to me what their concerns are real quick, and then we'll close the call. And the issue of...

Avri Doria: Yes.

Ray Fassett: Yes.

Avri Doria: I could be a contractor. I could have a 20 hour contract with ICANN and a 20 contract with ITU.

Ray Fassett: Okay.

Avri Doria: And, that might give me mixed signals. There's nothing to stop me from doing that. I don't assume that there's any exclusivity clause in an ICANN contractor (cause) especially if it's not a full 40 hour. And, there's no barrier to them having other contractors, so one could very easily contract with two sides of the same question and be doing completely honorable stuff.

I don't mean that they'd be doing dishonorable stuff, because I could be working for the ITU in their you know Radio division, and I could be working for ICANN in their gTLD division, and no overlap between the two of them. So it's not dishonest, but the fact that I'm involved in both of these organizations, and to some people -- and by the way, I don't if any one (unintelligible) that fits the case -- and that these two are in conflict and that therefore, there may be some background - you know, perceptual conflict type of issues should be put on the table.

That's the most extreme kind of case I can think of, but I know if I was the type of person that ICANN was willing to hire, I could easily be in that situation.

Ron Andruff: I don't disagree.

Ray Fassett: Okay. So, are we - so we're definitely delineating employees versus contractors. And as we leave this call today, we're still sort of - the pendulum is still swaying where the contractors are required to participate with the SOI.

Avri Doria: I would think so.

Ray Fassett: The written SOI.

Ron Andruff: Yes.

Ray Fassett: Know that we haven't gotten there. We haven't gotten - so staff's request was - I believe staff's request was you know, "For reasons that we have, including legal reasons that we have, we do not feel - we would - we feel that ICANN staff, employees, and contractors cannot participate with the SOI rule." And we're coming back and saying, "Okay. We have found a way to accommodate you and staff employees, but we've not yet - we're not there yet for contractors." Is that where we're leaving things.

Ron Andruff: Yes. Absolutely. Let's just think about it for a second Ray. I mean if I - the only difference between the work we're doing right now with ICANN and being a contractor is that we would get paid for this. We're doing the same work.

Ray Fassett: Yes.

Ron Andruff: So when Ken Bour, you know who is a contractor, supports us in his work and drafts the document, he has the pen. He has the ability to write the words. We have the ability to come back and edit those words - remove the words. But the fact of the matter is he is very much like us. The only difference is he's getting paid. So, I'm just saying that that's the delineation from my side. I think Avri said the same thing. And I think that's the point we're at.

Avri Doria: Yes.

Ray Fassett: Okay. Great. So, I think that - I think it's...

Avri Doria: The only thing I would add...

Ray Fassett: Yes?

Avri Doria: ...contractors who don't have an exclusive contract. I mean, you can have an exclusive contract.

Ron Andruff: Yes. That would be the...

Avri Doria: They would be the same as an employee.

Ron Andruff: Okay.

Ray Fassett: Oh, okay. Good. All right. All right. That's good clarification. So, I'm really - this is - a lot of this is for Julie's use, because she's going to be the one going back internally to ICANN, explaining -- as she does well by the way -- what it is we were saying, discussing why, the reasons, and I want to make sure that she can articulate that well internally to Sam and others that, "Look. I think the work team has met your requests - met our requests," I'm sorry, "on staff, people - employees not having to fill out an SOI. Here's the remedy. They are also - for the same reasons as it pertains to full time, exclusive

contractors, but they're not there yet as it pertains to non-exclusive contractors." That pretty well sum it up?

Ron Andruff: Yes.

Ray Fassett: And, I think Julie can run with that and do - you know articulate our position, as she will have to do. Is that right Julie?

Julie Hedlund: That's right Ray. This is Julie, and that seems very clear. So - and I'm just preparing a message for Sam, so I'll have it all fresh in my mind.

Ray Fassett: Okay. So let's move to any other business, unless there's objections. And Julie, if you can just give a quick high-level summary on your meetings last week as it pertains to the future interaction of say OSC or even PPSC work teams, as it relates to this new Standing Committee that's out there. And I've seen Avri inquiring about the status of this committee, and I wanted to just have any - this committee has to do with the implementation of the working group input and approvals by the OSC or PPSC, et cetera.

There's this standby committee that's going to be working on - looking at how well they're being implemented, address issues, et cetera, et cetera. And, I'm looking to see if there was any discussion on that that you can share, Julie?

Julie Hedlund: Ray, this is Julie. Actually, really the only discussion we had, and it wasn't really among staff, was we were very interested in the discussion that Wolf described at the GNSO Council meeting. We're looking for guidance there. So you know, as staff if the Council says you know, "Well you know, we'd rather shift this work into the Standing Committee," then obviously that's what we'll do. And you know - and that was - you know, this is going to be an issue that's going to be revisited at the next Council meeting.

So, I think one suggestion that (Rob) had made during the GNSO Council call, and just as a point of order, was that you know - and this was relating

you know, to even just making a quick decision on the written DOI issue, which now this group has actually addressed, was that you know a standing committee can take some time to form. You know, there needs to be a charter developed, et cetera. But you know, there seemed to be urgency among the - several of the Councilors to address the issue of written DOIs. And (Rob) had said, "Well, the Council said you know make a resolution." I think Wolf alluded to this too, you know just saying, "Well, we can decide that they won't be written."

But, it was you know determined that the - you know, this group - this work team is working on this issue. And as you've done today, you've made the changes in the document which seem to be consistent with some of the discussion that I've heard in the Council meetings. So long story...

Ray Fassett: Okay. Well - yes, I think I understand. So the GNSO Council is going to be taking up the issue of this new Standing (unintelligible)...

((Crosstalk))

Julie Hedlund: Standing Committee. Right. And we'll...

Ray Fassett: Yes. The Standing Committee - whatever. Yes.

Julie Hedlund: We'll just be guided by what they...

Ray Fassett: Yes. Good. Good.

Julie Hedlund: You know, as - you know obviously we'll support this work team and the OSC work teams and PPSC work teams as long as they're you know, making improvements. And then if there's a new group, then we'll move on and support the new group.

Ray Fassett: Understood. I think that was a good explanation.

Wolf-Ulrich Knoben: Ray?

Ray Fassett: Yes, Wolf.

Wolf-Ulrich Knoben: Wolf speaking here. Just to add something that Julie was explaining here. So, there - you know from my perspective, there's a tendency on a Council level not to implement a new Steering Committee in this implementation rather than to leave it up to the existing Steering Committees, OSC, and PPSC since it's already in their charters you know, to deal with it.

Ray Fassett: Well, something caused this Standing Committee to be created.

Wolf-Ulrich Knoben: Yes. But you know, there was a discussion about it you know, and somebody came up, I don't know that it was (Rob) or so saying okay. But if you look to the charters of the OSC and the PPSC, there's already something in it with regards to reviewing the effectiveness of the implementation.

Ray Fassett: So are you saying the gist of that is that they may unwind the need for this Standing Committee. Is that the gist of what you're saying?

Wolf-Ulrich Knoben: Yes. But no, not unwind the need of the Standing Committee. But, that means the existing Standing Committees could take this ICANN staff...

Ray Fassett: Yes.

Avri Doria: (Can) we get a slight bit history?

Wolf-Ulrich Knoben: For that (unintelligible)?

Ray Fassett: Yes.

Wolf-Ulrich Knoben: And for me, let me just complete that. As for me, that means - so it's now the (GSC), (COC), and the PPSC should be triggered let me say to figure it out and to start with that task. So, that's what is to be done.

Ray Fassett: Okay. I think I understand. Avri.

Avri Doria: Okay, the slight bit of history. It's at the beginning of these implementation issues, the idea had been actually to form an Operational Standing Committee and a PP Standing Committee protocol, whatever PP stands for. I forget at the moment. There had been incredible long objection from the Council at the time on creating a standard - a Standing Committee and hence a - committees were specifically designed to be these Steering Committees that had a job, got them done, blinked out of existence with the notion that if we needed another committee at some later time or after they were finished to review the work, we would do that.

And so now all of the sudden, we're sort of taking these designed for one purpose committees designed to blink out of existence non-standing committees to all of the sudden become Standing Committees is actually sort of funny.

Ray Fassett: Understood. Understood. Okay. I think I'm understanding now. There is a question out there of whether this new - again not new, but pre - the idea of the original - having this committee that is not yet really launched, could be redundant - the question is being raised as to whether there's redundancy to the existing two bodies if you will - the OSC. In other words - okay, so there...

Avri Doria: That's part of bureaucracy.

Ray Fassett: Yes.

Avri Doria: OSC and PPSC don't want to blink out of existence, want to exist forever, and so we have two forever instead of bringing it down to one.

Ray Fassett: Yes.

Avri Doria: You know. Yes. Bureaucracies exist to self preserve.

Ray Fassett: Okay. Well you know what, after hearing that, all the more reason why I think a group of volunteers such as us, where it's been brought to our attention there are just some things that need to be remedied sooner rather than later just adds to my belief that I'm glad we did.

Avri Doria: (Unintelligible). And for me, it's just the opposite.

Ray Fassett: Yes. Understood. So with that, I will ask if there's any other discussion. I would like to schedule a call for two weeks, or I'll ask the group do you want to do one next week?

Ron Andruff: Well, let's ask the question. What is the work still on the table to do? Let's just...

Ray Fassett: Yes. It's really - has to do with we're still going back and forth on the staff - you know, the staff roles and completing SOIs - written SOIs, contractors. And then the issue - this modified language that's coming our way from Sam with regards to the need, or the ability, or the need as the language is written now to create contractor lists. So, it's those things inter-related, tied together...

Ron Andruff: And that's it?

Ray Fassett: That's it as far as...

Ron Andruff: That's it?

Ray Fassett: That's it.

Ron Andruff: Then let's - if it's - if the others agree, let's get this call next week. Let's just get this box checked.

Avri Doria: Okay. I won't be on the call next week. I'll be traveling, but have fun.

Ron Andruff: And Wolf, how about yourself for next week?

Wolf-Ulrich Knoben: Well, tentatively I'm also on travel - will be on a travel, so - but it's undecided yet, but it seems to be, yes next week. So...

Ray Fassett: I'm going to say that these issues are too touchy. And in the spirit of getting things done fast, if we don't have the full compliment - that I think by the way is when you mash you guys up, it's like awesome. And if we don't have the full compliment, I'd prefer not to have the meeting. I want Avri there, Ron there, and Wolf there. And I think that's actually going to be more expedient than if we don't.

Wolf-Ulrich Knoben: But it would be helpful if you have something on the table you know, before the next Council meeting. The next Council meeting is in two - it'll be in two weeks on the 28th of October.

Ray Fassett: Well, what other day next week could work?

Avri Doria: There won't be an OSC meeting in the intermediate, so...

Ray Fassett: Is there another day that can work next week besides Wednesday?

Avri Doria: No. I'm really - I think that I'm meeting in Brussels on Monday, I travel on Tuesday, and then I'm in Armenia speaking to a Council of Europe meeting on Democracy and the Internet. So, I'm totally useless next week.

Julie Hedlund: Ray, this is Julie. If I might suggest we might be able to accomplish some things on the list. If - you know, we've got the changes we've agreed to today, and then we'll get something from Legal shortly and...

Ray Fassett: Shortly. Okay. By the way, I hear that word shortly from Legal a lot.

Julie Hedlund: Yes, I know.

Ray Fassett: Especially lately.

Julie Hedlund: That's the best I can do.

Ray Fassett: And I - I almost went to the Merriam-Webster Dictionary yesterday to look up the word shortly.

Julie Hedlund: Yes. Yes.

Ray Fassett: It's starting to - well anyway, that's a different story for a different day.

Julie Hedlund: Yes. It's also like the word soon.

Ray Fassett: Yes. But okay, let me go this direction. How's Friday look for anybody? Well, do you think we'll be getting this stuff - when we say shortly, you know, tomorrow?

Julie Hedlund: My only - it's just I can't speak for them, so I can't...

Ray Fassett: You can't speak for them. Does anybody - okay, can we tentatively set something up for Friday?

Ron Andruff: Friday the 22nd, or Friday the 15th?

Ray Fassett: Friday the 15th.

Julie Hedlund: This Friday?

Ray Fassett: Yes.

Avri Doria: Oh, this Friday?

Julie Hedlund: Yes, this Friday.

Ray Fassett: Using the word shortly.

Avri Doria: Really now?

Julie Hedlund: Well, and I can let them know that we're having the meeting this Friday to discuss this.

Ray Fassett: And yes...

Avri Doria: Yes. I'm free Friday afternoon.

Ray Fassett: All right. Let's try Friday afternoon, same time, and the reason for the - really the sense of urgency is we do - I think it is important to get something in front of the Council before their next meeting and next week is impossible for us to do that. So okay. So...

Julie Hedlund: And that's another good point for me to make as well in my message is that you know, we really do need to tie this up and need to be able to get something - which means it has to go through the OSC and then to the Council is my understanding, so...

Ray Fassett: Yes. Very good. All right, let's do it.

Ron Andruff: I've got it in the book for 1:00 on Friday the 15th.

Ray Fassett: Correct.

Ron Andruff: Very good.

Ray Fassett: All right. Thanks everybody. With that, let's adjourn - end the recording and adjourn. Thank you everybody for your help today.

Wolf-Ulrich Knoben: Thanks.

Ron Andruff: Bye now.

END