

**Policy Process Steering Committee (PPSC) Policy Development Process (PDP)
Work Team (WT)
TRANSCRIPTION
Thursday 03 February 2011 at 14:30 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 03 February 2011, at 14:30 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-20110203-en.mp3>

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Participants on the Call:

Jeff Neuman - Registry Stakeholder Group - Work Team Chair

Tatiana Khramtsova - Registrar Stakeholder Group

Avri Doria - Non Commercial Stakeholder Group

James Bladel – Registrar Stakeholder Group

Alex Gakuru - Non Commercial Stakeholder Group

Paul Diaz - Registrar Stakeholder Group

David Maher - gTLD Registry Stakeholder Group

ICANN Staff:

Glen de Saint Gery

Marika Konings

Margie Milam

Gisella Gruber-White

Absent apologies:

Wolf-Ulrich Knoblen – ISPC

Alan Greenberg – ALAC

Coordinator: This call is now being recorded.

Gisella Gruber-White: Thank you. Good morning, good afternoon to everyone. On today's PPSC PDP call on Thursday the 3rd of February we have Jeff Neuman, Alex Gakuru who will be joining us shortly again, Tatyana Khramtsova, James Bladel. From staff we have Marika Konings, Margie Milam, Glen de Saint G ery, myself, Gisella Gruber-White. And apologies today noted from Wolf Ulrich-Knoblen.

If I can please remind everyone to state their names when speaking for transcript purposes? And I'll let you know as soon as Alex is back with us. Thank you. Over to you Jeff.

Jeff Neuman: Okay thank you. I'm just looking at the attendee list and it's kind of small. We basically just have registry...

Gisella Gruber-White: David Maher has just joined, sorry.

Jeff Neuman: Okay thanks. Basically just registries, registrars and one...

((Crosstalk))

Jeff Neuman: So I'm kind of at a loss here. I don't know how much progress we can actually make - hey, Alex, you're back on.

Alex Gakuru: I'm back on, yes Jeff. Thank you.

Jeff Neuman: Okay. I'm not sure how much progress we could make with, you know, we don't have Avri; we don't have Alan; we don't have any of the Commercial Stakeholder Group including any of the BC or ISP or IP reps.

It is, you know, a number of us were on a call earlier this morning - or afternoon depending around the world - where in the world you are. So let me throw - we don't have much time which is my concern and we've made a promise to get this out.

So I was initially going to start back up with the human rights issue but since Avri is not on it was really her - we'll delay that issue until the next time. And where we left off was on Page - on the issues list, Marika, correct me if I'm wrong, Page 21?

Marika Konings: That's correct.

Jeff Neuman: And it was on the - the voting thresholds?

Marika Konings: Yes at the bottom.

Jeff Neuman: So I'm going to say we push along until - for an hour, see what progress we can make, until 10:30 my time local time. So why don't we push along because we have to get this done and we'll see the progress we can make. And, you know, it's up to others who missed the call to catch up.

Gisella Gruber-White: Sorry to interrupt, Jeff, Avri will be joining us shortly. Thank you.

Jeff Neuman: Okay so maybe we'll come back to that one issue. So if we look at the voting threshold issue - well this is one that was raised by Avri and Alan, both are not on the call, but we can see their comments.

So the question was should the approved voting threshold apply to the entire GNSO Council or just members present? I thought we addressed this earlier. Marika, wasn't this the one where we talked about seats with proxy voting and with notice of abstentions that it's - there may not be a need to further refine this? And I think that's what Alan had said.

Marika Konings: Yes, this is Marika. I think that was my understanding as well. But the comments that Avri and Alan made seem to indicate that they do feel that there's a need to add something.

Jeff Neuman: So if we look at Alan's comments the question is still applicable but it must be rephrased as just members voting; capable of voting does not mean that they do. Okay, well voting - so I think we talked about this the last time, right, that if someone's on a call or if there's a proxy that's - or if there's - not a proxy, what's it called when there's time allowed after a vote for Council members to vote? There's certain circumstances...

Marika Konings: Absentee - absentee voting.

Jeff Neuman: Right. Where that occurs if someone doesn't vote that's called - that's the equivalent to an abstention correct? I don't know if Glen is on.

Gisella Gruber-White: Glen's coming online.

Glen de Saint Géry: Sorry, Jeff, you wanted to ask me something?

Jeff Neuman: Yes hey Glen. Thanks for joining us. I know we've been kind of busy today. If there's absentee voting, right, that's the right word, if someone doesn't - still doesn't vote does that count as an abstention or does that count as - which basically is a no vote or does that count as something else?

Glen de Saint Géry: Not it's counted as just a vote that hasn't been voted so in fact it counts as a no vote.

Jeff Neuman: Right because we don't reduce the number - the...

((Crosstalk))

Glen de Saint Géry: We don't reduce the number of - we don't reduce the quorum for that.

Jeff Neuman: Right okay. So that being the case and Alan's comment is (unintelligible) voting I think it's - I think the voting threshold question is answered by the current rules unless anyone disagrees.

All right hearing no disagreement, Alan's not on the call, we're going to take that as resolved at this point unless he tells us next meeting that there's something we missed.

All right if you go to Recommendation 20 the recommendation was - or is that we recommend working with the working group work team to provide input on the working group guidelines section or annex that will be dedicated to a PDP working group, best practices for developing a charter.

I think - and this is probably Avri's comment too - it's a bit late for the recommendation, right, since it's already now at the council level. So, Marika, how do we - I mean, the Council has already taken the working group work team report, has already sent it out for public comments. So, Marika, you have the floor.

Marika Konings: Yes, this is Marika. There is actually a placeholder in that document for specific requirements for PDP working groups once this group completes its work.

So I think at the time that happens we probably need to see either this working group writes that up or I don't know exactly what the process would be for that but in principal there is a placeholder there that indicates that there might be specific provisions that need to be included in the working group guidelines that will only apply to PDP working groups.

Jeff Neuman: Okay well I thought on the last call or one of the previous calls we had said that at this point we think that the current working group work team rules should apply to PDP working groups. And so I don't think we made a distinction but, Marika?

Marika Konings: Yes, this is Marika. Some of the elements that might go in the working group guidelines as well explain what are the required steps like once we've, you know, set the whole process out the working group guidelines might also indicate for those working groups what are the required steps they need to take in order to fulfill the requirements of the PDP.

I mean, it might just be as well a referral to, for example, the procedure manual. Maybe, you know, this working group says well we don't actually need to include any other provisions but we just put in a provision that says for PDP working groups please review, you know, the PDP procedure manual to see the requirements that apply to your specific group.

It might as simple as that but I think we probably will only be able to determine what is required once we've indeed finalized our work and see what is - what is needed. But as I said it might be just - if we have all the information already available in the procedure manual it might just mean including a link in the working group guidelines so people can go there and actually find all the information that applies to their specific working group.

Jeff Neuman: I think that makes - that seems to make sense; does anyone disagree with that approach? Okay hearing none maybe everyone's just exhausted or just everyone's in total agreement so we'll move on.

Recommendation Number 21, how to involve advice from other ACs or SOs and obtaining input from the board. The PDP work team recommends a further guidance on how to involve advisory committees or supporting organizations be included in the manual. That was our recommendation.

So Avri's comment is, given the GNSO Council resistance to working together with others, okay, this might mean that more specific recommendation then just a placeholder. And then Alan says - agrees; I think we need a recommendation that any AC/SO input must be sought and treated with the same due diligence as other comments and input processes.

So, Avri, putting aside the first part of the comment which is the resistance to working with others the comment on needing a specific recommendation and Alan's comment on a recommendation that AC/SO input must be sought and treated with the same due diligence as other comments and input processes.

So if I could break that down and ask a question, although Alan's not here to explain it but Avri is here, I'm assuming that what's not being argued is that they need a completely separate track for submission of public comments but that when this goes out for public comment obviously the SO or AC can submit their comments; that there's nothing preventing that from happening. That's a correct assumption?

Avri Doria: This is Avri. I didn't get my hand up.

Jeff Neuman: Did or didn't?

Avri Doria: I didn't so...

Jeff Neuman: Avri, okay.

Avri Doria: ...I'm waiting in the queue.

Jeff Neuman: Okay well you are the queue so go ahead.

Avri Doria: Okay thank you. I guess - I guess it's okay that they only be treated as if they were an individual comment. I actually think it would be better if there were a specific reaching out solicitation of comments and direct response.

So I don't think that they should be - I think they should be treated more like as if they were almost like a constituency; that they should get a similar kind of treatment there.

That when going out to constituencies, when going out to community, that basically there's a direct solicitation to make sure to expect - okay, ALAC is pretty good at watching community, you know, postings and such; I don't think GAC is. I think that if you want their comments on something because of the way they are you have to outreach specifically to them.

I think, you know, if you want to get the Stability and Security Advisory Group to pay attention to something I think it's good to have a specific outreach.

So I would think that on a PDP, you know, there really needs to be a specific outreach to the other SO and to the ACs just to make sure that they have paid attention, they know this is the time and they've been notified and that their stuff is taken in and given due accord.

Which sometimes may be - because in the other case we sort of left it open that, well, you know, we really think you should respond and there should be something.

But I think that the GNSO should actually have a, you know, and I've said this before in other places, it should have a discussion with them so that, you know, you send them a response. And if there's a lack of understanding there should be a conversation because their advice is valuable.

And to get beyond the place where they say oh we only give our advice to the board because it's only the board that listens to us is to say no we want to hear your advice and we want to talk about it. Thanks.

Jeff Neuman: Okay I think your last point is something that I was going to say that I've talked to GAC - some of the GAC representatives and - on this subject and their view is that they will not respond for the most part to any GNSO effort or comment period because their role is not to provide advice to the Council but to provide it to the board.

Yes, well for better or worse I'm not saying I agree or disagree with that I'm just saying what I've been told.

Avri Doria: That's no reason not to solicit from them.

Jeff Neuman: Right that's no reason not to notify them as to what's going on. And, you know, putting aside my chair of this working group hat for the moment just to give a personal view. With the ALAC, you know, they certainly participate - if someone can fix that.

They certainly participate in the process; ALAC certainly can have members on each working group and in fact they do. I'm not sure that we need to - possibly notifying them is not a bad idea. But then again we notify the world when we send these things out.

And presumably the ALAC - that usually members of these working groups presumably those members are going back to their own - to the At Large and explaining what's going on.

So I'm not sure, I mean, I understand Alan's sensitivity to this. But - well and I guess all Alan's saying is that they should be treated with the same diligence as other comments. I mean, I don't have any issue with that. But I don't think they should be given any kind of special treatment on it.

So let me go to Marika and then James.

Marika Konings: Yes, this is Marika. I think to confirm what you already said normally when we have announcements indeed on either working groups being created and volunteers being sought or public comment periods being opened I do believe that those are sent out to all the relevant mailing lists also including the - I think we have a liaison list where, you know, it goes out to all the different groups so I think it is widespread.

And also to Alan's comment when comments are received on behalf of SOs and ACs they're indeed considered in the same way as other public comments that are being submitted through, you know, through public comment forums.

So I think in current practice, I mean, that's another question whether that needs to be specifically written up and explained that that's how it currently works but I think in the current model we do try as much as possible to have that kind of outreach.

And especially in those areas where we, for example, see that, you know, there might be certain security implication or certain - I think as well internally we try to push that out through our respective contacts and saying look this is going on, you know, if you see that any of your community members have an interest can you please encourage them and alert them to it.

So I think we're doing that. I guess the question is should that be more specific written out in either the recommendation or in the procedure manual?

Jeff Neuman: Okay let me go to James and then Avri.

James Bladel: Hi Jeff, James speaking. Thank you. I wanted to just kind of add to what you were saying and my own view that everyone I've ever worked with on a PDP from another SO or AC has been very communicative both within the working group and with their SO or AC. And, you know, I think that the recommendation is good as written. Thanks.

Jeff Neuman: Okay. Avri.

Avri Doria: Yes, I want to first support the notion of writing up what is practice now. We're in the process of building the PDP operating procedures. And, you know, insofar as it does work some of the time now that's good. I think it should be codified.

And I guess I'd put in a sort of - I guess it's minority at the moment of the three people talking - but that I do believe that there should - make sure that there is special focus given on our brother and sister organizations within ICANN.

It may not be materially different than just paying attention to it the same as everybody else in the - in the community comments. But I think it would do a lot to help the GNSO and its relation to other bodies within ICANN to show that it is codifying a specific interest in what they have to say in our PDP processes.

So I think it would be a very good thing for the GNSO from a political perspective and a very good thing from the PDP perspective for full inclusion to codify what we do and perhaps just add a special emphasis for the comments of ACs and SOs then for just J. random person. Thank you.

Jeff Neuman: Marika.

Marika Konings: Yes this is Marika. Just thinking back over the working group guidelines I think actually there it is being called out that, you know, when announcements are being made that they need to be sent out as widely as possible. And I think it talks as well about reaching out to other SOs and ACs.

But my suggestion is actually to check back what is actually in there and maybe circulate that to the group to see if that covers sufficiently this, you know, outreach aspect of the PDP work or whether indeed, you know, further guidance would need to be included in the procedure manual as well.

I mean, it doesn't address Avri's question because I don't think - I think when it talks about comments it basically talks about addressing them, you know, all in the same way so that's another issue for the work team to consider.

Jeff Neuman: Okay so, I mean, I don't see an issue with codifying some of the things that we do anyway, you know, sending things out to the liaison list or whatever that list is called, you know, the list that Glen sent out. I mean, I think that's - it's good to codify that.

I do want to hear what people's thoughts are on Avri's statement that comments that come from SOs or ACs should be - I don't want to reword what you said, Avri...

Avri Doria: Yes.

Jeff Neuman: ...you said to give a special emphasis or what was the word you...

Avri Doria: I guess what I'd say to put it simply is that, yes, they should get special - special attention which means that as opposed to just including the response somewhere in the appendix of a document the working group actually writes its response to the AC.

It's not doing different work other than saying thank you for sending us your advice; here is our response and how we've treated it. And, yes, that's included in the document like everything else but also it shows due respect by giving them a direct answer as opposed to the other.

And that's the kind of differentiation I'm making. I'm not saying you should give it more weight but I'm saying that you should treat it with direct accord, with direct respect.

The one thing I wanted to mention in terms of Marika's point about the guidelines saying the outreach, you know, should be - the guideline stuff remains just guidelines. So given that this is PDP more required operational procedure is why I'd recommend even if it is in the guidelines to emphasize it here. Thanks.

Jeff Neuman: Let me go to Alex.

Alex Gakuru: Yes, Alex speaking; thank you Jeff. I think alongside what Avri has said is that when the comments come from an individual in the public comments when they're analyzed later on and so they are - even as a sort of community

feedback, are recommended and all put together and commented so many are appearing to be in favor, etcetera, etcetera.

When something comes out formally that this came from a certain SO or AC I think it makes particular SOs and ACs to feel like yes their input or their comments were taken with some sort of weight of what they are within the whole establishment.

And so I think highlighting them and maybe making sure the comments received from X, SO, AC, I think that would go a long way also in strengthening this, you know, the view of the position that, you know, they are being treated indeed as an entity by the ALAC vis-à-vis my own comments that are just (so) from whatever I am on one issue and (unintelligible). Thank you.

Jeff Neuman: So when you say special emphasis or, you know, the due respect I'm assuming that do we say the same thing for stakeholder group comments and constituency comments? Because we don't really say anything about that either. Right?

So I'm concerned that if we - if we say something about giving the advisory committees and supporting organizations due emphasis, I mean, I'm concerned that saying that without referring to the other stakeholder group and - stakeholder groups and constituencies seems a little - tipping the balance a little bit too much in favor of the ALAC so - or any other advisory committees. So James.

James Bladel: Yes, Jeff, thanks. Maybe I'll just let this go. You know, I just - I'm concerned that when we start developing specific procedures for SO/ACs versus other components, stakeholder groups or constituencies within the GNSO versus individuals that we're almost, you know, by design building in different classes or categories of response and input.

And I just want to make sure that we are cognizant of that and we don't go down that path. Thanks.

Jeff Neuman: Okay Avri.

Avri Doria: Yes, first of all stakeholder groups and constituencies they have a vote; they are already in a special class. And I have actually no problem with saying yes constituencies and stakeholder groups get a vote; they are the top class of this all, you know. And then our SOs and ACs as other organizations in ICANN get a directed response and everybody's comments are treated seriously and comments are put in the document.

So, I mean, I really don't - we already have a class structure; we're already treating different people differently. I mean, stakeholder groups and constituencies are treated different; they get to vote; that is special\ you know, and so on.

But to say that between the special that is a stakeholder group and a constituency and the general public we will actually direct a response to a group that took a position, took a consensus or voted on position to send us a statement as a group and we will respond to it, you know, directly.

And also we will take all comments seriously, you know, responding to each one, you know, in the appendices of the document. So I don't see that that (class-fullness) there is a bad thing I think it's a good thing and I think it's a respectful thing. Thanks.

Jeff Neuman: So, all right, what if it said something to the effect of that, you know, Alan has in there input must be sought and treated with the same - I would say something like input should be treated with the same - oh, well, you know what, Marika, why don't you put Alan's kind of language in and then see how people feel about it. I don't want to reword it; I'd rather have others weigh in and - when they see the language in front of them.

Marika Konings: Okay. So just to clarify Alan's language would then replace the recommendation?

Jeff Neuman: No let's go - so, yes because the recommendation was seek further guidance.

Marika Konings: Okay.

Jeff Neuman: The recommendation is really that, as Alan kind of said, that's - comments should be, you know, and as Avri pointed out you may also want to talk about, you know, what we do - that announcements should - kind of repeating what the working group work team said in some respect.

That, you know, they should be made aware of what's going on and that these comment periods are going on and that to the extent they provide input that input should be treated with the same diligence as other comments received. Or some kind of language that kind of mirrors what Alan said.

Marika Konings: Okay.

Jeff Neuman: Okay going onto Number - it's got Number 8 on it but it says, "What options should the GNSO Council have at its disposal to ensure that it could take an informed decision on whether to initiate a PDP or not subject to timeframes set forth in Question 4 above?" And then of course we recommend - we basically said we recommend further guidance and that's it.

So Paul and James put a comment saying just delete this text; just delete the recommendation because it's pretty much status quo. Alex.

Alex Gakuru: I'm sorry, Jeff and Marika, to take you back a little bit. If Marika is - to the previous point if Marika is taking what Alan said into our recommendation

what does that leave what Avri had commented and what she has just added on this call?

That's - what Alan said just replace that and ignore the comment by Avri? I just want some clarification. Thank you.

Jeff Neuman: Yes, no, I think it does - I think it should incorporate the comments from Avri that are - I think it was in line that they should be with diligence, that they should be given attention. I think that's what Alan meant with his comments. So I'm not sure which ones - if I've ignored one - which ones have I not taken into consideration?

Right that we should codify what we do currently, which is send out notices to all of the stakeholder groups - I'm sorry, yes, stakeholder groups, constituencies, advisory committees, supporting organizations; those go out already. But we should codify that which is one of the points Avri said.

And then we should treat them with...

((Crosstalk))

Jeff Neuman: ...with diligence.

Alex Gakuru: Oh I (unintelligible) wording and then maybe that's when it would be perfect to comment - probably to just capture what I'm saying. Thank you. Let's go on. Thank you.

Jeff Neuman: Okay. If I'm missing anything just let me know...

((Crosstalk))

Avri Doria: A quick comment. I just posted some wording with words in brackets that I think is what I'm suggesting that's different - that goes beyond what Alan said and I already put it in brackets.

Jeff Neuman: Oh they had...

Avri Doria: And it's full of typos.

Jeff Neuman: So in the bracket it says in addition comments from ACs and SOs should receive a direct response.

Avri Doria: That was the piece I was recommending; the special treatment that's what I was recommending.

Jeff Neuman: So previously in this group we said that - Marika help refresh my recollection on this - I don't think we provide anyone with - that we require ourselves or we've said in this report that we're required to address the comments. We don't say direct response.

So you're saying above and beyond what we do normally they should have a - that the working group should have a direct response?

Avri Doria: That's what I'm recommending, yes.

Jeff Neuman: And the direct response could be something like, thank you, we've got your comments; we believe we've taken them into consideration and read the report? Or do they have to be each individual saying...

Avri Doria: I would think it would be a little bit more substantive than that. But I suppose a pro forma, you know, polite letter might do if you wanted to be, you know, if you wanted to be taken badly.

Jeff Neuman: Paul - let's see Paul's raised a comment. Oh, okay, you raised your hand.
Yes, Paul.

Paul Diaz: Yes, thanks Jeff. And just wanted to vocalize - Avri, help me understand how would the working group provide a direct response? Would it be sufficient to respond say on the comments list? So, you know, the working group receives...

((Crosstalk))

Paul Diaz: ...the input and then we could respond there?

Avri Doria: I actually haven't thought about that but yes, I think that's probably a good way to do it.

Paul Diaz: Okay, because I just have - when I heard the word letter I was like wait a minute, we're all so stressed and have a hard time finding time I was concerned that it would be too formal, too complicated.

Avri Doria: No, I actually think that that could be a great way to do it.

Jeff Neuman: What do you think about that Paul?

Paul Diaz: Not 100% sure Jeff, I'd need to think it through. I mean I think I agree with (David) that making a requirement that this get done may not really be necessary.

I think because there's often representation in the working groups by the people who have submitted the comments there's ample opportunity for a debate and back and forth.

And to me it strikes as almost adding just a little too much bureaucracy.

Jeff Neuman: So just to - (David) has posted on the chat, says I do not favor this kind of special treatment for the ACs and SOs. So let me go to Marika then James.

Marika Konings: Yes this is Marika, just to point out a practical issue, because we normally try to close the comment forum relatively quickly after we've posted the summary and analysis so normally a working group doesn't really start considering the comments until they've had the summary and depending on their other work load.

So it might be practically impossible to actually use that as a way to respond to the mailing list. And another comment would be I don't think people would actually go back there once they've submitted their comments, I'm not really sure how much value there would be in posting anything there.

And also I do have to - you know concern of the additional workload that adds to a working group having to formulate responses that already also included in the comment review tools that we're using.

And personally I would question it that isn't every comment shouldn't have the same kind of value, should we then do that to every commenter in saying well really appreciate your response and you know this was our view on it.

Or have that dialogue with every commenter, so that's just a personal point of view.

Jeff Neuman: Okay, let me go to James and then give Avri a chance to respond if she wants.

James Bladel: Hi Jeff, thanks James speaking. You know I think Paul and Marika covered my points, I think that from a practical standpoint I'm concerned that the public comment function needs to be streamlined and not layered on with extra steps.

I think that the problem we're seeing now is fewer and fewer people are using or meaningfully sending in comments when you know I think they could be commenting and other folks or working groups are maybe not taking full account of comments when they get overloaded with them.

And of course we've all seen the scripted comments, so you know I guess anything we can do to streamline that process I'd support what Paul and Marika were saying about just keeping the bureaucracy flattened and thin. Thanks.

Jeff Neuman: Okay, Avri do you want to respond?

Avri Doria: I do. I guess I find myself in a minority again, I'm not horribly supposed. I do think it's important, I do think it's something that if an SO or an AC goes to the effort to take an organizational position on something which they draft and they vote upon and they send to the working group that they deserve the respect of a response.

You know and what more can I say, I'm in a minority again, oh well. Thanks.

Jeff Neuman: Okay, well I mean I can't say you're in a minority yet, we haven't heard from anyone from the commercial groups, they're not on the call so it's kind of hard to judge minority versus non-minority when that happens.

But at least from the people on this call it sounds like most do not favor the special treatment so...

Avri Doria: Two stakeholder groups to one.

Jeff Neuman: Right, so that's - so most may not be the right word, the majority. So why don't we - Marika why don't we put Avri's language on email and send it out and see if we can solicit some sort of response from the commercial stakeholder group?

Marika Konings: Okay.

Jeff Neuman: And then we can better - and then I can as chair better assess how others feel and whether Avri's view is a minority or there's just you know the other levels.

Okay, so then there's the public comment period after initiation of a PDP. PDP work team recommends modifying clause six, public notification of initiation of PDP to reflect current practice whereby a public comment period is initiated once a working group has been formed.

Not when the PDP is initiated to allow the working group to put up (unintelligible) for public comment that might help inform its deliberations.

The PDP work team recommends that this public comment period is optional and may be used by a working group at the start of their deliberations to obtain public input on a charter question or our specific issues related to the charter.

And Avri's question which is a good one because the language isn't very clear is having the comment period optional or at the timing optional. So maybe I have Marika when we drew up the language it was that you had to have it but just when you were having it was the optional one, is that correct or Marika did I misstate that?

Marika Konings: No, I think you misstated that. What my understanding was is there - we had agreement to have a required public comment period on the issue report, that this public comment period would actually become an optional one for the working group if they would want to ask some specific questions at the start.

Because the assumption would be that any issues on the issue report which is normally what we put out as well for the start of a working group these are

the issues that the working group is going to deal with would have already been addressed.

So as I understood at the time of the discussion, the work team filed that this public comment period which at the moment is a requirement should become an optional one for the working group to decide whether they want to have one or not.

Jeff Neuman: Okay, James.

James Bladel: Yes Jeff, this is James, thank you. And Marika is absolutely correct, we were talking about changing this required comment period to optional ones because if you look at the issues report coming through and then the interim report which one would I hope would be not too far down the road after the initiation of a PDP working group.

It does seem like a lot of required comment periods in what could be a short period of time and that the working group wouldn't really have anything to report necessarily for comments, it would only be asking for clarification and definitional work from the public.

So yes, I mean Marika summarized it perfectly as that we want to take something that's required and make it optional.

You know if it's possible but leave it up to the discretion of the working group.

Jeff Neuman: Yes thank you for correcting me I was confused and a little tired, but you are correct that this is the one that's after - that there's already been a public comment period so it is optional.

And so since the - so it's both optional as to it happening and the timing.
Okay.

James Bladel: Well Jeff that raises a good question, I mean should the working group choose to exercise this I assume we're leaving the timing open to them as well or do they have some guidelines they need to follow?

Jeff Neuman: Well yes, I think we leave it optional as far as when and what because if you look at the last sentence, it's basically they may come up with charter questions or other specific issues related to the charter.

It's kind of you know whenever they're in a position to do that, that's going to be day one, day 30, day 45. we just can't predict that with any kind of certainty. So I think timing is pretty much up to them.

And you know what we also say later on in the report I believe, or at least we've talked about it, that they could do a public comment period in theory whenever they want,.

If they want to submit survey questions or specific questions they can always do that. Totally their discretion. Marika?

Marika Konings: Yes this is Marika, the only thing that I think we have required is that any public comment period that is not on the preliminary issues report or the initial report should be for a minimum of 21 days.

I think that's the only thing that we've required otherwise. If they decide to have a public comment period on whatever, if it was appropriate in relation to their charter they can do so as long as they do it for a minimum of 21 days.

Jeff Neuman: Right, that's correct. Okay, any other questions on that?

Marika Konings: This is Marika, just one question. I mean if indeed that wasn't clear from the recommendation that indeed it is optional and the timing is optional as well are there any suggestions for improving it wasn't clear from how the recommendation is currently written?

And people can think about it, they don't need to do it on the call but if there are any suggestions on how it might be clarified that would be helpful.

Jeff Neuman: You mean starting from the PDP work team recommends or the entire explanation there?

Marika Konings: Well I assume from Avri's comment that it wasn't clear so I don't know exactly where the confusion has come from so I'm just asking if indeed it's not clear if there are any suggestions on how we can make that clear so other people don't ask the same question.

And I guess the question might be for Avri where that confusion came from so then we might be as well able to identify how to improve the language.

Jeff Neuman: Well I think part of the confusion may be just the fact that we restate the current rule, so I don't think you need to restate the whole - so you can say the PDP work group recognized modifying clause six through our flex - I think it's that first part that's kind of confusing because you restate the current practice.

I think if you just said the PDP - I mean just come out and say it, that's - the PDP work team recommends that any comment period held after the initiation of a PDP is at a working group's discretion.

I think you could kind of word it that way, it's at the working group's discretion and maybe you use to obtain public input on the charter questions or other specific issues related to the charter.

I think you can kind of - without restating the current practice.

Marika Konings: Okay.

Jeff Neuman: Might clear things up, Avri?

Avri Doria: Yes, and I have trouble because I cannot read this thing when I've also got the hand raising capability up. But I think that if it was just changed to say you know perhaps to put a little bit of the explanation in that since an early one will have already been held, comments that any further comment period be optional and may be used by the working group, etcetera.

And that that way it's talking about - what confused me was public comment period is optional so that's one I was saying well is it the comment itself that's saying or is it the period that it's held at the beginning what was optional that's where that ambiguity came in.

But I think if we said something like recommends that any further public comments be optional, you know etcetera and perhaps that would work and perhaps if there was a sentence explaining why this is changing because of recommendation number X where you know a public comment has already been done.

You know etcetera. Thanks. Does that help or does it hinder?

Jeff Neuman: Marika?

Marika Konings: Yes, that helps, I think I have enough to rewrite this and then you can of course correct me if I got it wrong.

Jeff Neuman: Okay so now we're on kind of a thorny issue here about the in scope discussion, clarification of in scope of ICANN policy process of the GNSO, remember that's in the bylaws.

The PDP work team recommends modifying clause three initiation of PDP clarify that within scope means within scope of ICANN's mission and more

specifically the role of the GNSO as opposed to within scope of contracted parties definition of consensus policies.

Furthermore the PDP work team recommends that issues raised should be mappable against specific provisions in the ICANN bylaws or the affirmation of (unintelligible).

And so we've got a slew of comments on those, the first one is from James and Paul, so maybe let's go to that one first and they think we have it backwards.

Although I did have a conversation separately with Paul. So Paul do you want to...

Paul Diaz: Yes, your explanation helped and I want to rescind or take away my comments. Let's keep it the way you have it here now.

Jeff Neuman: Okay. That's good. So Avri do you still have a comment on that?

Avri Doria: So I'm trying to understand, so you want to keep within the scope of contracted party definition of consensus policies as opposed - or you're not adding that, I'm confused.

Jeff Neuman: I think if I can just jump in they're withdrawing their comment and keeping it the way the work team recommends.

Avri Doria: So keeping within the scope of contracted parties definition?

Jeff Neuman: No, the way that the work team recommendation says, what I read at the beginning. The PDP work team recommends modifying clause three, the initiation of a PDP to clarify that within scope means within scope of ICANN's mission and more specifically the role of GSNO as opposed to within scope of contracted parties definition.

Avri Doria: So the short stuff that's in black is all that would stay there.

Jeff Neuman: Right in the left column.

Avri Doria: I'm sorry I'm being slow this morning. Withdrawing the comments means that only the black stuff would stay or are we still talking about furthermore?

Jeff Neuman: You're looking at the draft document as opposed to the issues list?

Avri Doria: Yes.

Jeff Neuman: Look at the issues list, Page 12.

Avri Doria: Okay, I was most concerned on what the recommendation said, let me see if I can find the right thing on the issues list.

Marika Konings: The issues list it's on Page 23 at the top. The language that would stay is on the left hand side of that document on Page 23.

Avri Doria: Sorry, 23 I can't even see page numbers on this.

Marika Konings: At the bottom of the pot you'll see which page again, directly go there by typing in the numbers.

Avri Doria: Oh there it is, I see it now that I did full screen on that. It's just all those screens I can't see it any more. I know, an old age woman. Okay, Page 23.

Oh this is where I mentioned republic.

Jeff Neuman: Oh we haven't gotten to that comment yet.

Avri Doria: Okay, I still can't see it. Oh that's right column, it's the other left. Sorry folks, I'm just having trouble here. Now it's too big for my screen.

Jeff Neuman: It's basically the original version.

Man: Is it Page 23 or Page 24?

Marika Konings: Oh you're actually right, it's Page 24. It starts on Page 23 at the bottom and then it's at the top of Page 24. Sorry about that.

Jeff Neuman: Well just to go into background so James and I and Paul had a discussion and the rationale is that we've already said the outcome of the PDP can be best practices, it could be instructions to staff, it could be a whole host of things.

And therefore to limit it to only what's in the contracted parties basically would eliminate a lot of the outcomes that we all agreed could be potential outcomes.

Much more in depth discussion than that but that's kind of crux of the discussion I had with Paul and with James. I'm going to move forward Avri.

Avri Doria: So within scope means within scope of ICANN's mission and more specifically the role of the GNSO period. That is what we're recommending in scope means.

Jeff Neuman: Right.

Avri Doria: Okay, thank you.

Jeff Neuman: And then we recommended which goes to your next comment that issues raised should be mappable against specific provisions in ICANN bylaws or the affirmation of commitments skipping your republican comment, so we are

saying that every PDP needs to quote which of the bylaws or AOC paragraphs it is based on, that's your question.

Let me throw that out to the group, does it sound like that recommendation is saying that we need to quote somewhere in the bylaws for the AOC?

James comment in the chat. All right.

Avri Doria: Yes I did, I'm sorry, I apologize, I didn't mean to be mean.

Jeff Neuman: All right, let's not - there's nothing wrong with being a republican. So - I'm not saying I am, I'm just saying there's nothing wrong with that. So I don't think we were saying that every recommendation needs to be specifically mapped.

You know like every recommendation has to have a citation to a specific bylaw or affirmation of commitment. I think it's in general that if someone were to question that you know the working group or the recommendation should in some way map in the very loose sense to bylaws, you know they shouldn't - let me go to James and then to - well I'm sorry Avri, your hand is up.

Avri Doria: Yes. I guess I think if - I don't think that sentence should be there. If it is there I think we should add articles of corporation also and I think if we're going to do it then you actually have to tell people they have to state it.

To basically have some loose thing that says that I think is problematic. As I say I have no problem with making that a requirement and making it a hard requirement that you state it.

I think people can do it and I also think you know just as an aside, having everybody starting every year at the GNSO with people reading the bylaws and the articles, I mean and the affirmation of commitment might be a good way to start each new year in the GNSO council.

So I think that's a good idea. Thank you.

Jeff Neuman: Okay, James.

James Bladel: Yes Jeff thanks, James speaking. And I think you know where we were going with this was just making sure essentially that the bylaws and the AOC support what was going on with the PDP but also making sure that the PDP doesn't suddenly start to run counter to what's in the bylaws or the AOC>

I think Paul and I were in a working group a while back, maybe even over a year ago where we had an individual that was you know really upset about I don't know spam or something, I don't even remember the exact issue.

And I think that you know there's an example of - there's bad things on the internet that it's not necessarily ICANN's place to solve everything and we need to make sure that we're defining where it is that we're getting the authority to jump in on some of these issues.

So anyway that was - I think that's what the sentiment we were trying to capture in this was. You know without getting into the name calling you know I don't want to be paralleled I guess to any political processes.

I think that it just make sense that they - because ICANN's bylaws say X we should pursue issue Y and making sure that things don't stray too far from that point.

Jeff Neuman: Okay, Avri, new hand up?

Avri Doria: Basically as I want to really say quite seriously I think this is a fine idea to say I would include articles incorporation also since they do govern us and the only point I'm making is that if we're going to do this it really should be a

requirement that each you know PDP have - be required to have that paragraph in there.

That that be a required paragraph. I think the requirement doesn't make sense to me without it being actually something that needs to be done. I think it's a great idea to do it which you know as an independent you know I go to either side, it really doesn't matter to me.

So I think it's a great idea to actually include though I would augment it with articles and corporations

Jeff Neuman: Okay, and it seems like that's a little bit of overkill but you okay with that James?

James Bladel: Yes I'm okay, if we're going to do it we should be thorough and comprehensive and let's - yes.

Jeff Neuman: Okay. It seems like that's a - that will be a very long recommendation. You know one could argue that if something's within the scope of its bylaws it's also within the scope of the article.

James you have a comment.

James Bladel: Well I guess you know I - if it doesn't have to be - you know if there's simply an introductory part of the paragraph in the issues report or you know are we requiring this in the issues report or in the charter or someplace where it says essentially you know we're doing this on the basis of securing civility and promoting competition and consumer trust.

You know it doesn't have to be - it can even be just a sentence I think. I don't know, maybe I'm misunderstanding the recommendation but it seems as though it can be just a brief contextual introduction of where the PDP - why it's appropriate for ICANN and GNSO and to take it on.

Jeff Neuman: I see an agreement and I see a disagreement. Either one that wants to - sorry, Margie and Marika want to have a comment and then I'll poll some others.

Margie?

Margie Milam: Sure, I have a question. Did you say articles as in articles of incorporation? Because I mean that tends not to be a document that we regularly deal with, that's usually a corporate you know very formal document that doesn't have anything to do with you know what the council does.

And so I was just curious, just try to understand the meaning behind that.

Jeff Neuman: Yes, that is what they said so Avri?

Avri Doria: Yes, you're right, there's not much in there. There's things in there like you know the requirement to be you know a corporation in the public service and things like that.

So there are some statements of overall umbrella requirements that sometimes may or may not be applicable to a PDP and they define us as an entity and therefore you know I think just in doing a complete description of who we are and what we work on, they are part of the possible inclusion.
Thanks.

Jeff Neuman: Okay, Marika.

Marika Konings: Yes this is Marika, I'm just wondering if it would be appropriate to make that requirement as part of the request for the issue report because I'm not really sure whether staff should be in a position to try to map it.

In my view it would be more appropriate for the actual person who's requesting it to say well this is why I believe this is relevant for the GNSO and this is where you know you can find the relevant language of how it maps to you know what is within ICANN scope.

So I was just wondering if it would be more appropriate to actually require it as part of - I think we've been talking about having a template that people would need to fill in, or - I don't think we were going to require it.

But strongly encourage people to fill in that template and one of the categories there could be you know please identify how this relates to you know requirements under the AOC or ICANN bylaws.

Jeff Neuman: That sounds like a good solution. Avri agrees with that, does James - okay, seems like there's general agreement with that and it seems like it would address the concerns.

Okay, we good to move on then? Recommendation number 25 is pretty substantial. So I'm not sure where - because we said we'd limit the call to an hour. How many recommendations - we have about - we've got three pages today, is that all we got?

We need to do better on Monday so I'm going to try to move us along a little bit on Monday. Marika if we are going to meet the timeline again the document needs to be posted by what date?

Marika Konings: The 21st of February.

Jeff Neuman: The 21st which means that we should at least have a week before that to review style, grammar, all that kind of stuff. So now we're talking about the 14th which is next week. Is that right next week or pretty soon.

Okay so it's a week from Monday.

Marika Konings: So we'll have three meetings left.

Jeff Neuman: Right, but realistically I think two because on - it would be great to get it out - I don't want to spend Monday on substantive stuff and then have you have to turn it around, the paper so quickly.

It may be two but maybe three meetings so we need to make some good progress. I think we are and we just need to do it a little better next time on Monday and then on Thursday.

So we're still having the Monday call and I may - let us plan on Monday using the full hour and a half, I know we've allotted it and we have a practice.

So let's Monday use the full hour and a half and then decide on Monday whether we need the full hour and a half on Thursday or whether we just need an hour.

I just - we've got to get this done and out and I want us to have a week to review things like grammar and make sure we're comfortable so we can troubleshoot by the 21st.

That sound like a plan? Great, all right, thanks guys and I will talk to you on - let's see today's Thursday, talk to you on Monday. Thank you everyone.

Woman: Bye.

END