Standing Committee on GNSO Improvements Implementation (SCI)
TRANSCRIPTION
Thursday 19 April 2011 at 19:00 UTC

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http://audio.icann.org/gnso/gnso-sci-20120419-en.mp3
on page
http://gnso.icann.org/calendar/#apr

Atendees
Ron Andruff - Commercial and Business Users Constituency - Alternate
Wolf-Ulrich Knoben – ISPCP – Primary – Chair
Avri Doria – Non Commercial SG – Primary
Carlos Aguirre – Nominating Committee Appointee
James Bladel – Registrar SG – Alternate
Ray Fassett – Registries SG – Primary
Jonathan Robinson - Registries SG – Alternate
Krista Papac – Registrar SG Primary
J. Scott Evans – IPC Primary
Anne Aikman-Scalese – IPC Alternate

Apologies:
Mary Wong – NCUC - Primary

ICANN Staff
Marika Konings
Marika Konings
Julie Hedlund
Glen de Saint Géry
Nathalie Peregrine

Coordinator: Excuse me, I'd like to remind all participants this conference is being recorded, if you have any objections you may disconnect at this time.
You may begin.
Glen de Saint Géry: Thank you very much. Shall I do the roll call for you, Wolf-Ulrich?

Wolf-Ulrich Knoben: Yes, thank you very much, Glen. As well let me just say while this is the meeting of the standing committee on improvement implementation and so we have our meeting today several agenda items. And I ask Glen to make a roll call. Thank you, Glen.

Glen de Saint Géry: Thank you very much. Good morning, good afternoon, good evening everyone. This is the Standing Committee call on the 19th of April. And on the call we have Wolf-Ulrich-Knoben, Carlos Aguirre, James Bladel, J. Scott Evans, Anne Aikman-Scalese, Krista Papac, Jonathan Robinson, Ron Andruff and Avri Doria.

And for staff we have Julie Hedlund, Marika Konings and myself, Glen de Saint Géry. Thank you, Wolf. May I just remind everybody to say their names before speaking for transcription purposes. Thank you and over to you, Wolf-Ulrich.

Wolf-Ulrich Knoben: Thank you very much, Glen. And hello everybody. May I ask at first formally whether there are any statements of interest from your side? I hear none.

So I have provided an agenda for today's meeting. And we will cover the following items that are on the Adobe Connect. We have the item of the consent agenda, we have an item of deferral of motions and an item about thresholds or rules needed for delaying a PDP. And in addition from the last council meeting there came an item up with regards to proxy voting procedure.
If I recall correctly so in our last meeting in Costa Rica we have also talked about an item which should be covered, which we will start with, is what the kind of survey about the experience with the new working group procedures and rules - on that. And so this is an additional item which is now on our agenda.

So since today - so our meeting is scheduled only for - for one hour I wonder whether we could cover all those points today? And I would like at first if you - if you agree - talk about the structure of our future work and any - let me say - any kind of interest you might have in prioritizing the items we have at the time being on the agenda what is of more interest of more priority from your point of view which we should cover.

And we could group that in that way. And then start - and just talk and walk and work on all the items one after the other as long as the meeting is going on. So I would like to ask you. And I see Ron at first please, Ron.

Ron Andruff: Thank you, Wolf-Ulrich and greetings to all. For an organization like SCI - oh, for the record, Ron Andruff speaking, sorry. It seems we were very quiet for quite some time and now we have some very pithy subjects on the table.

And unfortunately I was not able to participate at the Costa Rica meeting so I feel like I'm a little bit further behind the ball than perhaps others. In any case the though that occurred to me was as we topics that really need some good discussion from my view, you know, in terms of where are they, you know, what are the elements and issues
that could arise as well as how would we resolve those types of issues all of those things need to be aired for these three topics.

So the first thought that came to my mind in this regard was perhaps we can air the topics at least get just general information about them; as much as we know on the table as soon as possible and perhaps even in this call. And then we might even consider breaking down into smaller groups that would share the task of kind of assimilating that information into some kind of direction for the group.

So for my part I think the first part I wanted to bring out was simply I'm really ill informed; there's a lot of information that flew through in the last half a day or last hour that has to get read. And I need to know more background about these issues to be able to bring any serious comment to the table. So I don't know who else stands on that position but that's where I'm at. Thank you.

Wolf-Ulrich Knoben: Thank you, Ron. And I see Avri is agreeing to that. Any further comment? From my point of view it seems to be a good suggestion, well to - to give you - at first to start with a brief overview about all these topics before we step into discussion.

The other question is for me, Ron, you mentioned already okay we should go into them - into sub teams, let me say this way. So on the one hand I would like to have - so there's my feeling, you know, if that is needed, if you need specific experience, you know, on some topics, from people which might not be on the SCI at the time being then I would see that - I would agree to that immediately - to that.
On the other hand we are a - not a big group and if we can cover those items which are on the table by ourselves we should do; this is my opinion on that. But I'm open to any further comment. Avri, please.

Ron Andru: Wolf, this is Ron. I apologize. Actually I fell out of the call as soon as I finished speaking. I'm not even sure if you heard me finish. But in any case I've missed the last minute. Would you remind what you just said? I'm sorry.

Wolf-Ulrich Knoben: So you didn't hear me?

Ron Andru: No, I never heard a word; I literally fell out of the call.

Avri Doria: I was going to take issue with some of it so perhaps I can repeat it and I...

Wolf-Ulrich Knoben: Yes.

Avri Doria: ...think that'll let us know if I understood it correctly.

Ron Andru: Thank you.

Avri Doria: And - okay. First of all I did put a - one of those agree in terms of very much agree that in this meeting I think we should talk through the topics and just get into having the basic information and understanding what the issues are and then later go into them.

I heard Ron say - and perhaps consider going into sub groups. And so I agreed with the notion of considering going into sub groups. In the response from Wolf-Ulrich basically I think there was a response to the
- just going into sub groups and Wolf-Ulrich was saying well perhaps we should look at the issues and see, you know, whether we need perhaps more expertise.

And then I think Wolf-Ulrich, you actually went beyond what I understood Ron's suggestion to be in terms of pulling outside people into those sub groups. When I heard Ron's suggestion I heard it in the context of for example this time J. Scott went out and brought in some stuff for us to discuss or two people could volunteer to write a draft of something in terms of sub grouping.

I hadn't heard a suggestion that we go and reach beyond the group to build sub teams to do this though I don't necessarily think that's something we mustn't do I just hadn't heard it in a discussion. And basically I think I'm agreeing with you, Wolf-Ulrich, on whatever that case is we consider how we're going got approach these things whether it's a whole group or people going away and doing tasks and coming back or sub teams later.

Wolf-Ulrich Knoben: Yeah.

Avri Doria: Thanks.

Wolf-Ulrich Knoben: Okay, Avri, thank you very much. Okay, you got the point so - which I raised as well. Thank you. Ron please.

Ron Andruff: Thank you. Just to say that - just for clarity my - the key is let's discuss all the elements of these things so everyone is on the same page. And then subsequent to that if there was a tremendous amount of dialogue, one hour dialogue on one element or even 20 minutes that we would
have perhaps people would say I'll write that up for us, I'll kind of collate what just was said into a couple of sentences that I understand what we just discussed.

And then from there we can take this conversation into, you know, into a direction that's a little bit more helpful. So my comment was simply that if we discuss something for 20 minutes and then park it, no problem. But I have a sense some of these things are going to go on for longer than that and as a result it would be good if someone was kind of keeping a - notes on this.

I know staff are doing so; maybe just leave it for staff to do it. That could be well said. Thank you.

Wolf-Ulrich Knoben: Yes. So thank you, Ron. And - okay then that's a good suggestion, you know, that we start with the - a general overview about the different items to bring us up to the same level - all participants. And okay then let's start so we have the item of content agenda which we already started to talk in Costa Rica about.

So in - the background of that - so let me just briefly introduce that. So the background is that the Council - on Council level we started to introduce a content agenda following the - let me say - the heavier - the Board as well has. And the discussion was then about that is that - is that something and how should we deal with that in the future in the form of a - with regards to that.

So the - we ended up in the discussion in Costa Rica that J. Scott was saying that he could provide us with some information on how - or
there was a kind of proposal how that could be dealt with. And that is where we are staying at the time being.

So I now see that Marika is bringing up to the screen an email from J. Scott. And with regards to input on how content items are handled. So this is just briefly the overview about that. And the question is - well, for me, is it understood by anybody how - what is the task, what we shall deal with that, how we shall deal with that.

And so we should come up with a proposal to the Council - up to the Council how the Council could or should deal with that in future. At the end, you know, of the discussion in Costa Rica we - the group was of the opinion that the - as an interim - in the interim period until the proposal is on the table the Council should - could deal with it like it started.

So that means that it could be brought up - content agenda but if there is any objection to any - any item on this content agenda then this item is to be removed from that content agenda. That's the way how the Council handles it at the time being. And that's for the interim so - until we will come up with a final proposal for that.

So far for the overview is that - is there any question about this in general? So Jonathan please, yes.

Jonathan Robinson: I'm just (unintelligible) chat, Wolf, I mean, this looks very sensible to me. It looks like something which is considered and reasoned as far as I can see (unintelligible) it makes tremendous - may well make sense going forward.
Wolf-Ulrich Knoben: Okay. As far as I could understand so - and maybe the others as well, you have a really bad line, I'm sorry to say that but that may be (early) technical problem. So you agree to that what was on the email from J. Scott so that's what I understood.

I would suggest to the - if - so after we have had our general overview about the agenda items we can go into that and into more detail and talk about how we handle this in future for this. Is that agreeable? Marika, please.

Marika Konings: This is Marika. I actually had a question for J. Scott. So just wanted to know if is this exactly the procedure that INTA uses or in this you have already combined, you know, what - the ICANN Board does and what the GNSO Council as an interim measure does in a proposed solution. Because I wasn't...

((Crosstalk))

J. Scott Evans: ...document. I did speak with INTA - and I apologize, it took me a while because my contact that controls the consent agendas has had a relapse of cancer and has been out of the office.

But I did contact them and basically went through their procedure and everything I got from everyone I checked with that this is basically just a time saving device that's used to clear non-controversial things off the agenda to leave more room and time on the agenda for those that require more consideration and discussion.

And so I went out on the Web and looked at several consultation sites that consult boards of directors and talked to several consultants and
that is what you have before you is sort of the best practices from having talked to those (unintelligible). And that's what's in front of these.

So it's not necessarily a conglomeration of INTA, the Board of Directors at ICANN or any other it's having talked to several people that use these then going out and talking to people who sort of don't have any agenda in any sort of organization giving sort of the best practices and that's what you have before you.

Wolf-Ulrich Knoben: Okay thank you, J. Scott, for this. I would suggest since - because it's brand new to all of us so that we follow that - we take that, maybe we need some - some look into more detail afterwards and we shall do that. So I'm - and later on - and - just to have the common understanding on where we are staying at the time being so that's maybe enough for that item just now.

But Ron I see your hand - and, Jonathan, still your hand - you have your hands up if it's still from the last time or?

Glen de Saint Géry: I think Jonathan is trying to call back in because his line was so bad, Wolf-Ulrich.

Wolf-Ulrich Knoben: Okay thank you. So go on, please.

Ron Andruft: Thank you, Wolf-Ulrich. I wanted to ask the staff, Marika, Julie or someone who's versed in this, what exactly is the - is the GNSO Council doing now in this regard? How close - what is this document that has been produced by J. Scott relative to that? Is there - are there some meaningful change - differences between the two or is this more
or less what we're all functioning on? I was just wondering how, you know, how far we have to slice this; is it almost ready to go or is there lots of changes and it's something we need to give more consideration to. I'm just trying to gauge that. Thank you.

Wolf-Ulrich Knoben: Yeah, Marika, please.

Marika Konings: Yeah, this is Marika. So as you can see on Adobe Connect - because when I did it in Costa Rica, you know, following J. Scott's volunteering to take a closer look at that what I tried to do in the table that you see in the Adobe Connect screen is tried to compare the procedures that are currently used by the Board and the interim process that the GNSO Council is using.

So what might be helpful is to try to put in here the procedure that J. Scott has suggested so it's easier then for people to see how that compares to the current practice both the Board and the GNSO Council to see how that matches up and, you know, whether there should be any further changes or whether the procedure fits well or, you know, whether there should be further communication back to the Council based on many different approach as to what they're doing currently. I don't know if that will be helpful or not.

Wolf-Ulrich Knoben: Yeah, thank you.

J. Scott Evans: I think that will. I mean, I think - this is J. Scott Evans. I think that, Marika, just looking at this - I couldn't get what you sent to me earlier open. But now that I see it I think that you're going to find that this matches up and even may be far more restrictive than what I've provided you at least at the GNSO level.
Wolf-Ulrich Knoben: Well, thank you J. Scott. So - okay so we have documents on the table already. So - and what is needed in future the next step as well really to go into those documents and to compare what is - in the existing environment and how it is dealt with and what is your - a best practices approach proposal.

And then to talk about, you know, what's the differences and maybe the pros and cons on that and the - the question of - well what should be done in the future. So that's how I see the way we should deal with that in that.

I would like - following our request at the beginning that we should try, well, in general to cover the point at the time being. Is there any question on the basics for - for this item, for understanding so what is it about and what is our target on that.

So that should be covered right now. And then we should go to the next point and just present it in general the next point. Is there any more general question about that? No it is not - so I hear not.

So then I would like leave it on hold right now, this point and go to the next item point which is deferral of motions. This point came up in the past several times in the Council as to my knowledge I think we don't have a written rule of - about the question the deferral of motions.

We have a - an - more or less unwritten rule in the - on Council level which means if a motion comes to the table so there could be a requirement for deferral by any constituency or any stakeholder group. And this is normally accepted as - in general and there is no discussion
on that so - because - for one time it could be done so because it may have different reasons to do so. And that's it.

But we had also in the past sometimes requirements for more than one time deferral. And then the discussion came up and started so why. And the reasons have not been accepted and all these things. So we have a little bit uncertainty how to deal with that in the future. And that - this point is - as it evolved. So it may - it could end, this point, in an amendment of the rules of operations.

So that's what is behind. So please if you have any comment or question on that please. I think it's Avri's because Jonathan is still hands up but maybe Avri please.

Avri Doria: Okay thank you. This is Avri. Actually I think it's even more confusing than that. Because - you're absolutely right, we do have a practice that any constituency could, for any vote, ask for a deferral and that would normally be granted once though I see that it's actually - been at least one - one or two cases, I don't have it in front of me, that was - where it happened - oh no, four times, when it happened twice.

But I think we also now have a complicating factor that in the - and Marika, correct me if I'm wrong if this isn't there please. But I thought that we had added to the PDP the ability for an individual - not just on a constituency basis but any individual member of Council to request a deferral on a PDP related vote once.

And we went through a lot of discussion there. Which means that we're in a situation of having two different processes in the Council on the
deferral motion. One, by constituencies for anything and one by individuals for PDP related votes.

And so I just wanted to make sure that we added that complicating factor in. I'm not making an argument about right, wrong, what it should be or shouldn't just I believe it's more complicated than just common practice because of the new PDP procedures. Thank you.

Wolf-Ulrich Knoben: Okay just for my understanding so you mean there are different - maybe regarding the term defer or deferral. One is the deferral of motion; the other one is a deferral of a PDP. But it's...

((Crosstalk))

Avri Doria: No a PDP vote.

Wolf-Ulrich Knoben: ...a motion related to a PDP.

Avri Doria: Yeah, I meant a motion related to a PDP. Sorry, I spoke unclearly.


Ron Andruff: Thank you. I'm wondering about the - there's a note here from Glen to Marika in this - one - the explained the type of motions. And below that it says, "We have noted the trend which was started but not carried on proposing a motion for discussion before the motion is officially proposed for a Council vote."
So I wonder if Glen might be able to share a little bit more about what was going on and what was trending there so we can understand a little better kind of some background on that if possible.

Glen de Saint Géry: Yes, Ron, this is Glen speaking. I put that in because I thought it might be a rather interesting point. If we look at deferrals that we could perhaps look at doing something other than deferring motions. And it was at the time when there were - there was quite a lot of complexity to the motion on the Inter Registrar Transfer Policy B Working Group.

And it was put before Council to discuss first before it was put before Council as a motion to vote on. So in other words after the discussion when the motion came to Council in the second meeting it could theoretically have been asked for a deferral.

And it would have given a much longer period for people to discuss it, to go back to constituencies and stakeholder groups and come up with either amendments or their way of going to vote on the motion. And that's why I put it in there.

Ron Andruff: Well if I could follow up on that?

((Crosstalk))

Glen de Saint Géry: Yes.

Ron Andruff: Just to ask did you view that as a positive thing or a negative thing in the context of that happened vis-à-vis going back to the constituencies for more dialogue? Was that a delay - could that be seen as a delay
tactic and a gaming tactic as opposed to something that would be a good knowledge-gathering time period?

Glen de Saint Géry: I'm going to let the policy staff respond to that and particularly Marika because it was a motion that had to do with one of the workgroups that she's responsible for.

Marika Konings: Yeah and this is Marika. I'm happy to comment on that because it was actually something that staff has been encouraging for, you know, some of the motions that we typically support in relation to PDPs or working group reports where we often, you know, either together with the working group or with the Council liaison, you know, prepare a motion.

And we've suggested there as there are often a lot of complex issues in there and some things that might need to be spoken through that a motion is socialized with the Council before it's actually introduced as it's easier and probably less painful to try to come to compromise if there are any issues in there that, you know, either people don't agree with or don't understand instead of trying to do that, you know, once a motion has already been introduced and then you have to go through friendly amendments or - and trying to do it on Council calls which is often hard.

So there has been a - I think a deliberate intent or a deliberate approach from staff on some of those motions to really try to have those discussions beforehand so at the end of the day you might not need a deferral because there has been a lot of time already allowed for discussions and for people to come together, you know, by the time
the actual motion is being introduced. So (unintelligible) IRTP and I think same with (unintelligible) of the post-expiration PDP.

I think in both cases that worked really well because it meant at the end of the day that, you know, when the motion came to the table everyone already had an opportunity to, you know, have their say about it, you know, make clarifications or get points added that, you know, they weren't clear on so that the motion again could be adopted, you know, with the full consensus and not needing additional time for stakeholder group and constituencies to go back to their members to, you know, discuss it again. So I think at least from my perspective in those instances that was a very positive experience.

Ron Andruff: Thank you very much. That's very helpful.

Wolf-Ulrich Knoben: Okay thank you both. So Jonathan, I'd like to hear your natural voice please.

((Crosstalk))

Jonathan Robinson: ...hopefully it's - hopefully this is a little clearer than before.

Wolf-Ulrich Knoben: Yes.

Jonathan Robinson: Good. Yeah, I just - it strikes me that this - I guess I'm in support of this. I know we're just discussing it now rather than - but I like this method of having, as Marika put it, being able to socialize emotion.

I think there's a real danger with - I was quite surprised when I came onto the Council that - and I'm a relative newcomer - that motions
simply, you know, it can be quite surprising or even shocking that a motion just appears and you haven't - you may not have discussed or considered it.

Now sometimes the motion is merely topping off or finishing off some work that's been done previously and there's a sort of natural conclusion to that process. But at other times it does feel that it becomes a little bit more from - I don't know how much of an English expression this is - but from left field, you know, it's sort of appears.

So I'm certainly, in principle, I like the idea of the opportunity to discuss a motion in principle or the ideas behind a motion or a likely motion. So just to support that way of working as perhaps a less adversarial style of working. Thank you.

Wolf-Ulrich Knoben: Thank you very much. Well are there any general questions for this topic - regard for the understanding what it is about and where we should go? So if not so then let's step into the next topic just to give you an overview of the work we have to do all about because it's on a different topic.

And this topic is - on proxy voting procedure. It comes - yeah, it comes from that situation. So we have a proxy voting rule in the Rules of Operation for the GNSO. And oh sorry, now we are now on the other item so it's the Item 5 it's threshold rules needed for delaying a PDP. Sorry about that, I skipped that.

But this is the point where we should get an overview about that. So - and I refer directly to Marika if I could do so. Please, Marika.
Marika Konings: Yes thank you, Wolf. This is Marika. Up on the screen you see the note that I circulated to you all earlier this week just to provide you a little bit of background on this item. As you'll note a new PDP was recently adopted.

The new PDP actually provides on a number of steps of the road provides options for delay or, you know, pausing. And Avri already referred to a deferral that's allowed on, you know, PDP votes, for example, that's built into the new PDP rules.

There's also a new provision in there that allows for the termination of a PDP when there's a determination that, you know, there's no need to continue the PDP because either the issue has already been resolved or, you know, for example what happened in the vertical integration that is really obvious that there's no consensus and, you know, there's no need to continue to work as there's not going to be any agreement. You know, there's a provision built in there that a PDP can be terminated.

But there actually is nothing currently in there that allows for delaying a PDP once it has already started. And this issue came up recently in relation to a vote that was taken on the initiation of a thick Whois PDP.

The PDP wasn't initiated by the Council in Costa Rica but then the day after the wrap up session some members said well, you know, we've initiated but do we already immediately want to proceed with all the next steps which is normally what happens once you initiate, you know, the - you form a drafting team for a charter and, you know, the train sets in motion.
But the question was raised do we want to wait because, you know, because of workload issues, because other discussions going on in the community, maybe it's not timely to immediately kick this off but, you know, wait until a later date. But at that stage we realized that there's actually not a mechanism in the PDP rule to do so.

So staff looked at this issue and, you know, in the case of votes for which no threshold is defined it's a simple majority vote that applies. So in this case you could have the theoretical situation where a very low threshold is needed to initiate a PDP, I think it's 33% of both houses or I think 66% of one.

But you can have a situation where one group initiates the PDP but then the next moment the group that didn't want to initiate the PDP just turns around and says we just want to delay it; we don't think it needs to happen now. So there's a potential for gaming in this situation.

So we raised it at that time we were with the Council leadership and, you know, from our perspective recommending that a super majority vote should apply in the same way as it applies for the termination of a PDP, you know, for the reasons explained and, you know, you see in the note as well some of the numbers that would apply to that.

But the Council leadership said as well while it's currently not spelled out in the PDP so, you know, for this case we're actually just going to go with the simple majority rule as, you know, we don't have anything else to go on.

But we would like the SCI to look at this and see if this is an issue that they can address and, you know, whether it should be something that
needs to be changed in the PDP rules so that, you know, there's a clear voting threshold that would apply should the delay of a PDP occur.

I think one thing to note there as well that, you know, this might be an exceptional case, you know, where it has happened now because we've seen already in past cases where such a delay is actually built in in the initiation of a PDP.

So, you know, another approach could be is saying okay if the Council wants a delay it should actually do that at the time when it initiates the PDP and there it clearly sets out what the timeline is for proceeding with the PDP.

So there are, you know, two different approaches. But I think this is a scenario where, you know, we just want to make sure that, you know, we don't leave a loophole in there that would create - potentially create a situation where a PDP is initiated one day but the next day it's delayed by a group that doesn't want to proceed with the issue for, you know, for whatever reason.

Wolf-Ulrich Knoben: Thank you very much, Marika. So I think you just also (stressed) this point that it might be necessary though during the discussion that - to go into more detail with regard to the status of the PDP - which kind of status it has - it may have reached already.

Maybe it's only initiated or it's in between, you know, after maybe a working team is already working on that. So what does this mean? So maybe we have them go into more details regarding that.
And yes then we have to talk about the questions of what - this would -
is this - is it definitely it may be related to the - to the work which was
done during the - for the - of the working team for the PDP so that
means the PDP would may have to be changed and that or amended
or disregard.

Ron please.

Ron Andruff: Thank you, Wolf-Ulrich...

Wolf-Ulrich Knoben: Ron, I saw your hand.

Ron Andruff: ...Ron Andruff.

Wolf-Ulrich Knoben: Yeah.

Ron Andruff: For my part I'm really uncomfortable with the delay that, you know, that
took place just this recent week. There was a delay after an initiation of
a PDP. And the approach that was taken is the - it happened on a
Thursday post-Council when supposedly that would be an
administrative meeting not a continuation of Council meeting sitting as
Council. That's how I understand it; I could be wrong.

But I'm just asking the question what's driving a decision like this to be
taken so suddenly on a Thursday after the Wednesday's Council voted
for the PDP? So the facts of this, you know, matter. And we need to
understand them I think to be able to actually deal with this particular
issue.
But there should be a threshold, you know, to delay or change; that's clear. And I'm certainly in support of Marika and her comments about no loopholes. You know, what we're trying to do here is define a better ICANN. And so while this is maybe some minutia the whole process that just happened this past week of this approving a PDP and then stopping a PDP it just doesn't make any sense.

So I'm anxious to know a little bit more. I know there are four Council members, you being one of them, Chair. But I'll defer to you or if somebody could share some insight as to what happened. Thank you.

Wolf-Ulrich Knoben: Yes, okay. Marika, please.

Marika Konings: Yeah, this is Marika. So basically what happened was indeed in the wrap up session, you know, staff asked the question okay so can we proceed now and, you know, go out and form a drafting team to, you know, to get together to develop the charter and, you know, prepare the charter which then would need to be adopted and have the working group started.

So that was basically the staff's question. And I think then some people said well, you know, do we actually have the capacity to go ahead with that at this stage? And some people raised as well, you know, the discussions that were going on simultaneously on, you know, the Com agreement and that no information was available at that stage whether, you know, that might be already an issue that would be covered there.

So at that stage there was, you know, consensus - I don't think anyone objected in the Council that, you know, maybe this should be delayed. But following that, you know, some staff we then made the
recommendation saying well, you know, I think it's fine if there is, you know, unanimous agreement that this should be delayed that's all fine. But we do think a formal motion should be made.

And one of the requirements, you know, that should be in such a motion is that a specific timing is included as to when the PDP would continue to really make clear that this is not a delaying tactic and, you know, postponing it endlessly but really putting in a concrete date at which stage the PDP would continue.

So that is what actually happened at the meeting last week. Then the Council formally adopted the motion and I think spelling out that the PDP would basically continue on the 30th I think of November is the date that is in there. So in theory at that date then we would start, you know, forming the drafting team to develop a charter and then the PDP would continue from there on.

Wolf-Ulrich Knoben: Okay. Thank you, Marika. I just lost Adobe Connect. I don't know who is on the connect. I saw Jonathan before is that correct?

Jonathan Robinson: Yes correct, Wolf. Thanks. Ron, just in response to your question and a minor sort of additional bit of color in the picture that Marika has just sketched. I guess one of the issues that certainly took place in our stakeholder group, that's the Registry Stakeholder Group, one of the discussions that led to that led up to our involvement potentially in the delay although there were different feelings within the - and opinions within the Registry Stakeholder Group - I shouldn't represent them.

This was a slightly challenging issue because it essentially affected one of our members. And I think one of the reasons for the concern
was that there are many pressing items and many items of work that could be done and we could be getting on with as a Council.

So one of the issues that was raised was was it the best use of resources in a resource-constrained environment to focus Council resources generally - and by generally I mean both staff and councilors and others in the community - on a PDP that affected only one member as opposed to other potentially competing uses of the same resources which focused on areas that might affect all members.

So that was certainly one of the - just sort of digging below to give a bit of insight into one of the themes of discussion. There was also at one point a discussion, as Marika said, in and about the fact that it was conceivable that a change to the way in which the dot Com registry was run would come out of the contractual negotiations.

So when we discussed that in the Registry Stakeholder Group it was felt that we had some reservations about mixing in contractual and policy-based work. So that was - that was really the flavor to the discussion within the Registry Stakeholder Group.

So as a consequence there was a - no strong feeling to link the dot Com negotiations with this potential PDP but certainly to the extent that it affected only one of our members there was a support for delaying it to ensure that all other work that affected all members of the stakeholder group was undertaken as a priority. So that - I hope that gives some additional insight of the sort that you were seeking.

Ron Andruff: Unfortunately, Jonathan, you've given me more questions than answers. If I may just have a follow-on, Chair?
Wolf-Ulrich Knoben: Yes please, Ron, do so.

Ron Andruff: Yeah, no just you finished your statement a little bit with this so I just wanted to understand more clearly if I might - and if I get this wrong please correct me. But I understood that the whole point of this particular PDP that there would be absolutely no coupling of it to the dot Com negotiations. So that was even - there’s no question about that. Am I correct on that basis?

Wolf-Ulrich Knoben: Correct.

Ron Andruff: Yes, okay so therefore there was no correlation between the dot Com negotiations and this PDP. In fact there was agreement I understood within the Council that this was going to go forward in that format.

But what I just understood you to say - and please correct this part because I think I have it all wrong - is that one registry within your constituency had a problem with this PDP going forward because it affected them? Is that correct?

Jonathan Robinson: No that really would be a - not the correct way to...

Ron Andruff: Yeah, that’s why I wanted clarification because I’m not sure if I understood that correct.

Jonathan Robinson: Yeah and if anything - and I think the records will show that I think VeriSign was quite keen - and I’m reluctant to speak on behalf of one particular registry - but were keen to see the PDP go ahead and felt that at least that the work commence on this as soon as possible.
So on the contrary I think they were not of a view that this should be delayed from my recollection. But it was more that there was a more general feeling within the stakeholder group that to the extent that there was other PDP or work that's acquired, you know, potentially conflict in resources it was important to get that work done that affected all members of the group rather than a piece of work that affected only one member of the group.

Ron Andruff: Oh well, Jonathan, with respect the idea of a PDP in this regard is very, very important. So it's really - well I'll leave it at that but I thank you very much for the clarification.

Wolf-Ulrich Knoben: Okay. Thank you, gentlemen.

((Crosstalk))

Jonathan Robinson: Yes, sorry, Wolf, just one closing remark. That's exactly what I hoped to have done; I hope I haven't created more concerns or questions. Really what I was trying to do was just provide additional information because you were - so that's really what I was hoping to; I hope I haven't overstepped the mark in terms of talking on behalf of others.

Wolf-Ulrich Knoben: Yes, okay. Thank you very much. So I would like to (continue) the discussion but in - we have just 10 minutes left so I would like to cover the - just in general the other point and then talk about - and how to cover these points in future - to do so. And I'm seeing more and more that we have to split our work in this regard.
So now right now I have a situation here that I lost access to my computer and it's (bad) right now. So I don't have any access to Adobe and I don't know the agenda anymore. I would like to ask my vice-chair to assist me in that respect. So where we are - I think we have covered right now the threshold...

((Crosstalk))

Wolf-Ulrich Knoben: ...in general. And if I recall...

((Crosstalk))

Wolf-Ulrich Knoben: ...was an additional point which came in the last - it was the question of coordinating or - yes, bringing into - or aligning the different threshold rules in the bylaws in the Rules of Operation. And this point was - I would like to ask to Margie just briefly to introduce what is it about please.

Marika Konings: Wolf, I think we're still (unintelligible) the proxy voting.

Wolf-Ulrich Knoben: Pardon me?

((Crosstalk))

Marika Konings: ...on the proxy voting item.

Wolf-Ulrich Knoben: Oh yes but I would like to do that discussion or just an overview in the - in connection with the PDP threshold because it came up - isn't that related to (unintelligible)?
Marika Konings: No, I don't believe so.

Wolf-Ulrich Knoben: You know...

Avri Doria: The next item listed on - I know the agenda had the deferral of motions which covered, then it had threshold rules needed for delaying a PDP. And we discussed somewhere in there though we did get more into detail on the substance of one particular case. And now we would be up to the proxy voting procedures and either Marika or Julie, I'm not sure who, has put on a - the proxy voting...

Wolf-Ulrich Knoben: Okay.

Avri Doria: ...PDF on the view on the screen.

Wolf-Ulrich Knoben: Okay then let's do that. And I think that was - it was Julie who brought it up to the screen. And let me just introduce briefly what is it about. It came up during the last conversation because - so we have proxy rules in the Rules of Operation. But there was the case that somebody was asking for a proxy but it was not done in a written form and as you know it is quite - in the Rules of Operation.

And the question was then how to deal with that and whether the rules should be adapted to cover - let me say different situations where maybe no formal notification could be given. And maybe, Julie, you could help me and just provide some more information about that.

Julie Hedlund: Yes thank you, Wolf-Ulrich. This is Julie. So what I've put in Adobe Connect is the excerpt from the GNSO Council Operating Procedures on proxy voting. This was the revised section that in revised language
approved in the September 22, 2011 2.3 version of the procedures. It was a sort of a set of streamlined changes that were produced by the OSC as that time.

And I would draw your attention to something that may be relevant in this discussion and that would be Section C under proxy notification. It does indicate that a proxy notification must be sent to the GNSO Secretariat indicating the type sent by the proxy-givers appointing organization and sent prior to the start of the relevant meeting.

However there is an exception noted, except (only) a proxy notification may be given during a meeting by a council member who is present but needs to leave before a vote. In all cases the most recent notification takes precedence.

Two things I would note here that may be interesting for your discussion is first of all this exception does not quite apply to the situation in the last Council meeting, I think, because it was not a notification that was received by a member who had to leave the meeting but by a member who was absent from the meeting.

And also I think that the email that was sent by the council member did not indicate that it was actually a proxy notification or that it was not in that form. The procedures here don't appear to suggest that an actual form has to be received. I think that that wording is not actually in the procedures.

And Glen has a precedent that she can bring up as well I think. But I've noted that Avri has her hand raised so I'll stop. I think that's all I need to add at this point.
Wolf-Ulrich Knoben: Okay. I cannot see any hands. Please.

Avri Doria: Yeah, my hand is the only one up but I would certainly defer to Glen for further information before I add my point.

Glen de Saint Géry: Thank you, Avri. Thank you, Wolf-Ulrich. This is Glen. I just wanted to bring your notice to - on the 8th of September in 2010 there was a similar occurrence where two people asked for proxy votes to be taken during a Council - just before the vote - it was at the meeting.

And the chair then refused and said that the procedure had to be followed. And in the minutes they asked that it be noted that if such and such a person was able to have given their proxy during the meeting to the proxy holder that the - that they would have voted in such and such a way.

Wolf-Ulrich Knoben: Okay. So...

Glen de Saint Géry: And those two people - one was from the NCSG and one was from the Registrar Stakeholder Group.

Wolf-Ulrich Knoben: So okay so we could (unintelligible) come to a point where we say okay we should follow the rules but we could talk about the rules and we could amend the rule or make a proposal to amend the rules if we think that might be - there might be cases which justify one to do so.

So that's a point which we should talk about to cover this point. And it will come up as a proposal for them. Any other view on that?
Julie Hedlund: Wolf-Ulrich, just so you note because you can't see we have three people in the queue who've raised their hands.

Wolf-Ulrich Knoben: Oh.

Julie Hedlund: We have Avri, J. Scott Evans and Ron Andruff.

Wolf-Ulrich Knoben: Well, guys, I have to ask you because - so I could stay for another let me say 20 minutes or half an hour so how is your view on that? So could we have another 10 minutes or so? Is that okay? Okay. No objection.

Avri Doria: I have no problem.

Wolf-Ulrich Knoben: Please, go ahead.

Avri Doria: Okay mine was just a quick point and I'm not going to get into discussing the particulars because that's not what we're about. It's obvious though that the procedures we've got do have a timing window in them. As long as there is time to do it in advance and the sending of mail - and yes it says nothing about forms but it does say an email notification.

So there's a gap between somebody making it to the meeting and then having to leave for some emergency or whatever reason and somebody knowing enough in advance to put in the process of getting their chair to fill in a form, etcetera, etcetera.
It still leaves a hole on the last minute oh something has come up I can't make it. And that's where I think in both cases that we've seen there may have been an example of something hitting a window that has not been covered.

So my thought would be if there's anything to be dealt with here it is do we want to come up with something for that window. You know, not suggesting what, etcetera so that's all I wanted to add. Thank you.

Wolf-Ulrich Knoben: Okay. The next one please (unintelligible). Who is this?

Julie Hedlund: J. Scott Evans, I think.

Avri Doria: Yeah, J. Scott was...

((Crosstalk))

J. Scott Evans: Yeah, I'm sorry, I was on mute. This is J. Scott. I mean, my personal opinion is it becomes just an ever-ending cycle of amending the rules every time it's inconvenient for someone. I've had to do this as chair of the constituency on more than one occasion when I was Chair of the IPC.

And I can tell you it is not necessarily the most pleasant thing you have to do. But you should know the rules and what your obligations are when you take on the role of the councilor. And you should know the rules and you should abide by the rules.

And people should know their - they know well in advance then these things are going to happen. It says before the relevant meeting so if it
comes up at the last minute you should, you know, your constituency and group should have things in place. So I think if we just open this we're just going down a rat hole.

Wolf-Ulrich Knoben: Thank you J. Scott.

Ron Andruff: So I'm next. This is Ron Andruff; I'm next in line, Wolf.

Wolf-Ulrich Knoben: Yes, please.

Ron Andruff: I fully support what J. Scott just said. The - if an emergency - I appreciate where Avri is coming from but if an emergency should happen then, you know, then that's the way it goes. It's a will of God kind of thing. It just - it happened and so therefore it happened.

Because if you start to - start making amendments for that last-minute opportunity to shift a vote to another individual and that vote should change because it's gone to another individual and it hasn't followed the processes.

As it turns out Avri, Wolf-Ulrich and myself were all on the very working group that spent hours and days and felt like months working on these proxy issues. And so the debate raged quite heavily.

And we finally found a way to go forward as far as we could see it and see how it would cover all of the angles and make sure there would be no gaming. And in fact it was adopted by the previous committee to the SCI and then handed off to the Council. And it was approved.
And so at this stage of the game to go back and start to start twiddling along with some little thing to try to find a little fix is a - it's a big error in my view. The amendment of the rules in any case, as I understand it, and amendment of the rules is too strong but the review of these cases that come up really falls in this committee's department.

So if there's any changes to anything happening it's not happening anywhere else other than our consideration here and then being sent back to Council. So I don't think this is something the Council can suggest we can find a better way because there's emergencies. I really fully support J. Scott. Thank you.

Wolf-Ulrich Knoben: Okay. Any further comment?

Julie Hedlund: Yeah, Wolf-Ulrich, Jonathan Robinson joined the queue.

Wolf-Ulrich Knoben: Yes, Jonathan, please.

Jonathan Robinson: Thanks, Julie. Thanks, Wolf. Yeah, it's interesting, I mean, I too, as you've seen from the chat, support the view of rigorous application of the rules. We did have a - and this is - in the spirit of this discussion that we're having we had an interesting one on the Council recently. And I - from memory it was in and around the Red Cross and Olympic strings and the motion regarding that.

We had one member of the Council who had been called out too I believe but in any event was on a mobile phone and dropped off during the course of the vote. And we had another where one of the Council members I think hadn't yet joined. And in both instances their
participation or not may have swung the votes which was - it was a very critical issue.

And so I guess I'm just adding this as a variant having stated that I'm in support of rigorous application of the rules. In that instance I was all - very tempted to move that we delayed the vote to ensure that everyone could participate and weren't prohibited from voting on the basis of a technical glitch.

So I - I just throw that in for you to think about in terms of, you know, that being the kind of challenge that we might face. And in that instance the chair held on as much as was reasonable in order to reconnect the disconnected member which we fortunately were able to do and the rest is history. But it could have gone the other way had we not been able to do so and the rules were applied rigorously.

Wolf-Ulrich Knoben: Yes, Jonathan so thank you. Is there anybody else in the queue? No...

Julie Hedlund: This is Julie. There's no one else in the queue at this...

Wolf-Ulrich Knoben: Okay thank you very much. Well okay so far I think it's clear, you know, what this is about and what could happen - some pros and cons. So let's come to the - to the last point just to be introduced which is not defined on the agenda but I sent it to you in the afternoon.

There was something about the alignment of the threshold rules in the different - in the bylaws in the Rules of Operations and maybe in other rules as well. Margie knows about that. Please, Margie.
Margie Milam: Yes thank you. This topic came up because, as you may recall the under the new PDP there were changes to the voting thresholds. And so the ICANN Board adopted the voting thresholds at their meeting I think it was in March. It was fairly recently.

And so if you look at the Operating Rules and Procedures Annex 1 to the Operating Rules and Procedures actually has the threshold chart so it's really easy for Glen to figure out what (unintelligible) is required. And you can see it on - Marika's posted it right now on the Adobe Connect room.

And so the only thing that we suggested that this group look at was just confirm that we can update the Appendix 1 to reflect what was already adopted by the ICANN Board in the bylaws changes that happened about a month ago.

So all we did was change it so that it's consistent with the changes that were made by the Board. And those changes were in fact coming out of the PDP workgroup that was run by Jeff Neuman; Avri was on that group. And that was all related to coming up with a new PDP model and as part of that there was a change in the voting thresholds.

So that's all this relates to. It's basically an implementation steps in order to make sure that the Operating Rules and Procedures are consistent with the new bylaws.

Wolf-Ulrich Knoben: Okay thank you. Thank you, Margie. For my understanding just a question. So if I look at that question it seems to me that it is just a formal issue because, you know, I understand that those should be
(coordinated). If something has been agreed on that level for the new PDP then it should be adapted and accepted so in other rule as well.

So if there is nothing more behind that, which I couldn't see at the time, being so the question is just what should the SCI do with it? Should we just propose to the Council to adapt those different rules, to accept it as it is from the new PDP? Or is there more discussion to be done about that? Is anybody...

((Crosstalk))

Wolf-Ulrich Knoben: Yeah.

Margie Milam: Is that - once this group is, you know, comfortable with what this is it could be part of the recommendations that come out of this group as just one of, you know, several issues that, you know, if something comes up on the other item that this is just, you know, a formality.

Wolf-Ulrich Knoben: I mean, my question was do we have any (chance) now to go different ways? You know what I mean? That means it is not clear that we have to follow those rules. And just to make - well to fulfill the formality in accepting what was done in the new PDP so that is my question. Is that - is there any comment from anybody else or questions? Did anybody else raise their hand? No?

Okay that is - that is my question. So is there a discussion needed or is this something just - well somebody has to (unintelligible) proposal well to - which is directed to the Council in order, well, to adapt the - or to coordinate this different documents which are available. So...

Julie Hedlund: Wolf-Ulrich, this is Julie Hedlund. Ron Andruff has raised his hand.
Wolf-Ulrich Knoben: Yes, Ron, please.

Ron Andrufl: Thank you, Chair. I'm sorry, I've listened and I'm looking and I'm lost. I'm really not quite sure exactly what is it specifically that the SCI has been asked to do here with regard to this documentation?

Wolf-Ulrich Knoben: Yes well what I understood is that there is a formal need - well, to adapt those different documentation - the bylaws with the PDP rules and (unintelligible) the Rules of Operation related to the PDP. There is an annex to the Rules of Operation with regards to the PDP as I have learned.

And this annex should be adapted to the new - to what was decided by - with regards to the new PDP. So this is how I understood. And this process has to be made official.

Ron Andrufl: Wolf, I frame this in my own words. What's happened is we've gone through some changes within the organization that we arrived at through the various working teams. And certain policies and bylaws have been established and some documents were outliers, they never got kind of harmonized with the original documentation. Could someone from staff clarify that's true or - in my thinking or incorrect?

Margie Milam: It's Margie. Essentially this is harmonizing it, that's right, to - now that the Board has formally accepted the voting threshold we have to go back now and make sure that the Operating Rules and Procedures are consistent with the updated bylaws.
And so since this is an annex to the Operating Rules and Procedures there needs to be some formality in accepting them. And so that's what we're talking about.

Ron Andruff: Okay. Well then if that's the case, Chair, if I may I would recommend the staff just come back to us with some clarification language that we can review and understand that fits the need and check this one off the list relatively quickly. I don't see that there's too much difficulty in this if in fact it's simply just getting documentation right (for) administrative activity unless staff feels otherwise.

Avri Doria: Hi, it's Avri. I just put myself in the queue and Krista did also.

Wolf-Ulrich Knoben: Oh yes please then. Avri.

Avri Doria: Okay. Yeah, I was just thinking that, you know, we've seen this now, we've done the informational bit on it. I think that we should come back, we should talk about it. And then if we recommend it we should send it back up to the G Council and say, hey, this looks like something you should put in your consent agenda or this looks like something you should vote on just to make sure that it's been formalized I think.

And I think - I ask actually - if that would fit what staff is looking for in terms of formalizing, getting it into - into the goop - into the GOP. Oh wow it's like Republicans. Into the GOP.

Wolf-Ulrich Knoben: Yes, okay.

Avri Doria: Thank you. And then...
Wolf-Ulrich Knoben: Thank you.

Avri Doria: ...you have Krista still with her hand up.

Wolf-Ulrich Knoben: Okay Krista please.

Krista Papac: Thank you, Chair. This is Krista. So I was with Ron; I wasn't really following what we were talking about but that's been clarified. I just want to make sure the document that we're looking at in the Adobe Connect is what staff has pulled together proposing what the new threshold should look like based on the new PDP and what the Board voted on. That's correct, right, Margie?

Marika Konings: Yeah. This is - I mean, the voting thresholds have already been voted on. This doesn't change the thresholds in any way. What this does is it gives Glen a very simplified chart of when there's vote she knows exactly which, you know, how many members from each house, you know, is needed to pass the motion.

So this is just a document that helps facilitate, you know, the voting but it doesn't change the voting threshold because that already happened.

Krista Papac: Okay. Okay got it. I just was looking for clarification on that last bit. Thank you.

Wolf-Ulrich Knoben: Okay thank you very much. Anybody else on that point? Not yet. So thank you. So right now I think we ran through the agenda very briefly. So - and now is the question how to structure and how to deal with that work. So I - so let me just tell you my impression.
So I learned a lot so - and it seems to me that the - that we have to split up the work. So it's - if possible and we could do so we should do something with these points in parallel. Because it may - it may be the case that different people do different things.

But in case - if somebody would chair, would work on more than one of these item then we should talk about how to deal with that. So this is my impression and the first ones. So from that point of view I would like, if you agree, go just through the points and ask for - let me say for volunteers...

((Crosstalk))

Avri Doria: This is Avri, I have my hand up...

Wolf-Ulrich Knoben: ...just is my proposal rather just let's talk about the - how to manage the work. So I'm open to anything else. And then if we could have some volunteers to some of these points first and we start with that those points and then we'll see what - and we'll fill that and then one after the other do the other points so there could be a frame of this work.

So any comment please?

((Crosstalk))

Avri Doria: Yes, I put my hand up. This is Avri.

Wolf-Ulrich Knoben: Yes, Avri.
Avri Doria: We're already 15 minutes basically after the call was supposed to end. Several people have already dropped off. What I recommend is that we take this discussion to the list and put completing this discussion at the beginning of the next one. But of course if we can satisfy the find volunteers bit on the list, great. But I suggest that we stop this meeting now as opposed to...

Wolf-Ulrich Knoben: Yes.

Avri Doria: ...continuing when not everyone is here. Thank you.

Wolf-Ulrich Knoben: Oh okay that's a good suggestion. So okay...

Avri Doria: Ron has his hand up.

Wolf-Ulrich Knoben: Yes...

((Crosstalk))

Wolf-Ulrich Knoben: ...hear otherwise. Ron, please, yes.

Ron Andruff: Yeah, no this is Ron Andruff. I support Avri. I was going to say exactly the same thing. And I would just add a second suggestion that staff has done I think a fine job. Marika has gathered up notes on all of this. If she posts those notes to the meeting with, you know, with a form saying, you know, who would like to volunteer for it.

So here's the block text and here's the form - here's the place where you can sign up then we can all kind of look through the various
elements and then make our choices accordingly. And I think like Avri said we can probably do this pretty quickly on the list or certainly by the next meeting.

Wolf-Ulrich Knoben: Yes, very helpful, yeah. Any comment else on this? Not yet. So that's a good proposal. Marika, could you cover that? Is that okay?

Marika Konings: Yes, that's fine.

Wolf-Ulrich Knoben: Okay fine, fine, fine. So - and afterwards we'll start on the list with - to follow up with that discussion then we can also send out a Doodle later on so - for the next meeting so depending on the progress we made.

And okay that's it for today.

Marika Konings: Wolf, this is Marika. Can you maybe just confirm with regards to the Doodle for when you would like to schedule the next call - what timeframe?

Wolf-Ulrich Knoben: So I would - for my - my feeling would be after two weeks if that is okay - after two weeks. Or let me say between one week and two weeks and we'll do that as well. But the question is when is the next Council meeting? Is it in two weeks?

Glen de Saint Géry: It's on the 10th of May, Wolf-Ulrich.

Wolf-Ulrich Knoben: The 10th of May.

Glen de Saint Géry: Yes.
Wolf-Ulrich Knoben: Okay so yes okay so then if we have one meeting - so today is Thursday - is Thursday a good day for the others about this time? Is that convenient to you? Seems to be? That was the best one we could find. So let's keep that.

So the question is whether we could come up already by next week with something on the which day we have next week? Now it's 19th, 26th.

Glen de Saint Géry: The 3rd of May will be a two-week interval.

Wolf-Ulrich Knoben: The 3rd of May.

Glen de Saint Géry: Yes.

((Crosstalk))

Wolf-Ulrich Knoben: ...for the 3rd of May I would say.

Glen de Saint Géry: Okay. At the same time, thank you.

Wolf-Ulrich Knoben: Yes.

Avri Doria: Okay bye-bye all.

Wolf-Ulrich Knoben: Okay thank you very much. And excuse me so that I lost connection to all...

Avri Doria: Yeah.
Wolf-Ulrich Knoben: ...of my computer. Thank you very much and see you again.

Avri Doria: Bye-bye.

END