

**Policy & Implementation Working Group Meeting  
TRANSCRIPTION  
Wednesday 19 February 2014 at 2000 UTC**

Note: The following is the output of transcribing from an audio recording of the Policy & Implementation Drafting Team meeting on Wednesday 19 February 2014 at 2000 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-policy-implementation-20140219-en.mp3>  
On page:<http://gnso.icann.org/calendar#feb>

Attendees:

Philip Marano – IPC (also in for Brian Winterfeldt – IPC)  
Michael Graham – IPC  
Cheryl Langdon-Orr – ALAC  
Alan Greenberg – ALAC  
J.Scott Evans – BC  
Greg Shatan – IPC  
Klaus Stoll - NPOC  
Tom Barrett – RrSG  
Nic Steinbach – RrSG  
Anne Aikman Scalese - IPC  
Tom Barrett Encirca - RrSG  
Kristina Rosette - IPC  
Amr Elsadr –NCUC  
Wolf Knoblen - ISPCP

Apology:

Chuck Gomes – RySG  
Marie-Laure Lemineur – NPOC  
Mary Wong

ICANN staff:

Amy Bivins  
Marika Konings

Glen De Saint Gery  
Terri Agnew  
Nathalie Peregrine

Operator: This call is now being recorded. If you have any objections, you may disconnect now.

Nathalie Peregrine: Thank you very much, Douglas. Good morning, good afternoon, good evening, everybody. This is the Policy and Implementation Working Group call on the 19<sup>th</sup> February, 2014. On the call today we have Klaus Stohl, Cheryl Langdon-Orr, Alan Greenberg, Tom Barrett, Wolf Knoben, Michael Graham, Alec Mescaleezi, Kristina Rosette, Phil Morano, J. Scott Evans, Nick Steinbar and Greg Shatan. Olivier currently has emailed us to say that he will be arriving late on this call. I have received apologies from Marie-Laure Lemineur and Chuck Gomes. From Staff we have Marika Konings, Amy Vivens, Terry Agnew, and myself, Nathalie Peregrine. I'd like to remind you all to please state your name before speaking for transcription purposes. Thank you very much and over to you.

J. Scott Evans: Alright. This is J. Scott Evans for the record. I am Chair of today's call. We've just had a role call. Now I'm going to make a call if there's anyone that needs to make an update to their Statement of Interest. Alright. Hearing none, I'm now going to turn it to Michael Graham who is going to introduce the work of the Definitions sub-team which, if you saw my email from Monday, we're hoping to wrap up that section of our work today so that we can get ready to start populating the other groups as the Principle work team is done. And I see that Marika has now posted the revised Definitions output showing a redline version that indicates the changes that were made between the last time we met regarding this, and today's call. Michael is here, then I'll turn it over to you.

Michael Graham: Okay. Thank you J. Scott. I'm speaking from a cellphone and I don't have access really to the Adobe Connect so I'm going to let Marika take us through the definitions. By way of introduction, after the last work group call when there were a number of questions, comments, suggestions, took that back to the Definitions sub-team and addressed all of those, some of them were very helpful and enabled us to change and work on and, I think, clarify some of the definitions. Some of them were comments that were very good and very thoughtful but we felt were more appropriate for the work group, actually not even talking of the definitions but going forward as we are doing the work of the work group.

Two things I note are the changes that were made and I gather they're up on the screen to show the changes that were made since the last work group version was sent around. And then at the request of the Principles sub-team, we tackled one further definition and that was for the bottom-up terminology which we've tried to incorporate a definition of that.

And other than that, Marika, since I'm not able to look at the screen from here, would you go ahead and carry us through the definitions? And I think if you could ask if there are any final comments on these as we go through, otherwise for the Definitions sub-team, I think we completed our work and I'd like to thank everyone who participated in that, both as a member of the sub-team, and then also in providing comments to us. Marika?

Marika Konings:

Thanks, Michael. So this is Marika. So indeed, what you have up on the screen is the version in which we've compared the original version we submitted to the work group with the one that we submitted to you last week so you can have a clearer view of the revisions and changes that were made based on the feedback received from the working group, as well as some additional deliberations that the sub-team had as a result of some of the comments and feedback provided.

I think one important innovation or change we've made is actually adding a column to the document as we realize some of the feedback we received on the last meeting, as well as some of the comments seem to really dive into some of the more substantive discussion, or make assumptions on what the potential outcome of the working group deliberations might be. So what we tried to do is by providing this additional column, recognizing some of the comments made, and still as well, if there are any other issues that people believe should already be mentioned here, these can be added there-- so making sure that we park these somewhere and ensure that these are not forgotten. But at the same time, we don't want to bring them into the working definitions which are really, as I said, working definitions to provide the starting point. And I think in most of the cases, they're intended to define what the current situation or environment is, but clearly recognizing that many of these may change depending on the outcome of the working group deliberations and the recommendations that will be associated with that.

And as such, the introduction mentioned that as well, and the idea is that these are really a starting point to facilitate discussion. We expect that these will evolve and need to be updated as a result of working group discussions. And then at the end of the process, we will come back to these and add an update as necessary, and include those in the final report as final and no longer our working definitions.

So maybe just briefly, maybe the easiest thing is just to focus and I'll walk slowly through each of the recommendations-- each of the proposed working definitions, and if anyone has any questions or comments, please raise your hand and I'll pause accordingly as we go through the document.

So the first definition in relation to policy, we made at first some small updates there which now says, "instead of decisions and/or principles selected to determine and steer present and future actions." That is a general working definition of policy, and linked to that is a definition of the proposed working definition for GNSO policy which basically reads, "Any

gTLD-related policy recommendation that is approved by the ICANN board. “ We’ve included an associated footnote there which was language that was initially included as part of the definition as a kind of explanation, but it was deemed more appropriate to include that as part of a footnote to explain that there are multiple kinds of policy within ICANN, former policies, operational policies. So that language has actually moved to a footnote but I don’t think the language itself has changed a lot. It just notes as well that the working group is obviously charged with looking at whether there other times during which policy processes may need to be invoked.

Then the second category of definitions relates to policy development. The first one there hasn’t changed its general definition of policy development which is the policy through which policy is developed. And then the specific GNSO policy development definition which we, again, made I think a small tweak compared to the previous version which now reads, “The development of policy pursuant to the policy development procedures, including the policy development process, PDP, set forward in Annex A to the ICANN bylaws. This PDP procedure is required to be used for the development of consensus policies-- and see below.

And here we also add a footnote or an explanatory footnote that says for all the policies deemed so, council may use the PDP but is not required to do so.

So the next section is Policy Advice. I think here we, again, to the general definition just made a very small tweak reading, “community input on policy-related issues. Such advice may be requested by the Board or offered independently.”

And then the GNSO policy guidance one which I think we did completely change based on the feedback received, and basically referring to the charter where this term is also used, basically reads, “a term suggested in the policy implementation working group charter, all policy-related input from the GNSO other than recommendations developed through current established policy development processes.” And again we have, I think, a footnote linked to that to the actual charter question that introduces that term.

And here is a first instance where you see two of the comments or feedback that we did receive, but where the sub-team felt that those were more issues to be considered as part of the broader consideration, specifically the charter question related to it which is one, “will it be necessary to create a process to ensure a bottom-up multi-stakeholder model as follows?” And the working group did discuss a major scope and effect of such guidance included as part of its final report. So again, those were two comments received by where the sub-team felt that those are better served or better addressed as part of the overall working group deliberations on the specific topic, and not necessarily as part of the working group or of the working definition.

Then in item four, I think we actually combined two of the definitions that were before separate. We have implement or implementation as they were closely aligned. So “the process of putting into effect, carry out, executing or accomplishing a policy.” And then implementation of a GNSO policy, “the process of carrying out or applying a GNSO-recommended Board-approved policy.” Not seeing any hands, I’ll just move along.

Number five is Principle. There are two alternatives, basically, because I think there are different views on what it represented. So first of all, “a principle as a kind of foundational value, belief or idea that guides a person, organization or community.” An alternative, “we basically believe truth or theory that underpins and influences actions represents that which is considered to be positive and desirable for an organization, and guides and governs that organization’s policies, internal processes and objectives”.

Moving on to working definition six for GNSO--

J. Scott Evans: Marika, this is J. Scott. I think, is there a reason why there is not anything in the third column asking the working group to determine which of these two, after it completes its work, is the better definition?

Marika Konings: This is Marika. I’ll look from someone from the sub-team to raise his hand here. I think the sub-team felt that both of them illustrate what the principle is and if it’s not really core to, I think, what the working group is going to be discussing, I mean, this may be one of the definitions where I mean it’s just to help our discussions, but I’m not really sure, in the context of policy implementation, we’ll need to define that as well. Although working principles will hopefully as well speak for themselves of what they mean, or maybe that sub-team will pick one of those and decide which one they believe is most representative of what they’re going to represent to the working group in hopefully a couple of weeks.

I see Cheryl has her hand raised so I’m sure she can correct me where I’m wrong.

Cheryl Langdon-Orr: On the contrary. I was not going to correct you. I was going to reinforce you. My memory is on this is the sub-team was very keen not to preempt the work of the committee as a whole, but we did feel that both those choices were in our comfort zone and we would like to have those as starting points of all conversations.

J. Scott Evans: Okay. Thank you.

Marika Konings: Thanks. So this Marika again. So moving on to the next one which is GNSO Consensus. And again, there we made a small addition based on some feedback received from members of the sub-team, still reflecting as well the current language within the GNSO working group guidelines, that reads, “a position where only a small minority disagrees but most agree that after all views on a matter have been expressed, understood,

documented and discussed at length”. So the first part is an actual definition from the working group guidelines, and I think the second part really represents that the current practice or, as well, what is expected according to the GNSO working group guidelines on how consensus is achieved or assessed.

Then GNSO Consensus Policy, again, a couple of minor tweaks based on feedback received from the working group. So it reads now, “a policy established pursuant to the procedure and required minimum elements set forth in ICANN’s bylaws.” And two, “covering those topics listed in section 1.2 of the consensus policies and temporary policy specifications of the 2013 REA, see annex 1, or the relevant sections in the GTLD registry agreement, see Annex 2. GNSO consensus policies adopted following the outlined procedures are applicable and enforceable on contracted parties as of the implementation expected date.” Alan, do you have your hand up? Please go ahead.

Alan Greenberg: Yes, my hand is up for the previous item. I didn’t get it up quick enough, though. As one of the people who continually goes back to what can we do to make PDPs and policy development more effective and attract people instead of encourage them not to come, I guess I would like to see the words “at length” changed in the Consensus one. I don’t think the number of hours spent is the issue with the thoroughness of the issue. So I would suggest that we tweak that slightly, not necessarily on this call, and replace “at length” with something commensurate with the thoroughness, not elapsed time.

Marika Konings: Yes, this is Marika. So if people could maybe think about it and make some suggestions in the chat because I think we are hoping to try and at least get to a final state of this document in a short timeframe. So if you have any specific suggestions on how we may change that “at length” or what word may be appropriate there, please think about it and put your suggestions there.

Alan Greenberg: Yes, I’m sure we can come up with something.

Marika Konings: Then moving ahead to number eight which is the GNSO Implementation and Review Team. Again, I think we just made a small change here. “A team that may be formed at the discretion of the GNSO council but (INAUDIBLE) staff in developing the implementation details for the policy.” And again, this is a reflection of current reality and the footnote clarifies as well that if further discussion is required concerning the definition of this term as per charter question five to, for example, “the term whether to include Implementation Review team is a concept defined as a team formed to review implementation of a policy in order to confirm that the implementation conforms with and effectively embodies the policy.”

Again, what the sub-team has done is really just reflect the current state of affairs but recognizing that this is specifically a term where further

definition may be required at the end of the process warrants the recommendations in relation to that specific charter question are clear.

Michael Graham: Marika? Can I hold up my hand? It's Michael.

Marika Konings: Yes. Please go ahead.

Michael Graham: Yes. Just by way of a footnote, Implementation Review Team. Forgive me, I don't recall which of the recent Board decisions it was, but I do recall that just within the last week, one of the Board decisions specifically referred to and formed an Implementation Review team of one of the projects going forward. I don't know if anyone on the call has a better recollection of which one it was, but I just wanted to bring that out that in fact it is being used now so that something that I think the work group will want to be cognizant of and take a look at as we start talking about that part of the charter that we were asked to review.

Marika Konings: And this is Marika. That was the (INAUDIBLE) PDP recommendations that were adopted. And I actually sent out a call for volunteers today to (INAUDIBLE) working group to start the formation of the Implementation Review team. And maybe just to know that we actually have two other Implementation Review teams that are already active and working in relation to GNSO PDP recommendation, and that's the IR2P Part C, and as well the UDRP Locking Implementation Review team. So I think once we, as a working group, gets to that question, there are several groups that already working and can hopefully be used as a kind of a testing ground or getting feedback from those groups and see how that works and whether it's deemed effective or not, or what kind of changes may need to be made to make it more effective.

And yes, Alan makes a good point in chat. I think the first one we actually had was a (INAUDIBLE). I think that was the first PDP that completed under the new PDP rules and why we introduced a concept of implementation review teams, I think [PATNA] was the first one for which we used it.

Michael Graham: I don't think we have not used them for any PDPs since then, although they happen to always be particularly active.

Marika Konings: Yes. This is Marika. I think you're right. I think we're-- trying to think, there may be instances where it's really so clear cut that you may not need a whole group to look at it if you're really having specific language to replace. But I think in all instances-- and again, that's something probably that will come up as well in the working group deliberations on this issue that indeed, in certain cases, there may be a very limited role for the Implementation Review team because the policy recommendations are so clear and there's very little room for getting anything wrong or having any need for clarifications. But in other cases, there may be certain issues that do need to be worked through that may require indeed more meetings and more consultation. So I think we'll see different levels of

intensity or activity or requirements for an implementation review team to be active.

And so then, moving down the list, I see Anne has her hand up. Please go ahead, Anne.

Anne Aikman: Yes, thank you, Marika. I want to say first of all, I think that the sub-team has done a fantastic job of incorporating the comments from the last call. I'm seeing so much that really clarifies things. But I just have two questions. One is whether-- and I'm sorry, this goes back to category three, but when we define policy advice, with respect to the special status of GAC policy advice, is there not really any definition in the ICANN bylaws dealing with GAC policy advice, what that actually means? Does it just use the term GAC policy advice in the bylaws without having any sort of definition of it?

Marika Konings: This is Marika, and I'll wait for someone else to raise their hand, but in the meantime, I think it's actually GAC advice. I don't think the term is policy advice. I think that's where it differs. I mean, I'm not looking at the bylaws so I could be saying something wrong here. But I think as I recall for ALAC, and maybe the same, they actually talk about advice and not maybe policy advice, and I'm waiting for Alan or Cheryl to raise their hands.

Cheryl Langdon-Orr: Cheryl here. I dropped out of the room otherwise my hand would be waving frantically at you. Yes Marika. Again, you are absolutely correct. But in the specific question that Anne just raised re GAC advice, in the first affirmation of commitment, accountability and transparency review team, there was many, many, many, many, many hours spent on that exact subject, and it resulted in things like the GAC maintains that everything they said was advice and should be under the bylaw requirements. The Board said, oh sorry, unless we saw the words GAC advice on it, we didn't think it was. And that's now been clarified so you'll see things very specifically and clearly labeled as GAC advice, or indeed, in the case of the ALAC, and they've done this I think certainly for the last five or so years now, listed things as specifically advice versus comment. And if it's advice, it's a fully-sanctioned consensus-built process and a large advisory committee vote has been carried out on it. So there are very specific meanings associated to the particular terms in other parts of ICANN that I believe you're raising the point and we need to be cognizant of.

Anne Aikman: Thank you for clarifying that. I really didn't know. Just curious. The other question I had related to implementation, number four, and my question there was in connection with the MGPC and their mandate from the Board, is the word implementation used in connection with that, and is that at all relevant or is it in any way defined? Again, not taking away from it. To me I think this chart's amazing. I think it's really, really well done. And I'm just seeking to have an answer to a question I don't know the answer to about whether MGPC has implementation-- specifically implementation responsibility.



Marika Konings: This is Marika. Alan has his hand up and I'm hoping he may have an answer to the question.

Alan Greenberg: Thank you. I don't think the word implementation used to be used a lot. It was sort of what got done to make things happen after the policy came - after the policy was decided on. And so the word itself I don't think shows up in the bylaws or anything like that.

Clearly the Board in a generic sense these days says it should not be setting policy. Therefore what the Board is doing must be doing implementation. It's one of these when you subtract what's not possible, what's left is what they're doing. One could question whether some of their decisions are in fact policy, and we may, as part of the product of this, come out and say that they should not be doing certain classes of things because it's the policy, and therefore must involve the bottom-up process. But I think that's going to be a result of this group, not one of the inputs, and therefore since the term is not defined in the real world, we can't really say what they're doing except they have declared in general they don't want to set policy. But it's a real fuzzy world right now. We're in the middle of doing something and we keep on coming up with questions that weren't addressed well enough in earlier years. They're clearly doing things which are edging to policy but I don't think we want to raise that issue right now.

Marika Konings: Yes. And this is Marika. I just-- this is Marika. I just looked up the resolution that established a new GTLD Program Committee and actually doesn't refer-- talk at all about implementation. It just talks about the Board delegates to the GTLD Program Committee all legal and decision-making authority of the Board relating to the new GTLD program. So it doesn't specifically talk about implementation so maybe that answers your question.

Anne Aikman: Thank you, Marika. That's very helpful. It just says all legal-- I'm sorry, what does it say?

Marika Konings: In the resolution it says all legal and decision-making authority of the Board relating to the new GTLD program.

Alan Greenberg: They're the Board for all intents and purposes.

Anne Aikman: Okay. Thank you.

Alan Greenberg: But I don't think anywhere it says clearly what the Board can do. So it doesn't really clarify the situation.

Anne Aikman: Thank you very much.

Marika Konings: So then going back to where we were on the list. This is Marika again and I think we left off at item nine multi-stakeholder model. So we didn't make any changes to the general definition of that. So that's "an

organization framework or structure for organizational governance or policy-making which aims to bring together all stakeholders affected by such governance of policy-making to cooperate and participate in the dialog, decision making and implementation of solutions to identify problems or goals.”

And then we specified as well the definition for the ICANN multi-stakeholder model, and there we had made some tweaks. So “the multi-stakeholder model adopted by ICANN is composed of diverse self-selected Internet stakeholders from around the world, organized or self-organized into various supporting organizations, constituencies and advisory committees, and utilizes a bottom-up consensus-based policy development processes open to anyone willing to participate.” And then on the request, I think of the working group or remember who was the principal sub-team, we also added a definition for bottom-up and GNSO PDP, which is “a sub-team to find a fundamental principal of ICANN’s participation and policy development, decision-making process or abide policy and organizational decisions, and then analysis progress from analysis to policy, not from the Board down, but from stakeholders, Internet users, companies and anyone who wishes to participate in the process up to the Board. The process provides the opportunity for equal participation from all levels from the involved organizations as practical and possible.”

That basically covers all the definitions, and we made a couple of small updates just to the explanatory language at the bottom in relation to some of the additional terms that were suggested for consideration and for how these were considered, and why they were not incorporated. I think it explains a little bit as well why we added the additional columns to really make clear that we’re not ignoring some of the comments or feedback received, but in certain cases, I think the sub-team felt that trying to define terms such as, for example, public policy or public interest, and could really a large amount of time without necessarily yielding the proportionate value to the working group effort. So it wasn’t deemed necessary or timely at this stage too to work on this items as I think the sub-group believed that the most important terms that are required for the working group deliberations are covered in this document.

And I think that covers it. I think we have some annexes where some of the background information is provided on the consensus policy and specifications as well as in the RA or the new GTLD registry provisions that relate to that, as well as the specific section of the working group guidelines that talks about the decision-making and consensus definition.

So I know we have the one issue on-- the suggestion on the word on, where are we, the consensus, GNSO consensus. I see that Amr has made a suggestion to change, I think, the last part to “and discuss to the satisfaction of the participants of the GNSO working group.” And I see that J. Scott has expressed some concern there as that could be considered a slippery slope as disagreeable parties are never going to be satisfied, but Amr responded back it does include a definition itself,

already that a small minority may disagree. And all views on the matter have been expressed, understood and documented so that may already cover that element.

So Alan has his hand up, so Alan, do you have any other suggestions?

Alan Greenberg: I'll just note that Amr's answer essentially makes it a circular definition. But because you need to understand what consensus is before you can recognize whether it's met. I suspect we can-- I haven't thought of it and I don't like drafting these on the fly-- but we've thoroughly discussed or something like that I suspect we can do it without stressing an end. It's always the Chair's call which is appealable to the GNSO council if someone doesn't like the Chair's call. So I would suggest a word like that and I'm willing to think it over after the call and come up with something on the mailing list. But "thoroughly" may be an adequate word to start with right now.

J. Scott Evans: This is J. Scott.

Marika Konings: Go ahead.

J. Scott Evans: I'm going to acknowledge Amr first because his hand is up. And then I'll make my stake. Amr.

Amr Elsadr: Thanks, J. Scott. This is Amr. I just wanted to note something else regarding GNSO consensus. This is a discussion we've been having recently on the standing committee of improvement implementation. And one of the things that was brought up on this discussion is that GNSO consensus, there's actually only two levels of the decision making in GNSO consensus, because you have, in the GNSO working group guidelines, you have several levels of decision making, atop to being full consensus, and then a consensus with a minority disagreeing. And the rest of the decision making levels including divergence and others do not actually represent consensus. So I was wondering if this group, in defining GNSO consensus, are we referring to just these top two levels or all of the decision making levels in the working group guidelines? I think that would frame us what it is we want to define here. Thanks.

Marika Konings: This is Marika. Maybe I can answer that question because basically the definition specifically relates to the consensus definition. Not the full consensus but really the consensus as that was one of the terms that was given to the sub-team to define, and that's a defined term in the GNSO working group guidelines. But as I said, the section 3.6 is included in the annex so it should be visible for everyone as well and indeed it's not the only designation that exists, but this is the term that's used for consensus now.

J. Scott, I think you were next.

J. Scott Evans: I'm going to recognize Alan because his hand has gone up.

Alan Greenberg: Sorry, I wasn't trying to pre-empt you. I was just going to say that I'm not sure that this definition is needed in our process anyway because it is covered in the work group rules. But just incidentally, the GNSO council essentially ratified our definition when they refused to or decided not to send on to the Board the decisions with a lower level of agreement from the IGO/INGO working group. But I really don't know if we need to gild this anymore because I'm not convinced we really need that definition to go forward in any case. Thank you.

J. Scott Evans: Thank you, Alan. My suggestion would be that anyone that has comments regarding number six, or any of the others, forward them to the list so that they can be compiled and put in the column three for further consideration.

Michael Graham: This is Michael, and I think that probably is the best way to go. And put the definitions themselves to rest in so far as they are specifically working definitions. I can't think of one of them that will not change at least in what it denotes or connotes. I forget which one it should be as we go further into the decision. But at least in giving us the language that we can use with each other, I think this is a pretty good place to end the work of the sub-team.

J. Scott Evans: So my suggestion, Marika, is that we would send a note to the entire working group given that not everyone's here today and say that by Friday, we're going to close the-- in time to make comments with regards to the definitions, and that they need to make any comments to the list, and any comments that are related to outstanding issues or questions will be put in this column three for further consideration by the work group as a whole, and individual sub-teams as they drill-down on the work.

Marika Konings: Perfect. That's fine.

J. Scott Evans: I don't want to leave anyone out that couldn't be at the call today. I want to give them some additional time. But I want to give us a hard close to this document.

Marika Konings: So this is Marika. So at least I see in the comments or in the chat at least that people seem to be fine with at least removing "at length" so that may already address Alan's concern and then I think people still have an opportunity to add further comments by Friday. Does that work? Are people okay with that?

J. Scott Evans: Yes. Amr's hand is up.

Amr Elsadr: Yes, thanks, J. Scott. Thanks, Marika. My only concern is that this, I believe, will be the fourth deadline for providing feedback on the sub-team's work. And assuming we do get feedback before Friday and start making amendments, does that mean we will need another delay to start editing accordingly?

J. Scott Evans: I think, perhaps I wasn't clear. I'm not talking about taking in comments that relate to revisions. I'm talking about raising any concerns for further consideration that would go in that last column.

Amr Elsadr: Okay. Alright.

J. Scott Evans: We can do anything to change this, but if you have any concerns, they would be noted so that they're not lost. And when we go through the additional work teams, they want to take on that, or when we come back at the end and we revisit this, we'll have a record. We can then decide whether having gone through all the work, any adjustments need to be made based on the concern that was raised at the beginning of the work. But I'm consistent that on Friday at close of business Pacific time that this is done.

Amr Elsadr: Alright. Great. That sounds great.

J. Scott Evans: And that I'm only adding additional time so that if there are concerns that aren't raised by people who aren't here, we can at least get them noted. Is everyone-- can I see some-- those of you who are on Connect, if you agree with that approach, would you give me an agree? I see three, four, okay, it looks like those that can get to it are on board. And it looks like Amr is not offended by that either. So okay, that's what we're going to do then just so we can move forward. I want to thank Michael, Amr, Neil, and everyone who has been involved in all of these, but especially this hard working Definition sub-team on plowing through this work, some of it through the holidays. We really appreciate all your extra work.

So now let's go to the status. I don't think Olivier has been able to make it so I will briefly let you all know that he has sent out some follow-ups to various groups with regards he has contacted NPOC, SSAC, the ccNSO, RSAC, NCUC, the IPC, the ISPCP, ASO, the GAC, and I want to say he may have attached the BC but I don't see it in his list, with regards to the input that we had requested prior to the holidays, and he has reminded them. He has heard back from the head of NPOC who has suggested that this go to their policy committee team. So he is going to make sure that happens. And he's heard back from [Rafik] the NCUC who is going to put it on their agenda for their next meeting which is 25<sup>th</sup> of February. So we've heard from those two with regards to possible having-- they've at least acknowledged they've received it and their intention to discuss it within their own group. So that's good progress.

Next, I'm going to turn to Cheryl Langdon-Orr if she's still with us to bring us up to date on where we are in the Principles sub-team which I think has another call again tomorrow, and has been meeting religiously, weekly, for 90 minutes to plow through the various issues in their document. So Cheryl, with that, I'll turn it over to you.

Cheryl Langdon-Orr: Thank you, J. Scott. Cheryl, for the record. And Marika, I don't know if there's anything you want to project. But if you do, fantastic, but if not, I'm going to make this fairly brief. But a very pleasurable update, I believe.

We are perilously close to the part in our process where what we are going to be doing in tomorrow's call is moving the last couple of points which are still for discussion and deliberation and finding consensus to what has currently referred to the top of document which is where we're putting everything that we've completed at our end. In preparation of presenting to the working group as a whole, we have got the lion's share of the principles in terms of text, and in some cases, some alternate text suggested in note form ready for your deliberation but we are, as of tomorrow's call, going to go through the actual layout and design of the documentation.

It is intended to have it in the working group's hands in advance of the next working group call, and I'm delighted and I expect the rest of the team and Chuck is too.

And I think a huge thanks goes not just to the individuals as you've mentioned, J. Scott, who have worked very, very hard in the sub-team to get what you will be receiving shortly as a fairly completed document, obviously still open for your discussion, but also Marika and Mary have been unbelievably useful and just-- we really couldn't have done it without them. It has been a very large effort but one I'm sure you'll all appreciate. And I've dropped off-- and I'm back again. Thanks, J. Scott.

J. Scott Evans:

Alright, thank you, Cheryl. And thank you for that. That call, for everyone's diary purposes, is going to be, I believe, Wednesday, March 5<sup>th</sup>. And I am not going to be able to be on that call, I do not believe, because there's some chance I will be on an airplane. And Chuck is fully aware of that. We had switched out the schedule due to that-- due to his not being available today.

Marika, I just want to point you to the fact that Kristina Rosette-- oh, I see you've noticed it. Okay. I appreciate that. Alright.

So now we move to planning for the working group face-to-face meeting, an ICANN meeting in Singapore. My first question is, Marika, have you all secured a time slot? I think the initial discussions were it would be held on the Wednesday after the GNSO working meeting as it was in Buenos Aires. Is that still our plan?

Marika Konings:

Yes. This is Marika. The meeting slot that is currently on the schedule is Wednesday afternoon from 3:30 to 5:00 local time with the GNSO council meeting finishing at 3:00. This is still tentative as we're still finalizing the schedule and as always there are a lot of moving parts. That is the slot that we requested and I think currently have allocated. So we'll keep a close eye as well and see how things come together. And as soon as we have a confirmation, that is indeed the slot. I will let, of course, the mailing list know, and I think as mentioned before as well, we'll make sure that remote participation facilities are available so that anyone that's not in Singapore is able to participate in the meeting remotely.

J. Scott Evans:

What date is that meeting? 26<sup>th</sup>?

Marika Konings: Yes, that's correct.

J. Scott Evans: Cheryl, I'm not sure, but I'll look to you and Marika probably to assist me but do you think it may take one or two calls to go through the Principles document?

Cheryl Langdon-Orr: I believe, this is Cheryl for the record-- if we structure it right, I think we can do it if we dedicate the amount of time of the call associated with it to be a fairly large lump. Obviously, that's up to the leaders of the call. It can be done in a single reading on the call providing people have had the opportunity and made as many comments as possible to the list. Because that's usually the part that holds it up. I believe we'll have designed structure so that you'll all be able to read the over-arching and following principles, and have them clearly understood. But if there's specific comments and debates, we probably should make sure we start that online before the call.

J. Scott Evans: Alright. Okay. So what do we want to handle in Singapore? I think that we are going to need to revisit our timeline and look at it and make re-adjustments with it. We are also going to need to make sure that we have sufficiently populated the remaining sub-teams.

Cheryl Langdon-Orr: That's the next one. Yes.

J. Scott Evans: Those are the two things that I think would be-- I mean, there's always-- we have 90 minutes. We might want to take the first 30 minutes and do a presentation on the work done to date where we say we've come up with these definitions, we've come up with these principles, and then next steps. And then take the last part of the meeting, the last hour, to look at the timeline and making sure we're populating these committees correctly. That would be sort of my suggestion to the group. Are there any other points of view, Alan? I see you've agreed but do you have any comments?

Alan Greenberg: That was agreed from a very long time ago. I don't remember what it was for. I do have a comment. Face-to-face meetings are really valuable as an opportunity to have what I guess I'll call a substantant discussion. And I'd hate to see using or I was going to say the word waste, and maybe that's too derogatory, the time for talking about schedules and things like that.

We've spent a lot of time so far on these sub-groups and definitions and principles. At some point I think we need an overall work group-- not a sub-team-- discussion of where we're going with this and the implications of what we've already decided. Some of the principles that will be presented next time have some really substantive impacts. And they may be good, they may be bad. They may be a mixed thing that they're expressing something that we believe, but they're going to have some results. And I think we need a bit of a wide-ranging discussion of are we going in the right direction. There's a danger of doing things in tiny little

bites. You go from one step to the next without really understanding where you're going. And you may not end up like the end product because of it. And I think this meeting is an opportunity to have some of that discussion.

J. Scott Evans: Taking on board your comments then, would you agree that perhaps because there will be others in the room and we may want their participation as well, that what we do is we present the work we've done to date, and then we look at the work that remains to be done, and then we have this broader discussion. So we take 30 minutes to present sort of the plan, what's been done, what the future plan is, and then have that broader discussion.

Alan Greenberg: I think that's quite reasonable. I think in between that, we need some almost blue sky or some stage-setting of where we're going for now leads us. Is that where we want to be? Maybe everyone in the room says yes but let's go for it, but I think it needs airing.

J. Scott Evans: So Marika, what I would suggest is that we have a very robust Singapore planning meeting on the call that is-- there will be a call between Singapore and the 5<sup>th</sup>, correct?

Marika Konings: Yes.

J. Scott Evans: The week before.

Marika Konings: Correct.

J. Scott Evans: So maybe that's the day we do a robust planning, and we just put in our minutes that this has come up, and this is sort of a suggested format that needs to be further flushed out.

Cheryl Langdon-Orr: That's good. Cheryl here. If I could put my hand up to agree or my checkbox to agree, I would. I just wanted to note two things though. I will only be available for the first 60 minutes or actually 50 minutes of that 90 minute call in Singapore-- sorry, gathering in Singapore, because the Public Nominating Committee meeting starts an hour into our call. And obviously I'm committed to that. So I'll be there for the beginning, but I'll have to and actually get organized to run another forum at sort of the 50-minute mark into it. I want to support what you're saying, and I do think Alan's point that these gatherings at the public meetings are often an opportunity for us to have healthy and quite valued wake-up calls from other parts of the community. It's almost a preliminary focus group exercise, and I'd like to see that as much time as possible is devoted to that opportunity.

J. Scott Evans: Anne.

Anne Aikman: Yes. Thank you, J. Scott. It's Anne. My question about what Alan had said was-- and maybe it's because I haven't seen the working principles yet-- is if the point of this meeting is to be a check about are we going in



the direction we need to be going, my one question about that would be that if this is a bottom-up process. I'm not sure we've actually got into the meat of the process of the working group yet. And so when we talk about are we going the direction we need to be going, is it really jumping ahead in terms of conclusions of where we should be going? I mean, focus group makes sense to me. Getting comments makes sense to me. Dealing with it in a substantive manner makes sense to me. But I don't quite understand the terminology of so we can find out where we should be going because to me that's the process of the group itself. Thank you.

J. Scott Evans: Alan.

Alan Greenberg: You may be right. And the Principles group may have overstepped their boundaries in coming up with certain principles. But the feelings in that group anyway were exceedingly strong. And we'll be addressing it in this group when the principles are brought to it. But the single one that is crucial is that you cannot violate the bottom-up process, the decision making process for expediency. That's not how we phrased it, but that's what it comes down to. In other words, if you come to a substantive issue which is going to impact people, change the course of the world during implementation, you have to involve the community. And we don't know how to do that yet. This group is going to have to figure out how to do that. But if we honor that principle, it changes the tone of significant implementations. Not trivial ones like some of the small PDPS, but the big ones. And we have to understand what those implications are. People have principles a lot of times in life and they violate them. They bypass them because they're not practical. The question is do we want to do that or not, and that's the kind of discussion I think we need to have.

So it's really an issue of recognizing that the principles that the Principle group has come up with has implications. And if we accept them, we're saying at this point anyway, we're willing to live with those implications. But it's got to be done consciously and not blindly. I'm not sure I made it any clearer. Well, maybe I did.

Anne Aikman: Thank you, Alan. It's Anne. That sounds like it's going to be a very meaty discussion and I guess I would probably want to-- in terms of setting the agenda on what we want to discuss about the working principles, it would be good to have a discussion about the working principles before that meeting.

Alan Greenberg: I hope we will but since I sort of have the microphone, it's almost one of these issues that we want a pseudo-debate of three minutes each side of why these principles are good and why the principles are going to kill ICANN. Because there's the flavor of that in them.

J. Scott Evans: Greg Shatan.

Greg Shatan: Hi. It's Greg Shatan. Thanks, J. Scott. I'm also on the Principles sub-team. And I guess I have a little different view. Not a lot different view than Alan of what we're doing. I think in many ways the Principles group

is getting to some of the meat of the issues that are in front of the larger group. And looking forward to getting the principles cycle, that's a larger group.

I think that although the principles we're talking about are very much up for debate and discussion and I'm glad to see Alan using the word debate because I don't think they're kind of settled principles in any way, shape or form. So I think that we just need to look at them-- at everything here as kind of works in progress, and subject of debate, rather than things to be accepted and taken as kind of face. I think we have spent a lot of time kind of getting our house in order for having this meaty discussion, and I feel like we're still in a way very early in our process of getting to kind of the meat of the matter and I think it's important to have the definition so we're at least talking about the same things when we're using the same words. The principles, I think, gets us even further into it, much further, and I hope that we will look at them as the beginning of a broader discussion, and not kind of trying to set anything too far into stone. Thanks.

J. Scott Evans: Thank you.

Cheryl Langdon-Orr: J. Scott, Cheryl here. I can't see if anyone's got hands up or not.

J. Scott Evans: You're the one.

Cheryl Langdon-Orr: Thank you. It's an ideal opportunity and I did use the word focus group deliberately for, in Singapore, to explore a lot of what your new principles documentation will have opened up to our work group. There are a whole lot of discussion points that kind of come out of it. And if we can dot the I's, cross the T's and agree in principle that these are working definitions that we will now debate and deliberate, and indeed embellish undoubtedly at our next ordinary meeting, and then get into that substantive part of our Singapore meeting, obviously in the first hour it would suit me, that would be fantastic.

J. Scott Evans: Okay. Alright. Well, I think we-- there's no need to continue. I think what we-- I think we have a general idea of what we're talking about. I agree. I think that it would be nice if we sort of had a presentation of what's being presented, and then maybe we can decide whether at the end of having that presented, we want to have another call where we sort of have an internal debate, and then as part of our planning, and then present that to the wider community at our meeting and have that sort of debate open for others outside the group and also hear input and their input as well. So I think that gives us some ideas of some possibilities for the face-to-face meeting in Singapore that are substantively deep and weighty, Alan. So with that, I'm going to ask if there's any other business.

Hearing none, this is J. Scott Evans, I'm going to call this meeting to a close and remind everyone the next meeting, again, is Wednesday, March 5<sup>th</sup> at 20:00 UTC. Thank you all.

Cheryl Langdon-Orr: Thanks, J. Scott.

Marika Konings: Thank you.

Speaker: Thank you, J. Scott.

Cheryl Langdon-Orr: Nathalie, can you stay on the call one minute, please?

Nathalie Peregrine: Of course. Douglas, could you please stop the recording? Thank you.  
(INAUDIBLE) when it stops.

Operator: The recording has been stopped.

Nathalie Peregrine: Thank you very much.

**END**