

**ICANN
Transcription
Standing Committee on Improvements Implementation meeting
Tuesday 13 May 2014 at 19:00 UTC**

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<http://audio.icann.org/gnso/gnso-sci-20140513-en.mp3>

Attendees:

Ronald Andruff – Commercial and Business Users Constituency – Primary – Chair

Greg Shatan – IPC – Alternate

Thomas Rickert - Nominating Committee Appointee – Alternate

Wolf-Ulrich Knoben - ISPs and connectivity providers Constituency (ISPCP) – Primary Member

Avri Doria - Non-Commercial Stakeholder Group (NCSG) – Primary Member

Jennifer Standiford - Registrar Stakeholder Group (RrSG) – Primary Member

Cintra Sooknanan (Vice-Chair) - Not-for-Profit Organizations Constituency - NPOC

Constituency – Primary Member

Apologies:

Anne Aikman Scalese – IPC – Primary

Oswaldo Novoa - ISPs and connectivity providers Constituency (ISPCP) – Alternate

Jennifer Wolfe - Nominating Committee Appointee - Primary

ICANN Staff:

Mary Wong

Julie Hedlund

Glen de Saint Gery

Terri Agnew

Coordinator: And the recordings are started.

Terri Agnew: Thank you. Good morning, good afternoon and good evening. This is the SCI call on the 13th of May, 2014. On the call today we have Ron Andruff, Wolf-Ulrich Knoben, Thomas Rickert, Greg Shatan and Avri Doria.

We have apologies from Anne Aikman-Scalese and Oswaldo Novoa.

From staff we have Mary Wong, Julie Hedlund and myself, Terri Agnew.

I'd like to remind all participants to please state your name before speaking for transcription purposes. Thank you very much and over to you, Ron.

Ra: Thank you very much. This is Ron Andruff for transcription purposes. And I would like to ask if anyone within the committee has any changes to their statements of interest since we last met? Hearing none we will note in the record that our statements of interest are all up-to-date.

And just like to ask if there's anything else anyone would like to add to the agenda before we get into it today?

Mary Wong: Ron, this is Mary.

Ron Andruff: Yes, Mary, please go ahead.

Mary Wong: Not so much adding to the agenda but for the purposes of the recording and members who are not here do you want to confirm that for the formal consensus call that I think went out for the working group consensus guidelines that you'll be doing that via and on this call?

Ron Andruff: We have covered that. I'm not sure where we stand on that exact item. Has everyone more or less signed off on that consensus call issue, Mary?

Mary Wong: Formally in terms of responses I believe I've got one from the IPC and one from I believe it was in NCUC or NCSG, I'll have to check. So I guess we can talk about this off-line but I just wanted to note for the record that we probably want to close this off however you think fit.

Ron Andruff: Thank you very much. Actually while we're talking about the record can we note which constituencies, which stakeholder groups are not in attendance today?

Mary Wong: This is Mary again, Ron. I don't believe we have representation from the Contracted Parties house. Terri can you confirm that?

Terri Agnew: I'm so sorry, who were you looking for?

Mary Wong: Anybody from the Registries or the Registrars. I could probably pull up the list. From the Non-Contracted Parties we have Ron, you're the chair, from the BC; Greg from IPC; Wolf-Ulrich from the ISPs and Avri from the NCSG. And of course Thomas is the NCA appointee.

I don't think I've missed anyone else have I?

Ron Andruff: Very good, Mary. I think that's correct and that's what I want just to make sure we note that on the record who is missing. We never heard any regrets from them as well so we need to address that in London.

So with that let's just move to the consensus - I think that is the first item, let me to scroll up here for a second. The first item is the waiver exception. And let's just start there and we'll come back to that consensus language if more people join the call.

Thank you, Julie, for noting in the record missing Registrars and Registry Stakeholder Groups.

So coming to then the waiver exceptions, we had asked for this language to be circulated recently. And perhaps, Mary, you could bring us up to date on what happened vis-à-vis that circulation and then we can have Greg follow on with his comments. Mary.

Mary Wong: Sure. Ron, as everybody will hopefully recall that was language sent in by Greg that seemed to cover the issue itself to be addressed but a question came up about overlap with - I believe it was resubmission. And one of the

possible solutions was to add a sentence to at least amend the new language on resubmitted motions.

What happened then was that I noted that the language on resubmitted motions had already gone out for public comment and had already been approved formally by the GNSO Council. So it seemed awkward to propose another amendment and have another public comment on the same language plus a minor addition.

So I suggested an alternate way of approaching the issue which I believe was what was circulated to the mailing list. And while I did not presume that that would be the document for the consensus call I think the question for the group now is whether that works and therefore the language as it stands can go out for a consensus call or whether you would like to discuss it further and perhaps consider other options.

Ron Andruff: Thank you, Mary. Did I get that right, Greg?

Ron Andruff: Well exactly. I'm going to turn to Greg now and ask if you want to bring so many other comments to this discussion, Greg?

Greg Shatan: Sure, the only comment that I noted on it was a comment by Anne noting that reports - that this section is called Submission of Reports and Motions. And by that the new language in the middle doesn't refer to reports but only to motions.

Clearly to my mind reports don't get submitted - unless you tell me otherwise - reports don't get submitted without a motion to adopt that report. So I presume the reason is this section is called Reports and Motions is to cover both motions that don't cover reports, that cover other things, and motions that cover, you know, the adoption of working group reports.

I think the fix is simple. Anne didn't suggest one though she raised the question. It seems to me that whether the motion is one that is regarding a report or whether there's other accompanying material that would need to come with the motion that that - that the submission of the motion includes implicitly - well maybe we need to make it explicit - it includes implicitly the submission of any documentation.

So one could not submit a motion two days before or one day before the meeting but not have the accompanying report or any other documentation with it and somehow expect that to be a timely filing.

While that may seem self evident in the interest of further clarity I would suggest that in the beginning of the language that we refer to - where it said, "if a motion," we could say, "if a motion," then open paren, "and any accompanying report or other documentation is submitted," blah, blah, blah. And then, you know, close parens and blah, blah, blah, just something like that. And then I think we could just leave the rest of it as is.

Other than that I didn't see any other comments on this. I think that with, you know, with that minor clarification we would be ready for it. Anne also seemed to have raised the question about whether this would need to go out for public comment once it's approved by the SCI.

So I, you know, would ask whether that's the case as well. I'm assuming that is the case. For some reason Anne seemed confused.

Ron Andruff: I think the - this is Ron. Thank you, Greg. I think that the public comment issue will always be there; we will always need to send this out for public comment once we do our work. I think it's a matter of course unless I'm incorrect on that perhaps Mary or Julie could correct me.

In any case we have Avri in the chat noting some questions - asking for clarity I think. Avri, can you speak today or - there you go, thank you, Avri, take the floor.

Avri Doria: Yeah, I can. Yeah, I can if I must. Yeah, so to be clear I might be confused in what we're talking about, which happens to me a lot in this group for some reason.

But anyway I'm assuming that the - we're talking about the additional text there at the end and whether we have to go through some process or other to do it.

What I'm questioning is why we need to add the extra text. It is already a motion, a resubmitted motion is a motion and is subject to the same rules. So I'm not sure why we need to do anything.

And perhaps it's just, you know, the language getting more and more legalistic all the time and talking about pursuant and such starts to confuse me. But I just don't understand why it's necessary. Thanks.

Ron Andruff: Thanks, Avri. Anyone else have some thoughts? Mary, I see your hand, please go ahead.

Mary Wong: Thanks, Ron. And I'll try - maybe I should cede to Greg. Let me just give it a quick shot. I think this was a slightly different point from Anne's and this was a point raised by Amr with respect to this last sentence in the redline that you see.

And I think the question was the - whether this also applies to resubmitted motions. And, Avri, you may be right that maybe this is stating the obvious. But since it was raised the question was whether and how we should address it. And so this was an attempt to make it clear that, you know, resubmitted motions don't get a buy as a result of this that on top of the resubmission

requirements, right, for a waiver they then have to meet the waive requirements.

Ron Andruff: Thanks Mary. Greg, please go ahead.

Greg Shatan: Yeah, I think that, you know, this is maybe more complicated than it needs to be. But in any case I think the reason in part was that the language in 4.3.3 which is the language about resubmission of a motion doesn't make it clear that the waiver process is available for a brief submitted motion.

And, you know, this was an attempt to - my original suggestion was to - or maybe it was Amr's - was to amend 4.3.3 but then the issue was that 4.3.3 would need to be put out for public comment again. And the idea was to try to avoid that so that's why the language is here and it's different language than it would be if it was in the 4.3.

So I think, you know, again it's kind of the question about whether Avri is right and there really is no way one could look at these rules and think that resubmitted motions can be granted a waiver, you know, submission after the 10 day rule in which case, you know, we don't - maybe we don't even need this language. You know, sometimes you stare at this stuff too much and you start what-iffing yourself to death.

Ron Andruff: Exactly, Greg. Exactly, Greg. That's one of the - that is one of the issues that we struggle with here at the SCI and that's why we always try to maintain a light touch whenever we can.

Avri is making a strong argument for not going forward. And Mary's adding a suggestion we might apply a clarifying sentence to 4.3.3. And I wonder if we might be able to bring that - just bring that sentence up and see where you're going with that, Mary. Is that possible to bring that up on the screen?

Mary Wong: I can just try and type a suggestion in the chat. But Greg they have a suggestion as well.

((Crosstalk))

Ron Andruff: I'm wondering what the existing language looks like in 4.3.3, that's why I was asking. Greg...

((Crosstalk))

Greg Shatan: This is Greg. If I could speak again? I'm looking at the language and remembering what Amr was talking about more particularly it's the sentence in 4.3.3.1 that says that the explanation for resubmission of the motion must be submitted no later than the deadline for submitting the motion, i.e. no later than 2359 on the day - 10 calendar days before the Council meeting.

You know, the i.e. in there could be read to mean that their explanations must be submitted 10 days before or the waiver doesn't apply. If this was all being written at one time or in the opposite order the i.e. probably wouldn't even - paragraph might not even be in their, the i.e. parenthetical rather. So it's kind of unfortunate in the sense that it's there.

That's what creates the tension between the two. So we could either, yeah, as was suggested previously, add an explanation to 4.3.3.1 that the deadline, you know, this includes any waiver, that the waiver applies here as well or take out the parenthetical entirely, frankly, which might be easier.

And not make any change to the language in 3.3.2. So we may have to put them both out for public comment...

((Crosstalk))

Greg Shatan: ...but that I think is - that's the, you know, price of eggs.

Ron Andruff: Yeah, all right thank you, Greg. Mary, please go ahead.

Mary Wong: Thank you, Ron. Thanks, Greg. Right so as Avri says if we need to we, you know, republish 4.3.3 if that's where we think the best solution lies then yes we should definitely do that.

What I was trying to do obviously is try to offer some alternatives that may get us to the same place. So one alternative, Ron, is well I guess a choice now is we can also choose to not say anything here at all because as Avri says, a resubmitted motion is a motion and therefore this should apply without us having to say it, that's one option.

Another option would be instead of this somewhat plunky language in the new redline here that I see in purple, we could just insert, for example, in the second paragraph here it says if a motion is submitted after the submission deadline, we could have a parenthesis after the term "if a motion" to say, "including a motion resubmitted pursuant to Section 4.3.3.

That's if we wish to make it clear. But like I said an alternative might be, as Avri has pointed out, that maybe it doesn't have to be made quite as clear because it should already be subsumed.

So what I'm suggesting here is either we go the route of not amending anything or adding anything at all or if we do that we make it simpler and add something in parentheses saying included a motion resubmitted under 4.3.3.

Ron Andruff: Thanks Mary. I think you summarized it quite well which option we can take. And I would like to see if there's any other members of the committee that would like to bring something to this discussion?

Not seen any hands shooting up. My knee-jerk reaction to this is less is more, that if we can go with what we have here and follow the lead that Avri has

given us in so much as over qualifying language with every paragraph we draft that we have to go back and start making changes to the rest of the document sounds to me a little bit overkill.

And our job here is really try to simplify something to see if we could make it work a little more smoothly.

Greg, I see your hand; if it back up again? Would you like to speak?

Greg Shatan: Yes, that's a new hand.

Ron Andruff: Please go ahead.

Greg Shatan: I would go with kind of Mary's last suggestion. I think that we can do this without needing to re-jig our 4.3.3. I think the suggestion of a simple parenthetical earlier is better.

So what I would suggest - and I can type this out and recirculated at the beginning where it says, "if a motion" and then say including a motion - a resubmitted motion pursuant to section 4.3.3 close paren, is submitted blah, blah, blah.

And then to Anne's other point on the first bullet point where it says the motion is submitted say the motion, you know, open paren, including any report or other accompanying documentation, close paren, is submitted. And those are the only changes we'd need to make to the language in front of us. And then get rid of the purple language at the end.

Ron Andruff: That sounds like an elegant solution to me. Does anyone else have a comment or thoughts on that one before we bring this discussion to a close?

All right then, so, Greg if you would resubmit that language to the list and we will then move to get a consensus from the rest of the constituencies and

stakeholder groups who are participating in this discussion with us to see if we can get this closed off in our next call. I think that's a good solution. It solves the problem for me and I'm happy with that.

I see Avri though have made a comment. Avri has noted something in the chat, would you like to speak to it directly?

((Crosstalk))

Avri Doria: Yeah, as I was reading while - yeah, as I was reading - oh never mind. I have to put my hand up first. Let me put my hand up first. Okay. Hand is up but Greg is still before me. Oh okay.

Yeah, it seems to me it is too bad that we said "that is" as opposed to "for example" in the example in 4.3 was a place where we over - basically overdid it and said more than we had to say.

So personally I would prefer to just the either the parenthetical dropped or the i.e. change to e.g. and leave it at that. But, you know, I await to see what Greg suggests but I think adding new language when subtracting the language is a just as good solution. I tend to prefer subtracting then adding. Thanks.

Ron Andruff: Thanks, Avri. So, Greg, I see your hand; please go ahead and respond.

Greg Shatan: Hi it's Greg. I think, you know, in any case we're adding a whole bunch of language because all of the stuff about submitting a motion within the 10-day period or after the 10-day rule is new and is going to be part of what's put in front of the GNSO and the public comment period. So we're adding a whole concept regardless.

So, you know, that said I'm happy with the idea of removing the parenthetical from 4.3.3. I think we did say too much; we didn't need it at that time. And,

you know, in light of the fact that the deadline isn't necessarily 10 days before because there is a waiver process, you know, it's leaving it there, you know, does create confusion.

So, you know, I think if we remove that then we don't need the parenthetical about including a resubmitted motion in 3.3. We probably should still deal with that report point of Anne's though.

So I'm happy to do either way but I think that in terms of creating a cohesive document at the end of the day, which really should be our goal, leaving that i.e. paragraph - or i.e. parenthetical there kind of, you know, could create, you know, confusion in the future so I'd rather see it removed. Thank you.

Ron Andruff: Thanks, Greg. So we look forward to seeing a draft and - in the coming days and thank you for taking that on. Thank you all for bringing this - good discussion to this.

Now let's move on to the next item and that's the remote or electronic voting. And there was some draft language that had been presented to the group and we have Avri and Thomas on the call today. Would you like to kind of talk us through that Avri or Thomas? Please. Please Avri, go ahead. Thank you.

Avri Doria: Okay. I can start and certainly want to defer to Thomas. So first to give a report on where we are. We started down one road, and in fact if you look at what Mary submitted you'll see a - you'll see there are two sets of text in their.

And the first road we went down was really a kind of a mixed issue of doing e-voting and for an absentee ballot kind of thing. But we then realized that we already had absentee ballots for PDPs and we don't need absentee ballots for other votes because they're based upon quorum and there's the whole proxy stuff going on so we only needed absentee ballots.

Then we went back and read - and I think Thomas was the one that kind of led in this rereading - we reread what we were supposed to be solving and it was indeed the idea of taking a vote outside of Council, which we started the call in various terms, you know, and asynchronous vote and then it wasn't about email versus not email.

And so then we started to work on it. Now we're point where we have some recommended text that Mary developed out of the conversations we've had. And I think some textual recommendations that I and maybe others made.

That we're at a point now where we've got a text, it's been sent to you while but Anne, because she didn't have the opportunity to edit that text hasn't had the opportunity in the small group to discuss that text and isn't able to make this meeting, requested of us that we not discuss the text in this meeting.

Now that text is already before this meeting. Big group, little group, may not be that significant to other people. But I did want to - or even to me if pressed. But I did want to make sure that Anne's request that, you know, I basically give an update and say what it is and we basically came up with a scheme for e-voting or rules for e-voting but that we haven't fully discussed them yet so it may not be ripe for discussion.

I don't now if Thomas wants to add anything, Mary wants to add anything. But that's kind of where I think it's at. I'm willing to talk about the text if we get there.

Ron Andruff: Thank you, Avri. Thomas, please go ahead.

Thomas Rickert: Thanks Ron and thanks Avri for introducing this topic. I guess that it would be good to get some feedback from this group as to whether we want to pursue the path that we've now walked, i.e. whether we want to take sort of this discussion to the next level and find some wording that would help the

Council to not only on an exceptional basis but as a standard practice allow us to do asynchronous voting.

We do not prescribed the technical means or at least when we had our subgroup discussions we did not envisage to prescribe any technical vehicle for doing that. That was something that I had put into the first draft that I proposed but we stepped away from that.

You will remember that Avri mentioned earlier that we sort of had two ideas on the table. But now actually the idea is to allow for the Council to use the tool of asynchronous or distance voting and the decision-making which I think would be an excellent idea and a step forward to allow for the Council to make more use of remote tools to come to decision-making particularly when the Council is working under time pressure and needs to meet deadlines.

So I'm trying to avoid going to the details of the text in front of you which is why I want to leave it at this general level.

Ron Andruff: Thank you Thomas. Cintra asked the question and I think Avri wants to answer it. But I wonder if Cintra might - can you - is your microphone functioning, Cintra? Can you bring that to the discussion or do you want to just leave it in the chat?

Cintra Sooknanan: Hi, Ron. This is Cintra. Yeah, I'm happy to say my question on the call. Basically I was just asking if it was discussed at all the timeline for the vote to stay open. I mean, I see that there is a time limit of seven days advance notice for the vote. But I was wondering if the subgroup considered what was a reasonable time for a vote to sail been to ensure sufficient participation in that vote. Thank you.

Ron Andruff: Thanks Cintra. So, Avri, can I turn to you then to clarify...

((Crosstalk))

Ron Andruff: Thank you.

Avri Doria: Yeah. The answer is easy, we didn't. I think what we've tried to avoid doing - and this may or may not be an issue that meets the criteria we were setting on ourselves was basically we were saying - and what were the words we used? Anyway we called them a voting outside of a meeting. I didn't remember that when I started talking. The first terminology we had was asynchronous voting but in this write up it was more properly referred to as voting outside a meeting.

And we did talk about how to get into it and how much lead time they would need to be. But we also tried to say that the voting would be done by - and what was the phrase we used? A standard - we tried to stay neutral on it because we didn't want to make a rule that basically we talked about email today and then they changed the system and, you know, the thing is different.

So we tried to be technically neutral on it and we used - oh yes it was Sentence 4 and I know we're not talking about it specifically but it's method used to transmit and record votes taken outside a meeting shall be authenticated and verified using the same criteria and meeting at least the same standards as those used for absentee ballots etcetera.

So what we tried to do is basically sort of - and this gets into another area that is sometimes challenging which is we're trying to come up with a process that we're not trying to technically say that this is how it should be done.

Having said that I think Cintra's question is good, how long should it be open, you know, and how many days given 24 hour cycles, given holidays, given whatever, you know, what does one say? Does one call it seven, call it five, call it four. I don't know but we didn't consider it.

Ron Andruff: Thanks Avri. And I think that's a very good point, I mean, in so much as if we agree that there should be this extra tool in the toolbox to provide for those extraordinary circumstances or not normal circumstances better said, then we would want something that makes sense but it shouldn't be an open ended thing.

So that is a good point to raise. Thank you for that, Cintra. I have Wolf-Ulrich in the queue followed by Thomas. Wolf, please go ahead.

Wolf-Ulrich Knobon: Yes, thank you. Thank you, Ron. Well, I'm sorry I have to get synchronized since I last couldn't be at some of the meetings before. But this one question is this draft here is that already a draft for the text to be included in the rule? That is my first question. Or is it just a - is a document here for discussion.

And then I have a comment to that that would be if that should be a text to be inserted in the rules so I wonder why we should bring into those - into this text so include it in the rules these examples under Number 1 rather than to make reference, well, to in the accompanying documentation to the rules. That is (unintelligible) more or less.

The other question to me is, well, to fully understand your discussion and what is it about, could you, Thomas or Avri, make it clear also to me what is the difference - a difference here between the - your draft regarding the email voting and the normal voting which is already included in the rules.

So what are the points which are really different or on top of that what is in the rules about voting or what is really different. So just to get synchronized here I think that is what I don't really understand at the time being. Thank you.

Ron Andruff: Thank you, Wolf-Ulrich. Thomas, I turn the floor to you to respond. Thank you.

Wolf-Ulrich Knoblen: Thomas, we can't hear you.

Thomas Rickert: Sorry I was on mute. Thanks Ron. And thanks, Wolf-Ulrich, for your question. As far as the first question is concerned this is a discussion draft so this is not a text that should be put into the procedures.

Wolf-Ulrich Knoblen: Okay.

Thomas Rickert: As far as the difference is concerned between the votings that we already have the - what we currently have is the possibility to vote in meetings so either face-to-face or telephone conferences. And this new tool, so to speak, would allow for the Council to take decisions outside Council meetings which is currently not possible.

We were basically starting our discussion with the scenario where the Council has, let's say, fully discussed the matter but didn't get around to do the vote. And it would be four weeks until the next Council meeting takes place but we need to come to a decision earlier.

And at the moment there would be the requirement to have an extraordinary Council meeting to be called in and that can be avoided by allowing for means of electronic submission of ballots. So we could have a new standard tool in our toolbox that allows us to come to decisions outside Council meetings.

And I think that that would be very valuable. And at least it was my intention to provide input to language that would not prescribe too much. We have this discussion now about what the period of time should be for submitting ballots. You can read in the chat about 72 hours and stuff like that.

But if you look at the current status of our discussions this is all very consensus driven. So the Council leadership needs to be under the

impression that the subject has sufficiently been deliberated, right, so that everything has been said and that everybody had the opportunity to make themselves heard and that everybody had the opportunity to discuss with their respective groups or will do so in a foreseeable time span.

And also if there is only one councilor objecting to this type of voting then it's gone, it's not possible. So only if everybody is feeling comfortable with moving ahead using this new tool then it can take place. And there might be cases where let's say it one councilor says well I have my telephone call with my group tomorrow and after that I will be able to discuss this.

Then potentially, you know, following the notification period the time for submitting ballots can only be 24 hours. If it's sufficiently announced by Council leadership and if nobody objects I wouldn't see an issue with that and I would strongly suggest that we as a group provide for as much flexibility in the process as possible.

Ron Andruff: Thank you Thomas. Wolf-Ulrich I see your hand but I'm going to let Mary speak first, she may have some information to add to Thomas's comment and then I'll come back to you. Mary.

Mary Wong: Thank you Ron. And yes just one point to add on to what Thomas had said in response to Wolf, this draft as Avri says, hasn't been discussed by the subgroup, does make it clear that these rules for voting outside the meeting do not apply to absentee voting.

So absentee voting is already taken care of for PDP recommendations, bylaw changes those votes are taken during a meeting; if someone's not there they have absentee voting. The intention is that this does not overlap with that.

And I think we have a sentence in there that tries to make it clear. So it's meant to supplement those other procedures that are already in these operating rules.

Ron Andruff: Thanks Mary. Wolf-Ulrich, please go ahead.

Wolf-Ulrich Knoben: Yes thanks very much for the explanations, Thomas and Mary. I would like to argue against so for me it's clear, you know, why we need this kind of electronic voting. My question wasn't clear enough so I would like - I would like to make reference to the point Number 3 where you point out a little bit about the procedural things around these votings.

And my question was are there any differences regarding the existing voting and that what you propose with regard to the procedures? But going through I could read also that under 5 you say, "Any motions to be voted on outside of meetings must meet the same requirements as motions (unintelligible) regularly scheduled meetings." So that covers mostly what I was asking.

I would like to ask so differences between them too? But it doesn't seem so if I understand correctly. Thanks.

Ron Andruff: Thanks to Wolf. I'll go and turn to Avri please.

Avri Doria: Yeah, thank you Wolf. I think that you are touching on one of the goals that we had in this and why some of it looks like it looks is we don't want it to be different other than the fact - and that's why we tried at first to say it's an asynchronous about and looking at it that way it's voting outside the meeting that we didn't want it to be different/

That's why, you know, for example when Cintra asked in the chat well can people keep discussing the issue while the voting is going on? and that was something all of a sudden that appeared in the - gee, that might be different. And then it occurred to me that no because we keep chatting on our back channel chats and we keep chatting on Adobe, you know, Connect while we're voting so, no.

But basically I think that what you're calling is we are trying to make it as similar as can be given the slightly, for example, all the rules about we have an extended discussion at some point about being able to add a comment to your vote which is something that is allowed in meeting voting and therefore it needed to be allowed in this process too. So we're trying to map them one to the other as closely as possible.

Wolf-Ulrich Knochen: Okay.

Ron Andruff: Thanks, Avri. I have a question for the team. We talk about the, for example, the open ballot in the bullets under Number 3 and the first bullet is be an open ballot not a secret ballot.

And that made me start thinking a little bit over what Thomas said a moment ago. And obviously correct me where I'm wrong here please and that is this is - there's an item that's been thoroughly discussed. Everyone has more or less weighed in on it. Now it doesn't find its way to a vote in that particular meeting but everyone's more or less in agreement insomuch as it could not be voted on outside of a meeting unless everyone agreed upon that so that means there's some consensus on that discussion right there. Everyone agrees it could be done a vote by email.

So therefore the chances of there being more debate and contention around - it sounds like that's also by the wayside. So this is really a way to kind of just, as a cleanup tool, as a tool to use to clean up things as opposed to debate and the dialogue things. Am I correct in there? Avri, please go ahead. Can't hear you Avri and maybe you're still on mute.

Avri Doria: Still muted and it was even obvious with the line going through it. I guess the answer is one of those yes and no answers. In some respect yes, it's when we've had that discussions, we think we're done but there's a case for needing to delay it. And we gave a couple of examples; there may be others.

Now one of the cases could - there's two of the cases where somebody needed to take an amendment or something back there to their constituency. There could indeed be clarification and the discussion that ensued from there but still that that wrapped up let's say within a week of talking online, is it all got settled.

And the chairs decided that no need to wait until the next meeting, let's get this done.

Then there's the other option where we've seen where, you know, there is a request for advice, you know, we call it recommendations, whatever we're calling it when the Board or someone else reaches out to us and asks a question. And we need to vote on an answer.

And sometimes that answer may need to come in before a meeting has been scheduled. But we had the discussion online. It looks fairly cut and dried and so, you know, the chairs group again decides - they meet and they decide hey, you know, we think this is ready for a vote. It'd be good to have it done before the meeting; we don't want to schedule the meeting. If no one objects let's vote on it a week's time.

And so it's something that you don't call it unless the issue is ready for a vote but that doesn't mean it was necessarily ready at the last meeting. So it's not necessarily clean up; you could actually do a whole process from beginning to end, though unlikely, in the off meeting mode if that was, you know, necessary.

Ron Andruff: Thank you very much, Avri, that clarified exactly. That's what I was looking for.

So does anyone have - anyone else have something they'd like to bring to this discussion right now? Otherwise I'm going to close it off because as was noted earlier the team, the sub team, would like to finalize this language. I

think we've had a good conversation about it and clarified a few points for my part - from my point of view and hopefully Cintra's as well with her questions. Any other thoughts that someone would like to bring to the table at this time?

All right hearing none then we'll move - oh, Avri, your hand is back up. Please go ahead.

Avri Doria: I actually want to ask something if I can? So since we haven't talked about it as much as we've talked about it should we actually consider at this point that unless we change this approach greatly what we should probably do is not only come with discussion note but we should come with recommended language next time we bother you while on this.

Ron Andruff: Hardly a bother but thank you very much. Took the words out of my mouth; that's exactly what I was going to ask for is to say that if you can come back to the list now with exactly that, a document that you feel is something we can really chew on and move forward with that that would be very helpful.

And it's been very helpful sending this to the list and seeing the comments and the discussion that you've been having about this because it helps flesh out some of the answers and issues in my mind as well so thank you for getting this to the list early that we could talk about it today. And, yes, please that will be the next action item to do that is to submit this revised language. All right, good.

So then moving on wanted to come back to this consensus language. The first action item on our list you see the consensus language, GNSO Working Group Guidelines. We sent a document out to the list for the consensus call. And I guess I would look to Mary or Julie to give us a response as to, you know, what came back and where do we stand with that and what are the next steps if I may?

Mary Wong: Ron, this is Mary. And I believe that the consensus call with the language was sent to the list over a week ago possibly almost two weeks ago. And I may have mentioned that we got formal responses from two constituencies.

What I'd like to say for the record is that because the SCI works on full consensus it would seem important to have indications by email to the list from each group represented on the SCI as to whether or not they object, support or do not object.

And so we probably need to move towards that perhaps by a reminder to the list from you, or Ron.

Ron Andruff: Yeah, that's excellent. I apologize for my site on behalf of the BC because that's something we could have got to you as well earlier and I apologize for that. The BC is in agreement with this.

I have a question for you with regard to this consensus call. There was discussion also amongst a group, and this is a discussion for everyone, where we had said that we were going to submit this to the GNSO Council but with a footnote or a note that said we think that the consensus levels need further discussion.

Avri, I think, came back on the list and said let's talk about that when we go through the GNSO review. And so I just want to throw that ball up in the air and get a sense from the group how you feel about that because I think for this particular issue of the consensus language we're happy, that we've more or less nailed it down to what we want to do to move forward with it.

But then there is that open element of review of consensus levels so it's one of timing and how we want to proceed. I wonder if anybody wanted to speak to that. So, Avri, I see your hand; please go ahead.

Avri Doria: Yeah, thank you. Yeah, in terms of - I think that that is really a very large PDP issue; not a small one. And I think it's also tied up nature of houses and the nature of the constituencies and stakeholder groups.

Within the review the SIC nor the working party determined the depths to which the review goes. And in fact that's one of the things that the questionnaire that's going to be worked on first needs to determine.

So it's quite possible - and so one of the things when I say let's do for that to then translate into an action item for the work party is that they have to make sure that a question gets in about that.

So that - but then if it is something that is looked at, if that whole consensus issue and those vote balances which was very much part of that precarious balance negotiation between the weight of the two houses in decision making with every issue and every point having been argued at length, while we're going through a review if that review includes anything to do with stakeholder groups, constituencies, representation or the PDP process then we would be making a quick change before a bigger change was to come.

And it would be a complicating change and a complex one. So that's why I'm saying now if the review - the SIC review goes off and it looks like nobody wants to talk about the PDP, nobody wants to talk about houses or the proportionality between houses then, yeah, we can do anything we can do. But that's one of the reasons why I really saw this one as not a small issue but a huge issue that had to go into that bigger topic area. Thanks.

Ron Andruff: Thanks, Avri. I appreciate that clarification. And now I think - just recently I've seen on the list now there's discussion about putting together a working group to start looking at the GNSO review. So that looks like that that work is beginning to be undertaken. But I agree with you, it's certainly going to be a year's worth of activity if not more.

Anyone else have some thoughts they would like to bring to the discussion with regarding the general consensus review? Not this particular element of consensus language, the general review. Mary, please go ahead.

Mary Wong: Thanks, Ron. Just two points. One is that in the recommendation back to the Council the SCI could simply say very generally because I think pretty much agreement on this point that the consensus levels language should be looked at. It could then suggest that this could be done in tandem or as part of the GNSO review or outside of it without committing yourself one way or the other.

Then the second suggestion, which is related is that this may be a good point of discussion between the SCI and the GNSO including the Council. So it may run, for example, be an item that you want to cover in the update to the GNSO in London, for example, just to get the discussion going because this may not have crossed the minds of either the Council or other community participants and leaders.

So that could then give us some sense of resolution as to whether there's a preference that the SCI take it on now or whether there's a preference to the working party that they should take this on under their scoping review.

Ron Andruff: Very good ideas, Mary. Very good ideas. Certainly we should bring this to the Council in London. I think that's an excellent idea. And that's a - certainly a path we can walk down. Greg, please go ahead.

Greg Shatan: Hi, this is Greg Shatan. And, you know, I was one of the people who was working on this consensus language. And, you know, we put in this language about, you know, reviewing, you know, further review of the consensus language.

Not based on wanting to make any substantive changes but because in trying to work with the language closely we all felt that the language was poorly

drafted, internally inconsistent, you know, was conceptually or really rather the drafting kind of was lacked, you know, some style or substance really.

And that's why we ultimately ended up not editing it because the way the language is drafted once you start editing a little bit you have to change it a lot. And yet we didn't want to make any substantive changes.

So I think the point of - that we were trying to make in recommending that this be reviewed overall was not that there be any substantive change but only that the language be redrafted for purposes of clarity and consistency so that it, you know, kind of worked better in conveying the concepts as they stand.

So we weren't looking to make any substantive changes in how consensus works or what consensus means or the like. Thank you.

Ron Andruff: Greg, thank you for that. I wonder if you wouldn't mind just sharing a few of those notes with Julie and Mary so that when we do make the presentation effectively a month from now when I meet with the Council to give a report it would be very helpful to have that really specific elements that you've just discussed because that's exactly the kind of thing I would need for that. So if I can look to you to just share that that would be very helpful.

Greg Shatan: Yeah, I will do that. I'll be happy to go back to our notes and kind of deconstruct the language and show, you know, where its infirmities are and where it needs to be shored up just so that it better communicates that it's intending to communicate.

Ron Andruff: That would be excellent. Thank you very much. Julie, I see you have to leave. Thank you very much for your assistance today. And with that then, Greg, your hand is up to say more or...

Greg Shatan: That's a dead hand.

Ron Andruff: Dead hand, all right. Very good. So then, ladies and gentlemen, we have come to the top of the hour. We have one more meeting between now and London I believe and it would be very helpful if we could try to get that the - things that we've now brought to our action item list if we could really focus on those so that we'd have a really strong meeting - next meeting in terms of, you know, kind of knocking a few of these things off our list that would be very helpful.

And then certainly we'll look to London to try to - in our face to face to bring them to a close as many as we can. And I'm sure the GNSO Council will throw us a few more activities to take on shortly.

So if there's anything - any other business anybody would like to bring to the table or any other comments you'd like to add now is the time. Okay hearing none I will thank all of you, ladies and gentlemen, for taking the time today to do this important work.

And look forward to seeing you again in a couple of weeks. And we'll see all of that information coming through from staff in terms of our exact timing. So thanks, everyone. Thanks, Thomas, Cintra, Greg, Jennifer, Avri, who else is on that list, the staff, Wolf-Ulrich. We'll talk to you again soon. Bye for now.

Avri Doria: Bye-bye.

Mary Wong: Thank you, Ron. Thank you, everybody.

((Crosstalk))

Terri Agnew: Thank you everyone for joining. That does adjourn today's meeting. (David), you may stop the recordings please.