

**GNSO Working Group Newcomer Open House session  
TRANSCRIPTION  
Thursday 3 July 2014 2014 at 20:00 UTC**

Note: The following is the output of transcribing from an audio. 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.

Nathalie Peregrine: Good morning, good afternoon, good evening everybody and to the GNSO Working Group Newcomer Open House session on the 3rd of July, 2014.

On the call today we have Scott Harlan and James Bladel. From staff we have Glen de Saint Géry, Marika Konings and myself, Nathalie Peregrine.

I would like to remind you all to please state your names before speaking for transcription purposes. Thank you very much and over to you.

James Bladel: Thank you, Nathalie. Thank you, staff. And welcome, Scott. I'm James Bladel speaking now. I am - what am I? I'm the host of this - the tour guide for this newcomer session. And we have Scott Harlan, I hope I pronounced that correctly, Scott.

And I'll just give a little bit of background on myself and then maybe you can take a couple minutes to introduce yourself if that's okay?

Scott Harlan: Sure.

James Bladel: Okay. So I am the Senior Director of Policy for Go Daddy which is an ICANN-accredited registrar - the largest ICANN-accredited registrar but that's just me plugging a commercial for my employer.

But I personally have been involved in ICANN now oh going on 8 years; a veteran of a number of working groups and AOC - Affirmation of Commitment review teams and other sorts of committees and groups and late last year was elected to represent North American registrars at the GNSO Council which is how I volunteered for this. So that's my 30-second bio.

Scott, what's your - where are you coming from? What's your interest?  
What's - what sort of subjects and passions do you have?

Scott Harlan: Sure. My name is Scott Harlan. I am an associate attorney at Katten Muchin Rosenman law firm and my office is in Washington DC. I have become more involved - I started out - mostly a trademark attorney, copyright attorney, did a lot of domain name enforcement work so familiar with working with Go Daddy with disputes over, you know, helping with disputes.

That position has morphed into helping more clients deal with new gTLDs. We represent a number of new gTLD applicants. And as my role in our practice group in relation to those clients has grown I've become more interested in ICANN policy work rather than just - not just from a trademark or intellectual property side but more generally in domain name stuff.

So that's sort of my bio. And, you know, so I joined my first working group, you know, this spring.

James Bladel: And which one was that?

Scott Harlan: The one on country names as TLDs.

James Bladel: Oh okay, okay. Great. Well welcome and as we were saying earlier before we started the recording this is all for you now so let's just dive right in. And feel free to interrupt the, you know, interrupt the slide deck as we go along, okay?

Scott Harlan: Sure.

James Bladel: Okay. All right so let's - do I have control here or - it looks like I doesn't - looks like I do not so I'll just say "next slide" then and I think it's whoever is presenter mode can just advance it.

So I will turn it over now to Marika to introduce the policy support team at ICANN. So Marika, take it away.

Marika Konings: Thanks James. Thanks, James. Hi, Scott. James, just to note, I think you are a presenter so you normally should have control but I'm happy to move the slides for you as well. So as everyone did introductions we also have a - don't move too fast - we also...

((Crosstalk))

James Bladel: Oh okay, I didn't know if that was just for me or if I was able to do that for everyone. Sorry for the confusion.

Marika Konings: Yeah, you are so you can do it for everyone. So we just have a couple of slides introducing the Policy staff. You know, we have a larger policy team than the pictures you'll see here as we support different parts of the ICANN community but the people that you see on the pictures here are specifically focused on supporting the GNSO and the GNSO community.

So our fearless leader is David Olive based in Istanbul Turkey then myself based in the ICANN office in Brussels as a Senior Policy Director. We have Glen de Saint Géry who is also on the call who is the GNSO Secretariat based in the South of France where Nathalie is also located; Mary Wong who

is based in New Hampshire in the US and Julie Hedlund also in Washington DC; Lars, who's also in the Brussels office and Berry Cobb who's a consultant to the Policy team and based in Scottsdale. And as said, you know, Nathalie also based in the sunny South of France in Nice.

So maybe before we dive into the substance of the conversation, and as said, this is really intended to be an open house session so any questions you may have or any topics you want to talk about, you know, feel free to start thinking about those and maybe post something in the chat. We have quite some topics covered in the slides but if there's anything you want to particularly focus on, you know, feel free to let us know.

But maybe as a first step we thought it maybe helpful, you know, for Nathalie maybe to cover some of the features of Adobe Connect and, you know, how that works. You mentioned that you're a member of the Country Code and Territory Names as gTLDs Cross Community Working Group.

And that one hasn't really kicked off yet so you may not have had the chance yet to experience Adobe Connect and the different features it has so hopefully this may be useful but if not feel free, you know, to let us know and we can just skip to the next topic. But otherwise, you know, Nathalie, if you just want to say maybe a few words about Adobe Connect and how we typically use it for working groups and GNSO related efforts.

Nathalie Peregrine: Thanks, Marika. And hi, Scott. This is Nathalie. So before I start with a long-winded explanation of the Adobe Connect room, I mean, have you - you know, taken part as a participant in many conference calls with the Adobe Connect tool?

Scott Harlan: I have used Adobe Connect passively to listen in on different sessions such as at ICANN meetings. I haven't used it proactively, in other words, I haven't used it to participate or much - other than just listening to sessions.

Nathalie Peregrine: All right, fair enough. Then I'll start a bit with the options that could be helpful to you. First you asked at the beginning whether you should dial in. Now for an easy reply I said yes so during any conference call with Adobe Connect you always have the option to pick up your phone and dial in.

However, what we've implemented over the last few months is Voiceover IP with the Adobe Connect room. So next to your name in the attendance list you can see you've got a microphone icon there, this means that the audio has been enabled in the Adobe Connect room.

So what you would need to do as a participant therefore is to activate your Adobe Connect room mic. So to do that it's very simple, if you look at the top of the Adobe Connect room you can see the audio option, can you see that?

Scott Harlan: You mean on the telephone icon?

Nathalie Peregrine: Yeah, to the right - all the way to the right there's a telephone icon. If you click on that there'll be - you could do that now as we're speaking. And there'll be a series of, you know, do you accept, okay, (unintelligible). And once you've gone through that small procedure the telephone icon at the end will be replaced by a microphone icon.

This will mean that you'll have activated your Adobe Connect room mic. That's quite handy and if you'd rather not use your phone...

Scott Harlan: I see, okay.

Nathalie Peregrine: So what you do have to do, however, is that you need to do the (unintelligible) procedure every single time you join a conference call. Your Adobe Connect room microphone does not stay activated from one call to another so you do need to remember that.

What you also need to remember is that once you've activated your mic you need to (unintelligible) your phone, you need to mute and unmute it. So to do that in Adobe Connect room you click on the dropdown white arrow to the right of the microphone icon and there you have the option to mute and unmute.

So if you - I know that generally this is fairly smooth. We've found that a few participants need to try a couple of times before getting it right. If this is the case and you don't fancy doing it right at the beginning of a conference call, you know, if you've got content to listen to then don't hesitate to email me and we can do a quick test if you'd like to use this feature, you know, out of conference call time and we can get it up and running. That's for the audio in the Adobe Connect room.

Regarding the other features so - I don't know if you do know this but the content of the chat that you see there and you typed in it earlier, the chat content here is archived so in the same way that all these calls are recorded with audio, we also record the contents of the chat.

This doesn't stand, however, for the contents of the private chat. You can private chat in the Adobe Connect room. If you were to highlight any of the names in the attendance list you have a dropdown menu and you'll have the option to start a private chat. And these conversations are clearly private so there is no trace of them anywhere.

It's quite handy if for instance, you know, you need to drop off of the call, you don't want to make it, you know, advertised on the chat, you require a dial-out, you're having technical difficulties, in that case you could private message any member of the chat and the communicate with them that way.

Equally I don't know if you're aware of this but more often than not in ICANN conference calls in order to start speaking the protocol requires you to raise your hand so you've got the raise your hand icon at the top of the Adobe

Connect room toolbar. Can you see that? It's on the same - it's exactly where you found the telephone icon.

Scott Harlan: Yes.

Nathalie Peregrine: Okay perfect. So when you need to make a comment or ask a question during conference calls you need to raise your hand. Raising your hand doesn't give you automatic speech permission, you do need to have the chair grant you permission before speaking.

What many seasoned ICANNers also forget to do is to lower their hand after they've finished their question or they've come to the end of their comment because if you keep your hand raised clearly it indicates to the chair that you have a follow up question maybe and he'll keep calling you into the call.

You'll have also in the same dropdown menu where the raise your hand icon is you have the green tick box and the red cross box. Quite a few members also like to use those to clearly express agreement or disagreement for what's being said. But equally on the chair's prompt, for instance, asking whether it's useful to have a call next week or in the next two weeks then you can always express your agreement by just using one of those symbols. It's not (unintelligible) things to do it's used quite frequently within conference calls.

That about covers it. I'm very wary of rambling on to someone who probably might just figure these things out for himself. Do you have any questions regarding any other features of the Adobe Connect room I might have forgotten?

Scott Harlan: No, don't think so.

Nathalie Peregrine: Okay perfect. Well if ever you do (unintelligible). I'll therefore hand it back to James.

James Bladel: Thanks, Nathalie. And, Scott, just a couple of thoughts on these last two topics. The policy support staff at ICANN has that rare combination of expertise and patience, you know, so for newcomers they have always been I think one of the most useful resources to getting up to speed not just for newcomers, I mean, for - on any issue that you may not have, you know, a - may have only a small exposure to and want to gather some greater depth and try to understand it if it impacts your interest and if it's something that you want to engage in.

I think anyone on these previous slides here can be an excellent guide into kind of getting you the elevator speech for any issue or structure and they're very helpful in that regard and very patient.

I've yet to - I've yet to find the limits of Marika's patience; and I have probably tried more than most so they have just the perfect demeanor for that type of work.

The second issue is that the Adobe Connect is an excellent tool. It has also a free iOS app. I've tried to convert almost entirely to iPad particularly for face to face meetings with mixed results. Certainly I think that the desktop version or the browser version is more full featured and a little more stable.

The audio for me has always been hit or miss and I think it's because I use unusual browser and operating configuration. I think some folks who use PCs have never really reported too many issues with it. But I dial in just in case and certainly for any meetings that I'm chairing or where I expect to do a lot of speaking I don't trust the audio feature. Sorry, Nathalie, for saying that out loud.

And, yeah, so that's - but otherwise I think it's a fairly solid platform. In fact I get a little frustrated when we have meetings and there is not, I think we've all been conditioned to use it so much that whenever there's a session that

doesn't use Adobe Connect a lot of folks are scratching their heads and kind of, you know, why don't we use this? It would make things a lot simpler.

So that's the Policy team and Adobe Connect. I'll switch over now to just the first slide which talks a little bit about the objectives for these welcome sessions. The agenda is typically very flexible and certainly with one participant it's extremely flexible.

We want to provide some high level overview, share some experiences and then certainly give you ample opportunities for questions or any other subjects or topics that you would like to raise. In addition to your questions we were going to lay out a few high level topics that set I think a basic foundation for participation in the GNSO and GNSO policy development process.

And, you know, I think that understanding these as well as just some exposure to some of these terms, terminology and acronyms I think you'll find that ICANN is amazingly efficient at generating acronyms. And I think that there are a number of resources even perhaps even in this slide deck that point to decoder rings and other sort of things that help you navigate all the acronyms.

So diving right in - anyway, this is a list of high level policies. We'll cover the development - policy development process, usually shortened to PDP, consensus policies, working groups, how they function and some of the mechanics which Nathalie covered Adobe Connect I think fairly well. We'll also talk a little bit about the use of the community wikis and then just some tips and tricks that I think make life a little more bearable in this space.

This is the - this is a very - and I'm sure Marika would agree, it's a very highly stylized and simplified version of the process by which an idea or a proposal becomes ICANN policy. And I'll just walk you through it fairly quickly because I think a lot of this you may have already experienced even in a brief time with

ICANN you may have come across these already but we can certainly stop and go back to this slide either further in the presentation or we can jump around in it now.

But I'll start at the top left. Every PDP begins with an issue report. The issue report is the kickoff for, you know, some might call it I think if you were familiar with project management or development it would be the scoping document or the requirements document.

This is a staff-driven exercise. The request can come from a number of structures or bodies within ICANN. It can come from the GNSO Council. It could come from the Board. I may be getting this wrong but I think it can come from an advisory committee like the GAC but I think that has to be routed through the Board. But anyway that's the entry point for this process.

That report is published for public comment and allows various groups within the greater community and indeed, you know, outside of ICANN, just the general public, to weigh in with their thoughts or concerns. That is published as well with the final report that takes those comments on Board and then the policy development process is begun.

The first thing that goes out is the working group is formed usually through a call for volunteers is published where ICANN will solicit participants to join the working group and will lay out, you know, the issue that - the issues that will be discussed in the working group's charter.

The next step is that once the working group gets started - and these things stand up fairly informally at first. There is usually a GNSO Council liaison that - an interim chair that I think the first thing is does is self-organize with the chair and - or co chairs or vice chairs or co vice chairs; we've seen just about every permutation you could imagine. And then the working group will self-organize and take off on its own from there.

One of the first initial steps that it will do is request comments on its charter which, you know, may seem a little duplicative with the public comments but in this case they're specifically directed to the various stakeholder groups and constituencies to issue formal statements on those issues.

And then it will deliberate those questions. It will take a look at those charter questions and those issues. In some cases it may even go back to the Council and ask to amend to expand those topics if it encounters some dependencies in that work.

Eventually, hopefully relatively quickly but sometimes, you know, a year later it will produce something called an initial report. The initial report is published for comments. The public reacts to the initial report. In some cases this will be done in conjunction with an ICANN meeting so there'll be a publish workshop or a feedback session to allow for community input.

And then the working group will reconvene and analyze those comments and ensure that they are either addressed in the report or understand whether or not the report needs to be modified in, you know, based upon the feedback received. And the initial report is therefore converted into a final report which is - contains the final recommendations.

I believe there's an optional step here to put that out for public comment. I don't think it's necessary but it goes then to the GNSO Council where one councilor, could be the liaison to the group, will introduce the working group's final report and recommendations as a motion before the Council. The Council will deliberate and vote. And then based on, I don't know, the 37 different voting thresholds that we've established for very different issues the Council make recommendations to the ICANN Board.

The ICANN Board will also then solicit public comments and comments from other structures like the SOs and ACs. The Board will then vote and then policy is turned back over to staff where it started in the beginning and they

will take a look at the recommendations and converting them into the language of a new policy which may include the formation of an implementation review team, or the IRT, which is some subset of the working group that came up with the policy, maybe consulted to help draft the implementation plan.

So this whole thing end to end can be a matter of I think what's the minimum - we added it all up one time, I think Marika, and we came up with a minimum of - probably a minimum of five, six months and a maximum is - well, unfortunately it's very open ended.

I see you have your hand up, Scott, so let's just jump right in here with questions. I certainly would welcome any corrections or modifications or contributions from Marika as well so go ahead.

Scott Harlan: Sure. The question I was asking about was so when one of the bodies puts in a request for an issue report on something who decides whether to go forward with this whole process or not?

James Bladel: Typically that would - the request for an issue report would be introduced at the GNSO Council. And that - the GNSO Council would then vote on a motion that would initiate the PDP by asking staff to prepare an issue report.

And I think, you know, I may be over simplifying it and I think there's multiple paths into this process but I think that if you look at that first arrow here between request for an issues report and publication of an issues report, you know, in between there there's a couple of steps, you know, for simplicity that are left out which is it goes through the Council.

The Council votes. The Council kicks it over to staff. Staff actually does the work which I think is time constrained. I think they have to have an issues report out in like 30 days. And then it becomes - then it's published for comment.

Marika, would you maybe set me straight on some of those things?

Marika Konings: Yeah this is Marika. So first of all it's 45 days for the publication of the preliminary issue report but there is the option for staff to ask for more time if needed.

And just to note as well indeed the request for an issue report I think at the moment indeed, you know, the main source of those requests come directly from the Council and as James explained there is an intermediate vote that is required for that. And the threshold is actually really low so it's kind of, you know, the way it's set up as well is to make sure that, you know, any issue can get due consideration and doesn't, you know, get blocked because some people may not want to deal with it or look at it.

So the threshold for that is very low. And similarly the actual vote in the initiation, which happens later in this stage is a little bit higher but still it's not a very high voting threshold. Again I think, you know, partly to ensure that a certain issue doesn't get blocked just because certain parties may not want to look at it or deal with it. So I think that's one of the reasons behind that.

And on the call for initial report there are actually three sources from which that request can come. So first of all indeed it's from a GNSO Council member that can bring that request forward. And there's also an advisory committee, and if an advisory committee makes that request it actually goes straight to staff to prepare the issue report; there's no intermediate vote.

And similar to when the Board requests initial report that also just gets transmitted to the Council but there's no intermediate vote; it goes straight through, you know, the next steps.

And the only difference between a request that has - Has been initiated by an advisory committee and the Board comes when it, you know, gets to the stage of deciding on whether or not to initiate a policy development process.

In the case of an advisory committee that GNSO Council does vote on that and, you know, should they decide to turn that down there is a mechanism in the PDP where the conversation is initiated with the advisory committee to, you know, explain why the Council decided not to initiate a PDP. And I think there's an opportunity as well for the advisory committee to ask for kind of reconsideration.

But in the cases of a PDP that has been requested by the Board that actually moves straight through to the working group phase without any kind of intermediate vote from the GNSO Council.

James Bladel: Thanks, Marika.

((Crosstalk))

James Bladel: Scott, did that help?

Scott Harlan: Yeah, yeah definitely. Not at the end - does the Board votes and if they adopt or accept the final report then it says the implementation review team is optional. So that means either staff implements it or sometimes a review team from the GNSO is formed to come up with the implementation structure, is that what that part means?

James Bladel: Right. And I think what we've seen is that in some cases the working group itself will anticipate there will be implementation issues that need to be addressed and will recommend that - or encourage or, you know, whatever that staff can beam and implementation review team.

But it's not - and, Marika maybe help me here, I didn't think it was a formal part of the process but I think that, you know, it has become, particularly for a number of these complex issues it has become a common fixture in the landscape in between the Board adoption of a policy and implementation of it.

Marika Konings: Yeah and this is Marika. It's one of the options that the GNSO Council has. And I think it's - I don't know how it's exactly worded but I think like it's encouraged or may consider but it's not a requirement but I think we have seen, indeed, over the last PDPs that have been adopted indeed the tendency to create an implementation review team because the real purpose of the implementation review team is basically work with staff as a kind of sound board to make sure that the policy is implemented as intended.

So as staff goes and develops the implementation plan they actually have a mechanism to, you know, talk to the group of people that develop the policy recommendations to either come back with, you know, clarifications, you know, "Did you mean this or did you mean that?"

But also if, you know, as part of the implementation they identify certain issues or, you know, possibly an Option A or Option B they actually have a kind of sound board to go back to and say, look, there are two ways in which we can implement it, you know, the group that actually developed the policy recommendations think would be the best way to do so.

The whole idea is that, you know, in that way when it comes out of the (unintelligible) in the proposed plan it, you know, doesn't take anyone by surprise and it really closely follows what the original intent of the working group was that developed those policy recommendations.

So I think for most of our recent PDPs we have seen those groups work with staff and fill a bit of a, you know, kind of process and development we're trying to find what is the right mechanism, you know, how often do (unintelligible) may depend again as well (unintelligible) what works best, you

know, how much the staff do, how much does an implementation review is expected to do.

Because of course you're no longer in the policy phase where it should be all, bottom up multistakeholder model but at the same time there's a need as well to reflect that aspect in, you know, part of the implementation.

So I think it's where a lot of work is currently going on to make sure as well that that process is more streamlined and, you know, (unintelligible) perspective as well as the community perspective to find the mechanism whereby, you know, both parts feel that they can do their part and at the end of day come up with something that everyone is comfortable and happy with.

James Bladel: Yeah. And I think just from my experience, Scott, the implementation review teams are a good thing because unfortunately the absence of implementation review has kind of led to some either - either some, you know, misaligned expectations where there are elements of the community that think that a policy might be implemented a certain way and they're not happy with the way that it comes about or maybe staff feels like they were not given enough guidance and that the recommendations are too vague or too open ended or there's just not enough to actually - they have to bridge the recommendation language into actual contract language.

So I think that, you know, I think they're a good thing and it's good to have both staff and working group input on those implementation reviews.

Scott Harlan: Thanks.

James Bladel: So any other questions? I notice you still had your hand up.

Scott Harlan: Oh, I should take it down. Hand lowered.

James Bladel: It's probably just a formality but a good opportunity to get used to the tool here. I don't know, Marika, and Nathalie, do people spend most of their time on this particular slide, is that normal?

Marika Konings: This is Marika. I think it depends as well on the questions. But as I posted as well in the chat we have more detailed graphics available on the GNSO Website that really go into the details of each of those steps. So there's always, you know, an opportunity to go back there and look in more detail.

And as I posted as well if you have any further questions after this call or go through the materials, you know, always feel free to come back and ask for further explanations or during the next call because indeed they're monthly recurring calls and there's nothing that says you can only join one of these meetings if you have additional questions you can always come back. But you may not want to.

James Bladel: Yeah, and it helps. I'm learning something; I didn't know we couldn't vote on issues reports that were submitted by the Board. So anyway okay so I'll move on and certainly if something comes up later we can come back to the slide if necessary.

But here's I think a - just some bullet points of some required elements in a PDP in the working group the way it operates. You know, I'm not going to read these at you, Scott. I think we covered a lot of this in the previous slide here in that, you know, the working group, you know, is really expected to act and to follow a certain formula and a certain timeline and some of these timelines are required, for example, how long a document must be out for public comment is prescribed by the policy development process.

So this is - these are the major milestones. Other things you might see a working group do, for example, at the outset it might set up a, you know, would elect its leadership; it might set up - identify that it needs sub teams

and create sub teams to tackle certain issues that require specific expertise or additional work.

It might also set up - I'm sorry, I knew where I was going with this - like a work plan or a timeline that it can establish a calendar, agree on things like meeting frequency and duration so other types of housekeeping administrative type functions as well.

Here's a bunch of helpful links. Marika, are these slides being distributed to the attendees?

Marika Konings: This is Marika. Well, I think they're posted on the GNSO calendar for all the sessions we've had well...

James Bladel: Okay.

Marika Konings: ...as the recordings and transcript of these meetings. But we can also send them.

James Bladel: Okay. Okay thanks. So consensus policies, you'll hear this term I think quite a bit. And I think it's important to establish particularly - and I don't think it's really difficult for folks with a legal background to wrap their mind around it; some folks maybe don't - I don't want to say don't understand or maybe choose to disregard the idea that anyone who submits to ICANN authority does so willingly by signing a contract with ICANN.

ICANN has really no authority over organizations that it does not - with which it does not have a contractual relationship. So, you know, my company is a registrar; it's a contracted party along with registries. And we sign contracts that essentially, you know, I think would probably fail, you know, first year law school because they are open ended contracts. We agree in advance to new requirements and new obligations that are not disclosed at the time that we're signing a contract.

So maybe it's just, you know, maybe it's invalid; maybe it's just one-sided. But it is sort of a unique animal in that the contracts can be modified by consensus policy which once they are - once they're - they exist the process that we just went through and are baked into the contracts the language of the consensus policy is on equal footing with the language of the contract. So - and it becomes an obligation on registries and registrars.

I love how you have the disclaimer down there, Marika, about this not being legal advice. And certainly nothing I say is legal advice because I'm not a lawyer.

But there is - there are some limits around that. And I think this is where you hear the term "picket fence." Picket fence, you know, generally means that there are some constraints on ICANN's influence and authority and remit. And that some topics or subjects or issues may be outside of that and therefore not something that ICANN could impose upon its contracted parties.

And there's just a couple of notes here like for example anything that would unreasonably restrain competition or that policies related to some of the issues that were laid out down here. And I think the key is that ICANN is, you know, at its outset a technical-coordinating body.

And unfortunately, or depending on how you might want to look at it, that role or that mission frequently intersects with matters of public policy, public safety, consumer protection, you know, as your interests would indicate, intellectual property issues. Certainly the role of governments comes up fairly frequently and now we're starting to see more and more the - what is the appropriate role of law enforcement with, you know, and its interaction with private sector service providers.

So all of these things come up. I think that it's, you know, my personal opinion is that - is that the consensus policy picket fence is probably more of a line in

the chalk on a, you know, on a piece of cement rather than a, you know, a picket fence. And that some folks will try to expand it or drag issues on one side or the other or other folks will just as equally passionately claim that something is outside of the picket fence and therefore not subject to ICANN policy.

And it's really - it's really not as, you know, like everything in this area it's really not as cut and dried as it might seem on the language here. I don't know, Marika, you have some thoughts here? I think certainly the picket fence concept is a lot more robust in the registry agreement than it is the registrar agreement. That's just my, you know, one of my takes on the situation.

But generally I think that there are some limitations on the things that ICANN can take on and still be considered legitimately within its remit.

Marika Konings: Yeah and this is Marika. Maybe to add that, you know, of course, you know, there are other issues where ICANN may want to develop or can develop policy but is then not, you know, not necessarily that they can enforce that through contractual agreements like, you know, consensus policy.

So indeed, you know, the topic described here or the subject to consensus policy are very specific but there are other areas that ICANN may undertake work but there are other ways than that in which those can then, for example, be promoted. You know, look at best practices or maybe certain incentives that certain parties could be provided with.

So again there's I think indeed, as James said, consensus policy is I think the core but it doesn't mean that there are not other areas where ICANN may do undertake work, they just take a different form or shape than consensus policy typically takes.

James Bladel: So - and here's the picket fence. What a lovely picture, by the way. Just a Google image search for picket fence, right. And this I think reinforces what Marika just mentioned here is that, you know, ICANN has the authority to create binding policy on subjects that are inside the picket fence or inside of its remit.

And it could certainly engage in work on things outside of that but they're not necessarily - they don't immediately translate into obligations on the contracted parties, they become more like industry best practices or could be, as Marika mentioned, other strong encouragements or other incentives for compliance with a non-binding policy.

And I don't even know if you would call it a policy at that point. I think that's maybe one area where registries and ICANN might - registries and registrars and ICANN might differ is if it comes out of that and it's outside the picket fence it's something else, it's a best practice or an industry, you know, industry standard but it's not necessarily a policy.

Lots more reading here including, I'm sure, the links to the current consensus policy. Here are some guidelines from working groups. And we may have - this may be a duplication of some of the things that we've already discussed.

But these are the guidelines - the Working Group Guidelines are really the rulebook to assist working groups so that they operate productively and effectively and I would also point out that they're also very typically very collegial type of working groups even for those individuals and interest groups that have strong disagreements about some of the topics that are being discussed.

So here are some of the main elements. And what we discuss this a little bit here is that the working group convenes, it identifies some of the roles and responsibilities, for example, a chair. It identifies sub teams. You know, sometimes this is done at the outset or it's later identified as it comes up

during the deliberations of the charter questions that, hey, maybe we need a sub team to address this particular issue because we're not really getting anywhere on the main working group.

It does strive for participation and representativeness. And I think that's a broad term for just essentially saying it's open to anyone who believes that they have an interest and wants to participate and constructively participate in the work.

And certainly we don't like to see working groups that are unbalanced or only reflect one aspect of the ICANN community or if there are one or more major elements of the community missing from the working group.

The - there is a - there are some expectations for behavior, for professionalism, for - I don't know if I would call it a code of conduct or respecting the process.

There is a methodology for making decisions and it's not - we don't use the V word - it's not voting, it's usually up to the chairs and vice chairs to determine the level of consensus based on some guidelines that are published in the policy development manual for understanding whether or not a decision has unanimous support versus strong support or strong consensus or whether it's the lack of consensus.

Appeals process, I'm not really sure where we're going with that one, Marika. I think it's that if the individual members can appeal to the chair if they believe that the consensus has been misrepresented. And I believe they can actually appeal outside of that as well through the Council or through other structures like the ombudsman.

Communication collaboration tools, we've gone over Adobe Connect so that's fairly common. And then product and output and typically that is the final report with its recommendations for new policy.

Okay so - well lots going on in the chat here. Marika wanted to draw a contrast between I think the cross community working group, Scott, that you said you had joined which is another one of those processes that we're trying to develop as we go.

The cross community working group is not the GNSO, it actually transcends the GNSO, includes other aspects of the community like the other SOs like the ASO and the ALAC and GAC and other structures.

And as Marika points out, they don't develop policies only a policy that has come through the policy development process of the GNSO can be binding obligations on contracted parties. And we had a couple notes here from Nathalie about a - the other person who RSVP'd for the Webinar and send in their question via email.

"To what extent can I..." Nathalie, I'm sorry to interrupt, who sent this in? Do we have a name?

Nathalie Peregrine: Yes, this is from Arthur Zonnenberg. Chances are he might be able to make the last few minutes but I am - I doubt it. So he just sent in the questions a couple of minutes ago. I think he's quite anxious for them to be covered.

James Bladel: Yes, so Arthur is very interested in a IRTP working group that is, I would say, very near completion and is the result of several working groups - the culmination of several years worth of working groups and I think he's been very vocal that some of the decisions made in this working group and in previous working groups need to be brought back up.

So Arthur's question is, "To what extent can I reopen discussions that have been had by working groups? What is the best method to find and review past discussions? What is the best way to open new discussions within the

charter questions of a working group or do all discussions have to take place under one of the charter questions? How do you start up and develop new charter questions that are not currently covered by the PDP?"

And essentially, you know, I think the answers to some of these questions - I'll take a swing here - the answers to some of these questions depend to some extent on how far along the working group is in its efforts.

For example, reopening a discussion or decision that was held by a previous working group is probably - you know, if it's already been submitted to the Board and accepted and it's just in the process of implementation it's probably going to require a new PDP to revisit those issues or to amend or revise or repeal those policies.

If a working group is still open there are, you know, opportunities to raise these issues. I think that to some extent, it would be, you know, at the discretion of the chair to - and based on consensus of all the participants, to understand whether or not the issues - whether they're a new issue or reopening a previous issue is something because the working group did not discuss them or they are - they're presenting new material, new information.

If it's something that the working group, you know, feels that it's had an extensive consultations and deliberations on both internally and with other members of the public and members of the community then, you know, you have to also be respectful to the, you know, to the folks that have put in the months or years to develop those processes as well and not, you know, it's that classic case of, you know, you want to make sure everything has had a thorough and comprehensive examination but not allow one or a small group of individuals or maybe just one stakeholder group to keep an issue open forever.

Eventually the group will have to make - reach some sort of a decision or accord and then move forward from there.

Amending the charter, once a - you know, once a working group is under way amending a charter is a little more difficult because the charter was approved by the chartering body, in this case the GNSO. And usually you have to go back to that chartering body and ask their process for amending a charter question or creating new charter questions. So, you know, I think that's a little bit of heavy lifting as well.

I don't know, Marika, you have any thoughts on that? I want to make sure we're answering Arthur's question but if it's not something that Scott's interested in I want to be respectful for his time as well.

Marika Konings: Yeah, and this is Marika. I think, you know, it probably isn't in quite great detail but it's one as well one of the requirements for, you know, if someone comes late to the party that, you know, they are expected to review all the materials and discussions that have taken place before, you know, they joined.

You know, I think they're encouraged as well to speak to some of the working group members to really understand, you know, why certain decisions were taken as all, you know, agreements were made.

And then the PDP manual specifically foresees as well that, you know, closed conversations are not expected to be reopened unless new information is brought to the table and the working group agrees that it's worth to, you know, review earlier agreements in light of that new information. So there is always a way if there should be broad agreement that, you know, especially if new information comes to the floor and data is provided that a group can go back and look at that information.

But indeed at a certain moment in time when indeed an issue has been discussed and it has already been considered, you know, it can work as well counterproductive just to go back every time, and some people use it as well

as a kind of gaming factor just even going back to issues that were already considered and discarded.

So I think it's trying to find and balance and that's what, you know, the chair (unintelligible) important role as well to make sure to find that, you know, balance between where information is indeed new and new information is brought to the table and where it's indeed basically old issues that are just being brought back to stall the conversation or where someone hasn't really prepared and done their homework in looking all the, you know, prework that the working group has already done on some things.

James Bladel: Yeah, thanks Marika. And I don't know if Arthur is going to join us or if not hopefully Nathalie, we can just direct him to this part of the transcript where we've onboarded his question and responded to it. And then, Scott, I don't know if you had anything to add or if you wanted to ask any follow up questions on that or if you would rather we just resume with the slides?

Scott Harlan: I'm happy to move on.

James Bladel: Okay great. Okay so let me just move to the next slide here because I think we are getting close to the end. This is standard methodology for decision making. As I mentioned, the chairs have a few levels of consensus and some ways or some formulas that they can follow some recipes to determine what level of consensus they're dealing with.

So if the - if one of the recommendations is hey, you know, we should make registrars buy us ice cream and, you know, all the registrars say no but all the other groups - the participants on the working group say yes then I think that, you know, the chair certainly can take all of those on board and say, you know, I think I have some strong support but significant opposition here.

And then, you know, determine whether or not they want to, you know, conclude and move forward with that if there's, maybe one sub set of the

participants or the community or maybe just one individual that's not on board with the consensus decision.

And I think it, you know, the goal is to - and, you know, the goal then would be to well, you know, is there some tweaking that could be done to bring that minority position in line with the consensus? Maybe it's just one element or one aspect; maybe they feel it's too restrictive. Maybe they feel it's too broad. But maybe the recommendations can be tweaked a little bit to achieve full consensus.

I think that if I could just weigh in personally here, you know, sometimes when we get into things like divergence where there's just two or three or more opinions and they're just not coming together on an issue I think sometime there is a tendency in ICANN and in working groups to view that as a failure of the working group.

And I don't think that's necessarily the case. I think that if you are a consensus-driven organization then consensus is the bar that you have to reach in order to make a decision. And if you can't get there I think that that is reflective of, you know, the larger community's wishes as well. You know, that we may not like a particular element of the status quo but, you know, the fact that we don't have ice cream at ICANN meetings, but we're unwilling to entertain some of the alternatives that would address this so unfortunately, as much as the status quo is perhaps uncomfortable to us the remedies are worse.

So, you know, I don't think that's - you know, I don't think that's a failure to say that in a final report is that we've failed to achieve consensus on this charter question.

I know that that's a minority opinion and I know that there are a lot of folks that participate in these working groups that feel like, you know, we should keep working on this issue until we get there.

Or, you know, I know that one of the previous working groups they were talking about bringing in people to train chairs of working groups, you know, in mediating these types of divergent opinions to try and get them to some agreement. But, you know, my opinion is that this is a viable outcome to say we don't agree so let's, you know, maintain the status quo.

I don't know if you had any thoughts on that, Marika, or Scott, if you wanted to ask questions or we can just keep moving on here. Marika, maybe you feel - you are one of those that does feel that it is a failure of the working group when it can't reach agreements. I don't mean to put you on the spot but I know that that's sometimes when I say that in open company...

((Crosstalk))

Marika Konings: No, this is Marika. No, I definitely don't think so. I think if indeed the process has been followed and indeed there is, you know, agreement to have no agreement or if people indeed believe that, you know, there is no need to make changes I think that's as well, you know, a valid outcome.

As long, indeed, as the process has been followed and there has been, you know, due opportunities for people to come closer together. And I think as well, again, the mediation and, you know, facilitation I think in certain cases that, you know, sometimes does help to break, you know, a certain deadlock because I think sometimes as well there are situations where it's not just because people, you know, believe nothing should change but sometimes as well because they don't want to give in or they believe that the other one doesn't want to give in or there's just a misunderstanding of where people want to go.

And I think there, you know, staff sometimes try to play that role or chairs to say look well what is actually the underlying issue? Is it really that, you know,

we believe there shouldn't be a change or is it because of your concern about A, B and C?

And I think what we're trying to do as well and, you know, as most people participating in these efforts are all doing this as volunteers to see if there are additional tools or, you know, mechanisms that we can choose to help, you know, groups move forward.

And again, you know, the outcome may still be that there is agreement to not make any changes (unintelligible) outcome. But I think as long as everyone feels comfortable that that is indeed where everyone, you know, fits together I think that's what we're actually looking for.

And if, you know, there are additional clues that can help with that or even, you know, speed up some of those steps that would - currently may take more time I think we're just experimenting in seeing whether, you know, that has an impact or helps or not.

And, you know, if it doesn't, well, maybe we'll use it again but if it does, you know, maybe there are some things we can learn from that and, you know, have better outcomes as well whether there is agreement or not or make changes or not but at least, you know, an outcome that everyone can support.

James Bladel: Yeah, yeah thanks. And, yeah, I think the key is just, you know, good faith disagreement, you know, is likely and possible. I think it's - I think everyone agrees on that in concept. I think, Scott, it's situational when this actually applies, you know, it - you know, I think the example that I like to use is Whois.

You know, everybody agrees Whois is a problem. The harder part is what do we do about it? How do we fix it? Who's going to pay for it? You know, what are the privacy implications of that? You know, all these other questions have

been so daunting that I think that the status quo, warts and all, is something that we're stuck with until we get really tackle and take on all of those issues otherwise the cure is worse than the disease, I think is where we keep ending up.

So anyway that's that slide. And it is the prerogative and the burden of the chairs and vice chairs of working groups to try and gauge which of the recommendations and which issues, you know, fall into these buckets. It's been fairly easy in some of the working groups I've chaired, which are mainly technical, but in some other working groups I think it's been very difficult if not impossible to arrive at a determination that everybody can live with.

So I'll move on here. Let's see, there's some more reading on the Working Group Guidelines. I think, you know, you're probably experiencing this already on the cross community working group but the working groups are very - I think the people who are dedicating the time and effort to the working groups are doing so in a way because they feel strongly about something and they want to contribute in a positive productive way.

I really don't think that you get a lot of folks on working groups that don't care about the issues, otherwise they wouldn't be there. And I think that, you know, it's pretty obvious at the outset we'll never, you know, individuals may be trying to hold up or disrupt a working group and the community, you know, the self-governance, self-regulating ICANN community usually doesn't stand for that very long either.

Tips and tricks, I could use some tips and tricks, I've only been doing this for eight years and I don't know what I'm doing half the time. All right here are some links reviewing the [GNSO.icann.org](http://GNSO.icann.org). The most useful tool I find there is the calendar because that helps me ensure that I'm not missing anything so I try to check that at the beginning of each week and make sure it aligns with what I think I'm doing Monday through Friday.

But there are other things there as well including contacts, names of the different position staff and, you know, other folks like councilors and other representatives that can help and how to get in touch with the different constituencies and stakeholder groups.

There are some - the PDP manual, the Working Group Guidelines, GNSO 101 is right there. Actually I should take a look at that, that sounds interesting. And then a list of current GNSO projects which is also useful. I don't know how often that is updated though, that's maybe something that Marika and I can talk about. Maybe I should raise with Berry.

There's an acronym helper on the GNSO homepage. There's also an ICANN decoder ring that's operated by some other group out there that I think is actually both useful and a little humorous. There's a learning page, ICANN Learn, [learn.icann.org](http://learn.icann.org).

You can always look at the GNSO wikis at the [community.icann.org](http://community.icann.org) if you probably are a member of a working group you've probably already filled out - created an account and filled out your SOI, your Statement of Interest.

You can view the Statements of Interest that have been filed by other members on other working groups. You can certainly grab hold of someone who is a little more experienced in a working group or a member of staff. I think you'll find that people share their expertise fairly readily in this space especially staff.

I would put one more tool here and I was thinking about it when I was - and I just forgot it. Oh, yeah, the myICANN is maybe missing from here, Marika, the little daily digest of issues and announcements and updates and things where it's delivered into your inbox at the end of each day so you can kind of review any of the major developments. That's a nice little tool as well that I've - you can sign up and select all those different policies, topics and issues and

groups that are interesting to you and then it's kind of like a Google news alert just for ICANN.

The ICANN Website itself is, I think, an enormous probably too much of a good thing source of information. It can be a little tricky to navigate but, you know, there are search functions there. And I think that, you know, over time you can get used to that to finding your way around.

So I think that's it. I think we're just into Q&A now. I think we're a little over time. Was this a 90-minute call, Marika?

Marika Konings: This is Marika. I think it's scheduled for 60.

James Bladel: Okay, sorry about that. So we're a little over time and my apologies if we went astray or if we got into the weeds a little bit more than you wanted. But any questions about these topics, Scott? Or any questions about maybe topics that weren't covered in the slides?

Scott Harlan: No, no, I think you guys did a great job. Actually I had one question about the Adobe Connect functionality going way back to the beginning that I'd actually thought about before and I forgot to ask. When, you know, if you're in a session of some kind and people are posting slides like you guys just did and we're looking at them, I guess there's no way to really just download those? You know, they're only - or you have to look at them within the window?

James Bladel: Yeah, that's correct. There's no way to take them out of Adobe Connect and save them locally I think but the materials that are being presented, I mean, with a very very few exceptions, should either be distributed on the mailing list of the group that's conducting the work or they'll be posted on the ICANN - the GNSO Website, even linked to from the calendar where we keep the transcripts and recordings of all the groups, any of those materials could be kept there as well.

And then again this is something where you can just ping the staff member like Marika or Nathalie or Lars or Berry or anybody else that you see as a yellow person there at the top of the list where it says "Hosts" and just, you know, ask them hey, can I get a copy of these slides?

And, you know, they'll either tell you where the slides are going to be located or in one of those really weird situations they might say, no, I'm sorry we're not able to disseminate these slides because, you know, something. You know, this was a closed meeting or I don't know. I don't really see that happening outside of just some rare circumstances. But, yes, that's - but in general, no, there's no way to save the slides locally.

Scott Harlan: Okay.

James Bladel: I think Nathalie was talking a little bit about different things under Raise Your Hand where you can use the Agree and Disagree buttons. I think you'll also see people generally use things like applause if, you know, if there's some sort of a acknowledgement of, you know, the end of the work or that you've hit a milestone like publishing your initial report.

One thing I would say is that people usually click the green Agree button just - this is more of a cultural observation, people click the green Agree button, you know, in lieu of saying plus 1 or actually getting in line to speak and say, "I agree with everything Scott just said," they'll just click the green button or the shortcut.

But if you click the red button, the Disagree button, you should be prepared for the chair to call on you and ask you to explain what part of the conversation you're disagreeing with and ask you to, you know, maybe, you know, clear the disagree and introduce instead your own contribution. And who knows, maybe other folks - maybe more folks even will agree with that. So I would say the Agree button you can use and pretty much no one will say

anything but the red button you should consider it just to be equivalent to raising your hand.

Scott Harlan: Got you.

James Bladel: Well, I know it's after 5:00 over there and you're probably anxious to get going on your holiday so I will - I'm good here if you're good, Scott.

Scott Harlan: I'm good. Thank you so much.

James Bladel: Marika? Nathalie? Is it dinner time?

Marika Konings: Bed time.

((Crosstalk))

James Bladel: Okay. All right well thanks, Scott. Hopefully this was useful and certainly if you see us wandering around don't hesitate to - I mean, staff is obviously going to be much more helpful but I think they'll tell you that I'm not an unreasonable person to deal with either so if you have any questions or if you just want to chat about an issue don't hesitate to contact me. But otherwise, as Marika said, there's more of these sessions and so you can certainly join other ones if you like.

Scott Harlan: Okay.

James Bladel: Okay, thanks everyone.

Marika Konings: Thanks, all.

Scott Harlan: Thank you. Have a great weekend.

James Bladel: Have a good weekend.

END