

**Policy & Implementation Working Group Meeting
TRANSCRIPTION
Wednesday 17 September 2014 at 1900 UTC**

Note: The following is the output of transcribing from an audio recording of the Policy & Implementation Drafting Team meeting on Wednesday 17 September 2014 at 1900 UTC. Although the transcription is largely accurate, in some cases it is incomplete or inaccurate due to inaudible passages or transcription errors. It is posted as an aid to understanding the proceedings at the meeting, but should not be treated as an authoritative record. The audio is also available at: <http://audio.icann.org/gnso/gnso-policy-implementation-20140917-en.mp3>

On page:<http://gnso.icann.org/calendar#sep>
(transcripts and recordings are found on the calendar page)

Attendees:

Cheryl Langdon-Orr – At-Large
Olevie Kouami – NPOC
Greg Shatan-IPC
Chuck Gomes – RySG
Avri Doria-NCSG
Stephanie Perrin – NCUC
Alan Greenberg-ALAC
Michael Graham – IPC
Jonathan Frost - RySG

Apologies:

Mary Wong

ICANN staff:

Amy Bivins
Marika Konings
Karen Lentz
Berry Cobb
Steve Chan
Nathalie Peregrine

Coordinator: The recordings have started.

Nathalie Peregrine: Thank you very much, and good morning, good afternoon, good evening everybody and welcome to the Policy (unintelligible) working group meeting on the 17 of September 2014.

On the call today we have Alan Greenberg, Cheryl Langdon-Orr, Chuck Gomes, (Olivia) (unintelligible), Michael Graham, Greg Shatan, Avri Doria, and (Jonathan) (unintelligible). We have received no apologies for today's call. And from staff we have (unintelligible), (Caroline), Steve Sheng, Berry Cobb, and myself, Nathalie Peregrine.

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

Chuck Gomes: Thank you very much. And again, welcome everybody to the cal. Does anyone have an update to their statement of interest? Okay, hearing none or seeing none - and I should ask, is there anybody that is not in Adobe Connect and just on the audio bridge? Okay, doesn't...

Nathalie Peregrine: Chuck, this is Nathalie. There is no one.

Chuck Gomes: Okay, thank you very much. So you - everybody's able to raise your hand. If that changes you know what to do. So all right. Chuck continuing.

So we're going to pick up where we left off last week on the GDD draft consensus policy implementation framework. And we left off at Item 2B that is shown on the screen there.

And in that - on that particular item Avri had suggested a change and had followed up and provided some language in that regard that - and I see - I think that - that language been added Marika in adobe? Are we seeing that?

Marika Konings: Yes, this is Marika. That is what is on the right hand side in the suggestions - yes, right in comments, on the right hand side on the agenda. There's a

response from Alan that came after and below that is Avri's suggested rework.

Chuck Gomes: So it's below that, okay. I just need to scroll. Okay, there we go, okay. I needed just to scroll down a little bit. Okay, that's good. So if you look on the right there and scroll down, which I hadn't done, you'll see Avri's suggested additional and Alan's comment that he would not support this.

So first of all, what I'd like to do is ask Avri to explain to the group why she suggested that and then allow Alan a chance to explain his disagreement on that. And then we'll open it up for a broader discussion. Avri?

Avri Doria: Okay, can I be heard?

Chuck Gomes: Yes.

Avri Doria: Looks to me like I might be able to be. Okay, thanks. So basically I was looking at it and understand - I didn't quite understand what Alan was saying so I'm sure he'll explain it.

I think that the point I was making is that they are the only ones who will know when they're faced with an issue where they see certain words on paper but they know that they have to use the intentions as they understand them.

And so yes, it's true, we should have community members staring over their shoulders at every moment so that we see something like this and the onus is on us to act but I think that basically, you know, it's trusting the staff. It's knowing when they're in one of those conundrums I'm sure - in fact, I've heard some of them that, you know, they sit down and said, well, it says that but - yes, but don't you remember when they were talking about this they meant that. And they know when they're in those messy places.

And so what I'm trying to say is when they're in one of those, when they see that the words say one thing but they really think that we meant something else, that it makes sense for them to come to the GNSO to raise the issue and then if there is - you know, one of those implementation review teams they're naturals.

Otherwise the council with the GNSO's chair seems to be the place to go. And the earliest alarm is the staff knowing - now obviously we've created the rest of the environment or at least we hope we are where, you know, independent or not independent review teams but implementation review teams will be, you know, watching at all times with full attention.

It just seems, you know, not thinking about onus so much as who is capable of raising the issue at a particular time? So that's what I was driving at, thanks.

Chuck Gomes: Thank you very much, Avri. Alan, have you rejoined? Alan said in the chat that he had to step away for a moment so unfortunately he is not able to respond right now. So we'll have to wait for that.

So let's open it up then to the whole group for questions or comments, including staff so Marika if you want to add anything you're welcome to do that as well. Just raise your hand if you'd like to comment on this. Michael, you're first.

Michael Graham: Yes, I initially read the - both Avri's draft, which I thought was getting to the point and then Alan's comment, which I thought was also getting to the point. And now hearing Avri's explanation initially I'd gone in the direction of Alan thinking that the responsibility may lie on and perhaps correctly on GNSO or the IRT.

However, I do agree with Avri that, you know, in a lot of these things even if there were an IRT that questions are going to be hopefully recognized early by staff working on the implementation program.

So what I initially had revised to go along with Alan I'm sort of sub revised, just adding a few words because I think there are the two roles or the two purposes for having this type of going to the council.

One of them, if there is a recognition by the staff but at the same time, I think either GNSO or the IRT should also be diligent in it and that's sort of the final. So I sort of viewed it as we have a first responder and we have a final arbiter, both of whom should be responsible for watching for these things and bringing it to the board's - or to the council's attention. So I did a slight revision that I passed - I've posted on the chat.

Chuck Gomes: Thank you for doing - this is Chuck. Thank you for doing that, Michael. Let's jump over to Marika.

Marika Konings: Yes, this is Marika. I think I agree with, you know, the way Michael is presenting it and he - of course, said joined kind of responsibility.

I think in those instances where indeed staff believes that they have to make some changes that, you know, may not change the intent but are not indeed the exact wording of how a recommendation are written, I think in those instances that's always a, you know, consultation we would make.

And similarly, of course, you know, the IRT should be as well, you know, working with staff and indicating if they believe that, you know, some of the changes where we may not believe that they're actually changing the intent are still viewed as that.

I do still feel a little bit uncomfortable the way it's currently worded, interpreted by staff, and not corresponding to a strict interpretation of the

recommendation because that seems to suggest that there's some kind of authority that, you know, that tell us what a strict interpretation of the recommendation text itself is and - again, I don't have any wording on the top of my head that may soften it but I would like to see a little bit more where it says, indeed, there were staff knows that it's making changes or believes that certain changes may need to be made, you know, to benefit the implementation.

You know, that is something that should be - you know, they should consult it - consult with the IRT on and similarly, you know, the IRT should also flag with staff if they believe that changes are being made that, you know, change the intent of the policy recommendations.

Chuck Gomes: Thank you very much, Marika. This is Chuck. So it sounds like what's being said is if there's some indication that there may be - the implementation plan may not be in full agreement with the intent then the requirement is let's talk, the IRT and staff, on that. Is that the gist of what I'm hearing?

And Michael put in the chat, use the word understanding rather than interpretation. So if staff - you know, wonders whether their understanding is correct the idea is - and I think this is what Avri was getting at, let's talk.

So approach the IRT if there's an IRT and the more I - the more we proceed on this the more I am finding myself on Avri's page that there may need to always be an IRT even if it's fairly small. We'll come to that later.

Michael Graham: Yes, Chuck, it's Michael. I haven't put my hand but - one, I am entirely on the same page as - there should always be something like an IRT involved. But earlier what you said, I am all for that in terms of just the understanding and it's - I guess the reason why we are here is that the basic concept of talk with each other, communicate with each other is where we have fallen down.

And so we are putting up rules to not only encourage but to give some rules for how we talk to each other and when we have to talk with each other. So that - all of these comments I think are helping or moving towards a how can we communicate so that we understand each other and work through these things.

Chuck Gomes: And by the way, before I go to - I want to comment on (Olivia)'s chat statement and ask him a question and also get to (Karen). But I think it's fair to say that I don't think any of us, staff or just working - the working group members really are looking for anything cumbersome or to slow things down.

And so I hope everybody takes all of the discussion that we're having in that light. Communicate - we want the communication to happen and it will probably speed up the whole process if that communication is happening.

So (Olivia), you noted that there's a difference between understanding and interpretation, I think we would all agree with you on that. Do you like the word understanding better than interpretation? (Olivia), are you there?

(Olivia): Yes.

Chuck Gomes: There you.

(Olivia): Hello, (unintelligible).

Chuck Gomes: Do you like one word better than the other? Interpretation or understanding? Maybe you can answer that in the chat. That would be helpful if you are able to hear me. And there's a lot going on in the chat right now. I'm going to have to scroll back to keep up with it.

Avri, I think you like interpretation better. Did I read that right?

Avri Doria: Yes.

Chuck Gomes: Okay.

Avri Doria: This is Avri.

Chuck Gomes: I'll come back to you. I skipped over (Karen) so I probably should give (Karen) a chance to speak. (Karen), it's your turn.

(Karen): No worries, actually Greg is saying in the chat that he was trying to get in, I don't know if he was meaning into the queue.

Chuck Gomes: Okay.

(Karen): Before...

Chuck Gomes: I don't see a hand but, Greg, do you want to jump in?

Greg Shatan: I've been trying to follow things on the chat as I've been waiting to get in.

Chuck Gomes: I don't see your hand so did you raise a hand?

Greg Shatan: I did not, I'll wait to - I'll wait until I have a hand to really raise but I will jump in and (unintelligible).

Chuck Gomes: If you want to talk now you're welcome to.

Greg Shatan: I don't know where I am exactly in the flow but - and maybe this should be parked for a little later but I am - you know, I have trouble with the term strict interpretation and what that might mean from, you know, my training - at least, you know, as a lawyer, strict interpretation means - to do only what's exactly on the page and not to try to connect any dots.

And not - for instance, you know, in the context of, say, the US constitution, not to find any additional rights that aren't, you know, there in black and white, such as the right to privacy.

The problem I would think is that unless the policy guidance that has been given by the GNSO is very detailed that there are going to be kind of spaces in between where the staff will have to interpolate regardless.

And I don't think - you know, the concept of strict interpretation as I would understand it would be that no interpolation would be allowed and basically that kind of makes it hard to have any, you know, kind of an implementation, you know - any kind of an implementation or any (unintelligible) beyond the words on the page.

Chuck Gomes: Thank you, Greg. That's appreciated. (Karen), would you like to talk now?

Karen: Sure, and, you know, maybe this is - you know, people will likely continue along this line but I was just going to, you know, suggest that, you know, we can, you know, take a look at the wording in light of this discussion.

I think, you know, this - we're still at the principle level and I think, you know, all of the - you know, suggestions are consistent with what we're saying is the principle, which is, you know, you look at both the letter and the intent. When we get down later I think we can have some more discussions about intent and, you know, how that consultation happens.

But in terms of the principle I think we agree and it can go either way, either, you know, when staff is first looking at the policy, you know, or right away saying, we have questions.

Then we would - you know, refer to the, you know - have some form of consultation with the GNSO to be determined or, you know, it could also happen at a different point where, you know, the implementation is at some

phase and the council or some member or stakeholder group that's identifying an issue that they believe is one of interpretation, that can also trigger that process.

Chuck Gomes: Thank you, (Karen). And isn't what we're saying something like this, I mean, if there's any doubt - and by the way, I appreciate your comments on that fact that we are talking about principles and we should all keep that in mind here.

If there's any doubt that may be the intention is not understood correctly, let's talk.

(Karen): Right.

Chuck Gomes: And IRT and the staff implementation team. I think that's what we're saying. Alan, you have your hand up, you know, we - I called - you jumped off just when I was going to give you a chance to explain your rationale for disagreeing with Avri's suggestion. We've gone a little bit beyond that and are talking about tweaking it some.

But let me come back to you and give you a chance to explain your disagreement there and then we can proceed on the discussion that's started while you were off. And - but before I do that let me digress just one moment. And by the way, this is Chuck for the transcript there.

Congratulations on being - becoming the - or being selected to be the next ALAC chair, just want to throw that in and we can all do that - talk to you individually about that later. But congratulations on that. It is now your turn to explain your disagreement with Avri's original suggestion there in adding the sentence.

Alan Greenberg: Well, thank you for the congratulations. I hope they're congratulations. There are a number of people who have added I think at the end of that statement.

I guess I want to go back to the - to why this principle was there to begin with. In my mind it goes without - you know, without saying, you know, doesn't hurt to say. But if staff doesn't understand what we meant they're going to come and ask.

I would like to think that's a given. And I would like to think that staff is involved in the final steps of the PDPs so that they don't suddenly have - you know, scratch their heads and say, what does this mean.

The intent of the section was in the other direction that if staff comes back with an implementation, which they believe is a faithful reproduction of what the recommendation said and those - you know, on the implementation review team or whatever says no, that's not what we meant, you know, in retrospect it may or may not be what we said but it's certainly not what we meant.

And in many cases, you know, based on my personal examples it will not even be what we said. It was a - not an unreasonable interpretation but it wasn't what the intent was and perhaps wasn't even what the words were. And this was trying to capture that and make sure there was recourse.

So I'm not wedded to any particular words but it's really important that the trigger is on the GNSO side that something's going wacky with the implementation and needs to be addressed. I don't mind if the reverse is also referenced but that wasn't the original intent of why we put it there. Thank you.

Chuck Gomes: Thank you, Alan. This is Chuck again. So - and again, I don't want to spend the whole meeting on B so let's try and reach some conclusion on this. Is there anybody that's opposed to the language that was in there or want to make any tweaks to it that - as edited by staff and what I have on that - and I'm reading off a printed copy because it's hard to read that yellow.

But ICANN staff strive to follow the letter and intent underlying GNSO consensus policy recommendations when designing implementation and transforming consensus policy recommendations into consensus policies.

Staff will be held accountable by the GNSO council or its agents such as an implementation review team for ensuring that the implementation of policies is consistent with the policy recommendations and the reasoning underlying the policy recommendations.

Now forget for a moment adding a sentence or not adding a sentence or adding a tweaked sentence, are there any objections to that language or tweaks that someone would suggest? Greg, go ahead.

Greg Shatan: Sorry, Greg Shatan, taking myself off mute. The - I'm a little concerned with the - kind of the held accountable by as opposed to accountable to because I don't know what - how they would be held accountable by them unless there is some - you know, a guideline for that.

I mean obviously we're all talking at ICANN on accountability and awful lot but it seems like we're setting up almost kind of like a - there's going to be some form of correction or punishment of - if they somehow stray beyond what is considered by the GNSO to be the right interpretation or implementation of the policy.

So I'm just curious as to why that structure as opposed to accountable to was chosen and what people think it means for them to be held - for them to actually be held accountable, you know, which - you know, which implies some kind of sort of judgment and subsequent action I think.

Chuck Gomes: Thanks, Greg. Are you suggesting then that we change the word by to so it's held accountable to the GNSO council?

Greg Shatan: I'm not sure that we would be - say, held accountable. I would just say accountable.

Chuck Gomes: Would be accountable to the GNSO council.

Greg Shatan: Correct, that's what I would suggest.

Chuck Gomes: Okay, thank you. That's helpful. By the way, going back to the comments I submitted before I went to the IGF and before the rest of the group discussed this the first time, I had similar questions to you about, you know, how do we do that and so forth.

Not that we have to answer them in this principle, let's keep in mind what (Karen) said that this is a principle. So we have a suggestion from Greg but before we take that and make any changes, Alan, please.

Alan Greenberg: Thank you. Yes, I also found the phrase held accountable a little bit curious because there is no punishment or, you know, something hanging over the heads of staff. I think the intent - I think this is held accountable in the context not of accountability, you know, for ICANN but just are responsible for.

And I suspect the sentence could be reworked pretty easily to say staff is responsible for ensuring and then add, you know, based on the judgment of the GNSO or its agents.

So I'm not going to try to reword on the fly but using the term responsible I think is what was meant by accountability and by accountable in that case. At least that's the way I read it.

Chuck Gomes: Thank you, Alan. And this is Chuck again. Coming back to Greg, is using - wording it somewhat the way Alan suggested using the word responsible, does that work for you, Greg?

Greg Shatan: I think I still - I actually do like the concept of accountability. I think they are - I think responsibility may work. I mean I think that - you know, either way we do sort of - you know, it would be an ATRT to issue probably regardless of what the - what words were used here.

So I don't want to get too hung up on words but I - I would kind of stick with accountable to I think but...

Chuck Gomes: That's good. We can always come back and change things later, this is Chuck speaking again. Let's go ahead with the change that I think Greg suggested there for now and give Alan the opportunity to come back later with some different language if he'd like to.

So let's go with - there are no big objections and say we'll be accountable to the GNSO council or its agent and so forth and make that change for now. Alan, please, if you would like to work in the word responsible and suggest a different language please do that before the next meeting.

Alan Greenberg: Okay.

Chuck Gomes: And I want to come back now to Avri because she still had suggested adding something there. Avri, do you still want to talk to that and suggest that?

Avri Doria: I do but I give up. No need. I mean, you know, if the staff's not going to be responsible for identifying when they do but we've got to wait until we find it so be it. We'll just have to watch more carefully.

Chuck Gomes: Thank you, Avri. This is Chuck again. They - so Greg, go ahead, please.

Greg Shatan: I am - in reality I hang on something I think you said a couple minutes ago which is that a dialog really needs to take place and, you know, if there - if it's a question of - and I think certainly if the staff feels like they are - let's say, extrapolating or creating expansive or even - or going beyond kind of the -

you know, what would be the reasonable interpolation they should come to the GNSO council even if they're just unsure or if something's unclear or if there are two or three choices which may seem equally decent to them but that may have different effects on different stakeholders.

You know, then that should be a time for dialog. And similarly if the GNSO or the IRT see something happening they should - there should be a dialog. And I think that - you know, this language of kind of who's responsible for noticing it should - it's kind of almost - only when things break down and there is no dialog.

So I think overarching this should be an encouragement of a dialog regardless of who identified the situation where, you know, there is kind of more room for interpretation or where the interpretation could go down several paths, I know one of which is obviously the right interpretation or the strictest interpretation other than, you know, doing absolutely as little as possible.

Chuck Gomes: Thank you, Greg. Chuck again. So if I'm hearing you correctly, would you support adding a sentence somewhat to the effect of what I said earlier is if there is any doubt about what the GNSO intended staff will communicate with the IRT or its designee, however - we can work out the details of that later.

Would that - is that adding a sentence like that, I think, along the line of what Avri was suggesting? Would you be okay with that?

Greg Shatan: Yes, no, I'm good with that. I think encouraging dialog is really where we should be as opposed to kind of assigning watchdog status to one side versus another side.

Chuck Gomes: Yes, and - agree. This is Chuck. Let me jump to (Karen). (Karen), your turn.

(Karen): Thank you, Chuck. I just wanted to make one point on the prior discussion about accountable - held accountable by or saying that we're accountable to the GNSO council. So I think we agree with that and are fine with the language.

I probably want to add something too though - to the effect that, you know, staff is always accountable to the - it's a multi stakeholder community so it's not only to the GNSO council. You know, in this context there's a specific, you know, relationship that's at play but I wouldn't want it to be read to suggest that, you know, those are the only parties to whom staff's accountable. That's it.

Chuck Gomes: Thanks, (Karen). This is Chuck. And the reason it says GNSO council here - and maybe we should just say GNSO, I don't know, is because these are GNSO processes here.

So - and if there's any doubt about whether the understanding of the intent was correct it would be going back to the GNSO or the IRT which would probably be representing the GNSO at this time. So that point's well taken.

And I think that's your previous hand, is that correct, Greg? It was, okay, thanks. All right, now Alan, I'm going to come back to you now. The - do you have any problem with adding a sentence along the lines that I suggested and that I think Greg was suggesting that - you know, A, if there's any doubt staff should come back to the GNSO.

Alan Greenberg: As I said when I led off my previous comment, I would have thought that's a given and anything else other than that is a complete - you know, sort of walking away from their responsibilities. So no, I have no problem with that at all.

Chuck Gomes: Thank you, Alan. Okay. All right, can we move on to C? Okay, great. On C - and by the way, this is Chuck speaking again, and I'm going to read the

edited version of C that staff changed after they - in response to some comments that I had submitted in writing.

And let me say, I haven't said this yet today. Other people, please feel free to disagree with suggestions I made and make different changes. So I just happened to submit them in writing because I was going to miss that meeting because of the IGF.

So C is ICANN staff will evaluate all consensus policy recommendations at the outset of implementation using the consensus policy implementation framework before requirements are released and deployed.

This evaluation process will include a checklist created by ICANN staff to ensure that all steps are followed during each implementation phase before contracted parties must physically implement a consensus policy. That is open for discussion. Any discomfort with that? Any suggested edits? Okay?

Woman: All good.

Chuck Gomes: Now D and E...

Alan Greenberg: Chuck, it's Alan.

Chuck Gomes: Okay, Alan, go ahead.

Alan Greenberg: Yes, I'm not sure what before requirements are released and deployed means. (Karen) seems to know.

Chuck Gomes: Where are you at, Alan? You're on C, right?

Alan Greenberg: Right in the middle of C, the end of the first sentence.

Chuck Gomes: I see it. Okay, okay. Because this is policy framework before requirements are released and deployed. Well, doesn't that mean - doesn't that mean before requirements are imposed on registries and registrars?

Alan Greenberg: It might be.

Chuck Gomes: What else could it mean?

Alan Greenberg: Well, (Karen)'s saying yes.

Chuck Gomes: I mean consensus policy have to be implemented by registries and registrars.

Alan Greenberg: Yes, but the sentence starts off that they will do this at the outset of implementation, the very beginning. The requirements on registrars and registries released and deployed is at the very end. So that's what I was trying to connect the dots and it looks like that one sentence is talking about both ends of the process.

Chuck Gomes: Do you think we should delete at the outset of implementation?

Alan Greenberg: I'm not sure what the intent was though.

Chuck Gomes: Okay, I'm going to jump - jump to (Karen) and maybe she can help us there. Okay, (Karen)?

(Karen): Yes, so I - I appreciate Alan's point that it could be more clearly worded. But you know, in terms of the actions that staff takes it is - you know, one of the first steps that we've laid out in the process for implementation is that, you know, it's reviewed against this framework that includes consideration of, you know, risk components, tactical components, you know, what are all the - you know, aspects of implementing that policy.

And so, you know, if you do it at the outset then it would obviously be done before, you know, we're issuing requirements that contracted parties are obligated to follow. So I think we maybe don't even need that part saying the four requirements are released and deployed. It's just something we do at the outset.

Chuck Gomes: Alan, would that fix it for you? Deleting...

Alan Greenberg: Sure would.

Chuck Gomes: Okay, and just delete before requirements are released and deployed, everything else stays the same. And this is Chuck again. Okay. One of the awkward things about being chair is you have to say your name so many times.

Woman: At least you get to know it.

Chuck Gomes: Thank you. I think that was Cheryl, right?

Cheryl Langdon-Orr: Yes, it was Cheryl.

Chuck Gomes: Thanks, Cheryl.

Man: You could also say it's the chair speaking.

Chuck Gomes: Okay, anything else on C? Now there were no edits to D and E but if someone wants to raise anything in those please do so right now. Okay. Not hearing anyone or seeing any hands raised I'm going to jump to F and there was a couple edits made there.

And the way it reads now is ICANN staff will define a formal transition process, GNSO policy team to GDD, GDD implementation and GDD to compliance checklist, that was all in (Karen)'s. For use by project sponsors as

each new CPIF project is executed and I think that's consensus policy - implementation framework, is that right? Yes, that's - it's defined up above, sorry.

Any comments or discussions on that? Are those changes okay? Any suggested edits? All right. And then in G and H, which are a little bit longer principles but there were no edits made there. Does anyone have any comments on those? All right, again, if I'm moving too fast slow me down, just let me know, okay. Otherwise I'll try to keep it moving.

I then, there were a few edits and the way it reads now, ICANN staff will continually review the CPIF and its documentation to encapsulate additional best practices or to adjust the steps as a result of lessons learned from previous consensus policy projects.

And the changes there were made - I question what peer review meant and so they - as you can see, tried to make that a little clearer. Any additional comments, edits on I? Okay.

Going to Section 3, roles and responsibilities. And the - A, B, and C.

(Karen): Greg's hand is up.

Chuck Gomes: Thank you. I was looking down at my printed copy.

Greg Shatan: Hi, Greg Shatan. Apologize, I just want to roll back briefly to F and just ask whether the language in the parenthetical is supposed to be the - in essence the framework for any formal transition process? In other words, is that an example, like, an EG or is that a - that's the way it is and it just needs to be fleshed out, in other words it would be more of an IG? I'm just not sure what's meant by that - by what's in the parenthetical exactly.

Chuck Gomes: Thank you very much, Greg. This is Chuck again. (Karen), is that something you could respond to?

(Karen): Yes, it is. Thanks, Chuck. It's kind of a - maybe more of interest to staff but it's - it represents to us the transfer of ownership in terms of, you know, when the policy development is happening.

You know, you have a policy team that's supporting that so we're saying there should - we want there to be a formal transition process when it is officially a project that is within the GDD for implementation. And then we also want there to be a formal process that we've followed and can document to show that the implementation has been completed and it's now something that would be enforced by contractual compliance.

So if you have - if there's - I don't know. Maybe there's a way we can clarify it as to, you know, how those things relate to the formal transition process but that's - it's really just limited to those things, those steps.

Chuck Gomes: Thank you, (Karen). It's Chuck again. Let me see if I can help. If I understood you correctly, and Greg's question, it sounds like an IE. So put I.E., from - and maybe adding a from GNSO policy team to GDD and so forth, does that help - first of all, did I understand you correctly, (Karen)?

And then my second question would be to Greg, does that make sense?
(Karen), you're first.

(Karen): Yes, I.E. makes sense to me.

Greg Shatan: This is Greg, me too.

Chuck Gomes: Okay. Anything else in Section 2, working principles?

(Karen): So Chuck, this is (Karen). I just wanted to - I see Avri's note about using the word ownership which is perhaps a poor choice of words. What I meant by it was a responsibility. You know, there's different staff groups that have responsibility for a project within - you know, within their work tasks at any given time so that's what I meant by that.

Chuck Gomes: That okay, Avri? Does that address your concern?

Woman: She's saying yes.

Chuck Gomes: Okay, yes. I'm sorry. I'm not doing a very good job of keeping up with - the chat is really active and I'm having trouble keeping up with it and leading this meeting so forgive me. So okay. I see a couple of people typing. I'll try and watch that.

Let's go again to Section 3, the roles and responsibilities and the first three are - let's see, let's get my - I'm, again, looking at a hard copy because it's easier to read. A, B, and C, there have been no edits to so they haven't changed, that doesn't mean we can't change them.

So does anybody have any comments, suggestions on A, B, and C in Section 3? Please raise your hand or speak up if you do.

Michael Graham: Chuck, it's Michael.

Chuck Gomes: Go ahead, Michael.

Michael Graham: In A I just wonder - in the second sentence, which says once policies are adopted the GNSO council - the GNSO, I wonder and I know this is understood but to be completely clear should perhaps we drop in adopted by the board, the GNSO serves?

Chuck Gomes: At the end of the first sentence?

Michael Graham: Beginning of the second.

Chuck Gomes: Beginning of the second, yes, okay. Anybody have a problem with that?

Woman: No.

Woman: All good.

Chuck Gomes: Okay, sounds fine. I'm not seeing any objections to that, thank you, Michael. Anything else on A, B, and C? I see (Karen) was okay with that. Greg's been typing for a long time, maybe a long chat coming up from Greg here. Okay. Let's see what he's got to say. Okay. Let's go then to D and there were a couple edits in that so let me just read that one, bear with me, it's a little bit longer.

Implementation review team, the IRT - the implementation review team if convened by the GNSO council will serve as a resource to implementation staff on policy and technical questions that arise. An IRT will typically consist of but will not be limited to volunteers who were also involved in the development of the policy recommendations.

As such the IRT is expected to serve as a resource to staff on the background and rationale of the policy recommendations and return to the GNS council for additional guidance as required.

Where relevant the IRT should also include technical or subject matter experts and contracted parties who can assist staff in the planning for the technical implementation of a policy change.

Now I confess to adding that contracted parties myself being a contracted party or representing one anyway. The - because, again, the contracted parties are required to implement these things and historically it's been very

helpful to make sure we have contracted parties in that role, not so that they can change anything, that's absolutely not the case.

But rather they best understand the impact of implementation plans and can really help in making sure that we avoid any hiccups in that regard. So I'll be quiet now and see if there are any comments or discussion on D as edited.
Okay.

Then E, F, G, and H and I are - no changes were made to those. I will pause a little bit longer on this because some of you may not have looked at this in a while and see if there are any comments, suggested edits, or whatever on E through I.

Okay, now I have - and I see it's different on the screen so I'm not sure I printed off an older version or what but I have a J that is added that defines - I'm sorry, I need to scroll on my screen, forgive me.

Woman: It's there.

Chuck Gomes: I wasn't keeping my own screen updated. Okay, so it's there, forgive me.
Okay. Contracted parties has been defined as ICANN accredited registries and registrars are responsible for implementing and complying with ICANN consensus policies.

These entities help to shape consensus policies through their participation in the GNSO policy development process and on implementation review teams.
Any concerns about that? Any suggested changes?

Woman: Great (unintelligible).

Chuck Gomes: Okay, great.

Greg Shatan: It's Greg Shatan. I'm not (unintelligible) this is here at all and it seems to set some sort of heightened divide between contracted parties and non-contracted parties. I mean I would think that non-contracted parties are equally involved in helping to shape consensus policy through participation in the GNSO development policy process and on implementation review teams.

And clearly where there are consensus policies that are embodied in the contracts that these parties sign as contracted parties. They are - I guess, they're implementing them because they are responsible for really complying with them, not necessarily so much maybe implementing them per say but following the implementation that it's been set forth.

But then again, you know, all of the rest of us have to, you know, have our part too in essence in complying within - reacting to and dealing with the consensus policies, whether it's, you know, trademarks into the trademark clearinghouse or whatever it might be. We all deal with what the end results of consensus policy.

So I'm not sure why this - why this is kind of what seems like maybe a sort of a special pleading here or a special status that somehow this needs to be explained and is and is an essential part of a very short framework document. Thank you.

Chuck Gomes: Thank you, Greg. So how about adding a non-contracted parties role there as well.

Woman: Put your hand up, Chuck.

Chuck Gomes: I know that I'm calling on Greg right at the moment.

Greg Shatan: Well, I guess I would say that with regard to the second sentence at least there's really no difference in the - it's really the role of all stakeholders who

participate in the GNSO to do these things. So I wouldn't try to kind of divide them in that regard at all.

So I'm just not sure why this - what work this is doing here. You know, and so kind of doubling down on it isn't really all that appealing because I don't understand why it's here.

Chuck Gomes: So you're suggesting then, Greg - this is Chuck again, would be to not have that here. Is that correct?

Greg Shatan: Either not to have it here or take out the first sentence and just say that - you know, GNSO stakeholders help to shape consensus policies through participation in the GNSO policy development process and the implementation - and on the implementation review team. But I don't know why we need to say that that's kind of - not even ICANN 101, it's like ICANN coloring book. I don't know why that needs to be stated.

Chuck Gomes: Okay, thank you, Greg. Let's go on and let's hear what other people have to say. And we're down to about five minutes or so so be brief but please make your points. Alan, you're up.

Alan Greenberg: I'll be very brief. I agree with Greg. I don't think it has a place where it is. If we really needed to identify and remind people that contracted parties are under GNSO then go back to A and say the GNSO council, which is made up of both contracted parties and representatives of users or whatever the right words are, is responsible for. I don't think we need to highlight it there.

Chuck Gomes: Thank you, Alan. Avri, you're next. See if she gets her right - you took your hand down, okay. All right. (Karen), your turn.

(Karen): Thank you, Chuck. The reason we added J was kind of - you know, in response to your comments, Chuck. You had noted several points where - to specify that contracted parties, you know, have some advice to give and have

some, you know - that policy implementation has some implications for their operations.

So then we thought, well, maybe we should make a special - put an item under roles and responsibilities to clarify that. If it doesn't help clarify or add anything then we can take it out.

Chuck Gomes: Thank you, (Karen). Alan, your turn?

Alan: Yes, just to say that's why the contracted parties are on the GNSO and that's why some people at ICANN and around ICANN complain that the GNSO is inappropriate because it has contracted parties, the people that were affected by the - "regulation". So the GNSO is structured the way it is because of the philosophies of ICANN and I don't think we need to repeat it here.

Chuck Gomes: Thank you, thank you, Alan. Any other comment? So what I'm hearing - does anybody object to removing the contracted party's role there?

Alan Greenberg: You mean removing all of J or modifying J?

Chuck Gomes: Removing all of J. Now we can come back - if you think it'd be better to modify that's another option. So you're supportive of removing it, Alan, is what I think that check mark means, okay.

Alan Greenberg: Yes, correct.

Chuck Gomes: And I'm not hearing anybody objecting to that. So thanks, (Karen), for trying to be responsive to some comments I made but I think we better remove J right now.

Now I'm just looking at some notes I have here, bear with me a second on Section I and third party service providers. Let me go back to I if you can - on

your screen. On third party - and kind of taking my chair hat off a little bit here and just making a comment with regard to third party service providers.

The - what I says is that contractors will carry out - well, I won't read it, you can read it yourself. But one of my comments there was is that the - and I don't know if this is - needs to be said here or somewhere else but - in my opinion the implementation of the trademark clearinghouse that involved a couple contractors that the solicitation and RFPs for those were done totally independently of the community.

Now that made it faster, I think, at least in the short term. I'm not sure it made it faster in the long term in that I think the community later on after the contracts were already in place had a lot of good input. And it could have - the contracts could have been executed in better ways if the community had been involved rather than just staff (unintelligible) and doing them alone.

And so the suggestion I made it with regard to this one - and I don't know whether it fits here, it may not, that the solicitation of any such contractors, that the RFP development and execution and selection - and we could talk about that, what that means, should be done in consultation with the community to ensure that terms and conditions are implemented to ensure maximum success. Let me give another example to illustrate what I'm talking about.

With regard to the PDP - the post delegation process and checking out with - that - to make sure that contractors - that the registry applicants are satisfying the post delegation transition requirements.

Right now that is required. Every applicant regardless of how many TLDs they have applied for. Have to go through that process every time, duplicate it every time because the contract was apparently negotiated to pay the contractor for how many to do.

I think if the community had been consulted in that we probably could have avoided that duplication and added cost. And now the contractor may not have been quite as happy, I get that, but anyway that's what I'm getting at with regard to this particular - and again, this may not be the place to bring it up but since we're talking about the role of contractors here I made those comments. (Stephanie), your time.

(Stephanie): Thanks. Sorry for the delay in unmuting. I'm enthusiastically agreeing with you. I think, Chuck, I'm very curious and confused as to how the EWG report is going to be rolled out with these new services that we are recommending such as verification of data and accreditation of parties and while we have said there's no money to be made here, well, of course there's certainly going to be revenue streams.

So it does seem to me that - first there's a policy process and then there's a process that needs to be watched with regard to how the contract goes. So if there's no other system that I'm - in my ignorance unaware of then I would agree that we need to put something in here about that.

Chuck Gomes: Thank you very much, (Stephanie), and before I jump to Alan - and I know we're out of time so we need to wrap it up, I want to call attention to (Karen)'s comment in the chat that most of you probably saw before I did that they would like to discuss this further.

So we will defer - we will pick up there next time on that. Thanks, (Karen) for saying that. And let me go to Alan.

Alan Greenberg: Yes, thank you very much, Chuck. I guess I have a principle statement to make and that is I view contractors as an extension of ICANN staff. Now the specific and legal process of calling for bids and evaluating the bids may require some level of confidentiality but the fact that something is being contracted for instead of being done purely internally should not increase the

opaqueness of the overall process or the lack of ability of the stakeholders to influence that process.

And what you're describing was very much a level of opaqueness because there was a contractor involved and because there were specifications written for that contractor and so on and so forth. The process left the multi-stakeholder environment and was totally controlled by staff.

And I don't believe the use of contractors should be an excuse for doing that. Although as I said, there may be parts of the process that have to be done in camera or differently, thank you.

Chuck Gomes: Okay. Thank you very much, Alan, much appreciated. And thank you, (Karen), for suggesting that we can pick this up next time and we will. So we are over time and I apologize for that. But we made pretty good progress today. And let me ask Marika if there's anything else we need to address before I adjourn the meeting. Okay.

Marika Konings: This is Marika, just getting off mute. No, we'll send off - we'll send out a revised version based on the comments that have been made today to the working groups so you'll have a chance to look at that and, you know, send any other comments or edits that you may have ahead of the next meeting.

Chuck Gomes: Okay. And before the next meeting if all of you would kind of look through the rest of the draft framework ahead of time that will help us to go through the rest of the framework more quickly and that would be much appreciated.

Thanks, great participation, appreciate everybody's contributions and the progress we made today. Have a good rest of the week and we'll hopefully talk again next week. Meeting adjourned.

((Crosstalk))

Woman: Thanks, bye.

Man: Bye all.

Coordinator: This concludes your call and you may disconnect. Again, your call has ended and you may disconnect. Thank you for joining.

END