

## **Policy & Implementation Working Group Meeting TRANSCRIPTION**

**Wednesday 03 December at 20:00 UTC**

Note: The following is the output of transcribing from an audio recording of the Policy & Implementation Drafting Team meeting on Wednesday 03 December 2014 at 20:00 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-20141203-en.mp3>

On page: <http://gnso.icann.org/calendar#dec>

### Attendees:

Cheryl Langdon-Orr – At-Large  
Anne Aikman-Scalese – IPC  
Tom Barrett – RrSG  
Amr Elsadr – NCUC  
Chuck Gomes – RySG  
Greg Shatan – IPC  
Olevie Kouami – NPOC  
Michael Graham – IPC  
Alan Greenberg-ALAC

### Apologies:

J.Scott Evans – BC  
Stephanie Perrin – NCUC

### ICANN staff:

Mary Wong  
Marika Konings  
Amy Bivins  
Karen Lentz  
Glen de Saint Gery  
Steve Chan  
Terri Agnew

Terry Agnew: Good morning, good afternoon and good evening. This is the policy and implementation working group call on the 3rd of December, 2014. On the call

today we have Cheryl Langdon-Orr, Olevie Kouami, Greg Shatan, Amr Elsadr, Chuck Gomes, Anne Aikman-Scalese and Tom Barrett.

I show apologies from J. Scott Evans. From staff we have Marika Konings, Mary Wong, Amy Bivens, Karen Lentz and myself Terry Agnew. I would like to remind all participants to please state your name before speaking for transcription purposes. Thank you very much and back over to you Chuck.

Chuck Gomes: Thank you very much. So you guys get me to chair the meeting today because J. Scott had an unexpected change of plans. So let's jump right in. Does anybody have an update to their statement of interest?

Not hearing or seeing any hands raised, let's go on to reviewing the GNSO input process manual, a draft was sent around quite a few days ago now and I will let Marika jump in, go ahead.

Marika Konings: Yes, this is Marika, I thought that maybe before we actually dive into the input manual that maybe it might be helpful just to set the scene and remind everyone again where these, you know, the three processes that we're going to be looking at where they come from and what, you know, their focus is.

As, you know, of course a while ago when we, you know, actually talked through the flow charts. So if you think that's helpful Chuck I'm happy to just very briefly just refresh people's memories on, you know, what these different processes are and to achieve or address and what is, you know, the main differences are.

And just to note as well that I have started working as well on the comparison or having them in one document. So hopefully that's something that the group can look at as well shortly after the meeting.

Chuck Gomes: Thank you Marika this is Chuck, please go ahead and do that and thank you for working on that side-by-side comparison. I think that will be really helpful

not only for us but probably for our final report so that others can see it that way as well. So go ahead Marika.

Marika Konings: So thanks Chuck, so this is Marika again. So as you all know currently the GNSO council only has as a formal process as it's availability - the policy development process or the PDP.

So based on the other conversations we've had, you know, there was a realization that there may be a need for additional processes to allow the GNSO council to provide formal input or guidance in relation to certain questions that do not necessarily require a PDP.

And I think as such talking through those issues I think we identified that there might be a need for three different types of processes. And again I think the way we looked at it was that the GNSO council should basically look at, you know, what is the desired outcome that they are looking for.

And on the basis of that they may be able to determine what would be the most suitable process to use. I think, you know, the first one we looked at was, you know, the policy guidance process.

And I think the idea behind that is that it could be a process whereby if the board would ask for input or feedback for example on implementation related questions then that could be a process to be followed that would, you know, have a number of minimum requirements so that, you know, it is or truly represents kind of the consensus view of the GNSO.

And as a result of that it would also, you know, have certain requirements on the board to consider that guidance. Then we also looked at a GNSO input process and I think that's kind of more lightweight and to think where the council may want to just provide input (unintelligible).

For example a request for public comments and, you know, you may see that the council is currently looking at maybe providing input to the nominating committee review report.

Those may be the times where there is - there may be a need to have a very lightweight process to come up with that kind of feedback but it doesn't necessarily need to put any requirements on the board or any other party to do anything with it.

But just to, you know, have a kind of formal process to go through and know that this is, you know, official GNSO input and people can see what was the process that was used to get to that input.

And then thirdly, we spoke about an expedited policy development process that may be used in certain limited circumstances. For example if there is a realization after implementation that there is an issue that needs to be addressed and we're looking here for example where maybe a recommendation was to do something within 30 days.

But quickly upon implementation there is a realization that actually it should really be 60 days because it's not working as it's intended. So there's a way then to do a shorter process to fix those kind of issues or in cases where a lot of scoping work already took place.

For example, you know, a previous PDP that was not initiated or closed before it completed. So that certain information is available in relation to the scoping so that, you know, the concern especially the first step may be cut out of that process.

So I think that in broad lines hopefully sums up I think where, you know, what these three processes represent and what they're aiming, you know, to address and as well, you know, the desired outcome for each of these and hopefully that will help us then diving into the details.

And then, you know, the first one I think we have on the agenda today is the GNSO input process and I'll just pull it up so we can maybe start a conversation on that one.

Chuck Gomes: Thank you very much, Marika. While she's - well she's got it up so I don't need to wait for that but does anybody have any questions about the overview that Marika just gave?

Okay, seeing no questions or hearing none let's go ahead and take a look at it. Now the version that you see on the screen in front of you and you should have controls for controlling the size for viewing purposes.

So and you should also be able to scroll up and down as you need to in the document. Right now we'll start at the beginning and are there any questions or comments on Section 1 of the GNSO input process manual?

Note that and I won't read it for you unless somebody needs me to, note that I had submitted a comment on this. And my basic suggestion without reading it is that I think it might be helpful to say a little bit more here about what it's suitable for rather than just what is said there, but I'm open to discussion on that.

So let's open it up, anybody have a question or comment on that or a comment on my comment? (Amar).

Amr Elsadr: Thanks Chuck this is (Amr). In the event that a GNSO councilor does object to initiation of a GIP would the process move forward in any way that is different from a non-PDP working group process or is there a difference that I'm missing?

It doesn't really seem so to me but I only took a look at this today so I apologize for that, thanks,

Chuck Gomes: Yes and that's okay thanks for looking at it today, I appreciate that. I think that comes up a little bit later but Marika had her hand up so let me ask her to respond to that as well as what she raised her hand for.

Marika Konings: Yes this is Marika I actually had my hand up for another thing but as you said I think that is something that comes up later on in the document that talks about initiation and it basically, you know, talks about that, you know, that there is a non-objection kind of situation here.

And I'm not really clear on the reference to the PDP working group because this is by no means comparable to a PDP working group. I think what is envisioned here more and of course the council could have a working group doing some of this work but I think it's at least based on our experience to date.

And I think as well, you know, the initiatives that we've kind of modeled this on is more one or two people, you know, getting together and writing up a statement and then sharing that with the broader council.

Of course nothing would prevent the council from, you know, forming a bigger group but I said this is, I think this is really intended to be used for those kind of instances where the council may want to provide input to, you know, for example a public comment forum.

And where it believes that it may be good to, you know, be able to label that as formal, you know, GNSO input, which I think then gets a recognition as well that it did go through, you know, a formal process before it was submitted.

So I'm not really sure if that answers (Amar)'s question but as I said I think it may come up later as we go through the documents.

Chuck Gomes: Thanks Marika, this is Chuck again and I think it will come up, part of your question will come up better later I think but do you have any response (Amar)?

Amr Elsadr: On (unintelligible) yes just on I guess there could be a few differences because this process I guess gives a certain degree of discretion to the GNSO council to follow the working group guidelines and the PDP manual to a certain extent or not.

But I was asking for a comparison with a non-PDP working group by the way not a PDP working group. But I do suppose there are some sort of clauses in this process that would allow the GNSO council to sort of follow a different path and I'm seeing that as I look over a few of the points again but thanks.

Chuck Gomes: Okay. And again we're going to come back to the one question you asked about one councilor objecting so we will get to that point. Marika and I don't know if your hand is still up but I'll turn it back to you in a second.

Marika Konings: Yes.

Chuck Gomes: This is Chuck, so with regard and this is a question for everybody. Is everybody else comfortable with that paragraph the way it is because if you are then we can ignore my comment there?

I thought a little more explanation - I think most people know the PDP part, the GNSO guidance process though is new. So I thought maybe adding a sentence or two to explain or maybe even some examples that would explain when an input process might be used instead of a GNSO guidance process would be helpful but what do others - Cheryl you think so also, thank you.

Anne Aikman-Scalese: Yes Chuck it's Anne I also agree just very briefly I agree with you.

Chuck Gomes: Okay thank you Anne. So let's - Marika go ahead and respond.

Marika Konings: Yes this is Marika, I actually had a specific suggestion to address that and maybe just adding to that, you know, the last sentence where it ends now or GNSO guidance process, just say comma for example providing GNSO input to a public comment period or a public comment forum.

That may give a concrete example and the thing that probably reflects as well where at least I think from what we've seen where, you know, council may want to provide formal input that would follow this kind of process and most likely those kind of scenarios.

Chuck Gomes: Well Cheryl agrees...

((Crosstalk))

Anne Aikman-Scalese: Chuck this is Anne can I get in the queue?

Chuck Gomes: ...yes just one second I was going to say, Cheryl agrees with it so we should go with that, but being a little facetious there, sorry but let me turn it to Anne.

Anne Aikman-Scalese: Yes thank you Chuck this is Anne and I do think we should specifically mention requests from the ICANN board in relation to input requested from the board.

Chuck Gomes: Well...

Marika Konings: That's mentioned in the second line, a GIP can be initiated by the council for example when the request for GNSO input is received from the ICANN board. So I think that's already specified there.

Anne Aikman-Scalese: Okay thanks, just due to being in the car sorry.

Chuck Gomes: Anne this is Chuck and some input requests from the board may be more related to policy guidance. So it's not just because it's asking for

(unintelligible) from the board it can still fit in all three processes I think depending on what's being asked, so okay.

Anne Aikman-Scalese: Yes I'd agree with that.

Chuck Gomes: So let's go with the change that was suggested, thanks Marika for that and if people think of other things, think it needs more clarification later we'll look at that when those are suggested. (Tom) please go ahead.

(Tom Barrett): Yes I just have a general question. This whole GIP process, I wonder if it would help to actually define what it is rather than in the introduction we talked about how it can be initiated but we really don't define what it is.

Chuck Gomes: Well thanks (Tom) and let me - I'm going to probe you a little bit further on that to make sure now. You understand that we do have a chart, a diagram, a flow chart that shows what it is.

What do you have in mind in terms of defining what it is because I see that happens in this document...

(Tom Barrett): Well...

Chuck Gomes: ...but maybe not enough? Go ahead (Tom).

(Tom Barrett): ...from my understanding, yes this appears to be a stand alone document called the GNSO input process manual. So if someone was just picking this up and did not have access to that flow chart it really didn't define what the GIP is.

Chuck Gomes: That's a good point, let me let (Amar) go ahead assuming (Amar) wants to talk about the same thing, go ahead (Amar).

Amr Elsadr: Thanks Chuck, this is (Amar). Yes I was just going to suggest that maybe under one it also adds that a GIP under the introduction could also be used to address issues where the GNSO's ask for advice on non-gTLD policy related issues.

I think that's one of the things that would define when this process would be used as opposed to any other and I believe that was in the flow chart, thanks.

Chuck Gomes: Thanks (Amar) and if I'm interpreting both of you, both (Tom) and (Amar) correctly it's along the same lines that I think my comment relates to. I think we do need a little bit more in that introduction to set the stage for this because it will be used as a stand alone document.

And I see some agrees in there so maybe rather than trying to draft more now, (Amar) made a suggestion, (Tom) made the general point. It looks like Marika wants to respond so I'll let her go ahead.

Marika Konings: Yes this is Marika and, you know, I agree that, you know, examples is fine and I think there must be some kind of a definition but just to clarify the idea is that this - the input manual would basically become part of the GNSO operating procedures, which would also have the other part.

So what may be helpful and, you know, of course we can write a short description here that instead of actually leaving that here in the end is that, that section that starts off...

Chuck Gomes: Cheryl are you on mute?

Cheryl Langdon-Orr: I'm sorry I was distracted and my husband is just home from surgery so I'm trying to get him organized safely so sorry about that. That's for the transcript record (unintelligible) you go.

Anne Aikman-Scalese: Chuck it's Anne can I get in the queue on this one?

Chuck Gomes: Yes Marika are you finished, this is Chuck?

Marika Konings: ...no I wasn't. So my suggestion was then where basically as those get integrated in the operating procedures that the introductory section to all those, you know, annexes, which currently are wouldn't have those definitions.

So you have basically one place like, you know, the following annexes are included here, you know, the PDP, the PDP is this, the PDP guide or the GNSO guide is processed, it's this.

And then basically, you know, so then the flow is natural as well so it's clear from that introduction what each of those manuals describe and, you know, what those processes are.

But having said that, you know, maybe we can then just introduce that here as part of a Section 1, a short description of what the GNSO input process is or intends to do but then, you know, later on lift that out and actually use that as a, you know, introduction to the overall annexes that will have all these manuals included.

Chuck Gomes: Thank you Marika, this is Chuck again and I'm going to come to Anne next but so I think part of the answer is that there will be an introduction to all three of these processes.

But adding something here seems like a good idea just to - so that if people don't look at that overall introduction and they just go to this they - which will happen sometimes it could be done, Anne your turn.

Anne Aikman-Scalese: Thank you Chuck, it's Anne for the transcript and I just had a question, a clarification with respect to (Amar)'s comment. I thought I heard

him say that the GIP process could not ever be applied to any gTLD policy issue.

But I would think there that we would be distinguishing between consensus policy and just any policy issue because remember we go back to our basic principle that we are not creating a process that requires identification of whether it's policy or implementation.

We are creating a process whereby if the ICANN board for example requests clarification and the implementation of some issue that GNSO's can provide guidance on that issue without labeling it either policy or implementation. We all know that with respect to consensus policy you're not going to use a GIP process but we don't know that with respect to, you know, any issue that comes up and it's really up to GNSO council to determine that not to my mind this working group, thank you.

Chuck Gomes: Thanks Anne, good comments, this is Chuck and I'll come back to you in a second Marika. I do want to call attention if you haven't looked at it like I had, the brief description that Mary put in the notes over there, which I think is along the lines that we're all talking about.

So I think there's some good suggestions coming out of this. One of the things I want to point out before I give it to Marika too is, is that with regard to working group procedures the working group process can be used in any of these processes.

The procedures, the things and there's also the option as is worded in these manuals to suggest a different approach. But a working group can be used for all three processes or at least the guidelines for a working group.

Some of the requirements with regard to policy or consensus policy will vary but some of the process elements can be applied across the board. Marika let me turn it to you.

Marika Konings: Yes thanks Chuck, so this is Marika again. I do have a slight concern with the way it's currently described mainly because, you know, currently it says it does not require the gTLD policy development.

I think I understand what, you know, the intent of course here is but for example thinking of, you know, not to long ago we had a conversation with the GNSO council on whether they wanted to provide input on, you know, the two character domain name issue.

That is a gTLD policy issue but, you know, at that point there was no need or requirement to actually do policy development about it, it was just a conversation around whether the council should provide input.

So it think in those circumstances this process could be used if indeed if it's just a question of we want to provide a public comment to that public comment forum.

So I'm wondering if just maybe changing it to, you know, that may not require gTLD policy development, leave it, you know, more flexible and know that in those circumstances it could also be used.

Although I think I understand what, you know, (Amar) is saying that of course, you know, at that stage you're not doing any policy development but I think - I want to make sure as well that it's not taken as if indeed there is a public comment period on a gTLD related issue this cannot be used because, you know, that is something that does require a gTLD policy development if you understand what I mean.

Chuck Gomes: Thanks Marika, Chuck again and so you would change what's in the notes there to instead of saying that does not require gTLD policy development, that may not. You would change does to may is that right?

Marika Konings: Correct, I hope that better conveys that indeed. In most scenarios it will probably be issues that, you know, do not specifically relate to gTLD policy like, you know, nominating a review, strategic plan, budget those kind of things.

But there may be instances where there is indeed a public comment forum for example, you know, if the ALAC would open a public comment forum on a topic that relates to gTLD's the council may want to use this although of course you could also use other processes to deal with that but this may also be one of the processes to use to provide input even if it's a topic that relates to gTLD policy.

Chuck Gomes: And again I see in the chat that there's talk of, you know, making the distinction between consensus policy and non-consensus policy or and what we're talking about there is what can be automatically imposed on registries and registrars in their agreements.

But the processes we're talking about here don't in my opinion correct me if I'm getting this wrong, but the processes themselves don't change very much whether it's consensus policy or not in most cases.

The outcome does and what can be enforced on registry and registrars and automatically added to their agreements. So I hope that makes sense. Are we okay then in the introduction so we can move on? Any other comments? I see a green check from Cheryl, thanks Cheryl and Greg. No anybody - okay (Amar) go ahead.

(Amar Alsdar): Thanks Chuck this is (Amar) and yes your last piece of input made perfect sense to me. My question on consensus policy versus gTLD non-consensus policy and then the - and I guess you gave an example of what that may be.

My question on that is because when Anne referred to the charter of this working group I believe the charter refers to consensus policy not gTLD

policy. So that's just a distinction I was trying to make clear to myself at least, thanks.

Chuck Gomes: Thank you (Amar) this is Chuck again and that may not have been the best use of terms there not by you but in the charter because all the policy we're talking about on the GNSO relates to gTLD's.

But some of it can be consensus policy that's imposed on registries and registrars and fits into what is called the picket fence that I hope everybody has heard of in the registry and I think even in the registrar agreements now and some is not but thanks for the good comments.

Let's go on to so that we don't spend our whole meeting on number one and go to planning for initiation of a GIP. You can see this is Section 2 and note that it says the GNSO and staff are encouraged to provide advice.

In my opinion when you say the GNSO that is terribly broad and not very helpful and I'm not sure I have an immediate suggestion for what we should say and maybe it's okay. Anybody have any thoughts on that?

Man: Boo.

Chuck Gomes: Okay, maybe it's - I'm assuming then by silence that maybe everybody else is okay with that and I can live with that. I just when I first read it, it seemed like that - Greg go ahead.

Greg Shatan: I guess the question is here are we talking about the GNSO or the GNSO council and if it's the GNSO how that kind of assumes a number of steps by which the GNSO as a body of all of the stakeholder groups and all of the members thereof and can put together a system for providing GNSO advice.

I do think it is ultimately GNSO advice and not GNSO council advice. But maybe it's kind of skipping over steps or maybe those steps are all expressed later so it's fine to just say it this way now, thanks.

Chuck Gomes: Thanks Greg, Chuck again and before I go to Marika let me throw it out to (Amy) or Karen to see if you have any thoughts on that and what the intent was. And maybe you weren't involved in this I don't know but I'm not seeing any - hearing any response or anything. Marika go ahead and then if they have anything to add they can do that.

Marika Konings: So this is Marika, maybe one way to address is make the GNSO community because I think what is envisioned here is that this is a kind of broader conversation before a request is even made, which, you know, would have to come from a GNSO council member.

That, you know, I presume there is a kind of conversation around, you know, is there any information that will be needed, you know, prior to moving down this path, any outreach that would need to be done.

So I think it's at least a vision to be broader than just the council but maybe the GNSO is too undefined so maybe changing it to the GNSO community would that address your concern Chuck?

Chuck Gomes: This is Chuck yes I'm fine with that, anybody object to that? Okay, going on I should look over at the chat. I don't think there's anything new there. Okay I should scroll down is what I should do because there's a lot of space there okay.

All right, so let's then my next comment really is in the last sentence. There is a sentence there that talks about the board. It seems to me that any stakeholder group or constituency or SO or AC or whatever could make a request, for example the GAC could give us a, you know, something there too.

So my only suggestion there is that we not restrict it just to the ICANN board. Certainly the - it can come from the ICANN board and we have seen that happen but it's also come from others like advice from the GAC or questions from the GAC regarding the IGO-INGO work and so forth.

So I don't know that we need to fix that right here. I'm sure that Marika and Mary can fix that. Marika you have your hand up, go ahead.

Marika Konings: Yes this is Marika, I had already fixed it and I just wanted to check whether you were okay with the language there.

Chuck Gomes: Let me - okay...

Marika Konings: So what I've done is basically just add in cases where it concerns requests from the ICANN board or any other SOAC the requester is expected to make available da, da, da, da.

Chuck Gomes: Great that is exactly what I was getting at and I see there are other people that are agreeing with that approach. So any other comments on Section 2 there? Okay, I better scroll back up so I can see who raises their hands. Okay, very good, Marika is that your previous hand? Okay go ahead Anne.

Anne Aikman-Scalese: Yes thank you Chuck, I think I raised a question previously about whether there would be any staff assistance available to requesters who need to provide - I raised some comments about this a couple of weeks ago because there were two things in number three but maybe we're not at number three yet.

Chuck Gomes: Well we are going there if you don't have anything else on number two, this is Chuck.

Anne Aikman-Scalese: Yes I just...

Chuck Gomes: Go ahead let's jump to three.

Anne Aikman-Scalese: ...okay, it was related to a requester being able to receive staff assistance in providing these - well it says recommended format but then it also says must include at a minimum.

And so I'm trying to understand operationally whether this is the recommended format or whether it's the must include at a minimum format because I think those two things are not completely consistent.

And then I'm trying to understand that it agreed to which a requester can ask for staff assistance in providing these bullet points.

Chuck Gomes: So Anne this is Chuck, is there anything on that list of bullets there in three that you think shouldn't be required?

Anne Aikman-Scalese: No, it's simply whether, you know, for example a requester might not be extremely well versed on working group guidelines and when there is a reference to method of operation might need, you know, clarification or assistance from staff.

It just seems that when a requester - in order for this mechanism to be effective that there would have to be, you know, some kind of staff assistance available.

Chuck Gomes: Thanks, I get your point and it's a good one but let's zero in first of all, I think I'm hearing you say it's okay to say that these - this is the minimum amount of information that is needed.

At a minimum the bullets there are all required. Now to get to your point, which is a good one then is there ability to get some assistance on that and I'll come back to that after Marika talks, go ahead Marika.

Marika Konings: Yes so this is Marika, I don't think we need to state that explicitly here because that is of course we are available to assist, you know, if we can and where we can, you know, we already do that as well with, you know, requests for issuer reports or, you know, helping with motions that may need to be drafted that spell out some of the information.

So I think that is not something we need to state and staff assistance is always available. It may not mean that we can always do it if we don't have the information but if there are questions on, you know, GNSO working group guidelines or anything like that of course we can provide that.

Just to note as well I think on (Tom)'s question in the chat the idea is that the requester is of course a council member as these are GNSO council procedures. So and I think that's why this last SGC is there because the person requesting would identify their affiliation.

So I'm not really sure if anything further is needed, but I think (Tom), if (Tom) thinks that needs to be further clarified that can of course be done.

Chuck Gomes: Thank you and I'll let some others talk before I come back to (Anne)'s point. (Tom) go ahead.

(Tom Barrett): Yes I just wanted to make sure if the requester is limited to a existing councilor then we probably should say that in the beginning of Section 3 or again for completeness in this document.

Chuck Gomes: Thanks (Tom) and let's just get some - I don't - the requester doesn't have to be a councilor does it? The council has to approve it going forward but I don't think the requester has to be a councilor does it? Marika do you want to respond to that very quickly.

Marika Konings: Yes this is Marika, I think there may have been some confusion because I think here the requester is meant to be who is submitting to the GNSO council that we should do something about this.

I don't think and there's probably the confusion with of course a request that may have been received. So I think the idea is indeed and maybe should be name of council member, you know, that is asking the council we should, you know, initiate a GIP on this.

And then the second one is like the origin of the issue like, you know, who requested it or why are we engaging in that. So I think there may have been some confusion by putting their requester so maybe it's easier just to put name of council member and a (unintelligible) between brackets, SGC so that they are identified as well from which group they come.

Chuck Gomes: Now hold on a second I didn't hear part of what you said there. Name of councilor is that what you said?

Woman: I wouldn't have thought it would have to be a councilor sorry to jump in. Maybe you need a council sponsor but, you know.

Marika Konings: Yes.

Chuck Gomes: This is what has to be submitted to the council.

Marika Konings: Right but that is part like, you know, envisioned as part of, you know, council member making a motion. So I think it's similar as you request and issue reports.

Of course others may have worked with that person but it's, you know, the sponsor is the one making the formal request to the council or at least that's how it is envisioned.

I mean if you believe that it should be different we can of course accommodate that but I think that is at least from our perspective and similarly how it works with requesting an issue report or in other instances that's, you know, the council member is the one who will make the formal request to the council and identify themselves as such.

Chuck Gomes: Okay. I want to come back to that because I'm a little bit confused there but let me to go Anne because she's had her hand up for a while.

Anne Aikman-Scalese: Yes thank you Chuck it's Anne and I'm similarly confused and I do think it's important that we get this clear. It does point out to me why Marika said she thinks well of course we'll get staff support because she's I think thinking of it and talking about it in a way where that is essentially a request coming from the GNSO or GNSO councilor who is a sponsor.

But that was not, you know, what I understood by our earlier comments for example you mentioned that the GAC could make such a request. It seems to me, you know, you might even - I'm not sure ALAC or, you know, there could be a non-voting advisory committee or something that I would envision might be able to make such a request and that's why I started to be a little bit concerned about, you know, person, power and resources in terms of staff support because clearly when it's a GNSO councilor making a request for assistance to staff about putting in, you know, or sponsoring initiation of GIP, yes staff is expected to respond.

But I don't think it's very clear under what circumstances staff would be able to provide assistance or have the resources to provide assistance if it's as I think we intend it to be initiated by someone other than a GNSO councilor.

Chuck Gomes: Thank you, this is Chuck thank you very Anne and that's why I wanted to come back to this because I'm seeing it the same way at you. I did not see anything in here that requires a GNSO counselor to sponsor the request.

Was that the intent of staff, Marika go ahead.

Marika Konings: Yes this is Marika and, you know, I think from our viewpoint, you know, anyone can of course make a request to the council. You know, we - many requests for public comments come in, you know, announcements are sent to the councilors.

But the idea is it's really then up to the council to make a decision whether or not to use this process to, you know, provide input. It's not because, you know, we receive a notification that the GAC has opened a public comment forum on, you know, some kind of topic that that would automatically trigger this process because I think that would be problematic because then, you know, we'll be doing input on, you know, anything that would come to the council.

And I think as you all know there are many requests coming our way and usually the council just reviews, is that something that, you know, directly interests or affects, you know, our role or previous work and on the basis of that it decides, you know, we're going to provide - develop a comment.

So I think that is really the idea behind there, you know, anyone can provide a request but it is really up to the council through a council member to suggest to the council let's use this process to provide formal input.

Of course it doesn't take away that, you know, groups can work with a council member and saying hey we really think you should be doing something about this. But I think the idea is that it's really a, you know, a council prerogative to decide whether or not to follow this process to provide input.

Chuck Gomes: Thanks Marika, this is Chuck again and I hope I'm not speaking out of turn but I think we all get that and that's why we're concerned about this idea of a council sponsoring it.

Obviously they will have to and we get to that later in the document, you know, the council is going to have to take action and decide whether to initiate the process.

But the requests can come from outside of the GNSO council and then and whoever submits it needs to supply at least the information that's listed here. And that brings us back to Anne's question and that is okay if it is somebody that's outside of the GNSO council and might need assistance could they get it and how would they get it? Marika go ahead.

Marika Konings: Yes, no Chuck so I think we're, you know, we're misunderstanding each other here because the initiation request is for the council to initiate the process. This is the information that the council member making the request to initiate a GIP needs to provide to the council in order to make a decision.

And, you know, what is the proposed mechanism should it be a working group or a drafting team, you know, are the GNSO working group guidelines applying, you know, what would be the decision making methodologies?

Those are not information that a requester would be providing. The requester would just send the request saying we have a public comment forum on this, you know, please provide your input by that date.

Chuck Gomes: Okay.

Marika Konings: Ideas and for that we don't have any kind of template I mean that can come in any shape or form. The idea that this is the template for - to provide to the council when they consider whether to initiate the GIP and that's why results are called initiate requests.

And again maybe we need to clarify in the heading that this is, you know, provided to the GNSO council by a council member as they consider initiation, but that is the idea behind it.

Chuck Gomes: Okay that helps me a lot and Anne I'm going to come to you in just a second. So I think we need - this is Chuck, I think we need two sections here. One for how does somebody request a GIP or maybe they don't call it a GIP maybe they say hey I want some input on this and what do they need to provide?

And then what - and then if this is - if Section 3 as its worded right now needs to - this is for what a councilor if they pick up on this needs to provide, that needs I think to be clear in both cases.

How do you, you know, request something like this happen and then that can be anybody right, or any group and how can they get support if they're new or need a little support or can they get support.

And then this needs to be titled recommended - it really doesn't look like format to me it looks like minimum requirements for a GIP initiation request so we might want to fix that unless we're going to give a format.

And say that these things for a council consideration the sponsor of it if it has to be a councilor we need to say that, if it has to - needs to provide this information.

So and I would think that it would be helpful to the extent they are able to for anybody that wants to suggest initiation of a GIP that if they can provide some of this information it would be good for them to provide it so that whoever sponsors it on the council doesn't have to do as much work.

And sorry for being so long winded, I see Anne that you put your hand down and I see the checkmark of agreement. Does that make sense Marika?

Marika Konings: Yes this is Marika, I've changed the heading so it's clear indeed that it's initiation by a council member on minimum information required. I think I'm still slightly concerned on what others need to provide because I think, you know, some of this information I don't think anyone requesting the accounts

for input will want to tell us whether we should use a drafting team or a working group or whether we should use working group guidelines or something else.

Of course we want them to provide as much information as possible and I think that the mechanism that we identified above with the liaison already provides for, you know, should the council want, you know, to have further information than what was provided that they can, you know, have that mechanism.

I'm not really sure if we need to provide more in here, you know, this is really intended to be very lightweight and instead I think most of the likely scenario where this will apply is at least from my perspective I don't think it's often whether it's a direct request received from the board.

I think that's must more likely to go into a guidance process. I think this is really where the public comment forum is open and the council is of the view that it would be good to provide input and it takes it upon itself to initiate that process.

I don't think it will be - and I said, you know, those go out through announcements and it's not necessarily, you know, the GAC asking directly for GNSO input, it will be, you know, public comment forum announcements that comes to the GNSO council or someone picks it up and says hey this issue is of interest to us let's provide some input.

So I think we need to be careful as well not to over think or over construct this. I think as it currently stands hopefully they will provide the flexibility to go back and ask for information. But I said, you know, if people have - I've made some changes based on what we already spoke about now.

So if there are still concerns about that maybe people can provide, you know, some suggestive language and we'll look at it further.

Chuck Gomes: Thanks Marika, this is Chuck, Anne go ahead.

Anne Aikman-Scalese: Yes thanks Chuck, I don't think it's over thinking the process to provide the correct words that describe the two steps Chuck that you described. One of those is a request for input step and one of those is a GIP initiation step.

And I think the very fact that there are several of us who were confused by that and that it required explanation and clarification means that the language itself needs to be clarified because what's, you know, really important to me in this process that we're developing is often times it's not even necessarily where we end up on the substantive bottom line of it.

It's that the processes be clear and this is not clear that there's a difference between requests for input although I think, you know, the drafting is excellent for staff but there's a difference between a request for input and the format of an initiation of a GIP.

And I think we don't want to use the word request in connection with both of those, we want to separate those. And then secondly I do want to reiterate as I did in my written comments two weeks ago, that there's a difference between a recommended format and a required format.

And that we need to determine whether what we want from GNSO council in connection with the GIP initiation is the recommended for mat or it's a must at a minimum include, you know, from GNSO council going to staff.

Thirdly, I don't think we have answered the question as to whether the requester who is requesting it put obviously if it's the ICANN board they'll have the staff support that's necessary for that, but as we've all discussed it's possible that a request for input might come from the GAC, ALAC, somewhere else.

And there is an issue with respect to staff resources and how we want to, you know, provide whatever is needed there if what we're saying is that the request for input doesn't have to have these elements then, you know, we can deal with that in very short (shifts).

But if there are things that must appear in the request for input from the standpoint of council then we probably should talk about what those are, thank you.

Chuck Gomes: Thank you Anne, Chuck again, (Amr) go ahead.

Amr Elsadr: Thanks Chuck this is (Amr), I have a completely different question on this so I think it would be best to sort of deal with this issue before moving onto mine, thanks.

Chuck Gomes: Okay, we'll come back to you just leave your hand up please, this is Chuck. So Marika I get what you're saying, I think Anne makes some really good points there.

So I think you're right in my opinion, just my opinion, that we don't necessarily want people requesting GIP's, but I think it would be good if in this document towards the beginning somewhere and maybe it's in Section 1, is that we explain how we would get to a situation where we might need to decide whether it's a GIP or a guidance process of a PDP.

Like you've given the example of a - for example in the public comment forum something is raised and so that could be a way it happens or somebody asks a question of the GNSO council or so forth.

I think we need that connecting piece and I think that's why a lot of us went a different direction on this than you intended. Let me stop there tough, (Amar) well - (Tom) did you want to talk about this same issue?

(Tom Barrett): Yes I did, so this is (Tom Barrett). So I think what I would suggest is in Section 1 altering that introduction, you add a paragraph that discusses the request for input and the information required to request input that's described in the introduction.

And then it would clearly differentiate it from the Section 3, which is a format for the initiation request.

Chuck Gomes: Thank you (Tom), did that make sense Marika?

Marika Konings: Yes this is Marika, as long I think as we make clear as well that I think as I - I think I tried to explain. I think in most cases this will not be in response or this process will not be used in response to a formal request.

I think at least, you know, what we've looked at or the, you know, the chart we used for comparing, you know, ad hoc processes the council had used and that we kind of modeled this on, those were all kinds of, you know, the Whois review team has published its report, you know, do we want to provide a comment.

And I think it's - I'll add basically and I think it's probably along the lines, you know, ideally or any requests for input would ideally include, you know, the following information or as much information as possible or and again, you know, people can suggest wording that they would like to add there.

But I think we need to be really careful as well that we're not, you know, forcing other groups to, you know, go into kind of very formalized ways in which they need to ask for requests especially for this one, which is a very lightweight kind of provide input process because I think otherwise we may be heading to a situation where we want it this way but, you know, the ALAC wants it that way and, you know, the GAC wants it in this way.

And I think we're probably over engineering this and I said, you know, providing specifically as well that there has to be, you know, expected to make a liaison available. There is this mechanism that should there be questions or information missing that, you know, the council can go back and ask for it.

So I said I'll update the introduction and then, you know, people can suggest and, you know, further edits or clarifications if it's not sufficient they address their points.

Chuck Gomes: Thanks Marika, Chuck again and you can say some of those things you just said in that introduction, that's okay I think and you know how to do that I don't need to help you on that.

So let's quickly, now we've got about five minutes to go so we're going to wrap up with discussion on Section 3 here and we want to make sure we get (Amar)'s question, which is different. (Tom) did you want to say more on this?

(Tom Barrett): Well I, yes I think that if you're going to encourage people to provide advice in advance of the initiation of GIP then there needs to be some sort of announcement so people know that they're able - that that invitation exists.

So that's why I think you don't want to make this to formal but somehow we have to announce that a request for input has been made so that people can provide advice before you initiate the gTLD.

Chuck Gomes: Thanks, thanks (Tom) Chuck again and we'll let Marika re-direct, you know, we'll get a red line of sections 1, 2 and 3 that we can look at next week. I think this has been a critical discussion because myself included I was going a different direction than what was intended so this is important. Alan did you want to talk about the same point?

Alan Greenberg: I did very briefly and first of all I apologize for being late I was working on something else and the time just got past me. I want (unintelligible) strongly what Marika said and I think Anne said something similar in the chat.

We really want to be flexible here. What we're trying to do here is put together procedures so we don't have to reinvent ad hoc things as we go along. So from that point of view we don't want to say sorry this procedure doesn't quite fit the model and therefore we're going to have to reinvent something else on the fly.

And we don't want to reject things coming into the GNSO whether it's a request or something else because of formatting issues and things like that. I think we need to be flexible and we're trying to resolve what was many, many ad hoc decisions in the past and therefore we need to keep that in mind and not be too rigid as we're designing these, we don't know what's going to happen two years from now, thank you.

Chuck Gomes: Thanks Alan, note that - note Anne's agreement with what you were saying there too and I suspect most - probably all of us do but (Amar) if you haven't looked at (Amar)'s comment in the chat in green, I've got to figure out how to do the colors.

The - it's a very good comment I think (Amar), it's good so I'll just let people read that because we're running out of time here. So take a look at that and let me ask (Amar) now, you had a different question, before we adjourn would you like to ask that question?

Amr Elsadr: Thanks Chuck, yes my question Marika touched on very briefly in her last intervention and that is actually pertaining to something in Section 2, which is the expectation of a liaison being available to a GIP process.

If we're talking about the GNSO council deciding that a GIP is going to be used to provide input to another SO or AC or possibly the ICANN board acquiring GNSO input or requesting GNSO input.

They may not foresee in that event that a liaison would be necessary because this is something the GNSO council will decide later whether to use a GIP or not. So when we say expected like the ICANN board or any other organization or any other requesters expected to make available liaison.

When we say expected is this something that is mandatory to this process or is it expected as something that is desirable to make this process work better. So that's a clarification or request for that, thanks.

Chuck Gomes: Thank you very much (Amar) and we're going to have to adjourn now. But before we do let me make some suggestions. Note that I changed colors in this chat that's coming up.

Okay, thanks for the help on that. The - so Marika let me ask you, I think I know the answer but let me let you answer it. Do you have what you need to do a red line of 1, 2 and 3?

Marika Konings: Yes.

Chuck Gomes: Thank you and then when that gets sent out I would like to request everyone to take a look at that before our meeting next week on the 11 - on the 10th excuse me.

And then we can - I think we're going to - we will have made pretty good progress. We may have a few more edits. If you can provide some concerns or edits on the list before then that will facilitate things and then we'll look at the new red line version with your comments or suggested edits when we go over this next week.

Any questions on that? Marika or Mary do you have anything to add before we adjourn?

Mary Wong: Chuck this is Mary.

Chuck Gomes: Go ahead.

Mary Wong: I think we're good from our end and Marika is just responding to Anne's question in the chat but other than that we're good.

Chuck Gomes: Okay and you're talking about how does somebody get assistance? And maybe they don't need very much assistance. Let me ask Anne this before I adjourn.

Considering the direction I'm going now where they're not providing all those lists of items that has to be covered by the council. Do you still think there needs to be an opportunity for assistance by staff or even somebody in the GNSO if they ask a question?

Anne Aikman-Scalèse: Thanks Chuck, this is Anne. I feel as though when GNSO council is making a request it's understood that they will have staff support. If the requester and as Alan was emphasizing the party making the request for input is not bound by the same, you know, minimum elements.

I don't see a problem there and so I think that the re-draft might solve that.

Chuck Gomes: Good, okay thanks Anne I wanted to make sure because we didn't fully answer your question but I think we made really good progress here. I'm fairly confident that at least all of us on this call are on the same page now, which we weren't at the beginning.

So it's been very productive in that sense. Anything else before I adjourn?  
Okay thanks everybody great discussion and whereas we didn't get prepared

for on the document I think what we did today will make it much easier to go through the rest of the document. Have a good rest of the week thanks.

Woman: Thanks Chuck bye.

Woman: Thanks Chuck, thanks everybody.

Man: Bye.

END