

**Policy & Implementation Working Group Meeting  
TRANSCRIPTION**

**Wednesday 17 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 17 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-20141217-en.mp3>

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

Attendees:

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

Apologies:

Avri Doria – NCSG  
Stephanie Perrin - NCUC  
Mary Wong - Staff

ICANN staff:

Marika Konings  
Amy Bivins  
Glen de Saint Gery  
Steve Chan  
Berry Cobb  
Terri Agnew

Terri Agnew: Good morning, good afternoon and good evening. This is the Policy and Implementation Working Group call on the 17th of December 2014.

On the call today we have Olevie Kouami, Tom Barrett, J. Scott Evans, Chuck Gomes, Anne Aikman- Scalese, Greg Shatan, Alan Greenberg, and Cheryl Langdon-Orr.

We have apologies from Mary Wong.

From staff we have Barry Cobb, Amy Bivens, Steve Chan, Marika Konings, Glen de Saint Gery, and myself, Terri 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 J. Scott.

J. Scott Evans: Okay for the record this is J. Scott Evans. I'm going to ask if anyone has update to their statement of interest?

Anne Aikman-Scalese: J. Scott it's Anne, a brief update.

J. Scott Evans: Yes.

Anne Aikman-Scalese: Just the GNSO Standing Committee on Improvement Implementation I'm going to chair next year 2015.

J. Scott Evans: Okay.

Anne Aikman-Scalese: So that's all, thank you.

J. Scott Evans: Okay. And I'm going to be president of and this is J. Scott. I'm going to be president of INTA next year. I'll make sure that Anne you and I need to make sure we go and get that updated on the SO IBITS for public consumption.

Anne Aikman-Scalese: Yes.

J. Scott Evans: So if you can make the point to get that done in the next couple of weeks it would be great.

Anne Aikman-Scalese: Okay.

J. Scott Evans: Okay with that today's agenda is we are going to focus in on the five questions that you see in the Adobe Connect room.

These are questions that we believe that needs - the leadership leads needs to be grappled with by this group. And if, you know, one of the - there are a couple of ways.

We can answer these questions ourselves. We can answer these questions and have a draft answer and then put it out with our public comment saying these are questions we're considering. Here's where we're our thinking is going and ask for public input which I must I'm going to confess chair's prerogative that's my preference is to seek further input from the community and let them know sort of where our thinking is because it's always easier for people to react to something than it is to create from a whiteboard.

But I'll leave it to this group as we go through so we can decide how we're going to proceed. I see that Cheryl agrees with me about, you know, concluding this in our public comment.

I just think it's just the wisest and you also get very good ideas. And it helps us clarify some of our thinking even if it's just challenged.

So we're going to start with the first one today. And the question one is should an advisor committee or the board have the ability to initiate a GGP parens similar to the ability to do so for a PDP closed paren question mark?

Chuck and Anne has suggested in their comments that this should be possible. Given that that's the case I'm going to ask for Anne first and then Chuck to sort of give us their thinking since they've already said so in comments and then I'll take a cue for anyone else that would like to provide.

And you notice that Marika is going to be taking notes under the question so that we capture this for the record.

And I notice Marika's hand has come up so I'm going to go to Marika then Anne, and then Chuck. Marika?

Marika Konings: Yes. This is Marika. And it's actually something I want to add to your question to Anne and Chuck.

Because of course if indeed if you follow the path that an advisory committee or the board can also initiate a GDP then the question is does it follow exactly the same path as a PDP?

Is there a point whereby way the GNSO council has an intermediate vote and again it's different by a foreign advisory committee or the board or is your view that if it is initiated by an advisory committee or the board and/or that it basically needs to be completed by the GNSO and there's no ability for the GNSO council to actually say no we're not going to do it or kind of check point where they will need to confirm why don't you go ahead or not?

So it's I think an added question to if we're going down the path of saying yes it should be an option and does it follow the same path or are there some nuances in there that we would need to look at?

J. Scott Evans: Marika I would ask -- this is J. Scott for the record -- that you include that sub question under one so that we make sure it gets captured for the record.

And with that I'm going to turn it over to Anne for her comments. Apparently she's done some thinking about this and I'd ask that she sort of expound on that for the group. Anne?

Anne Aikman-Scalese: Thanks J. Scott. This is Anne. I guess the first question that I have is related to Marika's summary there. I think what she's saying is does an outside group get to require the GNSO to initiate a GGP?

Is that essentially the question Marika whether council can vote on whether or not it will initiate a guidance process? Is that the essential question you're asking?

Marika Konings: So this is Marika. So indeed the way it is set up in the PDP is that not only the GNSO Council can initiate a policy development process but an advisory committee can request an issue report and so can the board.

And it does follow a slightly different path because in the path because in the case of an advisory committee requesting an issue report by the time it gets to the council for consideration of initiation the council at that stage can actually vote it down and say well thank you advisory committee for your request. We looked at it but we don't think it should be a PDP.

In the case of the board if the board requests this it actually there is no intermediate vote by the GNSO council and it actually goes straight through to, you know, the development of the charter and the formation of a PDP Working Group.

So that is the ability that advisory groups and the board have in the policy development process. So the question is should something similar exist in that case of the GNSO guidance process?

Anne Aikman-Scalese: So it sounds like in the case of the PDP the board can require one to be initiated but nobody else can. Is that correct?

Marika Konings: It depends who you mean with nobody else.

J. Scott Evans: Okay well Anne what I really need you to do is I need you to expound on your comments that you made with regards to the draft with regards to this question.

We can take all this other stuff off-line. But we're burning daylight here. And so I need for you to answer the question is so should an advisor committee for the board have the ability to initiate a GGP?

And it seems that you indicated in your comments that they should. Do you still believe that?

Anne Aikman-Scalese: I believe that they should be able to initiate a guidance process. But I also think that the council should have the ability to say well no, that doesn't require a guidance process. That requires an expedited policy development process.

J. Scott Evans: Okay.

Anne Aikman-Scalese: In other words if their advisory committee is coming forward with questions I think it's probably lies more within the expertise of council to determine exactly which of these three processes should be used.

But I do think of that, you know, initiating the formal request for guidance process should be within and that there should be processes, you know, and forms available to advisory committees and other entities to initiate that process.

J. Scott Evans: Okay great. I'm going to go to Cheryl Langdon and Alan because their hands are raised and then I'm coming - Marika is your hand still up as well?

Woman: It's a fresh hand.

Marika Konings: It's a new hand.

J. Scott Evans: Okay so I'm going to go Cheryl, Alan, Marika and then I'm coming to Chuck.  
So Cheryl please?

Cheryl Langdon-Orr: Okay. Thanks Cheryl for the record. And if Marika's point is a response to Anne I am happy to hear Marika first of course J. Scott.

J. Scott Evans: All right Marika?

Marika Konings: Yes so this is Marika. My point is to Anne's question that I think it partly comes back as well to what we initially looked at are the three processes the term request.

And I think, you know, I think we really need to be clear what the question is here. Because I think basically anyone could request or ask the council to do something.

But the question is does that mandate the council to do it or is it just a request and the council can decide whatever it wants? And I think that's the real question here.

And I said within the PDP such a request has a mandatory nature to a certain extent so it does, you know, require certain steps to be followed, you know, regardless of whether the council wants it or not.

And I think that's really the heart of the question here do we want the similar kind of mandatory nature of a request from the board or an advisory committee or is it a real option here? You can always make a request and it's really up to the council to decide what they - to do with it? So I think that's basically the question here.

J. Scott Evans: All right. Cheryl?

Cheryl Langdon-Orr: Thanks J. Scott. And I'm glad I asked at least for Marika to go ahead because it feeds into what I wanted to say.

My answer is yes. It should have the ability to - others should have the ability to initiate inasmuch as I think it should echo identically as far as possible what goes on in the PDP because I think consistency is key for a wider community to understand what goes on and how things are implemented or otherwise.

So for in the case of the GGP or any of the other options we're offering for consideration I think the degree of mandate is in that same staging that at the point of all of them that the GNSO has to have the discussion, deliberation and vote.

But in the case of the board I have no problem with it being a necessary mandate. In other words that they would have to go on with a GGP even if they thought it was going to be a somewhat unmerited exercise.

But that in the case of other than board requests that would be a perfect - perfectly reasonable thing for them to as they do now with the CDP in the post issues report say look now we have thought deeply on it , this is our bailiwick we think we will do. And then there's a number of options, nothing, something else, et cetera, et cetera.

I would like to think that for the board to ask to initiate A GGP as opposed to a PDP or any of the other options they would have the smarts to know that if they're asking for that there is a damned good reason for that and that would be in fact under most circumstances agree with and terms of that choice of process, not necessarily the merit.



So I don't think the council probably needs to say no, no, no board silly, silly people, we don't need a GGP we need something else.

But I am very comfortable to have consistency across all of this. So the answer is yes and but only with the absolute mandate to follow through in the case of the board. Thank you.

J. Scott Evans: Great. Alan?

Alan Greenberg: I thought I was going to agree largely with Cheryl and I'm not sure because I am not sure I understood the last part of what she said. But let me say what I was going to say and she can tell me whether I'm agreeing with her disagreeing with her.

I guess I would've phrase the question why should we not provide the same level of opportunity for other groups?

So yes I'm supporting that we should allow other groups to make a similar request initiation.

And like Cheryl I'm saying if the board does it they don't really have an option to do something. If an advisory committee does it then yes they can come back with a no.

I'll note that the comment what Marika has added after number one it's still changing. But I think last time I looked at it implied - it ignored the step of an issue report.

Right now if an advisory committee or the board requests a PDP the first step is an issue report and the GNSO doesn't get a say in whether that's done or not.

In the case of the board it goes - the issue report goes on to a PDP without the council voting. And for an advisory council they have a vote at that point. But that very first step of an issue report is essentially mandatory if someone requested it.

The caveat I would put on a GGP is that I think we need to be very careful in how we word the requirement. If the board - the board should have that opportunity to ask the GNSO to consider something which might end up in a GGP or to initiate a GDP. And they should have the flexibility of giving discretion to the council should they wish.

And second of all I think the council should have the option of using a more powerful process should they decide it's warranted. So in other words the board request to get GDP could be changed into a PDP if the council believed that the issue was such perhaps with so many diverse positions that only a PDP was going to resolve it or something like that.

So with those caveats I'm happy to go forward and say yes it should be able to come from advisory councils and the board. Thank you.

J. Scott Evans: Thank you Alan. Marika?

Marika Konings: Yes this is Marika. So I basically need, you know, Alan referred to the issue report that, you know, in the case of the PDP but of course in the GDP GGP that, you know, that issue report doesn't exist.

So my thinking currently is if indeed if the group is thinking all along the lines that it should follow the PDP noting that the caveat that, you know, Alan I think has put forward.

And again that may go towards the which I think currently exists in the PDP as well like if, you know, if the board makes the request there's a kind of, you

know, liaison mechanism that is open so there's a conversation around what it exactly means.

And that may then as well I guess involve, you know, GNSO council saying well actually we think this should be a PDP and not a GGP and work through it in that way.

But following that analogy again then I guess it would mean that the advisory committee would submit the request to the GNSO council.

The GNSO council then has an obligation to, you know, seriously consider it, vote on it. You know, they can vote it down.

But again I think there then we may want to suggest as well I think the mechanism that is triggered in the PDP that if a PDP that is requested by an advisory committee is voted down there needs to be the opportunity for the advisory committee to come together or have a dialogue with the GNSO council to try and understand, you know, why it was voted down and, you know, given an opportunity to request reconsideration.

So maybe we can use that same model here in the process and again keep us close to what it currently looks like in the PDP.

And then again for the board it would basically if they would indeed mandate the council to do so and formally request and initiate it wouldn't automatically go through different steps in the process similar to the PDP.

J. Scott Evans: Thank you Marika. Alan is that a new hand?

Alan Greenberg: Yes. Yes it is. Just a point of clarity, when I was referring to the issue report I wasn't implying that it applied to the GDP.

I was just saying that the sentence saying if yes does it follow the model of the PDP were an intermediate vote by the GNSO council.

And someone reading this who isn't very familiar with the processes would think that it immediately goes to a vote, that there is a step in-between for the PDP. It - just clarity if that sentence for someone reading this who isn't for taking the call.

J. Scott Evans: All right. Now Chuck...

Chuck Gomes: Okay.

J. Scott Evans: ...your thoughts.

Chuck Gomes: Well I'm probably rethinking what my comments originally were. But first of all let me say I agree with Alan that the wording of this including the question needs to be very accurate. And I don't think it's very good right now.

Because when we say to initiate a GGP that sounds like they can do it and there is no other consideration. And what I hear most people saying and what I think should happen is they can request a GGP...

J. Scott Evans: Right.

Chuck Gomes: ...and then the council evaluates whether that's the best way to go, whether resources are available, et cetera.

Now where I'm probably going to differ from things that I - from things that people have said I don't trust the board to know what they're doing.

I think there are a few board members that understand the GNSO but I don't think it's common knowledge or understanding.

So I think even with the board they should be able to request a GGP or ask a question that the council may decide to use a GDP for or a GIP for whatever.

But I think the ultimate decision with regard to whether the GDP is the best way to go and whether resources are available to do that and it's urgent enough to dedicate the resources should be left up to the council.

J. Scott Evans: Okay. Is there anyone - wait before we go I see that Alan and Cheryl's and Marika, Alan and Cheryl's hands are up.

Is - before we go any further I just want to say by show of a yes or no are people generally inclined with the way we're headed in this discussion or is there someone that has a vehement opposition to what we're discussing?

Marika Konings: This is Marika. I think I still hear two different things.

I hear I think Anne and Chuck saying, you know, the board and the advisory committee should be able to request but it's up to the GNSO Council to decide, you know, whether or not to go ahead with that.

While I think Alan and Cheryl are saying yes you should be able to request and that puts certain requirements on the GNSO council to actually initiate that request and in the case of the board without being able to say no.

So I think maybe I'm mishearing but I think I still hear two different variations of and again maybe the requesting is the problem here because I think everyone agrees that anyone here should be able to make that request.

I think it's more the consequence of that request where I think I hear different viewpoints.

J. Scott Evans: Okay. Let's hear from the viewpoint's mouth. So we'll go to Alan first.

Alan Greenberg: Thank you. I think we have to remember that requesting and initiating and all of those words notwithstanding nobody guarantees you get an answer.

A PDP can...

Man: Yes.

Alan Greenberg: ...result in a stalemate. You know, there's no guarantee you'll get an answer. All you can ask for is that a process go through and hopefully an answer comes out of it.

When I said if the board requested GGP the council should be able to initiate a PDP instead that is a more powerful form I may want to rethink that.

I'm not 100% sure. I think any of these things is the board - if the board is asking the GNSO for advice and a lowercase a the GNSO has to do its best to come up with the answer to whatever the board was asking about.

It may pick a suitable vehicle. If the advice for instance is on something which is going - which would clearly impact a capital C, capital P consensus policy the PDP right now is the only vehicle.

Woman: Right.

Alan Greenberg: If it is not a consensus policy any of the vehicles we're looking at could suffice. And I think we need to want to give the discretion to the GNSO to decide on what the vehicle is.

I think we want to follow the pattern however of the PDP. And if the board's asking the GNSO cannot say, no we don't want to.

They may not come up with an answer and, you know, in a nefarious world they could deliberately not put any effort into it and not come up with an answer. But, you know, we can't reinforce that.

But we can ask them to go through a legitimate process to come up with an answer.

And in the case of a - of an advisory committee requesting it I think it is reasonable for the GNSO to alter the mechanism. Because I agree the vast majority of board members and advisory committee members don't really understand the processes. And we're adding a whole bunch of new processes to it which is only going to complicate things.

J. Scott Evans: Okay.

Alan Greenberg: I think we want to give the GNSO some discretion but the general thing do you - do they need to proceed or not should follow the pattern of the PDP. Thank you.

J. Scott Evans: Yes. And this is J. Scott. Alan I'm going to take chair's prerogative to say I agree with Alan.

I think that, you know, where we are today so until the next restructuring goes through as such a thing should happen after the GNSO review is that supposedly the GNSO is the manager of the policy development process for within the community and so for generic names.

And so we have to give them the flexibility to in fact manage. And that's the flexibility that I think that Alan's talking about so I must say I agree with him. Next Cheryl.

Cheryl Langdon-Orr: Thanks. Cheryl for the record. And I'm just following in here exactly with what just been said. I think the decision node with the PD - the GGP or PDP

request from wherever it comes should be in exactly the same model for the cc - let me try again, the GNSO council to be the decision point and manager.

So Marika I don't think there is variation in the two things. I think there's absolute agreement in the two things that while I'm certainly after is consistency because that will help to minimize confusion. Thanks.

J. Scott Evans: Thank you. And next is Anne Aikman-Scalese.

Anne Aikman-Scalese: Thanks J. Scott. It's Anne for the record. It seems to me that the way Marika described the question is accurate and something that maybe should be put out for public comment as you were discussing earlier.

And it almost seems as though when a request comes from a third - from an AC or SO that the request could say we request that GNSO evaluate and itself initiate, you know, an input process, a guidance process or an EPDP as it sees fit.

And then the question would be does GNSO have to do one of those or can it completely ignore the request and say no we're not doing any of those?

Thank you.

J. Scott Evans: Thank you Anne. Alan?

Alan Greenberg: Thank you. I think I'm the only one on this call who is ever initiated or requested a PDP. I would not give the GNSO the discretion to lower a PDP request to something else. That is a very different thing.

Having requested a PDP which I wanted and the ALAC wanted to result in a consensus policy if the GNSO in their wisdom at that point had the option of saying no we're going to do a GGP which will result in a best practice, that



would have been subverting the whole idea of the idea or of the giving the an advisory council the ability to start the PDP process.

Anne Aikman-Scalese: I'm sorry Alan to butt in but are you saying that - I thought we already said that PDPs themselves on a mandatory basis can only be initiated by either the board or the council itself?

What I'm saying is that advisory council requesting a PDP forces an issue report at which point it goes to council for a vote.

I would not want the council to have the ability to say we're not going to initiate a PDP following this issue report but we'll do a GGP instead.

J. Scott Evans: Well I think...

((Crosstalk))

Alan Greenberg: (Unintelligible) if they could decide to negotiate with the requester on.

J. Scott Evans: Alan I think that it's - a better way to do it is there is language to say that if somebody asks for, you know, a PDP it can't be dummed down but something can be ratcheted up.

So if you ask for a GGP or whatever, you know, if you ask for a GGP but they think it requires a PDP they have the discretion to go upwards to make it much more binding.

Alan Greenberg: Well I'm more flexible in that. I would let it go down. If there's a process below a GGP that is deemed to be sufficient then I would not necessarily objected that.

But there's that the very strong delineation of consensus policy or not consensus policy that makes the PDP very unique.

J. Scott Evans: Okay.

Alan Greenberg: And that's why I'm saying you can't dummy down a request, an advisory committee request for a PDP. Other than that I believe we really should get a GNSO flexibility.

J. Scott Evans: Chuck?

Chuck Gomes: I think what Alan is saying and let me check it, Alan is it that you're talking about a consensus policy PDP because PDPs don't just relate to a consensus policy?

Alan Greenberg: If we could figure out a way to say that but I'm not 100% sure we can...

Chuck Gomes: Yes okay.

Alan Greenberg: ...because at the outset of a PDP you don't know what the outcome is going to be but you could well know what the intent what the hope of the outcome would be.

Chuck Gomes: Yes. So maybe we're on the same page. I mean the ALAC for example can request a PDP and an issue report is done but then it's up to the council to decide.

Alan Greenberg: Whether to do a PDP are not...

Chuck Gomes: Right.

Alan Greenberg: ...correct.

Chuck Gomes: Right, right, okay.

Alan Greenberg: Now the council could decide to not do a PDP but to do something else in its place. We can't stop them from doing that.

Chuck Gomes: Yes. Now I think we may want to get away from encouraging people to name the vehicle they want the council to do.

They - I think it would - the council gets request they should be obligated to respond to those requests. But if we encourage people tell us what you want -- a GIP, a GGP, a PDP, an expedited PDP and so forth it's going to be difficult for them to identify what vehicle.

So I'm not sure we should encourage people to suggest the vehicle except in the case of a PDP.

We've already - we already have a procedure. And that's Cheryl where I have a little bit of trouble with consistency. Because if we're going to be totally consistent then we make it the same all the way through regardless of the vehicle and I don't think that works very well like for example, the board can demand the PDP.

I don't think they should be able to demand a GGP or a GIP or necessarily an expedited one.

They can request it but I'm not sure they should be - that all the way across the board the board should just be able to determine it.

J. Scott Evans: All right, sounds good. I see that Alan's hand has gone up. And then I'm going to move us on. So Alan you get the last word.

Alan Greenberg: Okay thank you.

As I said in the chat I'm willing to accept the fact that we, you know, not the fact of - except of we be flexible but I reserve the right to object if the wording does not end up meeting certain criteria.

I have no problem and I strongly actually support that the board can request that the GNSO answer a question or provide advice. Again I'm not trying to use an upper case advice or guidance on some issue.

I think the GNSO is obliged at that point to go through with that process and answer the question.

They may be able to choose the vehicle they use. If it's - if a PDP is not explicitly request. But I don't think that they can sidestep it and say no.

J. Scott Evans: Okay, all right. So let's move on to Question Number 2. For an EP VP it is currently proposed that only the GNSO council can initiate this process.

Although an advisory committee/board could request a GNSO to consider doing so.

Chuck and Anne have supported this approach in their comments. Do other agree or have different views?

So as we did previously and because his hand is still up I'm going to look to Chuck to sort of flush out what his thoughts are.

And then I'll go to Anne to say already commented in the comments on this. But before I do that I'm going to Marika. I see your hand has just gone up.

Marika Konings: Yes this is Marika. I just want to clarify that I think in this case the request is really could you please consider initiating?

So again here we've suggested for the EPDP again because it's in narrow, you know, for a limited circumstances and that it can be initiated that it was really the prerogative of the council to decide whether or not an EPDP is appropriate.

And which doesn't take away that an advisory committee or a board can suggest to the council that they may want to consider doing so.

And again I think there, you know, we may have something in there that a dialogue would then be initiated to the council think that it's not a good idea.

But it's not at the same level I think as the previous conversation where we spoke about a request having a kind of mandatory nature for the council to respond or take action. So I just wanted to make that clear.

J. Scott Evans: Okay. Now Chuck you've considered this and you made some comments in the - while we back and forth in the draft. Can you sort of flush those out to the group here?

Chuck Gomes: Sure. I mean bottom line is the council is the manager of the processes. And as such they need to evaluate whether the criteria are met for an expedited PDP.

They need to evaluate whether the resource are available to do one at this time, et cetera.

So again I think we need to respect that management role and let them make the decision there.

J. Scott Evans: Okay, super. Anne?

Anne Aikman-Scalese: Yes just in general I agree with that comment by Chuck. But thinking about the actual fact situations that are presented I know that on

certain issues factions develop. And that's one of the reasons that we have this working group.

And so for example if one faction thinks this needs a thorough new policy development process -- and by the way that's going to take, you know, a year - and another faction thinks well no, this needs a - an expedited PDP my question starts to be whether the board should have, you know, strong input into that because they may - their view is well we need an answer faster than, you know, a full-fledged PDP.

And that's part of the reason - the whole reason for the tension and the issues that we have right now is these - the creative tension I'll call it because whether an issue needs to be solved quickly or whether it needs a full-fledged PDP process.

And I don't know exactly how to balance that but I just want to raise the fact that we can discuss these things kind of theoretically. But when push comes to shove there are always people on either side of that expedited or not expedited question.

J. Scott Evans: Okay Alan?

Alan Greenberg: I must admit this has been going on for so long now that I'm having trouble remembering all the details of an expedited PDP.

My recollection is that one flavor of it would be to modify a previous PDP where there's already an issue report, there's already a well understood mechanism, a well understood subject but we need to tweak the recommendations or add something to it.

In that kind of case I'm not sure that the board or advisory committee should not have the same strength that they had in initiating the original one.

J. Scott Evans: Okay.

Alan Greenberg: If an expedited is used for a completely new subject think - as I think is one of the options then I think the answer may be different.

J. Scott Evans: Okay Chuck?

Chuck Gomes: Thanks J. Scott, Chuck speaking. The - I think our - the explanation of an expedited PDP is pretty clear in the criteria.

So - and going back to what Anne said the fact that somebody wants an expedited PDP we always want those.

J. Scott Evans: Yes.

Chuck Gomes: But they're not always feasible. I mean we have history to show us that some, I mean some PDPs said hey, we need this by such and such a date it wasn't possible to do that because there was just too much disagreement and not - and it was impossible to reach consensus.

So the fact that somebody wants something expedited I don't have any problem with them requesting that. But bottom line is it's often not possible.

J. Scott Evans: Right, right. Okay.

Chuck Gomes: Cheryl here. I stepped away from my computer for a moment.

J. Scott Evans: Sure.

Chuck Gomes: I would have put up - Cheryl for the record. I would have put up my green tick then. So I just wanted to sort of...

J. Scott Evans: Okay.

Chuck Gomes: ...(unintelligible) to the record okay?

J. Scott Evans: All right, thank you. Okay I think that point's well taken Chuck.

Let's move on to Question 3 then. Question 3 is the proposed voting threshold for initiating a GGP is the same as for initiating a PDP paren and affirmative vote of more than 1/3 of each house or more than 2/3 of one house. Do the working group members agree?

I'm going to take chair's prerogative and speak for now and say I agree. There is so much work that the GNSO council is trying to handle that unless there is a clear push from a substantial group I don't think they should have it put on their plate. That's my thought. That's J. Scott.

Because I think we're getting so many projects we're just not getting anything done. And there has to be some mechanism to show that there is at least a volume of concerned stakeholders who want this issue discussed.

And now I'll go to Alan then I'll go to Marika. I see for the record that Michael Graham and Cheryl Langdon-Orr are agreeing with me okay?

So, Alan did your hand just go down so I'll go to Marika?

Alan Greenberg: Yes that was an old hand and I consider it a tick.

J. Scott Evans: Okay.

Marika Konings: Yes this is Marika. Noting your comment I just want to point out that actually the initiation of a PDP there's (probably) no threshold compared to, you know, standard GNSO votes.



Because this basically asks it's enough to have, you know, 1/3 of each house or more than 2/3 of one house. So it could be the case where, you know, one house everyone votes against and you only have 2/3 in one house which is a lower threshold than I think...

((Crosstalk))

Marika Konings: ...is the simple majority that we apply for standard vote.

So I think and maybe the question is if people feel that it's - that it is sufficient. And again the reason why the PDP vote is structured in that way is to ensure that, you know, if a certain group feels it's an important issue enough to start working on it it cannot be blocked by for example one house. And that's I think why it's structured that way.

So I think the question is do we want to follow the same model here for a GGP noting that, you know, it is lower than the standard, you know, decision that the council makes or is that preference to actually apply the normal voting threshold here which is a simple majority of each house is required to initiate a GGP?

J. Scott Evans: This is J. Scott Evans for the record. And Alan I'll go to you next.

My preference is to keep it at this because currently at least within the non-contracted party house it's just too complicated. If we don't have the ability that it's something to go through, here you could have people having veto power. And that makes me very uncomfortable.

I like this. At least it shows that there is enough germination of concern that you're getting a group of people to agree. So I just think we need to keep it the way it is. I'll turn to Alan now.

Alan Greenberg: Thank you very much. In the case of a PDP which could well result in a consensus policy that effects contracted parties, i.e., the contracted stakeholder or contracted party, the two stakeholder groups on the contracted party side of the house you cannot require that the initiation of a PDP require votes from that side.

That gives contracted parties an effectively a veto. And many consensus policies effect both registries and registrars.

And I see no reason for having a higher threshold for a lower intensity process. So I would support keeping the same numbers for a GGP.

J. Scott Evans: Okay. I see that Anne has raised her hand. Anne?

Anne Aikman-Scalese: Yes thanks J. Scott. It's Anne. I think I agree with Alan. But one basic question I have also is if we are talking about something that is not consensus policy what is the difference between an EPDP on a policy issue that's not consensus policy and a GGP on a policy issue that's not consensus policy?

What is the difference between those two processes in relation to something that is not consensus policy?

J. Scott Evans: Okay here's what I'm going to suggest. We're getting close to time.

What I'm going to suggest is that we come back in our first meeting which is I think the - January 7 if Marika if I could get you and Mary to do a brief slide show that sort of sets out, you know, I think people are getting into acronym exhaustion and just kind of sets up all the differences between everything so we have it clearly before us again.

I know it's been in all the materials. But it's a short executive summary about what all the differences are and what the distinctions are for all of us so we all feel like we're speaking with the same vocabulary.

Because Alan says, you know, it's been so far I don't understand. And Anne's asking a lot of questions.

If we could just do a little presentation maybe the first 30 minutes of that call where we sort of get a level set of where we are so that we know that everyone when they're making these comments -- and I'm not pointing fingers at anyone myself included -- we're all speaking sort of from the same level set.

Was that something you could do Marika? I see your hand is up.

Marika Konings: Yes this is Marika. I think that's definitely something we can do. But I'm hoping as well that that should become clear from the initial report.

And that may be the test case because of course there we'll need to be able to describe it in such a way that people understand indeed, you know, what the difference are, you know, why would the council initiative a GGP for certain things and for other...

J. Scott Evans: (Unintelligible).

((Crosstalk))

Marika Konings: ...EPDPs? So I think we can derive it from that so that shouldn't be an issue.

And just very briefly to Anne's point basically there is no difference in when it comes to implementation. And that's why if the council knows at the outset that results are not going to require consensus policy they're better off picking a GGP.

J. Scott Evans: And just so you know, I'm going to request that we come up with -- this is for the group -- that we are given talking points so that when this is published we sort of have an elevator speech so we understand we'll do that and agree upon it as a group so that we're speaking with the clarity of message when we get this out so that we - you know, that's what happens a lot of time is it's all good intention but different words are used.

So we need to sort of make sure we're all staying on script. Because that allows us just to be more effective communicators.

We'll just we'll all take it in together. We'll all decide on what that message should be. But once we get it we need to be consistently delivering that message to avoid confusion and rumor generation and distortion of our message.

It's just so important that we all commit to doing that. And I'd like to hear from Amr because he always has something great to say. Amr?

Amr Elsadr: Thanks J. Scott. I actually have a question.

J. Scott Evans: Okay.

Amr Elsadr: When we say that we're proposing that a GGP has a same - initiating a GGP has the same voting threshold as initiating a PDP are we also in fact saying that it only takes 1/3 of each house or 2/3 of one house to decide that a GGP will not be upgraded to a PDP if that question makes any sense at all?

Now I'm thinking if perhaps maybe 51% of the GNSO council think - believe that a PDP is required to answer a certain question but you have 1/3 of each house or 2/3 of one house prior to that decision being made deciding that a GGP is sufficient. So that's my question. Thanks.

J. Scott Evans: Yes I'm going to leave that to Marika. I can't answer that question. Go ahead Marika.

Marika Konings: Yes so this is Marika. So I'm just trying to understand the question.

So you're basically saying if there would be two competing motions say one says initiate a PDP and another one says a GGP and which one would trump right?

((Crosstalk))

Marika Konings: I think that's your question.

Amr Elsadr: Not exactly. I'm saying if there's one motion to initiate a GGP and that only takes 1/3 of each house or 2/3 of one house to approve the motion and have the GGP actually go ahead but you have perhaps 51% of the GNSO council thinking no wait a minute, we don't think a GGP is good enough for - is a process we would like to use to answer this question. We think a PDP would be more appropriate.

So in that case the GGP would move ahead as opposed to deciding that a PDP would be more appropriate. And that should be the process used.

So in that case...

Marika Konings: Well...

Amr Elsadr: ...GGP...

Marika Konings: ...but I think in that case...

Amr Elsadr: would trump the PDP. So what I'm actually asking is shouldn't we actually hold a GGP, shouldn't that require a higher voting threshold than a PDP would?

Marika Konings: But I think in that case, you know, I would assume as a manager of a process, you know, the council would have a conversation and probably defer a vote on a motion like that or indeed there may be two motions on the table, one saying we should have a PDP and the other one saying well we should have a GGP.

And again, I'm not giving any legal advice because I'm not a lawyer. So I wouldn't be able to.

But my understanding would be then in those scenarios it's likely that the higher process nothing gets to the PDP in this case would trump in that consideration.

But again that may be some - one of the questions we may want to call out or think further on as, you know, we put this out for public comment and think if that's something that would need to be further scoped. But...

J. Scott Evans: Okay, all right. So...

((Crosstalk))

Amr Elsadr: Thanks Marika. This is Amr. But one last...

J. Scott Evans: Sure, go ahead Amr.

Amr Elsadr: Okay thanks J. Scott. I - the way I see it, the only way a PDP would trump a GGP is if initiating a GGP required a higher voting threshold.

But again I did pose this as a question because I'm thinking there might be something that I'm missing. Thanks.

J. Scott Evans: Okay can we fix that Terri?

Terri Agnew: Yes we're trying to isolate it. The (unintelligible).

J. Scott Evans: We're coming to the end of our call. I'm going to take one last point on this. And that's going to be Alan. Then I'm going to draw this to a close and I'm going to tell you what our next steps are.

Alan Greenberg: Thank...

J. Scott Evans: Alan?

Alan Greenberg: Thank you very much. I must admit that my reaction to Amr's question is my head hurts.

If you can initiate a PDP or a GGP -- I don't care which for the moment -- with 1/3 that means you can - those against it could be as high as 2/3.

And I started saying well what if someone puts on a - puts a motion to modify it, you know, to amend the motion, an unfriendly amendment, the 2/3 could force an unfriendly amendment in a motion to change it from a PDP to a GGP or something like that. And at that point I said my head hurts because I'm not sure I can figure out a way to resolve that, certainly not today.

Once we have more than one flavor however there are some interesting questions come up and I think we're going to think - have to think about it carefully.

J. Scott Evans: Okay.

Alan Greenberg: I have no answers.

J. Scott Evans: Okay well maybe one of the things we need to do then also is work through some scenarios.

And so let's think of some scenarios that we can work through and think how they would work. So I would - that's the homework I would give the whole group is to come up with over the next two weeks a scenario or two that you think we need to put through the paces and see how it would play out.

It can be historical. And it can be of your own making. But I think that would be helpful because many times for me is, you know, putting it through the paces and seeing how it would work, so giving a fact scenario and then playing through how it will work I think will allow us to think through the process.

Okay our next call is going to be same bat time same bat channel but on January 7. So we're going to take the next two weeks off.

Also every knows that the comments period within the committee for comments on the three process has closed. And we didn't receive a huge amount of comments.

So we're going to assume that everything with regards to those drafts is an order to put out for public comment. So we just need to on our next call wrap up with questions three, four and five, get those ready. And then we'll be ready to put out our - those processes that report and these questions for public comment.

In addition the chairs had a call before this in which we decided that we would more than likely hold a meeting on all of this in Singapore and then also hold two Webinars after Singapore during the public comment process to take in input and let people ask questions because Singapore being moved to



Singapore is probably going to discourage some of the participation we might have had in Morocco due to the expense.

And we want to make sure that we're giving everyone every opportunity to discuss this in a way. In other words the same agenda we run in Singapore we would run in two Webinars following Singapore. That's sort of our plan going forward. All right?

So to every I wish - Marika's hand is up. I'm sorry. I closed my eyes when I was speaking and I didn't see that.

Marika Konings: Yes this is Marika. I just wanted to flag to everyone that I hope to be able to circulate to you a first draft of the initial report early next week so you have something nice to read during your Christmas break.

And it's likely as well that in there I'll, you know, need to flag some of the items that may need further discussion or I'll try to do my best as well. And those were there may be open items to already frame those as questions.

So again that will be a first draft. So if there are any specific items that you have or comments or questions we'll probably, you know to set a deadline then before the next meeting so we can then get all those together and discuss those at the meetings in January with the aim of publishing (unintelligible) the 19th of January.

J. Scott Evans: All right with that I'm going to bring this meeting to a close. I'm going to call an adjournment. And I want to thank everyone and wish everyone a very pleasant, safe and joyous holiday season.

And we will see everyone back on January 7.

Anne Aikman-Scalese: Thank you J. Scott.

J. Scott Evans: Ta-ta.

Woman: Thanks.

Woman: Thanks.

Terri Agnew: (Josef) you can please stop the recording. Once again that does conclude our conference call for today. Thank you very much for joining.

END