

**Policy Process Steering Committee (PPSC) Policy Development Process (PDP) Work
Team (WT)**

TRANSCRIPTION

Tuesday, 14 April 2009 15:00 UTC

Note: The following is the output of transcribing from an audio recording of the Policy Process Steering Committee Policy Development Process (PDP) Work Team (WT) meeting on Tuesday, 14 April 2009, at 15:00 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:

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Participants on the Call:

Jeff Neuman - Work Team chair - Registry c.

David Maher - Registry c.

Mike Rodenbaugh - CBUC

Liz Williams - CBUC

James Bladel - Registrar c.

Paul Diaz - Registrar c.

Wolf-Ulrich Knochen - ISP

Alan Greenberg - ALAC

Bertrand de la Chapelle - GAC

Sophia Bekele - Individual

Marilyn Cade - Individual

Icann Staff:

Margie Milam - Senior Policy Counselor

Liz Gasster - Senior Policy Counselor, ICANN Policy Support
Glen de Saint G ry -
GNSO Secretariat

Absent apologies:

Brian Winterfeldt - IPC

Jean-Christophe Vignes - Registrar

Gabriel Pineiro - Non Commercial Users Constituency

Jeff Neuman: Great. Thank you. I'm going to turn it over to Glen to do a - well let me introduce - this is the April 14 call of the Policy Development Process Work Team of the PPSC. And I will turn it over to Glen to do a roll call.

Glen de Saint-Gery: Thank you Jeff. On the call we have Jeff Neuman who is Chair of this group; Paul Diaz from the Registrar Constituency; Alan Greenberg, ALAC; Mike Rodenbaugh, Commercial and Business Constituency; David Maher, Registry Constituency; Wolf-Ulrich Knoben, ISP Constituency; Bertrand de la Chapelle, GAC; James Bladel, Registrar; and Liz Williams from the Business Constituency.

And for staff we have Paul - Margie Milam, Liz Gasster and myself Glen de Saint-Gery.

And I have not seen any regrets. Has anybody seen any? I think that's all. Thanks Jeff.

Jeff Neuman: Okay. Thank you very much. Let me double-check. So I have control of the Adobe as well, but if I go to pull up some other papers you guys can't see that right?

Man: Double-checking.

Jeff Neuman: Okay. Welcome to the call. The agenda for the call today is to dive into the substance of Topic A: Planning and Initiation. That's going to be the heart of the call.

We might want to take a minute or two at the beginning of the call to just address where we are on - just to readdress where we are on transition because I know there's at least one or two people on this call that weren't on a previous call to just kind of address that.

And then at the end of the call to address some of Liz Williams' questions she raised in an email that was just sent a few hours ago.

Does anybody have anything else to add to the agenda?

Bertrand de la Chapelle: Jeff.

Jeff Neuman: Yes.

Bertrand de la Chapelle: Jeff.

Jeff Neuman: Yep.

Bertrand de la Chapelle: Yeah this is Bertrand. Just a quick point and apologies for having posted that very late. I have sent to the list about an hour or so ago a list of elements that can be used and that I will be referring to in the course of the discussion that can serve as a guideline or as a list of questions in connection with Item A.

Jeff Neuman: Okay great. Yes we - I know I got that and I know Margie has that ready to pull up when we get to certain areas.

Margie Milam: Yeah. That's right. I have it.

Jeff Neuman: Margie the other thing is can you at some point, because we'll probably get to it, is just have in the back pocket the new thresholds just so you can pull it up and we can address it when we hit it.

Margie Milam: Oh I don't have the - I have to convert a document to this Flash before I can get it here so it's not as easy - if it's in a PDF or a Word version I won't be able to do it on this call. But I can certainly refer to it over the phone.

Jeff Neuman: Okay. That will help.

Margie Milam: Okay.

Jeff Neuman: When we get to it.

Margie Milam: Okay.

Jeff Neuman: Okay. So just a brief discussion on the transition and just to clarify. So our last call we spent the beginning, you know, a few minutes at the beginning of the call. I had seen on another discussion list, the council restructuring list, a posting that staff had made about changes to the by-laws that would need to be made in order to convert over to the new bicameral structure by the end of June. Which is still the date although, you know, who knows if we're going to make that date or not.

The part of those changes that were in those staff documents were to - in accordance with the recommendation that was adopted by the board was the, you know, paragraph on the new thresholds that related to things like council initiation of a PDP, you know, the voting on things that are in scope, out of scope, et cetera.

There was a paragraph in there and so before the last call what I wanted to do was make sure that this group was aware of what was going on. It was not to push any kind of agenda, it was not to push any point of view that I have, but just make the group aware of what was going on in another forum so that we could, if we wanted to, discuss it.

During that call and when I - and so during that call I believe Ken Bour was on it. And Ken had actually said that legal counsel of ICANN was circulating around a draft of proposed amendments to Appendix A at least within - internally within the staff that would to be made just to implement those thresholds and not for any other changes.

Again it wouldn't be to come up with some interim PDP but rather just to implement the thresholds and keep everything else the same.

I'll ask Margie and -- sorry my voice is kind of fading here -- I'll ask Margie and Liz is there any - or do you - have you talked to Ken about that as far as circulating that kind of draft around or is that still internal?

Margie Milam: Yeah I can answer that. It's still internal but we will once we can kind of get buy-off from legal we'll try to distribute it. We just - we have to coordinate with them and make sure we're okay with that.

Jeff Neuman: Okay. And so also during the call we discussed that it would not be beneficial to spend a lot of time talking about the substance of some sort of transition PDP or an interim PDP.

So we decided on that last call to proceed with substantive topics, you know, let the council and let those other groups debate what's happening with the restructuring and how they're implementing that but to focus our calls and our attention on the new PDP because we could easily get bogged down.

And I want to make sure everyone is still in line with that thinking so that we can kind of move past it. There were a couple of notes posted last week and again today I think misinterpreting what was going on.

So I just want to make sure that we're all on the same page. That we're focusing on the substance of the new PDP and we're at this point not going to tackle or spend much more time on talking about I think how to transition item. Is that correct?

Alan Greenberg: Jeff it's Alan. My recollection -- I haven't listened to the recording again -- is that we decided to definitely not to talk about any transition things at this point prior to the staff distributing what they considered necessary and we were told that would be distributed to us at some point in the near future.

I would think that once we have that we should look at it and either - and send a message to council saying we think it's inoffensive and there's no problem or we see a problem with this because it doesn't implement the thresholds or whatever in the same way that we think we're, you know, we may be. So I think we need to give advice to council for when that goes to council.

Jeff Neuman: Okay.

Alan Greenberg: But I don't - I hope it's not going to be - I suspect it's going to be yes there's no problem and it won't take a lot of time. But I don't think we should avoid looking at it since it does relate to what - to the task that has been given to us. I don't think that's the same as us being bogged down and spending a lot of time on it.

Jeff Neuman: Okay. I think that's a fair statement. Mike or anybody else on the call, do you have any thoughts on that just so we're all...

((Crosstalk))

Mike Rodenbaugh: It's Mike. Yeah, I mean, I'm not sure that is exactly - that's not what this group was asked to do actually. This group was asked to develop a long-term PDP and what we're talking about is basically making recommendations or not, but in considering, you know, whether to make a recommendation about something that's just an interim solution. In other words imposing voting thresholds on people that...

((Crosstalk))

Jeff Neuman: Mike you're cutting out badly.

Mike Rodenbaugh: Well I'm sorry about that. I'm mobile today. I'll just take it to the list if you can't understand me. I'm sorry about that. There's nothing I can do about it...

((Crosstalk))

Jeff Neuman: No, no, you're fine now actually.

Mike Rodenbaugh: So all I'm saying is that it's - you're - do you want us to have a discussion about the voting thresholds and how to implement those when that's really only a part of the overall solution that we're supposed to be figuring out. And I'm - I think we're just - at least in the BC we're completely opposed to having new thresholds put on us when we don't have the whole set of new rules worked out.

Alan Greenberg: But there is the - but the thresholds will be there if we don't have a new PDP because council cannot vote on anything without the new ones in place if the new council is in place.

((Crosstalk))

Mike Rodenbaugh: So it's...

((Crosstalk))

Alan Greenberg: I don't feel strongly about this. I can live with us not looking at it.

Jeff Neuman: Yeah so let me just jump in here and just say look at this point today's call we're going to focus on Topic A.

Alan Greenberg: Right.

Jeff Neuman: Let's see what staff comes up with. We'll throw around some things on email but Mike's correct in the sense that our goal is to focus on a long-term PDP.

Alan I think you're correct that, you know, once a document comes out, you know, for example if we see anything where our staff is recommending any other changes other than what the whatever committee that was called, I keep forgetting the acronym, whatever was approved by the board, already that may be something - or may not be something this group may want to comment on.

But let's put that aside and let's go towards the substance of the long-term PDP.

Alan Greenberg: Great.

Jeff Neuman: Okay. Mike, you good with that? I will take his silence as yes. Okay.

So with that said I did a document last night. I apologize for not sending it around sooner. And really all I did was take the current PDP as in the by-laws and put it in where I thought it fit and that may not be exactly where it fits but where I personally thought it fit with the issues, you know, with the 11 issues we said that needed to be addressed for the new PDP. Again just to - sort of a guide as to where things currently fit in.

I think Bertrand sent around a paper with some issues. I think that that staff did a very thoughtful paper on a number of the issues that affect both pre-initiation and also post-initiation or post-development that will need to be - that should be considered by this group.

With that said, I want to dive right into the first issue which is who has the right to initiate a request for an issues report.

Currently the PDP has three different bodies that make a recommendation to or - I'm sorry, not a recommendation, that have the right to initiate a request for an issues report.

The first one is the board can request the issues report.

The second one is the council can initiate an issues report by -- this is again currently in the PDP -- a vote of at least 25% of the members of the council present.

And the third is the advisory committee can initiate an issues report.

Margie can you just go over what the new one for B) would be, it's not 25% of the council members present but the recommendation that was adopted by the board is now for -- it's a certain percentage of each house or I think it's 25% of each house or 50% of one house or something. Is that right?

Margie Milam: Sorry I was on mute. It says create an issues report requires more than 25% of both houses or a majority of one house.

Jeff Neuman: Okay. So that's - so B) is kind of already set forth at those thresholds. So I'm opening up the issues to everyone here. So what are people's thoughts on the first issue? Who has a right to issue - to request an issues report?

Marilyn Cade: Jeff, it's Marilyn. I'm so sorry I'm late. I'm just announcing I've joined the call.

Jeff Neuman: Okay thank you, Marilyn.

Mike Rodenbaugh: Hey, Jeff, it's Mike. Can I get in the queue? (Unintelligible) can't see the queue (unintelligible).

Jeff Neuman: Yeah so Mike you're first and if anyone else wants to be in the queue that's on Adobe just raise your...

((Crosstalk))

Alan Greenberg: Alan. Okay raise my hand.

Jeff Neuman: Yep. So okay go on Mike.

Mike Rodenbaugh: So first of all I want to deal with point three where it's ALAC I believe. You said advisory committee but it's true that it's just the ALAC that can initiate one now is that right?

((Crosstalk))

Alan Greenberg: No I believe...

((Crosstalk))

Jeff Neuman: I don't...

((Crosstalk))

Alan Greenberg: I believe it's any advisory committee.

Jeff Neuman: It's any advisory committee. The ALAC is the only one I think that's taken advantage of it but certainly the SSAC or GAC could also initiate.

Mike Rodenbaugh: Good that's fine. That addresses my question and concern thanks.

Jeff Neuman: Okay. Alan.

Alan Greenberg: Yeah. In the brainstorming session in Mexico City there were also comments that perhaps individuals or a "stakeholder" group which is not a well-defined - which it was not clear if it was the capital

stakeholder group in the GNSO or a lower case someone around the world. I would argue against both of those.

I would think that requesting an issues report and the process that follows requires a significant amount of effort. And I don't think some individuals should unilaterally be able to commit ICANN to that.

If you can't get the support of either 25% roughly of - or rather 50% roughly of the GNSO or support of some advisory committee or the board of course then I don't think this warrants putting that kind of effort into it.

So I think the current list that you've already outlined is about right. And I don't think we'd want to go down to a lot, you know, of other individuals or very focused groups unilaterally being able to request an issues report and start the process.

So I would argue against changing what we have right now.

Jeff Neuman: Okay. I see that James actually agrees with that. Does anyone else have a contrary opinion that we should have some other mechanism or some - that other groups or entity should have a right to initiate a request for an issues report?

Marilyn Cade: Jeff it's Marilyn and I'm not online. Can I get in the queue to ask a question?

Jeff Neumann: Yes absolutely. So you can go now.

Marilyn Cade: Okay. My question is, you know, in general I agree with what's been said but my question is if it may be an actual example. So let's say that the MWG, the Malware Working Group has been following an issue, is not a member of a constituency hypothetically, is not - and wants to propose an examination of an issue.

Is the path for them to come to existing parties who have the standing and to petition them to raise the issue? Or is the path for them to send a letter to the council asking the council to examine and - the appropriateness of calling for an issues report?

Alan Greenberg: It's Alan. I would think any or all.

Marilyn Cade: Okay. So we're not saying that a group that is not today involved cannot come forward, we're saying they should use existing mechanisms to put their positions forward into the council which I would support. I was just trying to clarify.

((Crosstalk))

Jeff Neuman: We're saying that they cannot initiate the staff task of...

Marilyn Cade: Right.

Jeff Neuman: ...creating an issues report.

Marilyn Cade: Right.

Jeff Neuman: That doesn't mean they can't come up with the idea.

Marilyn Cade: Right. Okay. I'm fine. Thank you.

Liz Gasster: So this is Liz G. Marilyn I think that's a really good point though or question and one question I would ask is so should that process be formalized in any way? So the way, you know, it might work today is MWG might go to the Business Constituency...

Marilyn Cade: Right.

Liz Gasster: ...and discuss this. But should there conceivably be - if they didn't have, you know, a contact in the Business - or relationship with the Business Constituency or if there was any question about what constituency might be, you know, welcome or endorse that, should there be any kind of formal way in which others could petition the council as a whole?

This is just a question. Because I don't think that process - that is an informal process today. Or petition any particular constituency or stakeholder group.

Marilyn Cade: You know I - so I think we have to be careful about serious introductions of work that, you know, doesn't meet a certain threshold.

Liz Gasster: Right. Well that would be the reason to formalize it I think.

Marilyn Cade: Okay.

Liz Gasster: You know, that might be - or it might be a reason to formalize it that - so it has to reach some certain threshold or -- and it's really just a question. I'm not endorsing that at all. Because right now I just know

that it's informal, so I can imagine a potentially interested group not knowing how, like, what's the - logistically the process.

Marilyn Cade: Right.

Man: Okay.

Alan Greenberg: But isn't it really the responsibility of the constituency or stakeholder group or advisory council to set up their own rules for how something may rise to that level?

Jeff Neuman: Okay. Let me just - on those questions I see some people have raised their hands.

Alan Greenberg: I'm sorry.

Jeff Neuman: So let me go to Sophia and then James. Sophia.

Sophia Bekele: Yes, hello can you hear me?

Jeff Neuman: Yes.

Sophia Bekele: Okay. Excellent. Yeah I think I may have to agree with the last comment that was made in terms of formalization. Because anybody outside the group of ICANN, even when we are for example we just set up an ad-hoc chapter for example in San Francisco. And there are people that probably want to get involved in the ICANN process of, you know, getting involved in the bringing up an issue so to - obviously to the global level.

So how - what are the procedures that they have to follow? What constituency methods they are supposed to go into and if each constituency develops its own process that is a second step, but even to get into how at the first level. I think that it would be good if there was a formal process where people can identify an issue from the industry, come forward to say, you know, at which level which is the appropriate group to get into and what kind of thing.

So I think I would agree with the formalization of the process from the outreach point of view. So...

Jeff Neuman: Okay. So let me go to James.

James Bladel: Hi thanks, Jeff. And I wanted to agree with Sophia. And I think Alan was starting down this as well which would be a formal process that's to be centralized and the various milestones and checkpoints or thresholds are left to the individual entities outlined here.

I did have a question, however, about board initiated issues reports and whether those are by default then turned into a PDP initiation. Is that - should that not be a culmination of one of these other two bottom-up approaches or can they actually start top down and then go through from the board to one of the advisory committees or one of the houses on the GNSO and then back up to the board. I'm just trying to understand. That's for letter A.

Jeff Neuman: So from my understanding -- and someone jump in -- is that the board - if the board recommends - it requests an issues report it gets done and I believe that the council - that a PDP must be initiated.

Man: That's correct.

Jeff Neuman: I don't think it's ever been done that way.

Man: No.

Jeff Neuman: But that is certainly the right of the board to require a PDP be done.

James Bladel: Okay and that's part of the by-laws then. That is not under investigation in this particular reform effort; is that correct?

Alan Greenberg: No, it's all game right now.

James Bladel: Because that seems like a little bit of a backwards process because ultimately the - if the issues report starts with the board then any potential PDP would then ultimately go through the council through one of these other means.

Alan Greenberg: I didn't understand that last statement. I don't know about anyone else.

James Bladel: Okay. It just seems like it's a little bit of a circular process. If something were to start with the board, go to one of the - go to the council and then any sort of a PDP then goes back to the board.

Alan Greenberg: No I could imagine it being used - if the board ever uses it's emergency powers to say, you know, we're requiring registries to implement some consensus policy, you know, but we're saying it's immediate, we're bypassing the whole process because there's a stability issue or something like that.

James Bladel: Okay...

Alan Greenberg: Then I could imagine in parallel with that the board instructs through the PDP process for the GNSO to look at a long-term solution.

Jeff Neuman: Yeah. So let me just step in. It could be circular if the board actually took a position; but if they just threw an issue out and said you guys discuss it and then come back to us with your recommendation, if you could make sense.

But to answer your first question, yeah, we could - if we wanted to, we could make a recommendation that, you know, in different steps that may be after an issues report is produced that the council could still have a vote as to whether to initiate a PDP. We could recommend something like that. But again the board will be looking at all of this.

So Bertrand had had his hand up so I'd like to go to him and then to Alan.

Bertrand de la Chapelle: Yeah. Thank you, Jeff. A few quick points. First to once again congratulate the staff for the excellent background paper that I encourage absolutely everybody to read because it lists very concrete elements and distinctions.

What I would like to do here is to make the distinction between raising an issue and the right to initiate the request for an issues report.

The goal of the PDP in the very early stages and our interest is to make sure that the issues emerge as rapidly as possible, but at the same time that the staff and the community are not overburdened with

processes that are initiated at any time or without proper preliminary work.

So when we say raising an issue, it probably addresses a lot of the elements that have been addressed in the background paper that are basically even before the formal request for an issues paper is made, the preliminary work is very important.

And in that respect in as much as I do agree that there shouldn't be a possibility for a single individual for instance or even a group to initiate the request for an issues paper, there is one question that we might find beneficial to address is how the issue itself emerges.

And in that respect I would encourage you to read an excellent paper that was made by Thomas Naughton which is an RFC. I will circulate the number on the mechanism of Birds of a Feather in IATF.

And I think one thing we could take into account is to see whether there are mechanisms that allow a very informal discussion - early discussion of an issue before asking them for a PDP to be launched in the physical meetings; for instance; like a workshop equivalent of A Birds of a Feather.

That is the first thing; the distinction between raising an issue and initiating the request for an issues report.

The second point is the distinction that is made in the background paper that I think important between the issues report that is basically the background and the different dimensions of the issue and the sort of additional preliminary report for the PDP itself.

It basically points to the question of when the Policy Development Process begins. Is it when the request for an issues report is made or is it when the proper development of the content is being made?

So distinction between raising the issue very early stage and initiation of the request for an issues report. I think that the principle for request for an issues paper are okay.

The second is issues report on the subject as opposed to what the goals of the policy development could be and we'll come back to that later.

And the last point I wanted to make quickly is I think we haven't clarified very precisely whether we're addressing a PDP for just consensus policies or for much larger policies like the new gTLD policies. Should it be a single PDP or not. This is also addressed very nicely in the background document.

Jeff Neuman: Yes and I think we'll get to that third question maybe in Number 2 or because I know that that comes - that might fit into a scope.

Alan Greenberg: It comes into three and four I think.

Jeff Neuman: Right. So let me go back to a question. Alan's got his hand raised so let me go back to the question. It seems like there's a number of people on the call that support some sort of formalized mechanism whereby those that are not necessarily within one of those three, you know, the board, the council or the advisory committee, not necessarily with - entrenched in those organizations, to come forward and to make

a request for one of those three organizations to consider doing an - or requesting an issues report.

And this might sound like an obvious point but one I would ask. Since we only at this - at the GNSO we only have the jurisdiction over that we can't require an advisory committee or the board to have some sort of intake - formalized intake procedure. We can only really do so at the GNSO level. I mean is that the correct statement that people agree with?

Man: Well we're writing these rules so we could say that an advisory committee has to have some formal rules without specifying what they are. But...

((Crosstalk))

Man: Or at least recommend it.

Woman: Yeah.

((Crosstalk))

Alan Greenberg: Can I get a chance with my hand up because I'd like to speak against what you're suggesting.

Jeff Neuman: Okay good please yes you're on.

Alan Greenberg: Okay. Part of it was just that we're not in a position to legislate what other groups do. But let's introduce a touch of reality into this. If you for instance look at the two PDPs that were initiated through issues report

through the ALAC. They didn't come out of the blue. Both of them had been discussed for years at public meetings at ICANN and, you know, there's a long history of both actions and certainly public meetings and discussions of the issues. You know, so none of these came out of the blue and no one ever talked about it before doing an issues report.

And I - although I don't have a long history in the GNSO, I suspect the same is true for most GNSO issues; that they're brooding and people are talking about it and there are public sessions on it. But this is the thing that triggers some formal work and potentially some real action on the issue.

So I don't think we're living in a world not right now anyway where these things are being done frivolously without any consultation, without any public involvement. So I don't want to overreact and formalize something.

In regards to the issues that Sophia raised and followed by James, I think we're identifying that ICANN is doing a really bad job in public relations and trying to explain the organization to people. And with the new structure of the GNSO it's just going to get worse not better.

And I think we're really saying that someone looking at ICANN from the outside doesn't have a clue what these various organizations do, what the process is to get involved whether it's a new constituency or simply wanting to talk with these people. And I think it's an ICANN-wide issue and it's not a PDP issue.

Jeff Neuman: So well Alan so then how would you address - I think it was Marilyn that first introduced let's say there is a - let's say it's the Anti-Phishing

Working Group or some other group that wants to - wants an issue discussed within the ICANN arena and - or wants an issue, you know, wants someone to recommend an issues report. And let's say they don't have the personal connections that they actually do, I mean, they've been doing things through people that they know.

What if they don't have the insiders to bring up that subject? And I agree with you that the PDPs in the past have been issues that have been talked about. But let's say there are issues where they don't know the insiders. Shouldn't we have some mechanism where they can introduce...

((Crosstalk))

Alan Greenberg: But I think that's an ICANN-wide issue. It's related to forming new constituencies or forming - becoming part of the stakeholders group. It's an information issue of how does ICANN open itself up to the outside world to people who are not already the insiders.

((Crosstalk))

Jeff Neuman: Okay, but...

((Crosstalk))

Mike Rodenbaugh: Excuse me it's Mike...

((Crosstalk))

Woman: (Unintelligible).

((Crosstalk))

Jeff Neuman: Sorry guys. I'm hearing like multiple people talk. I heard Mike's in the queue and then is anyone - if anyone else is on Adobe wants to raise their hand.

((Crosstalk))

Sophia Bekele: It's Sophia.

((Crosstalk))

Woman: And mine's up also.

((Crosstalk))

Marilyn Cade: And Marilyn would like to be in the queue.

Jeff Neuman: I hear Mike and Marilyn.

Sophia Bekele: Sophia.

Jeff Neuman: Sophia. Okay if you could raise your hand that would be good.

Woman: Yeah I'm trying.

Jeff Neuman: So okay Mike.

Mike Rodenbaugh: So we already have this, it's the ombudsman. Anybody can go to the ombudsman with a complaint and the ombudsman's job is to figure out how to get it addressed in the ICANN structure. Correct?

Woman: No.

Mike Rodenbaugh: No?

Jeff Neuman: Okay. So Mike do you have any other. I mean that's so without...

((Crosstalk))

Mike Rodenbaugh: No I'd like to hear if I'm wrong on that.

Marilyn Cade: Well could we just keep going through the queue?

Jeff Neuman: Yeah right that's what I'm trying to do. So Mike do you have any other points to your question and then hopefully people will address it. And do you have any other points?

Mike Rodenbaugh: No thanks.

Jeff Neuman: Okay. I have Marilyn.

Marilyn Cade: I will lend support to Alan's perspective that awareness about ICANN is a gap at a macro level and also at a SO level. But I - my experience is that it doesn't actually work to have the present approach of the marketing communications people, no, no, that - they call themselves the corporate communications people to handle this.

It needs to be, you know, it needs to be a further focus on awareness and outreach and then a process by which people can still then filter themselves into existing organizations, sub-organizations within the SO. So that's one point.

But my second point is participation is different than joining. And I think we are - we need to be open to participation in a structured way and a responsible way beyond whether people actually formally join a constituency in the SO or the ALAC in order to raise an issue.

But I keep caveating that with in a responsible way because I don't think it's a floodgate. I think it has to be qualified in some way otherwise we're going to see ICANN staff bombarded with the need to protect kids online just as an example.

Jeff Neuman: Okay. Sophia I think you were next.

Sophia Bekele: Yeah. I think what I'm trying to make a point with in terms of the ombudsman, I think the ombudsman carries or is a way of, you know, presenting a complaint versus an issue. An issue doesn't necessarily have to be a complaint.

I mean that's the issue is simply stuff that in the past when we worked, people have approached us as policy advisors and they say this is an issue that ICANN has not - has overlooked or has never paid attention to. It's almost, you know, it's us to guide people to say okay there is a constituency that's probably best suited to address this so go to this constituency and probably that's the best way to raise it.

I mean, what we're saying, why don't we have a mechanism or a formal documentation that says, you know, when someone comes to ICANN present - depending on the issue, go to this constituency and create that.

It's a few liners that this is directly related to the macro level that Marilyn mentioned and also to the ICANN level. We need to have to tie in the corporate goals with the work that we do.

So in that sense there has to be a relationship with the Policy Development Process which is a process that recommends to the board on serious issues to be made by ICANN. So therefore I think ignoring that, you know, gap again is not a responsible way or a transparent way of doing our operation. So this is my comment.

Jeff Neuman: Okay. So let me - there's no one in the queue at least on Adobe. Let me kind of just summarize where we are on Number 1 right now just to see if this is a correct statement.

So I think those in the group agree that the current three mechanisms of raising an issue to request an issues report, the three mechanisms are through the board, through the council which will be replaced actually in the new structure (unintelligible) through the houses...

Man: It's still through the council.

Jeff Neuman: Through the council right but it's - correct. Sorry. Misstated. Right. And then through the advisory committee, through an advisory committee. That this group is still of the opinion that those are the three mechanisms that we agree upon but there's still - there's a question

that we need to explore further as to whether to formalize the process for those that may not be members and I use the term members loosely of those three groups. Is that an accurate statement?

Sophia Bekele: Could you repeat that Jeff? Sorry about that.

Jeff Neuman: Sure. That the group exists of three current mechanisms for raising an issue, three ways and I'm not saying this very well. The three different mechanisms to introduce - to raise an issue are through the - currently through the board, the council and the advisory committee. That that should be retained that model.

However there's a question we still need to work on which is whether to formalize a process for those that may not be members of one of those three organizations.

Bertrand de la Chapelle: Jeff this is Bertrand.

Jeff Neuman: Right. Yes Bertrand.

Bertrand de la Chapelle: May I slightly modify what you just said by saying that there are three ways for requesting an issues report and that with - thinking about doing about that there are possibilities to explore further the modalities for raising an issue within the different ACs or the SOs This would introduce the distinction I was making earlier.

Jeff Neuman: I think that's accurate. I think that's good. Is there anyone - comments on that?

Sophia Bekele: I don't understand that part. The modalities are the breakdowns of - for each constituency exactly how they are going to handle it is that what we're saying?

Jeff Neuman: No I think what Bertrand is saying that the three ways to request an issues report, the three ways are - for requesting an issues report are always going to be through the board, the council or the advisory committee.

Sophia Bekele: Right.

Jeff Neuman: But the question is how to raise an issue within one of those three organizations so that they could discuss it and decide whether or not to request an issues report.

Mike Rodenbaugh: It's Mike Rodenbaugh, can I get in the queue?

Jeff Neuman: Yeah let me just see if...

((Crosstalk))

Alan Greenberg: I was in the queue and somebody even gave me the microphone.

Jeff Neuman: Okay hold on a sec. Let me just make sure Sophia does that - is that what you're - does that address your question?

Sophia Bekele: It didn't address it but I'm following the process. So let's hear what everybody's saying and I'll come back to you maybe.

Jeff Neuman: Okay so I'm going to go to Alan and then I'm going to go to Mike.

Alan Greenberg: Okay. We - I started off and I think there was general agreement that we want to be careful not to put a load on staff by anyone being able to request an issues report.

I think we ought to be slightly cautious that we don't do the same thing to the various organizations including the GNSO and onto the advisory committees that is bind them to and I'll use an extreme thing listening to any, you know, crazy that comes along and demands that their idea be considered.

So just as there's limits on staff, there's also limits on what the GNSO can handle and what the advisory committees can handle and things like that. So we need to be cautious if we try to formalize this too much.

Jeff Neuman: Okay. Mike.

Mike Rodenbaugh: I agree completely with what Alan just said. I was going to make some of those points myself. It's very easy really for anybody to join some constituency within the GNSO or to join some constituency - some organization that's part of the ALAC and thereby get their issue raised.

If it's not worth it for them to do that, it's not worth the council's time to consider them, their issue in my opinion. The council is extremely overworked already and anything that adds to that work without having some sort of formal process through an existing constituency would be completely unnecessary and foolish in my mind.

Alan Greenberg: I'll point that you don't have to get a constituency's attention, you have to get a person's attention.

Mike Rodenbaugh: That's right. But that's hard to do.

((Crosstalk))

Jeff Neuman: Okay. Sorry guys I just want to try to stick to the queue if I could. Liz.

Liz Gasster: Well yeah I was going to ask whether it would be appropriate to distinguish in our speaking about whether we're asking to clarify the process for raising an issue versus creation of the issues report. Because as I think we alluded to in the staff paper there's the thought that maybe we shouldn't start with an issues report as the first thing that happens in this process of inquiry into an issue.

So my suggestion, but it's, you know, or question is shouldn't we be talking about who raises an issue at this stage and how rather than who requests an issues report. Because I'd like to hope that we could - that's it's premature to assume that the first step is launching the issues report.

((Crosstalk))

Jeff Neuman: Okay. Hold on. Guys if you want to be in the queue like raise your hand or if you're on the phone then just let me know.

Mike Rodenbaugh: It's Mike back in the queue please.

Jeff Neuman: Okay. Let me - so let me just try to - before we kind of go in a circle here. What we're doing here is kind of going in the order that the questions are Liz.

Liz Gasster: Right.

Jeff Neuman: So I agree with you that it's something that we should address and it's probably what other speakers are lined up to talk about. But before we get into that, I just - I want to see if we can take this apart in pieces and then move on. So I want to note your question, I think we need to discuss it.

((Crosstalk))

Liz Gasster: Excellent. Thank you.

Jeff Neuman: So let me go to Sophia, then Alan and then Mike. So Sophia.

Sophia Bekele: Yeah. I think again I would have to agree with Liz on this as to separation of who is to raise the issue versus who raises the issues report. The issues report to be raised can come from the constituencies.

Again I would caution that we still need to have some sort of communication strategy as to who raises an issue and then if not who raises we can't dictate that but as to how issues are raised and where they're - that person or individual should go. It's not about a crazy person coming from the street. It is these are the constituencies for Internet governance is beyond ICANN.

So again, you know, we're - we all know that ICANN has got, you know, been - a lot of issues has been introduced to ICANN because the voices have not been heard.

So I think to be inclusive of the global community we still need to have a process that links the who is the one to raise the report - how a person is supposed to raise an issue in what constituency. That is a communication strategy and somehow needs to be linked to the work we do. If it is quality advice that we're giving, then we still need to have a process to identify that.

Jeff Neuman: Okay. And then I have Alan and then Mike.

Alan Greenberg: I guess I'll say what I said before. The -- and this is largely in response to Liz's comment. If someone can point me to an issue which got to the level of an issues report before it had been reasonably well discussed in at least some parts of the organization, I'd like to know what it is. I don't...

((Crosstalk))

Alan Greenberg: I don't think it's happening right now in general.

((Crosstalk))

Liz Gasster: (Staff books) is a good example.

((Crosstalk))

Man: Yeah. Right.

((Crosstalk))

Alan Greenberg: And there was a lot of discussion within an advisory committee as a matter of fact.

((Crosstalk))

Jeff Neuman: Okay. So Alan...

((Crosstalk))

Jeff Neuman: Sorry I'm trying not to...

((Crosstalk))

Alan Greenberg: I think we're trying to solve a problem that isn't there in terms of the let's not have an issues report until we - until the issue has been discussed.

Jeff Neuman: Okay. Let me go to Mike and then Bertrand.

Mike Rodenbaugh: I just completely agree with Alan again on that. I was just going to clarify my earlier comment, I think Alan's were too, were to Liz's and Bertrand's point that it should not be so easy for somebody to raise an issue at the GNSO without having taken part - taken place - or I'm sorry, without having participated in a working group or in a constituency or in an ALAC organization.

Sophia Bekele: I think I have no problem with that Jeff, Mike and so forth. I'm not saying people should be raising issues directly at the GNSO level.

I'm saying even the communications strategy for people to raise an issue, create the working group and discuss is not there. And I'm just saying that should be part of the documentation that we need to have. It is not to bring a simple issue or a serious issue all the way to GNSO level. I'm saying the communications strategy at the bottom has - should be documented.

Jeff Neuman: Okay let me go over to Bertrand.

Bertrand de la Chapelle: Yeah very quickly. I agree with the distinction that Sophia was formulating. This is exactly what I meant and she is formulating it better. I think the dialogue between Liz and Alan actually not targeted exactly at the same thing.

When Alan says any issue has been discussed at length within ALAC or within the SOs themselves I think it's perfectly right. And in a certain way what we're trying to do here is actually to go in the other direction and reverse the situation where we are speaking about an issue for ages before something starts because there is no actual catalytic process that says well this is an issue of interest for the community.

So before you manage to get the conviction of an SO or an (unintelligible) this notion of getting a sort of sensitive mass and how people should aggregate support for bringing an issue forward is an issue more to accelerate the taking up of important issues than to have a filtering for the unnecessary ones.

And I do agree that Liz has a point in saying - in asking the question is the issues report the first step or is there any preliminary very informal document that can come from a community or the output of a workshop for instance.

This is why I was mentioning the notion of Birds of a Feather. I think when people are interested in an issue they want to see raised, one of the good ways is to try to have a mechanism whereby they can have an informal gathering of key actors so that they can document the fact that an issue is important.

But I agree that the notion of an issues report may not be the very first step. I hope that I'm clear because it's an evolving thought.

((Crosstalk))

Jeff Neuman: So actually let me if anyone - does anyone else have a comment on that?

Marilyn Cade: I do Jeff. It's Marilyn.

Jeff Neuman: Okay Marilyn.

Marilyn Cade: Thank you. I just want to add though a voice of rationality here in terms of we use the term issues within the ICANN GNSO policy and I think we need to make that distinction as having a specific meaning and that is an issue related GNS - gTLD policy and therefore suitable to be addressed in a PDP.

The dictionary word “issue” is a broader term and it’s very possible that across ICANN there would be interest in learning about a issue without it actually belonging into a PDP process within the GNSO policy council.

So I just want to be careful that we are really clear that we can talk about the broader issue but that’s not what we’re working on in relation to the PDP process. And we would want to refer any further elaboration on examining how the broader issue is addressed external to this working group.

Jeff Neuman: Okay. So I think we’re actually starting to do and it kind of - the discussion actually went there is we started with the question of who and we kind of got into the question of what and we’re kind of relating those two together. In other words we were trying to talk about who can request an issues report and then we kind of delved into a conversation of what should be required to be in an issues report or really what is an issues report.

So, I mean, I guess since the conversation has sort of taking us there, why don't we - Marilyn kind of took us there a little bit too as far as what are the issues that can rise to the level of requesting an issues report and I think that’s something that Liz had talked about as well.

Would it be helpful for the group to kind of continue down that path or to just put that aside, keep it in the back of our minds and then go to Issue 2 which is the procedures for requesting an issues report although that might be kind of jumping the gun.

Alan Greenberg: Jeff I think we've been talking about two for a long time now.

Jeff Neuman: Right.

Alan Greenberg: We agreed - I think we had general agreement that the formal request for an issues report that the right set - the current set is probably the right set. And we've gone on to what are the steps in doing that.

Jeff Neuman: Right. Well, I mean...

((Crosstalk))

Alan Greenberg: ...quite a lot of the discussion.

Jeff Neuman: Well it's been related to the who in the sense of, you know, it started out with a discussion of who outside of those three and then kind of turned - morphed into what. So I want to continue down that path but I kind of want to put a little bit of structure around it.

Liz brought up a point about and actually Bertrand did as well with the analogy of the Birds of a Feather with the IATF. Do people have thoughts on should there be any other requirements or things that should happen before an issue rises to the level of an entity requesting an issues report? In other words are there things that they need - steps that they need to go to - go through or not before making that request.

Marilyn Cade: And I'd like to be in the queue. It's Marilyn.

Jeff Neuman: Okay. So Marilyn - let's start a queue. Marilyn you can go and anybody who's on Adobe if you could kind of raise your hand. So Marilyn.

Marilyn Cade: Thank you. I'm repeating things that I have said before so I'll make this brief. I am on the record as saying that we need to start the PDP process and in fact the exploration of an issue with a well-researched, well-documented white paper and probably a informational workshop that would examine the issues from a variety of perspectives.

Such documents should be suitable for consumption by all parties within ICANN, meaning the GAC, the board, the broader community, the ALAC, the members of constituencies to educate them about an issue.

I would think of these papers as looking more like the OECD scoping papers and I'd be happy to forward a scoping paper to the group if there's interest in looking at it.

This implies a significant increase in the role of staff in doing analytical research and in drawing on experts to write a scoping paper including where appropriate having access to legal support and to economic support.

And I think in general an issue should be explored in that way before it makes its way into what we think of as the issues report within the PDP process.

Jeff Neuman: Okay. Let me just clarify, so your point is that - just to clarify, your recommendation is that staff take this responsibility on. That it shouldn't be the responsibility necessarily of the party that wants to see it -- sorry lost my thought. Your recommendation is that it's staff that's responsible for that paper?

Marilyn Cade: So Jeff the idea - let me see. Let me use an example.

So let's say that Marilyn Cade decided that she wanted to write a brief white paper explaining to ICANN the importance of doing a "who is" study. That's just an example so I'm using a real example. She could certainly write as she did a few years ago a two or three page paper. But I don't think it's appropriate to ask Marilyn Cade to organize a balanced workshop that is two or three hours in length and cuts across all perspectives nor to expect Marilyn Cade although she might be capable of doing so to engage an economist and write a detailed scoping paper about an issue.

So the issue here -- I'm struggling with using the word issue here because issue means something specific within the TLD PDP process.

Jeff Neuman: Okay. Let me and let me just ask one more clarifying and then I'll throw that out - those concepts out to everyone else. Did you say that there should be both a white paper and a workshop or were you - what's your recommendation on that?

Marilyn Cade: So I would think that depending on the topic and I'm going to use the term topic for this purpose. I would think depending on the topic there should be a range of suitable processes that could be undertaken.

So a workshop which presented - so if you do a white paper, you still probably need to do a workshop on the information that is in the white paper and allow a discussion and dialogue about it. It might be that you could on certain topics do Webinars instead of a face to face workshop.

But in general we ought to frontload the examination of the topic rather than putting it into a process where we then are dependent upon positions and opinions. And in the later stages of the PDP process that's what we are - have been dependent on.

Jeff Neuman: Okay. Let me - I have two people so I'll throw it out to Bertrand. Margie do you have a substantive point or is it...

Margie Milam: I have a question for Marilyn so just put me in the queue.

Jeff Neuman: Okay. So let me go to Bertrand and then I'll go to Margie.

Bertrand de la Chapelle: Just to support her in large part what Marilyn was saying on two points. The first is the distinction between when we're talking about consensus policies, i.e. things that are embedded in the agreements with registries and that are abated through the PDP and become implementable and enforceable.

And the second thing is the more general policy development, i.e. the policy for developing new gTLDs for instance. This is an important distinction and I think at the moment, and I put it in the paper I've circulated, we are probably concentrating mostly on the consensus policy part.

The second thing is she uses the expression scoping. I think it clearly addresses the notion of highlighting the dimensions of an issue as early as possible.

White papers can be produced by a diversity of contributors, but the notion of preliminary workshops either online or at a physical event is

important. And maybe afterwards, just after that workshop, a very brief summary of the main dimensions of an issue can be done before getting into a full research.

But the notion of having the first exchange where the constituencies do not basically prepare a very researched position before discussing the issue or the topic with the other actors is very important.

So dimensions and scoping is very important.

Jeff Neuman: Okay. Margie.

Margie Milam: Sure. And this is a question to follow-up on Marilyn's point. Marilyn what's the timing do you think in the example of OECD to prepare the white paper and the workshop.

I guess one of the thoughts I have in exploring that is I'd like to see whatever examples you can come up with and to understand what that does to the timing of setting an issue, you know, getting an issue report started because it looks like it could delay the process quite a bit.

And then my other point is if staff is to write a white paper and workshops sounds like, you know, great ideas and research, one of my concerns I think we've had in the past is that sometimes the staff doesn't have enough information yet. And, you know, and the end product may not be, you know, as fully researched as the community would expect.

And so I just kind of wanted to understand the timing, you know, at least in the OECD example.

Marilyn Cade: So let me suggest that in fact in the past and for the record I was a policy councilor elected by the BC for a number of years and also prior to that I did chair the first WHOIS Taskforce and the Transfers Taskforces. So I just want to say that I'm extremely familiar with the work.

And I note that we typically have rushed to - into launching a policy development process and then found ourselves in (unintelligible) process where we had to do all the research after the fact.

So what I'm suggesting I don't think will in the long run change the length of time devoted to a policy development process. I think it will frontload when the work is done in a more neutral, analytical fashion. So that's one point I would make Margie.

A scoping paper can be 25 pages long or it can be 150 pages long depending on the topic. And scoping papers can involve outreach to 20 experts or to 100 experts depending on the topic.

So again, you know, I would say think about the concepts and then if members of the group find it interesting, think about the adjustment of the concept to fit the needs of the PDP process.

But I just want to make one point about the value of taking this approach. We often find ourselves in a situation where the GAC tells us -- and I think Alan sometimes some of the ALAC members tell us that it's very difficult to go back and we have this problem as well within the Business Users Community.

It's very difficult to go back to the group that you're representing or advising if it's an association or etcetera - and say, we're going to talk about this topic. And they say, bring me the briefing paper. So the other value of taking this approach is the GAC has a document to distribute internally to its - in its national interagency processes. And members of associations have a paper to distribute to their company members and it starts the education process about the topic much earlier. It is more intensive and staff work, which would make it's going to take more than ten days.

Jeff Neuman: Right. So without touching on the timing at this point - or at least specifically ten days - Bertrand did you have - I can't tell if you have actually lowered your hand or if you have an - do you have another comment or...?

Bertrand de la Chapelle: No, but if I can just one point.

Jeff Neuman: Okay.

Bertrand de la Chapelle: About the lengthening of the process. I think Alan made the point. The current mechanism is that there is a lot of time wasted at the moment before we actually address something. And I think what Marilyn is suggesting - and especially the notion of briefing paper - is a nice way to move forward to actually formalize the issues and the topics earlier in the process which brings indication and awareness and actually gains time.

Jeff Neuman: Okay. Alan, do you have a comment on that?

Alan Greenberg: Yeah - well, I have two comments. Number one, I think to some extent we've lost sight of what the concept of an issues report was. That is, the time frames and the current bylaws are very short which implied it was not an in-depth research project but the attempt by staff to scope it out and put some realism on it to temper what the GNSO or advisory committee might have felt in terms of what the scope is.

So I think it was designed as the initial document, not necessarily the definitive one from which you could run off and immediately do the PDP process which implies that maybe the steps after the issues report or at the beginning of the PDP process have to be looked at more.

The other aspect is, we're also getting into an in-depth discussion of what I would consider best practices. Now yes, we have had some PDPs that have not worked well - (Fast Flux) may well be one of them. There are likely to be failures in any process. We're talking about best practices. If you want to initiate something that leads to a PDP, here is some things you might want to do which puts you in a better position.

And I know certainly in some of the cases of recent PDPs, that has been done, there were briefing papers, there were mini white papers done prior to the issues report being requested. So I think we want to try to differentiate between things we're putting in the law and best practices which will yield good results.

Jeff Neuman: Okay, let me - it looks like David is in queue?

David Maher: Hi.

Jeff Neuman: Yes. David Maher?

David Maher: I'm sorry, no, I was not in the queue.

Jeff Neuman: Okay, sorry, someone gave you the microphone so that - sorry about that. Okay, so Alan, let me throw out a question to you then. So is it your view that what's current - what changes would you recommend or would you recommend any changes to...?

Alan Greenberg: I would not recommend changes prior to what we are calling the issues report. I would try to reiterate that the issues report is a very first (cut), however and there may be steps after it prior to the decision on - to initiate a PDP or as a first step of a PDP to meet the cases where, I mean, right now staff makes recommendations in the issues report saying, this is really too vague, we need more work done first.

Council can listen to that advice or not. But I think that's the place where staff should be getting the first crack at saying, this is just not ready for prime time yet or it's something we can go ahead with.

Jeff Neuman: So with that...

Alan Greenberg: So I thought that was the purpose of the issues report.

Jeff Neuman: So putting aside the terminology or what we call issues report, do you see any issues with what Marilyn has suggested, again, putting aside what we call it. But Marilyn has suggested a briefing paper which could be - which is asking for a little bit more detail or scoping paper.

I mean, I don't necessarily hear opposing views. You're just talking about what we call it in essence.

Alan Greenberg: I'm saying that I don't think we should be putting additional hurdles - especially ones staff may have to do prior to the issues report.

Jeff Neuman: Or prior to what we call now issues report. If we...

Alan Greenberg: We are now - well, yeah, I mean, we can rename everything.

Jeff Neuman: Right.

Alan Greenberg: But that doesn't change the process. I think once a concept has been initiated by a body withstanding within ICANN, there should be a moderately quick, you know, whether 15 days is the right number I'm not going to debate. But a moderately quick opportunity for staff to review the issue and make some comments.

Jeff Neuman: So let me...

Alan Greenberg: To have to put a huge threshold before it gets to that stage I think is ill advised. It goes back to, you know, we're going to be talking continuously or looking for resources to do it.

Jeff Neuman: Let me ask kind of a question related that to Marilyn since she's one that brought up these ideas. Marilyn, would it be your - is it your view that this should happen prior to, you know, we talked about who would request an issues report. Would it be your recommendation that all of the stuff happen before the council actually makes a request for an issues report or after?

Marilyn Cade: You know, I'm - let me just say that I don't have a problem with the idea that you go through a process that you now call the issues report. But think of what you're doing, your screening an issue to determine its applicability to a PDP and to scope it.

I don't have a problem with putting the work that I'm proposing after an initial high level issues identification paper. I just think that based on my experience - and I would also say based on my experience working on a number of international settings, that we are shortchanging the analytical analysis that is needed in developing policies and we're shortchanging the educational aspect.

And that means we're shortchanging who gets - who can effectively participate in the working groups which is not something you want to do. You want to create an educated environment so that you have a wealth of interested participants in the working group process. And if you don't educate about the process fairly upfront and analyze fairly upfront and neutrally, you're making it an old boys and old girls club. Just let me, you know, because it's only the initiated who can participate and will participate. It just doesn't work, it's not sustainable for the long-term.

Jeff Neuman: Okay, so I'm still trying to - so fit this into the - or maybe recommend against it. But I'm just trying to figure out where it fits in, Marilyn, with...

Marilyn Cade: Sorry, Jeff. So I don't have a problem with putting it after an initial high level, you know, so you might think about this in this way in this - I'm modifying the thinking as we go which is the benefit of these calls.

Jeff Neuman: Right.

Marilyn Cade: You might think of this in this way. The first issues report becomes the executive summary to the rest of the work. And you do the rest of the scoping coping paper - so you do the executive summary, the council reviews it, makes a go, no-go, assigns resources, identifies. You figure out if you need legal research, any academic research, if you need technical research, you need economic research - you find out what resources you needed.

And then you do the full-blown what I would call scoping - maybe I'll stop calling it a scoping paper. But then you do the full-blown document which researches both the parts that are going to be inside the PDP and the parts that are outside in our ecosystem factors that are relevant to know about.

Jeff Neuman: Okay, so I'm trying to think in my own mind. So you would ask the council who had requested this - so now you're calling it a kind of an executive - we'll call it briefing paper which you think would kind of be like an exec summary to the rest of the work. At that point, the council gets it again. You said to decide a go/no-go - would that be a go/no-go to do a formal PDP or a go/no-go to do the next issues report which is much more in depth.

Marilyn Cade: Right. And I would say, you know, go - the normal path would be go forward with the rest of the work. That'd be the normal path. And then you do the full-blown analysis I've been talking about at that stage and you put it out for public comment, you hold the workshop or the Webinar, you give the paper to the GAC, to the ALAC, distribute it

widely. Everybody reads it, understand it and comes back with comments.

And the council then would be making a decision at that point, I think, they make a decision about whether it goes into a PDP or it's not PDP suitable.

Jeff Neuman: So that would be - just to clarify and then I've got a couple people who for some reason have microphones by their name as opposed to raising their hands. I don't know how that happens.

Man: Someone must be doing it.

Jeff Neuman: So you're basically saying at that point that's when they would do the scope - the out of scope/in scope capital consensus policy going into the contract or not. So what I got from you is, the - one of those three groups, whether it's the council, the board or the advisor committee - but let's take the council at this point - request this type of briefing paper which would serve as you put it, kind of an executive summary for the rest of the work.

The council would then again get that and do a go/no-go for a more in depth analysis paper.

Marilyn Cade: Right. And Jeff, at that point, the council is going to need to make some resource assessments. This looks to us it's going to require significant amounts of bylaw changes. So we're going to have to have internal legal support. Oh, this looks to us like it's highly technical, so we need to be sure there's technical experts engaged in this. Oh, this looks - example, example.

Jeff Neuman: And then you would have - just so I'm getting it straight - your recommendation would be that would go out, that paper that they produced would go out for public comment. And then the council would take that paper and then go through all of the kinds of things that we now consider - well, would then do a go/no-go on a formal PDP to figure out solutions and...

Marilyn Cade: Right.

Jeff Neuman: All that wonderful stuff, creating of a work - creation of a working group - all that wonderful stuff that comes later on.

Marilyn Cade: Right.

Jeff Neuman: I'm assuming at that point that that's when - at what point would you have the general council or whoever make it some sort of determination as to whether that fits into a consensus policy or some kind of thing other than...

Marilyn Cade: So I think after the first robust public comments, the staff would do an analysis of the public comments and the staff would make a recommendation. And then it should at that point - so let's say the staff recommends this is PDP suitable. I have to have another word - this is PDP suitable, right?

Jeff Neuman: Right.

Marilyn Cade: And so our recommendation is it's PDP suitable, we've had it reviewed by the general council. And just to use PDP06 as an example, which I

was a part of, you know, the staff came back and said the general council recommends against doing this. And the council said, we disagree with you and we're going to do this work based on a majority vote of the council.

So it would be - that's when you would do that process. But the staff summary should both summarize the comments and present the resource recommendation. But when I say staff summary, I am assuming significant involvement of the council, you know, working with the staff. I'm just not assuming that we are in the days we used to be in when I was chairing task forces when the chair of the task force wrote all the reports or we had individual members appointed to write the reports. I reported editors, I mean, you know, we're in a very different world.

So I don't want to be seen as saying, this is intensely an only staff. I think it is staff with support and involvement and participation of the counselors.

Jeff Neuman: Okay, so let me - there's a lot there. Alan and then Bertrand - and so Liz, I can't tell if you're in the queue or...

Liz Gasster: No.

Jeff Neuman: Can someone help me remove the microphones except for Alan...

Man: Margie is listed as the conference leader so I assume she can.

Jeff Neuman: So Alan, I'm going to let you - turn it over to you right now.

Alan Greenberg: Okay, two comments; number one, in one of your interjections, you said that we're talking about consensus policies that is things that alter registrar registry contracts. At this point, that's a question that we ask much later on and I would like to keep this conversation on policy development, not necessarily consensus policy because right now it's not limited to that.

So I didn't - I don't think I heard Marilyn say that she was commenting specifically on consensus policies as opposed to policy development.

The sustenance comment that I was going to make, however, is what is being described to a large extent is in fact what we are doing now. The current bylaws say within 15 days after an issues report is issued by the staff that the council must decide yea or nay on a PDP.

Well currently we're probably sitting at four to five months and it varies heavily on what the particular issue is. In general, once an issues report is discussed by council - which may take many months - it will varyingly go to a drafting team or a working group or a something or other, depending on how well it's perceived that the issue is understood.

Some of them go very quickly to a PDP relatively so, other ones have sat around for a year in various groups which often issue things for public comment. So right now, we're using a wide variety of mechanisms post-issue report depending on the substance of the particular issue being discussed.

And I think we - I think that's going to have to be enshrined in whatever policy we come up with, that is, there's an opportunity for processes.

I'd hate to see it legislated that all of these steps must be taken in every case, however. I think council has to have some discretion for making a decision on - in conjunction with what staff has said in the issues report, are we ready for prime time or does this need a lot more homework?

Jeff Neuman: Okay, I ask you then - because I think that's an important point. Obviously not on this call but requires some thought. All the discussed and - all the things that we're doing today could you on email, I guess, kind of boil that down to things that you think should be - I don't want to use your term, but you said legislated - should be formalized in some sort of policy as steps versus things that you think the council should have some flexibility on. Is that...?

Alan Greenberg: I can certainly try. I mean, but I'm telling you right now, I think flexibility is one of the keys and I think we want to have options that might be done that we want best practices lists. But I think we need to maintain the flexibility where - to - for the council to pick which are the appropriate steps in this case.

And as I said, the rules that have been developed on the fly in the last couple of years end up doing that - perhaps less formal than some people would like. But that's effectively what's happening now as I read things.

Jeff Neuman: Okay. And I think - and that might help, you know, Margie and Liz, if we could kind of document in short form some of the things - I mean, this - these examples are, you know, they're mentioned in your briefing paper. Maybe not examples but if we could come up with some short description of what the last few ones have gone through to kind of give

everyone on this working group an understanding of some of those things that Alan's talking about.

Alan Greenberg: And maybe we need, you know, another example of different thresholds that, you know, right now we have different thresholds depending on whether the issues paper sees it's within GNSO scope or outside the GNSO scope and PDP06 was the - is the classic example. Maybe we need yet another set of thresholds of, you know, whether you could do this PD - initiate this PDP prior to significant additional research or not. The council can override it with a large enough vote but staff is making a recommendation that this is really, really needed to do the job properly.

So you know, that's another example of a way that we can implement it but keep level flexibility.

Jeff Neuman: Okay, I see Bertrand has his hand up. So it's now a microphone so I'll give you the mike. Bertrand?

Bertrand de la Chapelle: Okay, thank you. Just to build up on the exchange - Marilyn and Alan. I think we're heading in the right direction. What I see at the moment, Alan made the point that what we call an issues report could be considered as an early thing relatively close to the early briefing paper, an educational paper that Marilyn was referring to.

The second point is in the document - background document from the staff in Paragraph 65, there is a comment saying that the preparation should be more extensive than just this preliminary issues report. And in particular, the discussion of whether this is worthy of the PDP or

within scope of a PDP is the last element before we move actually into the PDP.

And this could be, for instance, a staff recommendation on in particular, the goal of a PDP following the discussions that have taken place in between. And in between, according to needs, as Alan said, the additional research that might be needed could be decided on an add-on basis for the setting of a working group dependent of the amplitude of the work.

So in the current bylaws, we have something that mentions only the issues report and at least an ABCDEF that contains both the first part I was mentioning and the second one, i.e., the very early issues report and the recommendation for doing the PDP.

What about separating those two and saying the initial phase of a PDP is launched by production of a short issue report by the staff that would have the A, B, C and D - like the issue raised for consideration, the identity of the party submitting the issue. How is that party affected by the issue? And actually not D - sorry.

And another element that would replace D, that would be description - a brief description of the different dimensions of the issue - period. That's the issues report.

Jeff Neuman: Sorry to interrupt. Can you just explain what you mean by different dimensions?

Bertrand de la Chapelle: It's a scoping aspect. Like, what are the different elements and different perspectives on this issue?

Jeff Neuman: Okay. Sorry, I didn't mean to interrupt.

Bertrand de la Chapelle: And the end of the preparation phase, the initiation phase, would be a staff-produced recommendation on the opportunity to launch a formal PDP with a few elements including what is currently D, currently E - it's already called the staff recommendation, by the way. And the F, which is actually sending it to the council.

And in between or after those two elements, some line would say additional research can be decided on another basis by the council in order to nurture the preliminary process. And I think this embodies the pre-dimensions that both Alan and Marilyn has mentioned.

Jeff Neuman: Okay, does anyone have thoughts on that? Okay, let me - I think we've kind of talked about one and two - we've actually touched on a lot of the different elements. I'm trying to think if - because I know that this call was really scheduled just for an hour and a half because I know people have to leave.

I think this might be a good point to just stop, get some - and then just implore people to - we're going to staff - I'm going to ask staff to take to - document the notes. I took notes and I know other people have. If people could - if staff could summarize the notes from this call.

And then I think the next thing is to schedule another call for the rest of A because I think once we get through this, the rest of A seemed kind of - are all - we touch on most of A within what we've already talked about. So I would recommend sending a Doodle out for next week, if we can, for finishing up A.

Does anybody have any comments on that?

Alan Greenberg: Sounds good.

Jeff Neuman: I think we made some good progress and I think once we take the notes and convert it into writing, I think we're going to see some -- that we've made progress. I'm going to ask everyone - although people didn't submit it this last week - if people could submit comments that they have on what we discussed and also answer to the other questions for A - Topic A - if you could submit that over email. Because I think we're missing that email dialogue. I think that would really be helpful. I mean, we make good progress during the call but we really need to have discussion go through the list.

Any other questions or comments?

Sophia Bekele: Yeah, Jeff, this is Sophia. Can I just bring it up what you just said the last minute on the emails. I mean, again, if probably - if staff could summarize what occurred today and circulate it, maybe that's the starting point for all of us. It's just so hard to get engaged in an email if there's nothing that's sort of passing through, that's probably what happened last week.

I'm just suggesting that because I suggested the same last week as well and nothing happened.

Jeff Neuman: Yeah. So let's - I'll ask - I don't know if Margie and Liz, if - when we think we can get out some notes. But hopefully - obviously the sooner the better.

Sophia Bekele: Yeah.

Woman: Yeah, I'll (unintelligible).

Jeff Neuman: Maybe what we'll do is we'll set up the Doodle after we get that paper out.

Woman: Something like that.

Sophia Bekele: Okay.

Jeff Neuman: Okay. Any other questions or comments? I think it's just been a great discussion. I think once we get this document, I think we'll see - I think we made a lot of progress. I hope other people have as well.

Woman: Yeah, that was good, Jeff. Thanks.

Jeff Neuman: Okay, thank you.

Man: (Unintelligible).

Jeff Neuman: Okay, bye.

Man: Bye.

Woman: Bye.

END