

**SEOUL**  
**Policy Process Steering Committee (PPSC) Policy Development Process (PDP)**  
**Work Team (WT)**  
**TRANSCRIPTION**  
**Sunday 25 October 2009 at 14:15 local time**

**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 Sunday 25 October 2009, at 14:15 local. 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/meetings/seoul2009/gnso-working-session-1-part3-25oct09-en.mp3>

**Participants:**  
List TBC

>>JEFF NEUMAN: While Marika is getting set up here, again, this is the policy development process work team of the PPSC. This is our face-to-face meeting in Seoul, for the transcription. Obviously, we all know we're here.

Right now the agenda for today is to, basically, go over -- we are on -- I'm going to start with a couple slides to talk about where we are in the process. And then we're just going to get right back into where we left off on some of the calls, which is really stage three. And I'll talk about what that is for those of you that are new to this.

And right now at this meeting what we decided to do was to go through the survey of questions that relate to the topics that we've been discussing. And we'll go through that.

The second agenda item is to talk about a face-to-face meeting that we brought up earlier just to make some more progress. And then -- sorry. I think I'm going to -- those are the two agenda items.

>>MARIKA KONINGS: We might talk about the questions for stage --

>>JEFF NEUMAN: Right. If we have time we might go through some of the questions for stage 4. The survey is quite extensive. Yes, James?

>>JAMES BLADEL: Sorry, Jeff. James Bladel. And I may be misremembering this. But weren't there three or four overarching issues that we wanted to touch on at this particular meeting that we set aside not at our last call but two calls ago for this? And, just logistics and time, we're just not going to be able to tackle those today?

>>JEFF NEUMAN: I think it is logistics and time.

>>JAMES BLADEL: That's cool.

>>JAIME WAGNER: Let's go through some of the slides as to where we are. I'll do that. These are slides, by the way, that I gave at the GNSO council meeting. It talks a little bit more, but these slides are good to talk about where we are. Just as a reminder of where we are in the process, there are five stages that we were talking about. And then an overarching issues that kind of apply through each of these stages. The first stage being the planning and initiation of the issues report. The second one being the GNSO Council Proposal Review and Initiation of a PDP. The third, which we're going to spend the bulk of time talking about the survey on is the PDP working group policies, procedures, and support.

The fourth one, which we -- if we have a little bit of time, that's what we're really going to pick up with on the next couple of meetings. And then the 5th, which is voting and implementation. And then the 5th one is the assessment of policy effectiveness and compliance.

If you want to just jump to the chart. Yeah. So this talks about where we are in each of those stages. With the first stage we've done a breakdown. We've had discussions within the working group. We took an online survey. We discussed those, and then have a draft report that everyone has seen. We haven't received too many comments on it. We haven't closed the comment period on it. But, essentially, that's out there. That's on the TWiki that was sent around on the list.

>>MARIKA KONINGS: On the Wiki.

>>JEFF NEUMAN: Sorry. Someone used TWiki earlier. J. Scott. The Wiki.

The second stage we've done a breakdown. There's been discussion on the working group. We've done the online survey. We've talked about it. And there will be a draft report. I'd hoped to have it up by today's meeting. But, through travel and some other things that have come up, the plan is to get that draft report out within the next couple days or week so that we can begin getting comments on that.

The third stage, which we're talking about today, the survey part, is to -- it says 11/2009. I think that's really meant to cover -- give us a little bit of breathing room as far as what we can finish discussing all the survey items with a draft report in December of 2009.

And then, you know, at the next few conference calls talking about stage 4 and having a discussion on that and doing a survey within the next month or two.

One of the things I do want to talk about is, as far as how we're progressing, there have been a couple things that have been injected into the council process in the last few weeks, one being a board letter that is requiring a bunch of work within a short period of time. So I'll throw out a question later on as we're thinking about this as to whether we need to build in a little bit more time for us. We had talked initially about a face-to-face meeting possibly by the end of this year. I think, given all the work that's going on on the council level, I think January is probably much more realistic.

So that's where we are right now. Is there any questions about where we are, where we're heading?

Again, just to summarize, the goal at the end of this is we'll have five different draft reports. We will combine those into one, once we're satisfied with them. We'll send out the -- we'll go through all five reports because -- the reason we're doing it this way and not just releasing everything out for public comment right away as we finish one stage is that we're finding each stage has something that relates to other things in other stages. And, until you can look at the entire process from beginning to end, it's hard to actually finalize any of the stages.

So the goal is, then, to finalize all five stages into one document, put that out for public comment, take in the comments, revise the report, and then send it up to the full PPSC, the steering committee. Any questions on that? Nope? Okay. If you want to just -- in the overarching issues, was that the slide? Yeah.

Again, throughout all of these stages, these are three issues that we really need to keep an eye on and keep in the back of our minds, because it runs through all the stages, is different timing aspects of when things fall into place, thinking about the issue of foreign translations. It comes up all the time, as far as, you know, if you're going to have a public comment period, what do you put out for translation? We're going to talk a little bit about that. There's some questions on that in stage 3. I'll save that for the survey. And then, of course, keeping consistent definitions. When is something called a PDP versus raising an issues report, things like that. Those are the three things to keep in the back of your mind, which I ask anyone to remind -- if I misuse terms or anybody else, please keep us all honest here.

So, that said, I think we can just jump to the survey questions.

We're going to do it a little bit differently this time than we've done it for the last two stages. I thought what would be helpful is to go through the questions, remind everyone where we are, and the discussions that we've had within the working group. And then afterwards everyone can go back and answer the questions on their own, keeping in mind some of the things that we've talked about

previously. And, you know, it gives you time to think about what we discussed and to indicate whether, "Yes, I agree with that. That makes sense," or "I remember that discussion we had in Seoul a couple days ago, and I think that was off base." Whereas, before what we did is kind of threw out the survey, had people answer, but they may not have recalled some of the discussions that we actually had. So we'll try it this way with stage 3. And, if it works, great. We'll do that for stage 4. If not, we'll go back to the old way.

So remember now with stage 3, again, is talking about the policies and procedures surrounding the working groups. We've already raised the issue. We've already had a vote by council to launch the formal PDP.

Now we are dealing with questions that surround the working group, keeping in mind that the internal workings of the working group are really for the working group working team that J. Scott has run. And some of you were sitting in through that meeting.

So I'm going to look on with -- because I can't read that far. Any way you can make that bigger?

>>MARIKA KONINGS: I can make it bigger, but then you can only see a very small bit of the question.

>>JEFF NEUMAN: I can read them anyway. I'm sure the people who are transcribing can't read it back there. So the first overall topic --

>>MARIKA KONINGS: Is that better?

>>MIKE RODENBAUGH: This is not Adobe or anything like that, is it?

>>MARIKA KONINGS: No. I don't think I can get it up there, either.

>>JEFF NEUMAN: Sorry. That would have been --

>>MARIKA KONINGS: Like this?

>>JEFF NEUMAN: Yeah, you can actually send out a link to the survey.

>>MARIKA KONINGS: It's not open yet. I can open it, but then I can not edit it. If we want to edit any more, people ask questions. Oh, maybe we should ask this or that.

>>JEFF NEUMAN: I'll read through the question, and then we can just take it from there. So the first question we talked about was, "What should be the role of face-to-face meetings with working groups, if any?" The overall topic, again, is how to maximize the effectiveness of a working group. So the question that came up was, "What should be the role of face-to-face meeting, if any?" When we

discussed this issue -- sorry. I'm still pulling it up on my computer.

The -- in the previous meetings we talked about that working groups should be encouraged to consider organizing face-to-face meetings at ICANN events and that it should not be mandatory to meet -- what we discussed was that it shouldn't be mandatory to meet at -- for working groups to have face-to-face meetings, but it's certainly encouraged at ICANN meetings. And face-to-face meetings outside of ICANN meetings could be desirable in certain circumstances; but then you have to consider the issue of, you know, time, funding, and all of the other things -- basically, people taking time away from their other jobs to actually do that travel.

So that was overall what we had discussed on previous meetings. And I don't know if anyone has anything to add to that as far as what we discussed or thoughts right now or if that's pretty self-explanatory.

Okay. Moving on, the next question that is on the survey is: "Should there be a mechanism external to working groups to report issues observed about the activities of the working group?" So things like failures to meet deadlines or the chair is inactive or unruly or, you know, the council liaison that's assigned to the group is missing in action or is unresponsive and not able to deliver reports to the council. This is different -- this is a different question than what the working group work team is tackling. What they're tackling is what if, within the working group, things aren't working and they notice? What is the working group -- what rights do they have? What procedures do they have to raise an issue to the council? This is more external from people at the council observing some failings or misgivings at the working group level. James?

>>JAMES BLADEL: This is James. Do we need both internal and external accountability mechanisms like that? I mean, I'm just trying to understand are they duplicative or --

>>JEFF NEUMAN: I think they certainly relate to each other. I don't think they're duplicative in the sense that in the working group work team what they're discussing is really that it's really the role of the liaison to bring those issues to the council.

The question is: What if the liaison is not showing up, is not doing their job? There's got to be -- it's part of the supervisory role of the council to make sure that the working groups are operating in the manner that they're supposed to be. So we may not need to add much to it. We might -- a recommendation from us could be that the working group rules that they're setting up really should be the guidelines for how issues get raised, except in cases where the council liaison is unable to or unwilling to raise those issues up.

>>JAMES BLADEL: So, I mean, I'm trying to play through the

scenarios where that might happen. And I'm thinking if it were some sort of a mutiny within the working group where the council liaison was kind of leading the rebels against that. But, otherwise, wouldn't that role just somewhat by default fall to the chair? You have to give periodic reports to the council at least on the status of the working group. So I thought that that would be another check on that process, so...

>>JEFF NEUMAN: It may be an extreme outlier. It may be something very extreme. But, in some sense, the council -- it is pretty extreme. I'm following it through my head. You could have the council chair just goes AWOL, right? I mean, it's happened before. I'm sorry. The working group chair, sorry. The working group chair could just disappear or resign, say, "I'm done." And maybe something that the council -- right. Maybe the council liaison is actually not a participant in the group. So, really, it's kind of -- should there be any mechanism? And your answer may be no, right? This is a survey question. One of the responses could be, "No, I think it's good the way it is."

The next question is -- that's just related. Okay.

All right. This is a subject we actually spent a considerable amount of time on, which has been something that people have observed has not been -- we haven't had great access to other departments within ICANN for questions that have come up. So this is really communication within different -- or with different ICANN departments, for example, legal compliance. So any time the working group is trying to work on something and either they need -- they have a legal question they need to raise or it's a question on contract compliance, it's been difficult in the past -- the feedback that we've gotten is that it's been difficult in the past to actually raise those issues up to the respective ICANN departments.

And so the first question is: "Should there be some sort of formalized mechanism to communicate with the Office of General Counsel or other ICANN departments, if there are issues related to scope, implementation, or compliance?" And so, when we discussed this issue internally, just to give you some more background, really, what we had discussed was that it's important for -- it's important for the working groups to have this kind of feedback from the relevant ICANN departments. But, having a formal mechanism, really, is supposed to be done through the ICANN staff that's assigned to that particular working group. That it shouldn't necessarily -- that the ICANN staff that's assigned to the working group can sort of serve as -- in the gatekeeper function. Because, you know, you could imagine if every working group were able to have instant access to anyone within ICANN staff within any department, I think that might become a little bit unruly.

So I think that's really the nature -- I mean, there's some other

notes in -- that we discussed, which was initially the question only related to scope, questions of scope. But we broadened that out to scope, implementation, or compliance. There may be some other areas that we just didn't include in the question. So, if you have any thoughts on what other areas might a working group need support from ICANN within different departments, that's something to think about. Mike?

>>MIKE RODENBAUGH: Why don't you just leave it open? Because, really, you want to get at if there's any questions of relevance. So maybe say, if there are questions that may be relevant to such departments, including but not limited to scope, blah, blah, blah.

>>JEFF NEUMAN: Yeah, I think that's --

>>MIKE RODENBAUGH: One more follow-up on that is this intending to capture communication? I think it's not. It must be separate questions, I'm hoping. Communications with the SSAC or ccNSO or other SOs or ACs?

>>JEFF NEUMAN: That's a later question. This section really just relates to the ICANN staff.

>>JAMES BLADEL: Well, sorry. but that's a good point, though. Maybe not SSAC. But perhaps the -- but, I'm sorry. I forget his name -- but the actual CSO and other resources on ICANN staff that are in the security --

>>MARIKA KONINGS: I interpret that to mean as well, like, any relevant ICANN staff related to the issues that are being identified. So...

>>JAIME WAGNER: You're talking, James, if there's a question of Greg Rattray or -- yeah, right. That we should actually have a mechanism -- or the ICANN staff that's assigned to the working group should have some ability to be able to liaise between the working group and that particular ICANN department to get answers to questions that we might have. So, Marilyn?

>>MARILYN CADE: And where do we address the question of resources that are not inherent to the ICANN staff themselves but may need to be procured?

>>JEFF NEUMAN: We have some later questions talking about things like experts --

>>MARILYN CADE: Economic studies?

>>JEFF NEUMAN: Experts, any kind of research, any kind of analysis. It's pretty broad. So yes. Yes, there are questions there. I know that's your -- one of your favorite subjects.

So moving on, the question is, if you answered yes, then do you have any suggestions on how that mechanism should work? Again, the working group -- our discussions previously were of the nature that it's really the job of the ICANN staff that's assigned to the working group to deliver those messages, to make sure that we get the input. There's some new people at this meeting. And it sounds pretty obvious that that should be something that should happen. It's something that hasn't happened very effectively in the past. So it's something that we're calling out because of that. Mike?

>>MIKE RODENBAUGH: Isn't this already done and resolved? I thought the president's committee or whatever, basically, came out and said you have to link policy development with strategic planning and budgeting. Wasn't that correct? I just don't want to keep -- I don't want to keep talking about things that have already been discussed and resolved elsewhere.

>>JEFF NEUMAN: Right. So that is the overall directive. And then the question for us to think about is: How do you do that or do you do that at the working group level? It's not whether you should. It's how should that be done.

And, again, this is a tough one that we talked about within the group. Because it's very much abstract. And, to be honest, the group didn't really come up with too much on our calls as to how you would do that. But we note that it is -- it is mentioned in the board governance committee report, which is where, you know, ultimately, we derived our charter from. So, if there's any thoughts -- I mean, and on this subject, we were kind of at a loss for words when we brought it up on the call. Because, as you said, obviously, there should be some link. So how does that fit in with the day-to-day activities of the working group?

>>MIKE RODENBAUGH: I think, if I'm not correct, in the last strategic plan and/or budget, it listed what staff thought were the policy development priorities. Correct? So maybe it just needs to be a correlation between that and what council thinks are the priorities.

>>MARIKA KONINGS: One of the issues that was raised in the discussions in the work team was, well, often strategic planning and budgeting is done quite a bit in advance. And a lot of policy issues that are on the table are more like suddenly has become an issue or priority. And I don't think much discussion actually goes into, okay, what are the overall strategic planning and budgeting areas before the council decides oh, that's an issue we want to raise. So I don't know if, indeed, there should be some kind of mechanism to go about saying, "Oh, well, this is not within the strategic planning. So maybe we should wait or put it in next year." So these are some of the questions the group struggled with.



>>MIKE RODENBAUGH: Maybe a new council -- each year the council has to set its priorities. One of the inputs, obviously, is the strategic plan and the budget. And, to the extent that there are discrepancies between the two different prioritizations, they need to be understood and communicated. But, ultimately, the council, since it's in realtime rather -- well, that's kind of funny to assume. But is more relatively in realtime than is the strat plan and the budget, which are passed. Obviously, the council's priorities have to take precedence.

>>JEFF NEUMAN: Marilyn?

>>MARILYN CADE: So let me just introduce another phrase. "Operational plan," right? So the strategic plan is the three-year cycle. But there is a one-year plan, which is a -- sorry. There's a one-year element, which is the operational plan. The strategic plan is updated as well. So I think the purpose was to say there needs to be a flow upward from the development SOs and advisory groups into the strategic planning process as opposed to just into the strategic plan. That would address, I think, Mike, your point that, you know, the council, generally, can predict the work it's going to do for the year. But it can't totally predict it, because things will come up on a -- you know, on a quarterly basis that maybe the council will decide to address.

But I think the meta planning that goes into the strategic and operational plan, the point is to have a flow upward, I believe, from the work of the councils -- the work of the SO policy councils for resource purposes and for human -- for financial purposes, but also for human resource planning.

>>JEFF NEUMAN: Jaime?

>>JAIME WAGNER: Jaime Wagner. I see two different answers to this question. One is that with respect to budgeting and the operational role, we have to comply. That's the simple answer.

But, with respect to the strategic -- or the relevance of the issues that are raised at the level of the SOs or working groups, I think there is a 2-way -- we should not only comply with strategic issues that are -- with issues that are presently in the strategic planning, but also there is a bottom-up -- we should relate with strategic planning bringing new issues to this process of planning. I think that's what Marilyn was putting -- yeah. Okay?

>>JEFF NEUMAN: Yeah. And I think that's good. And what Marika was saying -- just said to me now is this is something that -- although it appears here in stage 3, it's also relevant to stage 1 as to when this whole process starts, especially as you're talking about strategic planning, right? Once you get to the working group phase,

you're already well into it. I think this is also kind of a Phase I issue of just raising the issue completely and the whole issue of prioritizing issues. Should this be something we deal with now. James?

>>JAMES BLADEL: I just was thinking a little bit about what Marilyn was saying earlier. It's possible -- and it seems likely -- that most of the PDPs, at least the ones I've been involved in, will outlive at least one or possibly two budgetary or operational plan cycles. So what could possibly happen if the priorities of the budget or the operational plan changed? Can they change the priority or even obsolete PDPs that are currently in process? And do we need a mechanism to test for that?

>>JEFF NEUMAN: Liz?

>>LIZ WILLIAMS: Just a quick additional question on that one. Marilyn's brought up a couple times in the past a need for external advice. How is it currently allocated in the operational plan for, let's say, specialist -- economic, legal, additional advice that would be included in policy development process? How is that budgeted for? Because that's an additional resource that's needed here. Do you want to link it in this question? Or is there a general bucket of policy development additional resource that ought to be made available? And we've got plenty of previous budgets to go on to look at what could be the run rate for prior budgeting planning. You could recommend that you did a discretionary amount of money that's available to the council for distribution and disbursement to the working groups for additional advice that they need in a policy development process. That may be a different workaround.

And, I'm sorry. I didn't identify myself at the beginning. This is Liz Williams. I'm sorry, scribe. So you might want to just take that around the other way, given the life cycle of a policy development process.

>>JEFF NEUMAN: I think just to add -- this is Jeff. Just to add to that, we do address it or we did address it in -- it's at least in stage 2, probably in stage 1 as well. It's not only resources you might need once the working group is formed, but there are resources even to understand the issue and narrow the issue down.

>>LIZ WILLIAMS: You mean in terms of scoping? So that's a stage 1 issue, yeah? And, to go to Mike's point about the council being responsible for prioritizing their issues, part of that prioritization ought to be based on economics and financing of what money is available at the very beginning of the year to say we cannot possibly do 10 PDPs in one year because that is, first of all, not feasible; secondly, not economic; thirdly, a waste of resources. So that filtering process for this question can be handled at other

points in the process.

>>JEFF NEUMAN: Yeah. And we had discussed on the calls -- and I'm looking at the notes. By the way, the notes of all our calls are kept on the Wiki.

>>LIZ WILLIAMS: I know where they are.

>>JEFF NEUMAN: And there's a good chart that we keep updating with all of these. That's where I'm reading from.

We had talked about -- it's pointed out by the group that there's no insight as to how the council working groups are operating against the budget that is allocated for its operational activities. And how decisions are taken on what gets funded and what doesn't, staff was requested to obtain further information on this process internally.

>>LIZ WILLIAMS: Jeff, just to supplement you, also, this goes back to your previous slide, which had stage 5, which is assessment and evaluation. This is a very, very clear. "Have we been effective? Have we used money effectively?"

For example, I'll use an easy one that exercised you for a long time and me, Jeff. The PDP February '06. That PDP took 18 months, cost \$3 million. This is not real figures. This is hypothetical figures.

to go back and assess the cost and effectiveness of a PDP is a very nice way of then saying is this a useful expenditure of corporate resource and can we solve a problem like contractual compliance or ICANN contracts or registries or new TLD process in a different way that is more efficient? You can't make that judgment unless you know how much you've spent, how long it's taken, over what period of time, and then look back historically. So it would be helpful to add that piece of analysis into stage 5 as well. Because you want to be able to analyze effectiveness. And you certainly don't add into that equation the cost of people who are not staff members who aren't a cost center for the organization. But you certainly want to analyze that with respect to, for example, the IRT process, which funded 15 people to go to 10 meetings to produce X result as part of that PDP process.

>>JEFF NEUMAN: Okay. Any other comments on that one? And we can jump down. This one also had a bunch of discussion on it, and it related to a number of different stages as well. And it comes up here, which is: "Should there be a process to defer policy development activities that are expected to result in significant costs and/or resources?" In other words, if it requires expert analysis and/or research. We've tackled this issue a couple times in different ways. The -- what this is specifically -- what this is not asking, which we've already tackled in other stages, is should there be a mechanism for a group or for the council to recognize that

there's an issue that needs policy development but just hold off on it because there's resources allocated to other PDPs or there's too many going on right now? This is the question of what if the council feels that there should be a PDP but it's going to cost a lot to get the expert advice that you need and there's no room in the budget at this point in time to actually do it?

>>MARIKA KONINGS: Or it might be also a scenario where a working group has started its work, realized it actually needs a lot of additional information or resources. Should it be able to say, okay, we put the PDP on hold until we have received that information or the studies have been done? I think that's another scenario that could be foreseen in this process.

>>JEFF NEUMAN: I'm going to go to Mike, and I'm going to go to Marilyn because of her facial expression.

>>MIKE RODENBAUGH: Is it another option that ICANN find the budget, tap into the reserves, does whatever it needs to do in order to handle the policy development prioritization of the council? Can we ask a question along those lines?

>>MARIKA KONINGS: I don't understand your question. Isn't it a decision of the council? Of course, there's a budget. But the feedback that staff gives back saying we can do this, but it means other things won't get done.

>>MIKE RODENBAUGH: But the council is not given a budget, right? I've never seen a budget. I don't know what the budget is for council policy development. But I certainly don't want staff or ICANN coming back and saying that, well, the GNSO thinks this is a priority, but it's not in the budget. I think that's never happened. I doubt it would ever happen. But it just seems completely unacceptable.

>>JEFF NEUMAN: I do -- it sort of came up in a roundabout way with the WHOIS studies. They didn't say -- ICANN staff never said, "We can't do it." But they said, "Let's prioritize it. Let's narrow it down and figure out a feasible way to do the WHOIS studies. We can't do them all at once." It's kind of a roundabout way of ICANN staff saying, "Slow down. We can't really do all of this at once. We've got to figure out how to make it cost effective." And maybe -- I don't know if Liz has any thoughts on that.

>>LIZ GASSTER: My recollection on the WHOIS studies is that it wasn't really a budget issue. It wasn't staff pushing back to say, "We can't do them all in that particular case." It was, you know, the community recognizing it didn't make sense to necessarily do them all at one time, that they probably couldn't all be done at one time, and that no one even really knew how much we were even talking about, how expensive they were.

So before you could even get to the point where you could say, Is this within the ICANN's budget to do, you have to know how much they even cost to do. It just hasn't sort of gotten there yet.

I think it might be an emerging issue in the sense that if I get these responses to the RFPs back and they're millions -- each one is a million dollars, how would we decide? But it would have to be -- that's why -- actually, that's why it said council and staff together would then decide because there would have to be, you know, some commitment on the part of ICANN to fund and set money aside.

But it has not been addressed yet.

>>JEFF NEUMAN: I'm going to go to Liz. Sorry, Liz Williams.

>>LIZ WILLIAMS: Sorry. I didn't want to cut across you. One of the difficulties with this -- and Mike is correct to say that there isn't a council budget. And there has long been a need for it, not that the council has the right to dispense the funds but that they are responsible for expenditure of corporate resources.

One of the problems with this is the reverse, is that using the -- and I hesitate to say this, using the excuse of budgetary restraint is insufficient reason to say, "We don't want to do that PDP because we don't have money in the budget," which artificially constrains a policy development process to that which suits those who have money coming in -- the cause of money coming into the organization. It is a very, very tricky area.

Even though I like to see much more operational and financial data being made available, it would be a terrible situation if we were in a position where because of the nature of weighted voting, you weren't able to have a WHOIS study that was required by some in the community under the pretext if there was not sufficient budget or resources to be doing it. And I think that's a very dangerous road to go down.

I just urge some caution, even though I err on the side of saying let's have rigor and understanding about how much a PDP costs and whether it is an effective way of establishing policy.

But we certainly do not want that to be the block or the barrier to doing work that is, indeed, uncomfortable and contentious and difficult. And the hand-off reason might be, Well, sorry, we haven't got budget this year.

>>JEFF NEUMAN: Marilyn, did you have a comment? And then James.

>>MARILYN CADE: I think a lot of what others have said is probably where I would like to see us go on this.

Governance of the unique indicators in the single authoritative root is ICANN's only business. It is their only product. That's the only reason that they, us, exist.

And in order to fulfill their mission, they must deliver bottom-up, consensus-based, informed policy.

So I think the council needs to be clear that that means it has to be properly resourced. And so to -- to a point that Mike was making, that means that the responsibility of the organization is to come up with the appropriate resources to make appropriate bottom-up, consensus-based, informed policy. That's their product -- our product.

>>JEFF NEUMAN: Thanks. James?

>>JAMES BLADEL: Thanks. The first part of my comment was going to be that you forgot Marilyn, but that's taken care of.

The second thing was maybe I'm reading this question a little differently. When it says, "significant costs and/or resources," one of the first things that popped in my mind was deferring an ongoing PDP in anticipation of some future event or future data or future study. So it was time as the cost as opposed to a financial cost and how could the resources that were currently engaged with the PDP be allocated to something else in the interim, you know, whether that was staff or even, you know, speaking as an overwhelmed volunteer, the other folks that are participating from the community.

And then the final point was just that -- you know, I think, Mike, I think the GNSO should be -- this is just a soapbox moment here. But I think the GNSO should be asking for a budget because I think that in the absence of one, how can you control for any sort of activity? Otherwise, what happens is, in my opinion, the ICANN capacity becomes the variable and it will just essentially continue to grow and continue to expand, not that we couldn't use a dozen more Maries and Lizes around. But it just seems that at a certain point you cannot continuously throw headcount at a particular problem to address what is essentially a management of that resource issue.

So I think you should be asking for a budget.

>>JEFF NEUMAN: Marilyn's got a thought on that.

>>MARILYN CADE: Let me make a distinction -- Marilyn Cade. Let me make a distinction between the GNSO and the GNSO policy council. They are not the same thing. The GNSO is a supporting organization. So I think -- I just wanted to clarify that what you were suggesting was a budget specific to policy development. And then I have a follow-on --

>>JAMES BLADEL: That is correct. I apologize if I was a little too cavalier with the acronyms. We do that here.

>>MARILYN CADE: I would caution against that idea. And I really think it takes a lot more discussion. I think it is very, very difficult to spend the time developing a detailed budget and to take on the responsibility of managing that budget. It also would be unique to this policy council compared to the ALAC or compared to the ccNSO. I'm not sure you would achieve the objective you want, which I think is to have adequate resources to do the job.

You would be taking on -- we haven't even finished GNSO restructuring, so I would say you might want to tee that up for discussion and consideration in the SO itself but also really think through the consequences of it.

>>JAMES BLADEL: Just to respond, I agree it is not something to be taken lightly but, I feel there is a train going down the tracks and there is no dashboard in many cases. It is difficult to see what the performance is.

And some sort of at least a measure, if not an actual budget, will be required in two situations: One, in the final stage assessing the impact or the implementation efficiency of the policy; and, secondly, I think that there has been a lot of talk with the GNSO Council about some sort of prioritization mechanism.

I think both of those activities will be undertaken somewhat blindly without some better data and control. But it's -- I understand it is teetering on the edge of a couple different cliffs.

>>JEFF NEUMAN: Let me go to Liz Gasster.

>>LIZ GASSTER: This is more of a question. We spend a lot of time talking in a way -- distinguishing between incurring additional cost, actual costs like hiring consultants to do WHOIS studies, bringing in experts who charge fees to provide, say, technical assistance versus the resources both staff and community to take on additional projects with a full plate.

I'm asking whether it would make more sense to word this question in a more granular way to avoid confusion among respondents in trying to decipher here whether we're talking about a prioritization and work-volume issue -- because I think you could read this question to be that -- or we're talking about, Gee, we have a real additional incremental expense that we're considering, like hiring an expert or conducting a study with outside resources where there's an additional dollar -- incremental dollar cost that would have to get approved and funded by someone.

So we spend a lot of time trying to differentiate those two areas,

and it might be helpful to break them out.

>>JEFF NEUMAN: Thanks, Liz. I think that's a good idea. I think we are going to break those into two different questions.

Okay? Any other comments?

I want to jump to the next area, which is on public -- I believe it is on public comment periods. So let me see if I remembered that right. Okay. So the first question is, "Should there be requirements or guidelines for which elements a public comment period should contain?" Let me find the background on this one here.

>>JAIME WAGNER: The word "elements" here needs clarification. Which elements?

>>JEFF NEUMAN: So, yeah. I'm sorry. I'm looking through the notes here. Why don't you give a little history.

>>MARIKA KONINGS: The idea behind this question is if you look at the current bylaws, for example, an initial report or final report, a specific criteria or an issues report, what elements those documents should contain. So the question here is partly should something similar be developed for a public comment period? What kind of elements should be contained in a request for public comment? And this might be as well, you know, saying a requirement. It might be something that the group might want to have in the bylaws, or it might just be guidelines that you can tell a working group, Look, if you are running a public comment period, you should really put in there a deadline, links to relevant information, you know, ask the charter questions, take the opportunity to maybe ask for further data or information. So that was the idea behind the question, I think.

>>JEFF NEUMAN: You just kind of summarized the notes that are on it, which is good.

>>JAIME WAGNER: The question should be more specific because the obvious answer to this is yes, okay?

>>MARIKA KONINGS: I mean, just to point out, of course, the survey should be read together with the notes document which further information/explanation is provided. The survey does assume that people have seen those documents before and some of the --

>>JAIME WAGNER: Sorry.

>>MARIKA KONINGS: No, no. Just to explain, and I'm happy to provide information here. That's why in some of the questions, there is more information. It is just not here. It is in the other documents.



>>JEFF NEUMAN: Thanks, Marika. I think it is a good point. So when we sent out the survey formally, we'll attach the notes to it so you can, when you are filling it out, get some more of the context.

We were just trying to write up the questions, and some of them got kind of long when we were trying to reflect the notes so we were trying to do it in shorthand. But I think you're right.

Liz?

>>LIZ WILLIAMS: Just a quick question, Jeff. What response rate are you getting on your surveys?

>>JEFF NEUMAN: From the group? Pretty good actually.

>>LIZ WILLIAMS: Broader than this group?

>>MARIKA KONINGS: The surveys normally are just sent out to the group. I think on the first one we had, like, 14. And the second one we had to encourage people a few times. I think we had, like, 12.

>>LIZ WILLIAMS: The reason why I ask the question -- it goes to Jaime's point as well. As a plain English language person, it is quite awkward language when you are asking a question in a survey. So, for example, "Should there be guidelines for public comment periods?" Yes, there should be so people understand what public comment periods are for and public comments are really, really important in policy development processes.

And if you said yes -- because I believe they should be incorporated. Then if you go to 14, it says, If you answered yes to the previous question, provide your feedback on what a public comment period should include. And that will be your thing about links and about the relevant documents and about what standing the public comments have and how the public comments are treated so there is a little bit of a clarifying language around there which would be a bit easier.

>>JEFF NEUMAN: Thank you, Liz.

Any other comments on that? Really this question kind of sets up the basis for all the following questions. So 15 is -- again, I'm going -- because I can't read that -- Should a working group be required to conduct a public workshop during a public comment period to provide an update on the status of the work and solicit public input?

Okay, this is a very specific question that the group had talked about -- I'm sorry, I thought I heard something -- that we discussed whether as part of a public comment period should ICANN do a Webinar to -- as another form of soliciting comments.

And then when we discussed it, essentially the group said that sounds like a good idea. We think it should be an option available to the working group, but we don't think at this point it should be made mandatory.

And then I asked a question for people to think about, well, should we -- we know it is optional, but do you put that -- when we do our report, do you make that a recommended, like a best practice?

Because we keep having different -- this comes up over and over again. What we like to ask people is, okay, is something optional, recommended or mandatory, right? "Recommended" meaning the best practice. So is it optional, best practice or mandatory?

So, again, interested in thoughts on this. What we had discussed was it sounds like a good idea to have but completely at the option of the working group.

So I see Marilyn, James.

>>MARILYN CADE: So here's my comment. I may have a view on the use of Webinars, but I'm going to express a view on the term "best practice." "Best practice" means you have experience doing it. It is well-established as a practice. It is a customary practice that has been tried.

You might want to put it on an optional list, but I don't think you should call it a best practice until you have actually tried it and assessed its impact. So I'm just -- if you call something a "best practice," you're basically saying that is the standard that you should adhere to.

And I think what you really want is a list of the kinds of mechanisms that could be used which might include a Webinar or other things rather than saying Webinars might be best practice.

>>JEFF NEUMAN: Yeah, I apologize for that term. Actually the term I use is "optional" or it is something we "recommend" or it should be "mandatory."

>>MARILYN CADE: I'm just going to go back to, do we have experience? A lot of trade associations, et cetera, do Webinars. I think we're just beginning to experiment with the use of Webinars at ICANN, and we're not doing assessments as far as I can tell of the participants to see if they are really effective.

>>JEFF NEUMAN: So your answer is "optional."

James?

>>JAMES BLADEL: That's a good point. We did have a few not Webinars but workshops, I think, in Mexico City for registration abuse, and I think they're helpful. Just to reiterate, I think one of my comments on the calls, you have to be careful with the term "recommended" because if a group feels a certain approach is optional but recommended, then the onus -- or the justification is there to understand why it isn't being done. And so just by default, it kind of gets into being -- becoming a back-handed requirement.

And I just want to make sure that we're making that distinction when we say something is recommended because now it doesn't even really take necessarily -- just looking ahead and playing this out, it doesn't necessarily take a consensus of the working group to call for a workshop if it's recommended.

>>JEFF NEUMAN: I think that's fair. The other point -- and then I'll go on, the other point that was raised during our discussions were that we talked about different types of public comment periods within a working group. There's one that's in the past and one that, I think, the group has discussed continuing, which is that happens right when the working group is formed, right, to basically help the working group figure out some of the issues that are out there and where people stand on that.

So some people had said, Well, it might be an option to do that for the first public comment period, maybe not the other public comment period. So it's -- again, it is an option. It's on the menu of things that a working group has to choose from.

So I will go to Jaime.

>>JAIME WAGNER: Marilyn, I would agree with you on the term of "best practice," avoiding it. I would consider a Webinar or any form of hot change, not written but online conversation, it's much more effective. And you don't need to have an experience with that to assess it. It is much more effective in this mirror exchange of e-mails. I think I would recommend and not only say it's optional.

>>JEFF NEUMAN: Okay. Marika?

>>MARIKA KONINGS: I think another idea that was discussed in this context in the "optional" category was that such a public comment period or such a workshop or Webinar could be used at the start of the public comment period to actually inform people what is being asked and what the issue's about as well in a way to get more relevant comments.

I think we have all had an experience of public comment periods, all kinds of information is submitted that's not the least relevant to the issue that the working group is actually looking at.

It might be a way as well to educate those that are interested in providing input on what it is that the working group is looking for and which questions it's supposed to answer.

>>JEFF NEUMAN: Okay. Let's go on to the next one. I keep looking up there. It is much easier for me to look at the computer.

>>MARIKA KONINGS: You need new glasses.

>>JEFF NEUMAN: I do. You're right.

"How should a working group obtain public comments from persons and/or entities that do not participate in ICANN or other supporting organizations or advisory committees?" There's another question that deals with getting input from constituencies and supporting organizations and advisory committees.

This question is asking for those that do not ordinarily participate in the ICANN process, should there be some outreach done by a working group or recommended to ICANN when there are public comment periods, and how do you reach them?

I think we had several conversations on this one. And, in fact, some had raised a point that maybe it's not our responsibility to reach outside of ICANN, that you can only do so much. Is there any other thoughts on this? I think, Marilyn, you spoke to this issue.

>>MARILYN CADE: I did. The concern, I think, we have to have is to balance being -- making informed, responsible policy with making sure that we are also doing this in an environment where there's an environment that is encouraging of the participation with the broadest relevant group of stakeholders.

And I say that -- I'm going to give an example. Scaling the root is a -- probably a really interesting example of the fact that the analysis has to be done by technical experts. And taking an opinion vote on whether or not you like the findings of that report really isn't even relevant.

So I think we need to try to figure out in terms of making informed, responsible policy, making sure we have an open environment, doing other things to draw the broadest possible group of interested parties into participate.

But I don't know that we can design a participation mechanism around a particular policy development process. At the same time, it would be silly for us to develop IDN policy without drawing in IDN experts. So, you know, I think we need to look at this and try to remember what ICANN's mission is.

>>JEFF NEUMAN: Okay. Thoughts on that one?

Okay. So the next question was: "What should a working group do to obtain additional information related" -- Sorry, that's the one we did. Sorry, I forgot to turn ahead.

"Which public comment periods should be mandated in the ICANN bylaws?" I think we just need to fix a little wording in there. Right now the bylaws have a public comment period that is at the outset of the PDP process as the working group or -- well, it still has "task force" in there but we are dropping it out.

The bylaws basically say there is a mandatory public comment period at the beginning and then there is a mandatory public comment period after an initial report. This sets up some of the other questions later, so it may seem obvious. But the question is: Should there be other mandatory public comment periods aside from the ones that current exist in the bylaws? Liz?

>>LIZ WILLIAMS: What's the purpose of them? Because if you insert - for example, you've mandated two, beginning and end. And a public comment period takes 21 days? 30 days? 60 days?

>>JEFF NEUMAN: That's actually another question, yeah.

>>LIZ WILLIAMS: Yeah. So let's say you want to have an efficient, relatively open, productive working group process, if you insert, say, a third mandated public comment period in the middle or one for the council or one for the GAC or whatever you want to do, then you insert in the process before you finalize a potential recommendation for a potential policy change a time period that has a direct bearing on the effectiveness of the work.

So instead of saying, Which public comment period should be mandated, the other way to ask the question is around the other way to say, is there any value in additional public comment periods that should be mandated? Because you have to ask the purpose question for public comment periods.

>>MARIKA KONINGS: So then you would assume that those that are currently mandated stay there. That's your assumption there?

>>LIZ WILLIAMS: Absolutely, sure.

>>MARIKA KONINGS: I think the question is, in this way is more open, should any of them be mandated? I think that's what the working group discussed as well.

>>LIZ WILLIAMS: I was always working under the assumption that public comment periods are mandated and would remain so. So I misread that as an additional one. So if I misread it, then I'm guaranteeing others would misread it, too.

>>MARIKA KONINGS: I think this relates as well to the discussion we had on the public comment period that's currently mandated for the initiation or management of the initiation of the PDP. I think around there we had some discussions, okay, so which -- and I think it relates as well back to output, the question that comes later, are there any kinds of different outputs that you are going to have from a working group? And how would it link to the public comment periods? And which of those do you mandate?

If you have more different outputs, you might need to require more different public comment periods? Would you mandate those or not? And what do you do with the ones that are currently in the bylaws that are mandated?

>>LIZ WILLIAMS: Well, perhaps, then one ought to go back to tors and say, what's the most effective way of having any public mandated periods? Just because they are mandated in the bylaws now does not mean to say that they ought to stay there in perpetuity.

So there is no reason to say across the stretch of a whole PDP process from rabbling around in this room about an issue that exercises five people and then 20 and then 100 and getting it from that point to a board recommendation that it's a vote that then goes out for a board report, for example, across the continuum of the whole process, not just this working group process.

Where is it most desirable to have mandated public comment periods?

>>JEFF NEUMAN: I think that's a good point. We actually spent some amount of time on one of the calls talking about whether the initial public comment period that's currently mandated in the bylaws has value. And while at first some people question that, I think in the end what was discussed with the members of the group was that it really gave the people in the working group something to build off of. Whereas, a lot of times you'll get an issue thrown upon this working group. When you have public comments that are coming in, it helps you to shape those.

Then the group also talked about having additional public comment periods but not official mandated ones that you would see in the bylaws. For example, there have been groups that have just sent out questions that say, Look, we just have questions we want people to provide input on. It is not a technical public comment period. It is not one that's mandated but it is at the option of the group.

Is there anyone -- I know James was in the queue, and then I will go back to Liz and Jaime.

>>JAMES BLADEL: Yeah, and I think I was one of the outspoken ones that was saying that those early and initial public comment periods

seem to be, you know, becoming less and less relevant, especially if there were, for example, comments on the issues report and comments on the PDP as it was going through the council. It seemed like, you know, this was just piling on.

And then the second thing -- and I know it's not a popular position to take, and I don't hold it very strongly, but it is just more of an idea that at some point the openness and the input through the public comment period needs to be balanced somewhat with the contribution of the folks who are volunteering on a weekly or daily basis.

I feel a lot of times I have been in groups where public comments have taken the discussion in a new and interesting direction that was completely overlooked over the course of many months by the working group. But I've also seen where folks who have worked on something for the better part of a year had a public comment come in and just kind of, you know -- what do I want to say here -- turn something around at the last 11th hour.

And I think that in some way is a diminishment of the contribution of the folks that had worked on something for that time. And certainly the comments of those types should be seen as a recruitment to "Please, come, get involved with this group."

I just wanted to make sure that we're recognizing that there is a balance at a certain point and we don't want to go too far, either extreme by overloading public comment periods, either required in the bylaws or even optional. Again, if a tool is there it will be used or you will have to justify why you are not using the tool.

>>JEFF NEUMAN: Okay. Thanks, James. I'll go to Liz.

>>LIZ WILLIAMS: One of the other pieces of the puzzle about public comment periods is they're terribly important, because it gives an option for people to participate.

Using them too often means that people ignore them. There is not a defined, concrete point to say, "This is now a crunch point. Speak now, forever hold your peace." This public comment period is important.

So used judiciously and used seriously, public comment periods are very, very helpful. Used too often and capriciously, I think you then waste your time.

So the other -- the more important question for me is not how many ought to be mandated, it's what you do with the stuff when you get it and how that's reflected into the results of the process. And I remember a very, very funny exchange I had with Danny Younger, who was a grand public commenter over many, many years and he said to me one day, "You just don't even read them." And I said, "Yes, I darn

well do, you know, do you want the binder?" So the point of telling that little story is that people have to feel that it's worth the candle for them submitting a public comment period because the material that they do submit is worthy and valuable, and it is going to go somewhere.

>>JEFF NEUMAN: And you've just jumped ahead to the next question.

>>LIZ WILLIAMS: Oh, I'm sorry. I'm sorry about that. I didn't even --

>>JEFF NEUMAN: But you're absolutely correct that that is --

>>LIZ WILLIAMS: I didn't even know.

>>JEFF NEUMAN: Jaime, I know, had a comment.

>>JAIME WAGNER: Yeah. I think the -- an initial comment period is - - it's okay to give input, but I think a final one on controversial matters is also mandatory. But it depends on the issue, if it is controversial, you know? Then it should be mandatory.

It means what kind of consensus has the people who worked will achieve in the community at large. That is this -- this final comment period would be a kind of a thermometer of this consensus, and I think this should be mandatory in this event.

>>JEFF NEUMAN: Right. So right now, in the bylaws there's a mandatory public comment period at the beginning, and then there's a mandatory one after a -- what's called currently initial report.

So those two are in the bylaws now, and so our question, since we're tackling the entire PDP process, do we keep those the way it is?

And the feedback that the group has gotten is: Yes, those should be kept in as mandatory. There hasn't really been -- I mean, James is saying maybe the value at the beginning is becoming less and less, but most of the people in the group are saying at this point we should keep those in the next version of the PDP Version 2.

The next -- Question 20 talks about exactly what Liz had kind of begun to introduce, which is: Okay, now that you've got these -- this public comment period, that's great. What do you -- what do you do with the comments that you receive? And how do you let others know that you've actually read those comments and have taken them into consideration?

And one of the first things we did, because it came about -- this topic came about right about the time as the affirmation of commitments came out, and so we took a look at that document, and I think, you know, to basically summarize -- and don't quote me on



this, but essentially the affirmation of commitments has a section in there that talks about, you know, "You must consider those comments that you receive and you must deal with those in an open and transparent manner and provide an explanation as to, you know, what you did with those comments," essentially.

And so the work team agreed that some guidance on what to do -- what a working group must do might be helpful but debated whether such guidance should be mandatory or optional and most agreed that a working group should provide a detailed explanation as to why or why not comments were considered and incorporated into a report.

So Liz?

>>LIZ WILLIAMS: Jeff, one of the things that would be helpful to answer this question is to manage public comment as expectations from the beginning.

So going further back up to -- you know, back up to your previous questions to explain what a public comment period does, it's of grave disappointment to many people that despite their public comments, those comments are not ignored, they're read but then they're discarded.

So in -- and rightly so. Because it's -- if it's -- if we're using consensus, if we're using Rafferty's Rules of rough consensus and general agreeable ways of doing things, then quite often the left and right of the public -- you know, the far left and the far right -- is ignored for the greater good of the middle.

Setting a set of expectations about what public comments can do in a process is going to help you here, because public comments quite often are off-topic, irrelevant, a general rant, not helpful at all, particularly at the level of a working group. If it was public comments that were relating to a board review that the board was considering something about making changes to something significant and structurally in the organization, that's a very different ball of wax than a public comment period at the low level of a working group.

And this, again, is another question about where you insert a public comment period, in which piece of the process.

And public comment periods can be -- public comments can go ignored. They can be read and discarded and said, "Thank you very much, but no." So that's an expectation-setting exercise.

>>JEFF NEUMAN: Yeah. I think and that brings up a -- you know, another topic that we discussed. You know, one of the outputs of this group is to make recommendations as to changes to the bylaws, but another thing this group talked about was doing a kind of a manual of -- or instructions -- not instructions but kind of a

guideline or a guidebook as to what is the policy development process and what -- as you said, what relevance does -- or what types of comments are helpful, what does a working group generally do with those comments. You know, as kind of a guideline for people to read on the process for -- especially for newcomers who have this expectation, "Well, if I'm filing comments, then, you know, they must be considered."

But also for working groups, what to do with those comments, because oftentimes you'll get comments for things that the group has already considered, so the working group should make it known that, "Yes, we've got these comments and we've already considered it, but decided to go in this direction for these reasons."

So Marilyn?

>>MARILYN CADE: So in light of what Liz said, and what you just said, how do the two of you respond to the, I think, fairly urgent requirement -- and I think acceptance of that by at least the chair of the board -- that comments that are received must be acknowledged and an explanation provided on how they're dealt with in the public comment process that the board operates? Are we saying that we have a much lower standard but we're the policy development organization, the board is not. The board is taking comments on policy recommendation -- other things as well, but on policy recommendations that are put forward from this organ.

>>JEFF NEUMAN: I didn't -- I think when I gave my answer, I'm not sure I said that they should -- shouldn't be acknowledged or that they shouldn't --

>>MARILYN CADE: Well, I was -- one thing that Liz said which maybe just -- you know, they could be discarded. I didn't --

>>LIZ WILLIAMS: Sorry. Let me clarify.

My view is that anyone who bothers to participate at any point in the process through a public call for comments must have an e-mail back that says, "Thank you very much, we really appreciate your input, and this is the next step in the process."

>>MARILYN CADE: Okay.

>>LIZ WILLIAMS: Yeah. Not because they're discarded because they come at this level of the process, meaning they're meaningless. They're very meaningful. But that they need to be handled in a way that, one, acknowledges the input, and two, then quite clearly sets the expectations of what a working group is to do with those public comments. And actually making the distinction that you've made, Marilyn, about board asking for public comments, that's a different thing than in the policy development process for asking for public

comments. It's the same outreach, it's the same seeking views, but it's a little bit of a different process here.

>>MARILYN CADE: Sort of a follow-up comment.

The present accountability mechanisms, as inferior and weak as they are, do at least include a reference to the fact that you can be harmed by the failure of staff or the board to take into account information that may have affected a policy decision, and so one of the things to kind of think about tracing backward -- right? -- is: What are we doing in the process we're operating that documents that information was received, how it was dealt with, et cetera?

Because right now, you know, the only place you can -- a member of the community can actually seek reconsideration is at the board level in terms of a policy, "Have you been harmed by action or a decision?"

But it is -- that determination is based on whether or not information was received and then addressed, which I would think if a policy development process receives information, disregards or fails to take into account information that would have changed the policy that is recommended, that that would also be a relevant grounds for seeking reconsideration of a policy.

>>JEFF NEUMAN: Okay. Let me go to Jaime.

>>JAIME WAGNER: What I think is that the type of acknowledgement that is needed is not only to say, "Well, okay," but also what was done with the contribution. And I think there are three categories or -- well, a contribution can be discarded, or it can be considered, or it can be filed as a minority viewpoint. These are the three ways I understand a contribution should be acknowledged.

>>JEFF NEUMAN: Okay. Thank you.

Going on to the next subject, which was also brought up, is: How long should a public comment period be? And again, I'm paraphrasing. And should there be a difference -- let me read from here. Sorry. This is bad.

Should there be a difference between the length of a public comment period and the submission of constituency statements. I think I worded that too quickly.

What I was trying to ask here is right now there's -- there have been some people that have said, "Well, it takes longer to get a constituency or stakeholder group statement than it does to submit an individual public comment period," so some had brought up the question of whether they should be -- although they run parallel, whether there should be a longer time period to allow for constituency or stakeholder group statements.

>>MARIKA KONINGS: (Speaker is off microphone).

>>JEFF NEUMAN: Right now, they don't always running parallel, but --

>>LIZ WILLIAMS: (Speaker is off microphone).

>>JEFF NEUMAN: What's that?

>>LIZ WILLIAMS: Should they run parallel?

>>JAIME WAGNER: No.

>>LIZ WILLIAMS: I think not. Unless there's a very tight coupling. Is a constituency statement influenced by public comments? Probably. Should it be? Maybe. Would it be fully informed? Don't know.

>>JEFF NEUMAN: Well, if you don't -- so if you don't run them in parallel -- and the group talked about this -- then you're extending the process out much longer, right? Because if you had a 30-day public comment period, let's say, and then you had a 45-day constituency statement, you know, you're already now talking 75 days of public comment.

So the group had talked about that and the group did say -- at least on those calls -- that they envisioned it should be parallel and that 30 days -- a 30-day public comment period, in general, was -- should be enough time for both the public comments and the constituency/stakeholders recognizing that a working group should have the ability to extend that as needed. So I'll go to Liz and then Jaime. Sorry.

>>JAIME WAGNER: Well, I have strong feelings about this anxious approach, you know? Because I think 75 days period is okay. If we -- we intend to come up with something that is good, I don't know why -- why to put such a hurry in the process.

>>JEFF NEUMAN: Maybe I should go to Mike Rodenbaugh. I'm sure he's got some ideas on extremely lengthy public comment periods.

>>JAIME WAGNER: Well, talking about anxious guys?

[Laughter]

>>JEFF NEUMAN: So, yeah, let me go to Liz. Then James and then Marika.

>>LIZ WILLIAMS: I am a real meany when it comes to how long it ought to take constituencies to get their act together, so I'm -- and I'm completely -- would like them to act much more quickly and thoughtfully and reasonably because that's why they exist, and they

ought to know what's going on. That's their job. To be on top of stuff. That's why they have councillors. It's why they have little working groups. It's why they have rapporteurs. So really and truly raise the bar of expectation on what a constituency does because that's what its job is, but then -- and so shorten the period.

But I'm with Jaime. You're going to take 75 days anyway. What PDP ever, in ICANN, has taken -- I mean, come on. Let's be realistic.

But longer public comment period and outreach that goes with it to enable people to be properly informed and then submit cogent public comments is much more useful than driving them down a 21-day really limited time. Especially if it's individuals that may be affected by a policy development change or indeed corporations that need to seek sign-off at different levels of an organization. So make it harder for constituencies to fiddle around and give opportunities for others outside the tiny little nucleus of the working group to consider what's going to have an impact on them.

>>JEFF NEUMAN: So let me go to James.

>>JAMES BLADEL: That -- that's a good point, Jaime and Liz, about the 75 days. Just one thought, however, is that that tends to accumulate throughout the life span of a PDP and 75 days right there in the beginning maybe takes a 6-month PDP and turns it into a -- it might -- it multiplies down the road, so -- not always, it doesn't have to, but it's certainly not something to get out of the gate with.

One thought I was having, when reading this question, Jeff -- and maybe it's something I'm not as well versed as others are -- as we're talking about the difference between a public comment and constituency statement, it occurs to me that this might be a way to essentially draw a distinction between the contributions that people make as a part of a community versus on an individual basis, and I think that, for example, you know, if a member of a constituency or a stakeholder group has an interest or something to say with regard to a particular issue, why wouldn't they be sending that through their stakeholder group process, as opposed to also commenting separately in the public comment.

So really what I was thinking is that this is drawing a distinction between community comment and external to the community comment, as opposed to public comment. Does that make any sense?

This idea that, you know, we all wear a lot of hats, right? I mean, I'm with a registrar, with, you know, a contracted house of the GNSO and all these other things, but I'm also a user and a registrant and all these different things. I may have different interests that overlap, and I think that by making this distinction here, are we saying that we're making a distinction between those individuals who are participating and representing themselves, perhaps, or

representing entities and organizations outside of the ICANN community versus those that are representing the positions within a stakeholder group or a supporting organization within the ICANN organization?

>>JEFF NEUMAN: So one thing this question doesn't do is tell you -- or tell the working group -- and I think its purpose, we talked about this, it's purposely done this way, it doesn't tell the working group how to evaluate those comments.

So it doesn't say that constituency statements or stakeholder group statements have more weight than public comment in general.

>>JAMES BLADEL: But we're implying that if we're giving different time frames to -- for example, if one group is given a first crack at a comment or the ability to read the other group's comments first and have a longer time to respond.

I think that you -- you know, in a way, you're setting a hierarchy between those two types of groups.

>>JEFF NEUMAN: Yeah. I think --

>>JAMES BLADEL: Not by intention, but just by -- by accident, I mean.

>>JEFF NEUMAN: Yeah. So when we were discussing this on the call, the opinion was -- and again, this could change. This is just what happened on the call. The opinion was that they should be run in parallel, recognizing that a constituency statement may take longer to put together than an ordinary public comment period, and, therefore, giving some extra time for the constituency or stakeholder group to get that statement in -- or, frankly, advisory committee -- for getting that statement in should be lengthened or could be lengthened if the working group wanted to. It wasn't -- but Liz has introduced a different concept here -- Liz and Jaime -- where you're talking about, well, maybe a constituency or stakeholder group wants to see the public comments and make -- may react to that. Which is not something that at the time the working group had addressed, so that's -- it's a new variable.

>>JAMES BLADEL: Well, like, for example -- I'm sorry, but as an example, I could participate within the registrar stakeholder group and go through their constituency statement and then turn around and submit a separate comment that just essentially, you know, discredits everything that they said and there's nothing -- there's no mechanism to say that those -- are those comments treated by the working group as equivalent.

>>MARIKA KONINGS: Now, a point I just want to make is that I think I argued as well for having, you know, no rule that they should run in parallel based on practical experience, because I think what often

happens is that indeed the comments that -- or the questions that go out for the public comment period are normally, you know, just a chart of questions and, you know, the group might have some -- a chance to discuss, you know, a bit more in detail on what information you would like, but I think on the constituency statements, I think what often happens in practice is that the person that's participating in the working group is often also tasked to make a first stab or provide some initial input on development of such a constituency statement.

And I think there, there is a benefit for having some initial discussions in the working group, so that they actually understand and have really grasped what the issues are about, because what I've seen I think if you do it too quickly, it might be that you haven't gone into the detail of what is actually -- what information is needed to answer those questions, which, you know, some input you might not get from the public anyway or they might be able to do it after the initial report once they've seen some of the deliberations.

But I think constituencies will benefit from those initial exchanges to really discuss internally where you often have, you know, experts or -- on those issues, to really go into the detail of what the working group will need to answer those questions.

So I would be more of an advocate, as well, of definitely not recommending to run them in parallel. Of course trying to avoid to have too much time so that the period extends over a longer period, but I think there's benefit in, you know, both having them take the course as is needed.

>>JAMES BLADEL: Could I -- I'm sorry.

>>JEFF NEUMAN: Yeah. Let me just go to Jaime and then I'll go back to James.

>>JAIME WAGNER: Well, when James was speaking, and I think you, Jeff, said that there is no difference in status between the constituency statement and the public comment.

Well, a constituency has -- you, as part of the community, you have the channels, and this channel is not a private opinion. It should be submitted to prior -- previous discussion with other members of the constituency.

But then I -- and I thought that this type of approach should have more consideration, because it has accumulated more discussion, more prior discussion, okay?

So if it is done -- a contribution is done through a constituency, I thought before that should be done more consideration than a public comment.

But then I realized that a public comment can be done by a whole federation of -- and subscribed -- but it can be as discussed as a constituency, but -- so let's --

>>JEFF NEUMAN: So I think -- so let me just -- on that one, I think it may be worth answering a separate question that we don't -- or asking a separate question that we don't currently have in here, about the weight of public comments.

I think what I said is that the group did not discuss what we he have should have, and I think for the reasons you're talking about.

Sometimes a working group may choose to give more weight to a constituency or stakeholder group statement. Sometimes they may choose to give weight to a public comment that is received, whether or not it's from an individual or from a federation.

It's really the merit of the comment itself, as opposed to who is submitting it. I mean --

>>JAIME WAGNER: Yeah, but --

>>JEFF NEUMAN: But the point is that -- the point is we didn't want to dictate, as the policy development process work team, we didn't want to set forth a rule saying, "Working groups, you must consider a constituency statement and weight it more heavily than a public comment statement." Right? That's not something we as a group would ever want to say.

It's really for the working group, their members, to determine how to weigh a -- the discussion that we had was that it's for a working group to weigh those comments as it wishes.

>>JAIME WAGNER: Let me rephrase my first approach.

I don't -- I don't feel that one should precede the other and one group should read -- to rephrase, but I think 21 days or 30 days is a small amount of period.

Now, it can be run in parallel, but I think it's too short a period, 30 days.

>>JEFF NEUMAN: So what would be your recommendation? How much time? The reason I ask is because it's really -- it's incumbent on us to provide a guide -- if not a definitive time, you know, "It has to be 30 days," it's incumbent on us to build in the recommended time frames because that's currently something that's in the bylaws and it's something -- it's an outcome that's expected of our group is to produce those.



>>JAIME WAGNER: Yeah. I think both should occur in 60 days, okay? Both. Either sequentially, but essentially in parallel.

>>JEFF NEUMAN: Okay. James?

>>JAMES BLADEL: Yeah. I was just -- that's a good idea, but I just wanted to go back to the idea of them not necessarily happening in parallel or how do we allow them to happen in parallel if one is designed to take longer than the other.

And just the idea that that that takes longer should start earlier so that they end about the same time -- and I think that that would be conducive to a more effective flow in the work group, is that if we are saying that constituency statements were to, say, take 60 days where public comment was 45, for example, that that means the constituency statements go out 15 days earlier, just so that they end at the same time.

And then secondly, going back to one of the previous questions -- I think it was on 15, when we were discussing the diminishing value of front-loading multiple comments at the beginning, perhaps we were to separate them, you know, and put constituency statements at the beginning of a PDP in place of the initial public comment period. And then of course public comment and -- public comment and including those from those who participate in constituency statements after the interim or initial report and then kind of bring everybody back together at the final report stage, and that was just a thought of trying to maintain the value while keeping their different schedules separate from one another and from colliding.

>>JEFF NEUMAN: So just to repeat that again, so at the beginning you would say -- and when you say "constituency," you mean constituency, stakeholder group --

>>JAMES BLADEL: Stakeholder groups.

>>JEFF NEUMAN: Well, it could be a constituency.

>>JAMES BLADEL: Sure.

>>JEFF NEUMAN: Under the model you have both.

>>JAMES BLADEL: Let's say internal to the ICANN community at the outset of a working group, but the initial report or the interim report that is generated is put out for public comment.

And this is what we're talking about requiring, as opposed to leaving options for additional, if circumstances require additional public comment.

And then of course everyone is -- both stakeholders, constituencies,

and the public are invited into the -- into the final comment periods.

So that's brainstorming at the table.

>>JAIME WAGNER: The problem is that people with -- who are volunteer or which are in charge have interest and have discussions, but they should submit at the very beginning if -- to the -- to a larger audience what are the -- the -- they may be driven in another direction, okay? That's the importance of the first public comment period, I think.

>>JAMES BLADEL: Do you mean that they should be declaring their interests when they participate in the group or when they're submitting comment?

>>JAIME WAGNER: No, I mean -- when there is a first public comment is over, something that is produced by the group, nuclear group, okay? And they should see that this first public comment period serves to see if they are in the right direction. If they -- if there -- if this first public comment doesn't happen, they can work too much in the direction that in the end the community or the larger public says, "Well, that's not fit our interest."

>>JAMES BLADEL: I was presuming there would be other comments on the issues as well. It went through the issues report. And, when it went through the PDP at the GNSO Council, so --

>>JAIME WAGNER: But the sooner, the less work is wasted.

>>JAMES BLADEL: Okay.

>>JEFF NEUMAN: Okay. Let me go on to the next part.

>>JAMES BLADEL: That raised a really interesting issue, I think. I don't know if it's a tangent we want to get off on with this particular work that's in our stages. But the idea of statements of interest, as, obviously, it's a part of -- I don't know if it's mandated by the bylaws or it's just something we do. Is it -- that's a working group work team?

>>MARIKA KONINGS: For members to participate or --

>>JAMES BLADEL: It's required of the folks who participate in the working groups. But it is even a consideration that that would be an element that we would request for any public comments?

>>MARIKA KONINGS: I think it's a very good suggestion. Because I did have someone recently asking on an update where we received so many public comments about how many of those were actually received by registrants or ordinary registrants and not with professional interests. I think that's an interesting idea to maybe have that as

part of the requirements for public comment period that people identify at least their background or where they're coming from.

>>JAMES BLADEL: Of course, there's absolutely no way to know if they're telling the truth.

>>JEFF NEUMAN: It's interesting. Because one of the things that the mailing lists do is they block out the email addresses, so you can't even tell where they're coming from. But ICANN staff can get it. That's a good point. And it goes back to one of the earlier questions at the very beginning of what elements should be required in a public comment period.

>>MARGIE MILAM: Sorry. We have such a hard time getting people to participate on a public comment. I hate to make it more difficult by requiring them to put some -- not like a formal statement of interest.

>>JEFF NEUMAN: In the instructions that go out to solicit public comments, it could say, "Please remember to indicate your name, affiliation. And, if you're representing anyone other than yourself, if you're representing an organization or whatever, please put that in there."

>>JAMES BLADEL: Some public comments come in, for example, just with initials.

>>JEFF NEUMAN: Let me go to Robin and then Avri.

>>ROBIN GROSS: This is an interesting idea worth exploring. And one possibility to think about it is having somebody say a statement like whether or not they were paid, whether or not these comments were prepared by a professional to represent someone else or if they were not paid for by a -- or if they were not written by a third party and paid for by somebody else. We see that a lot in the legal profession to help the court understand, for example, an amicus brief, if it was drafted without compensation or if it was just on its own initiative. Just an idea.

>>JEFF NEUMAN: Okay. Let me go to Avri, and then Liz is going to --

>>AVRI DORIA: Yeah. It is, actually, an interesting idea. And I actually don't know that it is necessarily as hard to do. Certainly, you don't want something where it's a template that they have to fill in. But, if it's something that the group, in general, ended up being considered worthwhile, they've gotten so good at having forms that, you know, you fill out a form and attach your comment that -- basically, putting a bunch of check boxes and a couple fill-in answers on a form would not be prohibitively difficult and wouldn't necessarily be a barrier to -- the same sort of barrier that having to sit down and think up one of those, you know, statements of interest would be. But a couple well-chosen check boxes and fill-in

things might satisfy the need.

>>JEFF NEUMAN: Okay. Thanks. Liz?

>>LIZ WILLIAMS: Jeff, one of the things that I would have found useful analyzing a lot of public comments is, if they arrived in a relatively similar database form. So, for example, if you have a binder full of public comments and you mark them up and you say you want to use them and they're very valuable to you, if you have no search capacity across the commentary, then it's quite difficult to say, "You know, we had a lot of comments that looked like this, and quite a lot of people use the same phrases." So, technically, from Avri's point of view, it is actually very easy to improve the public comment period where a public commenter is obliged to use a link that takes them to a form that they fill in, which is quite a simple database system. Not dissimilar to this thing here like a ugov poll. It's very straightforward.

One of the other things that I also would like to address -- and this was just brought up by Robin, which reminded me. One of the things that irritated the heck out of me was a whole lot of repeat, repeat, repeat, 27,000 of the same darn thing, just sign on the bottom here. And that will be your public comment. That could have been said once with a set of signatories at the bottom so that it comes to you once, not 25,000 times flooding your inbox. So, if there is an amicus brief kind of way of, you know -- let's use Robin as an example. Robin has got together 10 of her mates, and she submits one set of public comments that reflect the views of 15 people or 25 individuals or 21 organizations. It's actually much easier to manage that in a public comment process, if you receive it once and you know where Robin's -- you know, Robin's group are getting it from than to receive it multiple, multiple, multiple times. That is really just an electronic petition form that is misused and has been used in the past to skew a process. So that demeans the value of a public comment. But I'm also conscious that I understand exactly what Margie is talking about in terms of getting people to participate. Make it simpler. Make it technically easier, but also make it easier to use the output from the public comment period. That's a big challenge, because it's a lot of information.

>>JEFF NEUMAN: I want to go to Marika who wants to comment on that and then James and then Jaime.

>>MARIKA KONINGS: I want to thank Liz for that excellent suggestion. It's a great way and it makes staff's lives a lot easier as well in categorizing comments. Normally, we ask specific questions. But people often go off on a tangent and talk about other things. If we boxes on the questions and still have an "other" comment box, so we don't restrict them in answering. It's a very good suggestion. I'll definitely I take that back and look into how we can make that work.

>>JAMES BLADEL: Just really quickly, I think the phenomenon that Robin and Liz were describing was probably based on a misunderstanding of how public comments are received, categorized, and processed by the working group, and that all of those -- that long list of respondents really, essentially, counts as one. It's not the same as sending your city councilman a stack of petitions, for example. So I think that, perhaps explaining, I think we touched on it a little bit a while back explaining how public comments are categorized and reviewed and processed by the working team and making sure that process is understood might go a long way to educating folks that that's not really an effective way to script through an entire comment list. Or maybe they still will. I don't know. But it's just a thought that seems to me --

>>JEFF NEUMAN: You can't prevent people from doing it.

>>JAMES BLADEL: Seems like it's a perception that I want to look at the list of comments and see that of the 150, 122 came from my organization. But, if they understood that is counting as one comment when it came back to the working group, that -- and that that would possibly take a lot of the enthusiasm out of that type of a tactic.

>>JAIME WAGNER: Without interrupting, but -- my suggestion would go much in the same way. Is there a mechanism to subscribe to a public comment that is already in the space of public comments?

>>JEFF NEUMAN: Currently, no. But --

>>MARIKA KONINGS: How do you mean "subscribe?"

>>JAIME WAGNER: I fully agree with something instead of submitting another form. Subscribing.

>>MARIKA KONINGS: Some just say, "I agree with the comment submitted by that person." There's no way to sign up saying "I agree."

>>JAIME WAGNER: If there was -- if there was -- if, technically we provided this mechanism, probably we would have much less work to do.

>>JEFF NEUMAN: It's like a Facebook, right? A social network, you say, I like --

>>MARIKA KONINGS: But it goes back to the point Jaime's made. Like, doesn't make a difference. The comment should be a different way people subscribe to it, or it's a comment and that comment will be taken into account whether 10 people subscribe to it or 100 or --

>>JAIME WAGNER: The work that you people have to do, if you have 100 different but equal contributions and one subscribe 100 people,

the work to be done is different, I think.

>>JEFF NEUMAN: I think --

>>JAIME WAGNER: Other count as one, but --

>>JEFF NEUMAN: I don't think we mandate to a working group that it counts as one. I think we're discussing that. A working group, for example, could, as you said, if there are 100 entities, whether it's - - I'm not talking about commercial, noncommercial -- entities that support this position, that may have more weight than just one comment. Right? I think it's a good suggestion. I think it may be better for -- to provide a technical mechanism for someone to endorse rather than submit an additional comment flooding the -- you know, flooding the mailboxes with just an additional email that says, "I agree." It may be -- if there is something technological that can be done, it would be much more efficient to do it that way.

>>JAIME WAGNER: Also, the people that assess the public comment forum have to read 100 times the same thing. It's kind of tiring, you know?

>>LIZ WILLIAMS: Jeff, just one other additional point, if you don't mind, which is beyond the PDP process. One of the things that is really valuable in understanding the impact of public comments is the effectiveness of outreach. It's also understanding the effectiveness of work that's done by global partnerships in encouraging participation from Pete, for example. I'll just use this from Australia, because I can use an Australian example for me. Did we get any commentary from Australia about X issue? I wonder why not? What have we not done to ensure that we're building the stakeholder -- we're building an amount of participation? So public comment is a really good temperature gauge about what ICANN does with respect to ensuring that it's understood outside of its own small nucleus and microcosm of activity. So, if you make participation easier, and, if you -- for example, if I went to Theresa tonight -- Theresa Swinehart tonight and said, "Theresa, public comment periods are a really great way of encouraging people from developing communities in the Pacific to participate on the expansion of the new top-level domain system. She then, with survey and her team, have a way of explaining what ICANN does about showing where the documentation is and making it simpler to participate, particularly for people who use English as their second, third, or fourth language. And where, for example, their reading bandwidth of highly technical documents is minimized because they don't operate in English first. And then it's translated into other languages. So this is a very nice way of building participation through public comment. It's also an interesting way of accurately reporting to the board the effectiveness of what the GNSO does with respect to its policy development work. Does anyone give a rip? Do they care about what happens?

>>JEFF NEUMAN: Let me ask from the practical level, okay? I'm not putting -- I'm just trying to understand. So, if a working group has a public comment period, what do you expect of the working group itself to do more outreach? Or are you saying it's not the working group. It's really the --

>>LIZ WILLIAMS: No, no, no, no. The working group is not responsible for outreach. It's a way for other parts of the organization to say this work is taking place; this comment period is coming up; this is an opportunity for you to participate in the organization. It's not the responsibility of the working group. There's corporate communications, and there's global partnerships, and there's other people who are responsible for building participation in the organization. This is one lever, one practical lever to show how that could actually take place. And it's relatively simple to do it. And it's actually easily translatable, too. So, if you did public comment periods in languages other than English, this is a relatively easy system on this question and answer, take the box, click the button and do it. It's not a big translation task either.

>>JEFF NEUMAN: Let me go to Jaime, and I do want to get to other questions.

>>JAIME WAGNER: Liz came with something that why 30 days is small period. If you have to translate and have comments and then translate them again, okay.

That's --

>>JAMES BLADEL: No, that's absolutely right. I think that was prompting our translation discussions, which we're not addressing today. Or we did --

>>JEFF NEUMAN: What? The translation?

>>JAMES BLADEL: Yeah.

>>JEFF NEUMAN: The overarching issue of translations, yeah.

>>LIZ WILLIAMS: Sorry to bring that one up.

>>JEFF NEUMAN: Again, that's one of the overarching issues that needs to be dealt with at every single level. What the work team had discussed is that, once we have the basics of each of the five stages, is then to go back and try to figure out where and how to fit in the whole translation issue.

Because it's one that applies at all the different levels and it's -- yes, sorry. You have a comment?

>>ALEX GAKURU: Yes. To what extent and to what different extent of diverse languages can the comments be received in? I'm asking this because where I come from, they have Swahili and others. So please?

>>MARIKA KONINGS: At the moment we only run public comment periods in English. We have done an experiment recently with one of the public comment periods where we made the announcement available in one of the five U.N. languages. And we also accepted comments in the five U.N. languages. And I hate to disappoint you, but I don't think Swahili will quickly be added to the list of languages, I'm afraid.

>>JAIME WAGNER: Portuguese?

>>MARIKA KONINGS: I think for the moment, no. At the moment most of the documents are restricted to the five U.N. languages, because we have to draw the boundaries somewhere. But this is also an issue to be considered for the work team. If you translate public comments, how does it affect the timeline. How do you go about as well -- because, of course, all public comments that are received in other languages will need to be translated back into English for the working group to review, which also takes time. So those are some of the elements the group will need to take into account as well in the overall timeline discussion and how it will impact.

>>ALEX GAKURU: Could I have a follow-up question? This raises the - my name is Alex Gakuru. I'm the representative noncommercial in Africa.

>>JEFF NEUMAN: Welcome.

>>ALEX GAKURU: Thank you, I understand this is totally open. That's why I'm asking.

>>JEFF NEUMAN: Absolutely. >>ALEX GOKURU: When we look at the various issues happening at the various working groups of ICANN, we have had a structural exclusion in Africa because of our languages, we can even hear even Swahili spoken by 120 million people, there's no hope of it soon. Now, when policies are made in various areas and then because of participation for people on the ground missed event because of language barrier, then, you know, a lot of decisions will be made. And people don't understand them. And our participation, especially in developing countries, has been very low in all working groups in ICANN. So I do not know whether there's anything that could be done to try to address that in the meantime. Because, if we wait until when U.N. organizes other languages, I think we'll find that issues dear to us will never be addressed by ICANN in a fair, representative way. So maybe the proposal to probably think of a way of how you can receive more comments so that the policies that are going to be made will be more inclusive. Thank you.



>>MARIKA KONINGS: The suggestion might be here, because I hear from many people that there are many online translation tools available that provide a reasonable translation of things. It might be useful to include those kind of tools, free tools in public comments so people can, actually, do those themselves, for example, for those languages that information is not available. That might be a start. Or, you know, hopefully, have organizations that are locally active help with those kind of things and, you know, do the outreach locally. Because, you know, I don't think that ICANN can take on the translation in all languages in the world at this moment. So --

>>JEFF NEUMAN: We can move on, actually. We'll skip a couple questions, just so we can get through some of the topics. Some of these we actually may have covered just through going over -- just went ahead.

>>MARILYN CADE: I just need --

>>JEFF NEUMAN: GAC's been going all day. That's 5:00. GNSO joint one is 5:00. It's only 4:15. That's okay. But the GAC is meeting, if you'd rather be there.

>>MARILYN CADE: No, no. I'm dying to be here, but I wanted to be wherever you were when the GAC and GNSO met.

>>JEFF NEUMAN: So someone had raised this. So what if -- and Liz, actually, who might have stepped out for a sec, had raised -- said something earlier of well, what if the working group doesn't receive comments from an individual area? Should something be read into that? How about this question here, which is: What if you don't receive any constituency statements, or we've had public comment periods in the past where no one has responded. Should anything be read into that? Should the working group just continue and proceed? Any thoughts on that?

>>MARIKA KONINGS: I can just give some feedback on, you know, previous experiences. And often what we don't ask, of course, the representatives on that working group is the reason for why they haven't submitted comments and try to see if that can be addressed by more time, which is often the case, or sometimes as well like, well, there's no one really within our constituency that's interested in providing input. And I think that goes back to a bigger question probably, if that's the answer of all constituencies to the council, well, if no one is really interested in the issue, why did we initiate a PDP in the first place?

>>JAIME WAGNER: I don't know if this is a good measure of public interest to have or not public comments. I can figure many reasons why a relevant issue can draw -- draw? -- no attention -- lack of time, lack of comprehension. Not because of the issue, but because

of the people that should be interested in -- and doesn't understand.

>>JEFF NEUMAN: Okay. Jump ahead, getting towards the end. And, actually, we just talked about this.

>>KIEREN MC CARTHY: Can I be rude and answer that?

>>JEFF NEUMAN: Sure. That's not being rude. That's participation.

>>KIEREN MC CARTHY: My name is Kieren McCarthy. I'm ICANN's general manager of public participation. I've been looking at the public comment process for ages. And my thinking is that we could set up a very simple mechanism by which you -- about a week before something closes, you send it out to a specific person in each area, each group, GNSO, ALAC, et cetera, et cetera saying, "Are you aware this closes in a week?" And, when it closes, you could easily have an online forum saying, "We noticed that you didn't respond. Why was this?" And give a series of very simple explanations. We weren't aware of it. We were happy with it. We want to withhold our comments until a later date. Something like that, so that then people are aware. Because quite a few times we have public comment periods, and people aren't aware it happened. So a very simple mechanism, which at least prods people to explain why they didn't put in a comment might cause people to put in comments. But, in terms of your question, I think it's -- the problem is not that we're -- often that we don't get comments. It's the fact that we don't register the fact that people were aware of it and didn't respond. We should always say -- everyone should always be saying, "Yes, we didn't respond." And that's fine. As long as you were aware that we were having that public comment period.

>>MARIKA KONINGS: I mean, just one point of clarification. I think this question -- I mean, they are very valid points that you made. But I think it was specifically targeted as well at constituency stakeholder statements, where those are the ones that you would think -- you know, they've raised the issue and initiated the PDP. And, if there's no input received, it makes it difficult for the working group to do their work. Public comment is a very good approach as well and for someone to see the key stakeholder groups why they didn't provide that input. And similar approach might be used here and sending them a form saying, "Look, why didn't you provide input? You happy to let the rest decide what should be done in this area? You don't have time? You need more time?" Or I think a similar approach could be used there.

>>JEFF NEUMAN: Thanks, Kieren. The next page of issues actually relates to the translation, which we started talking about. But I think we talked about those questions. Let's go to the -- let's see. Actually, one of the questions that we talked about was which parts of documents should be translated, or is it feasible to translate? Obviously, the ideal utopian answer would be we'd love to be able to

translate every document in its entirety into every language. Some groups have recommended, well, at least get the executive summaries in the five U.N. languages or more, if possible.

But, again, when you submit those in the languages, then you have to receive them or have a mechanism to receive them. So I'm seeing James --

>>JAMES BLADEL: Yeah. I'm going to -- I'm just going to be a little difficult, because it's getting late. But I was going to say answer that with a question of which part of a document would you rather not read? I mean, I'm looking at it from the perspective of I'm an English speaker, and I speak English. And I could imagine if someone took away certain sections of a document whether it was a charter, a final report, an issues report or something like that, it would be a significant diminishment of the value of the document itself. So I see where you're going, and I think that we need to have some boundaries on translation. But I think, if you're going to subject a document to a translation, it should be in its entirety.

>>JEFF NEUMAN: Liz?

>>LIZ WILLIAMS: I want to go back to a "what's the purpose" question. So we all think -- as a mother of three children plus the stepmother of another one, we all think children are a great idea. So you can't argue about motherhood, because we think it's fun. Translation is like motherhood. It's a really good idea, and it ought to be done. Then you go to a purpose question. And you say what is the purpose of translation and when is it the most effective to do? And I like James's point about you want the whole darn thing done. And then you have to link that with is this feasible in an organization with a budget of X size?

So what additional value do we extract by translating?

So, for me, I think you need to translate the whole thing of significant pieces of documentation at particular points. How you deal with responses to the translated materials is actually quite tricky. So, for me, the issues report, the PDP initiation report, the final report, are really important. But it has to be an on-balance question that says where do we get the most value? And perhaps it's a question one asks at the beginning of the process, which says, is our working group going to benefit from -- let's say it's Jaime. And is your second language Spanish, first language Portuguese? And second is.?

>>JAIME WAGNER: Second English and Spanish.

>>LIZ WILLIAMS: Okay. So, if Jamie was in my working group and I was the chair of a working group and I whiz around the table and I said for you perhaps it's French, maybe? More comfortable. If you

can't have it in English, then you would choose. And then you would start to stream, based on the participation of the working group. Do you have to participate everything into every of the five languages for each thing? Probably not. These are working documents for working people to do working things with. So you can slim down the -- because it's a time constraint that's the terrible part of the translation that it takes time to go backwards and forwards to get them translated accurately. There's no point in doing it, if the translation is not absolutely accurate. So just a couple ideas about maybe the working group can take control of that themselves by an early poll. What would the working group find most useful? Then the broader discussion is: What's the purpose of translation? And where do you get better value in responses, if we have translated documents? And then what do you translate at the board level? Do you translate the final resolutions because the board members have a requirement for reading languages? If I just whiz quickly around the board, French, Spanish, Italian, Portuguese, any one of the Indian languages. What's most comfortable? You don't do those. You only do -- the options are the five U.N. languages, because that's the limitation at the moment.

>>JAIME WAGNER: Sorry, Jaime.

>>JAIME WAGNER: I had a question to Marika. You said that there was one experience with public comment with -- in the five languages. And these public comments were submitted and the five languages, yes?

>>MARIKA KONINGS: Yes. But, to add to that, we actually didn't receive any public comments in other languages than English.

>>JAIME WAGNER: Oh, yeah? None?

>>MARIKA KONINGS: I do have to admit it wasn't the sexy topic like new gTLDs or things like that. It was inter-registrar transfer policies. So that might have garnered less interest. But still we didn't -- it was well on purpose to do it small and not immediately get overwhelmed. But we did make a lot of effort as well going to a region or global partnerships team to say, "Here's, please, a link." We sent announcements in different languages as well to the different mailing lists. So it was a little bit disappointing that we didn't get any, not even someone saying, "Great, you've translated and you've run a public comment period in different languages."

>>JAIME WAGNER: You got overwhelmed, but the other way around, yeah.

>>MARIKA KONINGS: Yeah.

>>JAIME WAGNER: I think it's not the valid experiment, you know? Because I think there are many issues around ICANN work that could interest Africa or South America. And, well, one of the reasons they are not aware is the language barrier. There are other reasons that

should be considered. But I think this is our work as representatives of these parts, too, to spread the word there and here, you know? To say well, we must include these people in these discussions. Because this will enrich the discussion. This will not add time only. This will add -- how I say -- density? It will add purpose. Okay?

>>JEFF NEUMAN: Let me go to James and then Kieren.

>>JAMES BLADEL: Just in response to some of the things I think Jaime and Liz were saying earlier, the first item is I know, Marika, when we joined a new working group, one of the first orders of business is we send out a Doodle and ask everybody what days and dates they have free to conduct weekly or biweekly teleconferences. It seems like it would be a very simple process to also ask and survey the language composition of the working group at that time and if not to -- if nothing else, you can identify when there is a language -- is a barrier, as a barrier to participation but also, you know, if it's not, well, it is a courtesy. You may be comfortable participating in working group in English, but it's at least a courtesy to non-English speakers.

And to Liz's point, I think it is probably a good idea to draw a distinction between those documents that were meant for consumption within the working group and perhaps the different stakeholders and constituencies versus those that are meant to go out to a broader community.

I think you are absolutely right when some of those that you listed probably don't benefit from translation and it doesn't make a lot of sense to -- you know, you can't necessarily tie translation of a PDP charter to increased participation in a working group. If they're there and they want to participate, they will.

But when you submit interim reports, final reports, public comments, things from the broader community, I think those are the things that could benefit from translation. But when you translate something, going back to the first thing, it should be the whole thing.

>>JEFF NEUMAN: Marika.

>>MARIKA KONINGS: Just a comment on what James said. At least in the policy team we have been looking mainly at the translation issue more on the big outcomes that can be -- go out to the wider community and how to enhance participation from that perspective, less from the view of working group participants and what languages they speak as well with the assumption that if you participate in a working group as we're conducting business in English in the GNSO, I don't know how much difference it makes just having some documents for them translated while all e-mails and all conference calls and all that will be done in English. So that's something to take into

consideration.

>>JAMES BLADEL: Is the other group looking at this issue at all, or have they drawn a box around it and said this is our problem essentially?

>>MARIKA KONINGS: The other group has just in their document on working group guidelines, general ICANN guidelines on translation, but no further -- they were relying on the PDP work team to define what specific for the PDP process should be done in regard to translation.

>>JEFF NEUMAN: Okay. Let me go to Kieren.

>>KIEREN McCARTHY: I wanted to bring your attention to something that the board will probably approve on Friday which has been called the Document Publication Operational Policy which adds a bit of meat to the document deadline agreement, which is the 15 days before a meeting which has mostly worked the last two meetings.

That policy covers various bits around documents. And included in that is two things. One is that all of the major documents that ICANN produces should have an executive summary and there are suggestions for what you put in an executive summary.

And then in a meeting yesterday, the board public participation committee -- we ran a public comment process on it and we ran a public session on it. And one of the strong bits of feedback we got was the executive summaries should be translated because it allows very quick, easy access to what are these documents.

So it's going to be in the policy all executive summaries should be translated into the five U.N. languages. And the rationale -- I see you chewing around questions I have been working on, that the board has been working on for a long while, the rationale is you can't just do a one-off and expect people to turn up. You can't say, Well, we're doing this and now we've done it in Spanish and I sent it to a Spanish mailing list and no one popped up. It doesn't work like that.

The idea is if you are consistent over time, people will start getting used to it. So you can always translate executive summaries so people will always be able to know what is going on, and then there should be a mechanism which we haven't figured out yet so that someone can request saying, We've all read lots of the executive summaries. We would like to read the rest of the document, and then you have a request issue for that document. That way you deal with the demand and what can be very expensive translation if you translate everything. So that will become a board policy hopefully on Friday.

And I hope that has implications. You know, if it works well and

people like it, then I'd recommend the other people in the community follow that sort of approach.

>>MARIKA KONINGS: One question for Kieren. Does it only apply for, like, ICANN documents? Does it also apply to all documents made by SOs and ACs?

>>KIEREN McCARTHY: It's purposefully ambiguous because the board didn't want to say, "By the way, community, we are going to make you do this" because it is just not a good idea. So the idea is to put the policy out there and say, We've thought about it and hopefully it will act as a sort of best practice and everyone will say, It was so useful to have these executive summaries, it was so useful to have them translated, we should do that as well, the sort of ICANN way of approaching it. If it works, then hopefully others would adopt it.

>>JAIME WAGNER: I would like to endorse fully this proposition because let me just give you a sense of how useful this would be for me. If I received -- well, Portuguese wouldn't be one of the five languages. But if I want to engage the ISP community of Brazil in some discussion that pertains to their interest and many of them are not English speakers, so it would be helpful to have executive summaries in Portuguese in order to just send forward to my mail lists that cover all the ISP associations in Brazil.

And this would probably have some -- not end up with no comments, you know?

>>JEFF NEUMAN: Okay. I just want to close out the meeting with a quick discussion on a proposed face-to-face meeting of this group --

>>MARIKA KONINGS: I will update the questions. I guess, we discussed some of those and get the link out and probably give people two weeks or something to fill in and, you know, it is really important that you provide your feedback there because that information will also be incorporated in the report and the basis for development of the recommendations. So please fill it in.

>>JEFF NEUMAN: So we are going to send around that survey. Thank you, Marika.

As far as a face-to-face, the thinking is -- why don't you go into the thinking from ICANN staff and what you have to prepare to get it approved.

>>MARIKA KONINGS: Yeah. So we already had a discussion, I think, on our last call on the organization of a face-to-face meeting as a way to come to conclusion on some of the recommendations on these different stages, as a way as well to speed up the process and really force a focus on these issues so we can come to a wrap-up of this working group.

So we have -- we discussed to have a face-to-face meeting which would then have very clear deliverables and output. I think we need to put together a very clear work program so that there is a clear expectation of what this meeting will lead to.

As we also discussed, ICANN is willing to make available meeting support for this such a face-to-face meeting. But in order to get that support, we'll need that clear work plan, deliverables and also a list of representatives from each constituency stakeholder group that would come to that meeting so we can make an assessment as well what would be the most convenient and cost-effective location to hold such a meeting.

So I think we need two things from this group. I think one is for each constituency or stakeholder group to elect or select one representative that would receive meeting funding. Of course, anyone else that wants to participate is more than able to come. We will, of course, make available remote participation for the meeting.

And second part would be finding a meeting date, and I think for that we would probably send around a Doodle.

We had some discussions and I think we are looking at all our activities that are going on and the workload at early January, early half January, depending on people's availability.

So I think that's --

>>JEFF NEUMAN: So, Marilyn, yes?

>>MARILYN CADE: Marika, something you said I don't understand but maybe it would be just a clarification, if I can use that phrase sitting at the table. The point that the stakeholder groups would need to tell us who, are you suggesting that it's not the members of the group who would be participating?

>>MARIKA KONINGS: No. I was more thinking of some stakeholder groups or constituencies have one or more representatives on the group. Sorry, I should have clarified that. The idea is, of course, those that are participating in the work team but for those that have more representatives that they make a decision on which person they would like to have travel funding to attend that meeting.

>>LIZ WILLIAMS: Jeff, sorry for the dumb question.

>>JEFF NEUMAN: Sure.

>>LIZ WILLIAMS: What's the end date of this? Because that tells you working backwards what you need to achieve by what date. So what is your proposal? I'm sorry I'm asking you a stupid logistical



question.

>>JEFF NEUMAN: No. There has been no end date set for us. We are just trying to get to the final work product quicker than it might otherwise get.

>>MARIKA KONINGS: Looking at the time we've taken to get where we are now, if you look at the tick boxes chart, we are only halfway. I think how much -- when did this working group form?

>>JEFF NEUMAN: Earlier this year.

>>JAIME WAGNER: It was in Mexico, I think.

>>MARIKA KONINGS: So that's already quite some time ago. If we look at how much more time it would take us probably to get to the end if we would continue on weekly or biweekly conference calls -- And we've had to cancel some calls as well due to lack of participation. Looking at the workload that's coming, for example, on the STI working group, that will also take up some resources. We really would hope that forcing people into a room for two days and, you know, coming to some conclusions and consensus on recommendations -- because I think on most of the elements, we have a lot of notes, a lot of discussion points.

But on the actual recommendations which, you know, we did already do a first report on stage 1 with recommendations which no one commented on, no one provided any input on. A second one is about to come out, and I'm not really sure how much time people have to review those. So I think it's really -- the goal of the objective would be to really come to conclusion on the specific recommendations on each stage, the overall process, the timeline and also which changes should be made to the bylaws.

>>JEFF NEUMAN: So, Robin?

>>ROBIN GROSS: I might not have heard the answer. You may have given it already. What was the time frame for this meeting -- this face-to-face meeting that you were talking about?

>>MARIKA KONINGS: We would probably be looking at early January, half January. So the idea would be to get out a Doodle and see what would work best for everyone. I mean, looking at the composition of the work team and, you know, the members that have been most active, I think probably the outcome would be a meeting somewhere East Coast U.S. probably. But, again, we'll need to assess depending on how will get funded and where we can get the best meeting location that's the most cost effective.

>>JEFF NEUMAN: And the East Coast is wonderful in the middle of winter.

[Laughter]

>>ROBIN GROSS: You are welcome to come to California.

>> Hear hear.

>>MARILYN CADE: Jeff, this means we would be more motivated to stay inside and work.

>>JEFF NEUMAN: Exactly. We have to trap everybody inside the room. We are also being realistic that we see the next few weeks of losing time. Even if we try to have conference calls, we know that people will be bogged down with responding to the guidebook, with responding to the board letter, responding to everything else. There is a bunch of other comment periods that have been extended to the end of November or around there.

So just being realistic, we think a face-to-face will help make up some time that we might otherwise lose especially with end-of-year holidays that come up and vacations. All of that kind of weighs into the mix.

>>JAMES BLADEL: Just -- is the other group discussing this as well?

>>MARIKA KONINGS: They are almost done.

>>JEFF NEUMAN: They're done.

>>JAMES BLADEL: They're done because they kicked so much work over the fence.

[Laughter]

>>JEFF NEUMAN: Their group was very -- has had a very --

>>JAMES BLADEL: This is transcribed so I don't want to say too much.

>>JEFF NEUMAN: Their group has a very narrow focus. I think ours covers much more breadth of areas. But they have a good work product and have had -- I look forward to seeing their stuff.

Anybody else? Questions? Comments?

>>MARIKA KONINGS: I will just send out a note on the work team mailing list, especially as well for those that are not here, outlining what we discussed on the face-to-face meeting and what I would need from everyone in order to move this forward and get internal approval to organize such a meeting. So that should be forthcoming shortly.

>>JEFF NEUMAN: All right, thank you, everybody.

[Applause]