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**ICANN Transcription**

**GNSO Drafting Team to Further Develop Guidelines and Principles for the GNSO's Roles and Obligations as Decisional Participant in the Empowered Community.**

**Wednesday, 24 July 2019 at 21:00 UTC**

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JULIE BISLAND:

Good morning, good afternoon, good evening all. Welcome to the GNSO Drafting Team call on Wednesday, the 24<sup>th</sup> of July 2019.

In the interest of time, there will be no roll call. Attendance will be taken by the Zoom room. I just want to remind all to please state your name before speaking for transcription purposes, and please keep phones and microphones on mute when not speaking to avoid background noise. With this, I will turn it over to Heather Forrest. Please begin.

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*Note: The following is the output resulting from transcribing an audio file into a word/text document. Although the transcription is largely accurate, in some cases may be incomplete or inaccurate due to inaudible passages and grammatical corrections. It is posted as an aid to the original audio file, but should not be treated as an authoritative record.*

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HEATHER FORREST:

Thanks very much, Julie B, and thanks very much to all who've attended. Great to have you on the call. We've got David, Steve, and Wolf-Ulrich. It looks like it's four of us. As I said to Julie and Ariel before you guys joined, we have a packed agenda so I think we really just need to keep moving and try and catch people up on if they're not able to join us.

So with that, a quick review of our agenda. You'll see that Ariel has it up on the screen for us, and we have an update on the 18:12 stuff. We are hoping to finalize the section on 1.3, and then dip our toe into 2.2 and 2.3 and see what that looks like. I think we need to spend the bulk of our time in 1.3.

Does anyone have concerns, comments, changes to the agenda? No? I see no hands. Great. Alright. Cool, thanks, David.

Any updates to SOIs? No? No one has anything exciting [inaudible]. Alright, cool.

So then let's turn to Item #2, which is an update on where we are with coordinating with the ccNSO GRC. For that, can I turn to you, Julie Hedlund, please?

JULIE HEDLUND:

Thanks very much, Heather. This is Julie Hedlund from staff. You probably – I hope – paid attention to an e-mail that staff sent last Thursday, July 18, and that was both to the GNSO Drafting Team members but also to the ccNSO GRC members and that was to follow on from the meeting that the drafting team and the GRC had on Monday, the 15<sup>th</sup> of July, to review the guidelines for the GNSO-ccNSO joint

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consultation on initiation of Special IFR. And based on that very productive discussion, staff and David McCauley and Heather worked together to capture quite a number of revisions to those guidelines and we sent those around then on the 18<sup>th</sup> to both the GRC and the Drafting Team to review. We sent a clean version and we're asking that any changes be suggested into the clean version, but we sent a red line version so that our folks could see what was suggested for change at the meeting on the 15<sup>th</sup>, and to recall that David McCauley had very helpfully sent around some questions prior to that meeting and actually had sent them around to the Drafting Team to consider and then had sent some suggested ways to address those questions prior to the meeting on the 15<sup>th</sup>. And so, we use those questions as a framework for revising the guidelines, and so the revisions follow those suggested changes based on those questions.

What we're asking for is that you all take a very close look at these documents. In particular, we welcome your edits in the clean version and we're asking the GRC to do the same. And I will pause there. We do not plan time on today's call to run through the document since we did a lot of that work really on the 15<sup>th</sup> of July and as Ariel has put the link to the clean version of the document as well.

Steve DelBianco, to your question, I have not seen any reaction, but then again I probably am not going to see things that come on to the GRC list. So let me ask you, David, if you've heard anything from the ccNSO side with respect to the edits that we sent around?

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STEVE DELBIANCO: Thanks, Julie. It's David speaking. The answer is no, I have not. But I also raised my hand. I wanted to ask you a question, not [inaudible] and that is, I can't recall, did we put a timeline on responding to the GRC? Was it the end of July? I just don't recall.

JULIE HEDLUND: We didn't, and I think that's a very good question. We didn't really because I didn't frankly coordinate with you and Heather as far as in particular – it was a little tricky because Katrina was saying, “Oh, we could get you something by the end of August.” Well, frankly, we'd like something sooner than that but I don't see – the problem is that we're sending this to both the GRC and the Drafting Team. I don't know to what extent we're able to tell the GRC and the ccNSO when they need to get edits back to us. So, Heather, let me ask what you think about that?

HEATHER FORREST: Yeah. Thanks, Julie. I think it's a good question, David, and I was going to suggest that maybe what we do is a not quite a last call for comments but just a reminder to say we need to finalize this work by the end of August. So maybe what we suggest there – David, do you think this is reasonable in terms with GRC to say by – quickly at the calendar – I'm thinking mid August. I'm thinking something like – I mean I fully take Julie's point. I've been kind of riding Julie and Ariel hard on this, just to make sure we get it done. Maybe what we say is the 16<sup>th</sup> of August that we need to get final comments in, and that we can justify by saying we

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need time to be able to incorporate any changes and what not before the end of August. What do you think about that?

DAVID MCAULEY:

Thanks, Heather. I think that's perfectly reasonable and I do know that we have one GRC meeting before then, so I'll arrange to go to the GRC list and mention that, "Could we please have the comments not later than that, preferably much earlier." I tend to agree with what you said in chat, Heather. I don't know that we'll get much reaction. I think people have seen this a couple of times now and everybody's pretty much on board, so I think things are good to go but I will mention that 16<sup>th</sup> date, and I think we can then move on. So, I'll take care of that.

HEATHER FORREST:

Thanks, David. That's really helpful. Julie, is that okay from your end too, Julie Hedlund?

JULIE HEDLUND:

Yes. That sounds great. And I think what I'll do is I'll do is the reminder responding to both the message I sent to GRC and Drafting Team. I think that what will happen is my colleague Kim will probably make sure that I have posting rights and make sure that that gets to the GRC. In fact, I'll ping her separately to make sure that that happens. But I still think it's helpful, David, if you want to also call it out on that list as well. I think multiple reminders is probably a good thing.

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DAVID MCAULEY:

I agree, Julie. It is good. I may give you a call. In the meantime, I just want to coordinate with you. I'm not saying we can't do more than one but I just want to touch base with you maybe tomorrow. I'm on a bunch of calls tomorrow too, but tomorrow or Friday, so you and I can coordinate this. Thanks.

JULIE HEDLUND:

Absolutely, David. That's just fine. Steve DelBianco has a question about the document and the minimum time and maximum time and the 90 days. It's a very good question, Steve, and we really do want people to be looking at the timeline and where we might be able to have find efficiencies.

Heather, I don't want to take a lot of time on this call. The timeline has a lot of moving parts. Staff tried to pare it down as tightly as we could with the minimum time, and even the minimum time is lengthy. Probably one of the biggest outliers is how long it will take for these internal reviews to happen. The minimum time get shaved back quite a bit because we say that there won't be a public comment period, then that takes out of a good chunk of time but it's still lengthy. From a staff point of view we couldn't really see where we could cut back more. We're certainly very interested, Steve, if you could take a look – Steve, Wolf-Ulrich, David – and suggest where we might be able to cut, that would be extremely helpful.

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STEVE DELBIANCO: Julie, a question for clarification. The Google Doc that I opened in the link has about a minimum of 95 to 200 and you were just showing something that had 75 to 110, is that's just the page break?

JULIE HEDLUND: Yes, it's a page break. Yes.

STEVE DELBIANCO: Thank you.

JULIE HEDLUND: Heather, over to you.

HEATHER FORREST: Thanks, Julie. Sorry, I was struggling to get off mute. Steve, what I suggest that you do, and not just yourself but this is really a note for all of us, go through this one with a fine tooth comb. I think it's good that we have a clean version in front of us, particularly the timeline. When we talked to the GRC, it was really an action item at that point for staff to go away and refine that as best they could. So, I think as Julie says, we need to leave this to the document at this point. Likewise, us talking about it here is useful but in the end we need to get the comments out to the broader group, which is both us and the GRC. So, I would say tinker with that, don't be afraid to tinker with it, and we'll see where we land on that document. Coincidentally, that 16<sup>th</sup> of August will apply to us too, so don't hesitate.

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Yeah, David is going to look at the timeline too. I think that'll be helpful if we all do. I confess when I went through the edits that David and Julie and I were working on, I wasn't that circumspect with the timeline, so I'll go back and look at it as well.

Okay. I'm mindful of the time. We're quarter of the way through our call and we do need to switch over to our main substantive item today which is the – and Julie is going to pull it up for us – it's the 1.3 stuff, the Approval Action stuff. What we have here and I think the approach that I'm going to suggest that we take is to go all the way down to the end of the document, which is where we left off last time.

Now, Steve, it's unfortunate too, I guess we haven't had Maxim join us. No, it doesn't look like it. I know you guys weren't able to be with us on the last call, so we need to catch you up but I think at the risk of starting at the top again and working our way down, we might not make it all the way through, and I would like to try and pick up where we left off. I think we left off, Ariel, if I look at the link, I think we left off ... Yeah, thanks, Steve. I think we left off a bit further down, so bear with me because I'm going to look at the other screen and I won't see your hands, which means you just have to shout. I think we ended up at the point just before the templates of – I think you were right, Ariel. I think we must be sitting on 4.1, 4.2.

Alright. With that, just to give a little bit of context, Ariel, could I have you scroll up just a tiny bit so we can see the heading on 4? There we go. That's all fine, thanks.

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This is the process for developing the input to the Approval Action Community Forum. Steve, for your benefit, I'd be interested in your thoughts on this. The one point that we'd spent a bit of time on in our previous call on this was the question that I had raised, the response from Maxim that references in this document to the GNSO Chair, shouldn't that more logically be the GNSO rep to EC Admin. Maxim had responded a couple of comments above where I've initially made that change saying yes that that person was the GNSO Chair and he provided the link to the Standing Selection Committee that the Council Standing Selection Committee appointing the current GNSO Chair as EC Admin for the GNSO rep. But my comment there was it's not the case that it's permanently baked in that it's the Chair. It's something that the Standing Selection Committee needs to consider on a rolling basis, so for that reason it seems to me that make given that there's a time where it might not be the GNSO Chair for any reason. I think the higher order definition there is probably more appropriate.

Steve, I'm just going to stop there and see if that sanity checks for you, if that make sense to you.

STEVE DELBIANCO: Oh, definitely. Absolutely.

HEATHER FORREST: Okay. Cool.

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STEVE DELBIANCO: Yeah, the Chair of council may not forever be the rep, especially when you consider the [ccNSO] constituencies and stakeholder groups, they have a council. That's our legislature. But as you know, we could get to the point where we have a structure that doesn't include council and that structure can have its own rep.

HEATHER FORREST: Yeah. I agree. Alright. The disadvantage that we have at this point is – Maxim is the one who raised the question. I did try and ping him to explain my thinking and explain our changes and that sort of thing, but I haven't had a response from him. So I suspect maybe summer holidays are keeping him busy. It seems to make sense to all of us, so with that I think we can move on from that point. So, you notice then that that change has been picked up throughout the rest of this.

I think there were very few comments that were left, very few changes or edits that were left. I think if we can scroll, Ariel, I've got another edit there later in the page. We've got edits around consultation mechanism. We did some work on this. In fact, this is exactly where we left off. We did some work on this language about – I've raised the question at which we deleted in the last call about what was meant by, if such a consultation is scheduled. And we talked about it in the last call. I said really what we're saying here is "If the consultation occurs" – and then we talked about the timing and we've added in this clarifying language – and it looks to me like I've got something on the screen. Oh no, I see it's the edit. "In no event later than the 21-day Approval Action decision period" and we've actually made that reference back to the Bylaws so that we know exactly what that period is. I think throughout

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this document we tried to link back to the Bylaws because I think it's helpful.

Thank you, Steve. I've been banging on much to people's annoyance all week today but summer holidays. You are exactly right, it's winter here. Alright. David, out of curiosity not to put you on the spot, but I know we tinkered quite a bit with that language in 4.3.1. Are you still happy with the way that that looks?

DAVID MCAULEY:

Heather, hi. What I did to prepare for today's call is I read in Word not in Google D, a clean version, and yes, I thought it works for me. I didn't have any concern there. But with that 21-day clause at the end, I guess I keep harping on this, this will be the last time. At some point, we do need to do that timeline check that we spoke about just a few minutes ago where volunteers take each of these things and measure them against the provision in the Bylaw and just make sure that we're not out of time. And I did an overarching clause for one of these documents. I forget which one it was. But anyway, the timeline we just need to be careful. Thank you.

HEATHER FORREST:

Yeah. It's a good point, David. And you're right, there are so many moving pieces. I think the overarching timeline clause was the one that we worked on for that coordination with the ccNSO. It was, in any event, no later than clause and we might actually consider maybe – and yeah, Julie has the timeline and it's further down. We can see if maybe there's an appropriate place to slog in that umbrella timeline clause

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somewhere in these guidelines as well because it's a relevant point for everything.

Alright. Steve is saying we can simplify "in no event later than" could be said simply as "within." We certainly could do that, Steve. I think the concern – the over languification of that is we were concerned about referring it back to the Bylaws and just emphasizing the point for the council. You have to follow the Bylaws. At the end of the day, we have to follow the Bylaws. I think it's a good idea. Ariel, for now let's leave in brackets. You're right. I think Steve is suggesting we could replace that whole phrase, but let's leave brackets there for "within" for the moment. I think David makes a good point about reading it clean as a final point because we'll call for final comments on this after this meeting. So, let's do that as a reminder.

Alright, so that takes us then to 4.3.2 which is the council decision and we've added their clarification and informing the EC Administration. So what happens after the council has this consultation, what does it do then? Here we've taken language directly from the Bylaws again largely because this has to do with the timing and we want to make sure that we emphasize to the council exactly what the timing is.

So we can scroll down I think here. There shouldn't be anything that necessarily we can change here as this is just an excerpt from the Bylaws. Then we say, "In accordance with the above section, the council must decide and inform the EC Admin within 21 days after the expiration of the Approval Action Community Forum whether to support, object to, or abstain from the Approval Action." It makes perfect sense and I think it's articulated quite clearly.

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“The following is a suggested timeline to ensure that the GNSO Council is able to complete the above activities per the deadline. If the council is unable to meet the deadline...” We need to remove the apostrophe out of “it’s,” it should be “its.” “Its decision will automatically...” Sorry, Ariel. There you go, perfect. Thank you. “Its decision will automatically be recorded as an abstention.”

One of the questions we’ve asked in the last meeting – and forgive me, I didn’t actually look up the response – is what are the consequences of an abstention? We talk about this all the time in council, whether an abstention counts as no or an abstention is an abstention. Do you know what the consequences are of an abstention in this case? Julie, please.

JULIE HEDLUND:

Yeah. Thanks, Heather. An abstention is an abstention. It’s not a no. That actually I think was confirmed recently. I’m trying to think where. But I think it was in another iteration where the same question had come out. Yes, I’ll see if there’s a citation but I do know that we clarified that.

HEATHER FORREST:

Thanks, Julie. David and then Wolf-Ulrich.

DAVID MCAULEY:

Thanks, Heather. We did confirm in the sense that – the question came up in the last meeting, “Is an abstention equal to a no?” The answer there was no, an abstention is an abstention. We have to again go through the Bylaws one by one on Approval Rejection, etc. to make sure

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that they are consistent. But there was a Bylaw where it said there has to be a ratio of yeses over nos. So, maybe it was two to one or maybe you had to have three yeses and no more than two nos, or whatever it was, you didn't want to count an abstention as a no. And that's, I believe, how the Bylaws work. But again, we have to check each one of these against its relevant Bylaw provision. Thanks.

HEATHER FORREST:

Thanks, David. That's helpful and I've put a note in the chat as to what we might do once we figure out what that is. Wolf-Ulrich, please.

WOLF-ULRICH KNOBEN:

Thanks, Heather. Yes, it was my question last time because I have read it and it's also in the Bylaw. It's the same text, so we should follow that. We can't overrule the Bylaw here. For me it was a question not just in this case from a GNSO's point of view of what an abstention is, but in the entire process under which conditions the Approval Action is going to be approved. Does it mean it has to be approved by both SOs – by the ccNSO and the GNSO affirmatively? So in that case it would mean if one of that is going against and it will fail. Also if one of the SOs is going to abstain, it will fail as well. That was my question here. Because my feeling is this type of abstention in case the council is nothing going to do, it's a different one than the case when the council is actively abstained in a voting process. So that the difference I see here. The outcome would then be if both SOs have to affirmatively agree to that then the value of the abstention is a no. That's how I see that. Thank you.

HEATHER FORREST: Thanks, Wolf-Ulrich. That's helpful. Ariel, yeah, I've just picked up, and I'm sorry. It's just my brain is not switched on yet this morning. It needs to be. In this Bylaws provision that we copied just above that we've excerpted, there is in fact the exact language we need. No, it's actually in the language before that.

It's "(iii) has determined to abstain from the matter which shall not count as supporting or objecting to such Approval Action." So there it is. It's directly in the Bylaws. I don't think we necessarily need a footnote. I'm reading this straight through. It's going to make much more sense, but it seems to me that we have exactly the language that we need and it goes some way to addressing Wolf-Ulrich's concerns. And to Steve's point here, for many EC decisions the Bylaws an approval occurs unless more than one objects to an Approval Action, yeah, that's true.

Wolf-Ulrich, in your mind is there anything we need to do to this language to clarify this point? Or are you comfortable with where we are?

WOLF-ULRICH KNOBEN: I'm comfortable with that, Heather, right now because it's coming exactly from the Bylaws. There must have been some discussion during that time when the Bylaws have been changed, and so we should follow that. Thanks.

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HEATHER FORREST:

Great. Thanks, Wolf-Ulrich. I think it's actually as our work has developed I think one of the things that we've done quite helpfully as we progressed is to put in more relevant Bylaws provisions the direct excerpts into these guidelines. It will save council from having to shop around. And frankly, I think all of the questions that we've raised over the however many months, there will also be questions that council would have raised, so our scrutiny of these guidelines I think is in the long run will be very helpful.

Alright, I think what we'll do, let's have a look at the timeline that staff has put together. Julie or Ariel, this is the first time we're really looking in a detailed way at the timeline. Is there anything, Julie, you want to note or highlight for us in the timeline that we should think about?

JULIE HEDLUND:

Hi, Heather. Not really. I mean it's really a pretty basic timeline. It's really just to make sure that there's plenty of time for each step. The very first thing that we would do is to schedule the special meeting of the GNSO Council. And I think that's got to be 14 days because even with special meetings, I think that the 10-day rule applies. So I think that there needs to be ... Yeah. David is [setting] T-21. "Within" was better than "in." I think that's true, "within." We could make that change in each case. Yes. The document deadline rule does apply. Then we have the meeting. Decide and to support, object, or abstain. Then that's conveyed to the ICANN Corporate Secretary seven days prior to the final deadline.

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That's pretty much it. And maybe it's too simple, so I'm happy to hear any comments on it.

HEATHER FORREST:

Thanks, Julie. I'm just having a quick look at the GNSO Operating Procedures in the background and just make sure – so we have 14 days in advance for policy issues in clause 3.3.1 and there is no rider there to say that that's only for regular meetings. It appears to me that that's for all council meetings. We do have a provision in here on extraordinary meetings. I just want to triple check on that provision as well.

Does that come from Article 11? In any event, Ariel, can you just put a note there for me to follow up on that first one, on that within 14 days? Just capture somewhere that I'd like to go back and just triple check on the GNSO Operating Procedures just to see exactly what the timeline is for extraordinary meetings.

Okay, Steve DelBianco says, "Keep in mind that some decisions requested by the GNSO and ccNSO go to the full Empowered Community, who can reject the action. Is this true of IFRs too?"

I'm not sure. My head is so stuck in Approval Actions right now that I'm not really in IFR space, Steve. But it's a good question. Julie?

JULIE HEDLUND:

Hi. There's an entirely different process as it relates to IFRs and as there is an entirely different process as it relates to Special IFRs. Those will not be handled in Section 1.3.

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I don't know the answer to your question. I'll have to see. Sorry.

HEATHER FORREST: No, no, Julie. We're all on the same spot.

JULIE HEDLUND: Yeah, Heather, I'm sorry again. This particular section really doesn't have anything to do with IFR, so I think that when we look at 2.2 and 2.3, the next sort of guidelines where there is the possibility to reject then I think we're getting into a whole different kettle of fish. But this particular type of action would not pertain to – an IFR wouldn't be dealt with in this way. Let me just put it that way.

HEATHER FORREST: Yeah, that's certainly fair. David, your comment I understand – can I ask you to just speak to it briefly, just to clarify what do you mean by applicants to the GNSO Council? Are you thinking “applicants” as in action applicants?

DAVID MCAULEY: No. I just was thinking that when people stand for election to or selection to the GNSO Council, they should be made aware of the fact that when EC issues hit the table that it's not quite going to be “business as usual,” they may have short timelines. It was just an observation sort of outside of these document discussions.

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HEATHER FORREST:

That's a good point, David. I think what we all need to do is – as we settle in to the new Bylaws, and I do think the ccNSO's actions that will come before us at the AGM will be helpful. It's going to be a dry run for a lot of this stuff. It behooves all of us in our respective SGs and Cs to emphasize that the role of the councilor has expanded as a result of the Empowered Community and as a result of the new Bylaws, and they all need to bear that in mind. That is a good point.

Julie, your hand is up. Old hand, new hand? Old hand, alright. Great.

In terms of this timeline, I'll follow up to check on this, the 14 days, see if there's any wiggle room there to the extent that there is because we're calling an extraordinary meeting. The council then decides whether to support, it has that time on the rep to the EC Admin and their reviews the phrase "rep to the EC Admin," which is great. Conveys council's decision to the EC Admin and the Corporate Secretary and we have our deadline for decision.

It seems pretty straightforward to me. We've got then the instructions to the council, let's say, details on what actually this looks like. I'm taking a decision by a simple majority on a motion whether to support, object to, or abstain – those three options, of course, reflective of the Bylaws provision that we've excerpted above – and convey that decision. I think we can probably scroll down. Thanks, Ariel.

We have emphasized the need for the council to consider the full range of input that it has received, and of course that input comes from an earlier section wherein we, the council, were soliciting input from all these various groups.

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It looks like we've got a typo in the very end of that paragraph, a random letter l. Let's get rid of that. It looks like we're in good shape.

We've removed the paragraph for simplicity on informing the EC Admin because we've factored that into the description [inaudible] and made it simpler.

Steve says, "For each of the three Approval Action decisions, Approval requires three yes and no more than one no." Okay. That's helpful. Steve, would it be helpful to note that in these guidelines?

STEVE DELBIANCO:

Well, that depends on to what extent we, in these guidelines, replicate specific text from the Bylaws. If we do it sometimes but not all the time, what is the criteria? Often the criteria is just to make it easy for the reader of these procedures to not have to run back to the Bylaws. So right at the very top of this document – don't scroll there, it's okay – but if we're describing the three kinds of Approval Actions, it wouldn't be difficult summarizing in a single sentence, that the Bylaws would deem approval three yeses and no more than one no. That is why abstention don't count as either a yes or a no, and yet if somebody abstains instead of voting yes, they could stop an action from moving forward. So it's a strategic decision to abstain. It has an impact.

HEATHER FORREST:

Yeah, it's fair enough, Steve. It's a good explanation. Is there a clear rule as to when we're including Bylaws excerpts? No I think is my answer to that. But I agree with you. The overriding/overarching principle is

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simplicity for the GNSO Council as it has to carry out its obligations. These guidelines are just guidelines. It was something went to great pains to tinker with in that coordination with the ccNSO stuff that either council to the extent that it found the guidelines unworkable, could do something else, that it wasn't strictly bound by them. I think my only concern is these guidelines also need to be workable in a sense that I don't want to drop everything from the Bylaws. I don't want to replicate everything into this document, but it needs to be workable. In fact, if we have the question then council, they have the question too.

So I'm inclined to say that it wouldn't be a bad idea to put a note up in the top of the document. Does anyone object to that? No one is screaming. Alright. So, David doesn't object.

Ariel, let's put a note. Ariel, could you actually capture Steve's comment in the chat? The one that says – yeah, perfect. Ariel read my mind. We have the best staff.

STEVE DELBIANCO:

Right. But what I was quoting was 1.4, the three specific actions of the EC on Approval Action. So let's just say in general that this notion of three yeses and no more than one no is for 1.4 and realize that we are still on the part of this document that's 1.3.

HEATHER FORREST:

Correct. Understood. Yes, understood. It's only because you told us not to page anywhere else, Steve. Alright, good stuff. Let's come back to that when we do our review of the clean version as well. I think that will

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make some sense. Steve will probably come back to you for help on clarifying language. So, Ariel, poke me and Steve to help you with that one.

Okay. That takes us to our templates. You could see here we have these template motions that council can use at least as a starting point. I think the motion is pretty straightforward. Council always, of course, has the option of modifying the text, tinkering with it as it sees fit. Steve made a point about abstentions.

We can scroll down. It looks to me like we haven't made any edits to this, any changes to this. Now we've highlighted – I wonder if it was me who highlighted this? No? Okay. We've just highlighted the – okay, Julie says, "No changes." It was just a matter of the option there, which is highlighting the option to council. All very straightforward. Council – whatever its decision is, yeah. Julie highlighted options. Good. And it reflects the need to both communicate and publish. So I think the motions are pretty straightforward.

With that, what I would like to do is scroll up to the top of the document if we could, Ariel. I'm all the way up. So we made a fair few changes in our last call. We made a fair few tinkers. I deleted some of my questions because we dealt with them as we were discussing. Ariel, if you could take us through a scroll down and let's just look for any lingering questions or comments in the margin that haven't been dealt with. Okay, so we talked about the replacement of GNSO Chair with EC Admin rep. So we're done there.

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Let's scroll down. Again, same thing. I just moved the sentence there. That's fine. I don't know. It was recommended ... yeah, okay. That's fine. That's all still the same comments. So we're still good. I think we can scroll down. Now we're back to where we were. So that tells us that we've gotten through this document.

Any questions, comments, concerns? No? Brilliant. Alright, thanks, David. That's great. Thanks, Steve, very much.

Alright, what I suggest we do is this. Ariel, Julie, we've got two points there. One is on the explanation around 1.4. The other one is the timeline point. Can you poke me on the timeline? Hopefully, you won't need to poke me. I'll look that up today. Poke me and Steve to get the language in there around 1.4. Then what I propose we do is when we have that, let's send around a clean version with a final call for comments. Let's put that final call for comments, the date for that, to be our next drafting team call.

Everyone happy with that approach? Julie Hedlund, is that okay with you? Julie, we lost you. Although for a second there I panicked that I've been on mute all that time.

JULIE HEDLUND:

I put it in the chat. I said, "All good."

HEATHER FORREST:

Excellent. Wonderful. Alright, great. Can we shift to the next item which is I think 2.2 and 2.3? Yes, there we go. Good.

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Alright, to introduce this, we've got the petition process for specific actions and then we've got Rejection Actions on Community Forums. As Julie noted, once we get into rejections, there's a bit more complexity in the matter. So these documents were created by staff prior to ICANN65. I did promise to them that I would review them all before the end of May so that I was up to speed on all the documents that they had drafted before we went into public meeting madness. So hence, you'll see comments from me in this document as well. I think what we ought to do is just have a quick scroll through.

Maybe, Julie, I'm putting you a bit on the spot in the sense that it's sometime ago since these were drafted. Can you maybe give us a two or three-minute introduction to this next set of guidelines to kick us off?

JULIE HEDLUND:

Yeah, Heather. I can do that. I'm going to go to the document so I can scroll through it myself just as I speak to it. These obviously are related procedures. These are both procedures having to do with the easiest right to reject an action. There's a series of items here and this goes back to your question, Steve, as far as what happens for rejections of IFRs. IFR recommendation decisions are one of the items that as you see – I can't see now what you're seeing – but there's the list right down in the background of the document that shows all the various actions that are governed by 2.2 and 2.3. This includes standard Bylaws amendments to fundamental Bylaws. Amendments are dealt with separately. In fact, fundamental Bylaws amendments are dealt with for acceptance in the acceptance action we just talked about.

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There's two pieces to this. 2.2 has to do with the petition process so that an individual may petition a decisional participant. We need to decide what happens when the GNSO gets such a petition, how to deal with it. How does it decide to accept or reject it?

I know Marika when she was reviewing these – and when we get to this section, we'll have to contemplate – is if petition comes from a constituency or stakeholder group, do we want to put a requirement that it comes up from the leadership of that group as opposed to – so that it's not coming from a random individual within a constituency or stakeholder group but that is coming up through the leadership.

I'm going to go down to the actual guidelines. The questions that we're looking at are who's eligible to submit a petition to the GNSO Council, requirements for that petition. I'll just note here that there's a lot of detail and there may be more detail that we might want to include. You'll see that Heather throughout made quite a lot of edits. These originally came as drafted. We use as a template of sorts the guidelines that ccNSO had already drafted through GRC. So we may not agree with some of the ways it's written here. We did try to change things that were not – this is GNSO, not ccNSO. But we do things differently and so some of it may not apply. But there are also several provisions within the Bylaws that these guidelines follow as far as certain actions that have to be taken as far as giving feedback on Rejection Action petitions, and so on.

2.2 is all about what to do about a petition. Then the next one is developing the input to a Rejection Action Community Forum. Once you've had a petition or maybe you're asked to join a petition then you

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will have the opportunity – well, either way you’ll have the opportunity to provide input into a Rejection Action Community Forum. As a decisional participant, that is your option to do so.

That’s very much like but a little more complicated than the guidelines that we just followed where there is an Approval Action Community Forum. In this case, it’s a Rejection Action Community Forum. But there’s some similarities. In fact, if we were to scroll down to 5.3.2 and 5.3.3 in the guidelines for 2.3 that the Rejection Action Community Forum, there’s something that we can do to make this format consistent with what we just did for the Approval Action Community Forum in that we combined the GNSO Council decision and informing the ECA into one section, and then we include the timeline. I think the timeline is important here as well for the same reasons and that we have a 21-day period in which to make decisions. So we’re going to have the same decision process in this case as well.

Let me stop there.

HEATHER FORREST:

Yeah, good. Let’s just pause you there, Julie. David has got a hard stop. We’ve got two hands up and we’ve got six minutes left. Steve and then Wolf-Ulrich.

STEVE DELBIANCO:

Yeah, I had the same problem as you do. Using the phrase, “stakeholder groups and constituencies to determine who may begin the petition” won’t work. It isn’t sufficiently particular for the GNSO because while

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the registries and registrars are stakeholder groups, the commercial stakeholders group doesn't really exist. It's a label for three constituencies. The NCSG runs itself as a stakeholder group. So there are three constituencies. Any one of them should be ineligible participant to begin the petition process. Let's suppose that the IPC was that participant but it was not able to get the positive support of the BC and the ISPs, well, would that mean the CSG as a stakeholder group failed to bring a petition? Yeah, it could mean that and we do not intend for that to be the case. So it is stakeholder groups or constituencies. I don't think it's "and." I think it's "or constituencies," not "and" for the reason I just explained.

HEATHER FORREST:

Thanks, Steve. What I think we need to do is capture that with edits and see where others land on this too, but it captured that with edits into the document.

STEVE DELBIANCO:

Wasn't that the point you were bringing up to me in the chat, Heather? I figured it was.

HEATHER FORREST:

It was and it wasn't, Steve, in the sense of I was responding to your comment. When we did these Bylaws in 2016 we wanted to allow each AC/SO decisional participant to decide its own procedures, and I understood that in response to Julie's comment about each group needs to decide whether it's an individual or whether it's the leadership

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or whatever, I was following that thread. But I think your point is more broad and it goes to the language here. Yeah, okay, alright.

STEVE DELBIANCO: That's right. And it's a minefield to get into this notion between the CSG, not an entity. Thank you.

HEATHER FORREST: I know. Alright, Wolf-Ulrich, over to you.

WOLF-ULRICH KNOBEN: Thanks, Heather and Steve. I was a little bit confused. That sentence, "Every constituency or every entity should write their own procedures, to put forward a petition." That's what I understood. Why couldn't it be a general kind of procedure to be adjusted by staff, and then we draw something from that and try to adopt our own needs internally? That's one question.

The other thing is, Julie, I tried also to go through the document before the meeting. I saw there is a lot of climbing in this document. That means the process how it works and you count it in days. Who is going to do that? It would be helpful if you could have a kind of picture or timeline to see how this comes together all. Because sometimes it seems to me really short periods of 2 days or 5 days in relation to others, maybe it's 28 days, so in order to decide what to do here and how it really impacts the process, it would be great if you could have something for the next time in terms of which shows us a little bit the timeline here. Thank you.

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HEATHER FORREST: Thanks, Wolf-Ulrich. I note Julie Hedlund’s comment in the chat, “We can do an overall timeline. There are some graphics that the EC Admin has created that shows the process overall.” I think the graphics would be super helpful and even better than the tabular timeline in addition to tabular format.

WOLF-ULRICH KNOBEN: Great.

HEATHER FORREST: Good. Thanks, Wolf-Ulrich. Two minutes left. I’d like sum this up. We’ve made significant progress today. We’re on schedule in terms of our overall timeline and commitment to the GNSO Council to have this work wrapped up in September. We’ve made good progress with the ccNSO. David, it’s to you, just a quick review of action items. Quick sanity check here. David, you’re going to coordinate with staff just to make sure we’re not overlapping in terms of what we’re getting back from the GRC or who’s communicating with the GRC on when to do final comments on coordination process for 18.12. David says, “Right. Great.”

For all of us, for the next meeting, which will be in two weeks’ time, we’ll focus fully on this Section 2.2 and 2.3 stuff on the rejection procedures. You see it’s a lengthy document. It took me quite a bit of time. I did a lot of wordsmithing in it to try and clarify for non-English speakers, a bit of plain English drafting, but I also tinkered around with things.

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You'll see that I've asked a question in this document as well about the reference to the GNSO Chair and whether that's appropriate. So please keep your eyes open for that. I've also raised a few other questions throughout.

Wolf-Ulrich says, "It would be good to know where flexibility is given in a timeline and which time periods are prescribed by the Bylaws." We can note that in the timeline format. Maybe not in the pre-prepared graphics but we can note that in the timeline format.

With that, you'll also receive the final version of 1.3 which is the stuff that we spent the start or the bulk of the call on today. It will be a clean version. There are two points in there that Ariel and Julie will follow up with Steve DelBianco and myself so we'll get that around, circulating everyone. It's going to be a busy two weeks just to get over the line. This I knew was lingering in our timeline for a pretty big chunk of work, so I'm hoping that we can put our heads down and get this one done on time.

With that, any final questions, comments? Steve, you've got your hand up. We're going to lose David here shortly. Steve?

STEVE DELBIANCO: Old hand. Very sorry.

HEATHER FORREST: Got you. Alright, gang, good stuff. Thanks very much to Julie and Ariel, for all their hard work, and to be continued. Everybody, have a great

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day or evening, whatever it is in your time zone. Thanks very much, everyone. Bye-bye.

STEVE DELBIANCO: Bye-bye.

JULIE HEDLUND: Have a great day. I appreciate it. Bye-bye. Thanks, Heather.

HEATHER FORREST: Bye all. Thank you.

**[END OF TRANSCRIPTION]**