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GNSO Review Working Group
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Wolf-Ulrich Knoben: Well good afternoon from Hyderabad in India. This is the GNSO Review Implementation Working Group meeting. And we are supposed to hold this meeting for I think five quarters of an hour.

So my name is Wolf-Ulrich Knoben. I am the vice chair of this group, thanks to those people who put me forward to that position. Thank you very much for your confidence.

And let's just go through the agenda and start immediately since we have short while now to go through our program and we hope to get to the end, to

a certain end today. May I just start question around is there - do we need a roll call normally?

Woman: Probably a good idea, yes.

Wolf-Ulrich Knoben: Yes, so how we do this? People are just writing their names, saying their names and their affiliations? Okay then let's start this way, from the last incoming please.

Avri Doria: Okay, my name is Avri Doria. I'm with Association for Progressive Communications, and I am the NCSG secondary.

Wolf-Ulrich Knoben: Okay, we know you, thank you. Thank you. The next one.

Pam Little: I'm Pam Little from Zodiac Registry, one of the new gTLD registry operator. I'm from the Asia-Pacific Region, I'm participating in my personal capacity. I'm also actively participating in the APAC space, which will have a session immediately after this session on (TAS) update the group or the APAC space group about the progress of this working party. That's why I'm here, thank you.

Wolf-Ulrich Knoben: I understand you're representing the registries operators. That's correct?

Pam Little: I'm not representing the registry operator, but I am affiliated with a registry operator. My employer is a member of the Registries Stakeholder Group.

Chuck Gomes: Wolf-Ulrich, the – this is Chuck – and I think (Jan) is actually the Registries Stakeholder Group representative on that.

Wolf-Ulrich Knoben: I was just curious about, you know, who is affiliated to which stakeholder group or to see what kind of level of representation we have in the room.
Thanks.

Darcy Southwell: Darcy Southwell with Endurance International. We're affiliated with the Registrar Stakeholder Group, just here as an observer today.

Wolf-Ulrich Knoben: Thank you.

Sarah Bockey: Sarah Bockey with GoDaddy. I'm the alternate for the Registrar Stakeholder Group on this working group.

Lawrence Olawale-Roberts: My name is Lawrence Olawale-Roberts. I run MicroBoss in Nigeria. I'm a member of the BC and I'm representing the BC here.

Julie Hedlund: Julie Hedlund, ICANN staff.

Wolf-Ulrich Knoben: Yes, Wolf-Ulrich Knoben, vice chair of this group representing CISPCP or Commercial Stakeholder Group, thanks.

Alex Deacon: Hi, my name is Alex Deacon with the Motion Picture Association of America and I'm here to observe.

Chuck Gomes: Chuck Gomes from VeriSign, and I'm a regular observer of this working group.

Keith Drazek: Keith Drazek, VeriSign, Registries Stakeholder Group, and a new observer to this group.

Lars Hoffmann: Lars Hoffmann, ICANN staff.

Charla Shambley: Charla Shambley, ICANN staff.

Lori Schulman: Lori Schulman, International Trademark Association and the IPC primary to this group.

Wolf-Ulrich Knoben: Okay.

Jimson Olufuye: Okay, Jimson Olufuye, observer, BC.

Wolf-Ulrich Knoblen: The gentleman behind you please.

Heath Dixon: Heath Dixon, Amazon registrar.

Wolf-Ulrich Knoblen: Do we have more participation?

Man: (Unintelligible)

Man: Hi I'm (Funite). I'm from the Center for Communication Governance. I'm an academic. I'm here as an observer.

Wolf-Ulrich Knoblen: Oh I'm sorry about that. You know, my glasses just touch on this horizon here. If you don't mind, if you would like to approach us closer, please come closer here, thanks. So do we have more participation?

Woman: There is nobody else.

Wolf-Ulrich Knoblen: No, not yet, thank you. Just let's review the agenda. We have just one major point is the continuing of the discussion we started this week as to the - to the (unintelligible) provided by staff. And then - well, let's talk about the next steps.

Let me just first tell you is that we had a chance about 2%. The status of this group at the GNSO meeting last week -- I think it was on Friday -- (I'm called) of that meeting. So I briefly presented where we are and our (unintelligible) and pointed specially to the schedule we have in mind in order to achieve our goal to send an implementation plan, the first implementation plan, let me say to the board by the end of this year.

So we have to take that into consideration. We are discussing and keep space at the end as well for discussion about this item.

I would say just if you are - are you okay with the agenda? Is there any objection to the agenda? Not yet, thank you. So let's continue in the discussion and - well, following that, I think I would hand over to Julie to get us through where we are and what has been updated with regards to this (unintelligible).

And I suggest we go through by recommendation hopefully. We got to an end to find out the issues, the points we have with regards to the actual status. Thank you. Julie please.

Julie Hedlund: Yes, this is Julie Hedlund. So the status thus far is at our last meeting, which I think was the 25th of October, we got through several of the recommendations. And what's I've done here is I've put the latest straw man up so that you could see it on the screens in front of you rather than trying to put it through the Adobe Connect.

If we do have people who join us remotely, I'll put it in the room there as well, but I'm not able to show real time changes in the Adobe Connect room. Just to show what we have done so far, we covered – and I noted this in the document – Recommendation 8, Recommendation 15, 16 and 18.

And I'll note actually 16 and 18 we covered separately but after I had taken the actions from the last meeting to reorganize the document as had been requested and in particular to identify dependencies between recommendations, it seemed that 16 and 18 were dependent and that they both related to the policy impact assessment and the effectiveness - analyzing the effectiveness of implementation of policy.

And so while we did cover both of those at the last meeting, I have put them together as sort of dual recommendations so that one can see that they are

related. And I combined in a section that I'm now calling implementation plan but we can of course – and we'll get to this in a second – but the actions for these two items as they appeared to be connected.

We also went through 14. We went through 33. And then we're into ones that we have not covered. I thought maybe that there was one - I want to make sure I haven't skipped over something here. Yes, there it is.

We did not cover also recommendation 31. And just for further explanation for people who may not be familiar with what we're doing here, these are the recommendations that came out of the GNSO Review Working Party's evaluation of the review conducted by the independent examiner and the recommendations from that report.

These are in order of priority based on the working party's prioritization. And on top of that, staff have organized them into three categories. And just to remind people and also for those who are familiar, the categories are those recommendations that address PDP improvements, effectiveness, and implementation coded blue.

Those related to GNSO Council, stakeholder group, constituency, appointments, members, membership statement of interest, procedures and support coded brown. And those relating to working group performance, participation, meeting tools, self-evaluation, outreach, volunteers and leadership.

And they did neatly fall into those categories. So that seemed to be helpful. And the working group did accept at the last meeting that organization or even actually I think the meeting before that.

And then staff was also directed to work through any dependencies among the recommendations to identify who would be the implementers, resource

requirements and budget effects. And then as was suggested by the working group, we've arranged these in three phases.

Phase 1 is work that is already underway. Phase 2 is high priority recommendations. And Phase 3 is medium and low recommendations and that's how they appear in the document here. And we had started at the last meeting with the work already underway.

And one new addition that I'll note is I have added – staff have added a – essentially what would be the implementation plan or the proposed implementation plan for each of the recommendations.

And perhaps the working group and observers here could consider whether or not for each recommendation the focus might be on - not only on the - you know, who will implement and budget effects and so on, but also perhaps most importantly whether or not the working group agrees with the suggestions the staff has made with respect to the implementation plan.

And one final thing I'll note is that given our very short time frame, staff anticipates that perhaps this plan might have to be somewhat higher level for the detail and the implementation steps because there is probably not time to do a complete analysis of every recommendation, and to a certain extent some of that will come out in the implementation.

And staff have noted where additional study or analysis needs to be made for the recommendations. Is that a helpful explanation, Wolf-Ulrich?

Wolf-Ulrich Knoben: Thanks Julie for the update. I think that that was (keeping) more clear throughout the work we have already started and done, that they maybe needed more time to go into detail, especially when it comes to the budget questions and the resources we may need if at all, you know, related to some recommendations.

What we've - do we have right now as I understand correctly – and please correct me if it's not – so we have gone through some of your recommendations. So we have as available, you know, the people have been, they have commented on what was proposed by staff.

You put that into as an update to that, to those recommendations. We can leave that, these recommendations at first, and afterward I would say that we are going to continue right now with the recommendations we have still to discuss, you know, and then comment in addition.

So how we then deal with that afterwards is all because it may be needed that some of the participants need more discussion internally in the background of their stakeholder groups about that. Even let's do that then afterwards, yeah, that we discuss that. That's my proposal.

Is there any (dried) question from your side to how we are going to proceed?
You look - it's very...

Avri Doria: Yes.

Wolf-Ulrich Knoblen: Very much problem?

Avri Doria: No, I was just wondering whether we're actually talking about something yet, but we're not. We're still talking about how we're going to talk about something.

Wolf-Ulrich Knoblen: Yes.

Avri Doria: And so that was where I was confused in this space.

Wolf-Ulrich Knoblen: Okay, good. But you know this how is – you know, let's just keep these recommendations. They have already been done this past year, so when we

have a lot of other (unintelligible) to start with. So where do we start from right now? To me, that is the question.

Julie Hedlund: So the first of the recommendations that we haven't covered is Recommendation 31. That has to do with the GAC. And this – I should say – this is in the section, the Phase 1 section of work that's already underway. And this was as identified by the working party as work already underway.

It has to do with the GAC GNSO consultation group on GAC early engagement. And in the GNSO policy development process to continue. It's two work streams as priority projects. And consider how the GAC could appoint a non-binding, non-voting liaison to the working group of each relevant PDP as a means of providing timely input.

And just to move on down here a little bit, the working parties had, you know, encouraged continued work on this. And had identified as an action item to send a letter to the GAC expressing appreciation of the work of the consultation group and encouraging continuation of that group and then considering whether the GAC would appoint a non-binding, non-voting liaison to the working group of each relevant PDP.

And so this has been identified as an action item that the GNSO would hold the lead to send a letter. This letter has not been sent. As a possible implementation steps, the suggestion would be – well, just above that, sorry. Dependencies would be a dependency of the GNSO to take on this work. It would be implemented by the Council.

And conceivably the GAC resource requirements would be volunteer resources and I would say I think probably staff as well. Budget effects should be minimal. These are all suggestions from staff. And then the implementation steps could be that the GNSO Council would send a letter or test this approach within the GNSO GAC with the GNSO GAC liaison.

And then once that step had been taken, the working group would determine whether or not that step would implement this recommendation.

Wolf-Ulrich Knoben: Okay thanks Julie. Well this is still – this is ongoing work you understand, but because we have installed already the GAC GNSO liaison but open the floor for questions here. Avri, pleas.

Avri Doria: Thank you. Avri speaking. Perhaps I'm being easily confused, but didn't we just close down this consultation group and so we would probably need to recraft this as just an item for the liaison to do because at the moment as far as I understand we said thank you very much, that that GNSO/GAC consultation group has finished its work, which I must admit amazed me when that happened, but no longer being part of that group I didn't speak to it.

So it seems that actions have sort of overtaken us here on this so we'd have to figure out a different solution at this point.

Wolf-Ulrich Knoben: Any further comment? Chuck please.

Chuck Gomes: Chuck Gomes. And Avri's right. From what I understand as well. But it's just a matter of rewording the staff suggestions there.

Wolf-Ulrich Knoben: Did you take that, Julie?

Julie Hedlund: Yes actually I'm – since I can do this in real time, I'm noting that the GNSO GAC consultation group has completed its work. Thank you very much for that, Avri Doria. This is Julie Hedlund by the way.

And then – and if the working group agrees then the approach would be to have the GNSO GAC liaison take this up as an action item.

Wolf-Ulrich Knoben: Yes, right.

Chuck Gomes: This is Chuck again. I obviously the council still has to approve all these. It would probably the council that would ask the liaison to do that.

Julie Hedlund: Right.

Wolf-Ulrich Knoben: We should put that in our they say report to council, so that's how we are just seeing the situation right now, and then it's up to the council now to continue to (unintelligible), good.

Julie Hedlund: Thank you very much.

Wolf-Ulrich Knoben: Next one.

Julie Hedlund: Sorry, we did cover – this is Julie Hedlund again – we did cover Recommendation 33. So moving along to Recommendations 24 and 25. And as staff was analyzing again the dependencies between the recommendations, it seemed that these two were related, and so they've been put together sort of as one combination recommendation.

But just to note what these are and see whether or not that is acceptable to the working group, one is about the council and stakeholder groups and constituencies would adhere to the public process for applications for new constituencies.

The board in assessing application satisfied itself that all parties have followed the process. Applications for new constituencies including historic applications be published on the ICANN Web site with full transparency in decision-making and Recommendation 25 that the council commission the development of and implement guidelines to provide assistance to groups wishing to establish new constituencies.

It seemed to me – this seemed to staff that those related. Is there any objection to combining those and having them treated as related in how they are implemented?

Wolf-Ulrich Knoben: Yes, thank you Julie. Is there any comment to that, so with regard to the question that those both recommendations from the perception of - to implement those should be combined – could be combined in one package, let me say that. It's - I understand that is up to the community, (were) to the community.

Or is it community together with staff? We have, you know, the three different categories on who is going to implement. It's staff and counselor is here.

So you have already done a suggestion about how to deal with that. Does this look like what you would say to - just combining the votes here and put - yes and do it forward. So we can go through just briefly point by point what is the proposal here and if there are comments hear from the audience why we put that in here.

The first is determine that the new constituency application processes are clearly posted and easily accessible. That's one point to find out - I don't think there's anything else. We have to determine a lot of things. From one to five is several things before we can start really to implement that.

How does this - how do you see that, Julie, the amount of work? If I look at this an emotional five points for the determination. And then evaluation and recommendation is relatively short, you know. How do you - what is your perception of, you know, the amount of work to be done here?

I think it's somewhat perfunctory. I mean it would not take - I wouldn't think a great deal of effort to say look and see whether or not the application processes are posted and, you know, looking at whether or not there needs to be compliance.

You know, I think that this could be a relatively – you know, and so on – a relatively short study by staff and then presenting those - the data and suggested improvements, you know, to the working group and then a working group, you know, looking at, you know, that information and saying yes, you know, this fits the recommendation or no, there are some other steps that need to be taken. But it seems to be fairly straightforward unless I'm missing something.

Wolf-Ulrich Knochen: Okay, thanks. From those who have read that, is there anything you would miss here in (unintelligible) to that task?

Chuck Gomes: This is Chuck speaking, and Julie what work - you referred to a working group in what you just said. What working group are you talking about?

Julie Hedlund: Thank you Chuck. This is Julie Hedlund. The working group references here in the implementation steps are the reference to the GNSO Review Working Group so that the presumption that staff has made is that it would be the GNSO Review Working Group that would determine whether or not these steps have been implemented.

That is a suggestion and it should be a different body. And in some cases it is mentioned that it is different because for instance in cases where operational procedures may have to be modified, the working group but then final approval would happen through the - you know, through the GNSO Council as a standard. That was a suggestion.

Chuck Gomes: Thanks. Chuck again. And so you mean this working group, okay, very good. That's fine. I just wanted clarity on that. And then note that Number 4 does involve others, probably even beyond the working group in the sense that probably the constituencies and stakeholder groups are going to have to weigh in on that one to determine whether they agree with the working party suggestion in that regard.

Julie Hedlund: Noted. This is Julie Hedlund. Noted, Chuck, and I'm adding that into the recommendation.

Heath Dixon: Hi, this is Heath Dixon. A follow-up on that question. Looking at the way that the implementation steps are set up, Number 4 says staff will determine whether or not there is a presumption. And then Step 8 – I guess the question that I have is we could – the staff could make a determination and then the working group could say the staff has made a determination.

That really shouldn't be the end of it. So it seems like there needs to be some - yeah, there needs to be an evaluation of the determination and not just a confirmation that the staff has made the determination. And so I think we need to capture in the implementation steps that staff is going to make a proposal or I guess provide a report.

The use of the verb "determine" there I think is what the problem is because it makes it sound like the staff is the one that is actually making the decision and that seems to be wrong. Maybe the suggestion is to change "determine" to another verb that better describes the role of the staff in the process.

Chuck Gomes: And this is Chuck. And you're getting at exactly what I was getting at. That particular issue can't be - I don't even think it's staff's role to make that a preliminary assessment. I think the stakeholder groups and constituencies are going to have to weigh in on that.

So you're following up on exactly what I was pointing out in Number 4. And your suggestion might be good in terms of wording.

Wolf-Ulrich Knoben: Thanks for the comments. Maybe the confusing thing is here, you know, as we have identified the implementation work to be done by staff plus the GNSO Council and stakeholder groups and constituencies. So there's still,

you know, remaining the headline here on the implementation steps, which says that staff will undertake an evaluation as follows.

So maybe if he – together with – we add, you know, the same thing here – staff plus the community, the GNSO community or what was your proposal? It's going to undertake an evaluation here because if somebody, you know, comes up, staff come up with a suggestion but, you know, is it final? The determination is to be done by the community itself. Avri.

Avri Doria: Yes, Avri Doria again. Yeah, no, there is a little bit of confusion in this one because first of all it's talking about a historical review of however many have applied over - and I'm not quite sure over what amount of time. So there's a question there.

I see no reason why staff certainly couldn't do the gathering of that review and then make an initial determination because what they're doing here is not a normative, you know, for example Question 4, determine whether or not there is a presumption.

Now since they're doing a review, it's not normative. It's not the staff deciding whether there should be a presumption. It's staff deciding whether there was a presumption, I would assume since it's historical reporting.

So the thing is kind of confused in terms of the what and when but if it's a report of history and then it's a report of future history, you know, perhaps yearly or something, I don't understand.

Chuck Gomes: Yes, Avri, that's really good. And I'm wondering – this is Chuck – I'm wondering if this should be broken out into two parts because can you put 4 back up there in the implementation steps so I can have it there? Notice that the first part is the determining part, but the last part, and this is the part that I think a couple of us were referring to where it says "if such a presumption is

appropriate.” That’s the part I think that the stakeholder groups and constituencies, maybe the council needs to do.

So maybe it would be better to separate the determining part is there a presumption? And then the decision whether there should be a presumption.

Avri Doria: Or should have been – either way, yeah.

Chuck Gomes: So that’s just a suggestion because I think you’re right. Combining the two, one can probably be done by staff. The other one I don’t think is appropriate for staff to do.

Wolf-Ulrich Knoben: Thanks for the comments. It’s can we find the proper wording for that, you know. I think it’s understood, you know, what we need here, yeah? So just think how, you know, just to cover this. Thanks.

Julie Hedlund: Actually – this is Julie – and I’m not quite sure that I understand. And I wanted to also point out something. So staff did not actually come up with this particular language. It was pulled from the working party comments. And perhaps it’s the way that staff have then conveyed it as implementation steps.

So the GNSO action items identified by the working party were these various determinations here listed with the small Roman numerals. And so what staff endeavored to do is to take those steps and turn them into implementation steps. And perhaps it is the use of the staff undertaking the evaluation and then, you know, sort of combining everything into one and as you say, not separating out certain things that has made it confusing.

My question is where was it that you were suggesting that we break these up? Because I’m afraid I didn’t quite catch that.

Chuck Gomes: So this is Chuck again, and others correct me if I get this wrong, but in Number 4, if you take almost pretty much the first two lines there, that’s

something that staff could at least make an assessment on. But if you look at the last part where it says - and where'd it go?

Okay, "if such a presumption is appropriate." I think the GNSO through constituency stakeholder groups, etcetera, and even the council, needs to make that determination whether it should be a presumption. I think the working party – for those of us that were on that – that was what we were getting at. And that's really a decision of the policy-making body of the GNSO and in particular the constituencies and stakeholder groups that are directly impacted by that.

Did that make sense, Julie? It's that last little phrase that really - it would be unfair to ask staff to do that.

Wolf-Ulrich Knoen: Thanks Chuck. Well I think it's - and Julie's right right now to insert a new 5 separating the 4 in these two parts. It may - it's good that we have this discussion. It may come up with this also condition as well because - and as - Julie we took just from the recommendations, which were recommendations towards the whole GNSO, you know, to - and we took it here in the implementation phase.

And then it comes up so we have to split up several paths well between staff and the community here. So I think that's appropriate to revert that in this way. Thanks.

Heath Dixon: This is Heath Dixon. I think the other thing we need to do here is look at which of these determinations are present time and which of these determinations are historical.

For example, Number 1 to me strikes me as a question that could either be were they - were the processes clearly posted? Or it could be are they currently today clearly posted? I probably don't care that much about whether or not they were clearly posted because that probably changed over time.

And it seems like - oh well, that one to me seems like a determination for today. What steps are taken in Step 2, I think that question should be a historical one, what steps were taken. But maybe I'm wrong. Maybe that's like the "are the processes posted?" Maybe that's a "are there steps in place today?"

It feels like some of these are asking for the staff to do some research on what was done in the past to help us make a determination of how we should proceed in the future. And others are determinations of whether or not currently we have an appropriate process that is properly posted and has proper safeguards, etcetera.

So I think we need to take the timing into account in deciding what to do with each of those.

Wolf-Ulrich Knoben: Avri please.

Avri Doria: Yes, thank you. Avri again. I'm not so sure that the past is just to determine how it was done is an indication of how it should be done because I think in the review there may have actually been instances where there was indications. So perhaps it wasn't done as well as it should have been.

So basically I think the review is both to try and figure out what to do, but also to determine whether all of those were indeed done properly at some point. So I'm not sure, but I'm kind of remembering that there were issues in the review about some constituency applicants not having been happy with the way their constituencies were judged.

Heath Dixon: Heath Dixon. I think that's a great point. So maybe the way to approach it is to start with the Number 3, determine if all applications are - maybe to start with - let me strike that.

Maybe the right way is to say for each of the prior applications, determine the following, and then list each of the things that we want to look at. Were the processes properly posted? Were there steps in place to ensure compliance? What was the presumption of whether the new constituency should be admitted?

So maybe if they - the staff should look at each of the prior applications and assess a certain list of things about each of those as historical information and then move forward into the determination of what we should do going forward.

Wolf-Ulrich Knoben: All right. Chuck, please.

Chuck Gomes: Thanks. Chuck again and I think I just left my hand up there – sorry about that – in Adobe. But notice that Number 1 actually answers the question where we’re talking about historical or current. Notice the word “currently,” and so it’s pretty precise.

Now I’m not opposed to looking back. I think there will be some cases when looking - and the working party did do that, look back a little bit and consider that. But this one – I think Number 1 is currently - and because we’re looking at improvements in this area, I mean, what we really want to do, is it currently posted clearly and easy to find?

And if not, then once that’s - if that’s determined it’s not then suggestions for how to do that making sure it’s easy for a potential group that wants to become a constituency to do it. So this one I think - I think Number 1 is clear that it’s currently.

Wolf-Ulrich Knoben: All right, just looking to the - is there any further comments on that? So because well I think it’s - while the intention is clear, the question is if the wording appropriate here to - or is it still confusing anybody. I would say if -

let's do it right now as Julie was doing, so (unintelligible) and it circulated anyway.

If there is any upcoming comments, so should - it should be done after this. Thanks. I think we should move forward. How many recommendations we have to cover today?

Julie Hedlund: A lot.

Wolf-Ulrich Knoben: Okay, maybe. Let's do our best. Okay, let's continue. Which one would be the next one? Is it Number 30?

Julie Hedlund: Yes, this is Julie Hedlund. So this is the Recommendation 30 that the GNSO develop and implement a policy for the provision of administrative support for stakeholder groups and constituencies, and that stakeholder groups and constituencies annually review and evaluate the effectiveness of the administrative report they receive.

And here the working party had determined that there's already a procedure for writing some forms of administrative support. And so the action item that was suggested was to identify and review the existing procedures for obtaining administrative support, adequacy and effectiveness of the procedures and recommendations for improvements.

And then it was - I'm sorry, I didn't mean to jump ahead like that. This is noted, by the way, as a low priority. So the status noted here is that in 2010 a formal toolkit was developed. And then staff developed sort of a pilot program of support.

And in 2014 ICANN introduced a pilot contract secretariat program. And that pilot effort is ongoing. And so what is suggested here - I'm not really sure. This seems like a typo in here, but - and what is suggested here for implementation steps is that staff could evaluate the toolkit pilot program

provider report to the council and the GNSO Review Working Group and then the working group and/or council would determine whether or not the recommendation has been implemented based on that evaluation.

Wolf-Ulrich Knoben: Chuck, please.

Chuck Gomes: Thanks. Chuck again, and again I think the GNSO has to evaluate whether the toolkit meets its needs. I think it's unfair to ask you staff members to do that. Your input and if you identify weaknesses or something, got no problem with that. But I think the evaluation needs to be done by the members of the GNSO.

Wolf-Ulrich Knoben: You're right, Chuck. And Julie is just inserting that, yes. Okay. Any further comment on that? Let's move forward.

Julie Hedlund: Yes, okay. My microphone was acting strange. This is Julie Hedlund. So Recommendations 10 and 11 were covered in the last meeting. The only difference here is that staff has suggested that these are dependent related to each other, one having to do with working groups engaging professional facilitator and the other assessing the face-to-face PDP working group pilot project.

Both of these relating to how to provide, to help the working groups in their work and, you know, in particular to move along work that might be particularly difficult or, you know, would need facilitation or need face-to-face meetings.

And so then just the only change here then is that staff for the implementation steps is suggesting that these - you know, these could be conducted, you know, for both of these. One would be results of the PDP Working Group pilot project and looking at those results.

I think one of the things that was noted in the last call was that - also was that the determination of whether or not to use the facilitator really rests with the PDP Working Group. It's not something that would - as far as budget impact, it's not something that ICANN would necessarily budget for every PDP working group to have a facilitator but would at least have something in the budget.

And this is something the staff can determine too. I think it is, but I will check whether or not that is an option, you know, currently for a PDP working group to have a facilitator if they need one.

Chuck Gomes: Chuck again. And you said something really important, Julie, and that is, you know, with regard to the budget, we're not going to know enough in advance to include specific funding for a need like this. And if you have to wait till the next budget cycle to get it in, you've just lost the opportunity when it was most needed.

So one of the implementation steps here that might be useful is to work with Xavier and his team with regard to the whole budget process. They have a - generally have a general contingency fund and so forth.

And that might meet the needs here, but it might be useful as an action item on this step to figure out what's the best way to allow for some unspecified funds for uses like this knowing that they probably need to be used in a timely manner when a working group gets to point where they're stuck, and if it's in September and it wasn't budgeted for.

So you hear what I'm getting at. Does it make sense? Yeah. And I don't know what the answer is, but I'm sure Xavier and his team could help us on that.

Wolf-Ulrich Knoben: Avri please.

Avri Doria: Yes, I think that's a good idea. It may not even need to be a contingency. One may look at the fact that there are 20 PDPs and estimate that 10% of them may want it and so budget for, you know, two occurrences, etcetera – something like that – and leave that sort of in a staff because the staff is the one that was watching.

The staff is pretty much the one that knows that the working group is in trouble, even often before the working group chairs know. And although the working group chairs can also ask. So that might be another way when talking to Xavier to, you know, deal with it and just budget a few of them and see what happens.

Wolf-Ulrich Knoben: So actually we could - I think there shall be later on a budget meeting, yeah? Isn't it...?

Chuck Gomes: It's in this room at 5:00.

Wolf-Ulrich Knoben: Great. So just keep that question. That's okay. And then we should handle that practically. The...

Chuck Gomes: Just one clarification though Wolf-Ulrich. This is Chuck again. That's going to really focus on the PTI budget I believe today. That doesn't mean – but this is kind of a long-term budget planning process question that they might not get to in that meeting at 5:00. But it is a 5:00 to 7:30 meeting by the way.

Wolf-Ulrich Knoben: Okay, great. Next recommendation is...?

Julie Hedlund: Yes, Julie Hedlund. Recommendation 13, the GNSO Council evaluate and if appropriate pilot the technology solutions such as (Lumeo) or similar to facilitate wider participation and working group consensus-based decision-making.

And it was noted that working groups are already using some tools. And it was also noted that perhaps the use of tools and whether or not there needed to be other tools might be something that the GNSO Review Working Group could look at in its sort of new role of looking at the - you know, the processes and, you know, being used by the GNSO, you know, operating procedures processes, etcetera.

So budget effects would depend on the tool. I mean, there are several that are free. There may not be effects and the suggested steps for implementation would be that staff could provide information concerning the types of tools available and in use, and then...

You know, and then the working group would decide whether or not it wanted to do further work on this or whether or not just having information available to the various working groups to say, you know, here's the toolkit of things that you can use to collaborate and, you know, whether or not that would satisfy this particular recommendation.

Wolf-Ulrich Knoben: Any comments to this one? I think – what was the level of priority here?

Woman: (Unintelligible)

Wolf-Ulrich Knoben: It's medium, okay. Good. No more comment. I'll leave it. Next one?

Julie Hedlund: The next one is Recommendation 19, a strategic managed rather than a policy body. The GNSO Council should continue to focus on ensuring that a working group has been properly constituted, has thoroughly fulfilled the terms of its charter and has followed due process.

This one is marked as low, that the work is already done. It's noted that updates of each PDP are given to the GNSO counsellor during ICANN meetings. There's a post-working group assessment that's undertaken, and those results are forwarded to the council.

So implementation steps that are suggested here are that staff could detail the current procedures that, you know, that could meet - that could meet the requirements of the recommendation. And then the working group would determine whether or not those steps do indeed indicate implementation.

Chuck Gomes: Chuck again. So I'm curious. It'll be real interesting to see the first step there in terms of - I'm not aware of a procedure to regularly assess working group membership. Is there one for that? I mean, you want it to be representative and certainly heavily impacted stakeholders should be.

And so it seems to me that - I'm not sure there are really procedures. I mean, this is a good council policy management task. But are there really procedures to like say once a quarter or something like that evaluate the membership to see if - I mean, all of us as working group chairs probably should do that and the staff support.

But this sounds like there's some procedure to do that now, and I think that's what the working party was getting at there.

Julie Hedlund: This is Julie Hedlund. I think that was not what staff were trying to suggest in this. I think the procedures that staff had identified as already occurring are the updates that are provided concerning the work of the working group, so just that the working group, you know, liaisons are updating the council on their work.

And then there's assessment of that work. And I think then that you were getting at a point that perhaps has been missed here, and that is the term, the phrasing "has been properly constituted."

It seems to me that the status of improvement effort points not to the constitution. And this is actually information that the working party had

collected or that was provided to the working party, that section on status and improvement efforts.

Staff lead had previously been provided, but that seems not to speak to constitution. That seems to speak to activity. So perhaps this is not already done because as staff, I am not aware of a procedure for reviewing the membership of a PDP working group.

I know that informally it can happen when in particular, you know, it's noted perhaps that a PDP working group has insufficient representation perhaps among the stakeholder groups and constituencies. But I'm unaware of a procedure.

So perhaps that is something that it could be a step. And maybe we move this into - well that would put it only if it's low. That would put it all the way at the end of Phase 3. But so maybe we put it somewhere in between, but that staff could develop a procedure that could then be reviewed by the working group and a possible procedure.

Wolf-Ulrich Knoen: Before I hand over to Avri while (unintelligible) is here really. So I understand what we have at the time is a kind of, you know, unwritten procedure or, you know, some bullet points, you know, some points what to do but is not step by step, you know, (at this time).

I wonder whether we should do so, though that could be a suggestion well this is going to be done. But really, so I'm looking for the value of that further on, but Avri please.

Avri Doria: Thank you. Avri speaking. I don't - we certainly don't have a piece of paper with check boxes type of procedure. But I do believe in the working group guidelines -- not that I've looked at them all that recently -- we do have a responsibility listed on the chairs to make sure and we do have the

communication with the liaison to basically - and in fact you do see various groups all the time saying, "We don't have anybody from Group X."

You know, "Report back to the council so that everybody can tell the stakeholder groups to do it." So I think that when I read this, it's sort of asking for the staff to sort of say, "Are those working group, you know, processes being followed by the chairs?"

As I say, I don't remember the specific wording in the guidelines at the moment but it's definitely in there. And we're supposed to do it. And we do seem to do it. We don't do it regularly like is it done every quarter, etcetera. But whenever we notice that there's a shortage, we raise an alarm.

Chuck Gomes: This is Chuck, and just to follow up on that, especially when we get to an issue that we know affects registrars and we haven't had anybody from the registrars - sorry to pick on you Sarah. But yeah, so you're right. We kind of do it.

I think what the working party was getting at here is maybe the more formally, not rigidly formally but make sure that it happens, so...

Wolf-Ulrich Knochen: Yes. Past is one thing and the other thing is well to get it written down also and then to see what's really happened. How did you phrase it right now? Detail the current procedure. Well, I think we had a problem with that kind determining here current procedures, that more or less the current habit we have rather than a procedure.

And while that may help also you know because not really to - well, on the one hand to look at the working group guidelines, as you were saying Avri, is it covered in that tool? Is it covered to the right extent we are expecting to be covered?

And the other one is then are we going to follow those habit, also those past procedures or those milestones set in the working group guidelines. So I wonder how we shall deal with that then. Is it - we wouldn't like to have a kind of survey of the past. That's what I understand. The past is past. Yes so it has been followed or not, so...

But it should help us just for the future and for the existing working groups to see is there a lack of - yeah, of following that's what we had intended well to do. So I'm really wondering how (unintelligible).

Avri Doria: If I may, this is Avri again. I know on a lot of working groups, I haven't checked whether it's the case on all of them, but in terms of describing the membership, it also lists the stakeholder group.

So indeed if that is already being kept at that level of specificity then really all that's missing is the council or liaison periodically sort of looking at those lists and saying yes or no. And so maybe what's missing is somebody that's playing oversight role actually checking the information to make sure that it is indeed being done.

But I'm not sure that all working groups have this. But I think they do these days.

Chuck Gomes: This is Chuck. I'd take it one step further though Avri. It's not enough just to check your current membership list and whether all the stakeholder groups and constituencies and interested parties are listed there, whether they're active.

There needs to be some assessment whether you've got active participation. And you and I both know that that changes a lot over time.

Avri Doria: But we do keep attendance, so that data is also there.

Wolf-Ulrich Knoben: Okay.

Julie Hedlund: I'll just note - and I think part of what maybe needs to be pointed out in this recommendation, it actually has sort of three pieces that the working group has properly constituted -- one, thoroughly fulfilled the terms of its charter -- two, and has followed due process -- three.

So I think what we have are - we have procedures in place where, you know, there are updates given, you know, and self-assessment provided. But what we don't have - and we have guidelines. We're working with guidelines concerning the constitution of, you know, the membership.

We just don't - and it's something we informally do. We don't have a formal process where we say that for instance the working group liaisons shall do X, Y and Z. And that might be part of the working group guidelines for instance.

Wolf-Ulrich Knoben: Okay, the (unintelligible) here. Okay...

Julie Hedlund: Just trying to capture that.

Wolf-Ulrich Knoben: Good.

Chuck Gomes: So Chuck again. A suggestion to help the working group make a little faster progress, as long as we're sure that - as long as Julie is comfortable with what has been communicated, is everybody comfortable with letting her take a crack at doing the editing later and then that saves time in the working group to essentially have such a short time frame? I certainly am okay with that.

Wolf-Ulrich Knoben: I'm fine with that because afterwards she's going immediately to circulate that and we have time to comment on that, yeah. Good suggestion so let's continue.

Let me just check. So we have still time, I think just 15 minutes or so for today. We still have a certain number of recommendations to get through. While I welcome that we have such an extensive - which we never had on the working team.

So it's (unintelligible) because of lack of participation. Not all these people could participate here. So while I wonder how we deal with it, how many - do we have a specific let me say in order of priorities, Julie, which we should put at first?

Julie Hedlund: Yes, this is Julie Hedlund. So - and actually Phase 2 are the high priority recommendations. I think there's only a few in here, and some of which actually kind of relate to each other and have been combined. We might try to see if we could - I don't know if it's possible - quickly at least go through these.

The other suggestion is to just pick up where we leave off here at our meeting on next Tuesday and perhaps actually see if we can schedule that for longer and see if people would be willing to do that.

Wolf-Ulrich Knoben: I would like to have the last five minutes to be talked about the guideline and the dependencies. So let's just go into these recommendations for the rest of the time here.

Julie Hedlund: This is Julie Hedlund. So these were four recommendations that seemed to be related. They have to do with statements of interest where members of stakeholder groups and constituencies and the members of working groups should complete and maintain the statements of interest, that there should be, you know, publicly available list of members, of participants in every constituency, stakeholder group, and in addition to SOIs - statements of interest.

And then that there should be clauses in the membership, the Chapter 6, the stakeholder groups and constituencies indicating that the clauses there are mandatory, and that again relates to the accessibility of membership information. And then that statements of interest have information concerning the number of years.

So they're related to statements of interest not just but also to sort of the availability and transparency of membership information for stakeholder groups and constituencies.

And the suggestion was that this working group would review the current procedures and work with staff on modifications provided to the council for approval noting, and I don't have it here, but it's perhaps we want to put that there needs to also be perhaps a step taken by stakeholder groups and constituencies or at least there would have to be, you know, approval via the council or otherwise for say such as, you know, the Chapter 6 and 5 elements being mandatory.

And then if there were, you know, changes to the operating procedures, these would have to go out for public comment and so on. There's a few steps here I think that need to be added. But anyway, that's the gist of this one.

Wolf-Ulrich Knoben: Thanks Julie. I think if you also rephrase it a little bit Number 2, you know, it's because it may confuse somebody else. You know, we know what is meant. I think it's the GNSO Council who is going to amend the GNSO operation procedures upon the suggestion made then. But that is clear how to do that. Any comment to that? I don't think so, so we can really proceed then.

Julie Hedlund: Moving along then, Recommendation 6. This is high priority. The GNSO record and regularly publish statistics on working group participation including diversity statistics. Here there is a key dependency. This is also identified by

the working party as far as the need for a definition of diversity and then a development of what, you know, metrics would be collected and, you know, and how to collect those data.

And here then the suggestion would be that the working group could work with staff to develop that definition, determine those metrics and the data collection guidelines and present these to the council for consideration.

And then upon approval, staff would begin to collect and publish statistics and then it would be determined whether or not that was sufficient to implement the recommendation.

Heath Dixon: This is Heath Dixon. Forgive my ignorance but does ICANN already have a definition of diversity and metrics and data collection guidelines that are used in other contexts? If so, it seems like the easy thing to do would be to use consistent definitions and processes.

If not, I guess the question is should the GNSO take the lead in developing those and be thinking kind of more globally for what we need for the rest of the multi-stakeholder community? Or should we maybe consult the multi-stakeholder community and work on a more common set of definitions and metrics that we can be using for various processes?

Wolf-Ulrich Knoben: Well if I may, I don't think we have an agreed ICANN-wide definition of diversity. Well we have a set of different areas a set of criteria – cultural (reaches) and whatever – reach and these things. And - well and while the definition what is behind well it's done so far by the different community groups.

So what's unique here is this came up because okay we have - we have it in our (words). We have it in the ICANN bylaws. So we need more - a little bit more substance on that. So that's (what's) behind. It's not hard to take the

lead here ICANN-wide. It's not about that. It could be a reference to some - or as input over to others, yeah. That's what I understand.

So the question here is so I do hope it answers your question here. But the question is in here, do we need something more to put in that work? Or is that - does it cover, so looking around people here from different parts? Yes, (unintelligible) Julie.

Julie Hedlund: I just added a note here. The Cross-Community Working Group Work Stream 2 accountability has a subgroup that is looking at diversity and determining sort of what that would mean for each group. So for instance, what does diversity mean in the (SSAC) for instance, you know, as opposed to the GNSO.

And I think that that subgroup may be trending towards the recognition that different groups are different and what is diverse for one group is not for the other. And so I've just made a note here that, you know, staff should look at making sure that we're consistent with whatever that determination turns out to be.

And I don't know if that's a sooner or later thing, but they are working very hard on that, and I think they're making some progress there in that group, so I've just added that in.

Wolf-Ulrich Knoben: Thanks Julie. So we have just five minutes left to our meeting. I would like just to then come to the question of timing and what we are doing right now. So I understand Julie we have to continue that during the next meeting, hopefully then to finish that.

What is the effect on our (envisaged) time schedule with regards to providing that to keep the deadline for the end of that year? Because well just to make you aware that it's just a - I think there was a board approval of the (port) of the working team or what it was. You know, in context where the board were

asking for an implementation plan being available by the end of this year, of this year.

So I would like to find out where we are, so what is impact. Is it realistic well to do so and to what extent, to what level of - yeah, of the staff we have available here, would that be rational to do so?

Julie Hedlund: Thank you Wolf-Ulrich. This is Julie Hedlund. So I think the goal is still to see if we can complete running through these recommendations as of the next meeting on the 15th. We could query the working group and see if people were willing or able to extend the time of that call. I think it's set for just an hour now. We might try to see if we can extend it to 90 minutes.

The intent then would be to try to quickly reflect those changes, turn around the document and ask for sort of a no-objections approach to approvals, recognizing the fact that it will go to the council and the council will then - you know, stakeholder groups and constituencies would have a chance to review it there as well and noting that we do not have full participation in this particular working group from all stakeholder groups and constituencies.

So then we would need to get it to the council by the 21st, which is the document and motion deadline for the council meeting on the 1st, recognizing then also that perhaps the council may decide to defer our motion for approval to the 15th and then we'd still be able to have the opportunity if it was approved to have it put in front of the board by the end of the year. And that deadline would be met.

I would not like to suggest that we think about letting that slip, but maybe that we should really try to meet it if we possibly can.

Wolf-Ulrich Knoben: I think our goal should be as - to have an implementation plan to a certain level of - let me say - it's hard to say that, of substance, you know, which maybe (deal that) to the board. (What doesn't) come back - just a lot of

questions with regard, you know, for example if he put some potential (things) of budget in they should be of a certain level of validation that we are sure that we could put that in.

So otherwise we should just say okay that is for further discussion and further evaluation on that, yeah? So we have two council meetings still. Is that okay? So it's on the 1st and 15th December, so we have two chances to go there.

Okay, that would be a rational way to do so. Are there any comments from the floor with regard to that, with regard to where we are here, how the cc stakeholder groups are dealing with that?

So we should provide it in advance to you before we send it to the council that the stakeholder groups shall have also a chance to have a look to that, to come back with comments, yeah? Is that possible?

Julie Hedlund: I think the difficulty with that is that even if we - you know, we could get something out I would say following the meeting on Tuesday, I don't know if that's realistically enough time for stakeholder groups and constituencies to be able to even have a meeting to discuss.

And so the suggestion would be that that discussion could happen then once the report is submitted to the council as it would naturally do so. And that would allow a little more time (unintelligible).

Wolf-Ulrich Knoben: Okay is that - well, Lori please.

Lori Schulman: Yes I want to clarify. So then the review would be in parallel between the council and the stakeholder group? And that confuses me a little because then presumably the council's going to vote?

Is there going to be a vote on this? Because if there is, then I don't understand how you'd have - I mean the stakeholder groups are going to

consult with their counselors on the vote. So if this is happening in parallel, how does that work?

Chuck Gomes: Can I – this is Chuck – let me jump in here. I think this is a case where it would be really helpful on the 21st when you get it to the council to request immediate distribution to the stakeholder groups and constituencies. But Lori that's probably part of the reason why they were saying there may be a deferral in the December 1 council meeting just because of what you're talking about.

But this would be a case where it would be really good to try and get the counsellors to get it out to their groups as soon as possible after the 21st.

Lori Schulman: Well then is there merit now for this - us to distribute even the preliminary work inside of our constituencies? I mean, I think it's important to meet deadlines. I support that and the discipline around that, but I am really having some trouble with the push to get a lot of this work done without a lot of time to consider it.

And, you know, we had to get Work Stream 1 done quickly. There were like 48-hour reviews on very important matters. And we understood that that was partly driven by an external deadline. We don't have those external deadlines as the moment to my knowledge.

And I would rather see this done particularly because of the importance of it carefully rather than pushing it.

Avri Doria: Can I add one other thing?

Wolf-Ulrich Knoben: Yes.

Avri Doria: I know you're almost done but this is one of those occasions where the chair should talk to the liaison about not having full participation in the group. I

mean, you don't have good participation in the group. You don't even have all stakeholder groups represented yet.

I don't see how we're ready. You know, and I'm not good. I mean, I'm an alternate and this is the first time I've come. But, you know...

Lori Schulman: Yes I'm going to chime back in and say the first two meetings that I showed up to we had to cancel because we didn't have enough people. And then I, you know, missed the last two because of scheduling conflicts. And I'm a diligent participant, so I just - I think it's important to note these things.

As I said, I'm not in support of dragging things out indefinitely, but I feel this right now doesn't feel right to me.

Wolf-Ulrich Knoben: Thanks. Thanks all for the comments. We will continue the work here on the recommendations, so I will think altogether with (unintelligible) how we deal with that and put - well, and come back then and how we are going to deal with that. Thank you Julie.

Julie Hedlund: Yes, and I just say with respect to Lori's suggestion, I don't think there's any reason you couldn't send and circulate something out right now. So far the changes that we've seen that have been suggested in this discussion have not been of great magnitude.

So I think we could consider that it's fairly close, and if it was assist you in getting it out, certainly we would welcome that you would do so. Thank you.

Wolf-Ulrich Knoben: Thank you. The meeting is closed. Thank you very much for participation. Thank you.

Avri Doria: Thank you.

END