Policy & Implementation Working Group Meeting
TRANSCRIPTION
Wednesday 18 March 2015 at 20:00 UTC

Note: The following is the output of transcribing from an audio recording of the Policy & Implementation Drafting Team meeting on Wednesday 18 March 2015 at 20:00 UTC. Although the transcription is largely accurate, in some cases it is incomplete or inaccurate due to inaudible passages or transcription errors. It is posted as an aid to understanding the proceedings at the meeting, but should not be treated as an authoritative record. The audio is also available at: http://audio.icann.org/gnso/gnso-policy-implementation-18mar15-en.mp3

On page: http://gnso.icann.org/en/group-activities/calendar#mar

Attendees:
Cheryl Langdon-Orr – At-Large
Amr Elsadr – NCUC
Chuck Gomes – RySG
Greg Shatan – IPC
Alan Greenberg-ALAC
Tom Barrett – RrSG
Michael Graham – IPC
Avri Doria – NCSG
Wolf-Ulrich Knoben – ISPCP
Stephanie Perrin - NCUC
Anne Aikman-Scalese – IPC

Apologies:
 J.Scott Evans – BC
Carlos Raul Guttierez - GAC

ICANN staff:
Marika Konings
Mary Wong
Karen Lentz
Terri Agnew

Coordinator: Your recordings have started. You may begin.

Terri Agnew: Thank you, (Anna). Good morning, good afternoon, and good evening. This is the Policy and Implementation Working Group call on the 18th of March 2015.

On the call today we have Michael Graham, Avri Doria, Chuck Gomes, Alan Greenberg, Wolf Ulrich-Knoben, Cheryl Langdon-Orr, Tom Barrett, and Greg Shatan.

We have apologies from Carlos Raul Gutierrez and J. Scott Evans.

From staff we have Marika Konings, Mary Wong, Karen Lentz and myself, Terri Agnew.

I would like to remind all participants to please state your name before speaking for transcription purposes.

Thank you very much and back over to you Chuck.

Chuck Gomes: Thank you very much, Terri. This is - it's good to be back together again. We got a lot break while the comment period was going on. I hope everybody enjoyed that. I know you weren't busy but just - exactly. So anyway, here we are meeting again, and our agenda as you can see on the right there is fairly simple. We'll spend a little bit of time on the work plan. And then most of our time will be spent starting to go through public comments.

What I want to encourage everyone to do if you have to miss meeting like I will next week, traveling to Istanbul, make sure you listen to the recording and follow up. And in the next few weeks what we will be doing, as we will do today, is going through the public comments in order and making decisions on them, whether we need to respond, whether we need to make changes or consider changes in the comments that are received.

And we're - I doubt very seriously we're going to have the luxury of time to be able to rehash stuff that we go over from a previous meeting. So if each of us when we miss a meeting will take the responsibility of reviewing what went on and see if there's any decisions that were made that you disagree with, communicate those to the list. Otherwise we'll just keep plugging ahead on that. And then we'll need to send out a message to the list for those that aren't on the call today to do that as well.

So that said, we've done the roll call and let's go ahead and take a look at the work plan. And if we can bring that up...

Anne Aikman-Scalese: Chuck, it's Anne. I don't think - I probably wasn't on for the roll call. I just want to make sure that...

Chuck Gomes: Oh thanks, Anne.

Anne Aikman-Scalese: ...attendance is reported.

Chuck Gomes: Appreciate letting us know. I do see - has anybody else - I see there's 12 now I think when we started roll call. Has anyone else joined that wasn't identified?

Greg Shatan: Greg Shatan.

Chuck Gomes: Greg, thanks.

(Edward Wooly): (Edward Wooly).

Amr Elsadr: Amr Elsadr is on the call. That's me.

Chuck Gomes: Thanks, Amr. Who was - there was someone else I didn't understand.

Wolf Ulrich-Knoben: That was Knoben.

Chuck Gomes: Okay, Wolf. I think she said - I thought she said you. But anyway, maybe not. Anyway, welcome to all of you. And is there anyone that's not in Adobe Connect? Okay so I can just look for raised hands and so forth. Very good.

So on the work plan, and I think each of us has the ability to scroll, so if you'd scroll to the bottom of it, the third page there, it's a short page, but I just want to call your attention to the fact that our target is still to deliver to the GNSO council our final report on the 4th of May.

And that will be I think at least two weeks -- I'll have Marika give that information here in just a second -- before the May council meeting. Marika, what date did you say the May council meeting is?

Marika Konings: This is Marika. Sorry, coming off mute. Let me just pull it up. That was the 21st of May it is, yes.

Chuck Gomes: The 21st, okay. Okay so they'll have some lead time there. That doesn't mean we're expecting them to take action on the 21st, but at least they will have had reasonable review if we get it to them on the fourth to have at least done an initial review

Anne, question or comment? Oh, okay. Thanks, Anne. All right.

So that's where we're headed in terms of the work plan.

Anne Aikman-Scalese: Chuck, can you hear me?

Chuck Gomes: Yes.

Anne Aikman-Scalese: It's Anne. I'm sorry, I was mute. With respect to the timeline, I noticed that one of the public comments stated that they were looking forward to some clarifications that might be issued by way of an interim report. And -

maybe Marika remembers whether it was the business constituency perhaps that commented that. And I didn't whether our timeline is - how we were going to address that. So that's a question to Marika. Thank you.

Chuck Gomes: Go ahead, Marika.

Marika Konings: Yes this is Marika. I noted that as well. And I don't know if that's just a misunderstanding on the side of the BC on whether we'll have further comments because indeed they seem to refer to certain questions or issues that they were expecting further input on, but at the same time, they didn't flag anything in particular.

And, you know, in their comment they I think were actually pleased with what the group had put forward, as it seemed to line up with all the different comments they had made earlier on, because they basically kind of compared their comments to, you know, where they could be found back in the report.

So looking at the list, I don't know if we have anyone from the BC on currently, but it may be something that we may want to follow up with them to make sure that, you know, they clear that in principle there's not going to be any further interim report unless there are - there's substantial changes that the working group is going to make that would warrant a new public comment period. But it's not foreseen at this stage, as far as I understand.

Chuck Gomes: Thank you, Marika. That was well said, and that's my sentiments as well. The - now understand that as we go through these public comments and we see things like that, we may elect, and probably will in some cases, to send a message to the particular group that's commenting or individual that's commenting and provide some clarification or answer questions that they have. And probably the answer to the BC in that case would be pretty much what Marika shared just now. So thank you for raising that.

Okay so now on the schedule, I don't want to spend too much time on the schedule but notice there are at least - there are several meetings - three meetings after we draft the final report on the 13th of April in which we can continue to work on the report before we finalize it. And going backwards then, you'll see on the bottom of the previous page, we're in the meeting on the 18th, and we have this meeting plus three more to go through public comments.

Now we're going to go through those sequentially and try to make decisions as we go if possible, and also decide whether we need to do a specific response, an immediate response, once we review the comment at - to the commenter at that time.

So any questions on the work plan? Now the work plan, as Marika will note, is not totally current. For example it still shows the public comment period closing on the 13th and we closed it on the 17th. So - but she will update that and we'll get a later version. I don't think it impact what we're doing.

Amr, you're up.

Amr Elsadr: Thanks, Chuck. This is Amr. I was just going to note that as we do work on the public comments, it would of course be very helpful to have the public comment review tool updated as soon as possible so that we can sort of go over what the working group has decided will be the action item for each comment submitted.

And I think it's especially helpful in case some folks miss calls, they can kind of go over the document and figure out what people or what has been agreed to be done about any comment submitted. Thanks.

Chuck Gomes: Absolutely. Thanks, Amr.

And for those that may have joined late, we talked about this at the beginning of the call today. It turns out that several groups didn't submit their comments through the survey, even though they may have completed the survey. They did it in the PDF form. And I confess I found out that the registries did it that way too, which wasn't the intent. And therefore it makes it - it adds to the workload of staff to update the comment tool.

And hopefully we'll be able to in future comment periods for other groups or in the GNSO in general, will if this tool is used, if this approach is used again, we'll make that clear that it really greatly facilitates the collection and analysis of comments if they're put right into the survey tool. So that was something that we didn't anticipate, so staff is being very good about entering comments. For example, they already entered the registries and we should have done that on our own.

So anyway, that will happen, Amr. That's a critical point, so.

All right, anything else on the work plan? Then let's jump right into the comments. And the first comment of significance is section three of the survey and that's coming up there. If we can - can we enlarge that a little bit or either that or give us the ability to control on our own, whichever you prefer. Ah, that's much better for me. I don't know about the rest of you, so.

Okay so section three related to the working definitions. You can see the summary right there. I don't need to go through the summary in detail. You can see the source of the comments. It looks like three of them were very helpful. Three of them said helpful, one said somewhat helpful. I guess it was four of them said helpful. And so pretty good response overall.

And the reason in item number three that we have support for the working definitions that's an example where the survey wasn't filled out and they didn't -- in their comments -- they didn't necessarily directly answer the question. So

it makes it a little bit more difficult for staff to tally up the results or even chart the results. But I think overall the responses are pretty good.

And I don't know if any red flags are raised there with regard to the definitions. I think we need to look at number seven from Carlos, who's submitted some comments and is on our team. Note what he said there. He did say helpful but he said, "I think it is not only very" -- and there's some writing language there, so -- "very important part of the report, but definitions should have some hierarchical order, starting with the overarching principles first, multi-stakeholder bottom up policy development, the overarching principle."

Now can somebody help me out what, since Carlos is unable to be on our call today, what he means by a hierarchical order? Does he mean that the - let me just stop. Marika, maybe you can help out there.

Marika Konings: Yes this is Marika. I think what he means is that the way they are organized should follow the kind of most important definitions first. I think we started out by - we probably have done it the other way around where it starts more - it's very basic, you know, what is policy, what is GNSO policy. And I think what he's suggesting, but, you know, he may want to clarify that on the next call, is that we actually organize it in a different order.

Chuck Gomes: What are people's thoughts on that?

Michael Graham: This is Michael and I guess my thought is I would not be, you know, averse to that. I think the definitions as they were set forth really were worked out based on how those particular terms came up in discussions.

And it looks to me -- I'm just going with the number of the sets of definitions that are on there -- that if we move nine to one, five which is principle to two, and then maintain the order so that policy development, policy advice would come three, four, five, followed by implementation as six, and then GNSO

consensus would be seven. Eight and nine would be the other GNSO consensus policy and implementation.

I think that would do what he was talking about. My sense was that he was looking at some general sort of overriding principle type of things that should be defined first, and then the more specific things defined under that.

Chuck Gomes: Thank you, Michael. Now, Anne, you had put a disagree in that. Did you remove that or do you disagree with that suggestion? Are you on mute? I'm coming to you, Alan. Don't worry. I...

Anne Aikman-Scalese: I'm sorry, I was on mute. I'm having a late lunch, which I've finished now. I'll stay in the conversation. I had thought that it might be difficult to address them in order of importance if one, you know, group feels that a certain principle is more important than another principle.

You know, for example if contracted parties feel as though, you know, their implementation burden is, you know, very important and, you know, other feels that some other principle is more important that the working group might spend a lot of time trying to figure out which are the most important principles versus just having taken them in the order that we found it necessary to address them in order to do the work of the working group.

But if there's, you know, a lot of consensus on what's - which principles are the most important, I certainly don't object to it. I just would not think it would be appropriate for the group to spend a lot of time arguing over the placement of the principles.

Chuck Gomes: Thank you, Anne. Let's go to Alan.

Alan Greenberg: I'm rather confused. I thought we were talking about definitions.

Chuck Gomes: We are.

Anne Aikman-Scalese: I'm sorry, I meant definitions. Sorry.

Chuck Gomes: Yes, yes.

Alan Greenberg: Definitions to a large extent are either stating facts or if the terms are used confusingly in normal ICANN life or normal life, we're being explicit as to what definition are we attributing to a certain word so that there's no confusion when we're going forward.

I don't think there is a hierarchy of definitions in general. I mean, you know, I suppose we could do GNSO Council and then things relating to council afterwards, but I think putting definitions alphabetically is typically more useful because then you can find them when you need them. I understand the concept of principles...

Chuck Gomes: Thank you, Alan.

Alan Greenberg: ...but not prioritizing principles maybe. That's not definitions.

Chuck Gomes: I see some checkmarks going on. That was exactly my thinking. Definitions aren't necessarily something that you just read when they come up in the document but you certainly refer back to them if you need them, and they're easier to find if they're alphabetical, but good thought.

By the way, Alan, I know that the ALAC I think you're still going to submit your responses in the survey?

Alan Greenberg: We will.

Chuck Gomes: Is that correct?

Alan Greenberg: It's not 100% sure if we will or selected people will, it's a matter of timing. And I've been on vacation and things slipped. My apologies.

Chuck Gomes: If they would actually -- whoever does it -- if they would actually use the survey and not give a PDF version of the responses, that would greatly help staff.

Alan Greenberg: We have submitted a statement, which does not really cover - the issues are not really covered in the survey, but we are doing a survey as such.

Chuck Gomes: Okay thank you.

Alan Greenberg: Either I or we will remains to be seen.

Chuck Gomes: Thank you. Okay. Avri, you're up.

Avri Doria: Yes thanks. Just a quick comment. I tend to agree that alphabetical is one of the normal ordering principles for definitions. The other one I've seen used -- and this is used more in technical documentation perhaps than in other -- where you always define the words that you use in later definitions before using them so that that creates a notion of hierarchy but is actually a reverse hierarchy, that words that figure into more complicated definitions need to be defined before the definitions include those words. Thanks. But I'm fine with alphabetical too.

Chuck Gomes: Avri, just to follow up, if you had a preference here in our case, would you do them alphabetical or in the hierarchical approach like Carlos is suggesting?

Avri Doria: Alphabetical is easier but if we do them in a hierarchical I think that that would be that not more important would be that the hierarchical principle that we use in hierarchical ordering principle, but that one definition feeds into another definition would be the analysis we'd need to do. Thanks. But as I say, I'm happy with alphabetical.

Chuck Gomes: Okay thank you, Avri. Greg?

Greg Shatan: Thanks, Chuck. It's Greg Shatan. I might suggest an old Chuck Gomes approach, which is to ask Carlos to suggest what that hierarchical order would be rather than have us try to figure what the hierarchical order would be. That said, I'm perfectly fine with alphabetical order. It's very good for referring back as things go on. Thanks.

Chuck Gomes: Thanks, Greg. So let's -- this is Chuck speaking -- let's do this. There seems to be - is anybody opposed, on this call is any opposed to alphabetical? Just speak up or let us know right now. I don't see anybody opposed to alphabetical.

                 So let's - a conclusion of this would be that people on the call tended to favor alphabetical, but we welcome Carlos to present to the working group what kind of order he would propose for what he's suggesting that the working group could consider further if he'd like to do that. Does that make sense?

                 Michael?

Michael Graham: Yes just real quick. One that I would say should be an exception to that is the last set of definitions that begins with stakeholder. And just...

Chuck Gomes: Michael, how would you make -- this is Chuck. How would you make that an exception? What would you do differently?

Michael Graham: I would keep that together as a group and perhaps you would want to title the group. I mean that's basically organizational definitions.

Chuck Gomes: Got it, okay. Yes and then Amr clicked agree. I can't see all the agrees at once unless I scroll down, but anyway thanks. I see several agrees on that, so. Yes that makes sense. A grouping doesn't need to stay alphabetical by its

subcomponents, and that's easiest enough to manage in terms of the logistics of showing it, like you said having a heading or something. Thank you. That's a good point.

Anything else on section four, excuse me, section three of the survey and the responses there? Okay. Let's go to section four. And this does relate to principles, okay. And this one will be I think a little bit more involved for us. So maybe not too much. Let's see what we've got here.

So on section four, what do we got? Several pages that involve section four. So we have in number 11, which is from (John Pool), he says no to this one, which I guess he doesn't support the principles. He does not support adoption of these proposed principles by the GNSO Council and the ICANN board.

There are no policy and implementation principles in section three of the initial report. Are we referring to section four beginning of Page 13 or something else? Now I don't have the questionnaire in front of me here. Marika, you want to comment on that? And then we'll go to Michael.

Marika Konings: Yes this is Marika. This was an oversight probably on my part. When we initially published the public comment announcement, the references were wrong. I believe that, you know, we may have added sections or things by which the numbering changed. So after I saw that comment, I updated the public comment forum text.

So now it refers to the appropriate sections. But at the time that (John) filled out the survey the reference was indeed wrong, although of course it was probably pretty obvious from the headings in the document which sections we were referring to. But I think it's sufficient for him not to support adoption, as he had difficulty finding it.

Chuck Gomes: Okay. Thanks. And (John)'s good at doing that. So the - thanks, Marika. Michael?

Michael Graham: Well that was my question, whether or not the initial no does not support is a no as to the principles or a no because he didn't locate those where he was told he would locate them.

Chuck Gomes: So I would like to suggest an action item on this one that we send a message to (John) thanking him for his input and that in fact we did catch it after that, and ask him whether he would support the principles now or what position he would take on that. Is that a reasonable action item? Anybody opposed to that? Okay. I see some agrees there, so very good.

Okay. Let's go on to number 12.

Marika Konings: Chuck?

Chuck Gomes: Yes? Oh I'm sorry, Marika.

Marika Konings: Yes this is Marika. I think before going back to (John) it may be worth as well looking at his other comments because there may be other places where I think you may want to go back to him or maybe have a conversation. I think he makes a similar comment I think on the next section. And I think in some of the other comments he - I think he disagrees with basically everything because I think in his view the GNSO Council shouldn't even be there.

I think that's - and paraphrasing I think what he said, though. I think it may be worth taking all his comment together to see what the specific questions are, the group may want to ask to, you know, clarify his position or dig a little bit deeper on whether indeed his comments are with respect to indeed what he report puts forward or whether it's broader concerns that he has, and as a result, you know, his responses are in that way.

Chuck Gomes: So let's collect them at least with respect to this call today, okay? I think it's better to send a subset of the questions we have for him sooner rather than waiting until we get through the whole survey. Is that okay? Anybody have a problem with that? So let's collect the ones from (John) that we have today and combine them together. Okay? Thanks for the warning.

All right let's go to 12, and that was from the registries. Yes for adoption taking into account the following comments, and the comments -- let's see, I'm trying to figure out how this -- the comments are not in here, are they? How does the tool deal with comments?

Marika Konings: This is Marika. I've actually broken done, because the registries had quite a few comments on the principles, so basically separated them out so each of the comments have its own box.

Chuck Gomes: Oh I see that, yes okay. So then they continue - yes it's all there. Okay excellent. Oh we sure did. Wow. By the way, I was surprised how much feedback we got in the registries once we started talking about this stuff. And so we're going to plug through this in order. So let's take a look at the suggestions.

The first one was with regard to principle B3, so this would be on line 13 and the principle there, okay? So everybody can look at that. I won't read the principle; you can do that. And the registry suggestion - and please understand that these weren't necessarily from me, there was actually pretty good involvement by a team of people that we formed in the registry stakeholder group to go through the survey and then that team went back to the full registry group with regard to their recommendations.

So the section here is that this is worded to encourage staff engagement of the affected parties but fails to note what should be done about those perceived not to be affected by implementation. Thoughts on that? Anybody have a comment? I mean is there something here that we might want to

reword to address that or do we just eventually respond to the registries and say, "We get the point but we don't think it's important?" That was my own paraphrasing, so don't take that too serious.

Any comments on that?

Alan Greenberg: It's Alan. I've got my hand up.

Chuck Gomes: Oh sorry, Alan. I had looked down at my notes. Go ahead.

Alan Greenberg: Okay. I'd have to read it very carefully, but there might be a point that saying we don't just want to comments from those affected by but those who care about it. You know, for instance, ALAC comments on a lot of things that we are not directly affected by but we think for the good of mankind as it were or whatever, depending on how pompous we want to get, we may have a comment. So maybe we want to change the wording slightly to make it more open ended than just directly affected by.

Chuck Gomes: Okay. Anybody else have a thought on that before we talk about that idea?

Alan Greenberg: Yes. I would think staff can only reach out to those they know might be affected or might be interested but they're, you know, someone else may well have input other than that. So just widening it from affected to affected and/or interested or something like that may be relevant. You want to make sure we're not really changing the tone of by doing that though.

Chuck Gomes: Okay. Thanks, Alan. Anyone else? So does anyone have a suggestion about how principle B3 could be reworded to do that? I won't just put Alan on the spot for that, but any thoughts on that? Amr?

Amr Elsadr: Hi thanks, Chuck. This is Amr. Yes I'm not sure whether the issue here is - I mean I appreciate Alan's point on how would staff be able to identify everyone who may or may not be affected by the implementation of a policy

or by the policy itself. But I guess the points, what I understood the point here - being made here is sort of including an action item in the actual principle.

So I'm not really sure how to approach this, but one thought I would have is that we did have a pretty good definition for stakeholders in the initial report. You might want to just replace affected by the implementation to something referring to stakeholder because we already have a definition for that that is pretty inclusive. So I was just thinking that may be a way to go.

Chuck Gomes: That's an interesting suggestion. So in other words at the end of that "And those that developed it as well as all stakeholders affected by the implementation" or is that what you're suggesting? Something like that?

Amr Elsadr: Any stakeholders affected or interested in the implementation. And since stakeholders are already defined to be quite inclusive, I think that would cover most everyone I think.

Chuck Gomes: Now just a logistical note, in - on these things where we are considering changes, let's make sure we keep redline changes of them so we can communicate really clear and also keep straight in our own heads how we change them in response to public comments. And I don't see anything else on that.

                 Did you capture - you captured that, it looks like. Everybody can see on the screen there what was done. Is there any objections to making that change to this principle? And of course if we do agree on these changes, we will - that will be part of our communication back to the commenter, so. Okay?

                 Moving right ahead then to line - row 14, principle B4. Again I'll let you read the principle. And the registry input was this. This could be worded slightly differently to take into account the fact that we can't assume that we -- and I think that's supposed to be as impacted -- and to emphasize that this can be

addressed by communication. So I must admit I'm having trouble the way that's worded myself.

The emphasis here on - appears to be on communication. I'm trying to - I'm studying this one myself. So if somebody has a way to help this - help me out on this, feel free. It sounds kind of like they're suggesting that better communication might be a way to solve a problem and maybe that should be addressed in the principle.

So let's look at -- while you're thinking about -- let's look at the principle itself. While the implementation process as such need not always function in a purely bottom up manner, in all cases the relevant policy development body must have the opportunity to be involved during implementation to provide guidance on the implementation of the policies as recommended by the GNSO.

I'm struggling with this one myself, and it's my own stakeholder group, so forgive me for that. Somebody obviously had a point they thought was important here, and I'm missing it. Anne, thanks.

Anne Aikman-Scalese: I'm just trying to understand. The bottom comment, you know, could be worded slightly differently. And there's a very general statement -- this can be addressed by communication. But I think, you know, within our working group recommendations, what we're really saying is there should be an IRT, and there should be procedures for IRT to go back to GNSO when needed.

And so it's just that the comment about addressed by communication is extremely general, and that's what I'm struggling with understanding the comment, because there's no specific recommendation as to what is meant by the phrase.

If they wanted to add the phrase that this can be addressed by better communication in the principle, but that's awfully general. I'm not sure if we should request a clarification from - or if you could informally request one.

Chuck Gomes: That may be a very good idea. That's kind of what I was thinking, too. Amr, go ahead.

Amr Elsadr: Thanks, Chuck. This is Amr. Yeah, I also had a little bit of trouble understanding this suggestion when I first read it. But if I try to think of this as being consistent with the suggestion above on Principle B3, it might be that the suggestion should read this could be worded slightly differently to take into account the fact that we can't assume that we know who is impacted, and to emphasize that this can be addressed by communication.

I think that would be consistent with what was being suggested on Principle B3. And if that is the case, that would kind of, I guess, clarify whether it's an issue of identifying - actually this report or this recommendation identifying who the stakeholders are, or whether the suggestion is that there should be an action item based on this principle, something that ICANN staff should perform as a matter of routine with implementing policies.

So I would seek clarification on this, because then the suggestion that I made on Principle B3 might not actually address what the concern is. Thanks.

Chuck Gomes: Thank you, Amr. Tom?

Tom Barrett: Hi, this is Tom. I think the part of this principle that perhaps is problematic is the part that says must have the opportunity to be involved.

And, you know, I think what perhaps - speculating here, I'm guessing that perhaps they want the folks doing implementation to be communicating to the policy or chartering organization; so if you say something like, you know,

must be communicated to regularly during implementation, to be able to provide guidance. Something like that.

Chuck Gomes: Okay. So...

Tom Barrett: Yeah, basically put the responsibility on the implementation team to do something to communicate to someone, rather than simply provide the chartering organization some opportunity to be involved.

Chuck Gomes: So more than just providing an opportunity, but also being communicated with on an as-needed basis. Is that what you're suggesting?

Tom Barrett: I wouldn't say as needed. I would say on a regular, consistent basis.

Chuck Gomes: Okay. That's good. Okay. Got it. Thanks. Anne? This is Chuck again.

Anne Aikman-Scalese: Yes, thanks, Chuck. This is Anne. I'm procedurally wondering what that might mean if we change that principle, given our recommendations about IRT, because it's hard for me to see how it's going to work on a double track that, you know, staff is working with IRT. And then is the principle - if we change the principle, is it then going to make it, you know, incumbent upon staff and the IRT to issue regular reports to the chartering organization?

Chuck Gomes: Okay.

Anne Aikman-Scalese: That's my question. Thank you.

Chuck Gomes: Okay, thanks. Alan?

Alan Greenberg: Thank you. I think they're reading too much into a principle. This is not a detailed process for ensuring it. Having the opportunity to comment implies you actually have some opportunity to know about it.

You know, this is not a gotcha from The Hitchhiker's Guide to the Galaxy thing -- we posted the notice on Alpha Centauri. If you didn't check, it's your problem.

I'm reading this as completely fine. You know, having the opportunity means you also have the opportunity to find out there is an issue. So I don't think it's a problem. This is not the checklist of making sure it happens. This is a principle. So I think we're okay.

Chuck Gomes: And I see Amr's agreeing with you there. Thanks, Alan. Marika?

Marika Konings: Yeah, this is Marika. And maybe just to point out, I definitely agree with what Alan said. This is, you know, not a checklist of what needs to happen. But just for the record, I do want to point out that all the implementation-related projects are part of the GNSO project list that is submitted to the GNSO Council prior to every council meeting.

So from that aspect, that communication is provided. Of course, you know, there may be other additional things that can be done or should be done, maybe through the IRTs. But again, I think it's probably not something that needs to be covered in the principle.

But I do believe, I think, that things that we do cover in the report and, you know, how IRTs function, how they operate, having a Council liaison that is also the vehicle that would provide information back and forth. So I think those aspects are covered, if indeed communication is the concern here, through the other recommendations in the report.

Chuck Gomes: Thanks, Marika. Alan?

Alan Greenberg: Yeah, again this is a principle. And yes, you can come up with scenarios where something is deliberately hidden to make sure no one comments on it. But I think we're presuming good will in this process. And if someone were to

do that, then clearly we would have a problem. And writing a rule is not likely to get around that problem.

Chuck Gomes: So how about if we do this as an action item on this one - and I'm just throwing this out. Please feel free to suggest other things.

The working group reflected and discussed this comment, and we're not totally sure we understand what is being suggested here. If you could provide a specific change to the working of the principle, we would take that under consideration.

I think you're probably right. And by the way, I tried to - whereas I tried to facilitate this process, because I'm on the working group and, in particular, a co-chair on the working group, I tried not to overly influence these things, so that people had the freedom to say what they wanted. Alan, go ahead.

Alan Greenberg: Chuck, it's Alan. I think that's going farther than we need to or want to.

Chuck Gomes: Okay.

Alan Greenberg: I think we discussed it, and we believe the wording saying people have an opportunity implies that staff have a requirement to make sure that those involved are informed. If they believe that that is not clear, please get back to us. So...

Chuck Gomes: I'm comfortable with that.

Alan Greenberg: Yeah. I think we're not doing this as a checklist, and I believe opportunity includes what they are talking about. But if they really feel strongly about it, then let them come back.

Chuck Gomes: Anybody object to that approach? (Stephanie)? Make sure you're off mute.

(Stephanie): Thanks. I was just going to suggest - I put the comment in the chat. You might want to get back to the person and say, could this be dealt with in metrics rather than as principles? I mean you could go through the principles. And if you don't have trust in the system, you could put in principle after principle. It really ought to be dealt with in measurements, you know?

Chuck Gomes: Thanks. By the way, I apologize. I see that I had clicked on individual on the chat, so I was - I wondered why I wasn't seeing any chat. I said, boy, this is not a very chatty group. Now I see that I wasn't on...

(Stephanie): That'll do it.

Chuck Gomes: Wrong window. So, okay. So, Amr, go ahead.

Amr Elsadr: Thanks, Chuck. This is Amr. I think if in the comment the intent was to convey a disagreement with this principle for one reason or another, and we're having trouble understanding what the issue is, then I would go with your earlier suggestion of asking them to provide alternative wording to the principle, so we can really nail down what the issue is here, or the problem is.

It would be up to the working group, I suppose, after that, to determine whether we agree on making a change or not. And we might not. But I would go with your earlier suggestion. Just wanted to note that. Thanks.

Chuck Gomes: So a question for you, Amr. This is Chuck. Would it be okay to kind of use Alan's formulation, but to include in that if they want to suggest an alternative wording, please provide that. Would that work? Because Alan took a little bit different approach than I did, okay? I see an agree there. All right, thanks. (Stephanie)?

Amr Elsadr: Yeah, this is Amr again, Chuck.

Chuck Gomes: Oh, go ahead.

Amr Elsadr: Yeah, just to be clear. I'm fine with Alan's approach as long as we become clear on what the disagreement is on this principle. So I thought the suggestions for them to offer alternative wording would help clear that up. So as long as we're clear on what the message is that they're trying to convey to the working group, I'm fine with whatever form of action we take afterwards. Thanks.

Chuck Gomes: Thanks, Amr. (Stephanie), your turn. On mute? There we go.

(Stephanie):   Sorry, that's an old hand.

Chuck Gomes: Oh, okay. Okay, thanks. Alan?

Alan Greenberg: I guess my preference is to tell them what we are presuming they mean. Like I think what they're saying is opportunity may not include the knowledge to know it's the right time to do it.

And I'm saying if we say we are presuming that at the principle level, opportunity includes sufficient communication to alert people to the issue. Let them disagree if they disagree. And, you know, if we are misunderstanding your issue or you believe this is insufficiently clear, please propose wording.

I like the idea of giving them an option saying yes, we agree, you're right, and back down, as opposed to simply putting the onus on them to give us different wording, which may confuse us even more.

Chuck Gomes: Okay. Anne?

Anne Aikman-Scalese: Yes, thank you, Chuck. Looking again at the last bullet point, and maybe someone else mentioned this before. But there are definitely words missing, right? So in the middle of it, it says the fact that we can't assume that

we is impacted. For some reason I want to imply in there that that should have been that we know who is impacted.

Chuck Gomes: I think that's correct.

Anne Aikman-Scalese: And so if what they're saying is that we need to develop a way of measuring who is impacted by communicating with them and asking them who is impacted -- and again that's reading a lot into it -- I'd like to ask them, you know, what they're suggesting in terms of a principle about how to identify who is impacted.

Chuck Gomes: Okay, thank you. Let's wrap this one up. I don't want to get so hung up on one principle that we spend most of our time on it. But let's make sure that Marika has a message that we can send back to the registries on this particular one. And, Marika, I'm going to let you kind of take the lead on this. Alan, you want to add something else?

Alan Greenberg: No, sorry. My hand should be put down, and as soon as I get back to my desk, I'll do that.

Chuck Gomes: Okay, all right. No problem. (Marika), what do you have, based on this discussion, as a response for this, so that we can wrap it up?

Marika Konings: This is Marika. So basically I've captured some of the comments and notes that were made. And I think the conclusion -- at least what I took away -- is that indeed, you know, it should be taken into account that this is not a checklist but a principle. We can't deal with issues in the principles that should be measured in the matrix, a comment that (Stephanie) made.

So should the registry stakeholder group not agree with this assessment, the working group invites the registry stakeholder group to provide alternative wording.

Chuck Gomes: Anybody object to that?

Cheryl Langdon-Orr: Cheryl here. I don't object to it, but just the way - sorry, I didn't get my
hand up in time. Sorry. I also didn't have my microphone in front of my mouth.
I don't object to it, but just the way Marika finished it, and I heard that
language as people were proposing it as well, just leaving it as proposed
alternative text, let's not leave them with any assumption that such alternative
text will be adopted.

So I think just changing that sentence, as it is read, to indicate to help us
understand, for our consideration, something like that. Yep, that's great.
Thanks, Marika. You've already - you're ahead of the game again, girl. Well
done.

Chuck Gomes: Live editing. That's great. Okay. Thank you very much. Going on to Principle
B6, and Row 15. And on this one, why is B6 there? Was there a comment?
Let's see.

Marika Konings: Yeah, this is Marika. I think what is in emphasis, in black, is what has been
added, I believe.

Chuck Gomes: Oh, I see. Okay, good. So it was a suggestion to add contracted parties and
staff in there. Okay, with staff, as an example. So in other words, this
principle, policy and implementation are not two separate phases entirely, but
require continuous dialogue and communication between those that develop
the policy, for example the GNSO, and those that are charged with
operationalizing implementing it.

And then we put an example, staff. And the registries wanted to add their
contracted parties in addition to staff as an example. Any objections to that?
Okay, so we could - I see an agreement there. So we could, in this one, say
no objection to the change. Okay.

Moving right along, we've got about five minutes, and trying to make a little more progress here, on Row 16, Principle (C(b)), again I won't read the principle. Notice that the registries recommend changing the second sentence above to, it is the responsibility of the other SOs and ACs and stakeholders in general to determine whether or not they are impacted by that activity.

And then underlined there, to allocate sufficient resource with an appropriate level of expertise to provide their input, their -- yeah, there's something missing -- input in a timely manner. So I think this is another edit suggested to, in this particular case, the second sentence, adding what is underlined, if I'm following it correctly. Anne, go ahead.

Anne Aikman-Scalese: Yes, thank you, Chuck. This is Anne. This one really jumped out at me because of what we've been dealing with, you know, community-wide in connection with volunteer burnout, and issues like travel funding.

And so a reference to, you know, ACs and SOs and stakeholders allocating sufficient resources, it hits a sensitive button in that, you know, many groups who, you know, don't otherwise profit or benefit, you know, financially from the (DNS) system overall, it's really difficult to allocate sufficient resources and, you know, determine how we get an appropriate level of expertise.

And while that may be frustrating to the registry community, it's, at the moment, the nature of the beast unless and until some of those new funds that were received are allocated to SOs and ACs for these purposes. So I find this a controversial addition. Thank you.

Chuck Gomes: Thank you. Appreciate it. Greg?

Greg Shatan: Thanks, Chuck. Greg Shatan again. I read this comment a little differently, or at least I read the word resource or resources differently. I thought that they were really just referring to people, and not to any other kind of resource. And

while people are also a scarce resource at ICANN among stakeholders these days, I didn't read it as being - kind of challenging resource issues other than that.

So I think that what they're getting at there is just that it's a responsibility of each group to come up with the people to participate. And the second part about the appropriate level of expertise, I guess, goes to the feeling of some that there are those who show up to working groups and implementation groups and the like without any particular level of knowledge or understanding of what's going on.

I do agree that the flip side, and I see what Amr says in the chat, is that there seems to be sometimes a movement to try to restrict groups, restrict teams, to those who are kind of operationally already involved in the process, such that basically, you know, stakeholders such as really the whole non-contracted (unintelligible) would be kind of shut out because we don't have, quote/unquote, an appropriate level of expertise, you know, based on whatever it may be.

So there is something controversial here, but I don't think it's going to kind of economic resources. Thanks.

Chuck Gomes: Thanks, Greg. Alan?

Alan Greenberg: Yeah, I think I read it the same way Greg did. And although one could construe economic resources associated to it -- that is if you want to be able to comment, go hire somebody who really knows what they're talking about, but if you're never run a registry or run a registrar, then keep shut because you don't understand the complexities of this -- I think I strongly disagree with their comment.

Yes, of course, we don't want people who know nothing. And we've all seen, on occasion, people who have no reluctance to speak up without knowing -

without having any real content in what they're saying with relation to what we're discussing. But that's relatively rare. And more often it's an issue of someone needs to be brought up to speed, and then is a valuable contributor. So I think I disagree with this strongly.

Chuck Gomes: Thank you. Avri?

Avri Doria: Yeah, I guess - this is Avri speaking. I guess I wasn't as upset about this as others are. I do think it is incumbent on all of us in the stakeholder groups and constituencies, to make sure that we've got people to do the work we want to do.

And if we don't have those resources, this isn't the place where we sort of deal with that inability. We deal with that inability in any number of ways, you know, within the ICANN system. So I think that requiring us to actually have people to put on this, and to do it in a timely manner, makes sense.

Now I understand there being some sensitivity about what an appropriate, you know, resource is; an appropriate amount of - appropriate level of resource. And perhaps it's easier to say relevant expertise, because what I wouldn't accept - and I don't think they're putting it here, though it may be getting in by the back door.

I don't think they're saying you have to have had hands-on operational registrar or registry experience in order to be able to have an opinion. But by the same token, you should have a clue about what the policy process was about, and how the - the ability to understand when the implementers say hey, but this works this way, to say oh, okay, we understand.

So I would (unintelligible), but I don't actually think it's in here. But perhaps appropriate level seems a little too challenging, and we can sort of cut the difference by talking about relevant expertise. And I would be one that would argue until I was blue in my face that, you know, registrants dealing with

things, et cetera, in many cases of registrar issues, for example, would indeed have relevant expertise. Thanks.

Chuck Gomes: Thanks, Avri. Amr?

Amr Elsadr: Thanks, Chuck. This is Amr. I also very much disagree with this recommended change. Remember, we are talking about providing timely input to a process here. And my understanding is, again, using the definition of stakeholders that we provide and support, the presence of stakeholders in general in that sense goes far beyond just members of the different SOs and ACs within the ICANN community.

So in principle, we shouldn't be putting any restrictions on someone who wants to provide input. We shouldn't have a standard of measuring any sort of level of expertise or involvement. The principle should be that anyone is allowed to provide inputs, no matter who this person is or what the input is, as long as it is in a timely manner.

And so I think we should leave the language just the way it is, and maybe explain this to the registry stakeholder group; or they might have just misunderstood what the intent was here. Thanks.

Chuck Gomes: Thanks, Amr. Tom?

Tom Barrett: Yeah, I'm suggesting - I can understand people saying that not all groups, perhaps, have the level of expertise that might be required. We don't want to discourage people to volunteer. But we are looking for people to provide some level of commitment in order to participate. And I'm wondering if it's worth replacing the word expertise with commitment.

Chuck Gomes: Okay. I think I heard a sigh on that. Anyway, I don't know if it was applicable or not. And, Greg, is that an old hand? Okay, thanks.

So again, not wanting to spend too much time on this, let me throw out - and I'm not trying to advocate for anything the registries are saying. But in listening to what people were saying, I wonder if we could forget what the addition that the registries are suggesting added, and put - and I'm not sure if this will conflict with what Avri was saying or not, but she'll let me know.

So and then at the end, and to provide applicable input in a timely manner. That would be a small accommodation without raising the flags like the registry wording does. Another alternative is just to leave it alone. Like Amr pointed out, it does say you have a responsibility to provide your input in a timely manner. That may be sufficient. Quick thoughts, and we'll wrap up the meeting with this one. Alan?

Alan Greenberg: Thank you. This is a motherhood issue. I don't think there are a lot of people who deliberately provide inapplicable input. There may be some. Usually we can recognize those and delete them as spam without having to spend a lot of work group time on them.

So I don't think there's any real substantive difference in the two. I have no problem saying applicable input. We have no trouble rejecting inapplicable input when we occasionally find it, and going forward with, you know, ignoring it. So I don't think it makes a difference. I can certainly live with it. Thank you.

Chuck Gomes: Thanks, Alan. Amr?

Amr Elsadr: Thanks. This is Amr. I would just like to also say that input here does not necessarily mean participation in a PDP working group. It could be just submitting a public comment when a public comment period is open. So I really don't see why we should in any way limit who could provide this input, as long as it is in a timely manner. So I would just leave it the way it is. Thanks.

Chuck Gomes: Thanks, Amr. Okay, so to wrap this one up, my inclination is to leave it alone and not make a change as suggested. Does anybody strongly disagree with that? Okay, so kind of the chair's assessment there, and I'm not hearing or seeing anybody disagreeing with that.

And the question then is - and maybe it's because we're over time here. Marika, could you - you don't - I don't know if you've done it. I haven't read everything you've written there. But if you could draft - you don't have to do it on the fly now.

But just draft a response that essentially says that the working group decided not to make this change, and then cite some of the things that came out in the comments in that regard. Are you able to do that? Before you respond, while you're thinking about that, Alan, go ahead.

Alan Greenberg: Yeah, I just want to ask a question. We've never explicitly responded to every comment before. Is there a conscious decision that we're now doing that?

Chuck Gomes: We don't have to.

Alan Greenberg: Well no, no. In the past, there are certainly many situations I can think of, you know, or types of situations, where we just go down a rat hole if we try responding to everything. And, you know, the transcripts are here. The recordings are here if we want to refer someone to the fact that we did discuss it.

So if we've made this conscious decision, I think if we're doing this, I think it should be a conscious decision on our part. I'm not objecting to it as such, but I think we need to be a little bit careful about what level of work we are opening ourselves up to, not only in creating the response as such, but in the dialogue that may follow that. So...

Chuck Gomes: And so a comment for you, Alan. I hear what you're saying. We're going through this exercise and making decisions. Don't you think it's a good idea to communicate that?

Alan Greenberg: I think we should have a discussion, and not when we're nine minutes overtime.

Marika Konings: This is Marika. If I can just point out that we've been doing public comment review tools, which have a working group response in it already for quite some time. We don't necessarily, you know, go back to each commenter, but we do post those publicly.

                 And I'm hoping as well that those representatives or participants in working groups that, you know, come from those groups that have commented, that they refer people to there if they have questions.

                 So I'm not sure if we're talking two different things, and I'm not even sure - because I don't think Chuck is suggesting that after each call we'll write back to each group and say this is what we decided, but just having this as a public record that, you know, we'll post and individual participants can share with their respective groups.

Alan Greenberg: For clarity, I thought I heard him say several times today, including a minute ago, we should write back to them and tell them this, or something very close to that.

Chuck Gomes: Yeah, I may have worded it that way.

Alan Greenberg: That's why I reacted.

Chuck Gomes: Yeah, yeah.

Alan Greenberg: Certainly not...

((Crosstalk))

Chuck Gomes: And we don't have to do that. In cases where we want some feedback, we need to do that.

Alan Greenberg: Sure.

Chuck Gomes: Okay? In our final report, in the analysis of public comments, we do need to do that. And there has been a practice of that for some time now. Amr, you're up.

Amr Elsadr: Hi, Chuck. This is Amr. Yeah, I think you just said what I wanted to say. On the thick Whois PDP, we did include the review tool in the final report, and so that also included all the responses to the public comment issues being raised. And I thought that was pretty neat, and wouldn't mind doing that with this group's report as well.

Chuck Gomes: And I thought the expert working group did a really good job of responding. Not individually to commenters, but in their final effort they did a commendable job. And I thought that really keeps it transparent and people know they're being listened to, and their thoughts were considered.

So I apologize for going over. I will - just to let you know, I will not be here next week because I'll be on my way to Istanbul for the CWG IANA face-to-face meeting, and I'll literally be on an airplane during the time of this. But I encourage you guys to pick up where we left off, and to make some more progress next week. And, Alan, I hope that your question was answered.

Alan Greenberg: It was. And for the record, I have no problem with - you know, ever since we've been using these tools, we have either included them or pointed to them in our final report. So I certainly have no problem with that.

Chuck Gomes: Okay.

Alan Greenberg: By the way, I'm going to be not likely participating next week as well. I suspect there may be a significant number of others, so...

Chuck Gomes: So again, if those that can't make it, like myself, will make sure that you get up to speed on what was covered, and then provide any input before the next weekly meeting, so that we can keep the progress going on this and meet our deadline. I appreciate that. Thanks. Great discussion as usual for this group. And thanks to everyone. Have a good rest of the week.

Woman: Thanks, Chuck. Thank you, Marika.

Marika Konings: Thanks.

Man: Thanks.

Marika Konings: Bye, everyone.

END