

**Policy & Implementation Working Group Meeting  
TRANSCRIPTION  
Wednesday 24 September 2014 at 1900 UTC**

Note: The following is the output of transcribing from an audio recording of the Policy & Implementation Drafting Team meeting on Wednesday 24 September 2014 at 1900 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-20140924-en.mp3>

On page:<http://gnso.icann.org/calendar#sep>  
(transcripts and recordings are found on the calendar page)

Attendees:

Cheryl Langdon-Orr – At-Large  
Olevie Kouami – NPOC  
Chuck Gomes – RySG  
Avri Doria-NCSCG  
Stephanie Perrin – NCUC  
Alan Greenberg-ALAC  
Michael Graham – IPC  
Jonathan Frost – RySG  
Anne Aikman-Scalese – IPC  
Tom Barrett – RrSG  
Amr Elsadr – NCUC  
J.Scott Evans – BC  
Klaus Stoll - NPOC

Apologies: none

ICANN staff:

Amy Bivins  
Marika Konings  
Mary Wong  
Karen Lentz  
Berry Cobb  
Steve Chan  
Nathalie Peregrine

Coordinator: Welcome and thank you for standing by. At this time all participants are on open lines. Today's conference is being recorded, if you have any objections you may disconnect. Thank you, you may now begin.

Nathalie Peregrine: Thank you very much, (Deb). Good morning, good afternoon, good evening everybody and welcome to the Policy and Implementation Working Group call on the 24th of September, 2014.

On the call today we have Cheryl Langdon-Orr, Olevie Kouami, Anne Aikman-Scalese, Tom Barrett, Amr Elsadr, Alan Greenberg, Chuck Gomes, J. Scott Evans, Klaus Stoll, Stephanie Perrin, Avri Doria and Jonathan Zuck. We have received no apology for today's call.

From staff we have Marika Konings, Mary Wong, Karen Lentz, Amy Bivins, Steve Chan and myself, Nathalie Peregrine.

I'd like to remind you all to please state your names before speaking for transcription purposes and to go on mute when not speaking. Thank you ever so much and over to you, J. Scott.

J. Scott Evans: Thank you very much, Nathalie. This is J. Scott Evans for the record. First of all we've had a roll call, now I will ask the perfunctory question if anyone has any updates to their Statement of Interest. Hearing none or seeing none in the chat I will then do something I haven't normally done but Chuck always does, ask if perhaps there's someone on the line who is not shown in the Adobe Connect room.

Okay good so let's all - we can use the raising your hand functions so - and I'll do the best I'm can to make sure I'm moderating correctly.

I apologize for not having been here last week, I was in the middle of a plane ride when it hit me that I should have done this. I've done a lot of traveling

and it just spaced in my head so I apologize to everyone for not being here last week.

But I did listen to the mp3 recording of the discussions of the GDD framework - implementation framework that we went through. And I know we ended up on 3I but before we head down to that particular section I want to draw us back up to 2B because in the interim between the calls there's been some discussion about an additional sentence that's been added at the end of that particular sub section.

And I don't want to get into the - trying to draft by committee on the telephone. What I would ask is we haven't seen anything on the list where anyone has raised an objection or raised a concern, just additional or revised wording to that.

But however, we don't want to close out the issue and assume that it is completely acceptable to those who are participating in this group, the list and/or the discussion. So with that I would just point you to that particular provision, the last sentence that's been added, and ask that you look it over.

And if you have any concerns that, one, you raise what those specific concerns are in an email to the list; and, two, that you also provide a suggested revised wordings that would address your concerns and explain the rationale for that.

And if that's acceptable to everyone, and I don't see that we have anybody objecting in the Adobe chat then I suggest we move down and everyone, you have the ability to scroll down on your own in the Adobe Connect to 3I which had to do with third party service providers.

And I know that there were some comments on Chuck on this and then were some comments from Alan on this, even Karen made a comment. But it drew to the end of the hour so I want to pick up that discussion with anyone that

wants to, you know, bring forth what they were talking about regarding the third party service provider's definition which is found in our - obligation or their role that they will play within this process which is found in 3l.

Any comments regarding this? So everyone's happy with the language as it's written? Karen Lentz has raised her hand. Karen.

Karen Lentz: Thank you, J. Scott. As you indicated we kind of got to this at the tail end of the call last week. And I wanted to raise a couple of things in response to the feedback that Chuck provided.

So just to make sure we're clear about what comments I'm talking about, Chuck said the solicitation of any such contractors, RFP development and execution and selection of associated contracts should be done in consultation with the community to ensure that terms and conditions are implemented to ensure maximum success.

So I wanted to give a little bit of our thinking and, one, putting that item in there and, two, our discussion about how to respond to what Chuck is suggesting here.

So first of all I think we want to make a distinction between a contractor, you know, somebody that we might hire to essentially be an extension of staff to supplement resources to work on a particular issue so that would be, you know, somebody that is part of calls and essentially a staff role versus, you know, somebody that like a service provider that you would do an RFP procurement process for.

So, you know, in either case I think, you know, at least I read it to be more about the latter. And, Chuck, correct me if I'm wrong on that.

Chuck Gomes: This is Chuck...

Karen Lentz: Yeah.

Chuck Gomes: No, I'm fine with that, Karen.

Karen Lentz: Okay. Okay. Thank you. So here's sort of the discussion that we were having about how to, you know, assuming you have an IRT what's the best, you know, process or timing and if you're doing a RFP procurement process to find one or more service providers.

On the one hand I think it's really beneficial if, you know, if say for example we know a policy is coming down the road, we've gone out and, you know, gone ahead and established the qualifications, gotten proposals, etcetera. So then you can have that - those providers participating with the IRT and giving their implementation advice and recommendations from the provider standpoint so you gain that expertise actually in the IRT process by having, you know, started earlier on that.

The flip side of that is that, you know, is - an option where the - or a process where the IRT actually helps to design the RFP and, you know, scope out the qualifications and the selection criteria and then you have the benefit of that expertise, you know, informing the RFP. So I think both of those have their advantages.

And that's kind of where we left it. We kind of want the group's thoughts on that so I hope that helps.

J. Scott Evans: I see that Alan has raised his hand.

Alan Greenberg: Thank you, J. Scott. I guess it's a confusing issue because RFPs and outside contractors can be used for a whole range of things ranging from a really pure implementation and at which point I wouldn't think the IRT would need to get involved.

On the other hand, we have also put out contracts, and if you look at the trademark clearinghouse perhaps is the best example, where the details of the implementation were worked out by staff, partially and inserted into the RFP and, you know, therefore because almost part of the contract before anyone had a chance to see them. And that was coupled with expecting the contractors to do a fair amount of design based on what they saw.

And that, you know, if we're looking at a latter type of case, yes, I think the IRT needs to be involved in a lot of those aspects. If we're looking at, you know, really contracting for a service where the service is already well defined based on previous discussions I think there's far less need for any involvement. So it's going to depend on the scope.

If you look towards the future and there's going to be presumably a PDP on the Expert Working Group on Directory Services, that's likely to have embedded in it, if the result is anything near like what's going into it from the Expert Working Group, a humongous external service and one where the details are going to matter an awful lot.

Some of us have suggested that we really need two PDPs, one leading up to the - to an RFP and one starting again when the RFP, you know, gets the answers back or - and we have a much better idea of how the implementation will be.

So I think the answer to the question of how do we go with this is going to vary heavily depending on the (unintelligible) contract we're talking about and how we specified it ahead of time. Thank you.

J. Scott Evans: Thank you, Alan. I see that Stephanie has her hand up.

Stephanie Perrin: Yes. Thanks. I don't want to go off on a tangent about the EWG but I think Alan is absolutely right that personally, as a relative newcomer to ICANN, I'm quite confused about how conflicts of interest are managed in these things.

And I don't mean to accuse anyone of anything, it's just for instance we met as the EWG a couple of times with the Universal Postal Union who are quite interested in verifying data for the purposes of some of the data verification principles that are in that report.

Well, they've had insider access to EWG, which quite frankly doesn't all appear in the report; it'd be 1000 pages if it did, right? Same thing with any members of the EWG, would they be disqualified from starting a new company to do data verification? Just a question. And if they aren't then they certainly have a leg up.

So the question about how you manage conflicts of interest at ICANN for outsourcing of really (unintelligible) that are basically developing policy as it goes because let's face it, if you allow a contractor to give advice on the best way to implement something there's something inherently (conflictible) in that, you know.

Yes, they have expertise but they also have a vested interest in reducing their costs. So I'm just like how does one manage that? Same thing with the IBM cost study, by the way.

J. Scott Evans: Thank you. This is J. Scott for the record. I'm going to respond to that quickly and then I'm going to go to Chuck. I'm not sure that's not an issue; I am sure that that's not an issue for this working group. I think this working group is just to determine, you know, what and how the interaction with the community should be in this instance.

Now, Stephanie, that very well may be that that's a very legitimate - oh I should - that's a very well maybe acting as if it's not - that is a very legitimate concern but I'm not so sure it's appropriate for this working group. Chuck.

Chuck Gomes: Thanks, J. Scott. And thanks, Stephanie and Alan for your comments and Karen as well. Let me cite one example - and I may have mentioned this last week, I don't recall - with regard to the new gTLDs...

Alan Greenberg: Chuck, could you speak up a bit?

Chuck Gomes: Sure. Is that better?

J. Scott Evans: It is for me.

Chuck Gomes: Okay. I'm speaking right into the mic so I'll try and speak louder.

Alan Greenberg: Yeah, that's okay now.

Chuck Gomes: Thanks, Alan. So with regard to PDT testing in the new gTLDs, post delegation testing, a provider was selected for that and as far as I can tell, and I don't know this for fact because I haven't seen the contract. But as far as I can tell the contractor is paid according to how many PDT testings that they do.

So when applicants for new gTLDs have raised the question, "Why do we have to go through that testing?" over and over again for every one of our multiple TLDs, there has never been a very satisfactory answer. I'm guessing that the answer is because that's how the provider is being rewarded.

Now if that had been reviewed by an IRT hopefully that would have been caught and been - and the contractual terms would have been different. Now in a more general comment I don't think anybody is suggesting that we want to really slow down the process, it's more a matter of where we're going to lose time or where we're going to lose efficiency or where the public interests may not be met.



Either we can work together, the community and staff, in developing the terms of these contracts, those that will impact parties in the community, okay. We can either take the time up front or we can have the adverse consequences and lose time later on.

So I think we all want the same thing in terms of efficiency and we don't want to tie staff's hands. At the same time depending on the particular issues there are ways that the community can help and we can catch things early and if we catch them early we save time and problems later on. Thanks.

J. Scott Evans: Thanks, Chuck. Does anyone else have a particular comment on this provision? Alan.

Alan Greenberg: Yeah, I have a question for Chuck. I've never looked into that issue to any extent. Did the Applicant Guidebook specify that each TLD prior to deployment had to go through that testing? And if so did we just slip up and not recognize that there were going to be some providers of multiple TLDs and we should have worded that better? In other words I'm not sure it's at the contract time that the mistake was made in that case.

Chuck Gomes: Well this is Chuck. Alan, as you know, the policy itself didn't go into that much detail and so there was lots of freedom in terms of implementation.

Alan Greenberg: Yeah, no I didn't say the policy, I said the Applicant Guidebook.

Chuck Gomes: Well the Applicant Guidebook didn't say that they had to go through every - repeat every one. It said they had to go through PDT testing, okay. So whether it's an error in the Applicant Guidebook or the contract I think it's something that could have been caught if we looked at the contract together early on.

The point is right now every applicant, even those that have to go through - I mean, have 100 plus TLDs, they have to go through that full process for every one of those terribly inefficient, costly...

Alan Greenberg: No, no, I understand the problem, I'm just wondering...

Chuck Gomes: Yeah.

Alan Greenberg: ...I'm just wondering was it a contract issue or was it the planning prior to the contract that - where the...

((Crosstalk))

Chuck Gomes: Well, if the contract provides that the provider is paid on a basis of how many they do then I would say it's a contract problem. And that's what I was getting at in my comments about this that there is a, you know, if we have some collaboration before that contract is finalized, even before the RFP is finalized, we can probably catch things like this.

We won't catch everything. None of us are perfect. Even working together we'll miss things. But I think it can be done better than it has in the past.

Alan Greenberg: Certainly that one could have been caught at the RFP stage because any bidder was going to bid based on the projected number of tests they would have to carry out. So - and there's a significant difference between the number of strings applied for an expected to be delegated and the number of corporations who were doing - who were operating them so.

Chuck Gomes: Right.

J. Scott Evans: This is J. Scott. And I'm not so sure that this provision in any way addresses either - that concern at all. I think this provision seems to say to me that it's just acknowledging a reality that if we somehow engage a third party that's

not involved in the PDP or is not directly in staff or is not in the community by being an SO or an AC of some way they may have to provide recommendations regarding feasibility of certain approaches that have been recommended during the implementation.

In other words, it may be yet another voice that comes into that. And I thought that this was just acknowledging that.

Chuck Gomes: Well, and J. Scott, this is Chuck. And my concern in the comments that I said is that in cases where there's third party service provider part of the implementation process is to make sure that there is that collaboration with the community where needed to avoid problems like this. So in other words I was suggesting that we need to go a little bit further than what it says right now.

J. Scott Evans: Okay. Do others agree with that? This is J. Scott asking the group. Amr agrees. Karen is raising her hand and then Alan.

Karen Lentz: Thank you, J. Scott. So in terms of the drafting really 3I is just to, you know, note that a third party service provider has a role and responsibility in this process. Again, later in the document in the steps it talks about engaging additional third parties as early as possible and could include an RFI or RFP.

So if I'm hearing the direction of what Chuck is suggesting it's really focusing not so much on the procurement process itself but on contracting when you're working out the details of, you know, some of the elements that affect - that are affected by the new policy or procedure.

And so maybe there's language in there that we could discuss. I think in terms of consulting with the community that's - I think we want to be a little bit more clear about how that happens is that, you know, could that be through the - via the means of the IRT or, you know, how could that, you know, how could that perspective be brought into that process in some way.

J. Scott Evans: Thank you, Karen. Alan.

Alan Greenberg: Thank you. I have no problem I as it's worded but as Karen said, there are other, you know, I is right now just a statement of fact and that's fine. I think the issue, as it pertains to what Chuck was talking about, is if something is begin done internally by ICANN and we realize oops, it was a mistake, we can fix it.

You know, if ICANN, for instance, was doing the testing completely right now and we realized it's completely redundant to ask particular organizations to test - be tested over and over again we could simply change the rules.

But when we have an outside company whose revenue stream was dependant on how the task was described to them initially we can't necessarily do that with the same level of nimbleness and therefore the details in the contract and the details in the RFP matter a lot more than they would otherwise.

And therefore there needs to be involvement because, you know, on rare occasions staff is not all knowing and doesn't catch everything. There are occasions where we don't catch everything. But, you know, more eyes is better than fewer in this case.

J. Scott Evans: All right. Chuck.

Chuck Gomes: Yeah, and I'll be really brief. Thanks, J. Scott and Alan. I think Alan said it really well and so did Karen, I think you grasped it. There's one thing I wanted to check, though, with what you said, Karen, because it sounded like you said it's more to do with the contract than it is with the procurement process or the RFP.

I think Alan said earlier that it may - the RFP is a place where you can catch it too. So I don't think it's an either or, I think it may be both depending on the situation.

J. Scott Evans: Okay. I see Karen is typing something; I don't know if it's relevant to this or if it has to do with...

((Crosstalk))

Karen Lentz: Yeah, yeah this is Karen. I was just going to say I agree, it could be one or both depending on the situation.

J. Scott Evans: Okay. All right so are we comfortable leaving this as is like a statement of fact? Or are those that think that perhaps we need to suggest some additional wording that could be suggested on the list to cover some of the additional thoughts that have been raised today?

Chuck Gomes: This is Chuck. And I'm one - biggest one raising the issue. I'm comfortable with what it says here as long as we deal with it later as Karen suggested and as Alan suggested.

J. Scott Evans: Okay. Anne.

Anne Aikman-Scalese: Thanks, J. Scott. This is just a silly little grammar question, that first sentence just says, "Contractors who will carry out," blah, blah, blah, blah isn't really a sentence. And I don't know if we mean to say like regarding contractors who will carry out blah, blah, blah, comma, these contractors may be expected to provide or if it's - it just - it's silly but it's not a sentence.

J. Scott Evans: Okay.

Alan Greenberg: It's Alan. I think the word "who" is out of place there and perhaps "will" should be "may" and then it becomes a sentence.

Anne Aikman-Scalise: Is that what's - yeah, I was a little confused about that.

J. Scott Evans: Okay. Karen, did you get those? Oh, she says we can fix that.

((Crosstalk))

J. Scott Evans: And I see Stephanie is typing. Stephanie says in the chat, "An RFP can definitely be a policy instrument if one is not careful and needs to be ready with a policy I in my view." And I guess we can handle that in that process. Okay. All right so we're going to leave this as-is provided that we deal with it later.

I want to now sort of - do I hear someone speaking?

Chuck Gomes: I think that was yourself...

((Crosstalk))

Chuck Gomes: ...an echo.

J. Scott Evans: Oh. Okay well I'm on my headset so I mean, my handset, I moved off speaker because my phone was having issues so I apologize for that. Now I'd like to jump out of this document quickly because I want to spend some time talking about our face to face meeting in LA which we have coming up.

And so that we can sort of get a rough idea and some input from the group on how that should be conducted during the ICANN meeting in LA. As you know there are actually two in-person moments or meetings. One is usually on Saturday morning, there's about a 15-20 minute presentation to the GNSO Council about where we are and what's going on with our working group a sort of status update.

And then we have historically had a meeting on the Wednesday afternoon I believe it's generally around 3:00 pm that there's been about an hour to an hour and a half meeting on the Wednesday afternoon of the working group. It's going to be from 4:30 - 1630 UTC to 1800 so that's 4:30 Pacific Time to 6:00 pm on Wednesday afternoon this year.

So we need to discuss what's going to go on. And on the chair's call we sort of talked about this briefly. And this also, you know, lead us into discussing and thinking about the work plan that we need to revisit and think about because we need to, as we update the GNSO Council, we also need to update where we are and see what things need to be adjusted.

I think our - we originally had a plan that we would be offering our draft recommendations in LA. That obviously is not going to be the case given where we are. So we need to update and look at that.

So for the GNSO update we - the chairs and vice chairs believe that, you know, that we should provide our new work plan status, you know, what our deliverables will be and when, and we should also provide them with the two new processes that we've developed and explain those and get - see if they have any input with regards to those. You know, sort of the, are we on the right track of touching base? Is there anyone that has a comment or a thought about that?

Okay. Marika, do we have the work plan available?

Marika Konings: This is Marika. We actually haven't updated the work plan yet. I have the old version...

J. Scott Evans: Okay.

Marika Konings: ...and maybe for the next meeting I could have a look at it and maybe update it to reflect where we're currently at and where we may be going if that is helpful.

J. Scott Evans: That would be. At this point we believe, the chairs and vice chairs, that a good target date would be to have some rough draft recommendations by Marrakesh. They may not be ready for a final report but they would be meted out in such a fashion that they could be discussed and reported upon so, again, we could get some community input and get a reaction from those prior to baking them into a final report with recommendations. So is there anyone who has any comment, concerns about that target date?

I mean, my only concern would be - and I hate to be the negative person in the room, is that I wonder how well attended Marrakesh is going to be given some of the political instability that's going on in the world at the present moment. And, you know, is that really the best venue to sort of come out with this? Are we going to have sort of a smaller group of people and not get as much visibility into this as we might if we were, you know, in another location where there was higher attendance?

Alan Greenberg: J. Scott, it's Alan. I'm not at my computer. I think it's a reasonable target. It's a target though and we may miss because our work isn't ready; we may decide to slip because of the reasons you're talking about and do it in some other format but I think it's a reasonable target. It adds a few months and it's something to aim for.

J. Scott Evans: Okay. Anyone disagree with Alan's position? Have any additional thoughts or other kinds of thoughts? All right, well, Marika having that as sort of our guideline from there I guess we can go through the work plan and work backwards to sort of work through the work plan and adjust things according to that correct?



Marika Konings: Yeah this is Marika. I think one conversation we may want to have because as you know the work is currently broken down into deliverables. And I think one conversation we may want to have, you know, looking at the topics that have come up in the conversation and also, and we may not get there on the call up, you know, the implementation process graphic that tries to highlight some of the questions the working group may want to address.

It looks like the three deliverables that we still have outstanding or the three charter questions that are still remaining are really closely tied. So I think one of the questions would be if we should actually instead of dealing with them separately as I think initially the plan was, whether we should actually just take this together as they do seem to be part, you know, of the same package or very closely interlinked.

I'm not really sure if we can actually even address them completely separately as for example, you know, talking now about implementation related conversations and of course very quickly it comes into that, you know, what is the role of the IRT. Well in principle be IRT is a separate charter question.

So I think one thing the working group may want to consider is actually taking that as a package which I think will also probably help in moving things quicker a long as we can look at the holistic picture instead of looking at it separately and then afterwards having to try to bring those - all those pieces together.

J. Scott Evans: This is J. Scott. I would tend to agree with that only because I think as originally envisaged we were going to have different groups working on these. And given now that we made the decision initially to have the entire working group work on these issues I think taking the holistic view and taking them as a package is probably a more efficient method given our working practices to date.

Are there others that would agree or disagree or have thoughts with regards to that?

Alan Greenberg: J. Scott, it's Alan. If I could get in the queue?

J. Scott Evans: Go ahead Alan. Chuck says he agrees by his green arrow.

Alan Greenberg: Okay. I definitely agree and I'll agree for different reasons however. We really know - what we're talking about now, what we know now about what we need to do going forward to not get ourselves in morasses over quote, policy versus implementation, and I use the word "versus" deliberately there, is so much different from the mindset we had when we were framing the charter questions.

We really are in a different world right now based on what this workgroup has done and where we think we're going and where ICANN staff is telling us they think is reasonable for us to go that I really don't want to have us be bogged down too much about the wording in charter questions that were phrased at a time when we were really approaching this from a completely different perspective. Thank you.

J. Scott Evans: Right. Anyone else? I saw that Anne Aikman-Scalese agreed with Alan on that. I just want to put that on the record she agreed. Okay, all right, so that gets us to the work plan.

Now for the actual hour and a half meeting that we're planning on having on the Wednesday afternoon, our thought was that we would sort of give a brief update on the status of where we are at that meeting so that those who are new in the room would sort of know where we are and where we are shaking out on things.

And then we would briefly present the work plan not for discussion but just as this is it, like a fact; this is where our work plan stands today so more of a

short factual presentation on that so that we could then delve right into dealing with the substantive issues.

So hopefully the update and the presentation of the work plan perhaps take maybe 20 minutes and then we could take the next, you know, 70 minutes or so and work through substantive issues. How does that format sound to the group?

Anne Aikman-Scalese: Sorry, J. Scott, it's Anne. Could you please repeat the format?

J. Scott Evans: Sure. Is that we would, at the initiation of the meeting we would sort of briefly bring people in a short update of where we are and where we are to date and then present the work plan as going forward for how we see it doing but not for discussion, and then all the discussion part of the meeting would be unsubstantiated issues as we continue to do our work.

Anne Aikman-Scalese: It's Anne again. If I could ask a question, or I should raise my hand? I'll raise my hand.

J. Scott Evans: Sure.

Anne Aikman-Scalese: I'm wondering what are statuses regarding the--what we call the draft guidance procedures, two different draft guidance procedures and, you know, to what degree those can be, you know, specifically considered or vetted in LA, you know, where they fit on the agenda.

J. Scott Evans: Okay. Marika.

Marika Konings: Yeah, this is Marika. I think, you know, the high level, the flowcharts those are definitely, you know, ready and I think we can definitely share those. And again it may be a kind of, you know, this is where we're at, you know, does anyone have any immediate concerns that not maybe necessarily go into the

deeper details because I think there will be of course opportunities further down the line to do that.

But just to note as well where I think that - because I think where we left it at least on that specific charter question as well is that, you know, staff is currently working on more detailed language that, you know, could possibly form, you know, kind of manual for each of those processes and as well possible, you know, by law changes that may be associated with each of those processes.

So that won't be ready for LA but we hope that, you know, shortly after LA we'll be in a position to share that with the working group for review. And that could then of course be the basis as well of what would be incorporated in a possible initial report for broader community review and input.

Anne Aikman-Scalese:       Okay so that's not something that we're thinking that we can produce quickly, that's something that - I guess my question is they seem like very useful processes to me that the community really needs and so I'm basically trying to figure out how fast we can get them properly vetted, you know, propose - I guess I hadn't thought that there would be bylaws amendments that would be required but I think Marika is, you know, raising that issue now.

My basic question is, you know, these look like really good processes to me that staff and the working group have come up with together. And my question is how fast can they become, you know, useful to the community?

J. Scott Evans:   Well I'm...

((Crosstalk))

J. Scott Evans:   Go ahead.

Marika Konings: Yeah, J. Scott, if you want me to respond. I hear Anne asking two different questions. I think, you know, be useful to the community sounds as if, you know, they can already be used by the GNSO. And I think of course that's, you know, further off because that will need to go through the appropriate approval processes.

And especially I think for those processes that for example, you know, involved as well the Board at some point we'll need to have a conversation as well with the Board on, you know, whether that is something that they are happy with, what they think of it, you know, what would be the process indeed for them to of course approve and agree with that as well. But I think that's something we'll get to at a later stage.

But as I put in the chat as well I think, you know, for the face-to-face meeting in any case I don't think we want to go into the detail of, you know, but we would right into the manual or what we need to go into the bylaws to, you know, have those procedures state as such.

So I think that the flowcharts are definitely something we can share. They're already in the public domain. We have shared them already with different stakeholder groups and constituencies as well as advisory committees that are participating, for their input. So that may be something to show and basically showed that that's what we're working on.

You know, I think on some of the items that something we already identified as well, you know, the working group will need to have some further conversation about, you know, how certain things may work and I think especially some of the things we flagged is in relation to the voting thresholds, for example, applied.

You know, to the bylaw elements in certain cases it may not be necessary but for example especially looking at, you know, staff tracked PDPs, you know,

the current PDP is in the bylaws so my assumption is that as indeed something that would also need to be incorporated into the bylaws.

Presumably similar with that guidance process as that is also a process that would put certain requirements both on the GNSO as well as the ICANN Board. So presumably some parts of that may need to be codified into the bylaws.

But again, you know, we're working and talking as well with our colleagues in the legal team that have more experience as well and how these things should be drafted and what may be required to get their input on that. So we hope to share further feedback on that as well with the working group.

And I said those are all documents that, you know, the working group can further review and discuss to refine until you're comfortable that they're in a state that can be shared with the broader community for review and input.

J. Scott Evans: But, Anne, if what I'm hearing is that you would like to perhaps share those and rather than just give an update of where we were take a moment and actually discuss those with the people that might be in the room, I think that that's a viable option if that's something the working group agrees to do.

It's not like we haven't already asked for that by sending it around to the various groups. And I feel like that might be productive. Anne, I see your hand is up.

Anne Aikman-Scalese: Yes, thanks J. Scott. That is exactly where I'm headed. And I think it would actually be quite worthwhile to spend a great deal of time focused on those two, you know, the charts and even some, you know, try to get some of the answers in relation to those charts. I would spend a lot of time in front of GNSO Council talking about those charts and a lot of time in the working session talking about how to make those processes work because my

perception is that the effective functioning of the organization, you know, very much needs those processes going forward.

J. Scott Evans: Okay, Chuck.

Chuck Gomes: Thanks. First of all we don't have a lot of time with the Council; we'll have 30 minutes max and we'll have to show them the revised work plan and then the intent was to get their feedback on the two new processes and so forth. But we won't have a lot of time, that's a fact; they go through a lot of working groups so that's a fact.

Now we have a little more time in the working group itself but in a larger group like that, even though we have more time, getting down into too much detail we won't get very far.

The sense was, at least on the leadership call that preceded this was, is that as a first step we want to take advantage of the fact that we have an in person meeting and for people who have not seen those to at least get a sense that we're moving in the right direction.

And then to the extent - I'm fine - to the extent that we do have time without getting too fine in the details - if we get fine in the detail and try to do drafting in that working group meeting we won't get very far. And we at least want to get - I think come out of there with a sense that we are heading in the right direction. And we will be providing opportunity for as much detail as people want to provide.

J. Scott Evans: Okay. Anne.

Anne Aikman-Scalase: Thanks. It's Anne. Could somebody just clarify the steps through the process of getting that stuff - it would be in the form of a final report to GNSO Council that they then adopt and then propose to the Board. And all our deliverables must be delivered at once by way of the final report. And

there's no mechanism for delivery of I guess, you know, piecemeal delivery, if you accept that term, of any portion of our work. Thank you.

J. Scott Evans: This is J. Scott. I think that the problem that I see is that those charts are just the 60,000-foot view of a process, they don't go into all the details that may need to occur to make those processes work. And I think Chuck's point, if I understood it correctly, was I don't think that fora is the greatest fora to go into that detail or we will never get through.

If we want to put it up there and talk about what pitfalls people see, are we headed in the right direction, those kinds of things that's probably a better use of the time rather than getting too granular.

Anne Aikman-Scalese: Yeah, I didn't say anything about getting granular. I'm asking beyond that meeting, I agree with Chuck's comments, but I'm just asking about our process even beyond that.

J. Scott Evans: Okay. Alan.

Alan Greenberg: Thank you. Certainly for this upcoming meeting we're looking at a high aerial view. As I put in the chat sadly, the presentations of working groups are not always particularly well attended anyway. So I don't think we can expect a lot of advice out of the Council at this one.

A PDP - this is not a PDP but PDPs are pretty well documented and rigid as to how they have to be run. And before you issue the final report you have to issue a preliminary report and go out for comment.

That being said, some PDPs don't quite do it that way. Some PDPs get to the stage where they really need input - substandard input from the community before they have a full set of recommendations so they will tend to go out with an interim report, get feedback and then come out with the preliminary or the draft report with real recommendations in it to again ask for public input.



So, you know, we're not as rigid as a PDP; we have a lot of flexibility as to how we deliver our interim or final reports to the community and to the GNSO Council. You know, it's not even clear that what comes out of our report will have to be approved by the Board because we're not a PDP.

On the other hand we may well be making recommendations which will require bylaw changes or something like that, which of course will have to go through the Board process. So we have a lot of flexibility to make sure that that what ever we're saying is understood by the community, processed by the community and get feedback, you know, literally, and I don't want to belabor the point but literally as many times as we need to to do our job right.

J. Scott Evans: Thanks, Alan.

Alan Greenberg: So there are no limits, there are no prescriptions and we need to simply do our job correctly.

J. Scott Evans: Thanks, Alan. Chuck.

Chuck Gomes: Thanks. And great discussion. I think I understand now, and I'm going to test it with Anne. It sounds like, Anne, what you're asking could we - if we decide to recommend these two new processes or even one of them sooner than the other good we do that before we do our final report.

And I think we could. I think most of us, maybe old-timers like myself, were thinking we package this whole thing and deliver it all at once. But I think like Alan just expressed, I think we could decide that hey, these would be better implemented sooner. And so maybe we do an interim set of recommendations if the group decides to do that.

And I guess, Anne, you're up next so you can confirm whether I got your question correctly.

Anne Aikman-Scalese: Yes. So, J. Scott, if I could speak? It's Anne again.

J. Scott Evans: Yeah, sure, I'm sorry.

Anne Aikman-Scalese: And that's exactly - exactly the idea that to just put forth based on, you know, providing more historical information from Alan is exactly what I was heading toward.

I would love to see our group adopt some sort of, you know, target date for having enough detail about these processes that they could be put out for comment on a preliminary report related to these processes, you know, for the same purpose of acquiring, you know, input from the community, getting a sense of that in the October meeting but then adopting some kind of target date pass the October meeting where we could put out a preliminary report at least with respect to these and get the input that's being discussed.

J. Scott Evans: Okay.

Anne Aikman-Scalese: Thank you.

J. Scott Evans: Tom Barrett.

Tom Barrett: Hi, J. Scott and everybody. I have a general question which is when do we expect these set of recommendations and framework to start being followed by ICANN staff? Is it something that is an all or nothing meaning it has to wait until GNSO and Board approval before they adopt any changes or is it something that perhaps they would start adopting in the interim?

J. Scott Evans: Okay I guess - this is J. Scott, Tom. I wanted to ask what are you - are you talking about the two processes that we've put together in the flowchart or are you talking about the GDD process that we talked about at the beginning of the conversation today?

Tom Barrett: So I'm talking about the flowcharts that that we've been discussing for weeks on end.

Anne Aikman-Scalese: J. Scott, may I ask a question that relates to Tom's question?

J. Scott Evans: Sure.

Anne Aikman-Scalese: Yeah. It kind of seems like both the charts that we've been working on and also, you know, our specific input to the staff GDD implementation framework could be packaged in some kind of preliminary report that is put out for comments by the community. In other words, I mean, it's not staff issuing it but we are saying hey, we gave input to staff (straf) and this is what - we'd like your input on the input we gave to staff (straf) and we'd like your input on these two processes to help guide our work going forward.

J. Scott Evans: Okay.

Anne Aikman-Scalese: Thank you.

J. Scott Evans: Thank you. Alan.

Alan Greenberg: Yeah, again I'll say I don't think there are any firm rules. The GNSO is already doing some of the things that we are going to be recommending, you know, because there's a feedback loop between those of us who are sitting on Council and trying to solve today's problems and the people in this group.

So there is already some level of feedback like that. And if we come up with the Holy Grail of how to solve the, you know, the problems of the world they don't have to necessarily wait, you know, for a report to implement them if they do require, you know, formal Board approval on things like that. So I think we have a lot of flexibility based on how we see the world evolving.

And I have to drop off because I have another meeting...

((Crosstalk))

J. Scott Evans: Yeah, and it's at the end of our hour. I think that's where we need to pick up next time is we need to discuss as part of probably when we look at the work plan next week I would suggest that we discuss some of the points that both Tom and Anne raised about how we are going to provide our recommendations, whether we're going to break them up, where there were going to deliver them as a package, and then get those baked into our work plan and get a deliverable date or target date set for all of that so that we can have a clear understanding of how we are going to proceed.

But I agree, because this is sort of outside the PDP we have a lot of flexibility to determine exactly how we're going to do that.

So anything on that note, we will...

Marika Konings: J. Scott?

J. Scott Evans: Yes.

Marika Konings: This is Marika. I think I had my hand up already for quite some time.

J. Scott Evans: Oh I'm sorry I can't see you because I've scrolled down to look deeper into the attendees. Yes Marika.

Marika Konings: If you'll allow me for one minute. Just a couple of brief comments, I think indeed, you know, I think what we're trying to say indeed that Marrakesh is indeed a target date to have an initial report that would go out for community comment and input.

I would maybe caution in breaking these things up because I think they're all very closely interlinked. Also from the community perspective where people are trying to get a better understanding of how, you know, policy implementation related conversation happened and what kind of, you know, processes are in place.

Also when we get to the processes that the GNSO Council may use in relation to implementation issues those may be the same processes or a modification thereof. So, you know, that may be something that, you know, we may want to try to keep it all as a package as everything is so closely interlinked.

On the framework itself I think it's something, as I think we said, this is basically trying to put on paper what we've been trying to do I think over the last couple of months with some of the implementation processes that are ongoing, for example, you know, thick Whois, the IRTP Part C, there are some others that are kicking off so I think this is really putting on paper what we are already basically doing in practice to - or at least trying to do in practice to a large extent.

So of course that doesn't take away that, you know, we welcome input and, you know, whether that's, you know, through the meetings here or whether it's included as part of an initial report and additional feedback is provided I think, you know, we'll happily take that on board as we have been doing to date.

So that's all I wanted to share. Thanks.

J. Scott Evans: Okay. All right, with that I'm going to thank everyone for their time and we will meet up again next week at the same time. So thank you all for your time. We appreciate everyone's attendance. And we'll continue these discussions next week. Thank you.

Anne Aikman-Scalese: Thanks.

((Crosstalk))

Marika Konings: Thanks. Bye.

Nathalie Peregrine: Thank you very much, (Deb). You may now stop the recordings. Have a good day. Bye-bye.

Coordinator: Thank you. This concludes today's conference. At this time all participants may disconnect. Thank you.

END