

**Policy & Implementation Working Group Meeting
TRANSCRIPTION
Wednesday 30 July 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 30 July 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-20140730-en.mp3>

On page: <http://gnso.icann.org/calendar#jul>

Attendees:

Tom Barrett – RrSG
Cheryl Langdon-Orr – At-Large
Michael Graham – IPC
Olevie Kouami – NPOC
Chuck Gomes – RySG
Greg Shatan-IPC
Jonathan Frost-RySG

Apologies:

J Scott Evans – BC
Wolf-Ulrich Knoblen – ISPCP
Anne Aikman-Scaliese-IPC
Seun Ojedeji-NCUC
Alan Greenberg-ALAC

ICANN staff:

Mary Wong
Amy Bivins
Steve Chan
Terri Agnew

Terri Agnew: Good morning, good afternoon and good evening. This is the Policy and Implementation Working Group call on the 30th of July 2014. On the call today we have Cheryl Langdon-Orr, Jonathan Frost, Olevie Kouami, Chuck Gomes and Tom Barrett.

We have apologies from J. Scott Evans, Seun Ojedeji, Wolf-Ulrich Knoblen and Anne Aikman-Scalese. From staff we have Steve Chan, Mary Wong, Amy Bivins and myself, Terri Agnew.

I would also 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. Much appreciated. This is Chuck Gomes. And let's jump right in. To start with if there are no objections, I'm going to change the order of the agenda and move Item 4 up to Number 2. It should only take just a few minutes and we had that on there last week and didn't get to it. So we will keep the rest of the order of items the same. Are there any objections to that? I see Cheryl's okay with that. Thank you Cheryl.

All right. Then let's go ahead and go to what was Item 4, review of deliverable Item 1, Item F, which basically is just to review the input that we've received from the three groups that submitted input after we requested it.

And we want - we need to review that related to Deliverable 1 only at this time. And what I'd like to do is to see if we can get one volunteer each for each of the submissions. We received comments from the ALAC, the ISCPC and the Registry Stakeholder Group.

And what we're - what we need each individual to do is just take a quick look at those items and see if they have any input that we want to record with regard (to) Deliverable 1, which we're almost completed with in the working group going through it.

So my estimate is that it shouldn't probably even take an hour's worth of work. We need you to familiarize yourself with Deliverable 1, which you probably are already familiar; do a quick read of the comments that were

submitted; and then report to the group whether there was anything - any comments that we should add to our record on Deliverable 1.

So if we could - and I think it's probably better if someone who's not associated with the group that submitted comments to do the task. Mainly like thinking of myself; if I do the registry comments, I'm - I've read them too many times so I might miss stuff. If somebody could read them fresh and then just see relative to Deliverable 1 whether there are any comments that we need to incorporate into our work record. That's all we're looking for.

I think it's probably in maybe less than an hour task. But - and if we could get one person for the ALAC comments, one for the ISCPD comments and then one for the registry comments. And if you can get it done before next meeting, that is - that's nice. But if it took a couple weeks I think that's okay too.

So any volunteers to do - just take on one of these. And so if we can get three volunteers, that would be really helpful. Do we have anybody that would like to take the ALAC comments? And Mary, you'll send - you'll send a link or attachment with the specific comments to make it easy on people. Correct?

Mary Wong: Absolutely Chuck.

Chuck Gomes: Thank you.

Cheryl Langdon-Orr: Chuck, Cheryl here. I was talking to you but I was on mute. I was going to say obviously I won't do the ALAC one because that (unintelligible) about that. That would be a little silly. But I'm happy to pick up the registry if you want me to.

Chuck Gomes: Okay. Thank you. So we have the registries covered. Thank you very much Cheryl. Is there anyone who will volunteer for the ALAC or the ISCPD?

Olevie Kouami: Yes. I'll volunteer (unintelligible).

Chuck Gomes: Which one are you going to take Olevie?

Olevie Kouami: The ISPCP.

Chuck Gomes: Thank you very much. So we've got two covered. All we need is someone to take the ALAC comments. One more volunteer and then we're done with this agenda item.

(Michael): Chuck, it's (Michael). Give me two weeks and I'll take that on.

Chuck Gomes: You've got two weeks. Thanks (Michael).

(Michael): Thank you.

Chuck Gomes: Okay. So and you even - you also go applause from Cheryl, which is very valuable so you should appreciate it.

(Michael): Appreciated.

Chuck Gomes: Thanks. Okay. Let's move on then to the next agenda item, which is to review the chart - the flowcharts and I suspect that Mary is putting those up right now. They're up.

Now if you happen to have a copy on your computer that you can pull up so that you can see the whole chart, that's helpful. I know I have a copy readily accessible here for me so that I can see the whole chart. If you don't, that's okay. Ah, looks like it's all up. Now it's pretty hard to read if your eyes are like mine and I have a bigger monitor. So but we'll make our way through it.

Now hopefully everyone on the call reviewed the charts. And note that there is a - the first chart is the GNSO policy process option. That's a first cut. If there's some request for action that's taken, that's kind of the overview.

And you'll see that there's three results that can end up there. It can result in a PDP. It can result in what is suggested. This is just very preliminary; a policy guidance process. And third, it could end up into what is initially being called a policy input process.

The next two charts, and we're not going to go through them in detail because you can do that yourselves and probably already have. The next one shows a draft for a policy guidance process. And the third one is for a policy input process.

In discussing these, we're going to go over the questions that Mary included and that Marika asked a week or so ago that are in the bulleted items at the bottom of the agenda. And we'll take one of those at a time and just open it up for discussion.

So the first question is do the two draft processes, policy guidance process and policy input process, align with the working group's thinking and discussions to date? And if not, what other processes or elements would need to be explored? And I will open up the queue now.

And if anybody would like to respond to those, that would be great. Olevie, you're not in the Adobe Connect so please speak up if you want to comment. Okay. And I'll get you in the queue. So what do you think?

Do these two draft - do these two draft processes as outlined right now, and they're not final or anything, but is this the right direction based on the thinking in the working group so far? Anybody think that they're contrary to our thinking? Mary, go ahead please.

Mary Wong: Thanks. And obviously I'm not going to give input on that question. That's for the working group to discuss. But as people are thinking I guess it may be worth recalling that these are, as you pointed out, the two additional processes to the existing PDP.

And the intent was for the policy input process to be the flexible, most lightweight one. Whereas the policy guidance process, which we have on the screen now the PGP. It's, you know, we - the next two questions will illustrate this better. But it'll clearly have to be distinguished from a lightweight quick flexible process like the policy input process. It's not quite a policy development process.

There's a little bit in between. And that's why we put in a few questions in the chart itself and on the right here for you folks to think about in terms of voting thresholds and so forth. So hopefully that's helpful.

Chuck Gomes: Thank you Mary. This is Chuck. Cheryl, you're next.

Cheryl Langdon-Orr: Thank you. And it's Cheryl for the record. In answer to your focus, and not the second one because your second one was a negative and I'm not in the negative, yes. It is - note the slight tonal change in my voice. It is in general (cases). And I - it's one of those at this stage. We've obviously got more work to do on it.

The only part that I'm a little disquieted about and it is only a little bit of disquiet is moving whole lot of - I'll use the term baggage but not in the negative sense. Because some of us have been more engaged over the years and have I would trust a better understanding on what the guidelines for the policy development process is.

And so when we see the term PDP, it brings, you know, 64 pages worth of how we do that with us, right. And I know with the heavier weight one, the guidance process, the question is there should the same guidelines be used.

I think it's the absence of guidelines in all three whether they are variations on the theme or entirely different guidelines I'm not really (unintelligible) about.

But I just think - I'm concerned that I'm saying yes too easily because I'm bringing my guideline experience and my actual experience with me. And so I'm agreeing but I'm also hesitant because I might be bringing a whole ball of bias there.

Chuck Gomes: Thank you Cheryl. Chuck again. Are you in essence saying that guidelines are needed for these two new processes as well?

Cheryl Langdon-Orr: I am a policy princess. Absolutely. Yes.

Chuck Gomes: Thank you. Chuck again. The - is anybody - now does that - and that's really a good answer to the second part of the question. You know, what elements need to be explored? And so certainly guidelines for those, which some of the remaining questions start to get into at least in some respects.

So thank you for that very much Cheryl. And appreciate that. Anybody else - is there anybody that thinks that the early stages of these processes are contrary to the working group's thinking so far? Okay. Not seeing any hands or hearing anyone, let's go on to the next question and we will - I am going to assume as Chair that those on the call today certainly think that this is in the right direction.

And then with the added qualification that Cheryl added there that will be in our meeting notes. So what voting thresholds should be associated with initiating a policy guidance process or the like as well as adoption of recommendations?

Now let me qualify that a little bit. We don't necessarily have to start putting numbers to the thresholds right now. We might want to - it might be easier to start off just in general. There are specific thresholds for a PDP, different

processes of the PDP. Okay. Initiating it. Initiating one is a much lower threshold than recommendations out of that and so forth.

So if it's easier to talk in terms of relative to what's required for - in the PDP guidelines now, should it differ with regard to a policy guidance process or even a policy input process? And Cheryl, you're up again.

Cheryl Langdon-Orr: Thank you. Cheryl for the record. This is where I get a little less than flexible. That's the best way I could put it. I am as, you know, prefer to hold consensus and I'm happy to have the variations on the theme of consensus - put it in the policy development process guidelines. That's fine. We've worked on that. We understand it and we should us that.

But when voting levels or threshold levels are required, I think we need to have similarity in the processes. I think it's a very silly idea particularly if you're trying to engage a wider audience or more or less experience or new players and stakeholders in future processes that have too much variation on the theme. So I'm very much in the let's keep it all the same.

So if there is a staging where you need a simple majority at one level or simple majority at the other, then we should (skip through) that across all of them to whatever extent as possible. Thank you.

Chuck Gomes: Chuck again. So Cheryl, you're saying that thresholds should be the same for all three?

Cheryl Langdon-Orr: Yes I do.

Chuck Gomes: That's good. I'm just repeating just to confirm and make sure and so that we capture it very precisely. So that's what I understood. So thank you for confirming that. (Michael), you're up.

(Michael): Yes. And I guess I agree with that. But with the caveat what are those levels? Is it simple majority to initiate and then a super majority to implement? Are those generally the levels so we can actually write them into the chart here?

Chuck Gomes: Mary, go ahead. I'll let you respond to that.

Mary Wong: Actually Chuck, I'll bet you know these better than I do. So, you know, and especially I guess for the benefit of those who are not familiar with the GNSO's procedures.

And here we're just talking about initiating the process; not about approving a charter or anything else or amending a charter or even approving the ultimate recommendations, right.

So in terms of initiating a PDP there's two possible thresholds under the bylaws that one, it depends on whether the PDP is within scope and if it is, then it's 1/3 of both houses or 2/3 of one house.

If the PDP is not within scope, then clearly you do need a higher threshold. Then it's 2/3 of both or 3/4 and one and more than half of another. It sounds confusing when I describe it. We do have a chart I can send around. But essentially I wanted to make the point that it's not a single threshold but it does depend on what the scope is. Chuck.

Chuck Gomes: Thank you very much Mary. Chuck again. And you did that very well. You did it much better than I could have done. But in case - in the - let me comment on this. That's not why I put my hand up at all but I'll come back to that.

The threshold if an issue is in scope is really quite low. Okay. To - and there's been debate over the years whether it's too low or whatever but it's pretty low just to initiate a PDP. So does that help (Michael)?

(Michael): Yes. That helps on that end definitely.

Chuck Gomes: Okay. Thank you. What I was going to comment is a little less on the thresholds and that's why I put my hand up to get it - put myself in the queue. Is the thresholds are important I think because they require I think in most cases the councilors to go back to their groups in making these decisions.

And that's really in their own charters that covers that whether they have to or not. Or maybe they already have enough information from their stakeholder group or constituency to be able to weigh in on a vote whether to initiate one of these processes.

My biggest concern in all three of these things is that we never put the Council into a legislative situation where they just decide what's best. We want that bottom up input from their groups in making the decisions.

And that has probably less specifically to do with the thresholds themselves than we want to avoid the Council being put into a situation where they make a decision without consulting their respective stakeholders with regard to that decision.

So that's kind of a general comment. And so - and thanks for the agreement on that Cheryl. I appreciate that. Anybody else have comments on the thresholds for initiating one of these processes?

And Chuck continuing - does anybody disagree with the concept that the thresholds should be the same across all three at least at this stage of the game? We could come back and revisit that later but for right now I'm not seeing anybody disagreeing. Mary, go ahead please.

Mary Wong: Thanks Chuck. And maybe I should add here that when Marika and I were putting this together we put in this voting threshold question and you notice that any time there's a voting threshold mentioned in these charts there's a

question simply because we wanted to distinguish the PGP as we're calling it from the PIP.

But one option is that even though for the PIP at the moment we're saying no voting threshold is required but it may be that you folks think a preferable option even for this policy guidance process is to not have a voting threshold or not require a Council vote in the first place. I don't know if that's something that you want to discuss but it is certainly an option. In other words, this isn't set in stone.

Chuck Gomes: Thank you very much Mary. Chuck again. So let me come back to Cheryl and she's going to come back on her own. Cheryl, why don't you comment on that because I assume, and I want to make sure that I assume correctly or be informed if I didn't, that you're saying the same thing for all three. Is that a correct assumption? Why don't you just go ahead and comment please?

Cheryl Langdon-Orr: Thank you Chuck. Cheryl for the record. And that's the red X that came up for me when Mary was speaking about the hypotheticals and possibilities was because you are absolutely correct. I actually think that there should be thresholds for all three.

And let me tell you why. So in all of these cases significant resources human and otherwise are going to be put into play. And I think that - I think that should be taken seriously and should have at least the Council engaged at the level it is for that reason.

But for another reason I would not like to set up a system where a lot can be going on, very important work, work that needs to be recognized by the Council as occurring in the bottom up consensus building way that we want to do things.

Without them they're forced to be damn well involved. And at least making them vote and be accountable to their constituencies has (better they) as a

failsafe. So no, I think they should exist and should exist across all three.

Thank you.

Chuck Gomes: Thank you Cheryl. Chuck again. And, you know, you're reinforcing the exact point I was saying about not turning the Council into a legislative body even for a PIP. So I'm in agreement with you on that that there should be a threshold for the PIP as well and it should be the same as the others whatever those are at any given point in time.

Does anybody disagree with that? Do you think that there doesn't need to be a threshold for the PIP or that it should be lower or whatever? And I'll turn it over to Mary while you're thinking about that.

Mary Wong: Thanks again Chuck. And again, this isn't a response to your question. I think what the group might want to then think about if it goes that way is to be clear, you know, in terms of whether there will be other options for the Council. And I'm thinking of the current situation where clearly we have neither the PGP nor the PIP.

The Council does have the ability and the freedom to do things like set up a small group of volunteers perhaps to respond to a point made by the Board or the GAC or something. And we have examples of that.

That group of volunteers might turn into a drafting team or, you know, it might ultimately be decided that a lesser response without too much hoops in the process is the best way to go.

So I guess the point I'm making is for the group to consider A, if this is the option of all three voting thresholds, what would happen to that flexibility or perhaps maybe just making it clear that it doesn't really affect the flexibility as long as it's clear that each of these processes apply to fairly specific situations.

Chuck Gomes: Thank you Mary. Chuck again. (Michael), you're up.

(Michael): Yes. I'm just trying to digest what Mary just said. My feeling was that there should be thresholds. I see a danger in there not being thresholds in that, you know, these actual devices and procedures could be misused to misdirect efforts if they were allowed to be cobbled together for any reason for any purpose and some dissenting purpose if there wasn't some clear guidelines in what the threshold might be. I don't think that that limits the ability of these structures to be, you know, alternatives to the PDP.

And I suppose it's something that was a thought that I had as well in looking at the initial process, which was a PDP process, which included as, you know, pure alternatives the PGP and the PIP and sort of wondering whether or not a PDP group for example might determine that what they had been tasked with doing might better be classified or considered to be either a PGP or a PIP or that something along the course of their deliberations might be useful to issue back to the Board again as a guidance or input.

I was digesting what Mary said because the one part of determining what the - I guess the subject matter or what sort of matters might be appropriate to these.

I think if we start trying to define those at this point I think that's where we might be cutting into the ability to use these as, you know, alternative means of the GNSO approaching issues and challenges before it and being able - I basically see that as being a point at which what brought us all here, the discussion of is it policy or is it implementation might then take place at the is this X. So that it's appropriate to guidance or is this Y and it's appropriate to input or is it Z, it can only be a PDP.

So I think putting those strictures on or defining too greatly might limit the ability to use these structures freely and as necessary. But I do believe that

some sort of initial vote should be required for either of these so they don't become a dissenter's haven I guess.

Chuck Gomes: Thank you very much (Michael). And before I go to Cheryl -- this is Chuck -- the - I didn't not Jonathan's checkmark of agreement earlier and I think he's agreeing to the same thing that Cheryl and (Michael) and I have all said in regard to this question. So thanks Jonathan for that. Cheryl, your turn.

Cheryl Langdon-Orr: I'm sorry. Clearing my throat. Cheryl for the record here. I just wanted to pick up on - well obviously I'm agreeing with what (Michael) was saying. But with what Mary was saying I - (where) that sort of lighter touches and not necessarily lighter in some more cases but more nimble approaches where you've got a small working group or a letter of recommendation, letter (unintelligible).

That's just an earlier decision note in my point. It may be that as a result of those initial reactive more nimble mechanisms is just what the outcome of that process is is the outcome and nothing more needs to be done. Or in that lighter touch process happening a clear decision mode may occur where you get oh, we need a PGP or PIP or just needs to be probably a PDP.

And that's okay. It's just it can occur and have a connection into what we're doing as an input looking at whether or not there's a part of the indication. I don't think we need to necessarily draw a line to the indication phases. But I don't find there's any negatives or mutually exclusive nature of things.

I think they can co-exist quite nicely. And everyone realizes that even with our model of PIP here, there is still time involved. So there's going to be times when GNSO has to respond more quickly to more urgent matters than even these processes allow. Thank you.

Chuck Gomes: Thank you very much Cheryl. Chuck again. And thanks (Michael) for checking agreement as was talking there. I have an interesting side question

for the group. If you were to classify our working group, the Policy and Implementation Working Group, which category would you put it in? I know we don't have those other two categories yet but we're not a PDP working group. So are we a policy guidance process...

Cheryl Langdon-Orr: Yes.

Chuck Gomes: ...in a very early stage of this whole thinking?

Cheryl Langdon-Orr: Yes.

Chuck Gomes: Okay. It's (unintelligible). We don't really need to discuss that but it's a question that popped into my head as we're going along here. Let me ask Mary. I think there seems to be pretty clear consensus on - from those on the call today on this. And do you need any clarification on that Mary in terms of note taking?

Mary Wong: Well I guess if I may quickly just sum up. I think what I'm hearing is that the all three process options, and we're leaving the PDP aside because that already exists. So the two new ones both should have voting thresholds including the PIP but that that shouldn't preclude the existence of the nimbler mechanisms that Cheryl was talking about.

I think what - looking back at this chart and the first one showing the three options I think I'm still a little, you know, concerned. I agree entirely with Cheryl that there shouldn't be, you know, for closure of those other options. But the way that we have it on this chart probably does not make clear. So we might need to go back and rephrase at least the first chart of these three to make sure that those more nimbler mechanisms are accommodated.

Chuck Gomes: That makes sense to me. And I see checkmark from Cheryl on that. Greg, your turn.

Greg Shatan: Greg Shatan here. I am all for more nimble or more nimbler processes. But what concerns me is a process that it may leave the process entirely within the GNSO Council and that may end up with a threshold that is subject to the GNSO Council voting thresholds rather than consensus thresholds for policy output.

And I wonder whether the policy input process is one that is, you know, should be nimble enough to respond quickly. I know we don't know exactly what these processes other than the PDP entail. But whatever the process is, you know, and nimble that it may be, I don't think it should be a GNSO Council business as usual ad hoc type of process whether it's, you know, ad hoc or not.

And I - my thinking is that our - part of what we're trying to accomplish here is to essentially replace the kind of ad hoc let's find some way to respond to this request for policy input or guidance or whatever it is for a policy type statement and let's figure out what it is this time and it may be we're going to write a letter and we're going to vote on whether this letter is going to out from the Council.

You know, while we obviously can't handcuff the Council completely, I think we want to create processes that are nimble enough but that are, you know, go beyond kind of the typical Council self-regulated process that has kind of, you know, been brought into place on an ad hoc basis in the absence of a well-planned nimble GNSO process. Thank you.

Chuck Gomes: Thanks Greg. This is Chuck. Let me turn it over to Jonathan.

Jonathan Frost: Yes. I don't think I'm thinking is disagreeing with anybody. But let me - I think we only have a (CBT) replacing or subsidy process. I think there should be like a very sharp (unintelligible) to - the fact is - I mean I don't have nearly as much experience at ICANN as anyone else in this group.

But in like a legislative body or any group of people - they want to be efficient and they want to get things done. So they will always opt for the more quote nimble process if it's available to them. So I mean if they could get (in it and set up) a PDP for anything I think they would opt to because we'd get things done faster.

So I mean I think there could be - I mean I think it should be very clear when it's appropriate (unintelligible)...

Chuck Gomes: You broke up just a little bit there Jonathan. Could you repeat the last thing that you said there? Did we lose Jonathan?

Jonathan Frost: Sorry about that. I guess my mic cut out. This is Jonathan again. Just as a - I mean I think there should be a bright line rule because if you don't want (it as a) PDP because the body that decides whether or not to use it will (unintelligible).

Chuck Gomes: Thank you Jonathan. It's Chuck again. Let me do a little check at this point. I think I'm hearing everyone say that whichever one of these directions are chosen, it shouldn't just be a GNSO Council decision without some interaction with the communities that they - that the Councilors represent.

Thanks Cheryl for that checkmark. And now I think we all also are in agreement that those processes - the processes in the community need to be such that that can happen very quickly in some cases but not just the unilateral decision by the GNSO Council.

So I wonder - and I don't know that it fits into these charts or what the best way is to capture it. But where - it seems to be we should document the fact that whenever one of these three options that we're looking at right now are chosen, they all need to involve interaction with the respective communities that are represented on the Council. Thanks Cheryl.

Okay. Anybody disagree with that? That was kind of a summary of what I'm hearing and with the idea of confirming that I'm reading it correctly. And I see another checkmark down there. I need to scroll down. There was - thank you (Michael). Okay.

All right. Well let's go on then to the third question, which is should Board consideration of recommendations following a policy guidance process or similar follow the same processes currently used for PDP recommendations?

Now this question by its very wording delves into the bylaws. Like I think even more so than the other questions although they might too. So before opening up to others, let me let Mary comment on this.

Mary Wong: Hi Chuck. And it may be that you can discuss this as part of Question 3 as well. But Question 2 spoke both of initiating one of these processes as well as adopting the recommendations that come out of them.

So I'm assuming that since in talking about initiation the group would like to have a voting and voting threshold for all three that we also need voting thresholds for adopting the recommendations that come out.

So I guess I'm wondering if it'll be simply adopt what Cheryl has mentioned for the initiation part, which is while, you know, they're going to use the same thing to initiate, then it makes sense use the same thing to adopt.

Chuck Gomes: Good point Mary. Chuck again. My own personal assessment but I'll give people a chance to disagree. And Cheryl already agreed. So I'm assuming that we would take the same position on adoption of recommendations as we did on initiating one of the processes. If anybody disagrees with that, please put a red X in Adobe or speak up if you'd like. So I think it's - that's a fair conclusion Mary. Thank you.

So let's go back then. What about Board - the Board requirements for dealing with a PGP or a PIP in contrast to a PDP? The bylaws spell out what needs to happen in the case of a PDP depending on the level of support from the GNSO. What do you think about the issues of these two new proposed processes? Cheryl, please.

Cheryl Langdon-Orr: Thanks Chuck. Cheryl for the record. This is a question I have a little more problem just going yes, yes, sure on. I understand that there could be advantages in saying yes, yes, sure on.

But now I'm going to drag with me some - what I think is the conditional advantage to what the At Large Advisory Committee has managed to do with the ICANN Board in the past. Because it has well outside of any bylaw requirements although sometimes I'm sure if we can (drain) them so can you - manage to get the Board to understand that the At Large Advisory Committee makes statements, gives advice and will give comments and those three things are entirely different.

They have different levels, different weightings, different presumptions (on) how much attention should be - or, sorry; how much attention - how much understanding the Board should have as to what degree of consensus and from where that consensus is drawn.

In one case it goes right out to the (edge) community. And that's been a worthwhile exercise. And it's given a great deal of power I think to the ALAC in making the Board understand what community view is. This is what the At Large Advisory Committee view is remembering that the ALAC has a lot more autonomy than the GNSO Council does.

And so what - that experience kind of biases me towards thinking there might be an advantage in if you can make the Board understand what the differences are and yet respect all of those differences and react accordingly and with a mandatory reaction of some sort. So feedback has to happen.

Then may answer's no. But if we can't retrain them and all I will do is whatever the bylaws say, my answer's yes. Long answer but I needed to get it off my chest.

Chuck Gomes: This is Chuck. Cheryl, so let me get you to pursue that just a little bit further so that I'm clear. So if there is a clear understanding on the part of the Board in terms of the level of support for these new processes, then you don't think the thresholds for the Board have to be the same. Did I get that right?

Cheryl Langdon-Orr: No. Well, yes you got that right and that's a conditional part. It's not necessarily the threshold and the reaction. See the GNSO has a very good bylaw basis to how the Board has to react depending on what level of support things have when it gets there. And that's a really powerful thing and that needs to stay.

I don't necessarily think that same set of requirements needs to be applied across the Board for all three levels - the three that we're looking at at the moment. But I think some level of response and reaction needs to be -- I might use the term mandate lightly but -- expected for all three outcomes of all three things.

I mean PDP's clear. That's in the bylaws. So PGP and the PIP they should have to respond but I'm not sure if it's in the identical mechanisms that the bylaws outline now for the PGP. Did I confuse you or did I help you?

Chuck Gomes: No Cheryl. That was very good. And that's what I thought you were saying but I again wanted to make sure that we captured that in the record so it was clear and it's clear to me now. If anybody else has questions, please feel free to ask. Chuck speaking again. I don't know if I said that or not.

The - so - and personally I'm in full agreement with you that in all three cases there needs to be a response from the Board. That's mandatory. The detailed

requirements related to this response might vary a little bit. And we can look at that more as we dig down on the specifics of these two new processes.

Thanks Cheryl very much. Any other comments on this third question? Okay. And I assume anybody that disagreed with anything that's been said so far would speak up. So all right. Let's go to Question Number 4.

Should the working group explore a policy guidance process or similar to also be available to develop modified consensus policy recommendations in those limited circumstances in which either limited changes need to be made following implementation of a consensus policy based on data gathered or (unintelligible) experience or where additional scoping information is already available based on previous efforts?

So as I understand this question, a key qualifier is that it's after implementation of a consensus policy and we've gathered some data, we've learned some things. Would it be appropriate to initiate a policy guidance process in that kind of - or something similar instead of initiating a new PDP to deal with the changes? And I'll open that up for discussion. And I hope I qualified that - the question properly. What do you think about that?

Cheryl Langdon-Orr: Oh dear. My screen's frozen. I can't seem to get rid of my - oh, there I am. Cheryl here for the record. Sorry to - now I can put my hand up. That part of my screen was covered by my touchpad keyboard thing. It couldn't put my hand up Chuck. Sorry.

Chuck Gomes: You're on.

Cheryl Langdon-Orr: My answer is yes but.

Chuck Gomes: Go ahead.

Cheryl Langdon-Orr: Yes. Now I'm (confusing) myself. Sorry. My answer is yes but. I think particularly where we're trying to utilize the advantages of a PGP and a PIP opportunity that being by design I would hope more nimble more reactive but still engaging with as many opportunities for the bottom up consensus building as possible.

That seems smart just because it's PDP in the first place doesn't mean that every change you make in course direction in the future based on good reasons and experience needs to be a PGP to change the PGP. I think my answer is definitely yes it can be the others.

But the but part is I think we need to have a clear - the decision as to which one it needs to be has to be made in a really open and transparent manner because I don't know why but I just feel maybe - I just don't want to have a loophole somehow develop here. That's all.

Chuck Gomes: Yes. Thanks Cheryl. Chuck again. And I think this is consistent with everything else that's been said on this call. None of us want that loophole. Not even at this stage. So I certainly agree with what you're saying. Anybody disagree with that? Please speak up if you do or raise your hand or put a X - a red X in Adobe. Thanks Jonathan for the agreement there. And let's see who that was. (Michael).

(Michael): Yes.

Chuck Gomes: I wish Adobe would arrange their technology so that the agrees pop up to the top like the raised hands do because I can only - if you have quite a few people on a call you can never see that without scrolling down. So thank you very much.

Tom Barrett: Tom's got a checkmark down there too Chuck.

Chuck Gomes: Oh, thanks Tom. Let me scroll down. I didn't scroll down far enough. Yes. Thanks Tom. See, that's the problem. That's why I wish Adobe would fix that. So thank you very much. Okay. And not seeing any disagreement, let's quickly go to the last question so we at least spend a little bit of time on that.

Not - notice it says not necessarily for Deliverable 1. Okay. How do these processes align with the possible process that would need to be available during implementation of policy recommendations and that could be invoked by implementation review teams or GNSO Council in case policy or implementation issues are identified that need further consideration by the broader community?

I don't think that needs any explanation. But let me just - so let me just open it up. This is really a live issue because it relates to a lot of what happened during the new gTLD implementation process. (Michael), you're first.

(Michael): Yes. I'm just looking at this question and it seems to me really appropriate when we do start talking about, you know, that some of the implementation type or processes. But I can see where an IRT might be issuing a suggestion to the GNSO Council request policy guidance or implementation.

It's just I, you know, I'd like to see that next screen where we have sort of the - either the IRT or the IRT how that sort of structure would relate to the implementation process that might lead them to try to trigger one of these guidance or, you know, a PIP or PGP. I think that's sort of how they would relate and not really be in alignment but be a resource that IRT could go to during the implementation of policy.

Chuck Gomes: Thank you (Michael). Chuck again. And so you actually would be okay with that. One of these new processes probably more than likely the police guidance process, but it might be a PIP too, could be used during a phase of implementation where - and in fact by the IRT...

((Crosstalk))

(Michael): And that's the question that I would have. I guess initially I would think it would be something that the IRT could propose to the GNSO so that there's still that protection against, you know, the, you know, minority sort of position kicking off something this large so that it would still have that threshold requirement and also still be going through the GNSO.

But I suppose very similar processes could also be set off or set up for an implementation team - review team to use. Just if it's the same sort of structure that we're setting out for the (BCB) PIP.

I do think that it would be, you know, sort of a - I guess a circular path. The IRT would determine that they've reached a question that needs some police guidance or input. Pop that up - that recommendation to the GNSO and maybe it's part of their final findings. Then the GNSO would actually trigger one of these two things.

Chuck Gomes: Thank you very much (Michael). Chuck again. Before I give it to Cheryl. A really key point with regard to IRTs is that IRTs aren't necessarily representative of the full community. You really want in some cases - and of course the registrar transfer policy is a really good example of this.

The - what we really - what was really needed there is a lot of registrar participation. And it wasn't so critical for some of the other constituencies and stakeholder groups to have as much representation there. They're welcome of course.

But it - therefore it does need to still go through. The IRT doesn't invoke one of these processes. It goes through the GNSO process like we've been talking about. Cheryl, your turn.

Cheryl Langdon-Orr: Thanks. And while you were talking (Michael), I was - my thumb was over the agree button or the raised hand button and I couldn't really decide which I wanted to do. I mean I want to agree with you. Don't get me wrong. And I do agree with you.

It's just that I - it was one of those buts, okay. It's a (data) but I'm afraid. Yes is my agreement point. I think that - I hadn't thought along those lines though. I'm sort of chewing this over at the same time as my mouth is working, which is always a worry.

But so I've got my brain in gear. I'd like to certainly pick up on the face that what Chuck said is important that these things need to be recognized for what they are. And also that whilst it's Mary's point in the chat is they are a regular practice. They are not required. And that also is important.

So it's one of those if an IRT is in existence, then it should be limited though to - my question is, sorry. Should it be limited to only being able to go to one of those two processes, the GP or the IP (unintelligible) PGP?

Or do we want to open the door further and say if an IRT is so concerned about where they are in the scheme of things and such new revelations or community pressure come to pass that the opportunity to test back through the Council and back with community should all them to go to either, any or all of the three pathways? In other words, go back to a PDP if need be.

So that was my reason for hovering. That's probably too giant a door to kick open. But then my question is why wouldn't you if there was new information, new experience, new (material), greater pressure or simply, you know, a majority now thinks that there's an issue. So devil's advocate and on the top of the hour, sorry Chuck.

Chuck Gomes: No, that's - thank you Cheryl. That was well said. Anybody disagree with that? Any additional comments on this? So I think we covered the questions

here at least for those that are on the call. And for those that are on the call, and you don't need this right now. It's all those who aren't on the call that need this but I'll say it for future reference.

The expectation is that when you miss a call that you'll look at the notes and listen to the mp3 as needed. And certainly if you have any disagreements or comments to add that you'll do that on the list so that we can kind of continue to make progress without going back each week and reviewing what we did the last week except for a very brief time at the beginning for anybody to make comments.

So if you miss a call in the future, I know all of you I think understand that requirement and I think that's been communicated to others as well. We have reached the end of our time period. This has been a great call in my opinion. I'm biased of course.

But the - nice job. The contributions by everybody have been excellent. I think we made some good progress. And I believe that next week then other than allowing for any - a few minutes for any comments from people who weren't here, we can move right into finishing off Deliverable 1 and in particular the last two questions, B and C under E.

So any final comments before we adjourn? Okay. Thanks everybody. Have a good rest of the week.

(Michael): Thanks a lot Chuck. Have a great trip.

Chuck Gomes: Okay. Thanks.

Mary Wong: Thanks Chuck. Thanks everyone. Bye.

((Crosstalk))

Woman: Mary, you'll send me the registry - the stuff that...

Mary Wong: Yes I will.

Woman: Thanks all. Okay. Bye.

Mary Wong: No worries. Bye.

Coordinator: That does complete the recording. Once again that does conclude today's conference call. Thank you very much for joining.

END