

**ICANN  
Transcription  
Standing Committee on Improvements Implementation meeting  
Wednesday 23 January 2013 at 21:00 UTC**

Note: The following is the output of transcribing from an audio recording of Standing Committee on Improvements Implementation meeting on the Wednesday 23 January 2013 at 21:00 UTC.

Although the transcription is largely accurate, in some cases it is incomplete or inaccurate due to Inaudible passages or transcription errors. It is posted as an aid to understanding the proceedings at the meeting, but should not be treated as an authoritative record. The audio is also available at:

<http://audio.icann.org/gnso/gnso-sci-20130123-en.mp3>

**Attendees:**

Ronald Andruff – Commercial and Business Users Constituency – Primary - chair

Wolf-Ulrich Knoben – ISPCP – Primary

Angie Graves – Commercial and Business Users Constituency – Alternate

Anne Aikman-Scalese – IPC Primary

J. Scott Evans – IPC - Alternate

Avri Doria – Non Commercial SG – Primary – vice chair

Alain Berranger – NPOC – Primary

Jennifer Wolfe – NCA primary

Thomas Rickert – NCA - Alternate

Mary Wong –NCUC - Alternate

Apologies : none

**ICANN Staff:**

Julie Hedlund

Nathalie Peregrine

Coordinator: Excuse me everyone. It's the operator. I just need to inform you that today's conference call is being recorded. If you have any objections you may disconnect your line at this time.

And you may begin.

Ron Andruff: Thank you very much.

Nathalie Peregrine: Good afternoon. Good evening. And I'll go ahead and do the roll call, is this all right?

Ron Andruff: Please.

Nathalie Peregrine: Perfect.

Good morning. Good afternoon. Good evening. Welcome to the meeting of the GNSO Standing Committee on Improvements on the 23rd of January, 2013.

On the call today we have J. Scott Evans, Avri Doria, Ron Andruff, Anne Aikman-Scalese, Angie Graves, Mary Wong, Alain Berranger, and Thomas Rickert.

We have also received an email from Wolf-Ulrich Knoblen that he will be joining the call shortly.

We have received no apologies for the call today.

And from staff we have Julie Hedlund and myself, Nathalie Peregrine.

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

Thank you very much and over to you.

Ron Andruff: Thank you very much. This is Ron Andruff for the transcription.

I'd like to welcome everyone to the call today. Thank you very much. It's good to see a nice turnout and we'll try to keep this call within the hour timeframe.

So let's start with - does anyone have any changes to their Statement of Interest?

Seeing and hearing none, we will then mark that item of the agenda complete and note there will be - there were no changes to the Statements of Interest of the SCI committee.

Moving to Agenda Item Number 3, the approval of the agenda. Apologies that it came out late. While it should come out, as far as I'm concerned, at least two days in advance so you all have a chance to review it, and even more if we can get to that kind of schedule, unfortunately we had a holiday on Monday here so that set us back a little bit. But any - is there approval of the agenda? Are there any additions or comments people would like to add?

Hearing and seeing none, we will move forward with the agenda approved and move on to Item Number 4.

The Chair/Vice Chair elections and terms and SCI charter changes. We've got ten minutes for this topic, and Julie has drafted some language which effectively, as I read it, incorporates the changes that we had discussed. We all just - to put this in context, we recognized that once we formed our committee and voted our Chair and Vice Chair, after two years came time for those individuals to be up election as we deemed it. And, we felt that it was important as a committee to enshrine this idea of a two-year term in the - in our charter.

So this revision here that's in light colors, I'll read it through for everyone for some that can't see it quite clearly. It says in December each year, the SCI should ask for volunteers for a Chair from its membership. If there are only two candidates for Chair, the GNSO Secretariat will conduct an election via email ballot and tally the results after one week.

The losing candidate will have the option of accepting the position of Vice Chair. If he or she elects not to accept this position, the SCI will ask for volunteers for Vice Chair.

If there are multiple candidates for the Chair, the SCI - I'm sorry, the GNSO Secretariat will conduct an election via email ballot and tally the results after one week. And likewise, conduct an election for the Vice Chair via email ballot and tally the results after one week.

Only the primary members of the Standing Committee (see description below) shall be eligible to vote for the Chair and Vice Chair.

The Chair shall serve a one year term with an option to continue for a second one year term. The Vice Chair's term shall not be limited should the Vice Chair choose to stand for Chair.

The Chair and the Vice Chair are expected to act in a neutral manner and avoid any situation where a conflict of interest may arise; for example, as a result of exercising another function or role within ICANN.

So I welcome comments and thoughts, and I see Anne has raised her hand. Anne, please?

Anne Aikman-Scalese: Yes, thank you Ron. It's Anne with IPC. And the question is whether the language should say only the primary members shall be eligible to run and vote for, or does it say that somewhere else?

Ron Andruff: That's actually a very good point. No, it does not say that anywhere in the document at this point. And I think that considering that we have primary - primary members have been specifically designated, that probably it would be a logical way to move forward.

Any other thoughts on that?

Anne, would you like to continue or can I pass the word to Mary?

Anne Aikman-Scalese: Yes, I'm done. Thank you.

Ron Andruff: Mary please.

Mary Wong: Yes, thanks Ron.

I agree with Anne, so I would support the invitation to primary members of the committee for the reason she stated.

I had a question, and maybe just because I'm incredibly exhausted. It's the sentence that talks about the Vice Chair's term not being limited should the Vice Chair choose to stand for Chair. I'm not sure that I understand accurately or completely what that means. And even if I think I do, I'm not sure that that is something that will be easily understandable to others reading it for the first time.

Would you care to clarify, or maybe we ought to clarify the language for that.

Ron Andruff: Certainly, Mary. Thank you very much.

It probably does need some wordsmithing to make it more explicit. The discussion around the topic of Chair and Vice Chair and the terms was such that everyone in those discussions agreed that a two year term for the Chair would be appropriate.

However if the Vice Chair had served as the Vice Chair and would like then to run again, as was the case this year in fact where Avri ran again for the Chair, and there only two of us as candidates, ultimately she then became the Vice Chair again, but she had not served as the Chair.

So that was the question that came up and the general feeling was that it would be fine for the Chair in fact to go a second period - a second two year period - or the Vice Chair would be able to go in the Chair role for a two year period. But, that's certainly open to clarification. That's why this topic is on the table today.

Mary Wong: Thanks, but may I follow-up?

Ron Andruff: Please do.

Mary Wong: That's what I thought we were getting - so I was just thinking that maybe if we said something - you know, we kept the green bit straight, the Vice Chair's term shall - let's say the (unintelligible) - the Vice Chair's term shall not be similarly limited, so adding the word similarly in front of the word limited.

And for the red bit, we could say irrespective of whether the Vice Chair also chooses to stand for Chair in any one year.

Ron Andruff: Mary, could I ask you to write that - that sounds very good to me, that language. But if you could be so kind as just to write into our chat and then we can all see it.

Mary Wong: I will do that.

Ron Andruff: Thank you.

Julie Hedlund: Actually - this is Julie. I had I think captured that and also the previous - well, that - I had captured that I think. Let me put it in the chat -- this is Julie Hedlund -- and Mary, see if I got it correctly, what you said.

Mary Wong: Okay. Thanks Julie.

Ron Andruff: Thank you.

And in the meantime, J. Scott has his hand up. Please J.

J. Scott Evans: I just want to make sure I'm understanding what we're trying to communicate here. And that is that Chair role is limited to no more than two consecutive one-year terms. The Vice Chair role is not limited. Is that what we're getting to?

Or, are we saying that the Vice Chair and the Chair are both limited to two year terms - one year - two, one-year terms. However, a Vice Chair that served for two years is not prevented from running for Chair. Because, I think those are two very different things.

Ron Andruff: Very good point J.

Just thoughts on that please?

So I don't hear any other voices coming forward.

My response to that, J. Scott, is that it would be more - the latter is what we're trying to achieve.

J. Scott Evans: Okay.

Then what I would say is that prepositional phrase that ends the sentence should become the beginning of the sentence. So should the Vice - should a Vice Chair choose to stand for Chair, and then say that no - you know, you see what I'm saying?

Because what you're saying is the Vice Chair is limited. You can only serve two one-year terms as a Vice Chair. But if you want to run for Chair at the end of your second Vice Chair term, you're free to do so and you won't be prejudiced because you served as Vice Chair for two years.

And if that's what we - if that's what we're trying to say, I'm not sure Mary's language gets us there.

Mary Wong: You're right, J. Scott. I think I was addressing the former situation you described, not this particular one. So we probably need to change that again.

J. Scott Evans: So let me - Ron, I'll try to - while we're sitting here put something in chat, but it's going to take me a second or two. I'm - because I'm not there yet. I just know that I think - I agree it needs to be clarified because this is not clear to someone who doesn't understand this reading it for the first time, especially if English is a second language. So, I think we do need to be more clear.

Ron Andruff: That sounds excellent. Thank you for offering to put that language in the chat, and we look forward to seeing it shortly.

In the meantime I see I have Avri followed by Anne, so Avri please?

Avri Doria: Hi. This is Avri.

Yes, I have to admit that when I read it, even though I thought I knew what it was supposed to say I was confused. And in fact, this conversation has actually opened up yet another possibility to me that I hadn't thought of.

We talked about - and I certainly think it's important to include the ability of a Vice Chair who served two terms or whatever to run again.

Now the question then comes out is should they lose again, should they serve as Vice Chair? Now one of the things I had missed in my earlier recall of this is that serving as Vice Chair after you lose is actually voluntary. I had actually thought it was automatic. If I had known it was voluntary, I might not be Vice Chair at the moment. So I thought it was automatic.

Now given that it's not automatic, we could even go one step further and say while that person is qualified to run for a Chair and if they win you get it, they are not qualified for the loser's chair - I mean, the user - the loser's share of Vice Chair. Thank you.

Ron Andruff: Thank you, Avri.

Anne?

Anne Aikman-Scalese: Yes, it's Anne with IPC.

I am not quite sure I understood - from what Avri said, she identified two issues. One was whether or not serving as Vice Chair when you lose the Chair election is voluntary or involuntary. In other words, when you stand to run for Chair, are you saying, "If I lose, I will serve as Vice Chair." So that's I think worth clarifying in the group.

And then secondly, I had just wanted to submit based on what J. Scott said that we might really be trying to say that the Vice Chair's term limit doesn't prohibit the Chair - doesn't prohibit an otherwise term-limited Vice Chair from running for Chair. And so I put some language in the chat about that.

So, there were two things.

Ron Andruff: So - right. So I see that. Just to put it in the record, your note then says consider should the Vice Chair choose to run for Chair, the Vice Chair's term limit should not prohibit the Vice Chair from doing so.

Thank you.

J. Scott Evans: Read that again?

Ron Andruff: It's in the chat right now, J. I don't know if you can see it. If it's - it says consider should the Vice Chair choose to run for Chair, the Vice Chair's term limit shall not prohibit the Vice Chair from doing so.

J. Scott Evans: I think that solves my concern, that language there.

Ron Andruff: So in the interest of time, and I think this is excellent. I think we've got a number of smart minds working on this. I'm going to ask that J. Scott bring back a revision on this and others comment, and we will hopefully get this done and cleaned up on the list.

Unless there is anyone else who wants to bring something forward that we've missed and could be discussed?

Avri?

Avri Doria: Yes. I put my hand up.

Ron Andruff: I'm sorry. Go ahead.

Avri Doria: And, it's more a clarification. This is Avri.

First of all, I'm assuming the green - is the green all new? Because the, "If she - if he or she elects not to accept this position," seems to be text, but I don't know whether that was existing text or that's new text.

The extra one that I brought up when I was last discussing is that we need to decide whether that Vice Chair who is running for the third time having served twice, and loses again can still serve as Vice Chair, or whether that is eliminated as a possibility.

And, that's the one thing that didn't come through when Anne was repeating the questions that I had brought up. Thank you.

J. Scott Evans: I think, Ron, I can handle that as well.

Ron Andruff: Thank you, J.

Anne, I see - is your hand still up?

Anne Aikman-Scalèse: No. There's something about my system - I'm sorry. I don't mean to have it...

Ron Andruff: Okay. No problem.

I think that the - my general feeling on this, if I take my Chair hat off for a second, is just to say that any individual that volunteers to take an officer role within ICANN, God bless them. They're welcome. And if someone volunteers three times to take a leadership within an organization, I don't see why we should inhibit that. Because one thing we do need in ICANN is as much leadership as possible.

So my knee-jerk reaction is that anyone who wants to continually come forward as - and put their name forward as a candidate should have that right. I don't think that we should be enshrining in the rules that if someone's tried a couple of times should not be allowed to try again.

Does anyone have a violent opposition to that thought?

J. Scott Evans: So...

Ron Andruff: All right, J.?

J. Scott Evans: Okay. Then that changes everything.

So are we comfortable with the fact that the only role to be limited by term is Chair?

Ron Andruff: Well, I think the idea here is that we should always have new blood coming through the system to the organization to lead - in terms of leadership positions. So I think yes, there should be a limitation on how many times someone can serve as Vice Chair.

J. Scott Evans: Okay.

Ron Andruff: But what I was - yes.

But what I was getting at more was to the - was just the principle that if somebody wants to apply, then they certainly have a right to - or to put themselves up for candidature, then they would have a right to do that. But you could well be right.

Julie, I see your hand up. Please go ahead.

Julie Hedlund: Yes, just very quickly. This is Julie Hedlund. I wanted to answer Avri's question concerning the text that's new.

The green text and the red text are new. Green text were my suggested changes and red text were the changes that Ron made to my changes.

Avri Doria: Okay. So that means the concept of a Vice Chair - of a loser not automatically being Vice Chair is new.

Julie Hedlund: That's correct.

Ron Andruff: Correct.

Avri Doria: Okay, thank you.

Anne Aikman-Scalese: Ron, it's Anne. I have a question that revokes...

Ron Andruff: I'm sorry. Anne, I'm going to let Mary go first...

Anne Aikman-Scalese: Mary had her hand up.

Ron Andruff: But then you come next, please.

And Mary?

Mary Wong: Thanks, Ron.

And I want to go back to J. Scott's last question about whether somebody can or should be Vice Chair basically, you know, in perpetuity, which good luck to them if that's what they want.

I'm just looking at the whole paragraph again, and maybe I'm missing something really obvious. How does one get nominated or volunteer to be Vice Chair if one isn't also a candidate for Chair?

Ron Andruff: Well, the language that was - is there now is that if the - if that candidate - if the losing candidate for Chair should choose to take the Vice Chair, we're good to go.

Mary Wong: Right.

Ron Andruff: And if not, then there would be a ballot, so we would invite people to submit their candidature. That's the logic.

Mary Wong: And...

Ron Andruff: I don't think the language reads that way, but that's the logic.

Mary Wong: Yes.

But I was trying to think of a situation where - whether J. Scott's scenario is even you know possible if we have a process the way it is. Because the way it could read right now, the interpretation could be that I think the only way you would be Vice Chair is if you lost the Chair election.

And if you didn't want to, then we'd have to have an election from somebody else, which (unintelligible)...

((Crosstalk))

Ron Andruff: Well then, then it comes to - and then there's the other element. If there are three or four people that are running for the Chair...

Mary Wong: Right.

Ron Andruff: ...then you're going to have a whole other scenario.

I'm going to just draw a line under this if I can. I think we all have enough thoughts on it, and I elect J. Scott to throw something out back on the list and then we'll work on that.

In the interest of time, because we have other things that are quite pressing on the agenda, and actually it's already 4:23, so if we can move along, then we'll do that.

I would just add one other thing. This agenda Number 4 speaks to the terms and it also says, "And SCI charter changes." There's two other things that occurred to me that we need. One is we need some charter revisions in general.

If you go back and read the charter, it's talking about OSC and PPSC, and Steering Groups, and working group, and things that are almost two and a half years old now and non-existent or not - let's say they're much less relevant. But a lot of that language in there can need some cleanup.

So, I would like to bring the - a charter revision team together at some point and perhaps on the next call, we can discuss that. So I wanted just to flag that now.

And the second point within the charter revision - again -- I'm just bringing this up for food for thought -- is right now we are chartered to have sole consensus, which means unanimous consensus on everything we send back to the GNSO Council. And I think what that's doing is putting a significant ownness on us to really find ourselves in, you know, all absolute agreement. And the possibility of that happening, as we all know within ICANN, is very, very slim.

So, we may want to consider revising that to consensus rather than full consensus and allow for people to put in dissenting opinions when we send this information - our recommendations back to the GNSO Council.

Because I think that the broader view here is that we're trying to find a way with the light touches we've always agreed to knock the rough edges off the wheel so that it runs more smoothly. And sometimes, we're not going to get there, but we cannot fail. We have to send something back, so we may want to consider that as well.

So I just want to flag those two things today and suggest we might get a charter revision group together, a subteam to start considering that on our next call.

So with that, we'll now move on to the next item on our agenda, and that is the action on the working group survey. We had asked - myself and Julie had

really pressed as many times as we felt was possible without making you all angry with us to try and test the survey.

I understand that the working group survey has had nine people actually go through it of our 15-person body. That's our primaries and secondaries. So I think we've covered - we have a large enough group to have a discussion about this today.

So does anyone have any thoughts or comments on that working group survey?

Julie Hedlund: This is Julie Hedlund. I just wanted to note that as of today, we have had 10 responses.

Ron Andruff: Oh, thank you very much Julie. So 66% of us have responded, and thoughts or comments about the survey?

J. Scott Evans: It looked fine to me. This is J. Scott. I took it.

Ron Andruff: Thank you very much, and thank you Mary for being the laggard in getting in.

I think you know for my part, I took the survey and I thought it was a valuable survey inasmuch as it will give us back some data and good valuable feedback over time. It's not something that's going to feed our determinations on the short-term. But over the long-term I think when more and more working groups have gone through it, it'll help us to make ICANN a more streamlined operation as it matures.

And so if it's okay with the committee, I would suggest we send that back to Council saying that we have reviewed this survey and that we feel it's applicable at this point and that we will pick it up for review again at some point in the future once we've had a number of working groups actually use the survey and we can see what works and what does not work.

Thoughts or comments?

Avri, please.

Avri Doria: No, let Julie go first.

Ron Andruff: Actually, Julie - actually I saw that. Julie?

Avri Doria: Julie's hand showed up before mine and she might address what I was going to say.

Ron Andruff: Thank you.

Julie Hedlund: Thank you, Avri. This is Julie Hedlund.

I think I recall from previous meetings that one of the things we discussed in the SCI was actually testing the survey on a current working group to perhaps get their comments on it as well.

I don't know if that's what you were going to address, and I don't know if I remember that correctly - Avri I mean.

Avri Doria: Yes. No.

Ron Andruff: Thank you, Julie.

Avri, please go ahead.

Avri Doria: No. I had - I guess - and I'm having trouble remembering, and I apologize. I took the survey so long ago, I think right when it showed up and I remember writing some comments into it. And while I don't remember the exact nature

of my comments, I thought some of the questions were actually - if you thought about it too much, they became hard to answer.

And so, I thought we were going to actually go through the survey at some point and not just sort of say, "Yes. Half of us took it and its fine," and not go - not talk through the questions. But, I don't remember what my questions were at the moment. Because as I say, I took it way too long ago.

Ron Andruff: Other thoughts or comments?

So go ahead, Wolf, please.

Wolf-Ulrich Knoben: Julie was first. Sorry.

Julie Hedlund: I'm just too fast. I'm sorry. This is Julie Hedlund.

I can - Avri, I can get those comments - pull those comments out of the survey results so that we can consider them, you know, as we look at the questions.

Avri Doria: I mean, they might have been irrelevant, but I do remember I added some.

Ron Andruff: Thank you, Julie.

Wolf?

Wolf-Ulrich Knoben: Yes, thanks.

Well, same to me I think so. I don't remember exactly what I have written, but maybe there are also some comments in, that's one.

And then I would like also to support what Julie was saying before, since we - I was - I'm wondering whether we should ask the Council at all doing

something with this survey rather than going forward and forward and trying - testing that survey with one of the working groups.

Because, while the Council at the time being is not familiar with this survey. It would be - I think it would be more helpful to the Council to come up with one test - experimental results. So, that's my feeling. That's what we were talking about. Thank you.

Ron Andruff: Thank you, Wolf.

All right just for a point of clarification, are you suggesting that the Council themselves would actually go through and do the survey as we did as the SCI? Or, are you suggesting that they might test it with a working group?

Wolf-Ulrich Knoen: No. No. No. No. That's - no. No. What I was saying is not to ask the Council at this stage. Just going forward sending out a - the survey as a test to one of the working groups. And there was one, the IRTP I think the working group we would like to ask.

Ron Andruff: Thank you for that clarification.

I want to come back to the comment that Avri made about you know going through this one question-by-question. What we found - this agenda item - and correct me if I'm wrong, Julie, this agenda item's been on the agenda for a year. We've been asking for a year for our team to go through and review - just take the test. Just go through the survey and have an experience of it and come back with comments.

And what I'm hearing from the committee is that some have taken it a long time ago. Some have taken it very recently. But, I'm not hearing anyone saying it's a terrible thing and I don't like, and these are problems.

I do agree that if someone made comments, Julie should bring them to the list so we can review them and make sure that we're happy with it. But for the most part, this survey is a very functional survey. And this is - it's not our job now to start going in and trying to wordsmith this survey.

I think the point was just to say does this bring back some valuable information or not? I mean again, our job was to have a light hand with these things. And, we've got enough work to do on enough bigger items on our agenda to really get into.

So, I'm really reluctant to want to go through this, you know, line-by-line because I just do not see the merit in that.

The problem I have, Wolf, with just giving it to one working group - yes, we should. Every working group that is assigned should actually do this, but I don't think we're going to get much result from having the members of the - of one working group respond to it. I think that's going to come with time.

And, that's why I'm recommending that we give this to every working group that is assigned or brought together under a charter. And at the end of a year we will then go back and measure what the results of that was. Did we - you know, were we getting some quantitative information or not?

I think that's really a much more logical way for this to go forward. I think for us to start now looking at whether we think this question could be better presented or not, no one knows. Let's just put it out there and check it out.

Julie, your hand is up. Please go ahead.

Julie Hedlund: Yes. And just a point of clarification. The survey has an agenda item for quite some time, but that was really only the - there were discussion - the development of the survey, and that's gone back and I don't think that's been

a year. That's maybe been a matter of a few months while we were developing the survey and reviewing the survey questions.

On December 6th of last year, I sent the first action item to the - this SCI group to ask members to take the survey. So it hasn't been that long since we've asked members to take the survey.

And, we have not actually gathered the comments from the people who took the survey. You know, we had comments of course when people were reviewing the questions before they took the survey, but that's a little bit different than when people are actually taking a survey and then seeing how it feels.

So it might be a logical next step to review those comments and see if they affect any of the questions as they're currently in the survey.

Ron Andruff: Thank you, Julie. That's exactly what I would like to see happen.

So, let's then get those comments to the list and then we'll look at this again on our meeting in February.

So closing that one out now we'll move on to the termination and suspension of PDP. That's the Agenda Item Number 6.

Again, J. Scott has been working on this. I think Anne and others. And this is the current language that we have.

Julie correct me on timing. Has the - when - has the committee seen this document before? When was it recently circulated?

Julie Hedlund: This is Julie Hedlund. It was circulated - this language was circulated by J. Scott, and it was not that much long ago. It was after the last meeting - this recent version was on January 10th, and it took into consideration Marika's

comments. And, J. Scott deleted the sentence that requires a public comment when termination or suspension is recommended by the working group.

Ron Andruff: Thank you very much.

So the language is before us. I'll read it through just for the benefit of the record.

It says in the case of a proposed termination or suspension of PDP, the GNSO liaison to the working group shall promptly submit to the Council a written termination report or suspension report specifying the reasons for the action taken. And if applicable, the points-of-view represented in the working group and the consensus status (as defined by the GNSO Working Group Guidelines) at the time such action is taken.

In the event no working group has been formed, the Council shall promptly prepare a termination report or suspension report specifying the reasons for the recommend action and shall conduct a public comment forum seeking community input for the report first, prior to conducting a vote.

Thoughts? Comments? Questions? Please.

Anne, I see you're first. Please go ahead.

Anne Aikman-Scalese: Yes. I think this language is good. There was one question I had about it, J. Scott, that there is another provision somewhere that states - I guess this entire section applies only where there's no final report, and that's why you think that's not necessary in this provision. Is that where you came out on it?

J. Scott Evans: No. If you look, if the - if a working group has been formed, then the GNSO liaison has to prepare a report specifying they want to terminate or suspend.

And if it's applicable, the points-of-view of the working group and what the status was of the consensus. Where they were.

In the event no working group was ever formed and the Council's going to do it on their own, they're not receiving a recommendation from a working group because there is no recommendation because there is no working group, before they can terminate or suspend they have to get a public comment.

Anne Aikman-Scalese:       Okay, thank you.

Ron Andruff:       Wolf-Ulrich?

Wolf-Ulrich Knoben:   Thank you. I have - I'm a little bit confused. Have - maybe I'm wrong with my perception of the PDP - how the PDP works.

In the event no working group has been formed - so to my knowledge, isn't a working group to be formed prior to a PDP? Meaning okay, we're starting with an issue report. And from that issue report we're starting now to chartering and establishing a working team.

So if that is correct and a working group must be existing prior to any thinking about termination or suspension of a final report - of a PDP, isn't that the case, or I'm fully confused. I'm sorry about - who can clarify? Marika?

Ron Andruff:       Thank you, Wolf. I don't think Marika's on the call today, but Julie might be able to shed some light on that for us. Julie?

Julie Hedlund:       Yes. This is Julie Hedlund.

I need to find the exact language in the PDP manual and I'll try to do that shortly. But I - just pointing to a recent action, a PDP was agreed to at the last - the Council meeting last week. And at the same time, the charter for the working group for that PDP was also approved.

So I think this section envisions that there is a working group established at the same time as a PDP so that there was a working group in existence that can make the decision or recommendation - may or may not make the decision or recommendation concerning the termination of the PDP.

Does that address your question, Wolf-Ulrich? And I apologize I don't have the PDP manual in front of me, but I will try to pull it up shortly.

Wolf-Ulrich Knoblen: All right, it would be helpful if you could check that because otherwise, you know, it doesn't make sense to me in case. You know, if it's just as I have the perception of a PDP, then to me it doesn't makes sense, these last two sentences - or the last sentence. In the event no working group has been formed.

But if it's the other way around, then it may be the case.

Just in addition to that, while - in my point, but just for writings or - we are supposed to - or this is probably about 15 now - (the way that) Chapter 15 reads now and is talking about suspension and termination, or termination and suspension.

So we should make reference also in the headline to that termination or suspension of PDP prior to final report. Thank you.

Ron Andruff: Thank you for that, Wolf-Ulrich. In fact, I think a previous one has that notation on there - on the header. I mean in fact, that's a good (unintelligible) and thank you for that. So should termination or suspension of a PDP, so we'll make that edit.

Now I turn to Anne.

Anne Aikman-Scalese: Yes, thank you Ron. It's Anne.

And the question about the working group not having been formed, that actually came up in our last call because the original draft language did not accommodate that situation and I had thought it was Avri, but maybe it was somebody else, who raised an actual fact situation where the PDP had been suspended even before a working group was formed.

Maybe my memory about that is muddy, but I believe the change that J. Scott was working on in terms of the drafting was something that was raised by one of our SCI members that needed to be accommodated.

Ron Andruff: Thank you, Anne.

Avri?

Avri Doria: Yes, hi. This is Avri. I believe -- and I don't have the PDP open in front of me - - that the Council takes two separate votes. They take a vote to initiate a PDP, and then after it, sometimes these days the same meeting, but doesn't necessarily need to be, they take a vote on the charter of the working group and how the working group is formed.

So I believe that there's two separate votes with an intervening time that can be anything from 15 minutes to days or weeks, depending upon how things get done, et cetera. But, there's no definitive order but there are two votes.  
Thanks.

Ron Andruff: Thank you, Avri. That's handy.

Julie has - J. Scott I'll come to you in a second. Julie has the manual up so go ahead Julie.

Julie Hedlund: Thank you. This is Julie Hedlund.

And, it does say that upon initiation of a - of the PDP, a group formed at the direction of the Council should be convened to draft the charter for the PDP team. And in the case - the timeframe which the draft PDP charter is expected to be presented to the Chair of the Council and so on.

So, there are as Avri said, and your recollection is correct Avri; two pieces to the process and they can happen together. They might happen separately. That is the approval of the PDP and approval of the PDP team, or you know this working group.

And it's entirely possible that a PDP could be approved by the Council. And then if there's an intervening period and the Council says, "Oh, gee. You know, I don't think we want to do this PDP now because something's changed," there could be a termination before the working group is formed.

Ron Andruff: Thanks for that clarification, Julie.

J. Scott please?

J. Scott Evans: I think I can handle all of the concerns because I think the language I'm thinking of would cover both - would cover a situation where there's no working group. So in the event that should ever occur.

So my suggestion is in the first prepositional phrase at the beginning of this section, "In the case of a proposed termination or suspension of a PDP by a working group," so add by a working group. So in other words, in the situation where the working group itself is recommending termination/suspension, you follow the first process, okay.

The second situation beginning on Line 1, 2, 3, 4, 5, the end of that line begins, "In the event no," okay, "In the event there is no recommendation from the working group, the Council shall promptly prepare a termination report or suspension report specifying the reason."

So in other words, if the group is formed but they don't recommend - the group has never been formed - in other words, if you don't have a recommendation, the Council has to prepare its own termination or suspension report specifying the reasons and recommending - and why they're recommending the action and have a public comment.

So you've got one where the group says, "We've been working on this. We believe it needs to be suspended or terminated," and why. And then you've got another one where they don't recommend that, and it could be for a very - for a bunch of reasons. But if they don't and the Council takes the action on their own, they have to prepare the report and they have to seek public comment.

Ron Andruff: Thank you, J. Scott.

And I see Alain has to leave. Goodbye Alain. Thank you for your service today.

I'll move on to Anne.

Anne Aikman-Scalese: Yes. Thank you, and this is Anne. And J. Scott, I think you don't need the addition that you just proposed. I think that the language that you have here actually describes what you said already without the addition of that clause in the first sentence.

It seems to me that the only clause that might be needed in the first sentence would be in the case of a proposed termination prior to final report or suspension of PDP. And that otherwise, you already have it. You've captured it.

Ron Andruff: I agree with what Anne said to consider the second sentence in the event of - that handles the other side of it. And Anne, that was your issue. It was about

what's happening before a final report, if I recall going back several meetings when we started to really drill down on this one that was the question.

Anne Aikman-Scalese: Yes.

So the only thing I would propose would propose would be in the case of a proposed termination maybe (prior to final report) or suspension of any PDP. And then I think actually it's been captured.

Ron Andruff: Wolf-Ulrich, did that address your thoughts and concerns?

Wolf-Ulrich Knoben: Yes, it did. Thank you.

Ron Andruff: Thank you.

J. Scott, your thoughts?

J. Scott Evans: As long - I was just trying to make everybody else happy. I'm fine.

Ron Andruff: No, but you're holding the pen, so I wanted to give you the benefit of having the last word.

J. Scott Evans: Yes. I'm fine with Anne's...

Anne Aikman-Scalese: Friendly amendment.

J. Scott Evans: Amendment. I don't think I would put anything in a parenthetical. I think I would - because that always gives people some wiggle room for what it's supposed - I would just say in the case of a proposed termination prior to the issuance of a final report or suspension of a PDP, (blah).

Anne Aikman-Scalese: Yes, that's fine. That's fine.

J. Scott Evans: Perfect.

But I don't like the parens because people try to give them less weight.

Anne Aikman-Scalese: Okay.

Ron Andruff: Thank you for that. I think that makes sense.

Anyone have any opposition to what's just been proposed?

Excellent.

So J. Scott, if you could put that to the list and we will give everyone - Julie if you don't mind, we'll give everyone a week to digest it. And if they have agreed, then we will bring that back to our next meeting just for a sign-off. But I think we're - we pretty well got this one worked through.

I just would make a quick comment before we move on to our next discussion - next point. And that is that it's - this has been an excellent example of how the SCI has come together and really worked through all of the angles and looked at something from all of the angles to come to a conclusion. And I just want to say a congratulations to everyone for having done this effort.

And to Anne in particular, because some months ago we were ready to push this through until you raised this issue of final report, and I'm glad that you did. And, thank you everyone for that, and particularly Anne for bringing it to the table.

Anne Aikman-Scalese: Well, thank you Ron. And I appreciate your support. Thanks.

Ron Andruff: If it's okay with everyone, we don't have another meeting until Beijing, a face-to-face, and we do have Council meetings and liaison, but I'd like to move to

just resubmitting a motion if we could? And, we've got about 15 minutes if I could pick five minutes up that we lost getting into this call to go.

If we can discuss the resubmission of a motion now and come back to the Council liaison at the end, unless anyone has any disagreement with that?

All right. So let's talk about this resubmitting a motion. So we are all quite familiar with the background on this, and we've seen on the list there was a very vibrant discussion that fell off a week or so ago, but it was quite significant.

We seem to be hardening into two points of view. One point-of-view being that we would provide the ability for a motion to be re-voted, and the other side saying once the train has left the station, it doesn't back up to do it again.

I'd ask that we try to look at a broader view to see how we could find some consensus in this. And, I haven't heard too much more on the list since then. So I throw this topic open. And again, we have just about nine minutes to discuss this. And so I would hope that at the end of this nine minutes, we can get ourselves closer to some solution.

So please, thoughts or comments?

Thomas, please take the floor.

Thomas Rickert: Thank you, Ron.

Having read all the comments on the mailing list, I have the impression that we're still too close to the actually - to the actual case that took place. And, I would like to move a little bit away from that and look at it from an outside perspective.

And in doing so, I think that it might be dangerous to limit the possibilities for the Council to revisit certain decision because external circumstances may have changed that need revisiting a certain.

And, I think that it's - it would be very hard to measure whether circumstances have changed, so I'm not convinced that we need to put any barriers to that because I agree with the notion that ICANN is and should be an organization based on consensus. And whenever we can find consensus, we should be able to deploy that consensus for the benefit of the community.

Maybe a potential compromise could be that you can't just resubmit in order to get the result changed, but that you know the threshold for getting a motion back on the table is a little bit higher. So one might ask for maybe two seconders of the motion, one of each house to at least avoid that the system can be abused for purposes that we don't want to see in ICANN.

Ron Andruff: Thank you, Thomas. That's an excellent suggestion. That's getting to where I want to get to. Thinking a little bit outside the box if you will to see how we can find solutions here. Thank you.

J. Scott, I have you first and then followed by Avri.

J. Scott Evans: Yes. My only comment here is that you know this has only happened once in like 15 years, and so to develop some complicated system seems to weigh down and go against what we wanted. I think this is very similar to the deferral (unintelligible) and we should leave it to the discretion of the Chair.

You know, as Thomas said, there may be situations where it is appropriate. There may be situations where it's not appropriate. And allowing discretion on the Chair to weigh that - and the Chair can either - you know, if we send in the referral motions and maybe we want to say that you know they can solve this in a number - a variety of ways.

They can require an additional second, as Thomas has said. They could hold a vote to the entire Council and ask their opinion. I mean I think there's a variety of things, but I do believe that - you know, I guess don't want us to be reactive on one bad (pack) scenario and create a very complex process already on top of something that people have trouble understanding and give people more process to argue over.

Ron Andruff: Thank you, J. Scott.

I'm sorry. Did you have something else to add? I beg your pardon.

J. Scott Evans: Yes, but I don't think it's productive.

And I think you know when you talk about lightweight I think that's what you're talking about.

Ron Andruff: Thank you.

Avri?

Avri Doria: Hi. Yes, I guess I have a slightly different perspective. One is I don't think we have a bad case. I think we have a really good case study/case example that we shouldn't walk away from, that we should look at dispassionately, and - because I believe it's a very good case.

I think we have a case where a Chair having to act totally on his own discretion is very much in a space of an optical problem. In other words, if the Chair is on the side or the Chair is not on the side.

So, we see that looking at this type of situation, to leave it up to the Chair's discretion without any guidance is problematic. You know, and there's any number of ways it could fall. We've seen one example. It's a good example to work through.

I think that even in the conversation of both Thomas and J. Scott, who have basically said, "Well, we may not want to do much," they've talked about, "Well, there's this way, and maybe there's that thing that they could do. Or, maybe they could do this other thing."

And so I don't think we have to get heavyweight. I don't even know that we have to make rules. But I do believe that the situation requires that something be added on how such things get processed. The fact that even you know - I mean, Robert's handles it in one paragraph. Other you know organizations handle how you do things.

I totally agree with Thomas that there are cases of changes. There are reasons when it is right to do so. But I also believe that there are ways of doing it that are better than others, and I think it's worth exploring using the case study that we have. Not that it's bad case making bad law, but rather - or difficult case - a hard case making bad law, but that it's a useful set of scenario for us to figure out some guidance. Thank you.

Ron Andruff: Thank you Avri.

Mary, please go ahead.

Mary Wong: Thanks, Ron.

I guess I agree with bits and pieces of what everybody has said. I agree with J. Scott for instance that we don't want to bog down things that may not occur frequently with a lot of process. I agree with Avri that this is actually a very good case to start the discussion. And, I agree with Thomas that you know we might want to focus on solutions, possibly compromise.

It seems to me that from our discussion that the general point of agreement and a possible starting point is that we all agree that there must be some

situations where a motion can be resubmitted, but that they need to be very exceptional, narrow, and possibly due to some kind of significant change in circumstance.

So I guess if we agree that that's our starting point, that's sort of like the baseline for any action or recommendation we take. As for the action and recommendation, I think we do have - and leaving the current case aside, we do have a couple of suggestions already. One is complete Chair's discretion. The second might be what Thomas has suggested, that there needs to be some kind of higher threshold. And then maybe you know a few others.

So may I suggest that we agree that that's our starting point that we look at brainstorming about some possible ways to address when there is such a significant change of circumstance.

Ron Andruff: I think that's a great idea, Mary. I thank you for summarizing it so well.

And in fact, I would like to reward you for having done such a fine job. Does it makes sense to the group, to the Committee that perhaps Mary, Avri, J. Scott, Thomas could form a subcommittee - and any others who would like to join that group, and try to work through these ideas to see if we can bring something to the list and to the committee as a whole where we have some baseline points, as you suggested?

Because I think this is a very, very good topic for us to really wrestle with and get right. Obviously, it's important for the community as a whole, but I think it's another one of those opportunities for us at the SCI to find a good solution to this. And I think trying to do it with a larger group might not be as functional as it would be with a smaller group.

So what do you think, Mary? Do you like that reward?

Mary Wong: Actually I think that's fine. I would be happy to work on the subgroup that you mentioned.

Ron Andruff: And the others that I mentioned? Avri? J. Scott? Thomas?

Thank you. I see Thomas has said yes and Avri has said yes. J. Scott I haven't heard from you. I see Anne Aikman is typing. Any others who would like to join are certainly welcome. I'm not trying to - I'm just trying to form a smaller group than the larger one, but please; anybody else have some thoughts they'd like to add to that?

J. Scott Evans: I - you know, I've got two things on my plate already, Ron - J. Scott. So if Anne would like to do it, I'm fine.

Ron Andruff: Thank you, J. Scott.

Anne has just posted to the chat if a motion is submitted and seconded which is identical to a motion previously (seated), then the Chair shall have discretion to allow a veto...

Anne Aikman-Scalese: Oh, vote on the motion. Right.

Ron Andruff: A vote - okay, vote on the (unintelligible) motion.

Avri Doria: Speaking as the Vice Chair here, that to me looks like she volunteered to work with it.

Anne Aikman-Scalese: Okay.

Ron Andruff: Thank you, Avri.

Anne Aikman-Scalese: (Unintelligible).

Ron Andruff: I appreciate that support, and Mary I'm going to come to you in a second if your hand is still up.

I think that the view here is a good one. And Thomas, thank you for kicking that off.

Mary, please go ahead.

Mary Wong: Yes. Just a quick question.

First of all, thanks Anne, we welcome you. But I'm going to assume that there's no huge urgency for this. But Ron I'm going to ask you as Chair, do you have some sense of a timeline for us? Because, I assume that this subgroup's going to have to do a couple of calls and things like that.

Ron Andruff: Thank you.

We have - our next call is February 3rd, and then would be February 17th. So that would be approximately - so a month from now. Do you think within the next two meetings with - you know, within the next four weeks that might be possible?

Mary Wong: Yes. I think that's something to shoot for certainly.

Ron Andruff: Perfect.

Mary Wong: I think before that, certainly from my perspective, would be very difficult. But let's keep the 17th in mind for now.

And if something develops amongst the group that you know is going to delay things, we'll get back to you guys.

Ron Andruff: Thank you very much. Excellent.

Its 5:02 and I said we would be finished within the hour. We have three minutes left to go. The GNSO Council liaison is one element we didn't get to today. It is a larger discussion so I'm going to move that over to our next meeting and put that a little higher in the agenda.

So at this point, I would ask for - under any other business, does anyone have some thoughts or comments they'd like to bring to the committee.

Hearing none, I then would like to ask staff - Julie, is there anything that we need to be aware - anything we've missed or you'd like to comment on before we bring the call to a close?

Julie Hedlund: Oh, this is Julie Hedlund. I have nothing to add.

Ron Andruff: Thank you, Julie.

So the only other thing is there's a - our Wiki is somewhat outdated. Julie and I were corresponding on that - about that before this call. And so one of the things we will do is ask the appropriate people to get our Wiki up-to-date with our documentation, and our attendance list, and other elements, because that's woefully outdated. So, that's one other element I just wanted to bring to everyone's attention.

So with that then at (5:03) I will now bring this call to a close and thank everyone for a very good and I think a fruitful call today, and look forward to speaking with all of you in the next couple of weeks and on the list.

Woman: Bye.

Woman: Bye everyone. Thank you Ron.

Ron Andruff: So with that we could end the...

((Crosstalk))

Wolf-Ulrich Knoen: Yes, bye everyone.

((Crosstalk))

END