

**GNSO
Operations Steering Committee Community (OSC)
Constituency Operations Work Team
15 January 2010 at 14:00 UTC**

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

Participants present:
Olga Cavalli – NCA – Work Team Chair
Tony Harris - ISPCPC
SS Kshatriya – Individual
Zahid Jamil – CBUC
Victoria McEvedy – IPC
Claudio Digangi – IPC
Chuck Gomes – Registries Stakeholder Group
Krista Papac – Registrar Stakeholder Group
Debra Hughes – NCSG

ICANN Staff
Julie Hedlund
Glen de Saint Gery
Gisella Gruber-White

Apologies
Rafik Dammak – NCSG

Coordinator: This call is now being recorded.

Olga Cavalli: Thank you very much, Operator. Good morning, good afternoon, evening everyone. Thank you for joining today. Gisella, would you be so kind to help me make a roll call?

Gisella Gruber-White: Absolutely, good morning, good afternoon to everyone. On today's call we have Olga Cavalli, Zahid Jamil, Chuck Gomes, Krista Papac. From staff

we have Glen de Saint Gery, Julie Hedlund and myself, Gisella Gruber-White. And we have apologies from Rafik. Thank you Olga.

Olga Cavalli: Thank you Gisella, thank you very much. And thank you all of you that have contributed to the text, exchange of ideas about Section 1 and the different paragraphs. I would like to review with you some suggested changes and try to find final text for this part of the document.

And (SS) not on the line right? Let me check...

Gisella Gruber-White: No sorry to interrupt. Claudio has just joined and so has (Tony).

Olga Cavalli: Hi Claudio. Hi (Tony).

(Tony): Hello. How are you Olga?

Olga Cavalli: Very good. We don't have (SS) on the line right? No I don't see him. Great. I was saying thank you for the exchange of ideas and I would like to revise the text with you so maybe we can find the final draft text so we can agree in one?

There is one paragraph that received several comments and Julie has been so kind to put them all together. This is Paragraph C - Section 1, Paragraph C. And I personally like very much the text suggested by Claudio and also Chuck agreed that it was a good suggestion so thank you Claudio for that.

I would like to know if others think that it's an appropriate text for this Paragraph C. And I know that there are comments about previous paragraphs and we go to those comments after we review Paragraph C because we have spent some time with this.

Let me find the text suggested by Claudio. Claudio tell me where is in the paragraph. I'm checking all the comments put in brackets by Julie. I think it's the second one.

All groups shall strive to improve inclusiveness and where representativeness where recommended groups have either a differential fee structure based on the ability to pay in order to encourage increased representation from those living in less developed economies or hardship provisions that entitle any potential member to apply for hardship relief from the normal fee scale.

Is this your suggested text Claudio?

Claudio Di Gangi: Yes, that sounded right.

Olga Cavalli: I like it. What about the others?

Gisella Gruber-White: Sorry to interrupt, Debra has joined.

Olga Cavalli: Debbie, how are you?

Debra Hughes: Doing fine, hello.

Olga Cavalli: Welcome. Debbie, we are reviewing Section 1 Paragraph C. We're trying to find the final text that fits our ideas and our knowledge about this issue, about inclusiveness and representativeness. So Claudio made a suggestion of the text and I was just trying to find a feeling from the group if they like it and if they agree on it. I personally think that it covers all our concerns about this issue.

Debra Hughes: Are you referring to Claudio's email from yesterday afternoon?

Olga Cavalli: Yes.

Debra Hughes: Okay yeah. I think that language sounds great.

Olga Cavalli: I like it too. Chuck you said that you support it? Chuck?

Chuck Gomes: Yes that's correct.

Olga Cavalli: Okay. Thank you. (Tony)?

(Tony): Yeah, I support it also.

Olga Cavalli: Who - Zahid?

Zahid Jamil: Yeah, I actually support it.

Olga Cavalli: Krista?

Krista Papac: Yes, I support it.

Olga Cavalli: So I think that's - we may have it and see others not present in the call especially (SS) who is the leader of this working team have a comment. We may agree in having this text as final for Section 1 Paragraph C okay?

Great, Julie, can you make then the change to the text in the Wiki?

Julie Hedlund: I'll go ahead and do that. This is Julie, Olga, I'll take care of it.

Olga Cavalli: Sure, thank you very much. About the previous paragraph and I think there was some comments about including if applicable somewhere but I don't recall exactly where now. I think Chuck and Claudio made some comment about that. And there was some comments about languages also from Krista and we should address that concern right by Chuck.

I think that it was Section 1 Paragraph A. If someone wants to talk just let me know your name.

Chuck Gomes: Krista I think is the one that raised it first and I basically agreed with her on that. I mean, as far as the membership of individuals - and I'm trying to find the paragraph that you're talking about...

Olga Cavalli: Yeah, me too.

Chuck Gomes: ...in the document.

((Crosstalk))

Chuck Gomes: Anyway individual membership really doesn't work for the registry stakeholder group either unless maybe ICANN enters into an agreement with a sole proprietorship and that's still really not an individual in the normal sense of the word. So the - as applicable language is needed there otherwise it doesn't even apply. It's just like Krista said with regard to registrars.

In the case of registrars and registries we - the members have to be - have agreements with ICANN.

Olga Cavalli: Right. I think that (Tony) raised the same concern about ISPs in the last call.

Julie Hedlund: Olga, this is Julie. That...

Olga Cavalli: Yeah.

Julie Hedlund: ...that is Section 2 Paragraph B for reference.

Olga Cavalli: B? Groups shall have their participation rules based on common principals developed by the GNSO?

Julie Hedlund: Okay but B as in Section 2 B, all groups shall abide by rules, etcetera, etcetera. And the next sentence says all groups must offer membership to (unintelligible) persons or individuals if applicable as well as...

(Tony): Hello?

((Crosstalk))

(Tony): Olga?

Olga Cavalli: (Tony)? Yes.

(Tony): Yeah I'm sorry I was just cut off and put back on the call. You were asking me something but I'll wait until you're free.

Olga Cavalli: No I just wanted to - I just was remembering your comments about ISP constituency that it's very difficult that an individual is a member...

(Tony): Yeah.

Olga Cavalli: ...of a constituency. In general they are companies big or small but companies.

(Tony): That is true.

Olga Cavalli: Okay.

(Tony): That is true. And actually there was some discussion on this and ((Victoria)) made some points about occasionally an individual could be sort of a one-man business which is absolutely true. But I think that in that case those individuals would better be qualified as small or medium enterprises and not as individuals in the normal sense that we use it within ICANN.

- Olga Cavalli: Okay. Great, thank you (Tony) for the comment. And I agree. So the applicable is in which paragraph Julie? Sorry, I'm lost.
- Julie Hedlund: It's in Paragraph - Section 2 Paragraph B. Right now it does include the language if applicable...
- Olga Cavalli: Oh it's in brackets.
- Julie Hedlund: Right.
- Olga Cavalli: Okay.
- Chuck Gomes: And the last - Olga the last sentence also helps there too.
- Olga Cavalli: It says entities with legal personalities such as corporations however any person or organization applying for membership shall meet the membership criteria laid down by the group with ICANN's approval. I think that's okay.
- Okay do we agree in taking out the brackets in if applicable in Section 2 Paragraph B?
- ((Crosstalk))
- Krista Papac: Olga, this is Krista. Are you saying do we - to take them out?
- Olga Cavalli: I mean taking out the brackets and leaving if applicable as part of the text that's what I'm saying.
- Krista Papac: Oh sorry I misunderstood. Yes.
- Julie Hedlund: Olga, it's not in brackets - this is Julie. It's...
- Olga Cavalli: It's in...

Julie Hedlund: ...in parenthesis. But perhaps we want to...

((Crosstalk))

Julie Hedlund: ...with commas so it would be or individuals comma if applicable comma.

Olga Cavalli: Exactly. That would be the right change. I couldn't find the word parenthesis in my mind, sorry. Are we okay with that change?

Chuck Gomes: Yes.

(Tony): Yes.

Olga Cavalli: Great.

Krista Papac: Yes.

Olga Cavalli: Great, thank you. I think it's - it covers the concerns right by different constituencies. Okay any other comments from Paragraphs A - we have some comments about Paragraph B about the translation issue. The group shall have their participation rules based on common principals developed by the GNSO.

This group then shall be made available in the five UN languages, Chinese, Russian, Arabic, Spanish and French, so they can be understood by ICANN's global audience. The fact that we include the five languages, and please correct me if I'm wrong, there's other languages that are used by ICANN to translate several documents into - I'm saying this correctly Julie?

Julie Hedlund: Yeah, this is Julie. Olga, that's correct. We do use other languages as well if we have an expanded translation, but those five are the ones that are most commonly used for translation.

Olga Cavalli: The concerns raised by Chuck and Krista I think they are very important. This translation may cost a lot of money. And it's not clear if funds are available for or if it should be mandatory. Then how are - how is this going to be achieved? So...

Chuck Gomes: And Olga, another issue there is cost effectiveness. ICANN itself doesn't translate everything into...

Olga Cavalli: I understand...

((Crosstalk))

Olga Cavalli: So maybe we can - we can have this language consideration but we can work on the language to make it more open. Perhaps I thought that maybe changing the verb shall - please those English-speaking participants help me - this shall be made available maybe it could be changed by could if possible made available in the five languages. So make it more - not so mandatory or...

Chuck Gomes: Even that isn't necessarily applicable in all situations. If there's no registry for example that uses Arabic in the registry stakeholder group is it - should we still translate into Arabic? Maybe, I mean, an argument could be made for that. But, you know, we need to make this a little - I think this is more of a best practices recommendation than a mandatory .

As soon as you make it mandatory I think we're creating some situations that may not be practical.

Olga Cavalli: I totally agree so help me...

((Crosstalk))

Olga Cavalli: ...help me find the text to express that best practice idea. Who wants to talk?

Zahid Jamil: Hi this is Zahid.

Olga Cavalli: Zahid, go ahead.

Zahid Jamil: And I think I completely agree with Chuck's comment. And in his email that he sent out under the Item 4 translation I think he's given some language there that says recommended best practice based on cost effectiveness and demonstrated need. I think that's very good language and I would support that.

Olga Cavalli: Oh great. So which would be the last - the final drafting of this paragraph? Let me find Chuck's mail.

Chuck Gomes: Yeah, I don't even have it in front of me at the moment.

Olga Cavalli: I have it. Translation is another trivial expense. ICANN - I'm trying to find the text. (Unintelligible). Any recommendations we make should probably be recommended best practices based on cost effectiveness and demonstrated need. And this text...

((Crosstalk))

Olga Cavalli: Yeah but let me find where does it say.

(Victoria): Hi everyone, it's (Victoria) just joining the call. Apologize for being late.

Olga Cavalli: Hi (Victoria), good afternoon.

(Victoria): Hi Olga, thanks.

Olga Cavalli: (Victoria) just for your knowledge we are working on the wording of Section 1 Paragraph B about languages. And we are trying to accommodate text suggested by Chuck that we find convenient. The group...

((Crosstalk))

Krista Papac: Oh sorry.

((Crosstalk))

Olga Cavalli: Sorry, I didn't get the name.

Krista Papac: Krista.

Olga Cavalli: Krista you want to say something go ahead please.

Krista Papac: I was just going to make a suggestion of weaving in Chuck's text.

Olga Cavalli: Okay.

Krista Papac: So bear with me I'm flipping between screens. The first sentence, the group shall have their participation based on common principals developed by the GNSO, makes sense. These rules shall then - I don't know something to the effect should be recommended as best practices based on cost effectiveness and demonstrated need.

And then adding in the five UN language - I don't know if we want to, you know, if we want to limit it. I mean those UN languages may not be applicable so, you know, it might be - it might make sense for the registrar to (unintelligible) it into something completely different than those five UN languages based on need and cost effectiveness. So...

Olga Cavalli: Thank you Krista. Yeah, the fact that we include those languages would just reference in relation with the activities made by ICANN, no special reference.

Krista Papac: Yeah, no and I understand even the logic behind it. I just - the more I'm thinking about it right now again, you know, those languages I think are used by ICANN because, you know, they're literally speaking to the whole world and they're trying to narrow it down to something manageable. Whereas with a particular stakeholder group for constituency, depending on their member base, they might not have members in any of those languages but they might have them in some other - so I don't know if we want to keep it that way. Anyway that's my suggestion.

Olga Cavalli: Okay. So help me find a final text for this paragraph. The groups shall have their participation rules based on common principals developed by GNSO.

Claudio Di Gangi: Olga, this is Claudio could I get in the queue?

Olga Cavalli: Sure please Claudio go ahead.

Claudio Di Gangi: I just had a - just two thoughts about this. One is I was wondering if the direction of this is just limited to the bylaws or the charters of each group or if we're talking about something broader translations on an (unintelligible) basis?

Olga Cavalli: That's a very good question.

(Victoria): Can I get in the queue? Sorry this is (Victoria).

Olga Cavalli: Yeah and Claudio I think that (Victoria) made this comment in our last call that perhaps the documents that should be translated were not too many. It's a good question. I'm not sure if I have the answer. (Victoria) you want to comment something?

(Victoria): Yes thank you Olga. I wanted to address both points, both Krista's point and this is just from my own opinion. I mean certainly the suggestion I made last week was just that it should - this would just be chartered. I mean most charters and bylaw, I mean, often they're one document aren't they? Right?

Chuck Gomes: Yeah, they're the same.

(Victoria): Yeah. So anyway my suggestion and the amendment that I suggested last week was really creating one document only. And I would just - and that's again related to the fact that I believe the expense would be minimal. And I just want to address quickly Krista's point as to demonstrated need.

I think part of the purpose of having these constitutional documents in other languages is not just to serve existing members but also to obviously expand membership. I mean people aren't going to join something they can't even understand. So, I mean, I think they should be - we should be taking the perspective that having these translated is likely to attract new members from all those regions which is why it should be done as a standard.

Chuck Gomes: Question for - in regard to that. Why do you think that they are - that the cost would be minimal?

(Victoria): Well I use translation services in my work from time to time when I have cases with a foreign (entity). And translation - to translate a short document is not expensive, you know, we're talking about, you know, a matter of a couple hundred pounds, \$200, you know, per language. I regard that as absolutely minimal.

Chuck Gomes: But there are all different kinds of documents...

(Victoria): Well it's one...

Chuck Gomes: A legal document you can't just rely on a service like that.

(Victoria): But we do - but I do that all the time.

Chuck Gomes: Well you need to give your insight to ICANN because they have not found it very inexpensive.

(Victoria): You think - well hang on. Can I ask a question Chuck? I mean if cost is really a problem would it not be possible to get volunteers to do this?

Chuck Gomes: In some cases it might, yeah. If they're available. And we're not - I'm not arguing - I think ideally what you're saying would be great, okay. But...

((Crosstalk))

Chuck Gomes: ...practically there may be some challenges.

(Tony): Olga, can I get in queue?

Olga Cavalli: Chuck are you finished?

Chuck Gomes: Yes.

Olga Cavalli: (Tony), go ahead and then I would like...

((Crosstalk))

(Tony): Yeah, I think I just heard somebody say that you could resort to volunteers for something like this. From experience in a lot of organizations this doesn't always work. And then there is the question of how do you ensure the quality of such translations.

I'm not sure - and as far as delivery dates and things like that it can get a little complicated because you have - the other person has no contractual commitment to deliver what's required. It's just a thought that's all.

Olga Cavalli: Thank you (Tony). I would like to support what (Tony) said, quality of translation is an issue. And also let me share with you my experience in translation of different documents into Spanish. What really works from volunteering perspective is revising the translations that have been made.

I volunteered many times for revising documents in ICANN and the United Nations, different meetings, and that works quite well because sometimes some wording is if you're a very - in the process and the translator is doing the document sometimes there are some mistakes, perhaps not with bad faith but just because you don't know so much about the issue.

But I have not seen volunteering for translation - for document translation. What I think is the key question here - and I think this is what (Victoria) is also trying to address is how many documents and how long are they? So this is the key question for - as having an idea of translation costs.

It's only a charter. It's other documents, legal documents, many documents, many pages so that's the issue for cost. It's only a document once in a while then it's okay having that many languages because I think it's a good instrument for inclusion. But if there are many then it can become extremely expensive and difficult to - also to revise those translations and review them by the people that do speak the language, that's my comment.

So do we have any way to perhaps measure how many documents are we talking about?

Krista Papac: Okay, it's Krista, can I get in...

((Crosstalk))

(SS): (SS) joins.

Olga Cavalli: Hey (SS).

(SS): It was difficult to get a line.

Olga Cavalli: Good evening. Welcome. (SS) we are in Paragraph - Section 1 Paragraph B trying to find the right text about the languages and translation issues. Krista do you want to comment?

Krista Papac: Yes, I wanted to comment.

Olga Cavalli: Go ahead, yeah.

Krista Papac: So a couple things, again, I echo Chuck's comment or sentiment that, you know, I would prefer translation into other languages, I think it's great. I agree that it encourages, you know, people to participate. I just - I feel - I continue to feel that this is a recommended best practice and that it's going to vary.

And I'll give you an - and I'll go back to my comments about languages and respond to (Victoria)'s suggestion that it helps people decide whether they want to participate or not. In some constituencies and the registry and registrars are very good examples of it - and - or stakeholder groups - and who knows what the future stakeholder group and constituency structure will look like.

It is limited to the - to members based on sort of their status i.e. a contracted party. So they're - people who want to become a registry don't go make that decision based on the registry stakeholder group's charter and whether it's translating into another language. They join that group because they've become a registry because they want to be in the registry business.

And so, you know, again, you know, having one, setting out these five languages as sort of the baseline may not be applicable and you may be asking a stakeholder group to go spend money on something that is absolutely no use to them today.

Two, it's not necessarily a vehicle for opening up membership for some stakeholder groups as it is for others. And so that's why again I feel making this a recommended best practice I think all stakeholder groups, you know, want to encourage membership and they're going to do whatever they can do within their budgets to do that.

I mean I've seen the stakeholder - my stakeholder group's budget, it is not very big at all. So if we need to go spend money on translation regardless of how many documents it is, you know, and we only have a limited budget and we would like to divert those funds to something else I think, you know, that they're not going to be too happy about so that's my 2 cents.

Zahid Jamil: And this is Zahid. I'd like to get in the queue as well.

Chuck Gomes: And Chuck too before I jump off.

Olga Cavalli: Okay if you want - if you're leaving right now Chuck, Zahid, can we let Chuck speak first? Okay Chuck go ahead, I don't know...

Chuck Gomes: Yeah, sorry Zahid to jump in but I do have to jump off for another meeting. But one of the most frequent things that the registry stakeholder group does - can you still hear me?

Olga Cavalli: Yes I do but it's...

Chuck Gomes: Okay.

Olga Cavalli: That's okay now.

Chuck Gomes: One of the most frequent things we do is to prepare stakeholder group statements in response to public comment periods either within the GNSO or the broader ICANN community. Invariably those have short time constraints and there are changes right up to the last minute.

And so again I'm supportive of the fact of making them available and in as many languages as are needed, and if that can be done in a cost effective manner. But there are times practically when we're right up to the last minute in actually submitting the comments because we have to get - we have to take a poll of all members before we can submit the statements so that we show exactly who supports it and who doesn't.

So another issue that comes into play here is timing of many of the documents. So just again a practical matter and I'll leave it at that. I have to jump off. Thanks everybody, sorry I can't stay longer.

Olga Cavalli: Thank you very much Chuck. Thank you for participating. Zahid are you on the line? Zahid? No I think he disconnected. (Tony) you wanted to say something or I'm wrong?

(Tony): No not right.

Olga Cavalli: Oh I'm sorry I just was confused. Someone else want to comment?

(Victoria): Yeah I'd like to just comment very briefly again. I know we've gone around the houses almost quite a lot. I accept the points that have been made by Chuck and Krista about - and there are particular issues with eligibility in relation to the contracted houses passing and so I accept that.

However I think it is important to recognize that with things like the business constituency, the IPC, noncommercial users etcetera, you know, they very much are aiming at a global audience. There'll be business and small,

medium and large and individuals and people will be, you know, taking decisions about whether to join based on the charter.

I am only talking about charter and bylaws just to clarify. I mean perhaps we could limit this and say that, I mean, I mean, if we're only - if things are only going to be vague recommendations my concern is that no real change will come and we've wasted our efforts.

There's a bit of resistance to doing anything that's absolutely not utterly mandatory and I accept what's said about one size fits all. It's possible that maybe we should make it clear that it's less applicable to the contracted parties. But I do think if we just make these things all vague recommendations nothing will come of our work. And I just question whether or not this group really having spent so long really wants that as an outcome.

Krista Papac: Olga it's Krista can I...

Olga Cavalli: Sure Krista go ahead. I'm silent because I'm reading the paragraph and trying to find the text that fits all our comments. But I think all of them are important in their way so we should try to find this text. Please Krista go ahead.

Zahid Jamil: Olga this is Zahid back in the fold.

Olga Cavalli: Okay you - Krista can we let Zahid comment because he wanted to do that before and he was disconnected and then you go after him?

Krista Papac: Sure.

Olga Cavalli: Thank you. Thank you Krista. And Zahid go ahead please. You wanted to comment and...

Zahid Jamil: Thank you.

Olga Cavalli: And you're...

Zahid Jamil: Thank you. I just wanted to say that the (BC) itself is - I see two problems here. One we're looking at a constituency which is basically asking its members to reduce the subscription fee in this last - you had made something and there is a 25% reduction in the fee. So we're looking at cost cutting at this time and to see costs go up it becomes a problem I think for that particular constituency. And I think that maybe true for other constituencies also.

The second thing is all our calls, all the communication is done in fact English, it's not translated. And if we're going to say that translation is required for the purposes of charter then by implication then if you extend that then you should have translation for all the documents, communications and conference calls. And I think that would be very difficult.

(Victoria): Nobody's suggesting that Zahid.

((Crosstalk))

(Victoria): Sorry, nobody's suggesting that.

((Crosstalk))

Olga Cavalli: Let's do a following - let's talk in order because if not I cannot follow you. Zahid please finish your comments.

Zahid Jamil: Yeah so what I was saying that, I mean, I don't see the point of the charter being in a different language. If the person cannot read English how are they going to be able to participate at all? So I mean I find that to be practical.

I come from an area where we have different languages as well. But if you're not able to speak the language you can't read the charter than it becomes

even difficult for you to participate in many of the meetings. I just want to make that point. It's an impracticality.

Olga Cavalli: Thank you Zahid. Krista go ahead please.

Krista Papac: I just - I mean, a couple things just in response to the comments - this is Krista by the way - that (Victoria) had made. I mean, you know, appreciate the understanding of sort of the way that this applies differently at least from my perspective although it sounds like Zahid is adding some additional good points for his constituency.

I just, you know, the other thing I think we need to be mindful of is we don't know what future constituencies and stakeholder groups look like. And so - and what they're, you know, situation is going to be, one. My second point is in most cases - and this may not always apply and there's always going to be exceptions to the rule but in most cases or at least I know in my stakeholder group we want new members, we're begging for new members.

If we need to translate something to get new members we're more than likely going to do it because, one, we need the cash flow and, two, we need the help. There's so much work in ICANN we need anybody who wants to participate that qualifies.

And granted there, again, there might be those exceptions out there but I don't think - and third, you know, I don't - I feel like we're doing good work in this group, and just because I - my position is one that leaves the flexibility of stakeholder groups and constituencies or leaves them with the flexibility they need I don't think that that means we're putting out a less than quality work product.

So anyway I don't mean to belabor this I just really feel like putting this responsibility on groups who may or may not have the need or the funds for it is a little much to ask as a mandatory practice.

Olga Cavalli: Thank you very much Krista. (Victoria) please go ahead.

(Victoria): Okay, sorry for jumping in earlier.

Olga Cavalli: No that's okay.

(Victoria): Look I just wanted to restate in relation to Zahid's comment, I mean, I suppose he makes a valid point that all the communications are in English. But at this stage, I mean, hopefully, I mean, I don't know what plans ICANN has to evolve but if it's ever going to move beyond a one-language - we're trying to I suppose lead by example and we're talking about translation of one document per group.

And, you know, it's like I said we'd be leading by example. I don't know how ICANN is going to evolve in the future or what plans there are for language diversity but, I mean, it can't - it can't retain any legitimacy in the long term if it isn't prepared to evolve.

And, you know, arguably this is an opportunity to point it in the right direction. And I think Krista's points are all very well taken. And I don't know if you want to try and come up with some - are we going to try and come up with some language on the list or Olga do you have some - do you now have a compromised version?

Olga Cavalli: Thank you very much (Victoria), Krista and Zahid. I just want to ask one comment. In Latin America the only registrars that are working are the ccTLDs and we have only 10 registrars in the whole region. So I'm sure - and I can't prove this but I'm sure that if some documents were available on Spanish this division would be different.

And I think there is a whole new market to develop but language for me in this region - for me it's a barrier - for many people trying to participate. I know

that if you're going to participate in ICANN it's English the language but this is a barrier for participation and especially in some regions from the world.

My comment is from my Latin American perspective. And I would like to find a text that keeps all these comments because I think all are relevant. Having some documents translated and also having the flexibility of not forcing the situation because it could be a burden for a budget. That this what I would like to ask to the group.

Can we - perhaps two or three of us could work on the proposal of text? Maybe (Victoria), Krista and myself or someone else? Maybe we can work during the next days on a new text that fits all these comments? This sounds a good idea?

(Victoria): I think that's a great idea Olga. I'd be happy to help.

Olga Cavalli: Krista?

Krista Papac: Yeah it's Krista. I'd be happy to help.

Olga Cavalli: All right it's not a closed ladies group. Please if others want to join you're much welcome. But just I try to find a smaller group so we can propose a text to the group. Okay great.

Let's do this during the next days and we can propose something to the group. Should we move on in our document? And thank you very much for the comments, they're all very - I think they're all very important. And all of us have our experience and our relevance comments for this.

Okay are we going to work - we are going to work on Paragraph B. We already agreed in a text in Paragraph C. We can review Paragraph - Section 1 Paragraph D.

All groups shall strive to remove information barrier and put in place well structured outreach program so that many potential stakeholders come to know of their existence and also of benefit in being part of the ICANN policy process thereby becoming more aware of the value of joining the group.

Any comments?

(Victoria): Can I stop you Olga just - sorry - about C - just before we go on I didn't want to interrupt your reading.

Olga Cavalli: Sure.

(Victoria): Was that the language on the left that 's been agreed?

Olga Cavalli: Oh yeah we agreed in Paragraph C you're talking?

(Victoria): Yes, 1C.

Olga Cavalli: We agreed in the text proposed by Claudio. Are you okay with that?

(Victoria): Hang on. I saw on the list that Claudio had suggested an amendment, then Krista and then Chuck and I was quite happy with Chuck's final version. I thought - I was quite happy with what I thought was the final version but I just wonder if someone could confirm to me what that is?

Olga Cavalli: I can read it for you so you're comfortable...

(Victoria): I'd be very grateful if you wouldn't mind.

Olga Cavalli: Okay all groups shall strive to improve inclusiveness and representativeness. We recommend that groups have either a differential fee structure based on the ability to pay in order to encourage increased representation from those

living in less developed economies or hardship provisions that entitle any potential member to apply for hardship relief from the normal fee scale.

(Victoria): Yeah, I'm happy with that, thank you. Thanks very much Olga.

Olga Cavalli: Great, thank you. Thank you (Victoria).

(Victoria): Sorry to hold you up.

Olga Cavalli: Okay thank you all. And we go back to Section 1 Paragraph D. Do we want to make any changes? Are there any suggestions to the text or we like it as it is?

Krista Papac: Olga it's Krista.

Olga Cavalli: Krista?

Krista Papac: Yeah. Sorry.

Olga Cavalli: Yeah, go ahead please. I can't hear you very well sorry - sometimes I cannot recognize your voice.

Krista Papac: No, no I'll take you off speaker that might be helpful. I think I had a comment here.

Olga Cavalli: Sure.

Krista Papac: Who pays for the outreach? Yeah I think this is my same concern and I hate to be again a thorn in the side of the group on this stuff but is this - again is this - and I guess I should go back to the toolkit to see if this is something we provided for in the toolkit.

But I'm just wondering again who's paying for this? Is this going to be something that's covered in the toolkit? I'm trying to look right now. Or something that just the individual groups will have to pay for? Does anybody know off the top of their head?

Olga Cavalli: I don't have the toolkit document on hand. The text is quite open. It says shall strive to remove - it's not mandatory. I don't think it's - is at text that should be taken as a mandate or...

Krista Papac: Okay that's fair.

Olga Cavalli: I don't know if - what do the group think?

Krista Papac: No that's fair. I'm sorry, I didn't realize that.

(Victoria): I'd like to get in the queue.

Olga Cavalli: Sure (Victoria), go ahead.

(Victoria): I mean I think Olga's point is a good one. I mean my own reaction is it's too vague and we should be looking to make this into something meaningful. Krista's right, I mean, as well, I mean, well - Olga I suppose that we can't really price something that it's just a vague statement of good intent.

So I don't know if you can get to the stage of having to worry about costs because nobody's required to do anything. Is this worth having? I mean should we try, I mean, what do people think about, I mean, obviously it's a good goal and objective but, I mean, it will be ignored because it's so general and vague is my thought.

Olga Cavalli: You think it's too vague?

(Victoria): To strive to remove information barriers and put in place well - I mean yes, I mean of course they should but unless we make them do something in particular or tell them, I mean, it's just a statement of - I mean it doesn't take anybody anywhere.

Claudio Di Gangi: Olga this is Claudio. Could I get in the queue?

Olga Cavalli: Sure go ahead Claudio.

Claudio Di Gangi: I was just going to say if you have, you know, the way I look at GNSO improvements is that it's going to be basically an ongoing process. I think in a few years it's going to hence going to initiate another review of the GNSO and I think at a certain point as well the stakeholder constituencies will have to resubmit recertification documents.

And so the way I look at some of the things that we're proposing as recommendations I think will eventually - I think the groups will be judged against them at a future point. I think if the GNSO Council approves what we put forward and becomes sort of, you know, official ICANN document, you know, I think that groups in general will strive to meet what's recommended.

They might not be able to hit every milestone. But I think in general I think there will be an effort to, you know, meet what's being laid out here because again this is how the groups are going to be judged in the future. And so far as, you know, how they're living up to the ICANN bylaws and, you know, meeting the various requirements that the GNSO has laid out.

And so, you know, it might not be 100% every single issue but, you know, I think that generally that there will be a good faith effort to meet a lot of this stuff.

((Crosstalk))

Olga Cavalli: ...the text?

(Tony): Olga?

Olga Cavalli: Yes (Tony) you're in the queue. Just let me ask a question to Claudio, you're supported to have in the text in the document?

Claudio Di Gangi: Yeah, yeah I think, you know, I think this is fine. I mean I hear everyone's concerns but yeah I think the way it's laid out is probably okay.

Olga Cavalli: Okay. (Tony) go ahead.

(Tony): Yeah I'd just like to comment that actually outreach programs per se are pretty scattered amongst different groups and people in the ICANN world. For example whenever there's an ICANN meeting and the ISP constituency we'd go to a lot of trouble to get all the ISPs in the country where the meeting is taking place and in neighboring countries to find out about the meeting and tell them to come.

They don't have to be paying members, they don't have - obviously ICANN doesn't charge them to attend the meeting. And this is done on a voluntary basis by mostly by me and the ISP constituency. And then again you have the regional - ICANN has regional - I don't know if they call them coordinators such as (Pablo Josef) of Latin America who have ongoing programs all year long.

And with associations we very often do outreach events to make people aware of everything that's going on in ICANN. So I think really that a lot of these concerns are already being addressed without any need, you know, to put it really in heavy print.

Olga Cavalli: And so you would take it out?

(Tony): No I'm just saying that I think somebody made a point that it's sort of wishy-washy not very - it doesn't really commit to any solid or obligatory actions but I think that's not necessary because the actions are already taking place, it's spontaneous.

(Victoria): Olga...

Olga Cavalli: Okay. (SS), yeah, sorry (Victoria). Just I would like to know if (SS) wants to ask something because he has been working on the document and maybe you want to comment something about this paragraph - Section 1 Paragraph - I cannot find...

((Crosstalk))

Olga Cavalli: ...D, I'm sorry.

(SS): Yeah, yeah. See what I get from the discussion is that one certain - not very general but certain thing is best (unintelligible). But anything specific is not like (unintelligible), they don't want any control, they don't want any binding to do anything they want - freedom.

So it's probably worded better than (unintelligible). And which so I think these things have gone through several meetings and all that. I think we can just sort of not waste time in discussing just only go for those places where (unintelligible).

So because once you discuss it particularly members everybody will talk something and that (unintelligible) confused one because this thing has already been discussed several times. So try or just try and if you put anything (unintelligible) it won't be like what constituencies so let's go with what (unintelligible) you don't find anything that's required.

Olga Cavalli: Okay thank you very much (SS). (Victoria).

(Victoria): Yes well I just had one thought and (SS) makes a good point. And we don't want to try and belabor everything and it is well intentioned. The only thought I had may well be that people aren't in favor of this was that well I just was thinking while everyone was speaking that it might be possible just - I just have the proposed perhaps amendment for the end.

I don't feel strongly but any I just suggest it because there are two functions of this paragraph, removing information barriers and outreach programs. And I was just wondering whether or not we might clarify language and this is perhaps something we could work on in a subgroup, you know, whatever was that in relation to the first one, removing information barriers, we could put in additional wording that might say that in particular groups should be asked to constantly works towards simplifying their constitution structures and using plain language in their constitutional materials and communications.

And in relation - and that if the outreach should be demonstrable, i.e., you know, because whoever - I think it was Claudio who made the good point that it's a constantly evolving process and groups will be held to these standards in some way. So I was really wondering if it might be worth just sort of giving a bit more focus to those two goals. But I don't know what others think.

Olga Cavalli: I think that the text could be perhaps reviewed by us and that we can add some parts of it and making it more precise or explanatory. You mentioned something, (Victoria), could you repeat it please or you have a...

((Crosstalk))

(Victoria): Yeah so my two suggestions really were just to add a bit more focus. So because there are two surfaces to that, two prongs. So the first one in relation to the removal of information barriers okay we could add language perhaps at the end or as a sub-sentence that in particular groups should constantly be

working to simplify constitutional documents and structures and documentation and improve their use of plain language, something like that.

And in relation to the second goal here which is outreach programs, we could just add something like that groups should expect to be able to demonstrate such efforts. You know, just really to suggest that they might be required to show their compliance, you know, in the future sometimes just to add a little bit more focus to those two.

Olga Cavalli: I would suggest that you perhaps can draft this B Paragraph and send it to the list and...

(Victoria): Okay.

Olga Cavalli: ...I think it's a good idea to change in the language. Are we okay if (Victoria) makes this suggestion?

(Tony): Can I speak? (Tony)?

Olga Cavalli: Sure (Tony) go ahead.

(Tony): Yeah, I hear what's being said. I'd like to see it in writing. I'm not too comfortable with it but I'd like to think about it and discuss with some people in our constituency.

Olga Cavalli: Any other comments? So (Victoria) be so kind to send us your proposal and we discuss it in the list and some of you may consider it appropriate to consult with your constituencies or suggest changes to it. So is it okay for you (Victoria)?

(Victoria): Yes, that'd be great. Will do, thanks.

Olga Cavalli: Thank you. Thank you very much.

Debra Hughes: Olga hi this is Debbie. I'm sorry I have to step off.

Olga Cavalli: Okay Debbie. Thank you very much for participating.

Debra Hughes: Bye-bye.

Olga Cavalli: Have a nice weekend.

Debra Hughes: You to, bye-bye.

Olga Cavalli: Bye-bye. Great we go to Section 2, membership. I would start with Paragraph A. All groups shall make and publish rules and procedures for mission requirements of interested parties and members in clear and simple terms. Such rules and procedures shall be part of their charters. Comments? Do we like it as it is?

Tell me yes.

Zahid Jamil: It seems fine.

Olga Cavalli: Someone want to talk?

Zahid Jamil: It seems okay Olga.

Olga Cavalli: It's okay for me. Any other comments?

(Victoria): It's (Victoria). It's fine with me.

Olga Cavalli: (Tony)?

((Crosstalk))

(Tony): No problem.

Olga Cavalli: (Victoria)?

(Victoria): Yep, fine.

Olga Cavalli: Great, great. Thank you very much. Section 2 Paragraph B, all groups shall abide by rules governing membership which are based on common principals. All groups' members shall have rights, duties and responsibilities and in particular rights to vote as applicable as the membership rules.

All groups must offer membership to natural persons or individuals if applicable - and we agreed to put it in between commas not in parenthesis - as well as to entities with legal personalities such as corporations. However any person or organization applying for membership shall meet the membership criteria laid down by the group with ICANN's approval.

Comments?

(Victoria): I'd like to get on the list.

Olga Cavalli: You want to comment something (Victoria)?

(Victoria): Yes.

Olga Cavalli: Go ahead please.

(Victoria): Okay. I think this is very, very important provision and there are two aspects to it. I think this is probably going to be one of the most significant things we need to discuss on this call.

There are - I think there are two issues that are important - well three points that I would just make about this. First of all the requirements that individuals

or natural persons should be entitled to join is expressed to be subject to said membership criteria. I would also sort of put that as eligibility criteria.

So for example as we attached on last week when we have - when you have issues such as in the contract of paid houses, the registrars and the registers, I mean, they obviously aren't required, I mean, obviously that - the necessity to have that status qualifies the requirement to offer it to individuals; very few individuals are likely to meet the status.

But I think it's very, very important. I think, for myself, that there's a general problem in ICANN with the treatment of individuals and Internet users. And it's something that hasn't been properly addressed constitutionally. There's been an attempt to sort of branch off the represent - they're important stakeholders.

And they also can be involved by way of professional businesses, small businesses, etcetera and as I say Internet users. In the past I think - other people can answer this who know more about ICANN history but there seems some sort of intention to try and see individuals as some sort of separate entity represented in some way by ALAC or what have you.

Now I mean so I don't really think that that's - I think well personally I think that that's objectionable. And I think it's preferring the corporate form is something that doesn't happen in other international organizations. And this is an issue I've addressed and it's been my subtask what is it 1.2 in quite some detail.

So I feel very, very strongly that subject to the eligibility membership criteria issue it's very, very important this general statement in the rights of individuals to participate because at the end of the day people who will give time in time and working groups etcetera, they may well be individuals. And the importance of the - the users of the Internet are so often overlooked.

The other issue here which is related is the right to vote issue because as well as - currently many groups offer very limited rights for individual membership. And if they do offer individual membership often it's as observers only.

Again I think this has grown out of a historical preference for the corporate form and is democratic and equitable and unjustifiable. So I think that's also a very important point. Anyway I've said enough I just wanted to point those issues out.

Olga Cavalli: (Victoria) would you suggest any changes to the text?

(Victoria): No I'm quite happy with the text as it is.

Olga Cavalli: Okay. Would you like to add something?

(Victoria): No.

Olga Cavalli: Any other comments? So are we okay with Section 2 Paragraph B?

(Tony): Yes.

Olga Cavalli: Thank you.

Zahid Jamil: Okay, yeah.

Olga Cavalli: Okay. Krista?

Krista Papac: Yes.

Olga Cavalli: (SS) - you made it so you have agree.

(SS): Yeah, okay.

Olga Cavalli: Okay thank you. Thank you - thank you very much. Section 2 Paragraph C, all groups shall stipulate the rights, duties and responsibilities of its members in clear and simple terms and publish the same.

I have a question about English. Maybe it's my English is limited. And publish the same - what do we mean with that? Publish them? Publish the document?

Zahid Jamil: Yeah.

(SS): Yeah, the same - same as (unintelligible) whatever you said earlier.

Olga Cavalli: Okay.

((Crosstalk))

Olga Cavalli: That's okay. Again English is my second language so maybe I don't get it. We like it? Any changes? Any comments?

Krista Papac: Krista. It's good with me.

Olga Cavalli: Krista it's okay?

Krista Papac: Yes.

Olga Cavalli: The rest?

Claudio Di Gangi: Yes.

(Tony): No problem.

Olga Cavalli: Great, thank you very much. Section 2 Paragraph D, a simple application form shall be devised for membership and it shall be publicly available on the group's Website.

(Tony): I think publicly is misspelled.

Olga Cavalli: Is misspelled right?

(Tony): Yeah.

Julie Hedlund: Yeah, this is Julie. I have made the correction.

Olga Cavalli: Thank you very much. Any comments? Any additions? Any suggestions for Section 2 Paragraph D? So we like it? I take the silence as a yes. Section 2 - well D has some - D1, D2, D3. D1, admissions criteria shall be certain and predictable and not arbitrary or discretionary.

Admission criteria shall be certain and predictable and not arbitrary or discretionary. For eligibility depends on participation in a certain sector of business. Then applicants shall be entitled to submit evidence of their participation in that sector.

Comments?

Claudio Di Gangi: This is Claudio, can I make a comment about this one?

Olga Cavalli: Sure go ahead Claudio.

Claudio Di Gangi: My suggestion would just be maybe it's just that for, you know, I'm wondering what the meaning of the word is in this particular phrase but I would...

Olga Cavalli: Sorry, I didn't get the first part of your comment. I'm sorry.

Claudio Di Gangi: I would just possibly - deleting the word discretionary there and just making it and not arbitrary. And the reason I say that is because I would think that during this admission process that there might be, you know, discretion exercised in, you know, reviewing the membership application and judging it against the membership rules.

Olga Cavalli: So your suggestion would be to take out the word discretionary?

Claudio Di Gangi: Right.

Olga Cavalli: I think that's a good comment. What do others think?

(Victoria): I'm a bit concerned by that I have to say. I mean, yes, I'm rather concerned about that. I just wonder if Claudio could explain to me further what he means about why discretion might be appropriate and when because these aren't, you know, my own perspective is that discretion would not be appropriate because these are chartered constituencies of ICANN, they're not private members clubs.

And they should be open to all who meet the eligibility criteria. And unless there is a particular, you know, reason that people couldn't join should be clear in advance which means that sort of the certain and predictable. So, I mean, what for example, I mean, Claudio would you - would that, for example...

Claudio Di Gangi: Yeah.

(Victoria): You know, we...

((Crosstalk))

(Victoria): ...joining because they might not agree with the prevailing views or whatever.

Claudio Di Gangi: I guess I'm wondering so the term discretionary here is it back to the admission criteria. And so for example in the IPC one of the membership provisions is if you've made a substantial contribution to the advancement of intellectual property, that would qualify you for membership.

And so I think in evaluating that whether someone, you know, meets that criteria - and so maybe I'm just (unintelligible) with just the phrasing of this here - of what discretionary is exactly applying to.

Like I just wanted to, you know, be sure that when a stakeholder group, you know, for example I think on the contracted party side it might be a little different; I think there it's pretty much more of a black and white scenario where you either are a registry or you're not. I'm not sure what other criteria they have exactly for membership.

I was just thinking in the scenario where other constituencies might have - it might not be just as black and white as that, you know, simply, you know, you are either a business or you're not a business and that qualifies you for membership or it doesn't.

((Crosstalk))

Olga Cavalli: Is there another word instead of discretionary that may be there (unintelligible) perhaps be better?

(Victoria): I think discretionary is quite an important word to retain but I'm just wondering if Claudio could - would it be possible, I mean, I think your point sort of dealt with the sentence there because you're - that's really - well I don't know...

((Crosstalk))

Claudio Di Gangi: You might be right (Victoria). I guess that sentence does - the second sentence does...

(Victoria): It may well be that we could add something after discretionary. I just wonder, you know, I mean, arguably that's a predictable...

((Crosstalk))

Zahid Jamil: ...objective criteria. This is Zahid.

Olga Cavalli: Sorry I didn't follow the - your comment Zahid.

Claudio Di Gangi: Yeah I think Zahid mentioned that it should be, you know, it should be based on some sort of objective criteria and I think that's valid.

(Victoria): Instead of certain should it be - should it be certain and predicable and objective?

Olga Cavalli: Admission criteria shall be certain and predictable and...

((Crosstalk))

Zahid Jamil: Well I think certain and predictable and I think you're being redundant here you either use certainty or predictability. It seems like we're using too many words to say the same thing. This is Zahid.

Olga Cavalli: Okay so certain and objective?

Zahid Jamil: Sure that's fine.

Claudio Di Gangi: Well predictable and objective.

((Crosstalk))

Olga Cavalli: ...and objective. So it would be...

Zahid Jamil: Predictable and objective is what I prefer.

(Victoria): Okay. I agree with that.

Olga Cavalli: I didn't get the final language I'm so sorry, I couldn't hear you very well Zahid.
Admission criteria shall be certain and predictable and objective?

Julie Hedlund: This is Julie...

Zahid Jamil: What I was saying was predictable and objective.

Olga Cavalli: Julie did you get that?

Julie Hedlund: Yes I hear admission criteria shall be predictable and objective and not arbitrary or discretionary.

Olga Cavalli: Are we okay with that?

(Victoria): Yes I am.

Olga Cavalli: Zahid?

Zahid Jamil: Yeah that's fine. I just wonder - and maybe this is me repeating Claudio's point, do we want to say not arbitrary and discretionary twice? Again if you say arbitrary that's enough or you say discretionary that's enough. I don't want to sound like we're repeating ourselves in this line in the sentence. Discretionary obviously one of the two would do just fine.

Olga Cavalli: But what about objective? We add objective not arbitrary and objective?

Claudio Di Gangi: I think it should say objective criteria possibly or actually maybe, you know, I guess it does say and mission criteria in this part so...

Olga Cavalli: Okay. So one proposal is the admission criteria shall be certain and predictable and objective.

((Crosstalk))

(Victoria): Sorry Olga.

Olga Cavalli: Yeah.

(Victoria): I think certain is gone.

Julie Hedlund: Yeah, Olga this is Julie. I think it's admission criteria shall be predictable and objective. And what I...

Olga Cavalli: Okay.

Julie Hedlund: ...was that - a suggestion was to take out perhaps arbitrary as it could be a synonym to discretionary and so the sentence would read admission criteria shall be predictable and objective and not discretionary or and not arbitrary; one or the other.

Claudio Di Gangi: This is Claudio...

Olga Cavalli: Okay.

Claudio Di Gangi: I'm just wondering exactly what we mean when we say that, admission criteria can not be discretionary.

(Victoria): Yeah well I think we do need to discuss this, I think it is important. And I agree. As I - my concern is that if we don't say (unintelligible) by excluding discretionary. We don't want to stop people with strong opinions joining or someone - we don't like the color of their - cut of their (jib) as we say or we

think they may disagree with the group or be high maintenance or, you know, too left of center for the prevailing, you know - that's the kind of discretionary exercise that we would like to exclude. Would you agree Claudio?

Claudio Di Gangi: Yes.

(Victoria): Yeah. So do you think we could add some clarifying words to make it clear that that kind of discretion that we're trying to eliminate?

Claudio Di Gangi: Yeah.

Olga Cavalli: So.

(Victoria): Not discretionary.

Claudio Di Gangi: Yeah maybe the second sentence, you know, the second sentence addresses that a little bit. Does, I mean, (Victoria), in regards to the last point that you raised does the, you know, the fact that it's certain or predictable or objective does that sort of address it? I mean, can it be objective, predictable and certain but at the same time be discretionary?

(Victoria): Yeah.

Claudio Di Gangi: Yeah.

(Victoria): No I think it's very important to expressly exclude discretionary myself. We could perhaps - I don't know if we want to think about - it's quite hard to think off the top of your head. I'm just wondering to follow discretionary maybe we could add such as based on the applicant's opinions, character or something else.

I'm not sure there's an easy way to explain what we're trying to exclude there by. But there may well be - maybe we could work on some - maybe we could have - we could think about some improved text. What do you think?

Claudio Di Gangi: Yeah.

Olga Cavalli: I - can I suggest something? (Victoria) and Claudio could you perhaps work on this wording? Is it a good idea?

Claudio Di Gangi: Yeah we could take this to the list.

Olga Cavalli: Great and of course if someone want to join or if (SS) want to join as the leader of the document...

(SS): No. Olga, this is (SS). I won't join but I'd like to tell what is discretionary.

Olga Cavalli: Okay.

(SS): Is certain decision making bodies that have discretionary power. Not that will mean a person does not have a qualification to be member but they have power to make a member. But that is that a person has qualifications to be a member, he meets all the criteria but the discretionary powers the decision making body will not admit it.

So this Claudio and (Victoria) take note of this meaning and then amend the particular portion. So if you give discretionary power then I mean if it's not (unintelligible) a member the reach all the criteria but he (unintelligible) he might put his membership on that. And at the end will, I mean, he may get or may not get so that part will all be suggest.

Anyway I won't talk anything more. Please go ahead.

Olga Cavalli: Thank you. Thank you very much (SS) for clarification. So Claudio and (Victoria) just send us some wording to the list and perhaps we all agree in your proposal. And thank you very much for doing that.

Okay Section 2 B2. The general membership shall be entitled to object to an application for membership provided that such an objection is based on predetermined and objective membership criteria. Such an objection shall be published to the rest of the general membership.

The general membership shall be entitled to object to an application for membership provided that such objection is based on predetermined and objective membership criteria. Comments? I think that objection is too many times in the same phrase.

(Victoria): I have a suggested amendment just to clarify the language.

Olga Cavalli: Go ahead (Victoria).

(Victoria): I'm just wondering given what we just said about D1 if instead of predetermined we should use predictable here again.

Olga Cavalli: Sorry I didn't get very much of your comment.

(Victoria): In the second line...

Olga Cavalli: Yes.

(Victoria): ...just instead of predetermined take out the word predetermined and use the word predictable. That way we're using the same language in both clauses, predictable and objective. It just might make it clearer.

Olga Cavalli: I'm so sorry I still don't get it - your point.

(Victoria): Okay. I'm talking about, sorry, replacing the word - on the second line of D2 - replace the word...

Olga Cavalli: D2, yeah.

(Victoria): ...predetermined...

Olga Cavalli: Okay because that's in my first line. So application for membership provided that such objection is based on predetermined - you want to change by?

(Victoria): Predictable.

Olga Cavalli: Predictable and objective membership criteria. My comment to your suggestion is that this - objection is predetermined by the constituency in their - I don't know, bylaws or charters or whatever. So I'm not sure it fits the same - both words are interchangeable but I'm not sure. Again English is my second language so those English-speaking members are welcome to comment.

Claudio Di Gangi: Olga I've got a comment about this one.

Olga Cavalli: Sure go ahead Claudio.

Claudio Di Gangi: I'm just thinking that the way the different groups might have their structure set up that the general membership might not generally evaluate membership applications. It might be handled by a committee or a certain group. I'm just wondering if this is sort of changing that process and making it for the general membership of the entire group but then - I guess...

Olga Cavalli: So you have a specific suggestion for this paragraph?

Claudio Di Gangi: You know, now that I'm kind of flushing out my thought, I mean, I don't think it's a - I don't think it's a big problem. I guess the way really it would work is

that eventually the general membership would get to I guess, you know, vote or approve members. I just wasn't sure how different groups did it and as (Victoria)'s suggesting here, you know, a change in practice for some of the groups.

And I'm not sure really what we're - what this recommendation is really aimed at - getting at if there was a certain GNSO improvement that we're trying to accomplish with this particular recommendation?

Olga Cavalli: (SS) you want to clarify something in respect with Section 2 Paragraph D2? Oh he's disconnected, sorry. Okay any comments about (Victoria)'s suggestion of changing the word - I'm lost again, predetermined by - which - was your suggestion (Victoria)?

(Victoria): To replace...

Olga Cavalli: Predictable...

(Victoria): Yeah with predictable just to match the language immediately above it.

Olga Cavalli: Any comments? Are we okay with that? Any other suggestions? So we change it to predictable? Julie can you make that change?

Julie Hedlund: Yes. Yeah, Olga, this is Julie. I've made the change. Thank you.

Olga Cavalli: Okay. Okay so we are okay with this Paragraph D2? I take silence as a yes. Section 2 D3, while applying for membership an applicant has agreed to abide by rules and regulations of the group and terms and conditions laid down by it. Comments? We like it.

Zahid Jamil: Yes.

Olga Cavalli: Okay. Take silence as a yes. Section 2, Paragraph E...

((Crosstalk))

Krista Papac: Olga I had a question about that .

Olga Cavalli: Sure, go ahead. Who is - it's (Victoria) or Krista?

Krista Papac: It's Krista, sorry...

((Crosstalk))

Olga Cavalli: Oh okay go ahead Krista.

Krista Papac: I'm just looking at my question. While applying for membership applicant agrees to abide by the rules - I'm not sure if I understood this is all. I'm looking for clarification. Somehow I've lost it. Oh here we go. An applicant has agreed to abide by rules and regulations of the group and terms and conditions laid down by it.

I mean I guess that's fine. My only question was just - it just didn't seem very clear. I think by - never mind. I - let's move on. I answered my own question. sorry.

Olga Cavalli: Okay if you think that you have to ask something just feel free to do that later or...

((Crosstalk))

Olga Cavalli: (Victoria)?

(Victoria): Yeah, I think Krista has a good point actually. I think that's too vague. What I don't like is it's kind of a hence that some of those - they might be sort of

(unintelligible) rules. I mean we know that there are charters and bylaws. I don't know if anybody has terms and conditions do they?

Olga Cavalli: If anybody has what?

(Victoria): Terms and conditions. Do any of the groups have terms and conditions? I don't think so, that's a commercial, you know, language.

Olga Cavalli: Yeah maybe it's quite commercial. Should we change it for something else?

(Victoria): Yes I just think it maybe it should be a little bit certain. I mean, you know, because those rules and regs should be written in predictable and certain etcetera, etcetera. And we don't, I mean, I just don't like - it's sort of a suggestion here that there might be unwritten rules that the member might not know about or that might be - that slide retrospectively or what have you.

So certain and predictable rules? I don't know.

Krista Papac: This is Krista. My only concern was that by applying - normally when you apply for - I was only going to say that by becoming a member is when you agree to abide by the rules of the group. I mean I don't think we need to clarify that certain and predictable rules - we've already said that there's going to be certain and predictable rules.

And by me answering my own question what I mean is that I think what we're trying to say here is when you apply, you know, for a membership somewhere you're acknowledging that there are rules that you're going to abide by and regulations and whatever terms we want to use here. I mean, I think this is a way of holding members to the charters that we've discussed above or the rules that we've discussed above.

So I didn't mean to further complicate it. I mean...

(Victoria): We just use the word charter perhaps there. And charter and bylaws.

Olga Cavalli: Instead of rules?

(Victoria): Yeah.

Olga Cavalli: While applying for membership an applicant has agreed to abide by charter and regulations of the group and terms and conditions laid down by it.

(Victoria): No I...

((Crosstalk))

(Victoria): No I was just sort of suggesting to replace all of that with charter and bylaws.

Olga Cavalli: Instead of rules and regulations?

(Victoria): And terms and conditions.

Zahid Jamil: This is Zahid I'd like to get in the queue for that?

Olga Cavalli: Sure Zahid, go ahead and welcome back.

Zahid Jamil: Is there - thank you. Is there rules and regulations that are made under the charter? We can't predict every different constituency and stakeholder group. But there are rules and regulations or terms and conditions under that charter and that's approved then. It's not just the charter they're going to agree to which is the major constitution of that group. But it would also be the terms and conditions and regulations.

And I think we should leave that open because it gives options for the groups to be able to organize themselves and have legal structures as they will as

long as the charter gets approved. So it's not just the charter they're going to agree to but it's also any sub-regulations, etcetera, that may be formed.

And I'm sure that, you know, (Victoria) is aware of these sort of things that happen in most entities or associations etcetera.

(Victoria): No there are only bylaws in ICANN - there are only charters and bylaws I believe in the constituencies and in the stakeholder groups. And we reviewed all of those documents in detail. We've got all the - in great detail - we've got the tables and things that we did in breaking them all down.

So I understand - I don't think there's any substance now. I don't think there's any objection in substance, but I think it probably - without wasting all of our time but I think it is important to be precise. Because if we're dealing with things like asking people to translate documents, you know, then let's be clear about, you know, there aren't hundreds of sub-bylaw rules and regs and statutory instruments and - that they don't exist it's the context. So I don't think it is an issue.

But charter and bylaws...

((Crosstalk))

Zahid Jamil: This is Zahid again.

Olga Cavalli: Yeah, go ahead Zahid.

Zahid Jamil: I'd like to respond to that.

Olga Cavalli: Sure.

Zahid Jamil: Yeah well the thing is that right now most, I mean, I can speak for the business constituency for instance, they're going to have the charter

approved but they are organizing internally at the moment. There's nothing that I know of which would preclude them from having their own regulations and rules under that charter. I don't remember anything that says they can't have it.

(Victoria): Well actually I do think that they - that would be, I mean, because you need the Board's approval for your charter and your charter has to deal with certain enumerators I think that probably is - that probably isn't possible.

((Crosstalk))

(Victoria): I don't think any of the...

((Crosstalk))

Zahid Jamil: If you were to put in your charter the possibility to have rules and regulations because there will be constituencies formed for instance under the (NCUC) - the (NCSG), sorry. You couldn't put that in there. There's nothing that I'd know from the general practice. I mean maybe staff could put me right maybe I'm wrong, is there anything that says that you can't put in a clause that says here's your basic charter and then you can have sort of detailed rules - certain (unintelligible).

(Victoria): I think actually you wouldn't be able to do that honestly because you need Board approval for your organizing documents and we'd have to go back to the relevant role that requires Board - and all the rules on certification etcetera. I do think it's not possible for that reason.

Zahid Jamil: Can we get staff to give us a clarification - is that possible?

Julie Hedlund: Yeah this is Julie I'll seek clarification on that. I don't know off the top of my head. I'll have to consult with Rob on that.

Olga Cavalli: So...

(Victoria): It's not a very important point so I don't want to waste everyone's times with it. So I mean I don't think it's that important. But my only concern here - and it may well be there's just a way of going around it without causing any issue. But my only concern was that I just want to remove any possibility that any of these rules could be unwritten or unknown to the member.

Because like any relationship I mean I'd rather stick with the existing language if anything. But like any relationship the members should know what they're signing up for and what, you know, what rules they're going to have to abide by in advance at the time.

So my only concern was to remove any suggestion of uncertainty or that those rules weren't in writing and known to the member. And probably the existing language is better than any changes we're going to run into issues.

Olga Cavalli: What if we add by rules and regulations including charters and bylaws on the group? We put both.

(Victoria): That sounds good. And as long as you added the word written at the beginning - written rules, regulations including charters and bylaws, I'd be perfectly happy with that.

Olga Cavalli: What do others think?

Krista Papac: Can you repeat the language Olga? This is Krista.

Olga Cavalli: Sure. And help me please...

((Crosstalk))

Julie Hedlund: I've noted it I can repeat it for you if you'd like.

Olga Cavalli: Sure please thank you very much Julie go ahead.

Julie Hedlund: D3 is amended, while applying for membership an applicant has agreed to abide by the written rules and regulations including charters and bylaws of the group and terms and conditions laid down by it.

Claudio Di Gangi: I'm okay with it.

Olga Cavalli: You like it?

Claudio Di Gangi: Yes.

(Victoria): Yes.

Zahid Jamil: I'm fine with it as well.

Olga Cavalli: Krista?

Krista Papac: Yes.

Olga Cavalli: (SS)? Hello (SS)? (Tony)?

(Tony): No comment.

Olga Cavalli: Oh we lost him. Okay thank you very much. So we are okay with D3. All right. So Section 2 Paragraph E, (tenders) of a new application and admission decision as far as possible shall be publicly available and an applicant shall be kept informed about it. (Tenders) of a new application and admission decision as far as possible shall be publicly available and applicant shall be kept informed about it.

In particular the applicant shall be advised of the gist of any objections of the application and be given the opportunity to answer the same. What would gist mean? Can someone help me?

(Victoria): What was that? What was the word Olga?

Olga Cavalli: Yes. Be advised of the gist. What is...

(Victoria): Gist, it means the essence of it, the nub of it.

Olga Cavalli: Okay.

((Crosstalk))

Olga Cavalli: Thank you, thank you very much.

Claudio Di Gangi: I'm sorry Olga, we're on E is that correct?

Olga Cavalli: Yes, yes I'm just reading it again just to be sure that I like it or if I have suggestion.

Krista Papac: It's Krista. I think one of the things that I've seen come up from myself but I'm pretty sure someone else commented on this is that, you know, people that have applied or companies, you know, members - potential members that have applied to a group may not want that information made publicly available.

Olga Cavalli: I was thinking exactly the same, yes. At the same time there might be people that want to know also.

Claudio Di Gangi: But Olga (unintelligible) I think one of the comments I made once was that we could add in a line that says that they would have the option of, you know, the applicant as per, you know, the option of the applicant basically.

Olga Cavalli: What's a normal procedure in constituencies for this? When you have an application and there is some problem how do you proceed usually? If you have an objection say for example an ISP or IPC or other constituency how do you communicate that to them or is it very infrequent or how does it work?

Claudio Di Gangi: Well, I mean, it is - my personal experience Olga, this is Claudio is I really don't have a lot of personal experience with that. I think it is pretty - I'm assuming it's probably pretty infrequent when someone...

Olga Cavalli: I think the same. Just wanted to check if you had some experience. Okay so which was the sentence that you wanted to add Claudio?

Claudio Di Gangi: Maybe deciding in shall be publicly available at the option of the applicant.

Olga Cavalli: I like it.

Claudio Di Gangi: Yeah.

Olga Cavalli: Comments to Claudio's suggestion?

(Victoria): That's fine.

Olga Cavalli: Thank you (Victoria). Krista?

Krista Papac: It's fine with me.

Olga Cavalli: (Tony)?

(Tony): Okay.

Olga Cavalli: (SS) or no (SS) is gone. Zahid?

Zahid Jamil: Hi that's fine, yeah, sure.

Olga Cavalli: Great, thank you, thank you very much. Great we're done with E. Julie did you get Claudio's addition?

((Crosstalk))

Julie Hedlund: Yeah, this is Julie. I've made the change Olga.

Olga Cavalli: Someone else wanted to jump in, I didn't hear the name.

Zahid Jamil: I had a question.

Olga Cavalli: Sure Zahid.

Zahid Jamil: This is Zahid. It says that the applicant shall be advised of the gist of any objection to the application and be given the opportunity to answer the same. I can understand if supposing there's an objection. Is this sort of a hearing process that we're starting to envisage because that becomes fairly lengthy and I'm just wondering what is the intention there?

Olga Cavalli: This is why I was asking which is the normal practice just to learn because I don't belong to any constituency. And this is why I asked you if you could comment something or some experience.

Zahid Jamil: Yeah, I mean, the (DC) doesn't have this sort of process right now for instance so, you know, back and forth if there's an objection the objection is sent to the - you could ask for clarifications. I mean supposing there's not enough information and the people making the decision about the membership want more clarification they can ask for that I guess.

But there's no sort of requirement of sending objections across and then there's an answer. It sort of seems like a court case sort of situation, no there isn't.

Olga Cavalli: So your comment would mean that you want to get rid of the last part of the sentence?

Zahid Jamil: Well I'm trying to find out what the intention was when it was drafted in at the first stages so that I can understand it better because, you know, it doesn't happen right now so I'm just wondering what would be the change?

((Crosstalk))

Olga Cavalli: Yeah, please (Victoria) go ahead, yeah.

(Victoria): Okay I mean, I can't - it's (SS)'s intention, but certainly the way I understood this - and I'm not aware of any practices say at present I'm not sure - I doubt the situation arises very often where there's an objection. But I don't know, and I'm not aware of what any of the groups do about this other than what we know from our review of the regulations and bylaws and charters and so forth.

I did not read this as intending any kind of formal kind of hearing procedure or anything else but really as sort of, you know, basic (CNS) requirement that if, you know, an allegation, you know, if an objection is raised that, you know, with the common sense of the group, you know, there should be an opportunity to answer any substantive issue.

You know, we know that the criteria have got to be predictable and it can't be a discretionary point so presumably it's going to relate to an eligibility issue and what have you. And I think this is just really providing a right of - I think the intention anyway is just to provide a right of reply to the applicant. And it's possible we could use that language if you think that would clarify that.

Zahid Jamil: Right, can I respond to that?

Olga Cavalli: Sure Zahid go ahead.

Zahid Jamil: So it sounds like there's an objection phase, if someone objects to an application you first have sort of a hearing or as a right of reply. And then - the reply is not sufficient then you go through to the, you know, the right of appeal. There's several stages here. Are we putting too many layers onto this membership process?

(Victoria): Okay I think you misunderstood by answer because that's not what I said at all. There's no hearing, there's no appeal. It's just that if an objection is raised which has to be to eligibility because we know from D1 and D2, right, we know that any objections have to be on predictable and objective criteria right so it could only be about eligibility.

It's just that the information in the objection has to be passed onto the applicant and he gets a chance to make an answer. There's no hearing...

Zahid Jamil: Could we change this? Could we change the words...

((Crosstalk))

Olga Cavalli: Can I make a comment? Hold one a second please. Can I make a comment? If we read the following paragraph I think it might relate with what you're talking about.

F, in case of rejection of an application or a dispute the applicant shall have recourse of appeal to a neutral party. The group shall constitute such a neutral third party in consultation with ICANN GNSO. I think they're both much related. And if we make a change in the first one...

Zahid Jamil: Yeah.

Olga Cavalli: ...we consider the second one. Am I correct or...

(Victoria): Well, I mean, I mean, you make a good point Olga that we should consider them together. But of course the appeal is to a third party so it's, you know, I mean, anyway I think that if you want clarification data I suggest that the word opportunity be removed and replaced with a right of reply be given to the applicant in relation to the same.

And I think that that...

Zahid Jamil: Can I...

(Victoria): Would that work?

Zahid Jamil: Can I make a suggestion?

((Crosstalk))

Zahid Jamil: What if we were to say and be given an opportunity to clarify?

(Victoria): To replay.

Zahid Jamil: It's not sort of a challenge coming at him it's more like, you know, we have a clarification we want to know about your eligibility and so the people who - the committee responsible for membership would ask for a clarification and then the respondent would - or the application would - sorry - respond to that by clarifying.

(Victoria): It's a euphemism though is it not? I mean, I understand that's very nice language and it's sort of not going to - but, I mean, really that's just a euphemism isn't it?

Zahid Jamil: The word answer sounds like an answer that you put into an arbitration proceedings or to a court proceedings. It has a different connotation.

(Victoria): Well what about reply?

Zahid Jamil: Again that has also court implications and sort of a pleadings approach to it.

((Crosstalk))

(Victoria): Not to (unintelligible) I don't think.

Zahid Jamil: Yeah but there are a lot of lawyers in the IPC and a lot of lawyers in the (BC).

(Victoria): I mean I don't know changing the wording, I don't love clarification, I think it's a bit - I don't think it quite catches the point but I'm open to a different word myself, I don't know what other people think.

Olga Cavalli: So we have two suggestions, clarification by Zahid and reply by (Victoria). Am I speaking right?

(Victoria): Yes.

Olga Cavalli: Any comments? I think both are different. I think both mean different things. I'm not saying I don't like them I'm saying that they are both different. Given the opportunity to clarify and given the opportunity to reply.

(Victoria): What is - yeah, I mean, my original...

Olga Cavalli: To reply with clarification? What about that?

(Victoria): I could live with it.

((Crosstalk))

Olga Cavalli: To reply with clarification. Zahid.

Zahid Jamil: Yeah that'd be fine because you're making a clarification. When you say you've got an opportunity to answer you're basically answering an objection. So in the mind of a lawyer, I mean, coming from (unintelligible) educator in England it sounds a lot like a sort of a pleading situation. An objection's been filed write a response to it or reply to it.

And so it gives us sort of a more - a different connotation. That's why I was just trying to get away from that language and avoid the sort of arguments that may take place in groups about what is meant by the standard or, you know, what the procedure - because this is very vague.

And then you have to have procedures built in within this process as well. So if it could be watered down to clarification I think that would help. That's my input.

Olga Cavalli: But I made a suggestion to reply with clarification.

Zahid Jamil: That's be great, thank you.

Olga Cavalli: Julie did you get the language?

Julie Hedlund: Yes what I heard Olga - this is Julie - was (unintelligible) the applicant shall be advised of the gist of any objection to the application and be given the opportunity to reply with clarification.

Olga Cavalli: Reply?

((Crosstalk))

Olga Cavalli: Sorry I didn't hear you. The opportunity to...

Julie Hedlund: The opportunity to reply with clarification was that what you said?

Olga Cavalli: Yes this is what I said. We like it? I take silence a yes.

(Victoria): Yes.

Olga Cavalli: Great. Okay Section 2 F, I just read it, I think it's quite related with the previous one. In case of rejection of an application of a dispute the applicant shall have recourse of appeal to a neutral third party. The group shall constitute such a neutral third party in consultation with ICANN GNSO.

One question does this exist today?

Claudio Di Gangi: I don't think so Olga. This is...

Olga Cavalli: Thank you Claudio. Just to know if...

(Victoria): Well can I just raise a question with it because there's the ombudsman procedure isn't there? And there are also other rights of appeals, you know, for objections and I don't know what they all are but there are a few of them I believe aren't there?

I don't know if Julie or any of the staff may be able to help on that because there are some, I mean, if you're anybody who's annoyed about anything can apply to the GNSO Council I believe can't they?

Julie Hedlund: Well this is Julie. I believe that one can bring an issue to the ombudsman. I think one could also bring an issue to the Council but I'm not sure of the procedure for that.

But I don't know that - I don't know how that relates - I don't know that there is a procedure in place right now for an appeal to a rejected application being raised as an issue to the ombudsman which is I think why we're making a recommendation here because I don't know that there is a consistent practice in place.

Olga Cavalli: Just was asking there is some experience about it or if this procedure exists. So is this okay that we're proposing this in this document or...

(Victoria): I have a question as well about it.

Olga Cavalli: Sure go ahead (Victoria).

(Victoria): I'm just a bit - maybe I don't understand the thinking behind it but the group who's just rejected the applicant can't be a neutral third party I wouldn't have thought.

So I'm just wondering why it's the group not some other part of ICANN that's been selected. I mean I would have thought it would be better if it was the ombudsman or the Council or the Board or something else but I don't know what others think.

Krista Papac: Olga it's Krista. I'm confused, I'm sorry, which letter are we on?

Olga Cavalli: We are in Section 2 Paragraph F. And it's in case of rejection of an application or a dispute the applicant shall have recourse of appeal to a neutral third party. The group shall consider such a neutral third party in consultation with ICANN GNSO.

I have a question how can the group constitute a neutral third party?

((Crosstalk))

Claudio Di Gangi: Olga, this is Claudio. I think basically we're just - I think the idea was to give the group some flexibility maybe they would choose the ombudsman or they would choose another neutral third party. And I'm just thinking this language is sort of, I mean, the option in selecting how do they want to go about a appeals process.

(Victoria): That's helpful. Claudio could I just suggest then if that's the case would it be clarifying to take the word constitute and put select or nominate?

Olga Cavalli: Yeah because...

((Crosstalk))

Olga Cavalli: ...they won't constitute a neutral third party because it won't be neutral it's the (unintelligible). So I like that word which was it?

(Victoria): Either select or nominate.

Olga Cavalli: Okay. The group shall select or nominate or...

(Victoria): Either of those.

Olga Cavalli: Either, yeah - a neutral third party in consultation with ICANN GNSO. I like that change. What about the others? So the...

Zahid Jamil: This is Zahid. That's a good change. It allows the group to decide what that neutral third party will be so that's a good change, yeah.

Olga Cavalli: So we like - which of the two words we like better? (Victoria) the two suggestions were?

(Victoria): Select or nominate.

Olga Cavalli: Select or nominate. I like select better.

(Victoria): It's plainer.

Olga Cavalli: Yeah.

Zahid Jamil: Yeah, select is better.

Olga Cavalli: So you get the change Julie?

Julie Hedlund: Yes, this is Julie. Olga, I've made the change.

Olga Cavalli: So we like it? Great. Section 2 Paragraph G, every member shall remain in good standing until the group has decided otherwise. The reason that such status can be imperiled shall be certain and predictable and not arbitrary or discretionary. In such an event the member shall be given an opportunity to be heard. Appropriate procedures shall be made to such an eventuality.

The effect party shall have the right to appeal to a neutral third party. This is much related what we have been talking about and I think that we have to check not arbitrary or discretionary in relation with the language that we already wanted to change before. I don't know if we did. I don't think we did. But we wanted this.

Julie Hedlund: This is Julie, Olga. I can make the change so it's consistent.

Olga Cavalli: Yeah but there was a sentence before that - D1 but I think D1 was going to be re-drafted by Claudio and (Victoria) so perhaps we can wait until we find a good text for D1 in relation with arbitrary or discretionary and see how it fits here because it's the same reference.

Krista Papac: Olga it's Krista. Another thing I kind of think about here is that I don't think - at least the way it works in the registrar stakeholder group, the group doesn't,

you know, if somebody is not going to be in good standing and I don't even know that we've ever had this come up but that would be based on the charter not sort of a group, you know, decision.

I feel like a group decision, at least the way I'm reading it, almost sounds like every sits around a table...

((Crosstalk))

Krista Papac: ...and says, you know, that guy's not being good, what do we think we want to do as opposed to sort of going by what the charter of the group says about what's good standing and what's not good standing.

Olga Cavalli: I understand your point.

(Victoria): Yeah, I would agree with Krista, yeah.

Olga Cavalli: Yeah so which would be a change in the language to fit that idea. Every member shall remain in good standing until the group has decided otherwise following what is stated in the charter - in the group's charter, something like that?

Krista Papac: Yeah or I mean I would even - sorry - the - it's Krista. I mean, the reason that status can be, you know, imperiled or changed or whatever should be based on the group's charter.

Olga Cavalli: Okay that's a good point. So we include it after. The reason that such status can be imperiled - imperiled is to be in danger right?

(Victoria): Yes.

Krista Papac: I'm not sure.

(Victoria): Yes.

Olga Cavalli: No me neither. I don't know the words very well so that's why I'm asking. Shall be certain and predictable which was your suggestion Krista following not arbitrary or discretionary following the group's charter right?

Krista Papac: Yeah I mean or even something - every member shall remain in good standing unless, I mean, off the top of my head until reasons that such (unintelligible) can be imperiled, you know, based on the charters. It would have to be cleaned up by, you know, I don't think it should be a group decision I think it should be based on the charter and I don't feel like that really is reflected here.

Olga Cavalli: Yeah I agree. And you make a very good point. So we are okay including some wording about the charter as a reference here? Are we okay with that?

Claudio Di Gangi: Olga you could say, I guess, that, you know, until the group has decided otherwise as per its charter provisions.

Olga Cavalli: I like it. We like it?

Krista Papac: I like it.

Olga Cavalli: Great. Others? Julie did you get Claudio's comment?

Julie Hedlund: This is Julie. Yes, Olga, I have got them and made the change, thank you.

Olga Cavalli: Thank you, thank you very much. Okay Section 2H, district members and their (unintelligible) shall be publicly available on the group Website. Individual members shall have the right to have publication of address and other contact details withheld to protect their privacy.

All members unless otherwise stated shall - stated shall be eligible to participate in the business of the group and have voting rights as applicable.

Comments?

Krista Papac: It's Krista again.

Olga Cavalli: Sure go ahead Krista.

Krista Papac: You know, this is - there's a couple things. All members can participate in the business of the group and have all - and have voting rights where applicable. So in the registrars (unintelligible) group we have voting members and nonvoting members. And each registrar that, you know, qualifies to join the group, i.e. they're an accredited registrar is allowed one voting member.

So we have members of our group that have multiple people that are members of the group - we have like one company, for instance, can have as many members as they like but only one voting member. And when we have voting member sessions the only people that are able to participate in those are the voting members.

So, you know, participating in the business of the group all having voting rights, I mean, I realize we say as applicable but I - participating in the business of the group - I don't know if the as applicable is applying to both voting and the business of the group or just to voting?

((Crosstalk))

Krista Papac: ...it could argue that if you're a nonvoting member when it comes to certain business, voting business, I don't know maybe I'm talking in circles.

Olga Cavalli: No I think it's not clear. I think it's somehow confusing.

Claudio Di Gangi: It does state - this is Claudio. It does state unless otherwise stated. So I think that provision might I think address what Krista's concerned about.

Olga Cavalli: Which is your suggestion Claudio? I'm sorry I didn't get it.

Claudio Di Gangi: It says all members unless otherwise stated. So that's what I'm referring to that provision.

Krista Papac: Well I see what you're saying. So meaning if it's stated in the charter that they can't...

Claudio Di Gangi: Right.

Krista Papac: Fair enough.

Olga Cavalli: Maybe it needs a comma? All members unless otherwise stated comma shall be eligible to participate in the business of the group and have voting rights. I would take out as applicable I think it confuses.

Krista Papac: I like the comma and I actually prefer to keep as applicable in because voting rights are...

((Crosstalk))

Olga Cavalli: If they have voting rights that's okay, if they don't then that's also okay. It depends on the rules. So we take as applicable out?

Claudio Di Gangi: Yeah I think we should leave that in.

Krista Papac: I agree but I like the added comma.

Olga Cavalli: Great, (Victoria)?

(Victoria): Yes I'm happy.

Olga Cavalli: (Tony)? Zahid? Okay I take silence as a yes.

Zahid Jamil: So, yeah, that's fine. Sorry I was on mute. Yeah.

Olga Cavalli: Thank you, thank you, no problem. We are almost finished. We have nine minutes. Section 2 H - I - I. A group may - how do I read that? (Levi)? (Levee)? (Levy) reasonable membership (be) in keeping with the capacity of its members and the group's subjects. Such fees shall be decided in the general body of its members. Comments? How do I pronounce (Levy)?

Krista Papac: Levy.

Zahid Jamil: Levy.

Olga Cavalli: Claudio do you want to say something?

Claudio Di Gangi: No I think I'm okay with it.

Olga Cavalli: No I'm sorry I just thought you were trying to talk.

Krista Papac: Olga the word is pronounced levy. It means access a fee I guess.

Olga Cavalli: Okay thank you. I improve my English also with the group working.

(Victoria): The only thing I would note is this is a bit repetitive. I wonder if it should refer back to our 1C?

Olga Cavalli: Yeah I think we already talked about this before.

(Victoria): Arguably repetitive and/or slightly unclear. And maybe it should be incorporated with 1C?

Olga Cavalli: Yeah. In which paragraph it is before?

(Victoria): One C.

Olga Cavalli: I remember we talked about it. I think it's Section 1.

(Victoria): Yeah, 1C.

Olga Cavalli: C, okay. All groups shall (unintelligible), yeah. Yeah, we should work on putting both together. I don't know what others think but I think it's quite related. I don't think there's a need for this paragraph having 1C.

(Victoria): I agree.

Olga Cavalli: Because it - the concept is already taken. I will take it out. Comments? We like taking Section 2 Paragraph H - I out because we have Section 1C as a clarification of that? Comments? You like the idea? So you agree (Victoria)?

(Victoria): Yeah, I agree Olga, thanks.

Olga Cavalli: Zahid, you like the idea of taking it out?

Zahid Jamil: That's fine.

Olga Cavalli: Claudio?

Claudio Di Gangi: Yes.

Olga Cavalli: Krista?

Krista Papac: Yes.

Olga Cavalli: (Tony)? Great. So now it's J but it should be I. No legal or natural person shall be entitled to join more than once constituency or stakeholder group as a voting member. Is this really true? I mean I cannot be a member of two constituency having voting rights? I'm just asking I don't know.

Zahid Jamil: I don't think that's currently the rule, Olga. I think that's...

Olga Cavalli: I think this is limiting people. And I don't like that but I'm just wondering if this is the normal...

((Crosstalk))

Olga Cavalli: (Victoria), go ahead please.

(Victoria): I think there are obviously quite serious issues. I don't necessarily pretend to know what they are about particularly well - I mean, I think there are some quite serious issues here. I have never explored them.

But if you think about very large and powerful groups with many subs, the ability to distort the process and distort any pretense at democracy, there's obviously enormous potential for that, you know, with very large multinationals etcetera who for example might be rights holders, might also be business and might - certainly so you could, you know, basically, I mean, I can see that there's real danger of distortion between the business constituency and the IPC.

I don't know if other people have views on that.

Krista Papac: It's Krista. I mean I could even see where registrars could I believe go join the constituency and, I mean, I don't - I think a company or a legal entity or a natural person - to me it seems reasonable that they would be able to cast one vote on behalf of their legal entity in whichever constituency or group they feel that it's appropriate.

But giving any organization more than one vote in the process doesn't seem - it seems like it's going to throw things off balance to me but.

Claudio Di Gangi: Olga, this is Claudio. I've actually - I've struggled with this because, you know, just following up on what Krista and (Victoria) said like I agree that, you know, there's potential for gaming of the processes and, you know, it being done in an illegitimate way. And so I think that, you know, we'd want to avoid that.

At the same time, you know, I could see an organization having an interest or stake in different groups and wanting to participate in different groups because, you know, its interests are impacted. And, you know, the result of this would basically be that they could participate but, you know, for I guess on voting issues wouldn't be allowed to vote. And that might limit them, you know, to some extent.

I think the other element with this is that a constituency or stakeholder group I think would always be free to itself put into its charter that if you participate within that group, you know, you couldn't - I think they could sort of put these restrictions in themselves. I'm not sure if it has to be sort of a rule going across the entire GNSO.

Like for example I could see a constituency saying, you know, we only allow members who do not, you know, vote in other constituencies let's say for example. So again I've struggled with this one because I could - I see the problems, the potential gaming issues. And, you know, I think it's reasonable to sort of propose, you know, you need to pick what group, you know, primarily is your interest within ICANN.

But again just because it is a diverse organization somebody might have different interest and sort of want to participate and vote in different groups.

But, you know, I'm willing to sort of go with the direction that, you know, people feel comfortable with.

Krista Papac: Olga it's Krista.

Olga Cavalli: Krista, go ahead please.

Krista Papac: So I think, you know, Claudio, at least as I understand this you can participate in multiple groups you can just only vote in one which I agree with. I think that people do have varying interests or, you know, different parts of their business. I mean, my company is one of them that, you know, we have multiple interests.

But I don't think because of multiple interests we should be able to vote in multiple places. I think that skews the process, one. And two, I mean, I think you're also saying the same thing give or take.

I think by the other side of it - or your suggestion of constituencies or stakeholder groups putting in their charters that they don't allow you to vote if you are voting somewhere else I think that could still allow gaming, because a constituency or a group could opt not to put that in their charter in an effort to allow gaming if that makes...

Claudio Di Gangi: Yeah.

Olga Cavalli: Thank you Krista. And I'm sorry it's two hours now. And I think that it is - this is an important sentence that maybe we have to discuss among the other members of the working team. Sorry to interrupt you because I think it's relevant to have really a good understanding about this one.

So if you allow me we should finish now and I will make a short summary in the list stating who - small groups that we will work on some wording. Julie,

am I correct is next week I don't - I know we cannot organize a conference call.

Julie Hedlund: Yes, this is Julie, Olga. Unfortunately next week the ICANN policy staff will be unavailable. At this time we'll be catching up meetings in Marina del Ray for a retreat to plan for GNSO improvements. So...

Olga Cavalli: So our next call would be in two weeks.

Julie Hedlund: That's correct.

Olga Cavalli: Could we make a two-hour call in two weeks at the same time on Friday? Is this okay for the group?

Claudio Di Gangi: Olga, you know, two hours I think might be a little long. Could we - I'd suggest maybe like - I leave it up to the group.

Olga Cavalli: Yeah, you're right Claudio it's - this is why I didn't want to go longer today. The issue is that we are discussing final version of the documents. We are almost done with subtext, Draft 1.1.

And we would start with (Victoria)'s document, 1.2. So that's the idea of having more time. I know it's complicated for everyone but, I don't know, I leave it to the group. I can do that.

Claudio Di Gangi: I could do the two hours too I just wonder if, you know, if other people can.

Olga Cavalli: Okay let's see in the list if we can ask if we are more about two hours or one hour. I think we made a very good progress today. And I would summarize what we changed and Julie will also post everything to the Wiki.

And thank you very much. Sorry for interrupting you but I must leave right now. And have a very nice weekend for all of you.

Claudio Di Gangi: Thank you.

(Victoria): Thanks Olga.

Krista Papac: Thank you.

((Crosstalk))

Julie Hedlund: Have a good weekend. Bye-bye.

END