

**GNSO  
Operations Steering Committee (OSC) GNSO Council Operations Work Team  
22 September 2010 at 17:00 UTC**

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Participants on the Call:

Ray Fasset – Registries Stakeholder Group

Wolf Ulrich Knoben – ISPC

Ron Andruff – CBUC

Avri Doria – NCSG – vice chair

Staff:

Ken Bour

Robert Hoggarth

Liz Gasster

Gisella Gruber-White

Julie Hedlund

Apologies:

none

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

Gisella Gruber-White: Thank you. Good morning, good afternoon and good evening to everyone on today's call. We have Ray Fasset, Avri Doria, Wolf-Ulrich Knoben, Ron Andruff. On staff we have Ken Bour, Julie Hedlund, Liz Gasster and myself Gisella Gruber-White. I do not have any apologies noted. If you could please remind everyone just to state their names when speaking for transcript purposes. Thank you. Over to you Ray.

Ray Fassett: Thank you very much this Ray Fassett. A couple of housekeeping items. One, I'm going to recommend that we do not have a group hug for reasons of kinkiness. Number Two, I do have a hard stop today unfortunately. A conflict has arisen at 1:30 and I'm going to ask - put Avri on the spot to - if this call goes past 1:30 which I suspect it will, if she will go ahead as the Vice Chair take over the Chairmanship of - Chairpersonship of this meeting and there are no objections from other work team members of course.

Man: Mm-mm.

Avri Doria: Okay.

Ray Fassett: Okay. And then the third housekeeping item is, I've been - as a Chair I've been a little bit more vocal than usual I think in terms of opinions or expressing views or shaping if - or however you may want to be characterized. And I think I've heard just a little bit of push back from the work team members on that and I want to acknowledge that I recognize that and I also think it's very healthy in that regards.

So with that said, I would now like to take a little bit of a step back unless I can't for whatever reason keep my big mouth shut, and assume the role of this Chair in - you know, in my capacity of guiding rather than influencing -- let's put it that way. So you know, unless there are any objections to those housekeeping items, I - we should I think go right to the agenda.

Okay. So the agenda today is a discussion as it pertains to the abstention procedures, I believe. Is there somebody maybe from staff that can give a background of what this agenda item is entailed to get us started?

Julie Hedlund: Ray this is Julie. So I wasn't on the last call. I can go back to the original message that Rob had sent around but Liz - Ken were you on the last call? Was there any discussion of this or is this just one of the items that didn't get picked up on the last call?

Ken Bour: This is Ken and I don't remember any specific discussion around abstentions that was to come up. I'm happy to answer anything that the team you know, would like but I don't know what the - I'm not sure what the issue or item is here.

Wolf-Ulrich Knoben: Well it's Wolf speaking if I may. Because I think it's about the point which I have raised you know, last time and the last council meeting. So at the council meeting we had two items, two - or two issues with the voting. The one was with regards to abstention. The other was with regards to proxy voting.

With regards to abstentions, it was my impression you know, I think Ken you sent around the - and you produced a very nice graph with regards to - and a spreadsheet with regards to abstention and proxy voting, so to have a quick look, you know, how it works. And I couldn't find it again you know, where it is placed and in which - on the Website but if I remember well, it is about you know, showing abstentions and proxy voting.

And if I remember correctly to me when I saw it first time, I got the impression when I looked to that, to that graph so that it's no outcome let me say, of the - this is official procedure with regards to abstention, which means if somebody likes to abstain so he has to through the official procedure with regards to his or her stakeholder groups and/or constituency and has had to ask them. So that was my impression.

So I was not very sure the last time whether I could - I had to write you know, to abstain on the spot at this meeting because it came to me - with regards to some (unintelligible), I would like to abstain but I wasn't sure that I could or whether I should at first go through that.

So I would like to have - so it's because of that uncertainty, I would like have to have a very clear indication and I think what (David) as well, but I also would like to be sure that everybody who is looking to that graph is - could be comforted with that. Every council member you know, new council member as well, so that's my issue.

Ken Bour: This is Ken. Thank you. That was excellent and it did refresh my memory as to the issue that happened on the last council call and the ensuing emails that occurred thereafter. Ray is it - should I begin to sort of talk about this now or do you have any preliminary you want to go through first?

Ray Fassett: No, I think it is appropriate for expediency sake. I don't know if Ron has anything he wants to add or Avri but barring that, I would - I think it would be good for you Ken.

Ken Bour: I...

Wolf-Ulrich Knoben: Excuse me guys. It's just worth speaking. Ken could you give us an indication where we can find this graph?

Ken Bour: Yeah. Yeah, exactly I will but one of my first things to do. So yeah, why don't we go ahead and...

Liz Gasster: I did give the link out. By the way it's Liz.

Ken Bour: Oh okay. Great thank you.

Liz Gasster: (Unintelligible) on the group.

Ken Bour: If you go to the GNSO Website and look down the left menu for the GNSO improvement home page - I'm sorry that's not where it is. Go down the GNSO site, go down to where it says GNSO Council. Sorry. And then the third item under council is documents and if you click that, then it will take you to a page. The very first top of it shows GNSO Council Administrative Documents.

Wolf-Ulrich Knoben: Yes.

Ken Bour: And then you'll see abstention guidelines. And then underneath that, you'll see visual procedures map and that's what we want to look at right now.

Man: Okay. Ken could you go through that again just a...

Ken Bour: Sure.

Man: ...little bit slower this time?

Ken Bour: Sure.

Man: I'm on a GNSO homepage.

Ken Bour: Okay great. Scroll down on the left where the menu is in blue. Go down to where it says GNSO Council. It's down quite a ways.

Man: Yep.

Ken Bour: And then under there there's three items. The third one is documents.

Man: Right.

Ken Bour: Click that. It should open up a page now that you will see at the top and the first major heading is GNSO Council Administrative Documents - administration documents. That's where the GNSO operating procedures are currently held -- Version 2.

Man: Right.

Ken Bour: And then right underneath that there's abstention guidelines.

Man: Right.

Ken Bour: And we have two bullets there. The very first one is called visual procedures map. And if you'll click on that it will take you to a page that Wolf-Ulrich has alluded to, and when we're finished with that we'll come back and look at the abstention notification form also if necessary, but let's start with the map.

Wolf-Ulrich Knoben: Mm-mm.

Man: Thank you.

Ken Bour: Now the map was - this map, this colorful diagram was prepared at the request of the Chair of the Council, Chuck Gomes...

Wolf-Ulrich Knoben: Mm-mm.

Ken Bour: ...as a way to help take what is the very set of - a very complicated set of procedures on the abstentions and try to get it all in sort of one page where people could sort of follow through as to how it really works.

With respect to the - and before I do that, I just want to address the points that Wolf raised and some of the confusion that occurred at the council meeting. Around the question of do counselors have the right to abstain and can they do so on the spot? And can they also direct to whom they wish to make their proxies or can they transfer their vote to somebody else at their discretion? And the answer to all those questions is No.

And those of you who remember the procedures of - and our deliberations in getting them drafted, one of the overriding principles was that the stakeholder groups/constituency owns the vote. And so we wrote the procedures in such a way that those organizations make the determination as to A, do we want to invoke a voting direction, a proxy or a temporary alternate and in any particular case, and if they do then they also decide who gets picked and so forth and so on.

Avri Doria: Ken I have a question at this point about that.

Ken Bour: Sure.

Avri Doria: This is Avri.

Ken Bour: Hi Avri. Yes sure.

Avri Doria: The question I want to ask is Yes, the counselor can't but can the - if the group has decided that the Chair of the stakeholder grouper or constituency is responsible for handling that and is notified even at the beginning of the

meeting or even partially through the meeting, can that Chair make the request? And I don't believe that would be against what we wrote.

Ken Bour: Well what we said in the procedures is that the - well, what the GNSO operating procedure say is that all of the procedures related to abstentions and voting remedies must be concluded before the GNSO meeting at which the remedy will be exercised.

So I would say it does not allow it to happen during the meeting for sure. And it would have to be - we didn't say it had to be the day before, the hour before, but you know I think obviously the sooner it happens it just gives (Glen) the opportunity to do what she has to do.

Wolf-Ulrich Knoblen: I'm sorry. So Ken if I may. It's Wolf speaking. So I have a different view on that. I thought you know with regards to abstention, it would be allowed to abstain on the spot right now. That's what I understood from Rob's...

Ken Bour: Yes but let me clarify. Thank you very much. This is Ken again.

Wolf-Ulrich Knoblen: Uh-huh.

Ken Bour: You can abstain on the spot but you - what can't be done is to generate a voting remedy on the spot.

Wolf-Ulrich Knoblen: Yeah okay.

Ken Bour: Yeah okay. So a counselor can certainly abstain and give the reason and the abstain counts like a no vote. What we were - yeah, and I should have been clear. What we're talking about here is not the abstention but the remedy to the abstention and that can't be done on - yeah okay. Did that help?



Wolf-Ulrich Knoben: I'm sorry. So the remedy of the abstention - okay yes I understand. So that's on the - up to the stakeholder group or the constituency.

Ken Bour: Correct. And so the way the procedures actually are written, here's the sort of two steps simple process.

Wolf-Ulrich Knoben: Mm-mm.

Ken Bour: A counselor who is either going to be absent and as a result of the absence wants to say that all the votes I would otherwise have made in my absence, I'm going to abstain on all those, right? You don't have to, right? If you just say, "I'm going to be absent," or you are absent and no provision is made, then those absences are just counted as absences and they register as no votes.

But if I'm going to be absent and I want my - some remedy to be available to my organizations -- they call them group constituency -- then I have to notify somebody and that's the first step. And that would occur whether I plan to abstain on a vote, whether I plan to be absent on a vote as long as ultimately the remedy is to be - as long as the - that abstention condition is to be remedied.

So the first step - and I'm going to - as I go through this map, I'm going to actually show you we've actually drafted some sample emails so that people can actually cut and paste and send them to their organizations.

So in a second step then is the organization's step, which they say, "Okay, we noticed that the counselor - you've told us that you're not going to be there or you're going to abstain on a vote, and now it's up to us to decide," and this

goes to Avri's question who gets to make that decision. And we left it pretty broad in the procedures.

And in fact I remember the discussion on that. We said we did not want to specify even what a consensus position looked like inside of an organization, that they would be able to write procedures themselves as to how they would meet the requirements of the GNSO operating procedures themselves.

And so the - if the charter of the staple of a group says that in certain circumstances, the chair can decide what the "consensus position is," then I think that qualifies. Now any questions so far?

Ray Fassett: This is Ray. I just want to get a clarifying point. So regardless of the reason for abstention, if a counselor is at a meeting, suddenly something gets said you know on the spot, unexpected and that counselor says to themselves, "Oh, I might have a professional conflict of some kind here. I just need to abstain as of this point in time." They're allowed to do that.

Ken Bour: Absolutely.

Ray Fassett: Yeah they're allowed. This is about remedies. What can't be and what can't be implemented during a GNSO council meeting is the remedy of an abstention. So I think there's a distinction between the two. Is that pretty much it?

Ken Bour: Yes that's - I think that's exactly it.

Ray Fassett: Okay great. Thank you.

Wolf-Ulrich Knoben: Sorry. My question to both, that's my question is, is it clear also from that picture you know that this distinction is made here? You know what I mean? That if it's - what I was confused a little bit looking to the - to that picture, because if you go to the picture it only says, "Yes you have to go." In any case abstention, you would like to abstain you have to go to that procedure. There's - to that procedure. That's what the pictures ask.

Man: So I might have a suggestion. I might name the image, "How to remedy an abstention."

Ken Bour: Thank you. That's a great suggestion and that would be easy to do and I agree with you that the procedure shouldn't say "Abstention at." It should say, "Voting remedies due to abstentions, absences and vacancies."

Wolf-Ulrich Knoben: Okay.

Ken Bour: Yeah and I will fix that.

Wolf-Ulrich Knoben: Mm-mm.

Ken Bour: The - while we're on the topic though Wolf-Ulrich, the procedures do require - do they require? They strongly encourage if not require -- I have to look at exactly what we said -- that if I'm going to abstain I do have an obligation to notify my organization.

Wolf-Ulrich Knoben: Mm-mm.

Ken Bour: And I think by the way, many people are starting to write their charters to say the same thing. Meaning you know, hey if we're going to have the opportunity to remedy an abstention you have to tell us counselor, and our

charter is now going to be obligate you to tell us in advance wherever practicable, right, that you're planning to abstain.

So the thrust of this entire procedure was in fact to give stakeholder groups and constituencies the opportunity to remedy an abstention. And so there is a sort of requirement that counselors notify in advance as far as possible, when the situations occur to the best of their ability.

Wolf-Ulrich Knoben: Yeah.

Ken Bour: Having said that, what I'd like to do is sort of walk through this map. It - well let me ask the question. Does anyone want me to walk through the map?

Ron Andruff: Well this is Ron. You know, I just - I'm listening to the dialogue here and I'm looking at this map and the thoughts going through my mind, there's a very big difference between abstention and an absence. And have absences come up at all in these calls recently with the GNSO or is it just the abstention issue that's cropping up as being problematic?

Ken Bour: This is Ken. This is Ken. And actually, there was a case that did crop up. I think maybe it was Wendy Seltzer that was going to be absent, and so there wasn't - I think there was one - I think maybe the cases that did come up were both absence driven.

Avri Doria: They were. One of them was an absence where as soon as I discovered it, I sent email mentioning that I wanted the vote to be proxied but of course, I sent the email once to the list - I mean once the meeting had started, so it was by definition ignored.

Ray Fassett: That's for the stakeholder group?

Avri Doria: Yeah.

Ray Fassett: Yeah okay.

Avri Doria: Basically yeah.

Ray Fassett: Mm-mm. Hm, Alright so...

Avri Doria: I mean, as we've always said in this, we have a strict policy of no directed votes...

Ray Fassett: Well let me...

Avri Doria: ...in the stakeholder group, so there would never have been a stakeholder group. It would have just been a proxy vote given to another member of the council.

Ray Fassett: Well let me just ask you Avri since you had the actual experience, if others don't mind. Did you find that irritating? Did you find that not correct? Did you find it...

Avri Doria: I found it incredible irritating. Yes.

Ray Fassett: Okay. So...

Avri Doria: But you know, it is obviously what we agreed to. I had missed the fact that we had agreed to there being a drop dead timer and so on. So I had thought that just my sending them out as soon as it was found out would be good enough but you know, obviously somewhere along the line we recommend that a rule

- and one that got approved, that included a drop dead timer, so you know, so (unintelligible).

Ray Fassett: Well let me just stay on this for a minute okay? If you don't mind and...

Avri Doria: I don't mind.

Ray Fassett: ...I don't mean to use you as a guinea pig either but...

Avri Doria: Okay. I'm okay.

Ray Fassett: ...I just want to ask questions so to speak. Was - this was due to an absence, correct?

Avri Doria: Yeah.

Ray Fassett: Was it - what - can I ask? Was it an absence that was sudden not planned?

Avri Doria: I think it possibly was known about in advance. I think that I was very much in transit at the time and didn't pick up on it until just as the meeting was starting.

So because the absence required two things. It requires (unintelligible) person notifying in advance, but that the person that have to do something about it happens to be paying attention and you know, basically I was in transit or doing something or other, and only found out as the meeting was starting that you know, that Wendy wasn't going to make it and could we do the proxy? And I tried to establish it at that point but like I said, it was too late.

Ray Fassett: So...

Avri Doria: So it was my fault...

Ray Fassett: ...let me...no.

Avri Doria: ...for not being on top of it.

Ray Fassett: Yeah, so let me just continue on. So is the - for your group was it - is that because of what you had - how you've incorporated these procedures into your charter that made you sort of the single point of success?

Avri Doria: Well I think that you know, it - we're still figuring it out. Yes. A mail should have been sent to the policy list as opposed to you know, just incidentally and we should have done more. I think we're still learning. It was the first instance and we're still learning how to deal with it.

Ray Fassett: So and one last question. Do you think it is worthwhile for your group to continue to explore how to remedy incorporating these rules or do you think it is more appropriate to go back to these rules and find the remedy there?

Avri Doria: I think - but I think the rules have been established. I think we need to figure out how to live with the rules we've set, and I think that that standing committee that's being formed -- at least I think it's being formed -- to review the implementations of how it works, should get varying - they call the group constituencies, impressions you know, experience after a couple of weeks of living with these things and then look at any changes that would be needed.

I don't think I'd recommend making changes no matter what I feel about it, making changes at this point and stuff that's been you know, discussed, proposed and approved.

Ray Fassett: So...

Avri Doria: (Unintelligible) living with it, let's implement it and then if it's impossible to get used to, if we really discover that it's brain dead then you know, once we have some experience and know exactly what's wrong and exactly what needs to be tweaked, we can do that.

Ray Fassett: Alright. So let me throw this out to the group. So if I'm hearing you correctly you would prefer as a member of this work team not to be going down the path of investigating tweaks to the rules, but instead have that be a - be part of the work team that is overlooking, overseeing or providing guidance or advice as it pertains to the implementation of the procedures.

Avri Doria: Yeah, I think we need experience. We need to see how it works. We need to review the implementation and such. I think what I had was an experience that you know, alerts us to what we need to do and I think that's part of implementing something new and I should say it was highly irritating and I was highly irritable about it, but that being beside the point.

Now I think this group should really finish whatever decisions we have and then everything should move over to the implementation review, implementation oversight spending groups.

Ray Fassett: Alright. So the only question I have for everybody on the call then is A, are you in agreement with that; and B, is there any validity out there that you've been hearing in terms of the difficulties or complexities of trying to implement these rules as they are now into charters. To - in other words, if - is there too much - is it causing too much work, too much effort, too complicated whatever the reason.



We have basically from the rules of procedure reached down into every stakeholder group or constituency and said, "Okay, these are yours now to modify your charters as you see fit," which is a line we didn't want to cross, right? So now my question is, is it proving too difficult?

Avri Doria: Okay.

Ray Fassett: Is it...

Avri Doria: Can I say what we did?

Ray Fassett: Yeah. Mm-mm.

Avri Doria: What we did is we put in basically a couple of lines saying, "The policy committee is responsible for coping with whatever rules the GNSO creates on -- now granted this charter is still undergoing approval -- but is responsible for coping with whatever rules are put in for abstentions and vacancies. They need to you know define these procedures, write them up et cetera, but it's actually how they deal with them. It's not being put in the charter, just the committee is being responsible for coping with all this nonsense.

Ken Bour: Ray this is Ken. At the request of the business constituency, I drafted up charter language that they could insert into - they're also completely rewriting their charter. And you know it's a few paragraphs that deal - that just sort of sets up inside of the constituency the capabilities to take advantage of these new procedures.

It's not terribly long and complicated and there are only a few steps like the charter needs to explain to the counselors inside the charter, right, what those

counselors' responsibilities are in the event that they abstain and the event that they might be absent and so forth.

And then it makes provision for the utilization of proxy direction, establishing consensus positions and how - and under what circumstances they do that and how they go about it, and who gets to decide if there isn't enough time and so forth and so on. And then the - and that's pretty much it.

Avri Doria: That's the reason...

Ken Bour: Okay. And that's pretty much what Avri just said, and I have read hers also and they're pretty good.

Ray Fassett: I'm going to have to interject you. I may have to drop off now at any moment...

Avri Doria: Okay.

Ray Fassett: ...and so, if you hear me go away you'll know why. Anyway if I drop off, I would be curious after the completion of this call to find out so if the work team is in agreement that you know, our work is done if you will on abstentions and this is now really about implementation.

Wolf-Ulrich Knoben: Yeah.

Ray Fassett: And if we're - if the group is in agreement on that or not or maybe everybody is now. Any thoughts on that? Question?

Ron Andruff: This is Ron. I'm still not quite sure you know where the situation is. I'm inclined to agree with what you just said Chair, that we you know let this

continue to unfold for a while and see if we can hit more bumps in the road or it if sorts itself out. You know, anything new takes a while to digest and understand.

But did Wolf-Ulrich get his question resolved because I'm sorry. I'm maybe a little thick today. I just didn't hear a resolution there. Wolf how was that for you in terms of this whole story? Do you feel you can now abstain on the spot because of something come popping up? I mean, how do you feel about that?

Wolf-Ulrich Knoben: Yes. That's - for me it's clear and I think so it was also - it was for the entire council right now, so because then if the - I understood that Ken is updating this picture, this map in that sense with regards to abstention or the remedy for abstentions, so that's for me that's clear.

And then we are going to - we didn't start no? The (unintelligible) implemented in the charter but right now that's - can I - I think I told you as well that we are planning for our next call to invite you to our next call from the more constituency goes with that picture, well that all the constituency members could be clear about that and then we are going to implement that.

Julie Hedlund: I should let everyone know -- this is Julie -- that Ray has had to leave the call.

Avri Doria: Okay. So I guess I'm in the chairing position which means I'll shut up.

Ron Andruff: Well that's - we've been waiting for moment Avri so we can really go after you completely.

Wolf-Ulrich Knoben: Yeah.

Ron Andruff: All kidding aside, you know, then if I understand what you just said Wolf Ulrich is that - and Avri's point - to Avri's point as well, we've more or less addressed this issue from the point of work team. Or are there still some open issues that staff if we can, that sees that we have to discuss or talk about?

Wolf-Ulrich Knoben: No I don't see that from all points of view.

Ron Andruff: You're clear?

Wolf-Ulrich Knoben: Yeah.

Ron Andruff: Avri?

Avri Doria: Yeah. No I'm fine.

Ron Andruff: Excellent.

Ken Bour: This is Ken. There is one very short sentence in the GNSO operating procedures that I think should be changed. I don't even want to bring it up now. I'll look at it some more but it's - I think it's in the absence section and I forget exactly what it is at the moment. But that is not your means to the substantive issue we're talking about here.

I think the procedures - one of the things that helped me was in mapping them like this was to see if there were any gaps in the holes and honestly it seemed they did a terrific job. This fell out beautifully and - so that's sort of Point 1. So I don't honestly think there are any problems but experience will tell us for sure and that's - we'll just have to let it play itself out.

On that point you know, Avri mentioned that she sent an email. One of the things that we've done here as part of this map, if you'll follow the green abstention on the left - just - I'm not going to walk all the way through all that but you'll see these little note icons. And each time you click on one of those note icons, it gives you some either direct procedures from the - what we wrote or in some cases it's a sample email.

Like if you go to abstention NCA, Yes Secretariat and Council and click on that note -- the green note, right? The note that's in yellow in there. It actually provides sample email contents. It tells you who it goes to. It says, "It's my intention to abstain from voting on the following motions." Insert motions and it - you know, all that sort of thing.

And then at the end you put your name and that email can be - it can't be sent from here but you send it through your email program or client and off it goes. And that creates the first notification. And by the way to close that there's a little X in the bottom right. You can actually copy these contents now and you can paste them right into an email if you want.

The second thing I want to mention is as you go down...

Ron Andruff: Ken?

Ken Bour: Sure.

Ron Andruff: I'm sorry to interrupt you. This is Ron.

Ken Bour: Mm-mm.

Ron Andruff: First kudos to you and all who made that. This is very, very helpful. But under the legend rather than saying “See notes included,” why don’t we put, “Click for notes included,” because I looked at that legend but I didn't realize that I could actually click on those and get data.

Ken Bour: Good point thank you.

Ron Andruff: And yeah, and I just - and I hadn’t noticed that the arrow of course, changed to a hand as I was doing it, so but that’s very, very helpful. I am very grateful for you guys to having taken that step. Excellent thank you.

Ken Bour: Certainly. Good - and good feedback. And so what I want to do now is keep going down the green section, right? Until you see SG/See Remedies, and you'll notice the three remedies that have been provided or listed there -- voting directions, proxy. And under proxy it actually says what the rules are, right?

You have to identify the counselor to service the proxy, establish a voting position and that can be decided by the stakeholder group or the constituency within their charter.

And then it says, “Direct to counselor vote.” The procedures do require that the counselor vote the way that they were directed under a proxy situation. Now I only bring that up because I heard Avri mentioned and I think I read in the new draft NCSG Charter that those counselors are never - are not obligated and maybe it’s never obligated.

Avri Doria: Exactly.

Ken Bour: And that could be - that could turn out to be a bit of a problem or an issue that needs to be addressed at some point. Now...

Avri Doria: And we - excuse me. We actually -- and this is a question. We actually wrote the policy to say, "They must be directed,"? Because that surprises me because that I would have argued against until I was blue in the face, because I always made the point that NCSG does not direct voting.

Ron Andruff: It does. The - so you're saying the SG does not direct the votes, so it's up to the individual to make that choice?

Avri Doria: Exactly. Exactly.

Ron Andruff: Okay.

Avri Doria: The position that the SG has taken is that we require that the - because we have such a diverse group of people and we intend for council members to be elected from the whole stakeholder group, that therefore it isn't possible to direct their vote. They have to basically listen and understand of our perspectives, make their choice based on what the SG is you know, what they're hearing from it and then you know, get voted out if they do a really bad job...

Man: Okay. Okay.

Avri Doria: ...or not get reelected. But this - there is by policy no direction of voting.

Man: And it says - that's interesting because within the BC as part of the non-contracted house, we have taken a decision that the counselors must vote the

constituency's point of view and we're actually finding that our charter is now to be in keeping with the other, so just as a FYI.

Avri Doria: Yeah, no I said that.

Ken Bour: This is Ken. The answer to Avri's question is that the procedures do require that both in the first and second remedies that the counselor is obligated. I have to look at the exact word.

Avri Doria: Well I think we could...

Ken Bour: But yeah, they're supposed to vote the way they're told.

Avri Doria: Okay. I think we could direct them to vote their conscience.

Ken Bour: Yeah, I don't think that's what it says but that might be an implementation issued...

Avri Doria: But I said it. That is the way...

Ken Bour: ...that needs to be revisited.

Avri Doria: ...to direct to somebody.

Ken Bour: We can maybe leave that one for a minute, because what I wanted to do was to also point out another tool in addition to this map. Right below proxy, you'll see the two red arrows from - all three of these remedies point to something called an Abstention Notification Form.



And if you click that or if you right click and go to a new tab or however your browser works, there is - we have provided a sort of online form that actually allows you to - it allows one of the officer of the constituency or stakeholder group taking the information provided by the abstaining or the absent counselor and send this directly to the GNSO Secretariat in advance of the meeting.

And I'd be happy to walk through this a little bit just - because we're trying to make it very simple to fill out and this you know, may I just go through this briefly?

Julie Hedlund: Ken this is Julie. I just wanted to point out something. In looking at the action items from last week, I noted that for this week's meeting in addition to the abstention agenda item, there was going to be a continuation of the discussion of DOIs.

In particular the topic was the need for written DOIs and recommendations for meeting processes to address DOI process requirement. And Rob noted that work team members discussed the possibility but did not finalize or agree that work teams could recommend amending the GOP to remove the requirement of written DOIs.

There was continued discussion on this, and it was noted that because of widespread impact of GNSO operating procedures to so many work teams and groups, the work team chair -- this group -- will communicate the sense of the work team discussion to the work - to the GNSO Council Chair to head off creation of any elaborate new processes.

And the matter of the translation of DOIs raised that would appear to mean moot if written DOI requirement is removed, says this discussion will

continue at this - at the next meeting which is today. So I'll leave it up to you Avri if we want to return to that discussion or continue with an application of the form that Ken is going through.

Ron Andruff: Well if Avri if I may. This is Ron. Just a footnote to what Julie just described, and Wolf correct me if I misstated anything because you were part of the call last week. Yeah, we had said that there was going - some action items that were going to be taken up by the staff with regard to this SOI/DOI, and I think there was a tight timeline and in fact it was - (Samantha) had to do some type of work and I don't recall what it was off the top of my head, but she needed a little more time than the one week.

So as I understood it, the decision to have this call today was to really focus predominantly on what we're doing now on the abstention issues and allow the staff the time to gather up the documentation necessary for our call for next week so that we could finalize on DOI.

Julie Hedlund: Ron this is Julie. Thanks for that clarification. The action items as such related I believe to two other issues that we discussed last week. One was the need for the staff SOIs and the other was the Office of General Council to come back...

Ron Andruff: Right.

Julie Hedlund: ...with something there and the other one was the list of contractors and again that was with the OGC as well. The actors for Topic 3 -- the written DOIs -- with the work team chair and members that discussion was to continue at this meeting. But if - I hadn't realized that a meeting was planned for next Wednesday, in which case we could certainly as you suggest continue with the abstention discussions here and wait for the further discussion of DOIs and the outcomes of those action items at the next meeting.

Avri Doria: Okay. Does anyone else have a view I mean, with on what we do with the last 17 minutes of this meeting? If not I think that the suggestion that perhaps we just continue down the conversation as opposed to leaving it incomplete and starting a new one, that we would also leave incomplete. It makes a lot of sense, so...

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

Avri Doria: ...(unintelligible).

Julie Hedlund: ...and I just want to point out I don't have a preference. I just wanted to make sure that we were aware of what was raised and need to continue discussion, and I'll be quiet now and let you continue on. Thanks.

Avri Doria: Okay thanks. Does anyone have a problem with taking it in that direction?

Man: No.

Avri Doria: Okay. Hearing no one having a problem. I forget whether it was Ken speaking or someone asking Ken a question.

Man: I think Ken was just going to take us through this...

Avri Doria: Okay.

Man: ...(unintelligible) abstention notification form where we click on that link.

Avri Doria: It's kind of what I thought. Okay Ken?

Ken Bour: Yeah great thank you. This is Ken. I just wanted to actually quote from the proxy voting procedure. I - while all this conversation was going on, I looked it up. And what it says is, "A counselor to whom the vote is transferred shall exercise a vote in line with the appointing organization's stated position."

Avri Doria: Okay. So I would interpret that and perhaps we have to end up at a Court. But I would interpret that that if the stated position of the stakeholder group was that the counselor listened to the opinions of the people in the stakeholder group and then vote as they thought correct, that would be in keeping with following that.

Ken Bour: Okay this is Ken. I'll...

Avri Doria: I mean, perhaps I'm wrong. And perhaps other people you know interpret the words differently but my reading of it is that.

Ken Bour: This is Ken. I'll just take - just make this comment. An abstention that is not remedied or an absence that is not remedied results in a no vote. And so the remedies really are directed. They're intended to move No votes to Yes votes. And that's the - otherwise the no - if the stakeholder group constituency on some positions says, "No is perfectly correct. That's what we want." Then you just let the abstention - you don't remedy it. You don't have to remedy - yeah because if you wanted it to be remedied...

Avri Doria: I'm not - I'm really not sure that that's - and again I'm speaking too much in this Chair position but I'm actually not sure. Sometimes you may want to take an intentional position of voting No as opposed to just allowing a negative vote to be counted. Sometimes it's something that counselors actually want to take a position and declare a negative vote especially these days that one can attach a reason to it.

Ken Bour: Okay. Okay. Perhaps that's right. Certainly the - and I've seen a counselor can also provide a reason, right...

Avri Doria: Mm-mm.

Ken Bour: ...so for that because that would be another way to get - but anyway if a - let's take the situation where a stakeholder group constituency wants a Yes, right? And they have a voting position however they got to it and which is required by the procedures that say that motion should be voted on Yes. They direct the counselor Yes, but the counselor is not obligated to follow it, then it seems a little bit like the remedy isn't successful.

Avri Doria: Right. I think that is just not the way it would work within the non-commercial. What happens is the discussion one or two days before the meeting where you know it's an open discussion, there's discussion of how things are going to go. There are also discussions online during the meeting where there is coordination, et cetera. I mean, the NCSG work very live including up to and including the time that the meeting is ongoing.

And you know, yes there's generally agreements among the council members but there is also room for council member to - now I think what would generally happen is that the proxy would be handed to someone who takes a position similar to the person who won't be there in case of an absence. In cases of abstention for cause whatever proper name would give it, that would be different. So...

As I said, these are among the things that I don't think this group necessarily needs to deal with. I think these are issues that as the implementations play out, as each group interprets some in its way and you know, the words were

set down, the groups are now interpreting them and are planning to live by their interpretations.

And then at some point, that standing committee that's taking the oversight position to the implementation will be able to review it and make recommendations.

Ken Bour: This is Ken. If I may what I'd like to do is just briefly go through this abstention notification form and...

Avri Doria: Okay.

Ken Bour: ...and then we can go forward from there. So at the very top if everybody is on the page, and you can get to it either from the GNSO documents -- the council document page -- or you can get to it from the map. So you know, the first of - the name of the individual who happens to be the officer puts in a personal last name, the date that the form is being prepared and then there's a drop down to pick the GNSO organization.

So if it's a constituency or a stakeholder group you can simply select that from the list. The person puts their title in and it can be Chair or President or whatever the particular title is -- Vice Chair if it's been delegated. And then you pick their abstention remedy of which there are only three. There's voting direction, proxy or temporary alternate and the next block says, "What is the reason or condition leading to the remedy?"

And it could very well just be an absence or it could be the counselor has chosen to abstain on this motion for some reason of a conflict or some other circumstance. That would all have already been provided to this officer in the

original email that notified them of the condition of absence or abstention, so it should be just a cut and paste there.

The next block is to indicate which motions are in effect here. So if I'm a counselor and I'm going to abstain on one out of let's say five motions that are scheduled to come up at that meeting, that may be the only one in which I'm asking for assistance from the stakeholder group or a constituency, or alternatively I'm going to be absent, there - let's say there are five motions that are coming up, two of which I can do abstention -- I'm sorry -- I can do absentee balloting, right?

So then if I can do an absentee ballot the next morning on two of them, then I'll just lift the other three in my email saying, "I'm going to need - I need you guys to review whether you want to vote for these particular motions because I'm not going to be there and so I'll just abstain." So that's the purpose of this block is to indicate what motions or measures is it that needs to be remedied.

And then the next call - the next block is really just when did the remedy expire? And no remedy by procedures is allowed to exceed three months although you can certainly - we said there were no - there's no limit to extensions.

The next is a question or a comment which just basically says, "So if you're going to use voting direction or proxy voting, the officer affirms that a voting position has been established, this is required by the procedures to make that affirmation." And it's either yes, no or it's not applicable because if I'm doing a temporary alternate, then I can click N/A there.

And then furthermore for voting direction and proxy voting the counselor has been instructed on how to vote on the matter. Now whether the counselor is

obligated to follow it or not, we can I guess we'll have to see how that shapes up but that is a requirement currently in the procedures.

Avri Doria: I question - one of the things I'm questioning and I did go through your form, is to what extent is over regularizing things that are still open to interpretation by the stakeholder groups and constituency. But I'd like to ask, is this form required or this just - you've put this together because you think it would help the Secretariat, so I'd also like to find out from the Secretariat if it does indeed help them to get these forms or whether some simpler method of communication would be helpful.

So I guess I'm not quite sure that the implementation doesn't add more constraints than the policy impose. I don't know if anyone else has a view point on that -- the question.

Ron Andruff: No I - this is Ron. Avri I can agree with you on that. It seems we just generate ever more words and forms, but having said that I think we need to start this process with something that gives people a guideline and then as time goes by, we'll find out what parts of this we can maybe you know, streamline or you know render redundant. But I think to start this is a good way to go. There's going to be lots of questions that people even when they come to fill out this form won't be quite sure about how to do it.

One thought I would say that occurred to me is we might just put an email saying you know, "For help you know, click here." And so that email will come right to you Ken for example, saying "Oh, that's what - this means that." You know, because you know, it off the top of your head what these things are but if someone was using it for the first time and they were not sure, I'm not sure where they would go. So that might be a way of sort of sorting that problem up.



Avri Doria: I would hope that if any questions did arise, they went to that standing committee also, because they're the ones that have to deal with you know, the - anything that relates to the policy of all of this process as opposed to just implementation that sort of as I said might be over regularizing, might be over emphasizing the rule as opposed to the guidance.

Ken Bour: Well this is Ken if I may. I didn't make any of this up. In 4.5.4...

Avri Doria: (Unintelligible).

Ken Bour: Okay. I'm just - in 4.5.4 Procedures Section B of that, is the communication required by the appointing organization or NCA if that happens to be the case. And it has one, two, three, four, five, six, seven...it has eight bullets that are required in that communication. I follow those in generating this form. It requires the name, the remedy selected, the reason or condition, the specific subjects or motions, the date on which it will expire. And for voting direction and proxy it must include an affirmation that these are - I'm reading right from the GNSO operating procedure.

Avri Doria: Right.

Ken Bour: So everything that's in that form has its almost word for word basis in the actual procedures. Now again so all I'm trying to do is to make something easy but now you go online to the GNSO Website. You fill this out and it immediately emails to a GNSO Secretariat, sends a copy back to the person who filled it out and you're on record. And so it was an attempt to simplify the procedure rather than create anything new.

Ron Andruff: Just to Ken.

Ken Bour: Yeah.

Ron Andruff: This is well understood and we are grateful for it because these are the things that we need to have. It's just this general thinking that we've been going through with regard to other working groups we're on and other you know, dialogue about how much - you know, how do we create an organization that's a little bit more streamlined.

And it's a tough one with regard to ICANN because there are so many elements that have to be addressed and they have to be properly - how should I put it? You know, put into proper legal terms all of the activities that we're doing, so this is it. I think it's just that we're lamenting that issue as more than we're carping about the work. The work had to be done and I appreciate that you did it. Thank you.

Ken Bour: This is Ken. I'll just - let me just finish these last couple of lines and it takes two seconds.

Ron Andruff: Mm-mm.

Ken Bour: There is just - so if you're - if there is - so the next one just says, "If there is a proxy voting please identify the name of the proxy -- this person." That would be a counselor. And if it's a temporary alternate the next block says, "Please put in the name of the temporary alternate." That would not be a counselor, right? The requirement for temporary alternate it is not a counselor.

And then we ask for the temporary alternate email address, which is optional just so that that person can be on notice and that the Secretariat can get in

touch with that person to let them know you know, details about the meeting and put them on various lists if necessary and so forth.

And the rest of these things are just you know, filling out what is my email address and then the ICANN technical staff requested that we put in - that they put it in a caption so that this can't - form can't be generated indiscriminately by scammers or anybody. And that's pretty much it.

Ron Andruff: This is Ron Chair if I may. Just one small thing again. It's just that my email address if I look at this whole form here, it - nowhere is it - you know on the very top it says, "This form is to be completed only by an SG/C Officer." Maybe we should put it at the bottom Officer's address you know, SG/C Officer's address making it a little bit more clear who is my in this circumstance.

Ken Bour: Yeah, thank you that's a good suggestion. And I think even it may be even better would be to put my email address right up under name.

Ron Andruff: Yeah. Yeah. Yeah. Yeah absolutely you know.

Ken Bour: Okay.

Ron Andruff: Name yeah, so your name and maybe put, "Name of Officer,"...

Ken Bour: Yes.

Ron Andruff: ...and then the officer's email address. And that would be the way to go, because it's clear that this form is to be completed only by an SG/C Officer, and so if you put the name and email address right below that that they prepared, that would make sense.

Ken Bour: Okay. I captured that.

Ron Andruff: Mm-mm.

Ken Bour: Thank you. Good suggestion. This is Ken. That's it for me.

Avri Doria: Okay. Well it looks like we've got some minutes left. Does anyone have anything they wish to add at this point?

Wolf-Ulrich Knoben: Well it's Wolf speaking. I was just asking a question. Ken, in this proxy a specific subject measures motions, actions of the counselor of which the remedy is being exercised. It could also be filled in as a general hints for - you know for the remedies. It means if the person doesn't know about which motions in advance you know, so then it could fill in okay it's just for all kind of motions which are to be discussed on the content or is it necessary well to specify all the motions? Yeah.

Ken Bour: That's a good question. For - just based on what I remember from reading that section and going through this map, if I'm going to be absent, I think it would be perfectly reasonable to say, "I am here for abstaining on all motions before the council on the date of my absence."

Wolf-Ulrich Knoben: Yeah.

Ken Bour: That certainly sounds right, especially if none of them qualified for absentee balloting, right? Because then you could say, "All motions except this one which I'm going to vote myself using absentee balloting," that would be acceptable I think.

Wolf-Ulrich Knoben: Yeah.

Ken Bour: Which is why that block is constructed the way it is. It's free form so you can sort of write in the instructions then presumably that the Secretariat can follow them.

Wolf-Ulrich Knoben: Okay.

Ken Bour: For a temporary alternate, even the procedures themselves say it's for all motions, right? Because you're - I'm temporarily substituting for someone else.

I think in the case of the loan abstention, it's probably going to be more effective because I would probably not be abstaining on all the motions at the council meeting. It would be one particular or maybe two motions that are related that I might be abstaining. And so there it makes more sense to say, "Here are the motions that are causing me a situation that needs to be remedied." So I think in this situation, but yes I think there are certain circumstances where you could put all.

Wolf-Ulrich Knoben: Okay.

Avri Doria: Yeah, I would think for an absence just any and all votes taken during the following meeting would be...

Wolf-Ulrich Knoben: Okay.

Avri Doria: ...an appropriate answer from my reading, for what we established. Anything else? In which case I thank you Ken for all the explanations and the work and

thank you to everybody else to being on the call, and I guess we're set to talk again next week.

Ken Bour: That's my understanding yes.

Wolf-Ulrich Knoben: Yes.

Avri Doria: (Unintelligible) it will be a joy.

Julie Hedlund: Yeah it will.

Avri Doria: Have a good week you all.

Julie Hedlund: Thank you everyone.

Ron Andruff: Yeah bye bye.

Ken Bour: Thank you everyone.

((Crosstalk))

Wolf-Ulrich Knoben: Same to you Bye.

Man: Bye.

Woman: Bye.

END