Policy Process Steering Committee (PPSC) Policy Development Process (PDP) Work Team (WT)
TRANSCRIPTION
Thursday 19 August 2010 14:00 UTC

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Participants on the Call:
Jeff Neuman - Registry Stakeholder Group - Work Team Chair
Alan Greenberg – ALAC
James Bladel – Registrar Stakeholder Group
Alex Gakuru - Non Commercial Stakeholder Group
Paul Diaz - Registrar Stakeholder Group
David Maher – Registry Stakeholder Group
Marilyn Cade – Individual (joined after roll call)

ICANN Staff:
Glen de Saint Gery
Marika Konings
Liz Gasster
Margie Milam
Gisella Gruber-White

Absent apologies:
Avri Doria - Non Commercial Stakeholder Group
Wolf-Ulrich Knoben – ISCPC
Gabriel Pineiro - Non Commercial Stakeholder Group

Gisella Gruber-White: Thank you. I'll do a quick roll call for you. Good morning, good afternoon,

good evening to everyone on today's PPSC PDP call on Thursday the 19th of

August.

We have Jeff Neuman, James Bladel, David Maher, Paul Diaz. From staff we have Marika Konings, Margie Milam, Liz Gasster, and Glen Desaintgery and Gisella Gruber-White myself.

Today we have apologies from Avri Doria, and Gabriel Pineiro, and Alex Gakuru will be joining us shortly. We're just dialing out to him. Thank you. Over to you Jeff.

Jeff Neuman: Thank you very much. This is Jeff Neuman, Chair of the Policy Development Process Work Team. And as Gisella said it's August 19.

Our regularly scheduled meeting that our last meeting was two weeks ago. And I know this is August so it's a time of vacations and, you know, a lot of people are going to be in and out for the next few weeks. I appreciate everyone making the time to call in.

I did get a note from Marilyn who said that she was going to be on the call so I'm hoping she will eventually join.

So I think today and, you know, I'm not sure how long this call will go but today the agenda I wanted to go through was to go over the different options as far as timelines to get towards a final report and what the different options that Marika has put together that we can go through and talk about each requiring a different level of effort.

And then I thought we would just jump into another document, another - sorry did someone just join?

So then I thought we would jump into another document that's been posted on the wiki which is the public comment tool that was put together which I think is a really great document of organizing the comments that so far came in.

I will that since the last call and even since that tool document, the public tool comment document was posted from Marika, the Registry Stakeholder Group did get in its comments yesterday on the initial report. And that too is pretty extensive document on a number of issues.

So that public comment tool document will be updated with the Registry Stakeholder Group and with any other comments that we eventually - that eventually come in.

If you remember on the last call we decided to extend the public comment period. And we didn't put a drop dead date on there for good reason.

We basically said that comments would be most helpful if received by August 31. So that's currently the schedule. If comments come in after then we'll try to consider them if we can but, you know, we haven't put that drop dead date on there.

So any questions so far?

Okay with that said if you look on Adobe right now there is - and I'm hoping everyone's on Adobe that's on the call -- there are two options that are on there for timelines.

I think the first one is a super aggressive timeline and the second one is still aggressive but not quite as aggressive.

And so if we could go through that the first option would be for delivering a final report to the PPSC the Steering Committee by Cartagena.

This would probably require us to meet on a twice a week time frame. And I think, you know, that's very aggressive.

I think there are a lot of other groups meeting. And even getting people's attention for once a week is difficult enough.

So I just put out that is an option. And under that option we would basically be striving to develop a draft final report by the 30th of September and then getting public comments for about a month, reviewing those comments for a couple weeks, and then finalizing the report and delivering it to the PPSC by November 15 that which is the, I believe the publication deadline for the Cartagena meeting. That would be Option 1.

Option 2 a little bit more realistic but still I think aggressive is getting the updated report, an updated report by December 27 and reviewing the updated report for about a month period till the 21st of October developing a final report or draft final report by October 29, getting public comments on a draft final report through the end of November.

And then kind of a review of public comments discussion and next steps in Cartagena. And then a finalization of the report delivered at PPSC in the early next year time frame.

That would still require us to meet on a once a week basis. And so putting those two options, you know, I personally believe that Option 2 is more realistic even though option two is aggressive as well.

But I wanted to rather than just making that unilateral decision just run those two options by you and see if you guys had an opinion that differs from mine.

So any comments or questions? Okay James?

James Bladel: Yes Jeff, thanks for putting together the these options. I'm always going to gravitate towards the one that gets this in in our review mirror as quickly as possible. And I understand that Option 1 is aggressive.

The only other thing that I would point out I think it's like addressed in Option 2 but not Option 1 is that we've seen - I think Belgium was the perfect example of why, you know, the interim or final reports or documents being posted for public comment shouldn't really follow immediately before or immediately after an ICANN general meeting.

Because it seems like they certainly suffer for lack of attention for that. And I think that that is addressed in Option 2 as opposed to Option 1. Would you say that's correct, that public comment periods and publication dates fall?

Jeff Neuman: Yes I think certainly Option 2 would avoid the influx of pre-ICANN meeting asking for comments pre-ICANN meeting and certainly not immediately after as well.

I think certainly Option 2 has more of that flexibility and certainly will - I see Option 1 being incredibly aggressive such that I would see deadlines having to be extended by that. But Marika's got a comment.

Marika Konings: Yes this is Marika. Of course one option the group could consider as while in the Option 2 version is to use the Cartagena meeting like we also did in the previous meeting in Brussels as a way of presenting the report.

And maybe we can be a little more aggressive about it because I think we had some challenges in Brussels where there were conflicting meetings, we didn't have great attendance.

But maybe going out for example on, you know, constituency day for example and trying to get a slot of the different meetings trying to really get people focusing on this and using that as a way to get public comment.

You know, and then of course it would mean extending the deadline for public comments beyond the Cartagena meeting with sufficient time taking into account, you know, holidays coming up and people having sufficient time.

But if you really feel that we need to, you know, maybe we can drive people out there and look at it and focus on it and get comments. That might be an alternative approach in getting people engaged in this.

Jeff Neuman: Yes and we also need to consider there were a lot of issues that we put out for comment that we didn't have any recommendations on in this report.

And to the extent that we fill those in now or during this time period, you know, those are going to be issues that are new to people as far as our recommendations.

So keeping that in mind, you know, we certainly want to give opportunity for those at the next ICANN meeting to comment on before we give it to the PPSC.

And I mean there were additional issues that came up that either weren't in the report at all that have come up through some experience with vertical Integration Working Group for example that we just have never considered.

And we may want to put those or make recommendations in this report that people will be seeing for the first time. James, another comment?

James Bladel: Yes just I don't disagree with what you're saying. I just - maybe perhaps a little discouraged to realize that we're truly that far away even given the new materials and topics that were raised in Brussels.

And I would caution again perhaps adjusting, you know, our work on the fly based on what's going on in other areas of ICANN.

I think that sometimes that's really beneficial. But I think that, you know, that also could possibly give us a recipe for something that really never ends.

Jeff Neuman: Right. I absolutely hear what you're saying. So...

James Bladel: I mean this is a periodic - this is an ongoing process, right? I mean once we get this PDP behind us I'm sure it won't be too long before someone will propose that we revisit and review this - the process again.

So I'm not real concerned necessarily about, you know, finding a good and meaningful place to saw off, you know, the addition of new information and new topics for consideration and then just finishing what we have.

I don't know, I'm sorry. I just - I - I'm trying - I'm recognizing that 2011 is going to bring a lot a brand-new challenges and I certainly would like to have this one in the rearview mirror before we enter a new year.

Jeff Neuman: Yes I think so I hear what you're saying. And you know what? I'll leave - we'll leave this timeline for people to think about for, you know, the next week or so.

But just recognize that when Marika and I were talking about this that we really think Option 1 would call for two calls a week.

And I'm not sure, you know, like I said, it's hard enough to get people for once a week on these calls. Having two calls a week I'm not sure we're going to get the participation that we may need.

But again I - you know, so I didn't want to make a decision to this group. And then so I'm glad you're making those comments James. I - Marika you have another comment?

Marika Konings: Yes and this is Marika. And something we discussed as well in our pre-discussion is that it's important for the group to take into account as well when this group is done with its work it's not the end of the story.

Then it will move to the PPSC and if the PPSC takes a similar approach as is done now for example, for the working group guidelines it means that the PPSC will look at the recommendations, probably come up with a list of issues where they feel that, you know, or they want to ask the PDP Work Team to give it further consideration or where they may not agree and give certain issues back to the PDP work team to look at again which might, you know, require a number of back and forth between the PPSC and the PDP work team.

Once that group has finished its process which I guess will take some time might involve as well some public comments if there's changes to the document.

None of them need to go through the GNSO Council which will also have its process of reviewing the documents and discussing.

Then you'll have a process as well where all this will need to be incorporated. We probably need to develop this - the rules of procedure that go with it, all the bylaw changes.

We then we'll have to go through further public comments and as well board discussion. So before we actually get to the end stage, you know, we're still quite far away.

So, you know, I'm very aware as well, you know, the longer we take and within this group for further the endpoint moves away as well. So, you know, for any ideas or suggestions on how we could, you know, speed up the process,

And indeed one of the suggestions in the Option 2, Option 1 scenario would be to move into biweekly calls which, you know, I realize might not be realistic seeing, you know, the workload and all the other efforts that are going on.

But, you know, if anyone has any other suggestions on how we can move the process forward and still being, you know, diligent and, you know, making sure we cover all the bases that will be helpful.

Jeff Neuman: Okay I'm going to go to Alan and Paul and then I kind of - to try to move this forward a little bit see if we can reach a resolution right after that. So Alan?

Alan Greenberg: Yes by weekly calls are fine for when a group is in a sprint to make a specific deadline and can't go on for more than a month or something like that. It's just not tenable.

Even once a week calls, I don't know about the rest of you I don't do all my reading and don't keep up with the email. I barely do if I'm lucky just before the meeting and often even that doesn't happen.

If we go to bi-weekly calls I'm afraid, you know, people are going to drop off and either this that - this thing or something else they're doing or simply only make every second call.

I just don't think that's tenable. And if that means it drags into 2011 as Marika said it's going to anyway I just don't see as much as I'd like to see it wrapped up and finished two weeks, doubling the workload per week is just not going to be an acceptable answer I think.

Jeff Neuman: Okay thanks. And Paul?

Paul Diaz: Yes thanks Jeff. I just want to express total support for what Alan said. A biweekly would be difficult especially as we already have these scheduled for 90 minutes.

I personally would have a very hard time. I try and have good attendance for the once a week but don't know if I can carve out another 90.

I actually had a question for you Jeff before we start looking at which of the two options we're going to support.

Can you please explain what is the current status of the PPSC as a group? I was under the impression that there's some questionable membership and whatnot.

And just help us understand is that group fully constituted? Are they basically prepared for whatever we present them or the people in place? And could you give us some sense if you have any how much time they may need to go over things?

The timeline that Marika has laid out for us I think is very realistic. But at the same time it's kind of daunting because that means that this group is probably going to go really well into 2011 with the back and forth at PPSC level, GNSO level, any additional requirements they levy on us.

Jeff Neuman: So...

James Bladel: So if you could just help explain.

Jeff Neuman: Yes sure. The PPSC is a fully constituted group. I won't say that everybody shows up but it does have a one or more representatives, you know, I should say one official representative and one alternate representative from each of the I will say constituencies because it is still it was based on that as opposed to stakeholder groups.

And so yes it's fully constituted. We reaffirmed that those were the right participants several months ago.

The PPSC met for the first time in a while in (where we) - Brussels. And during that meeting we decided that the procedure we would follow would be to review - this was for the Working Group Work Team reports.

We each review the Working Group Work Team Report. We've had two calls since where the procedure that was decided was to see if there were any issues that we all felt were not addressed or that we still had questions on in the Working Group Work Team report.

The PPSC came up with a list of I believe four or five issues that it's now in the process of confirming. And the group agrees that these are issues that we think should be referred back to the Working Group Work Team.

They will be referred back to the Working Group Work Team by 1 September. And the Working Group Work Team, we've talked to the chair of the Working Group Work Team who believes that, you know, there's so few issues some of them which have - they've already discussed in previous calls when, you know, even before their final report came out.

And it's their impression that they would only - they would take less than a month to talk through those, write through those up, address them and submit it back to the PPSC.

Hopefully the PPSC will be satisfied with those answers and then forward that onto the council included with the final report.

So that's the procedure for the Working Group Work Team. It's been made very clear to the Working Group Work Team that our job is not to reopen issues that were resolved by the work team that it wasn't another place to work through all of the issues again. It's not intended to do that. And the working - the PPSC has accepted that and has moved forward based on that function.

So moving that forward to this group again, the goal would be that the PPSC would review the PDP Work Team or final report, would look to see whether there is any outstanding issues that were not addressed as they felt should

be addressed. And again then would refer those back to the PDP work team. The PPSC is not there to resolve those issues but to just point them out.

And depending on the level of issues and if any changes are made there may be a public comment period after that - after the Work Team comes back with its recommendations.

So that in general is the process. I can't tell you how long that will take because I don't know if we're going to resolve every issue in our final report at least to the PPSC's satisfaction.

It's a different group of people. So it's kind of hard to say. But the group is constituted and it is meeting.

Marilyn Cade: The - sorry. Jeff I somehow can't turn my hand on. Can I speak?

Jeff Neuman: Yes I have James and David and then I'll go to you Marilyn.

Marilyn Cade: Okay thanks.

Jeff Neuman: James?

James Bladel: Hi Jeff. And, you know, I just wanted to agree with Alan that twice a week meetings are unsustainable in the long run.

I'm just a little taken aback by Marika's laying out of the road ahead. I don't doubt her for a minute that it's accurate. But it's really just a little shocking to think that this effort is going to, you know, last probably until, you know, mid-2011 if we're lucky.

One thing I would like to raise is in lieu of twice a week meetings perhaps on a monthly basis we could schedule a half a day call, a four hour call or sine more marathon telephonic sessions to really charge to this work.

I think that might be a preferred alternative than trying to find another 90 minutes every week if we just have these, you know, event type calls where we could, you know, try to push through some of these remaining items and drive towards Cartagena. Thanks.

Jeff Neuman: Yes thanks for your suggestion James. I'm going to go to - well Dave dropped his hand so Marilyn?

Marilyn Cade: Thanks. Listen I'm looking at the members of the PPSC. And actually I was interested in your view that they're meeting and working. But I'll come back to that.

I'd like to support James suggestion. It's probably easier for me to find a three hour session occasionally than it is to find a regular session twice a week.

And I know I'm - I am the lowest on the totem pole since I'm only here sporadically. But in order to be here I'm just commenting on I do think twice a week is - the last twice - I just don't know that it's going to be possible. A lot of the people on this call are active in other groups as well.

Jeff Neuman: Okay so you know what? After this call Marika, let's you and I synch up and see if we can come up with some suggested times for a Doodle poll for doing a longer session once, you know, in September, once in October.

And see - and once in November I guess and see if there's a way that that could speed along the schedule. So why don't we take that off-line to see whether that's feasible?

Alan you have a comment on that?

Alan Greenberg: No I support that concept. I'll just putting - raise a related - not a related issue but an anecdote. If any of you are involved in the RAA revision processes the

GNSO early last year said we're going to charter a whole bunch of groups or design team whatever and do something by July 31.

The interim report for that result, not the final was presented in Brussels almost a year late. There's no point in setting incompletely unrealistic time frames. So it was unpalatable as long time frames are, unrealistic ones just make even less sense.

Jeff Neuman: Okay so why don't we take that back and Marika and I will look at some times that we think are - that don't conflict with some other groups and see if we can send out a Doodle poll on some available times.

Marilyn you had a comment on the PPSC. I think for a minute there Marika had the composition posted. Was there a question you had on that or do - should we just move on?

Marilyn Cade: Well I do have a question about it. I mean it's got - the composition on the PPSC is basically as you said one per constituency with an alternate. What is it they're continuing to meet on right now?

Jeff Neuman: Right now their role is to review the Working Group Work Team report...

Marilyn Cade: Okay.

Jeff Neuman: With the goal of submitting it to the council.

Marilyn Cade: Okay I guess thank you, that's helpful. Thanks.

Jeff Neuman: Okay. So Alan is your hand raised again or is there...

Alan Greenberg: No, no sorry. I didn't lower it. I will.

Jeff Neuman: Okay that's fine. All right so let's move onto some substance here. I said at the beginning of the call we now have I think it's - was it five comments or four - one of the questions but for substantive sets of comments that we've received so far.

We've received the ALAC statement, the INTA, Interactivity Statement, the Registrar Stakeholder Group, and a Registry Stakeholder - Registries Stakeholder Group comments.

Again comments are not - the comment period has been extended with what we said comments most helpful by the 31st.

So we hope to give more comments in by the end of the month. Hopefully Marilyn maybe your commercial outside of business constituency, hopefully we'll be submitting comments, Hopefully we'll get comments from the non-commercials.

Even if it's on a rolling basis if we can get some comments in from those groups that would be very helpful.

What we've been dealing with or I should say we being Marika who's done a fantastic job, even though she's on vacation, has been doing this to populate a review tool which you now see up on Adobe which goes through the general issues, the comment that, you know, kind of a summary of the comment that was received by a particular group, and then the identification of the group that submitted the comment in the next column.

Our goal is to go through each of these to see whether we should respond, what we should respond to the comment. I shouldn't say whether we should but what our response to that comment may be and if that calls for a recommended action or change.

So we can, you know, it's perfectly acceptable if we think the working groups considered it and doesn't necessarily want to adopt that change that's recommended.

We certainly could do that. But we should as part of being required to respond to each of the comments that have come in.

So that said, I want to jump actually to the first one which is kind of overall issue which the ALAC raised and I believe may have been raised in another context. And I'm forgetting where it was.

But some - the ALAC had brought up the comment of, you know, we have been making the assumption that the working group model is the right way to go.

And we base that on right fully so on the board governance committee's final report on recommended changes.

And so the overall question is what if anything we want to do s a group with the comment that says that the work team should undertake or commission your review of whether the working group model is in fact optimal for addressing PDP issues?

Marilyn Cade: Can I...

Jeff Neuman: And they...

Marilyn Cade: ...raise my hand? I can't raise it electronically for some reason?

Jeff Neuman: Yes. I will - yes. And let me just ask the question if I could before you go Marilyn is Alan as part of the ALAC -- and maybe you weren't part of this particular comment but so maybe I'll raise it.

When this was discussed with - by the ALAC was there an alternate model that was discussed or was it just really, you know, kind of a question out there to undertake a review?

Alan Greenberg: I think it's the question out there. If the PDP bylaws mandate that the working group is the only way to address things I and some others have some concerns that we have found I won't say failures but weak points in the working team discussion.

And if you look at the discussion that's being held that was initiated by Mike Rodenbaugh on in the GNSO or in the PPSC on should work teams be able to make decisions online, you know, on a telephone call when not everyone is present or only do it on email and email doesn't seem to be all that effective, one question is is it really the best way to do things where there - where you cannot use polls because the representation may be heavily uneven when people are deemed to be part of the working group but don't actually participate but yet have to be considered at some level?

There's enough problems that I think it's not a given that this is the absolute best way and the only one that we should be allowing. And that's the motivation.

Jeff Neuman: Okay and that was...

Alan Greenberg: No we don't have an alternative.

Jeff Neuman: Okay and that was...

Alan Greenberg: But maybe flexibility to allow...

Jeff Neuman: Okay.

Alan Greenberg: ...something that we don't know about today would be more prudent.

Jeff Neuman: And would that be just to clarify, would that be the same recommendation whether it applies to something that may ultimately be a capital C consensus policy or I guess is there any differentiation you all made as a group?

Alan Greenberg: I don't know. We didn't look at that level. Just worrying that mandating within a bylaw - within the bylaws that a specific type of quote "working group" which is, you know, a capitalized defined term in ICANN right now. Be mandated when it may not be the optimal one as we learn more about how actually discussing and come to closure on policy.

Jeff Neuman: Okay, thanks Alan. Let me go to Maryland and then I'll come back to the queue for James.

Marilyn Cade: I'm going to support everything that Alan said and add a couple of comments. Historically, under the previous policy development process, task forces in some cases were required to be quote on quote "representative."

I think there were some objections to that. We even - we moved to this idea that anybody who has an opinion can be part of a working group.

And I'm not being critical about anybody who has an opinion wanting to be part of a working group. But I am going to note my observation is that it's extremely difficult to have any kind of balance when a working group is totally open.

And people are there in their individual capacity. And I think we need to review the role of working groups. And whether we need two-stage or three-stage approaches to working groups.

I'm thinking in particular of a situation involving my own constituency which has six to seven people on a working group. But they're all there in their individual capacity.

That's fine. But at some point as the chair of a constituency, when internal process develops a formal position, then I need to be able to ensure that formal position.

And this is not individual to a particular constituency. I really think we need to evaluate the working group model, ask what we've learned from the months we've been using it.

And assess whether there are stages to working groups, requirements at some point that there be formal advice from constituencies or stakeholder groups. Or whether we don't require that.

But I don't think we've thought that through. And we have a limited but probably relevant recent experience with trying working groups. And a, some kind of an assessment of them I think is relevant before we just instantiate them as the only model.

Jeff Neuman: Okay so you're talking about an evaluation by this group of the working group model. And one thing I want to note Marika is we should go back and figure out how this overlaps with the working group work team.

And so just to make sure that that's within our mandate. If it's within the working group work team mandate then it's maybe something we raise to the PPSC as something they should ask of the working group work team.

Marilyn Cade: I wasn't suggesting we do the evaluation. I was suggesting we call for it.

Jeff Neuman: Okay. Let me just, all right, just thank you for clarifying that. Okay let me go to James.

James Bladel: Yes, I can probably keep this fairly short and say I support what Marilyn had said. And I definitely endorse the idea that we should call for an evaluation of

whether the working group model is delivering on what the BPG has anticipated that it would provide.

From my perspective, where I sit, it's kind of an endless decision deferral mechanism where it's continuously, you know, working around topics. That I see very little, you know, actually becoming in the way of resolutions.

I'm not sure what the alternative is. And I don't really think it falls to this group to find that alternative. I think that a comparative evaluation with other organizations is definitely in order.

And I wanted to support Marilyn's call for, you know, just a review of whether or not the working group model is serving its purpose. Thanks.

Jeff Neuman: So Liz on the chat and then I'll go to Alan, brings up a good point and says look, the working group model is a board mandate. Is there a way essentially to rework that or to make recommendations to make that a workable model as opposed to rejecting it outright?

So are there things that we can recommend? For example, totally throwing this out there. That, you know, while anyone could join a working group, maybe decisions of the working group have to be made on a representative basis.

Again, that's kind of throwing out there maybe a horrible idea. But it's those types of ideas. In other words, everyone could participate. But in the end, when the working group tries to find consensus, it must do so through an official representative basis so that constituencies get votes.

Again just totally throwing out there maybe horrible, but can we make suggestions like that to work on the working group model as opposed to just saying it may not be the right way to go.

So let me throw it over to Alan.

Alan Greenberg: Yes I think Liz's second statement of rather than rejecting it entirely was certainly not what I was proposing to do.

The previous PDP says you shall use task forces. But gave an escape clause that if you choose not to, then you can follow some other practice.

Working groups were designed to fix one specific ill of task forces. But not an attempt to preserve the strong points of task forces.

I just don't want to see the PDP bylaws coming out saying thou must use the working group model which yes, over the years we may change the details of it.

I think we need to be more open-ended. And allow for new models to - for models to change. And a new model to come out that we didn't think of. That we didn't have the wisdom of thinking of three years ago when the board government committee said thou shalt use working groups.

I think we can afford to be a little bit more flexible without putting it in and casting it in concrete at this level. So I don't think we need to do the investigation or need to do the tweaking right now.

I think we need to come up with something which is sufficiently flexible to allow the GNSO and ICANN, as we evolve, to use an effective mechanism.

Jeff Neuman: So going down that path, so let's say we do make a recommendation that this should be more flexible to allow for other approaches. And without specifying those other approaches, because even if we came up with a few now, that probably wouldn't be flexible enough to consider other models in the future.

Are there certain, and again this is just throwing it out there. And it doesn't need to be answered immediately now. But are there certain principles that we would want to preserve so that no matter which method the council chose to have the work done that there would be certain principles that have to be maintained.

Alan Greenberg: I don't think we need to specify that. I think we need to specify that a, I don't know what word to use as the generic working group. A talking - a bunch of talking people must be struck by the GNSO according to its rules of procedure.

And if the GNSO comes up with a re-invigorated task force X, or comes up with some new type of thing, it can write the rules and put it in place. And then it can choose to select it.

Remember, the board has oversight over the GNSO rules of procedure. If the GNSO tries to do something totally stupid, the board could reject it.

Jeff Neuman: You, but you don't think that...

Alan Greenberg: But I don't think we need - the overall GNSO procedures are simply pointed to by the bylaws.

Jeff Neuman: Right so...

Alan Greenberg: So I don't think we need to be more specific. We need to find our good catch phrase for the generic working group task force slash committee. But I don't think we need to do more than that.

((Crosstalk))

Marilyn Cade: Sorry, but I can't raise my hand.

Jeff Neuman: That's okay. So let me make a quick statement and I'll go to you Marilyn. So following - so I understand the flexibility that you're asking for in terms of - that you're talking about in terms of allowing the council to, you know, be able to choose the method by which the group or policies.

I'm trying to be generic here. And I understand why you're having a tough time Alan coming up with a word. But so the council should be free maybe in choosing the method by which the work is done.

But shouldn't there be some overall principles about, you know, ensuring that whoever does or whatever does the work, you know, there's representativeness.

There is, you know, because lots of types of policies go through this process. And I think if we gave flexibility on the method but prescribed certain principles, then maybe that's the way to give the council what it needs.

But also ensure that parties that are going to have to live by policy are comfortable that the process that was followed by which to make the decision was something that they're comfortable with as well.

So let me go to Marilyn and...

Alan Greenberg: My answer by the way would be yes, if we can actually come up with a set of criteria which does not end up mandating specific committee structures, yes, certainly.

Jeff Neuman: Okay. Sorry, so I said Marilyn and then Alex, yes.

Marilyn Cade: My observation is that what working groups are doing, just watching what they're doing in a couple of cases is they're throwing out a lot of ideas.

And in some cases they're exploring a lot of ideas. But they're also in some cases, you know, on the previous - in the previous task force approach, we had some amount of bounding that happened.

And I'm not going to comment in whether that was ill or health. I'm just going to say there was some amount of bounding that happened because task forces had a limited, sometimes they had a limited membership.

They often also allowed a lot of observers. That what we having going in with working groups right now I think are a lot of exploratory work.

Now I'm not negative about exploratory work. I'm just noting that we're not necessarily getting to information, fact-based, policy making by having 75 people who have opinions and interest on a working group.

So we - I think we need a multi staged approach where we can take advantage of the opinions. But at some point we've got to get it down to a more accountable process.

And that's why I was thinking we should ask for an evaluation of the working group model to date. We may want to lay out some high-level principles to say it would be helpful if the evaluation could address the following.

Jeff Neuman: Okay, (unintelligible), Alex.

Alex Gakaru: Yes thanks. I'm inclined to take the view Jeff has taken of saying we need to lay out some principles to be observed. And if I could site one of the issues we dealt with that (area) (calls) was for example the implementation team.

That went into effect or maybe affect policy or affect policy change. And we need to know how to deal with those situations. And we already give some recommendations.

Such principles for example could include how whatever group would be constituted, (presents) (something I call) principles, you know, and to avoid the (unpopular world of gaming) because we could make all the recommendations.

Then some new team comes up and negates a lot of things. So I think there are certain principles it's not to describe the group, but I think principles that must be observed so that we can preserve the core principles which we are promoting. Thank you.

Jeff Neuman: Thanks Alex. And I think that's kind of - that's sort of where I was going with the comments, right, to preserve the, I think the words you use, core principles I think is important.

And therefore, you could allow the flexibility on structure. But make sure that things like the groups are representative that, you know, you're not - it's not captured by one type of interest.

Or I'm sure there's a whole host of them. And in fact I think the working group work team did a good job. And we could borrow some of those principles.

Even if you don't use a working group, I think that and Marika, help me if I'm mis-calculating, but I believe that group, in reading the reports, did lay out some principles about making sure that a working group wasn't captured.

Or making sure that the chair has taken different opinions and things like that. So some of those principles could be overarching principles for any type of group, committee, task force, whatever you use.

One, Liz, you have on the - on a comment, draft guidelines are written. So raising the concern now is timely. Are you referring to the work of the working group work team or?

Liz Gasster: Yes.

Jeff Neuman: Okay that's what I thought. But I just wanted to double check. So I would encourage, I think this has been a really good discussion.

I think if we take some elements out of the discussion here, one of them was a call for an evaluation of the working group model in general.

Certainly now that we've had experience over the past few years using working groups, I think a second recommendation I'm hearing coming out of this group is providing for a (stucks) that may not be the working group model.

But certainly providing a structure that's flexible enough for the council to elect to use different types of structures, I don't want to use the same word again.

But maybe maintaining some core principles that we would need to develop or think about a little bit more to ensure that whatever mechanism is doing the work that they agree to preserve, as Alex put it, the core principles.

Does everyone kind of agree with those comments? I see Alan with a check mark and not hearing any...

Marilyn Cade: I'm fine.

Jeff Neuman: Good, thank you Marilyn. Okay so then let's, I wanted to raise an issue that's come up. It's not on the list. But it's kind of one of those overall issues that I think is, I kind of wanted to discuss before we delve into some more real specifics which is a common concept that's come through with the VI working group.

And just to ask whether this is something we should consider. It may not be. So feel free to say Jeff, too difficult. Let's not consider it. Or we have enough to do without considering those issues.

And it was kind of discussed, and some of you were on I think early. A few of us had this informal conversation. But I kind of want to formalize the issue which is there are some that take the approach that the council - if something is not prescribed by the PDP process as written in the bylaws or rules of procedure.

That anything not disallowed is allowed. And others take the view that no, if it's not specifically in the rules of procedure or bylaws, then shouldn't do it. It shouldn't be done on an ad hock basis.

It's a real difficult issue. It's is one that I think James had said before the call officially started that it's probably an issue that's hundreds of years old, if not more in other parts of the world. But certainly in the United States on a number of topics, this is a constitutional issue in the US.

So it may not be something that we could solve. Or it may be something we want to offer opinion on. Or basically say that if the council wants to do something different, or a working group wants to be different, there should be a process to consider it.

There's a whole bunch of ways we could take that. So I want to add that in as an issue for us to keep in the back of our minds when we draft these things.

If there are certain, in other words, if there are certain things that we decide not to put in a final report, are we doing that because we are okay with that being done in the future or because it's our assumption that it won't be done?

Very difficult issue, but one that act...

James Bladel: Jeff, I, not having taking part in that earlier part of the discussion. Some examples would be useful because very often, exactly how we word it will imply whether, you know, if you look at working groups.

If we say thou shalt use working groups, then by not mentioning anything else, we are forbidding them. And yet a slight different change of wording can reverse that meaning.

So I'm not quite sure I understand the kinds of issues you're talking about.

Jeff Neuman: Okay so the way this - one of the things that came up very recently if you following the VI working group, although it's actually more an issue for the council was that the council.

And again, I don't want to discuss the substance of the VI. So that's not...

James Bladel: Yes.

Jeff Neuman: Here. But the way it came up was that the council wants to pass a formal resolution to pass the interim, the forwarding interim report of the VI working group to the board.

And there is a debate going on as to whether that's proper or within the PDP process. So it's never been done before that the GNSO council has formerly passed a resolution to forward an interim report to the board.

In this case it's being done because the board has a retreat in September. And the council wants to make sure that the board has that report or retreat and can review it and do whatever it needs to do for the (HHLB).

So it's kind of being rushed through on that basis. But again it's never been done before. Some have argued that - well let me just resent both sides.

If people have an issue with that, please chime in. Some have argued that the PDP process does not provide a mechanism for the council to forward an interim report to the board. And have argued therefore it's not proper.

Others have argued that well there's nowhere in the bylaws that says that the GNSO council can't forward an interim report to the board. And so therefore they should be allowed to do it.

And it, after all it's just a way, you know, the policy managers. And there is decide if the manager process by communicating with the board in that manner.

Those are kind of the two sides. Is that how it came up?

Marilyn Cade: And I'd like to be in the queue. It's Marilyn.

Jeff Neuman: Yes that would be Marilyn and then Alan.

Marilyn Cade: I'm first of all going to make a comment about history before I make a comment about this Jeff if I may.

Jeff Neuman: Sure.

Marilyn Cade: I, when we say something has never been done before, I'm searching my memory for the days when I was on the council. I think it is possible in the past that the council may have sent a communication to a board - to the board calling their attention to work in progress.

Without transmitting something in detail. I'm just, you know, I can't tell you my memory is all that good. But I think that is entirely possible. And if it happened, it would have happened during the time that (Bruce) was chair.

So it's not a long period of time for the staff to search. So that's one point. And I'm not making any kind of a comment. What I'm thinking about is there were two periods when we were dealing with, gosh, I think it was called PDP06.

And then separately when we were dealing with the early stages of the gTLD process, and the council was working as a task force of the whole. There could have been a transmittal in the form of a letter without transmitting documents.

I'm not saying there was. I'm just noting if staff is looking for precedent, they might look in correspondence for that because I do remember we've had some discussions about, you know, informing the coun - the board.

Now my comment goes to flexibility for the council to decide to transmit an interim report. In theory, if a resolution comes forward to the council as I understand the council rules, they would have the ability to pass the resolution to send information to the board.

My question would be if a report is so interim, and I'm actually very familiar with the VI reports, if a report is so interim, what - we would have to be very careful that council is only transmitting awareness of work in progress I think.

As opposed to forecasting the outcome of a PDP process or a working group process. And VI is, somebody needs to correct me, I don't know the answer to what the right outcome is.

VI is very much work in progress, is it not? It is a working group.

Jeff Neuman: Yes so again I kind of don't want to get into the details of VI. But I think the concept is any interim report is by definition a work in progress.

And so I think, again without trying to comment on VI because I don't want to do that, I think the question, and it was just an example of a debate going on where one side is saying that the bylaws don't allow for this to happen. And therefore it shouldn't.

Where another side is saying that the bylaws don't prevent it. And therefore it should be allowed. And the council should be allowed to do something in that discretion.

So I'm going to - I want to go to Alan, James and Alex. But that's kind of the context in which I want people to recognize when we're drafting these things that those are the types of debates that are going to go on from the work that we do.

So let me go to Alan.

Alan Greenberg: Okay thank you. I have no illusion that this group or the PPSC or the council is all knowing, all seeing and has wisdom which will last to the ages.

I think we want to allow flexibility. We're doing it in a few places. For instance when the current PDP says a report shall be out for comment for 20 days, we're now saying at least 20 days.

And I think we need to build that kind of flexibility. And I'll use an example that could have happened in VI. It's not - and it would not happen for a bunch of reasons.

But imagine if the we at VI, if we knew the board was going to make a decision at their September retreat. And the VI working group and the council were uniformly of the opinion that this was the stupidest thing that ICANN could ever do.

And because of the - what has come up in our discussions, we want to caution the board to not do anything. And then there were unanimity that that was the thing to do.

I think that would be stupid to forbid the GNSO from formally telling the board that. So just, you know, changing the details a little bit. One can come up with scenarios where there is an important message to send saying that we don't have closure, but this is where we stand right now.

And, you know, and if you're going to make a stupid decision, at least base it on what we have discovered in the process so far.

So I don't think we can imagine what's going to come out at the next one, or what the scenario will be. And I think the answer is we should be as flexible as possible and not forbid things just because we didn't think of the possibility unless we know categorically that doing such a thing would be absolutely dangerous and disastrous for the multi - for the stakeholder group's model. Or something like that so.

Jeff Neuman: Okay.

Alan Greenberg: So I ask for flexibility.

Jeff Neuman: Right so I think you're right that we're not all knowing and all seeing. And we can't foresee certain things. But I think we also need to keep an eye on, you know, is flexibility - should we allow flexibility on everything?

For example, and you could change the facts, and would it be a good idea or not to say you know what? Here's our interim report board. We encourage you to make a decision on this report. We don't need to continue the process of the PDP.

Alan Greenberg: And if the working group and the GNSO believe that, then so be it.

Marilyn Cade: Wait a minute Jeff. I have to ask you a question. I do not -- and this is Marilyn speaking. I do not think we in any way should be encouraging the board to aggregate a PDP process.

I don't think that that's a good idea for us. I'm - and my comment is not on, you know, again the idea that an interim statement goes forward and says for informational purposes, blah, blah, blah.

That's one thing. But encouraging the board to aggregate a PDP process is aggregating the role of the council.

Jeff Neuman: Right so without, again I'm trying not to comment on the...

((Crosstalk))

Jeff Neuman: (John) let me try to bring it to the point. And then without again trying to be - I obviously do have a very strong viewpoint. But I don't want to convey that.

What I want to say is that I, you know, that there is a point that Alan's making which is that, and Marilyn too, that there should be so me flexibility.

And what I'm asking people to think about when we go through these recommendations is are there some areas that you think flexibility should be allowed?

But are there some things that are so important to people that no flexibility should be allowed for that particular element?

And so let me, I'm da - let me go to James and Alex who have been waiting patiently. And let me go to James and then Alex.

James Bladel: Hi Jeff, thanks. James speaking and, you know, the conversation may have passed me by a little bit. But, you know, I just want to reiterate that don't necessarily think this is something that we're required to weight into.

Not really sure that it's something that we can make a lasting and positive contribution to. And I would guard against this group, this effort being driven by whatever hot topic is occurring in the community. So I'll just leave it at that.

Jeff Neuman: Thanks James. I think that's a good point. Again, at the beginning of the onset I said is this something we should even tackle. So Alex.

Alex Gakaru: Yes, Alex speaking. I will not go into the details of VI or the little I know about it. So I'm glad I'm not anything close to VI. Now my position is to give flexibility but with it give responsibility for the action taken. And therefore I want to look at this in terms of the process.

And I ask the question, who originated - excuse me - who originated the process of the interim - in this case, of the interim report or in the future of a new situation. And I want to ask is it the GNSO or the board? Now if, in my flowchart I find there is - if the board is the one that actually initiated, then I say it has oversight, it has authority and I say it's okay. So that board requests for the interim report.

But in the GNSO, then I would ask why would the GNSO be pushing an interim report? Now I would then move ahead to add that then GNSO if it wants to lobby for an interim report, they should ask the board to request this. They can lobby. They can do whatever they want whatever they are. But then let the responsibility of asking for (unintelligible) situation of the interim report be (rested) on the board which we will take account - which would be accountable for the action of asking for it.

So in this case the interim report, but maybe there are other new situations. So we look at the hierarchy over there. In the organization and who will take

higher responsibility, higher authority and they can initiate it because then they are - should be considered to be the ones with the higher task in the flow of things. Thanks.

Jeff Neuman: Thanks Alex. I think that's an interesting report - or interesting comment in that it may - certain things may differ as to who initiated the PDP in the first place or I should say, instead of initiated the PDP, I should say initiated the request for an issuance report actually in the - so I think that's a good - it's a good point, something maybe that will determine flexibility on certain of these items. Any other comment on this particular issue?

Marilyn Cade: Yes, I have one other comment that just to make sure I understand. I may have misunder- two comments.

One is, I actually thought Alex was saying that it also might depend - and Alex should clarify - that if the board asks for an update on interim work versus council or working group initiating wanting to put forward an update on interim work. So that would be question to Alex.

I just - I thought what you were asking us to do is to think about while there's one example or maybe more, to think about what we put into the PDP process about when reports are available and what status they have. And so I'm going to make a comment, again, historically.

When I chaired the Who-Is working group, we did provide - over a two year period - we did provide interim reports publicly but we noted that they were for informational purposes only and we were not forecasting the outcome. Are you - is that one of the things you're asking, is whether there should be flexibility?

And I would just say in response to that is all the interim work of all the working groups is today always online.

Jeff Neuman: Yes, I think - so it was an exam- it - the overall question was when we write
                this process we've got to make - we've got to keep in mind that certain things
                we may want flexibility on, certain things we may not or we want - we may
                want flexibility on everything. I think the specific issue that came up was
                something that - if something's not stated in the PDP process, is it - does it
                mean it's allowed or does it mean that it's not allowed and that's the debate
                that's going on.

                Alan had asked me for an example so this is the example that - had just
                recently come up with and so that was the real point of it. But I do think that
                some of the discussions that were on that particular example were very
                instructive as to, you know, I think was instructive on that particular issue as
                you pointed out, as Alex has pointed out and Alan and others.

                So it was really for the overarching issue of flexibility as opposed to - on the
                specific report.

Marilyn Cade: Right.

Jeff Neuman: So I think, you know, one of the other - let me go on to the next kind of
                general issue that the registrars have raised, is on there, and James, if I'm
                not doing this justice may - or Paul, maybe you can help me. But the
                registrars have said that the PDP should be based - there's evidence of an
                issue to be addressed on a document that's - I'm trying to figure out how the
                summary was drafted here - but it should say a reasonable data driven
                threshold for the introduction of a PDP is a necessary step. James or Paul,
                can you explain that a little bit more? Paul?

Paul Diaz: Thanks Jeff. If I were the first one and James will back me up I'm sure. What
                this summary note is not including is the follow on sentence which said
                anecdotal evidence is insuff- should be insufficient to start a PDP. So what
                we're seeing here, the first comment, is sort of an overarching statement that
                the registrar stakeholder group put together basically underscoring what we

believe was already part of the recommendations that there should be a push to provide as much documentation, evidence, et cetera, at the time of creation.

And if there's nothing more then anecdotal evidence, that those sort of issues should never become PDPs.

Jeff Neuman: Well when you say shouldn't become PDPs, you're saying it's okay to do an issues report on it?

Paul Diaz: Right. Get - start gathering information. Don't jump straight to PDP and I'll flog the dead horse, but the fast flux working group is a perfect example of something that was done, in our view, very, very backwards. It was a jump despite everybody's warnings that we didn't have enough information, that we should do more research. There was a jump straight into a PDP and we wound up burning almost two years of our time with very little to show for it.

Jeff Neuman: Okay and so to just push that a little bit - and then I'll go to James - are there certain, if we want to apply flexibility to that rule, are there certain areas where there should be flexibility on that rule so if something is deemed to be urgent or, you know, a fear that doing a process which, in fact (find) - can take years. Any flexibility on that?

Paul Diaz: Yes, Jeff, I would turn it around. I don't the registrar's statement is meant to be very, very limiting, okay. I think in the context that it was provided, the emphasis was we should - we agree with the working group - what this working group's put forward where there should be the efforts to provide as much information back then, et cetera.

If there's some very important issue and there is no data and whatnot, but the community agrees, that's okay. You know, there's certainly flexibility to move into it. I mean, kind of strained for one of these examples where, you know, we feel that it's so important but we have no data, nothing to point to.

I think the registrar's point in general is let's get a - let's not allow in the future, let's not go down the path of jumping to a PDP when we only have anecdotal evidence.

Marilyn Cade-: Jeff, can I get (unintelligible) when you take one?

Jeff Neuman: Yes, I'm going to go to (James), Alan and then Marilyn.

(James Kent): Hi Jeff. (James Kent) speaking real quickly. To echo a lot of what Paul said, I don't know whether the registrar position was meant to be limiting or not. I think in some cases maybe it was because I think that, you know, from my perspective a PDP is meant to solve a problem and if a problem cannot be described in measurable terms, then I think any effort to solve it will be ineffective at best and possibly, you know, more harmful then otherwise left alone.

And I think that, you know, some version of the Hippocratic Oath comes into play here. If you don't know how to describe a problem, then it's going to be very difficult to solve it in a meaningful way. But, yes, I think that, you know, this goes back to maybe making sure that we're using the issues report to examine issues in the PDP to address them, not using the PDP process to explore issues.

Jeff Neuman: Okay thanks James. We'll go to Alan and then Marilyn.

Alan Greenberg: I think this issue is a lot like the board governance committee saying stop doing task forces and use working groups. That is, it's addressing particular failures that we see without looking at the other side.

We're building an awful lot of flexibility into this process in terms of timing to allow council - either council or the working groups - to do investigation and study prior to or after chartering a PDP.

Ultimately we've made a decision in ICANN that the GNSO should be a management group overseeing this - the overall policy development process. I hate to tell you but management groups make stupid mistakes periodically and nothing in the rules is going to change that.

If we put rules in saying don't do a PDP unless we have specific things, we are sometime in the future going to not do a PDP on something that we should have where it was warranted even though we couldn't demonstrate with hard numeric fact what the issues were.

It's a management process. We're going to have to assume the judgment of the people involved have some discretion for deciding is this one to go with or is this one to pull back on. And I don't think we're going to fix it by rules like this.

Jeff Neuman: Okay again so did it...

Man: (Unintelligible).

Jeff Neuman: Yes. Yes, sorry. Let me - Marilyn, did you want to comment on this or was it something else?

Marilyn Cade: No, I'm commenting on this.

Jeff Neuman: Okay I'm going to go to Marilyn and then I'll go to James.

Marilyn Cade: Okay so I'm going support everything that Alan said and add something which was what I had initially intended to say. I have lo- for long been a proponent of ICANN doing a better job on being the go-to place on understanding the statistics of what is going on in the DNS space.

Fact can guide policy so I - I'm going to say something positive about facts but I'm also going to say that it's the obligation and responsibility of the ICANN process to help define those facts and not to just stonewall finding those facts and use the stonewalling concern on the part of ICANN.

I'm not making a comment about any constituency. I'm making a comment about ICANN. If we don't identify those facts or the tendencies that are creating such a concern that there's a strong support for policy, we're not self-governing. And if we don't self-govern, we're putting ICANN at risk.

And most of you know that I work on behalf of business at the ITU, at the IGF and elsewhere. ICANN is built on self-governance and this is I guess a bit of a call to all of us to say we need to - so I'm going to agree with Alan. We can't always know the facts but you can certainly identify the trend.

You can also, however, urge ICANN to do a better job of supporting the identification of the facts and helping to support fact based policy making.

Alan Greenberg: Is anyone still there?

Jeff Neuman: Oh I'm sorry I was on the - let's go to James sorry. I was talking and apparently nobody could hear me and I was saying, "James, we can't hear you." Okay James, are you there?

(James Kent): Okay thanks Jeff. And, you know, I don't want to belabor this too much. I know that in, you know, within my company and within pretty much any company I've ever been exposed to, if you can't document a problem or substantiate an idea or an opportunity, it's really going nowhere.

And I think that we have to recognize the finite and limited resources both in terms of staff, time and volunteers that we have to expend on these different ideas. And we want to make sure that when a PDP gets underway that it is targeted those areas where we can do the most good and not necessarily just

being used to kind of - as exploratory committees to find out whether or not problems or issues are real or actually occurring or they're just theoretical.

So I guess it's just more of an effort and you're probably going to get this from the folks who, you know, have to make, you know, make sales to keep the lights on in their organizations so we're always going to be driving in the direction because we feel like that, you know, produces the most effective outcome given limited resources. So Thanks.

Jeff Neuman: Yes, so let me just go back to our report and, you know, our report did say we encourage the fact based process that we - you know, we basically said that it should be based on facts. So I don't think your statement is inconsistent with our already recommendations that we had. I think this is more written as a hard and fast rule.

I think what Alan and some others have been saying is that - I don't think - and Alan, correct me if I'm wrong - I don't think you're disagreeing with the notion that policy should be - sorry, PDP should be based - should be a fact finding process before the PDP's initiated and it shouldn't just be based on, you know, ideas and notions that will be putting more effort into the pre-PDP phase but then I think what you're saying is that it shouldn't be a hard and fast rule that says that if, according to some, there's not enough evidence, you shouldn't have the PDP.

Alan Greenberg: Well...

Jeff Neuman: Or am I mis-stating that just...

Alan Greenberg: I'll quote a line and I don't remember who said it but I can find out if anyone cares, that in the initial presentation of this the term anecdotal evidence was used in a relatively negative way. And someone once said that the plural of anecdote is data.

Sometimes all you can get is anecdotal evidence because the hard evidence just is not available and sometimes that's all you're going to have to work on. I don't think we should forbid it.

Jeff Neuman: Okay Alex.

Alex Gakaru: Yes, this is just a thought that's crossed my mind. Just wondering does ICANN have something, like a sort of (bet) of this where issues may be filed no matter how (few or) they occur and maybe with time they grow. And from that data based on how they grow, they could increase to a certain extent or to a point where they could actually trigger a PDP.

Or do we have to wait for issue until it's very hot - red hot - and then suddenly they've got to get out of (target) and push and pull. I don't know. I don't know if there exists such a thing or once certain issues are raised and they are not (covered), (either they) are trashed or they get in sort of a database? This is a question I actually was wondering about. Thanks.

Jeff Neuman: Marika, do you have a comment?

Marika Konings: Yes, this is Marika and just to Alex's question, you know, we don't have a database as such but what we do sometimes, you know, benefit in different working groups is data that's collected by the compliance team because our complaints that our logs on line where people indicate what issues, you know, they have issues with.

And that's a tool where we sometimes look at, you know, which areas get a lot of complaints but there are a number of issues with that system as well as often these complaints are self-identified. So, you know, I might identify a problem but if you dig deeper it actually might not be that issue that's causing the problem. So it's not, you know, you can't really call it a scientific database.

But some working groups like the IRTP working group, you know, have benefited from information provided by compliance on the basis of the information that they have gathered and I think there are some processes on the way to maybe improve that system because I think from our point of view it would be a helpful tool to see what issues, you know, get a lot of attention or a lot of complaints at the compliance level which might be an indication of where there are problems indeed.

Jeff Neuman: Okay. So James or Paul, do you want to address Alex's comment about do you think there's a threshold or how do you measure whether there's enough evidence of an issue to address it because I think, you know, Alex said is it just when it's hot? And how do you know that? Any guidance on that? James?

(James Kent): I'd say, you know, that's a good point. And I think that there's definitely an area where flexibility and discretion should be encouraged. I think that proceeding with a body of data will not only help inform the policymaking process but also provide a success metric so that you can measure the policy outcomes against the problems, you know, over time.

As far as, you know, do ten people have to have a problem before it's worthy of PDP or 10 million? You know, I don't think that this group should be prescriptive in setting those thresholds necessarily. I just - I think that it is well within its remit to expect that some measurements be taken prior to a PDP but I don't think it should weigh into what those measurements should be.

And I'll let Paul comment on that if he has any other thoughts. But we're getting further and further away from I think what the registrar constituency intended in this comment so I don't want to beat or, you know, (build) out that particular couple of sentences into something that it's not.

Jeff Neuman: Okay actually on that point, James, can you just tell me how it's getting
                 further away from that point because maybe then I'm missing it and I want to
                 make sure that...

((Crosstalk))

(James Kent):   I...

Jeff Neuman: ...that (point).

(James Kent):   I'll let Paul do it. I don't think that the registrar stakeholder group was holding
                 for an inflexible or a rigid policy development process. I think it was kind of
                 expressing something that it had identified as a challenge and a problem and
                 something it wanted to see this group take up and I think we have and, you
                 know, I'll let Paul speak to this now (unintelligible).

Jeff Neuman: Okay Paul.

Paul Diaz: Yes, James just I mean literally took the words out of my mouth. I'm sorry for
                 the group if it's being interpreted as registrars demanding an extremely high
                 threshold. That certainly wasn't the intention when I provided my input to this
                 statement, certainly not what I agreed to when the registrars came out.

                 I mean, I - my view is very similar to what this working group has put together
                 in its initial recommendations that there should be the push. Every effort
                 should be made to develop the data, make sure that you can document and
                 et cetera. There will be cases where the data may not exist at the time of the
                 initial launch but there is the sense in the community that there's an important
                 issue here. So we move forward.

                 But again, you know, and maybe that's the problem with - and it's absolutely
                 not a criticism of Marika's efforts but, you know, when you summarize the
                 comments sometimes, you know, we lose the broader context that's there

and I guess it's just, again, repeating what James said that we may be drilling far too much into what was said and creating a lot more then what was really there.

Jeff Neuman: Okay thanks Paul. I appreciate that clarification and actually though it kind of does go into the next statement that's in there from the registrars which is - I'm going to skip the kind of commentary at the beginning but it's just basically I think the point is that not every issue that's raised to the GNSO should be the subject of a PDP and that I think some reasonable boundaries about scope should be something that's done I guess to (Jerry), your point.

Marilyn Cade: Jeff

Jeff Neuman: Yes?

Marilyn Cade: Can I get in the queue and it's specific to this topic and I'd actually like to ask James and everyone on the group a specific question about this.

Jeff Neuman: Okay shoot.

Marilyn Cade: I'm actually in support of the statement that says not every issue that is raised to the council - and if I could put the word policy in brackets for just a minute. I - this is a question. I've looked at the bylaws. I've looked at the documents that have to do with restructuring and everywhere I read it says that the GNSO is about gTLD policy.

So I'm going to raise an example and because I do think that there's a broader issue of not every topic that comes to the gTLD in parenthesis, policy council, since the purpose of the council is gTLD policy. So I'm not changing the name. I'm just using it to ask a question.

We have topics that are coming up in - and I'm going to give two examples - counselors deciding to introduce a topic of Internet governance into the

council. Councils deciding to introduce drafting of terms of reference for a DNS search which I think are broader ICANN topics. They're not gT - limited - they're not only gTLD topics.

So there is probably some benefit to capturing a concept that not all topics that are raised in gTLD council either stay there or belong there.

Jeff Neuman: I think before we have everyone answer that question because we are kind of running out of time, is it possible, Marilyn, that that fits into the - because here we're just talking about policy development, right, as opposed to all the other things that the council may take on.

And I agree with you that that's an issue for the GNSO council. So like - so my point is that there is a part of this where there's supposed to be a determination made of whether the particular issue fits within the scope of the GNSO.

Marilyn Cade: Right.

Jeff Neuman: And is that - is your comment related to that particular issue?

Marilyn Cade: Well I think it is but I think it's also generally related to let's say that the council took a vote hypothetically and said DNS (sec) and DNS search, we want to do a PDP on DNS (sec) and DNS search. That - there're two issues there I think.

One is scope of the GNSO but the other is - I mean, I'm assuming it wouldn't pass as a PDP - but to the comment that I think either Paul or James were raising is do we all agree that not every topic that is raised within the GNSO or as a PDP automatically meets the scope and responsib- scope of GNSO test.

Jeff Neuman: Yes. (James), do you have a comment?

(James Kent):   Yes, really quickly. I think I understand the question. I agree, Marilyn, not everything that comes across the table at the GNSO council level is - warrants a PDP. I would say that I think this touches on a much larger issue that we probably don't have any time to delve into today of, you know, if it doesn't involved gTLD policy why is, you know, ICANN diving into it?

                  So, it's a much bigger topic and, you know, I'll just go ahead and drop out the queue with that said.

Marilyn Cade: I just need to ask you a clarification. I don't think you meant to say that ICANN is only responsible for gTLD policy (did you)?

(James Kent):   Well what other areas does ICANN feel it's responsible for?

Marilyn Cade: Well there would be DNS. There would be security of the DNS. There would be the role of the (root) servers. There would be the role of scalability of the (root). There would be the role of the ccTLDs. There would be IP addressing.

((Crosstalk))

Alan Greenberg: ...there're also numbers - one of the ends is numbers.

(James Kent):   Yes, fair point. Yes.

Marilyn Cade: Okay that was my only clarification.

(James Kent):   Yes. Fair point. I was thinking more in terms of, you know, when ICANN gets into things like, you know, when issues are raised that touch on content or economic, you know, interactions or things like that, so. But yes, fair point. It's not necessarily gTLD policy.

Jeff Neuman: Okay. And on that note...

(James Kent):   Because we were viewing that from two opposite extremes so we met in the middle there.

Jeff Neuman: Okay on that note I'm going to end the call but what I will say is that there's going to be no call next week. A lot of people are on vacation. That's the last week of August. So the next call will be two weeks from today which is September 2nd, if I'm correct.

Alan Greenberg: Yes.

Jeff Neuman: So that'll be the next call and from there on we're going to meet weekly. So if you could plan on September 2nd, and the 9th and the 16th and so forth. It'll be weekly at this time. And we are going to just remind you all that we're going to look - Marika and I will look into see whether there are days where we can send out a doodle for a longer session, for one half-day session or three or four hours on - in September and one for October.

Alan Greenberg: Yes, that would have to be done on a fair amount of lead time though.

Jeff Neuman: Understood. So we're going to quickly look at that. I just want to make sure it doesn't conflict with other task force calls and other things that are going on. So we'll do that and then we'll - that will doodle poll.

Paul Diaz: It almost certainly will.

Jeff Neuman: Probably.

((Crosstalk))

Alan Greenberg: Unless you make it on Fridays where ICANN tends to avoid meetings.

Jeff Neuman: And I know Marika loves working on Fridays so we might do that.

(James Kent):   Or Saturdays.

Marika Konings: I won't comment on that one now Jeff.

Alan Greenberg: A wise move Marika.

Marika Konings: But it might be someone else supporting the group then.

Jeff Neuman: All right. I'll - I will talk to you in two weeks.

Man: Thanks Jeff.

Man: Thank you.

Man: Okay bye-bye.

Man: Bye.

Woman: Bye.

END