

**Policy Process Steering Committee (PPSC) Policy Development Process (PDP)
Work Team (WT)
TRANSCRIPTION
Thursday 23 September 2010 at 13:00 UTC**

Note: The following is the output of transcribing from an audio recording of the Policy Process Steering Committee Policy Development Process (PDP) Work Team (WT) meeting on Thursday 23 September 2010 at 13:00 UTC. Although the transcription is largely accurate, in some cases it is incomplete or inaccurate due to inaudible passages or transcription errors. It is posted as an aid to understanding the proceedings at the meeting but should not be treated as an authoritative record. The audio is also available at

<http://audio.icann.org/gnso/gnso-ppsc-20100923.mp3>

On page:

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Participants on the Call:

Jeff Neuman - Registry Stakeholder Group - Work Team Chair

Alan Greenberg – ALAC

James Bladel – Registrar Stakeholder Group

Wolf-Ulrich Knoben – ISPC

Tatiana Khramtsova - Registrar Stakeholder Group

Alex Gakuru - Non Commercial Stakeholder Group

Avri Doria - Non Commercial Stakeholder Group

David Maher – Registry Stakeholder Group

ICANN Staff:

Glen de Saint Gery

Marika Konings

Liz Gasster

Gisella Gruber-White

Absent apologies:

Paul Diaz - Registrar Stakeholder Group

Coordinator: This call is now being recorded.

Jeff Neuman: Great. Gisella, if you could kick us off with the roll.

Gisella Gruber-White: With pleasure. Good morning, good afternoon, good evening to everyone.

On today's PPSC PDP call on Thursday, the 23rd of September. We have Jeff Neuman, Alex Gakuru, David Maher, Alan Greenberg, Avri Doria. From staff we have Marika Konings, Glen de Saint Gery and myself, Gisella Gruber-White. And we have apologies from Paul Diaz, Tatiana Khramtsova

should be joining us shortly and Paul and Wolf-Ulrich Knochen will be late on this call, as well.

Would remind everyone to please state their names when speaking for transcript purposes thank you. Over to you Jeff.

Jeff Neuman: Great, thank you. This is Jeff Neuman, Chair of the Policy Development Process work team. Good morning to people on the East Coast. I guess good afternoon to those in Europe and other places - and Africa.

Today is an extended call so we're starting it 30 minutes earlier than normal and we're extending it out. What I propose for today is that we spend about an hour, hour and 15 minutes, then take a break and then spend another hour, hour and 15 minutes on the second session.

That's what I propose as far as timing. I know it's a long call and it's a lot to digest so we'll give a break so people can get some coffee, take a shower, do whatever they need to do.

So with that said, what we're going to do today is just go over some more of the public comments. But first I want to ask a question of the members that are on the call right now.

The public comment period closes officially on September 30 or 31. I can't remember how many days there are; the last day of September.

And I understand that, you know, Avri, you had some discussions with the non-commercial stakeholder group as far as providing comments. Is there an update that you can give us on that?

Avri Doria: It's sadder than I hoped. From the last time I was in a meeting, and I'm in the process of doing it again, the last time I was in a PDP meeting, I sent out a message to our policy group saying hey folks we're without a comment.

I got a bunch of mails back saying well I can't really be the one to take the lead on it but I'll certainly comment on it. I went through and I found that I had a bunch of those and I still didn't have anybody taking the lead on it.

So I am once again sending out a message saying hey people, you know, we've got a little over a week left, you know, please somebody do it because I don't think that I or Alex or anyone else who participated in this group should be the one doing it.

I, you know, always argue that we've had more than enough time to make our attitudes and views known and it really has to be the rest of the people in the group.

So I'll take another thing at it, but if we don't get it in by the 30th, that's our fault. We had time. We should have, you know - what else can I say?

I'm going to remind them one more time. I'm going to try to be my pushy self one more time, but if we're not there at the end - I mean, if I know that two days before we've got something going through, you know, community review, I'll certainly, you know, raise a flag. But at the moment we're still at the starting gate. Thanks.

Jeff Neuman: Okay, thank you Avri and I know if anyone could be pushy and get it done, it's definitely you.

Avri Doria: Thank you so much.

Jeff Neuman: Okay. Anybody else have any updates from their stakeholder groups or constituencies? I think with the people on the call, I know David, the registries have submitted their comments and that's in the comment chart. Alan, the ALAC has submitted their comments. So I think - and the registrars have submitted their comments.

So I think that's pretty much the last - and I have not heard anything from the commercial stakeholder group as to whether they were submitting additional ones, although the IP owners through the INTA submitted comments.

So I think Avri after we get yours hopefully from your stakeholder group then that would pretty much cover the gamut.

I should have started this from the outset. Are there any updates from anyone on their disclosure of interest which is - we went over on the last call? I think the only on this call that may not have been there was David.

Again, I think the disclosure of interest is a little bit different from their statement of interest in that you're supposed to disclose - I think a statement of interest was really talking about financial interest and the disclosure of interest is more in terms of interest in the outcome or the specific issue.

And as an example, I had said on the last call that (New Star) is a contracted party and as a contracted party were bound by the consensus policy process. And that is one of the outcomes of - a potential outcome of a PDP for the work we do in this group could affect how contracts are amended in the future.

So David, did you want to supply a similar statement?

David Maher: Hi, I'm coming off - yeah, I was on mute, sorry. Yeah, I'll...

Jeff Neuman: That's okay.

David Maher: Do that.

Jeff Neuman: Okay. Alex, you have a comment, question?

Alex Gakuru: It's not a change but since it's like we are doing is tied to the joint working group that Jeff worked in, I don't know where that fits in but it's not in financial but I'm just trying to point that whatever we are doing there of course effects what happens and not at a persona level.

Whether may be that has not changed and have no personal interest even on that other one. But I just wanted to ask whether maybe that would be considered to be sort of interest of what is happening on the two other groups or is it non-ICANN. That's more of a question I'm asking. Thank you.

Jeff Neuman: It is - it's a good question. I think the answer is that it's anything whether it's an interest and so it could be something outside ICANN, sure. At least that's my interpretation. Avri?

Avri Doria: Yeah. In fact, you know, that reminds me that we went so far as to say that if you were an academic and you maybe might possibly some day write an article on this, then you would have to declare an interest.

So yeah, I may be might possibly write an article on ICANN processes some day so I guess that would be an interest in the outcome of all of this. Thanks.

Jeff Neuman: Okay, thanks Avri. I might write my memoirs one day and I might mention all of you in there. I'm kidding. I don't think anyone would read that.

Avri Doria: I'm just following the rules of what they said a declaration of interest was both financial. But for those of you who are academic, don't leave out the fact that, you know, you may use this some day for something academic that, you know, could be part of your article count for the year.

Jeff Neuman: Yes. Absolutely. Alex you have another comment?

Alex Gakuru: Just a quick follow-up on what Avri has said. I am with the media in Kenya and we do a lot of things and I sometimes have the resources to the media not happening in ICANN.

So I don't know whether informing the public is an interest I have or that now that articles is anything is run is not academic but public communication on any issues or why this would be on like I declare I have an interest because it's really not an interest. It's just in public interest communications.

Just clarification, thanks.

Jeff Neuman: Okay, thanks Alex. So with that, then why don't we move onto the substance and - I see Tatiana has joined us. Welcome.

We left off at number - if you see the chart that's above, that's just as a reminder and for those listening to the recording, we're actually looking at Adobe right now at the chart on public comments and we're looking at the bottom of the screen, we're looking at the actual initial report and draft recommendation.

So if I look at the chart, we left off at number...

Avri Doria: Twelve.

Jeff Neuman: Twelve, yes, thank you, on Page 8. And I believe everybody has their own control over this. And we had recommended that - remember we're in Stage 1 right now. I think it's Stage 1. Let me double check. Stage 1 which is basically the prep - preparation or raising an issue.

So in the raising an issue, we basically said that we could - it's a tool for those interested in raising an issue to have a workshop on a particular issue. I think early on in the process, Bertrand had raised a notion of a kind of birds

of a feather session but basically the solicit feedback on whether this - on different aspects of the issue

And the registries have raised a comment that asks us to - you know, what is meant by a workshop. These are traditionally held at ICANN international meetings but those are three times a year. And we note that drafting teams have been used in recent years for several purposes including drafting charters, recommendations before initiating a PDP.

Does the work team see a place for drafting teams in the PDP process and if so, what would that be?

So I'm looking in the draft recommendations right now and I'm trying to find exactly which section this refers to.

Marika, do you happen to know this off the top?

Marika Konings: It relates to Recommendation 12. Or - was that your question?

Jeff Neuman: Yeah. And that's probably obvious and I should have known that. Thank you.

Marika Konings: No, but I mean the recommendation itself doesn't talk about, you know, drafting teams per se, so I think they've listed under this because we talk about workshops but...

Jeff Neuman: I thought...

Marika Konings: I'm not really sure where the drafting team comes in.

Jeff Neuman: Well that's what I was trying to - I'm trying to find where in the report we talk - I know it's Recommendation 12 so I'm just trying to find out what page that's on and...

Marika Konings: Page 8, as well of the initial report in (unintelligible).

Jeff Neuman: Right. So that's Executive Summary?

Marika Konings: Right.

Jeff Neuman: I'm looking in the body of it, it is where? Sorry. Going through here trying to find it. Okay, see Recommendation 11 so somewhere around Page forty - okay, it's in the forties, but essentially as Marika was saying, you know, one of the things we talked about in the report is having workshops to raise an issue.

The registries I think raised a good point that the workshops are only three times a year. I think our overall point on this whole thing was that none of these were mandatory, right? And so - I just found it. In 9A, which is on Page 45 of the report.

In 9A we say it's suggested that - it was suggested a drafting team that is tasked with developing a charter for the working group should also be a good position to develop a realistic timeline for delivery of milestones.

Some suggested a maximum 30 to 45 days it could be extended. Other suggested to include target dates - sorry, it's probably more in the middle there.

It says - some suggested there should be two types of requests; the standard request, which would be queued behind - why did I think that the workshops were in this section? Never mind. I'm reading the wrong section. I thought it was in that section.

Anyway, what we had suggested was that there were a bunch of tools at the disposal of those that want to raise an issue. We said one tool may be, and

this was never a requirement, with a workshop on the issue to solicit feedback.

Again, it wasn't a requirement. Alan, you have a comment?

Alan Greenberg: Yeah. I have a feeling of deja vu that I've made this comment before but I think the raising of drafting teams here is a bit of a red herring in that we're looking at workshops as a vehicle to introduce the community to an idea to get some feedback as to whether this is a problem or, you know, to try to understand it better.

So I don't think design team is the right vehicle for that. Design teams are normally put together when there's a specific work product that needs to come out as a written or work product.

There are other vehicles that could be used instead of workshops if you're looking at doing things between meetings. ICANN periodically does, you know, online tutorials and, you know, I don't remember the name right now but, you know, essentially community calls for very different communities briefings -- briefings; that's the word -- on particular issues. And certainly if there was a need to do something in between ICANN meetings that kind of vehicle can be used instead.

But I think drafting team is a red herring and doesn't fit the model of what this particular section is trying to address.

Jeff Neuman: Yeah, I think - so I think you raised a couple of good points that we need to take note of.

One is that this is - the workshops in this section that we're envisioning are, as you said, to if there's general interest in the topic to see if it's worth basically raising that issue to the council to initiate a PDP on even before -

maybe even before the charter stage for a drafting team. So I think we need to make that point.

I think that, you know, your second point about when we say workshop we're not really defining how that workshop is conducted. We're not saying it has to be at an ICANN event. It could be in many forms.

It could be an at ICANN event or it could be an webinar, a briefing, however those terms, but I think those are key points that we need to make that we never really - I don't think it was our intent to basically be that rigid as far as a workshop within a ICANN meeting.

Alan Greenberg: Agreed. I mean one, for instance, if this was a planned issues report and PDP on getting - on stopping slamming, it could be held at one of the registrar, registry meetings where the right people are around to discuss the issue and decide how to attack it.

You know, one would have to pick the vehicle depending on what the subject is.

Jeff Neuman: Right. So it could really - since this is bottom-up, right, it doesn't necessarily even have to be organized by ICANN staff. It could be organized by the group that has an interest in it. If it's a registry interest, it could be the registry's. If ALAC, it can be an ALAC.

So it doesn't even have to even be a formally organized by a ICANN staff is, I guess, what I'm saying which kind of addresses the last point where they say, you know, how would that - what's the process for that and how would those be, you know, called.

Alex?

Alex Gakuru: Yes, a quick comment. Maybe we could just say about the notification, how the notification can be sent when such is happening to the ICANN not to the broader community so that if we decide to have one in Africa region, maybe we could have a place we could notify so that any other stakeholder that may be interested can be notified at their meetings. Thanks.

Jeff Neuman: Yeah, so traditionally that's done now with the -- what is it called -- liaison list, the mailing list, which is sent to the executive committees, I guess, of each of the stakeholder groups and constituencies.

So yes, that's an important point that when one holds one of these workshops, they should make an effort to notify other stakeholder groups, constituencies that may have an interest in this and one tool may be through the use of the ICANN mailing list.

Now one interesting point on this - sorry, let me go to Alex first before I go on.
Alex?

Alex Gakuru: Alan.

Alan Greenberg: Alan.

Jeff Neuman: Sorry, Alan. I don't know, my eyes are blurry.

Alan Greenberg: I just wanted to make one comment before we go too more deeply into this that if you look at past PDPs when workshops being held early on in the game, they weren't held as part of a PDP. They're part of the process that eventually led to a decision to request an issues report.

You know so it's not so much our rules should be guiding what should be done, but these are things that in many cases just naturally happen and eventually there's enough of a ground swirl to initiate an issues report or request an issues report in a PDP.

So it's - I think it's important to remember that it's almost part of our culture to do this kind of thing any way. It's not so much that it's mandated somewhere.

Jeff Neuman: Yeah, and I think that's right and I think this would be a good thing to kind of put in our, you know, guidebook of policies of the process as a tool for those, you know, new to the ICANN world that, you know, believe there's an issue that should be raised.

It'll guide them on the different tools that they could use, again, not mandatory.

I do want before we leave this question, we don't really talk too much in the report about drafting teams except when we get to a charter stage. And that might be the appropriate place to talk about a drafting team, but this question raises a drafting team even prior to that.

Is that something we want to tackle or do we just really think at this point a drafting team is really for...

Alan Greenberg: Drafting.

Jeff Neuman: Charter - yeah, drafting. I think that's right. I think it's terminology here. Obviously nothing's stopping the creation of a group bottom-up to raise an issue and hold a workshop but I don't think we label that and call that a drafting team.

And by the time the council actually request - I guess the council could still request a workshop held or a team being put together to investigate a possibility of raising an issue. I don't think anything we've said precludes any of that from happening.

Alan Greenberg: The drafting team could schedule a workshop.

Jeff Neuman: Yes, assuming there is a drafting team, correct. Okay. Let's move on then to the next one which is - this is a comment from the INTA.

We had talked about that when raise an issue, again, this is before - this is to go into an issues report, you know, we basically said to an extent you can, is to try to do an impact analysis of, you know, what are the potential outcomes and impact on constituencies on contracted parties on internet users, basically on anyone.

And the INTA says that they agree. They generally agree with this notion of trying to do an impact analysis. But the caveat that more details guidance should be in a manual on what constitutes appropriate or necessary and how the GNSO council should consider and use such analysis.

The design of such studies so early in the process might be flawed or could base - or could bias the outcome. And so a public comment period should provide adequate basis for parties to argue or support under a fiscal hardship economic impact.

The registrars with respect to the impact analysis also believe that it's a good recommendation step for PDP and that this should be - this should include an assessment of the impact to the operation of registries, registrars' service providers.

ICANN an entity including ICANN's revenue, the end users customers of GNS, the Brussels meeting it was raised that further consideration should be given on other quests for impact analysis could be abused to delay. And the last comment was from registries that they agree with the recommendation.

So I think there were a lot of good comments in there and let me ask the obvious question. Does anyone disagree with any of those comments. I mean, I think they're all very good comments. And I think from my reading of

the report, they're all in line with what we've said in the report and just maybe require some fine-tuning.

James and then Alan.

James Bladel: Hi Jeff. James speaking. And just, you know, off the cuff, I would want to go on record as disagreeing with Comment 13.

I had to step out of the Brussels meeting a little early so I maybe missed this but, you know, saying that understanding the consequences or ramifications of a PDP would slow down the work of the PDP to me is missing the point of the PDP.

You know, you don't want to rush off and do something or speed up or accelerate the implementation of the change if you don't understand what that change might be.

And - so I just want to maybe come out as not supportive of the feedback that was tracked here on Number 13.

Jeff Neuman: So there was - sorry, just to be clear, so there's one, two, three, four comments on Number 13. I think you're referring to the one that was raised at the Brussels' meeting?

James Bladel: That's correct. I'm sorry. They're all labeled 13. The one that's right before the feedback from the registry stakeholder group.

Jeff Neuman: Right. That's the Brussels one. That's (BXL) meeting. The reason they're all labeled Number 13 is because that's the recommendation it ties to.

James Bladel: I understand and I shouldn't have referred to that label. My apologies. But no, I just - the way it's - it just seems like a bit of a non sec order when you look at the underlying intention of this recommendation.

Jeff Neuman: So taking that and pushing a little bit on that, you foresee - so I'm not - I - look, I should say this, but even with your assertion about, you know, it's - no one's deliberately trying to slow it down but a PDP you really should consider these issues, and if it results, you know, a little slowdown, then that's actually appropriate. You know, I'm trying to summarize your view.

But do you see - just ask the question. Do you see a way that that could be abused by certain groups that do not want a PDP to take place? And if so...

James Bladel: Well...

Jeff Neuman: That we can say to mitigate that.

James Bladel: Well I think that, you know, yes, but I think that touches on a larger issue.

If there are certain groups or, you know, stakeholder groups or constituencies, whatever we want to call them, that are that concerned about a PDP getting started, then I think that that almost emphasizes the need for some sort of an impact analysis to understand exactly what is the potential consequence of this PDP that's causing folks to, you know, want to slow that process down.

I guess I just - I almost feel like this commented thing, you know, better to act in haste, you know - I know it's not saying that but I'm just kind of turning it into its alternative there.

Jeff Neuman: Alan, is your comment on this or on something related but not on the timing or abuse?

Alan Greenberg: No, it's on this.

Jeff Neuman: Okay, great. Then okay go ahead.

Alan Greenberg: I guess I see it slightly differently from James. I see this as saying there is the potential that under the guise of let's do more studies, let's do an impact analysis, someone who does not want to see a PDP go through could be raising this and, you know, in a world where, you know, one group's saying let's delay says the whole thing is delayed or one group says we need more studies, there are more studies, there's the potential for get - for acting as a roadblock.

I mean especially when you look at - you know, look at the current who is studies, you know where we're talking about studies that cost several hundred thousand dollars each saying that we must have an impact analysis or we must have a study before we even request an issues report almost guarantees that something won't happen.

So there's essentially the potential. Now that's not an accusation that every time someone says we should do an impact analysis it's being done for that rationale. But I think it's a valid point that needs to be considered because it's almost opposite to the prior one saying we need to understand the impact on every potentially concerned party before we look at whether it's even something we want to request the issues report for or an initiated PDP.

Jeff Neuman: But couldn't we say that this kind of thing could be handled by the council as part of their management of the process? In other words, if it hasn't gotten to the level of a council - the council yet, so it's just a group raising an issue, and the group could always go to the council at any time, there's nothing stopping that.

If it's - then if it's at the council and the council wants to do a workshop or do some prep work like this, couldn't the council in theory as part of their management, couldn't they say we're going to have a period of 30, 45 days, whatever it is, to do this kind of work.

And then - so in essence I guess what I'm saying is couldn't the council as a management body take steps to prevent or if it sees abuse going on, couldn't it put a stop to that?

Alan Greenberg: If it's at a council level, it's not - are we talking about something prior to issues report or post-issues report?

Jeff Neuman: This is really prior. This is raising the issue.

Alan Greenberg: Yeah, so it may not even be in council. It may be some completely other body. So council does not necessarily the ones and all the more so if it's some other body, there's really no access to resources to do...

Jeff Neuman: But...

Alan Greenberg: Impact studies and prior formal studies.

Jeff Neuman: Right, so if it's in another body, then there's nothing preventing that other body from going to the council through a stakeholder group or through their advisory committee or however. It's really...

Alan Greenberg: But there's - no, we're potentially talking about something with a large budget on it here, potentially.

Jeff Neuman: Right.

Alan Greenberg: And certainly policy staff involvement.

Jeff Neuman: Okay, let me...

Alan Greenberg: So, I guess we just need to be careful about directing roadblocks.

Jeff Neuman: Okay. I think that's good and I think we should make that comment. Marika is this a clarification? I noticed you jumped or - because there's a big queue, so...

Marika Konings: Yeah, no, this is Marika. Just actually confirm that in any such decisions indeed if it would be ICANN funded, you know, it would require staff participation and coordination and normally I would assume, as well, some kind of council decision or agreement.

Because although I think, you know, there are ways in which staff could move forward certain items. I think it would be very unlikely if there would be strong resistance or opposition from the council, for example, and especially indeed if a big impact analysis is expected.

I presume that, you know, it's not just a working group that can say, hey, we are - you know, any consistency stakeholder group saying hey, we think we should spend \$100,000 in doing an impact discussion on this issue that would just be yes we go ahead.

So I agree with what Jeff said of, you know, the council being the manager of the process and being there, as well, you know, the manager of trying to avoid if does become a roadblock or a way of delaying progress on an issue.

Jeff Neuman: I'm going to go - the queue is James, Alex and Avri.

James Bladel: I'm going to go ahead and drop out I guess. You know, I've just - I made my earlier statement and, you know, certainly wouldn't want to see one individual or stakeholder group holding up an entire process or given veto power over a process.

So maybe in that context this is an appropriate statement to ensure that this is not abused, but I would also want to caution that, you know, it doesn't

make a lot of sense to launch of bunch of PDPs without understanding the consequences. Thanks.

Jeff Neuman: Yeah, no, and look, I think - so the work - this working group has made the recommendation that we believe that there should be a certain amount of work that's done prior to raising and issue and we've made a recommendation that we recognize the value of workshops on subsequent issues prior to initiating your PDP, and therefore we're recommending that information on a potential workshops and information gathering event be provided in the manual or guidebook.

In addition, we recommend that the council should consider requiring a workshop during the planning and initiation phase for a specific issue.

We already have that in there. The comments are generally supportive and I think with just a caveat that there may be a fine line between doing the process and delay but - and so we can take note of that. We understand that issue. This is not intended to delay but rather the recommendation stems from an acknowledgement by the group that the appropriate diligence should be done before jumping into a formal PDP.

So I actually - I see those as being complementary as opposed to being kind of opposite comments. And I'm not sure the Brussels comment basically said don't do it. It's going to - you know, people are going to abuse it. I think they're just kind of making a note that there's - there could be a potential for that.

Alex and then Avri.

Alex Gakuru: Okay. Alex speaking. I was wondering whether we provided an avenue where maybe a second stakeholder group that may feel that something wasn't done or needs to be done before the PDP is initiated whether there is a mechanism we created where they could raise it; either to the group raising it or maybe

whether they should direct it to the Council or what would be the procedure if a second stakeholder group or community or constituency.

Sounds like there is something that needs to be done before. And maybe before it's initiated. And then after that we can see then the vast window of (unintelligible). Is there a mechanism we created or an avenue we gave out to under such cases in case somebody felt that there was a vast need? Thanks.

Jeff Neuman: Your question is - just to restate it. Your question is if a group wants a workshop or some coordinated ICANN activity to collect information to raise an issue, what is the process for them to do that?

Alex Gakuru: No. I was saying there is a workshop has been held and there was a need, there was a general division that I think that this should be raised. Then maybe another stakeholder group felt like no, there is an issue that workshop where the people initiating it didn't consider and I think it needs to be considered.

What would that stakeholder group needs to do to feed into the process before the PDP is initiated? And how long and what's - who should they take so that maybe it can be within a certain period of time or through a certain avenue so that it's provided for just in case some group felt like that (unintelligible) was going to achieve something different. But then I can time tie it so that it's not open ended. Thanks?

Jeff Neuman: Yes. In thinking about that, you know, if it's at the Council level, there's already been a workshop but one group is not happy with the outcome of the workshop or didn't feel like it covered areas, that there was a group that was supportive of moving forward with the PDP, then it's almost a, not almost, that is a - that is a Council policy management body issue; if the group that wants the issue to go forward to the PDP has enough support, then my guess is they'll just push for a vote to initiate the PDP.

IF that vote fails, then I'm assuming that those that voted against it or those that voted for it would probably approach the guys that voted against it and ask, you know, what can we do to - we're saying that's probably a political give and take that's probably going to have to happen. And nothing that we could - I don't think we should introduce a process to have one group raise a problem saying I don't think that workshop is appropriate or raised when it should.

I mean they could do that during I guess - I'm sorry. I'm thinking it through. I'm not sure there's anything formal we can do about that or should do about that.

Alex Gakuru: Okay.

Jeff Neuman: Unless you guys can think of something or anyone disagrees, I'm just - I'm thinking that's probably part of the give and take at the Council level of, you know, whether you move on to a PDP vote or you try to get more support before you call the vote. If anyone disagrees, raise you hand, let me know. Try to think through this. Avri.

Avri Doria: Yeah. Hi. First of all on that last one. I tend to agree. I think every time we come up with an issue where we're endangering ourselves by creating yet another process and if the process is for building yet more and more heavy weight.

I think in this discussion also we've been confounding a couple issues. Anyone of the SOs or ACs can put together a proposal for an analysis that requires expenditure of funds and goes through some channel to try and get that fund, and I think Marika's quite right that any time you're asking for more than just the normal issues report which of course uses staff resources, you're multiplying the amount of staff resources that needs to be expended.

That needs to be done deliberately. That needs to be done with budget implications, priorities and all that stuff. I think that is actually separate from the PDP at a point at which a PDP hasn't started. I think the recommendation we have that gives people an option for things like workshops or what have you is sort of different than that.

I think that from a GNSO perspective I think they should see an issues report first including any recommendation that may or may not come from the staff saying well folks, this is complicated. We think that before you initiate a PDP you should consider initiating any - an economic and environment - a human rights impact analysis, you know. Hopefully someone would recommend the human rights analysis some day.

But be that as it may. So I think that we've put a couple things into this that, you know, and the GNSO even can request some kind of study or analysis before an issues report. But that again would be a separate activity from PDP initiation.

I believe that putting such a study in before an issues report as part of PDP initiation would be cart and a horse switching and is something we shouldn't recommend. As part of the PDP I think we should only do a expensive and lengthy analysis if it's recommended and an explicit decision is made that it's worth doing. Thanks.

Jeff Neuman: Yeah. Thank you Avri. I think that - those are good points. And I agree with - I think that's right. So are we ready to move on to the next (poll check). Actually I think it's probably a more difficult discussion because we sort of punted on it. And from what I've seen from the Council, there - it's kind of in flux.

But basically what we had talked about in the report is that we believe that the GNSO Council should prioritize PDPs and ensure that resources exist both staff and volunteer upon the initiation of PDP. And then we sort of

punted the issue by saying in light of the prioritization activity going on in the Council we're deferring to the Council and then the outcome of that activity that's going on.

In my latest reading and I think we have a Council member on (Will Alan). In my latest reading of the Council, it seems like there's a bunch of options out there as to what to do. They did an exercise about which kind of issues they felt were - should be - and how they should be prioritized. And then now they're deciding whether - what to do with those results if anything. Was it a waste of time to do that? Should they ignore the results? You name it. There's a bunch of options.

So I - even with what's going on at the Council, I'm not sure any of that helps us. That said, we could just stick by our recommendation saying the Council is responsible for prioritizing and making sure resources exist; that we should do that.

Let me go to - Alan raised his hand first. So Alan, maybe you can give a better background than I just did.

Alan Greenberg: No that background's pretty accurate. We went through a rather lengthy exercise and it's not clear what usable workload will come out of that. I've maintained for a while that although staff resources are extremely critical and limited, I think our larger problem in terms of volunteers is not attracting people into the process. So we end up with burnout of a very small number of people.

And the issue of PDP - of too many PDPs I think is a red herring. We don't tend to have all that many at any given time. We're certainly in a really bad situation right now because of all the special groups that we have in place and have had in place related to GNSO reorganization, related to follow on parts of the new gTLD process that all are extraordinary if you look at the ten year history.

So I think we're in a worst-case scenario because of our place in time right now. The number of PDPs tends not to be all that large and the real challenge I think is to get different people involved so the same six people are not the ones who show up on every call. Staffers are an issue and I think has to be addressed. But...

Jeff Neuman: So - Alan.

Alan Greenberg: ...I think the burnout and too much work for GNSO Council I think is somewhat of a red herring.

Jeff Neuman: Well, can I - something I extrapolated out of that and something I realize we may need to reword a little bit in our report is we do say that the Council should prioritize PDPs. Your comment raised, you know, it's not just PDPs that the Council's working on and the resources there; it's not just dependent on PDPs but everything else that's going on.

And in the future, you know, now it's new gTLDs; maybe next year it's something completely different. Maybe DNS or who knows what it is, right. We can't predict that. But the point is that the Council should prioritize PDPs not only in light of the other PDPs that are going on but also in light of all the other work that's going on. Other working groups that may not be PDPs, other stuff that's going on in the community as well as, you know, just looking at other PDPs.

And I think your point of a red herring I'm sure others may have a comment on that. So before - let me jump to Marika and then to James.

Alan Greenberg: Yeah. Just for the record, Council has prioritized the other items, not just PDPs.

Jeff Neuman: Right. Oh actually I'm sorry. The question I have for you is well what the Council is doing is only prioritizing existing issues that were before it. It wasn't talking about or it hasn't talked about a methodology for prioritizing things in the future, right.

Alan Greenberg: Other than saying we need to redo this as new things are added. The implication is we should be - we should factor in the priority list when we're about to add new things but I don't believe there's been any substance discussion on how or when to do that.

Jeff Neuman: And I think - and I think our recommendation at the time we made it was we believe that the Council was not only going to look at what was existing but was going to look at a process for future. But really our recommendation may not make the total sense because we're deferring it to the Council if the Council wasn't considering that aspect.

Alan Greenberg: I mean I think our recommendation should not be prioritization but workload issues.

Jeff Neuman: Okay. All right. So (unintelligible) at this point. Marika and then James.

Marika Konings: Yeah. This is Marika. I mean I'm (starting a little bit) to agree with Alan there. I think it needed - the discussion on prioritization needs to be taken as a whole and not only focused on PDPs as indeed many of the other efforts are taking up a lot of time and resources.

But to add on that I think one of the things that - and I think again this is not only limited to PDPs but also other working groups is that, you know, whenever a new issue is raised and is, you know, the latest hot topic, you really see that that drains resources from other initiatives that are already ongoing for a while.

You know, either people lose interest or we see that, you know, maybe it's not going in a direction they want or they actually see that it's going in the right direction so they leave it then in the hands of a very people to wrap up. And that's, you know, really proven to be very difficult and in, you know, coming to conclusion and you, you know, if you get in a situation where it's just a handful of people that are responsible then for final report or finalizing a report.

So, you know, that's another issue that, you know, I don't necessarily know what the right solution is there. But I do think there needs to be a kind of model where the - you know, we can get people to actually finish what has started even if, you know, you see that things are, you know, other funner things are getting started and are taking place.

I mean one of the, you know, ideas I've been throwing around is would there be a system where you can say look, you know, this is the amount of an issue that in total that we can have going on, you know. Say ten working groups on ten different initiatives.

If something new comes around the corner that can only get started if one of those initiatives gets finished and actually force people to, you know, see things through to the end and wrap it up and then move on to the next issue. Because indeed, you know, comes back as well to limited resources but also the fact that, you know, people just move on to the next topic because, you know, it links to new TLDs or, you know, needs to be finished quickly but it leaves those other issue basically hanging.

Jeff Neuman: Yeah. That is something that does - happens a lot s well. James.

James Bladel: Yeah. This is James speaking. And to echo a lot of what Marika said and just a cautionary note while we may be at a historically high level of - or high water mark in terms of activities going on right now, you know, there's nothing

on the horizon that would indicate that that's going to do anything but increase going forward.

So I think that, you know, maybe now is the opportune time to take a look at some of these issues whether we call it scheduling or prioritization or, you know, balancing or whatever.

But all of these different activities whether they're PDP or other types of activities draw from the same pool of volunteers and those are all very finite and very scarce resources and we want to make sure that we can't just overload them with infinite need, you know, coupling, you know, infinite need to a finite resource is just a unsustainable proposition going forward. So thanks.

Jeff Neuman: Thanks James. It sounds like we're all in agreement although we stated it a little bit differently. I see us all in agreement on this subject and that I think we have enough on - to go on now to, you know, change some of the terminology that's in there as discussed and it's not just priority but it's workload or as Alex calls it load balancing on the chat. Different meaning Alex.

But so it sounds like we're all in agreement on that. So I think we should jump on. What I want to do with the next one is - there are a bunch of comments on the fast track process. I think we left a lot of holes on this in the report.

And I think what I want to do or my recommendation is to kind of move over this one because I think that's going to require a bunch of time on its own because we really need to hammer that out if there is going to be a fast track. It talks about some ways in which that could be achieved.

So what I want people to think about for the next meeting is, and even on email, is if we could send a note basically to get people to think about fast

track; these three comments but more - but also the whole concept of a fast track and how that would - how that would run.

We've kind of skipped over it before. We talked a little bit about it in the report. Marika, could you take the portions of the report that talk about the fast track and put it in, you know, out to the group and then basically we'll spend the next call talking about that? Alan, you have a comment on that?

Alan Greenberg: Not on that. Just on the description of the ALAC comment. It says for issues needing urgent attention. We had a second motivation that is for issues which are not controversial. That is it's not expected to be difficult but a PDP is the only way of build - of creating a consensus policy change.

Jeff Neuman: Okay. I think that's it. Marika, can we note that in that section as well? (Unintelligible).

Marika Konings: Could you please repeat that?

Jeff Neuman: So it's like for issues that need urgent attention and that are not - that are non-controversial I think that's the words you used.

Alan Greenberg: Yeah. Issues which do not require all the complexity of a (folded) PDP because it's believed there's general agreement among the community. But yet a PDP is the only way of getting something changed in consensus - in creating a consensus policy, which is obligatory on all parties.

Jeff Neuman: Or something that in theory could be a requirement for ICANN. It'd be like ICANN - the ICANN Board to consider immediately that (unintelligible).

Alan Greenberg: Well yes, but essentially if you want the force of a PDP behind it, whether it's consensus policy or requiring a formal approval by the board, a PDP is the only process. But our full-blown PDP is really, really heavyweight and it's hard to justify that amount of work.

I'll use the same example I used a few minutes ago. If all parties decide that current consensus, current contracts do not - are legitimized slamming and we want to get rid of it, I don't think we're going to find a lot of people fighting for slamming. But yet the only way like to do it might be a (unintelligible) consensus policy and therefore a PDP.

Jeff Neuman: Okay. All right. I think that makes sense. Marika, let me - I want to go back and clarify something I said. And I'm kind of rethinking it. I still think, and you have a question, I still think we should put off this dialog in email. It's going to be a broader topic.

I'm not sure it'd be at the next meeting that we would talk about it simply because it's probably something we want to talk about after we've exhausted these subjects on a main PDP because it'll be easier at that point then to think about how to do a faster track. But I'd still like to start the dialog on email to see if people will weigh in.

So basically take the provisions from our report that relate to the fast track, take - yeah. And put these comments below as well. And then start the dialog via email and then we'll schedule a future meeting on this subject. Do you have - Marika, you have a question or a comment on that?

Marika Konings: Yeah. This is Marika. Actually a question and a comment. The question is so - Alan if I understand you correctly, for you then a fast track would be basically dealing with other issues than consensus policies. Because I found this in you're currently saying if something is indeed a contractual change, it can only go through the full-blown PDP process.

A fast track would only deal with other kinds of issues that you might still want to get, you know, in front of the board or have Council, you know, formally voting on it; that's when you would use a fast track. Did I understand the correct?

Alan Greenberg: No.

Marika Konings: Oh, okay.

Alan Greenberg: I am including things that require a consensus policy to be able to put in place but ones that are not deemed to be worthy of the investment of the time, both elapsed time and the resource time of a full PDP.

Marika Konings: Okay.

((Crosstalk))

Alan Greenberg: ...everybody agrees to is a good thing but other than renegotiating every contract one by one, there's no way to do it.

Jeff Neuman: Okay.

Marika Konings: And then my comment was because, you know, though of course it wasn't a PDP something the working group might look at and, you know, I wouldn't propose to do it in such a sort of short time of fast track but what the recent Recommendation 6 Working Group did. Because there for example was a lot of discussion and, you know, I think staff would like a bit more guidance.

But for example, a lot of the recommendations that came of the group were drafted by staff and then put back and forward between the different groups that were involved. And another element that they've done is for example produced the report and then asked for public comment. I mean it's a very unusual model but, you know, I think part of the challenge.

For example, a normal PDP process is that it takes a lot of time before you actually get to a draft that people can start commenting on. So, you know, once we getting into discussion, you know, Alan it might be as well if you

want to do things faster, it's having things on paper that people can actually look at and comment at and refine and getting through consensus. And that way might be a model of, you know, of fast tracking things.

But again there I think you need to be in a situation where you already have a lot of information available and positions are known or people are able to produce positions relatively a quickly for such an effort.

Alan Greenberg: Yeah. Can't disagree with what you said. I mean it's worth noting however that effort was only possible because a large number of people were willing to put a near infinite amount of work into it in the short time, which one wouldn't think is typical.

Jeff Neuman: Okay. And so can - Marika, can you summarize in email to the group at some point, you know, in the next couple weeks what the process that that group has been using and the timeline in which things have been accomplished. Or - I know it's still in the middle of it but at least what the proposed timeline is, right. There's a public comment period now and the Council may be voting on it.

Marika Konings: Right. But I think that one was, you know, really extreme. Because I mean if you see the amount of time, also staff time, that went into that, you know, weekends and things. I mean, you know, I wouldn't like to use a time (prism) although, you know, only if you then say okay, then all other work stops or you really make clear that if you go ahead with a certain fast track issue, it means that other work stops because otherwise, you know, it's undoable.

And that was one of the efforts as well (where) for example could clearly see that resources were being drained from other working groups and where we, you know, postponing or canceling meetings basically just because people were, you know, dedicating all their time and efforts to this initiative.

So, you know, you're basically caught in one hole with, you know, with the other and, you know, it's not necessarily a solution. So I think you need to balance it very well. If you go for a fast track, it needs to be tied to okay, so what do you stop or where do you get the additional resources to carry out such a fast track effort.

Jeff Neuman: I think those are good points and I think those should be mentioned as well when we talk about a fast track that initiating a fast track process may take away resources from other PDPs or working groups that are under way in the way that you've described. So I think those should definitely be described when we talk about the fast track.

So if you could still summarize that at the time that was used and then we could talk about that when we talk about the fact track. Okay, that's - is that really a reasonable time period for other ones and should we take these five days to do this. Does it really take, you know, fast track ten days? And we can have those discussions. It'd be good to know what has happened in this case.

Marika Konings: Okay.

Jeff Neuman: Marika. I'm sorry. Avri.

Avri Doria: Hi. Thanks. I want to first go back to the purpose of the fast track. And I have, and I think I've mentioned this several times, been very uncomfortable with the notion of fast track. And I think Marika's request for a clarification that I mean Alan disagreed with actually worked and resonated very well for me that fast track could only be used for non-consensus policies.

And I think if there's that kind of line in it, then my discomfort with the whole notion of fast track tends to go away; but if used for all the other- that it could be used for any and all the other policy stuff.

The other thing I wanted to bring up related to the other discussion on things like cross community working groups is that those fall completely outside the purview of a GNSO PDP. That whether it's the joint SSAC, GNSO and, you know, some of them yes they do have joint charters that are approved by all the entities. But that these are, you know, multi (SOAC) efforts that are special and are outside the PDP.

And I think we'll get ourselves very confused if within the GNSO PDP process we also now start to define rules for something that is a new emergent type of work being done which is the multi (SOAC), you know, policy working group.

So I think what happened in Recommendation 6 Group was really phenomenal, you know. And it's a good example for future joint work between ALAC, GAC, GNSO or ALAC, GAC, you know, ccNSO on ccNSO issues and perhaps there'll be four ways. But I really don't think that it affects the PDP, which is specific work being done in the GNSO. Thanks.

Jeff Neuman: Okay. So I think - so it sounds like when we do address this subject, and I want to move on, it sounds like we need to discuss the issue of what it would apply to. There's, you know, Alan has said it should apply - it could apply to anything including consensus policies. Avri has taken the view that she'd be more comfortable if it didn't apply to consensus policy. So I think this is a subject that we will have to address at that time. So if Marika could take note of that.

Jumping to a hopefully easier subject and may not take any time is on Recommendation 16 which we say talking about modifying the timeframes when launching a policy development process that we basically codify the current practice that any stakeholder group or constituency can request as a referral of the consideration of a new initiation of a PDP for one Council meeting. That's Recommendation 16.

They would like to clarify that calendar days be used I guess as opposed to business days or - suggest that clarifying language calendar days be inserted in Sub Clause B. Marika, am I on the wrong recommendation here?

Marika Konings: Let me check.

Jeff Neuman: It's got a 16 by it but...

Marika Konings: Just scrolling them. Yes 16 is (unintelligible) recommends modifying the timeframes included in Clause 3 and I think then we provide some language...

Jeff Neuman: Oh, language from the...

Marika Konings: In Clause B that is - all right. Yeah. We didn't put it in there. It's the issue raised by other than the Board. If a policy issue is presented to the Council for consideration via an issues report, then the Council shall consider whether to initiate a PDP at the meeting following receipt of such issues report provided that receipt of the issues report is at least eight days prior to the meeting.

We didn't put calendar days there. And then there's a next sentence that says also in the even that a received office issues report is less than eight days prior to the meeting, then the Council shall consider whether to initiate a PDP at the following meeting.

Jeff Neuman: Okay. So they're just - they just want clarification in there that it's calendar days as opposed to (unintelligible).

Marika Konings: Right. Because we did in the clause before that we did do that. Then we, you know, we did - provided in the A Clause we also talk about when an issue is raised by the Board, then we did insert the, you know, at least eight calendar

days from the date of receipt of the issues report. So we probably just missed that one.

Jeff Neuman: Well I think that's pretty non-controversial. And unless I hear from anyone, I think that's certainly what we intended.

The other thing to comment on Recommendation 21. Recommendation 21 if I jump to it says that the PDP Work Team - this is how to involve advice from other advisory committees or supporting organizations and obtain consistent input from the Board. It says the PDP Work Team recommends that further guidance on how to involve advisory committees or support organizations ought to be included as part of the policy development process manual or guidebook.

And then the ALAC is commenting that it's encouraging that cooperation is being contemplated on a more formal basis and will be institutionalized. So we need to come up with a way to do that. We've kind of punted and said that we think it's a good idea and we should put it in the guidebook or manual that do we have any specific recommendations on how that's to be done.

And maybe Marika, maybe for this one the (neutrality) of public order group could be kind of a guide on how that's done. How did a - how did we get all of the advisory committees and how did we get them involved? How did it emerge? And is there - can we extrapolate anything from that for the future?

Marika Konings: This is Marika. I think that was a chair's effort. I think the chairs are gathered together and had that discussion develop the first draft of the charter with staff support. And then share that I think with the different communities.

And I know that there was some issues and I think in the GNSO where people, you know, felt that that was maybe going too fast and should have gone through a proper, you know, tasking the chair to go out and talk to them

and come back, so. But I think in the timeframe that wasn't possible. But I think that was really a joint chair's effort in moving that forward.

Jeff Neuman: That realistically is going to be difficult on an issue-by-issue basis. And we're talking about here really just on every issue that's, you know, on one of the issues being raised is to get - to make sure other ACs and SOs. I mean I think what we could say is that - and there already is I believe kind of mailing lists that let others know about certain issues.

I mean maybe there - maybe it's as simple as doing a - institutionalizing that cross mailing list and making sure that when an issue's being raised that other advisory groups and - or advisory committees or support organizations are included in the loop.

It seems to me that having the chairs do that for every issue is probably not workable going for every issue. Alan.

Alan Greenberg: If I remember correctly, this comment was in response to Recommendation 21 which said ACs and SOs should be canvassed on issues. And I think the proper response to the ALAC comment is thank you. I don't think we need to analyze it any more. The recommendation was relatively clear. It didn't lay out the exact mechanism to be used. But it did say that input should be solicited not only from the GNSO constituencies and stakeholder groups but from the wider community.

Jeff Neuman: Yeah, I guess my question...

Alan Greenberg: And I'm not sure we can analyze it more at this stage but that should be built into the process. Now when we start, you know, building the manual we say we're going to write on detailed processes or that someone's going to write, we may need a little bit more depth in it. But I don't think in our current report we need to do that.

Jeff Neuman: Well I think that's a really good point. I think you're absolutely right. The first thing we should say is yes. We agree that the comment. It is still our recommendation.

And I guess my question was and I think you answered it was should we because we don't if we're going to be the ones writing this manual or guidebook at this point, yet. We haven't concluded that that's a given. Is there any other recommendations or guidance we want to give.

And I think your answer was, not at this point.

Alan Greenberg: I don't know where Recommendation 21 is. Does anyone have a page number in the original report?

Jeff Neuman: So in the Executive Summary, maybe the recommendation is spelled out on Page 10.

Woman: It's Page 63.

Jeff Neuman: Thank you.

Alan Greenberg: My recollection is that it was clear enough there. That at a time when parts of the GNSO are being consulted, other groups at ICANN should be consulted similarly. That's my recollection.

Jeff Neuman: Even though we were definitely clear on the recommendation. My question is do we want to provide anymore guidance to a group that's tasked with writing the manual and it's not us. It may be us. I think your answer was at this point, let's just stick with the recommendation, move on and then we'll talk about it or the group that's writing the manual will talk about it at that point in time.

Alan Greenberg: Okay, now I see the details. It says that we recommend that further guidance be provided. And I don't think we need anymore guidance than when groups

within the GNSO are being consulted. Groups outside of the GSNO should be similarly included.

That is wider than what it says right now. But I'm not sure we need much more than that sentence.

Jeff Neuman: Okay. Marika?

Marika Konings: Yes and this is Marika. If you look at actually the notes that are on Page 63 there, and, you know, we do provide some examples of how (unintelligible) and those can be involved. For example, you are sending them the issues report, inviting them to comment and, you know, organizing a webinar and, you know, having the public comment period of the issues report.

So I think, you know, the way I envision it, once we get to the step of writing the rules of procedures or the manual, that, you know, whoever is going to be tasked with writing that, they will look at the notes and see...

Jeff Neuman: Yes.

Marika Konings: ...and hear, you know, the kind of examples that the work team has discussed. And include those as, you know, potential avenues to be explored.

Jeff Neuman: Okay. I was just looking at the wording of the recommendation not prior to it. You're right.

Marika Konings: Right. So but it's, you know, as I was saying, I think the recommendations are the snapshot. But, you know, once we get to writing the manual and, you know, except, you know, could be likely that this work team will be tasked with that. Or, you know, or have been closely involved in drafting the rules.

But it could substantially a, you know, staff providing the first draft based on what we discussed. And, you know, obviously, you know, the person writing

that should look at what is in the report and all the notes and incorporate that in any first draft which then can be further completed of course.

Jeff Neuman: Thanks. So it sounds like we did provide more detail than I remember. But that's great. I mean so the way I see it and I think Alan, I don't know if you agree, I think we've answered it. We appreciate the comment. We agree with it.

Alan Greenberg: The comment was purely made as a pat on the back or a pat on the shoulder or whatever.

Jeff Neuman: Okay. So what I want to do now, I think we're an hour and 15 minutes in. As I promised, I think we should take a break, a 15 minute break until I guess 35 pass the hour whatever hour it is in your time zone. That we should take a break, come back. And we'll do another hour or so and I think we're making some good progress.

Alex and (Ricky), you have a comment before we break or?

(Ricky): Sorry my hands are full.

Alex Gakuru: Yes, I guess.

(Ricky): (Unintelligible).

Jeff Neuman: Okay. Alex?

Alex Gakuru: I have a quick question. Do we hang-up the phone and then we'll be called back? That's all.

Woman: Alex, if you wish to be called back; it's no problem. We can call you back at 25 to the hour.

Man: Yes, I would much...

Alex Gakuru: Thank you very much.

Woman: And I think though the call will stay live. We'll just, you know, cut out the bit in the recording so people don't have to listen to 15 minutes of silence.

Woman: We'll cut it off with a few minutes of music.

Jeff Neuman: I'm going to stay on but I'm just going to have it on mute. I don't know if that will hold people.

Man: All right Jeff, thank you. You're going to go under the ICANN record books as the most benevolent conference call leader we've ever had.

Jeff Neuman: Thank you.

Man: I've gone for some coffee. Thank you.

Woman: Popcorn and Raisinets.

Jeff Neuman: In 15 minutes thanks.

Man: Okay.

Coordinator: This call is now being recorded.

Jeff Neuman: Great thank you very much. Welcome to the second part of our three-hour marathon on our policy development process. We had a good first session where we covered a number of comments and are continuing to go through the public comment review tool chart that was locked up dated September 22, 2010 which I believe is today, isn't it? Or was that yesterday?

Anyway, so we left off at the comment, Recommendation Number 23 which was going to back to the report. The recommendation was that we recommended a modifying clause which is public notification of initiation of a PDP to reflect the current practice.

Whereby some public comment period is initiated once the working group has been formed not when the PDP is initiated. To allow the working group to put out specific issues for public comment that might inform the deliberation.

And so the INTA believes that the public comment should be mandatory. And that it's ample....The public comment period in the scope is not restricted to the working group's initial questions. Okay.

So going back again, I didn't read the second sentence in the recommendation. But the second sentence said that the PDP working is considering whether there should be a mandatory or optional public comment period and wants input.

So the INTA said that a public comment period towards the beginning of the process should be mandatory and that it shouldn't just be limited to what the working group's initial questions are but should allow for broader comments to be received.

Thoughts, discussion on that, Alan?

Alan Greenberg: If I read it correctly the first half is saying they're coming in and giving us the input that we are asking for saying mandatory. And the second part really is just reiterating. Is that new? Because I don't think we actually discussed that before. But I may be wrong. I haven't gone back and read the notes.

I certainly support the statement that the charter questions should not be the only thing that the working group can ask at that point. So I support that. If

we're having the discussion on whether this should be mandatory or not, I think I'd come down strongly on saying it's recommended but not mandatory.

Every time we make something mandatory, we end up coming up with an exception for why it doesn't apply in this case. I think we need to make our rules, we need to streamline our rules to not require things which the people who are actually on the ground at the time think is not appropriate.

If we have a completely irresponsible working group they may miss a step that's important. But...

Man: If I can separate the two...

Alan Greenberg: I support flexibility.

Jeff Neuman: So Marika, I'm sorry. You have a comment?

Marika Konings: Yes this is Marika. Just to note, we did discuss it. Although I looked at the notes but I notice we didn't capture it as such. Because I think that current practice as well even though it's, you know, is mandatory. And, you know, supposedly it's just to inform the public that a PDP has been initiated.

Working groups have also used it to ask, you know, either comments on charter questions. But they've always been encouraged as well to, you know, add any other questions or issues they would like to get public comment on during that public comment period.

So, you know, their comment is inline with what is current practice as such.

Man: So let me address the second part first and the second part of your statement Marika and then go back to the whether mandatory or not.

Does anyone disagree with the notion that if a working group decides to ask specific questions that it should also solicit feedback on the overall topic as well? In other words, the working group should have the option of making specific questions but it should always allow for comments that cover the entire issue and not limit it to just those questions. Does anyone disagree with that?

All right I'm not seeing disagreement. Alex do you have a comment? But is that disagreement with that notion or agreement or?

Alex Gakuru: I'm in an agreement. But I wanted just to make a quick comment to follow up on Marika and say from past summaries of comments, I've always seen people that's pointing to the specific questions that were asked. And then people are often general to say extra things which as you stop saying, okay these are recommend. Maybe to fit into this question or that was extra.

So I do think that the tradition has been to always maybe add something extra.

Man: You're saying we can't stop them anyway.

Alex Gakuru: Yes.

Jeff Neuman: True. And I don't think our recommendation precluded comments on anything. So I think we can clarify and say, if there is a public comment period and will talk about whether mandatory or not in a second. If there is a public comment period, the working group should have the opportunity to ask specific questions.

But should also solicit input on all of the issues. I don't want to use a word within the scope but essentially within the scope of that particular PDP. Avri?

Avri Doria: Yes. I totally agree with what Jeff said. The one consideration is that in the obligation to respond to all comments, I mean it really does become quite possible to respond to a comment saying this is completely out of scope of what we're talking about.

So as long as that responsibility remains open and that there doesn't become an expectation that just because one commented on something that was outside the range being asked that therefore the working group or whoever has to therefore, you know, take that direction.

And I don't know if we need to say anything about that. It's just I want to make sure that we're not putting an obligation to go beyond the bounds of the charter because somebody comments beyond the bounds of a charter.

Jeff Neuman: So I think when I said in scope...

Avri Doria: Yes I...

Jeff Neuman: I think you used the better term which is within the bounds of the charter. Because in scope gets confused with the next subject we'll talk about. So as long as...So what we're saying is we should allow the working group to put all specific issues for comment. But also the working group should make it clear that they are soliciting comments and feedback on anything within the bounds of the charter.

Man: Yes.

Jeff Neuman: I mean obviously you can't stop someone from submitting a comment...

Avri Doria: Right.

Jeff Neuman: ...that's been announced. But like you said, the working group should be free to respond to that by saying, it's a good issue or whatever but that's not, unfortunately that's not in the bounds of our charter at this point in time. Alan?

Alan Greenberg: Yes, we're skirting close to an issue that the public comment period doesn't work very well. If we put out a report on something important, let's say PDP processes and got 200 comments in. Then the comment that one group or one person makes does not hold a lot of weight. And that's almost become it's almost consistent.

When we only get six comments back, there's an obligation almost that we listen to everyone. And, you know, we'd have to have a great strong reason to reject the suggestion when it was one of six comments we got. And that points to the broken process.

And I think we need -- I don't know how we build this into the wording and maybe we don't -- but I think the working group needs to respond to comments but that doesn't necessarily mean to respond positively in a subservient way to every comment.

Jeff Neuman: Yes and I think Alan, if I recall and we can find it in the draft, but I do believe we've commented on that. I do believe we have in the report an obligation to respond to all of the comments but not any kind of obligation on how to weight that or...

Alan Greenberg: Okay.

Man: ...whatever. And we can go back and read it.

Alan Greenberg: I probably said it before. But I forget.

Jeff Neuman: Well someone said it and may have been you.

Alan Greenberg: Well whatever. The comment periods are not working very well is something I do say periodically.

Jeff Neuman: So let's talk about mandatory versus not mandatory. Alan had said that he believes it should be highly I don't know if you said highly recommended or recommended?

Alan Greenberg: Recommended.

Jeff Neuman: Recommended but not mandatory. The bylaws now say a public comment period is mandatory. So Alan, let me ask a question then. If it wasn't mandatory at that point in time, is there any I guess we're trying to think about it down the line. If it's not mandatory then when if ever it does become mandatory? And if it's not mandatory then how do we make sure we get the input do, we being a working group?

How and when do we get the input that's needed here. And Marika has raised her hand so maybe she's got a clarification to my question.

Alan Greenberg: Let's let Marika talk first then.

Marika Konings: Yes. This is Marika. Because I think we have taken this public comment period in combination with the one that is suggested as well in the report on the issues report. And I remember that we had discussion that maybe one of the two should be mandatory or, you know, both, or none.

But maybe a discussion on, you know, mandatory or not should be held as well together with that discussion on whether there should be a public comment period on the issues report. Where, you know, of course, at that point, people can express also their views on that issue and what's covered in the issues report.

So maybe that needs to be taken in account in the debate on that.

Jeff Neuman: So just to clarify on that, Marika, do you remember which recommendation we have about and we've used the word "should" right for prior to the...

Marika Konings: I need to look if you give me a couple of seconds.

Jeff Neuman: Okay. So while you're doing that, Alan did you have a...

Alan Greenberg: Yes, I had forgotten about that one. But that does kick in to have a public comment period just prior to, you know, approving the PDP and just immediately after and requiring them, I think is an overkill.

Now it may well be that the working group after meeting for months, comes up with some salient questions that they want to put out for public comment or get answers on and that's fine. I just don't think we should build too many of these in.

If we're getting a working group who wants to -- I don't know how to put this -- - run amok of the public interest and do things the wrong way without asking or giving opportunities for comments, it's going to come back and hit them at the end.

Unless again, it's one of those fast-pass type issues which are obvious to everyone and we're not discussing the fast-pass here. So I think if people are honorably trying to do a reasonable job, then they will solicit comments at various times.

I just...I'm reluctant to make too many of them mandatory although one could say, you know, you have to do one just prior to approval or just after or soon after or something like that. And one or the other has to be mandatory.

Jeff Neuman: So what if we said, okay so Marika has pointed out Recommendation 11 says there should be a public comment period that follows publication of an issues report. But that's, you know, not mandatory.

If we made this one recommended, could we provide some circumstances where we would recommend it being done? In other words, we would recommend that it's done if there was no public comment period that followed the publication of the issues report. That would be one circumstance.

The second circumstance that you had said was recommending if the working group comes up with specific new issues that haven't been commented on before. Maybe I didn't word that right.

Alan Greenberg: I think we need to say that which we have already have I believe saying that the purpose of this will be to solicit comments could be to solicit comments on the overall PDP or to address specific issues raised by the working group. And I would guess it's suggested and suggested in the normal case and highly recommended if there wasn't a public comment prior to approval, something like that.

Jeff Neuman: Okay so the first one would be should when we have it.

Alan Greenberg: Yes.

Jeff Neuman: The next one would be if there wasn't one done on the publication of the issues report it would be highly recommended or strongly recommended to do one at this point, still not mandatory but a strong recommendation.

Alan Greenberg: Yes.

Jeff Neuman: And then it would cover things such as, you know, as what we talked about before. You know, any issues or questions that the working group has plus

but not limited the comments to those and allow comments on the overall anything within the balance of the charter. Avri?

Man: Sometime at the beginning of a working group's work there should be an opportunity for public comments to, you know, say whether this is viewed as a stupid thing or highly supported.

Jeff Neuman: You still use the word should and not must. So let me go to Avri and get her thoughts on that.

Avri Doria: Yes, I guess I'm wondering we don't want to say that there must be one at some point. And that there are several points where it's optional whether you do it here or here or here but that there really must be one at some point.

Now we know there's one at the end of it all. But that there must be one comment period during the work process, somewhere between issues report and final report.

Jeff Neuman: Well I think, just to clarify. I think we said that there must be one after an initial...

Avri Doria: After initial report.

Jeff Neuman: ...as well.

Avri Doria: Then actually you're right. At which point I don't know that we need to require more than one. I think and of course the word "should" is a funny word for me. Because "should" means almost most, almost must. And that it's really kind of a must but there are reasons for not doing it as opposed to you have the option to do it.

So I think having said "should" we said, you know, nearly must. And if we have several "shoulds", you know, I think that's enough. I don't think that we

should necessarily require more than one during a PDP. And I think they should be allowed to have as many as they think are useful.

Jeff Neuman: Okay, Marika?

Marika Konings: Yes this is Marika. I mean, you know, of course a slight difference I guess between the two public comment periods in the beginning because I would assume that for example the public comment period on the issues report is normally initiated by staff as they're writers of the issue report and put it out.

And, you know, personally I would, you know, be a strong supporter of the need of putting every issues report out for public comment to make sure, you know, we haven't missed anything or there isn't any incorrect information there and as well, you know, provide input to the council on whether a PDP should be initiated or not.

So that would probably be a more, you know, a staff initiated public comment period. Of course, the one for the working group would be working group doing the decision on whether to initiate such a public comment period or not. So just, you know, to make sure that those, the different nuances to those two areas.

Because of course, you know, the working group is only graded after the PDP is initiated. So you couldn't really retroactively say, oh we want a public comment period on the issues report although, of course you could ask specific questions on the issues report as part of their public comment period.

Man: I have a question for Marika. Does that imply the staff is initiating that comment period which I think is reasonable. Does that mean staff would then come up, potentially come up with a revised issues report which goes to council based on the comments?

Marika Konings: This is Marika. I don't know what we decided there. But, you know, I could envision indeed if, you know, we've made mistakes or if we've missed something or stated something incorrectly. You know, how would.. I again, really be a strong advocate of revising the report and make sure that we provide, you know, an updated report.

And that also is, of course to summarize those comments and supply them together with the issues report so that, you know, the council will then see where, you know, we maybe have missed information or staff can provide comments themselves as well and say, yes on that comment here, we agree that was incorrect. Or, you know, on this comment, you know, we don't believe we, you know, we got it wrong for these reasons.

So, you know, we haven't gone into that much detail, I think on how something like that should look. Maybe it's something else to discuss.

Man: Yes.

Jeff Neuman: Marika, like if you could look up what we said on what we do with comments after the issues report in the main body while I go to Avri to get her comments?

Marika Konings: Okay.

Avri Doria: Thanks. I actually think that's very good. And I think that therefore that should be after the issues report comment period is really and I apologize for thinking about "should" in terms of the way the word is used in standard. But in standards, whenever I use the word "should" I have to give examples of under what circumstances one might not.

So for example, if we are to say that a comment period should be held after the issuance of an issues report but may not be necessary if, for example,

there's a time crunch or may not be necessary if a comment period was already held that lead up to an issues report or something like that.

Then I think if we take this one and we make it optional, not should, in terms of if the group doing the work has specific questions or issues they want to explore or need to explore with the community, they may have another comment period before issuing the initial report.

And I think then we're sort of, you know, dividing...I think having one after the issues report is a grand idea. I think it shouldn't be a must because there may be a reason why. And so you don't want to put an absolute prescription on doing it.

But I think it's a good idea, thanks.

Jeff Neuman: So just to summarize, sorry my voice is giving way a little bit. Avri believes that it should be - should. That it would say that there should be a public comment period after an issues report or following the publication of an issues report.

And then after the PDP is launched and there's a working group that it may be introduced, a public comment period may be introduced if there are specific issues that the working group would like additional comments on. Did I interpret that right?

Avri Doria: Yes. The only thing that you left out of he synopsis is, is basically giving reasons when you say it should happen. Giving reasons why it isn't a must. In other words, there's sort of this nature that when you say something is a should and not a must what you really need to give people is a clue on when it's reasonable not to do it.

Jeff Neuman: And the examples you gave, one was timing.

Avri Doria: One could be a timing, for example it happened to be one of those quickie PDPs that we talked about early, the fast track thingy.

Jeff Neuman: Right.

Avri Doria: The other one could be if there had been a broad analysis with community comment done just before the issues report. And as (unintelligible) gone through some sort of major process before the staff wrote the issues report then it may be redundant.

Jeff Neuman: Who makes that determination, council?

Man: I would think it's staff.

Avri Doria: Yes, I would think it's...

Marika Konings: This is Marika. I think at that point indeed staff makes a determination. But of course there's nothing preventing the council when they get the issues report to say, well wait a second. We believe or one of the stakeholder groups believes that there should be a public comment period because, you know, for "x"- "y" that reason.

And, you know, I don't think anything in what we're currently producing would prevent from that happening.

Avri Doria: I think that's reasonable.

Jeff Neuman: So I think it needs to be clear in the report that it would be that ICANN staff should initiate an issues report except in the circumstances that Avri had mentioned and maybe some people can think of additional ones.

And I also think we should put in the report of course council's, you know, we should say exactly what you just said, council's free to do their own issues

report. And they may. We should say they may do their own after the publication of an issues report.

And then we always clarify after the launch of a PDP that once a working group is formed, the working group may initiate an issues report if, you know, for whatever they want. But it's essentially to address issues that they believe...Essentially they may have a public comment period at any time they want if it's "may".

So we should really be clear about that in the report. So we explain to the INTA who made the comment why we decided, you know, what we have and that we do believe there's ample opportunity for comment.

Alan?

Alan Greenberg: Yes, just a couple of things. I think Avri got it pretty well right on. But note that she gave examples. When you rephrased it, you said an issues report must be issued by or requested by staff except in these cases. And I would keep them as examples not trying to have the definitive list of the only reasons that an issues report could be skipped.

But back to my original comment before, you know, that I was going to make. I think we have to be careful, you know, partially in light of my comment about so few people commenting on these things. But even ignoring that, there's a matter of issues report exhaustion.

When we see the third issues report that has who is in the title or not issues report, the third comment period that has who is in the title, you know, in a number of months, people's eyes glaze over. They don't even look it. It might be a completely different subject as was one of the recent cases. But your eyes glaze over.

And I think we don't want to mandate things which end up causing that. And overexposure is as bad as underexposure I think.

Jeff Neuman: Yes I think that is at least a danger. And so I think the way we kind of worded it now is that there we're not saying any of these are mandatory. We're saying as should which in essence means really it's recommended unless one of these circumstances or unless there's a circumstance in which you wouldn't do it and let's shoot an example as Avri have mentioned.

Alan Greenberg: Yes I think (Avery) got the wording just about right if we want to go back to the transcript of it. But...

Jeff Neuman: Okay. Good. So (Ricky) your hand is up. Is that...

(Ricky): Yes. This is (Ricky). I just went back into the report to try and find any information we included on what should happen after the public comment period and the issues report. And we actually didn't provide any details there on whether, you know, staff should update their report. Or whether, you know, a summary needs to be provided.

But again there I don't know if that's kind of, you know, flexibility we want to leave and provide maybe guidance in the rules of procedure or the manual. Because, you know, as I think there's got to be different circumstances might apply in certain cases. Maybe with a no comment, there's no need to provide a summary or an updated report.

If there are many comments, maybe further research is needed because, you know, we realize that the, you know, important elements are missing. And then we need more time to actually, you know, complete the issues report. So I could envision different scenarios and, you know, and we'll propose that. And that it would also be of course in consultation with the council on how to approach that.

I mean, of course the simple way to be, you know, provide a summary of the comments and submit it together with the issues report. But I could also imagine things where you might say, okay, well we don't think the issues report is ready for submission because we've realized based on the public comments that, you know, we might want to do a workshop or, you know, some further research on a certain issue to really make sure that we have everything covered. And the council can take a well-informed decision on the issue.

James Bladel: I think regardless it has to be more than what we currently call a summary of the comments. The current interpretation of a comment summary is very much no editorializing just reporting.

And I think in this case, staff has to take into account regardless of whether you issue a revised report or an addendum to it or something, the staff has to say whether this is indeed of relevance to council and council should be, you know, staff believes council should be factoring that in, in the decision or that it's rejected for some reason.

So I don't think it can be a pure summary in today's definition of the summary. Those have to be more than that regardless of what form it takes.

Marika Konings: This is Marika. I have one comment as well. Maybe, you know, regardless you might want to give them that public comment period as well, you know, because of course the challenge is that it could quickly spin out of control. And, you know, the way to frame it I guess the comment public period is saying, look the focus is really on the issues report and the information contained in there.

Because of course, the risk that you run is that if people already start diving into the issues itself and come forward with potential solutions or recommendations.

You know, I think as we discussed it, the idea was really that it would you know focus on the issues report, the recommendations or questions that are in there, and the - you know the decision - you know, or any feedback for the Council on whether to initiate a PDP or not. So, I guess that I would agree that comments of the staff might say, "Look, this is just - you know these are comments that we might want to pass on to the working group when they start their discussions." Because it's not irrelevant to what is in the issues report. This is already talking about you know solutions, or - and you know, other elements of the process that are more relevant for the working group.

So you know, it could be the situation is - well, where certain comments are passed on to the working group at the start of their deliberations to take into account when they have their discussions. While others indeed, might be used to you know inform the Council or provide that additional - you know, advise them on certain issues.

James Bladel: I of course meant to say all of that. Thank you for doing it.

Jeff Neuman: Okay. Anything else on this subject we need to discuss? Anyone else with additional comments?

Okay. Marika, you have a flavor of how to summarize that?

Marika Konings: Yes. I'm trying to take notes and speak at the same time, which is not easy, so I again would like to encourage everyone to - you know, once I've - I've put out an updated version to review the comments and make sure that I've captured everyone's input accurately.

Jeff Neuman: Okay. So, the next thing is clarifying the - well, sorry. Comment Number - Recommendation Number 24, in which we talked about a definition of what in scope means. And, the - there are a number of comments that were received on that. And you know, the comments from INTA was they agree with the definition, or the proposed language. The registrars have commented that the

language is confusing, and wants further clarification with regard to the general issue of (unintelligible) that ICANN (draw) should be limited (is out) of the Technical Coordinating Body and avoid (mission creep). Furthermore, the GNSO should not confuse policy development with policy implementation.

The comment from the Brussels meeting was an (ordinary) comment and not attributed, but was that further review of in scope definition by ICANN legal counsel, including consideration of how scope is assigned elsewhere in the bylaws, such as Article 10, Section 1, which might form the reference point. At the same time, further details and examples on what in scope/in practice means might be included in the rules and procedure or handbook.

With respect to the last comment, I think it's going to be really difficult to come up with examples, but maybe we can. With respect to the registrar comment - so, let's go to the language that we recommended. So, what page is that on? That's on...

Marika Konings: Page 11 basically say that PDP working recommends modifying Clause 3, initiation of the PDP to clarify that within scope means within scope of ICANN's mission, and more specifically, the role of the GNSO, as opposed to within scope of the contracted party's definition of consensus policies.

Jeff Neuman: So James, I don't know - if you're still on, the registrars said that that's confusing, and that ICANN's role should be limited to that of a Technical Coordination body and avoid mission (creep). Do you have any more...

James Bladel: I read that - this is James speaking, and I read that bit and I don't know if it's just that it's been so long since we were you know, close to that language, but I just - I still don't know what it means.

Jeff Neuman: Okay. Is there a way that we can revise that in your mind?

James Bladel: Well, I think when we say in scope, I think that that's a frequently employed sentence that is just as frequently misunderstood. I know that you know there's a general feeling amongst registrars, of course I don't speak for the stakeholder group, but there's a general feeling amongst registrars that you know if something bad is happening on the Internet, that it's somehow ICANN is supposed to be doing something about it. And, I think that we're always mindful that ICANN has a role to play and that policy has a role to play in addressing some of those issues, but it is not the end-all, be-all you know consumer complaints department I guess for the Internet.

And so, I think that what we're looking for is just some definition of you know, what's recognition I think when we kick off a PDP or put it in an issues report. One of the things that ICANN can be doing in a certain area, and what are some of the things that should be staying away from. And you know, I think the latter, a good example of that would be content issues.

So you know, I'll - I see there's a queue coming up or at least Alan, so I'll drop off. But, I think that it's just a clarification of scope is sorely needed.

Jeff Neuman: Well, and just to give a little more context to why we used the language we did. Remember, not all PDPs result in consensus policies, right. And, we've all acknowledged that. So...

James Bladel: Right.

Jeff Neuman: ...that being the case then - I mean, I guess it may be a - so if that's the case, then you're in agreement that it should be the - it shouldn't be just defined as what consensus policies are in terms of the contract, right? You agree it's broader than that.

James Bladel: I think I agree with that, Jeff, and I think that you know everyone understands the value of ICANN as far as the intersection of a lot of different interests and parties and organizations that can make a positive impact on a lot of these

issues. But, I think clarification of where policy begins and ends, and ICANN's role begins and ends is something that you know should always be in the back of everyone's mind, especially when kicking off a PDP.

Jeff Neuman: Okay. And then before I go to Alan and Alex, one of the difficulties right is that ICANN's mission is defined in its bylaws. We may not be happy with that, but it would be difficult for us in the PDP process to kind of redefine that mission. That would probably have to be done more at the forward bylaw stage than here.

So...

James Bladel: I would say it's defined as bylaws and it's defined in the affirmation of commitment. You know, that it was assigned with the Department of Commerce. And you know, that is even further outside of the influence of PDP.

Jeff Neuman: Right. Okay.

Let me go then - Alan and then Alex. Alan.

Alan Greenberg: Yes. I tend to agree that what ICANN's mission is and what it means is not something that's viewed with great clarity, and different people have very different views on some - on what is within ICANN's scope and outside of ICANN's scope and mission. But, I'm not sure that can be clarified in as part of the PDP process. I think that's something that ICANN should be follow-up on you know with perhaps abundant examples of things that are clearly within scope and things that are clearly outside of the scope of ICANN's mission.

So, our words I think are as clear as they're going to be without ICANN on a more global scale clarifying on what is within scope, what is part of its mission. I disagree completely with the last sentence, that said the GNSO should - no. I don't disagree that we should not confuse policy development

with policy implementation, but I don't see any proscription - any rule against the GNSO commenting or through having a PDP on implementation issues.

The GNSO should be looking at whatever needs to be looked at to make sure things work well. And you know, if to use everyone's favorite you know, hitting block or punching bag, if GNSO feels that the compliance group is just doing a rotten job and completely ignoring something, I think it's wholly within grounds - within GNSO's scope to have a PDP on that and require that the Board direct compliance to something, or direct staff to do something unless it's overwhelmingly overturned. So, I think it's within scope. We shouldn't confuse the two perhaps, but that doesn't mean it's outside of the scope of the GNSO.

Have I confused people even more, or...

Jeff Neuman: Well, there's a couple people behind you in the queue, so we'll find out.

Alex and then James.

Alex Gakuru: Okay. I want to propose what I make on such to be on middle ground. So, away from the cited definition on (unintelligible) examples. Let's take consumer protection (unintelligible) because of different groups, of course - I mean than commercial for in that group for example. Now, maybe move possibly then to our (unintelligible) different stakeholders.

But perhaps what we could do to remove pointing at a specific stakeholder group, like contracted (matters), we could probably say that if we can retain ICANN's mission, and maybe recommend that other issues ought to be framed along ICANN's mission so that there is a flow within what ICANN does. So, you would have to pick - if it's consumer protection, you pick and frame whatever issues you have to be along - or flow with ICANN's mission. Because then again, they can't be divorced from ICANN's (unintelligible)

technical coordination. But then when issues come that affect the registrants, then ICANN faces - or consumer issues want to move away.

So, there are some areas where I think the two - you cannot differentiate the two. But, it is a question of maybe how an issue may be framed so that it is in tandem, or that ICANN's mission is sort of on middle ground. Thank you.

Jeff Neuman: Okay. James, any thoughts on that, or maybe something that Alan had said, or...

James Bladel: Yes. Both, actually. I tend to agree with Alan. I don't really remember where that last sentence in the comments came from, so I'm going to have to go back. It's very likely that I'm missing the point on that. But, I agree with him. That is, I'm not really sure what that's getting at.

And then, I was going to recommend something very similar along the lines of what Alex was saying, so I agree with him as well in that I think that issues should be readily able to be mapped to ICANN's mission, be that in the bylaws or in the AOC. You know, at the very outset of a PDP, it should be very - you know kind of almost a housekeeping process to just say this issue you know falls under this. This issue falls under that. And, if it's not clear where an issue falls in the - you know, if a PDP or issues report kicks off and there's a few items in there that can't be mapped to the AOC or the bylaws, then that's a problem I think that needs to be - you know, you need to put the brakes on that PDP until that's cleaned up.

So maybe, some of the language - and I think this is what Alex was getting at when he was proposing his middle ground, is some of the language could be cleared up by saying something to the effect that the - you know, issues identified within the PDP, or an issues report, or whatever phase of the process we're talking about at this point, should be mappable to provisions in the bylaws or the Affirmation of Commitments. And if they're not, then the PDP should be clarified until they can be.

So - and then if I mischaracterized what you were saying Alex, I apologize, but I think that's kind of what I was getting at, and I think it aligns mostly with what you were saying as well.

Jeff Neuman: Alex?

Alex Gakuru: You didn't - you captured it well, thanks.

Jeff Neuman: Okay. Well, and I just want to add one thing to what you said James, and you just used ICANN, but it also has to be the GNSO, right? Because, you don't want ccTLD-only issues to be subject of a PDP in the GNSO.

James Bladel: Right. So, Annex A and Annex B of the bylaws as well. Correct.

Jeff Neuman: Marika, have you been able to capture that?

Marika Konings: I hope so.

Jeff Neuman: Okay. Let me know if you're not, or let us know, and then we can restate things.

Okay. So, it seems like we're pretty much there on that. Okay.
Recommendation 25. Maximize the effectiveness of working groups. Here is the - this is on Stage 3 now, and the working groups are already doing their work. And, Recommendation 25 was that we recommend that each PDP role be strongly encouraged to review the working group guidelines. That includes further information and guidance on the functioning of working groups. And, there's agreement. And, registries just said maybe we develop a cheat sheet for working groups to facilitate this.

What do we want to with that, if anything? How do we want to respond?

Okay. Marika up first, and then James and Alan.

Marika Konings: Yes. This is Marika. Just to point out that the working group guidelines do include a checklist for Chairs on what to do for first meetings. And also, the document itself is not that long. I think it will get incorporated back in the rules of procedures, but as an Annex, so it would be easy extractable. And, I think what we've done as well in the past at the start of working groups is to spend some time with working groups going through their charter - what their obligations are. But I would hope as well that at that point, you know either we have a presentation that people can just look at at their own convenience, or you know, a Chair might decide that at the start of a working group.

In the first session, we actually go through the working group guidelines, and those elements that are specific to PDP working groups to make sure that everyone understands what the requirements are and also you know what the mechanisms are for mission consensus, you know if you have issues and want to raise objections, or you know have a - the different appeals procedures that are outlined. So, I would hope once those are in place, that you know they're used. And also you know, we provide instructions on what is contained in them.

Jeff Neuman: Okay. James.

James Bladel: Yes. This is James speaking. Thanks, Jeff. And, I really do like this idea of a cheat sheet for working groups. And in fact, I might even recommend expanding that idea to a Working Groups 101 type of a document that would be written in you know, plain language that would really flatten the learning curve for folks - new participants in working groups so that they know what to expect, and you know what things are on top and how to participate, and how to engage in the process.

And, I think that this is really important when we talk about things like you know workload and prioritization, and things like that. And you know, ICANN

is becoming an increasingly insular community, and I think that you know, we need to get - you know identify barriers for new participants and break them down whenever we - wherever we spot them. And you know, I think that that idea is - it's a good one. Thanks.

Marika Konings: Jeff, if I can add one thing?

Jeff Neuman: Sure.

Marika Konings: Because I forgot to add that the working group guidelines, or the working group work team has you know put in the place hold of there - for the PDP work team to put in you know the elements that they feel are important for PDP working groups. So obviously, part of that could be a kind of cheat sheet or you know a short - it could be a diagram kind of thing of different stages or elements. So, there is a provision currently there, or a placeholder to provide you know specific details on the requirement or the modus operandi for PDP working groups.

Jeff Neuman: Yes. So - but. Okay. So, we need to kind of - in order to do that, we would have to review the working group guidelines and come up with that. Or maybe, it's just we believe one should be created and then push that off to the guys who - that do the manual, I guess.

Marika Konings: Well, I mean - I think the way - you know of course, it could only happen indeed once this group has finalized its work, and probably also when - you know when going through the different stages when it's right clear what are the requirements a PDP. But hopefully then, and you know that could be as well in the instructions to staff, it should be too difficult to extract them - the relevant sections of the working group guidelines in combination with the different elements of a PDP and provide that as a - you know a kind of map for PDP working groups.

And yes, that could be part of a manual or the rules or procedure. It could be a separate document or presentation, and maybe doesn't even need to be you know all spelled out, but it could also be a - you know, a slide presentation that we record and then is available for you know, any group to review. So, I think there are you know different ways to explore. And, it probably clear as well when this group comes to you know it's end product, to see what additional information is required that is different from a normal working group, compared to a PDP working group.

Jeff Neuman: Okay. Alan and then Avri.

Alan Greenberg: Yes. This is akin to the at large comment on do we want to lock in working groups, and are we sure that that's the absolute best way for PDPs to proceed for the indefinite future? But assuming we are working with a working group, I don't know if it's within our charter or not, but I would dearly like to see some sort of feedback loop put in. So when we find things that aren't working or are problematic, we can somehow feed it back in and you know try to have it addressed in the next revision of working group rules, assuming they're not completely static.

I don't really know if that fits in our process or should be part of the working group rules themselves. But, I'm a little bit worried that working groups having mandated and that we are using them, and even when we find out that there are problems, you know we're saying it's the law. We have to follow it. And, I'm a little concerned that we're putting all of our eggs in that basket in terms of future policy development. I'm not sure what to do about it though. That's it.

Jeff Neuman: Okay. Avri.

Avri Doria: Yes. Two things. One, to answer Alan's question I think we have to learn how to do working groups. I think working groups come in many forms. I think that ICANN is still a baby in terms of using them. We haven't even finished setting

out our complete set of guidelines. Most people don't understand them as guidelines and how one grows. The fact that they are guidelines, making them customizable to the needs of a particular group, and the whole need for feedback and for learning. So, I think it's a little too early to say that working groups, which have almost an infinite variety even within the guidelines that the working group work team has been giving, are already conceivably a failure.

I also am worried about cheat sheets that are more than guidelines. Because, I think what happens in a cheat sheet is you get one interpretation, and you have to synthesize the information down to a short sentence. You can't get into the nuance. You can't get into the interrelationship between various statements. So when you build a cheat sheet, what - you're basically incurring two risks. One in the synthesis you do, you're narrowing the interpretation to a single interpretation where there may be many.

And two, what happens with cheat sheets is a lot of people then start to take that sheet and not the full blown documentation as their bible. And so, you get some very stiff interpretations of you must do A, B, C, D. Otherwise, you're out interpretation as opposed to that. So, I tend to be very wary of cheat sheets that aren't just pointers to if you have a problem with such and such, then read Section 43, 44, and 49. If the issue is such and such, then look at - so basically, annotated indices and such that give people a clue where to look in a document for their answers. I think that can be a very useful thing.

But, I think condensing it down to a few short rules is almost a sure fire way to make sure it doesn't work. Thanks.

Jeff Neuman: Well, you know it's - on the condensing point it's interesting, because we sometimes see that with Executive Summaries as well, that people tend to read the Executive Summary and then not go to the full report behind it, and

we get some interpretations that may not have been intended, or are taken out of context.

On this one, I - sorry, James?

James Bladel: Yes. Real quickly. I mean, I agree with Avri, and that's the danger you know when you try to condense something either into a cheat sheet or a queue. Or as Jeff, you mentioned, you take a 200 page report full of recommendations and boil it down to a three page Executive Summary. I mean, we see this is Congress, right, where you know people are voting on things based on a staff briefing, where they maybe had three or four sentences.

And you know, I think that you can rightfully bemoan that reality, but also perhaps just kind of recognize that it's not going away. And as long as we continue to produce tons and tons of information and data, that you know a reasonable person has to make sense of it as quickly as possible, and you know we can manage that and just have an awareness when we're producing this stuff, that that's what most people are going to do with it. So, I guess I'm agreeing with Avri on that, but not saying that that should stop us from trying.

Jeff Neuman: Okay. So on this one, let's take the comment, let's respond to it, and let's say that we do on - I think note what was said. That we do think that something should be put into the guide book on - I don't want to call it that - Working Group for Dummies. That would be a bad name. But you know, some kind of - we won't call it - cheat sheet is not exactly the best name for it either, but some sort of guide to make it easier for those that are in working groups for the first time, or just ones that are - want to know the ins and outs of working groups in kind of short, condensed way. But, note the danger that we still should encourage all working group members to be - to read the entire guidelines, you know to familiarize themselves with it.

Alex?

Alex Gakuru: Yes. Just something has just crossed my mind, and this has to do with the former, that James mentioned about the summary. Would it be possible to make sort of a recommendation where we have sort of a structure - we recommend a structure of reporting on the summaries?

For example, from the top of my head, when we could say the issues, you have sections of the summary or at least some paragraphs that capture the following. The issues that may be were generally agreed on. The issues that we're raising what are not agreed on. The issues that was strong opposition.

So, the summary in itself can highlight the different fascist of whatever the work group was doing so that somebody can actually - reading a summary can go to an area and see like there were some issues that were (hot). Here, let me go to that section of the report or the - and then I find out what they were and the ones that they were not agreeing on. Sort of a structure of how summaries should be written so that you don't get some where they're summarizing on all the nice things and all the bad things were left out in the sense of the ones people are not having any strong disagreements, et cetera.

It's a thought that just crossed my mind. I thought I'd mention it. Thanks.

Jeff Neuman: Okay. Yes, I think I agree the summary should be a true summary, and not something that picks and chooses certain aspects of it. But, it should summarize it to give the reader an accurate picture of all - of everything that's going on.

Let's see. What's the next issue here? I accidentally went back in pages here. The next issue is - okay, communication with ICANN departments. I believe our recommendation was that - well, let me - not just believe. Let me say what it was. Further guidance to be provided on which mechanisms are available to working groups to communicate with different ICANN departments in the PDP manual or guidebook. Suggested approach would be for ICANN Policy staff to serve as the intermediate - or intermediary between

the working group and the various ICANN departments; Finance, Legal, Compliance, et cetera, to provide that a procedure is in place which allows for escalation via the working group Chair if the working group is of the opinion that communication is being hindered through the involvement of Policy staff.

The comment we got from the INTA was they agree. There you go. So, I guess we don't have to anything with this one. Sorry. Probably should've read that they agreed, so I think we can just move on to the next one. So they agree with that, and I think - does anyone - just to finalize this. So, we say a suggested approach would be for Policy staff. Can I - can we make that more firm? To say that it's our recommendation that Policy staff, as opposed to suggested approach. Do we want to make that more firm in our final report?

How about since there's no comment, then I will take that as - or, there's at least one agreement. Thank you, Alex. Let's make that a recommendation instead of a suggested approach, and if anyone in the group has an issue with that, obviously they can bring it up and we can discuss it at that point in time.

Since we've been on for an hour after our break, and since I'm hearing less comment, then maybe people are fatigued. I'm going to go ahead and stop here and ask for an adjournment, because it seems like people are getting tired. And, I'm not sure how productive we're going to be. We've actually made a lot of progress and we've gotten through a good amount of recommendations.

So with that, is there anybody that would oppose ending the call right now?

Alex Gakuru: We welcome it.

Jeff Neuman: All right. Next week is a regular time call. Normal hour and a half call. So, I look forward to seeing everybody or hearing everybody then. Thank you everyone for all this time.

Alex Gakuru: Bye-bye.

Avri Doria: Thank you...

((Crosstalk))

Avri Doria: ...for walking us through it all. Bye-bye.

Jeff Neuman: Bye-bye. Thanks.

END