ICANN Transcription
GNSO Drafting Team to Further Develop Guidelines and Principles for the GNSO's Roles and Obligations as Decisional Participant in the Empowered Community.
Wednesday, 21 August 2019 at 21:00 UTC

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JULIE BISLAND: Alright, well, good morning, good afternoon and good evening, all, and welcome to the GNSO drafting team call on Wednesday 21st August 2019. In the interests of time, there will be no roll call. Attendance will be taken by the Zoom room, and if I can just remind everyone to please state you name before speaking for transcription purposes and to keep phones and microphones on mute when no speaking, to avoid background noise. With this, I will turn it back over to Heather Forrest. You can begin, Heather.

HEATHER FORREST:	Thanks very much Julie Bisland, much appreciated. Julie, you've read my mind and scrolled down in the agenda. Welcome to everyone. For those who missed the brief discussion that Julie and I had just prior to the start of the call, we've got apologies from Maxim and from… Julie, it was only ten seconds ago. Who was the other person?
JULIE BISLAND:	It was Erica Varlese.
HEATHER FORREST:	Yes, thank you, good. That's great, that the brain is doing so well at 07:00. Apologies from Erica and Maxim. Steve rang in to say that he needs to attend at least part of an ePDP prep call, and is keen to join us but may not be able to join us, so that's fine. I noticed that we don't have Tatiana or Stephanie. If they're not able to join us, after the call we'll make sure to reach out to them. Again, my concern, as we start to wind up work, and we're going to finish things up today, in large part, with our discussion around 2.2 and 2.3, that we don't leave an SG or C behind. We'll make sure to catch them up. Wolf-Ulrich, I can assure you that whatever your weather is there in Spain, it is infinitely better than being perched here on the edge of the Arctic region in Tasmania. The weather is absolutely revolting this morning, and so I am super jealous. I will try my very best to contain my jealousy throughout the call.
	Does anyone have any updates to SOIs? I do wish that I was not sitting in Tasmania this morning, but sadly I have no chance. No one's shouting? Alright, wonderful. David, I'll take your heat in DC, too, perfectly fine.

You see our agenda here in the screen. We have three things to do today. First thing I'd like to do is give an update on where we are with 18.12, which seems like a million years ago. Second thing we'll do, where we'll spend the bulk of our time, is to go through the document for 2.2 and 2.3, review any remaining comments or questions in there. David, I see you've been working in the document this morning, that's great. The aim is to finish up our discussion of those things. If there's any further tinkering that needs to happen, we would do that and have that ready for sign-off at our next call. Then what I'd like us to do is just take ten minutes to introduce the next round of documents, which all has to do with director removal and board recall. That's 3.1, 3.2 and 3.3.

Any comments, questions on the agenda? Anyone have anything they need to add to AOB? We don't often have that kind of agenda, we'll just double-check. Nope, nothing from David, nobody else screaming. Great.

Let's jump right into item two, which is the update on 18.12. I've been working closely with Julie and Ariel, here. They've been extremely helpful, as always, to get things moving with our counterparts in the ccNSO. I think what we have to report now is probably less than what I hoped to report. The document … As you might recall, we had joint consultation guideline that sat next to our own internal processes for using the GIP, the GNSO Input Process around 18.12. The [joint] consultation guideline went to the ccNSO for comment.

Kristina ... or sorry, Katrina and … Katrina often makes fun of me for doing that, I do that incessantly. Katrina and Bart in particular made some comments into the document. The challenge that we have is that Katrina put her comments into an old Microsoft Word version, and Bart put his

comments into the Google Document, and, in fact, they're not internally consistent with each other. In Ariel's very brave attempt to try and rationalize the two, and put them all into the Google Doc, the plan was that we would do that, and have that ready to share with this group for this call. It's not possible, because we have some outstanding comments. There's also a few edits that Bart has suggested to the table timeline at the end, and we're having a hard time understanding how those edits work.

I asked Julie for help with setting up a call with Katrina and Bart. Luckily, we've just gotten them both before they go onto holidays. We're going to talk to them in 14 hours, at the end of my today. Today is now … Wednesday, Thursday? Anyway, at the end of the day. We'll have an update for you on the list within the next 24 hours or so, where we're sitting on that. What I would like to do, the plan is that we get to a point where the ccNSO is happy with the edits. I think my main concern right now is that we get a document, but we're going to have to choose, in some instances, between following Katrina's recommendation and following Bart's recommendation, and then we end up with trouble on that end. I'd like to get that nailed down. I think it's the case that, in fact, we only have Bart on the call today, as opposed to Bart and Katrina. I think Katrina's already on holidays, but we'll see how we go. In any event, I'd like to get things locked down with them before I bring it to us. I'm sorry, it's a convoluted explanation, partly owing to the convoluted documents that we got back from them. But, to be continued. They are well aware of the timeline that we're facing. Julie, Ariel and I had really had this on the menu to be wound up by the end of August, and I'm still

hopeful that that's going to happen. Any questions about that one? Wolf-Ulrich, please.

WOLF-ULRICH KNOBEN: Yes, thank you, Heather. Can you hear me?

HEATHER FORREST: We sure can, Wolf-Ulrich.

WOLF-ULRICH KNOBEN: Thanks very much, Heather. Thank you for the comments, and thank you for all of the work you have done already, and you are going to do with that document. When I saw the advice document from the ccNSO side, so was a little bit confused about it, but in the end I understood that the ccNSO wanted to make it maybe more clear. Maybe we have, in our group more … As we are experts with that document, which others are not at the time being, so they try to find more explanations to some of the steps. That's what I would like to support, as well. That's what I supported, also, in writing, to do so.

I do hope it's the only thing that is going to be done which is your work and [inaudible] work to be done. It's not content-right, that there are big comments on the content itself. If that would be the case it would be even harder to consolidate the document. What I wanted to hear from you, as well, Heather, and also from David: is your feeling that the document is, in that sense, to be consolidated, and it would be more [explicable] to others, other than there are real problems and comments on the substance? Thanks.

HEATHER FORREST: Thanks, Wolf-Ulrich. I think it's a two-part answer. Katrina's comments largely went to clarity, which is an easy one to solve, and I agree with you. I think, Wolf-Ulrich, it goes to your point that you made in writing, and just now, which is to say we could certainly make things a bit clearer. We could use plain English, and I suppose the irony in that is in many instances we've been using the ccNSO documents. The ccNSO is a bit further ahead than we are in this project, and at times, in adopting those, the things that the ccNSO have already done, it's sort of led us into somewhat legalese kind of language.

In any event, that one's easy to fix. The clarity points, I agree with, I think that's easy to do, it doesn't affect substance. Bart's comments have changed substance in a few places, and in some instances changed them in a way that, while it might work for the ccNSO, it doesn't work for the GNSO in terms of operating procedures, or so on, and that's exactly the reason for the call. You see David's comment in the chat about Katrina's interest in clarity. I think it's great that we have Bart on the call, because a few of Bart's edits are not going to be super helpful from a GNSO point of view. Rather than just play back-and-forth with documents, I think a 20-minute call is going to sort that out. Wolf said, "okay, helpful," in the chat. David, anything you need to add here, or happy to march on? One minute from David. For sure.

DAVID MCAULEY: Heather, hi, can you hear me?

HEATHER FORREST: I can, David. Hi, there.

DAVID MCAULEY: Hi. I'm just juggling between the computer and the phone system. I don't need to describe the problems with the computer, so, anyway. Yes, I think it's very close. I think what you said is exactly right. You said that the call was 12 hours from now. My question is, if you would like me to join the call, I could try to. 12 hours may be a bit difficult, because I might be in the middle of traffic at the time. If you'd just let me know, that'd be helpful. Bart's comments are always well-taken, so I think we can get there, but if they are substantive comments then we do have some work to do.

HEATHER FORREST: Thanks, David. Julie's put in the chat the call time. I'm more than happy to send you the invite, but I'm inclined to say that I think we can sort it out. I really actually think that it's something that Julie and Ariel can sort out with Bart. I just thought I'd be on there to lend them a bit of support. I think we're going to be okay. I don't honestly think this is going to come to any sort of disagreement. I have a feeling that it's just the case that we need to explain to Bart why it doesn't work from a GNSO point of view.

DAVID MCAULEY: Thanks, I'm on board with that plan, then. Thanks a lot.

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HEATHER FORREST: Cool, cool. I hesitate to get too many people on this call, because I told Bart it should be really informal. I'm just trying to nab him before he goes on holidays, so we can lock this thing down and answer a few questions. Alright, cool, thanks everyone. That gives us an update on 18.12. More to come, and as soon as we have something to tell you, we will. Again, just so everyone knows for their own work-plan, really the aim here needs to be to finish that thing up by the end of the month, because we are rapidly approaching our timeline for delivering our package to council.

With that, let's turn to item number three, which is back to our friends 2.2 and 2.3. Ariel has given you the link to the Google Doc in the chat. We also have the document in the screen, and I think what we will do is, Ariel, I'm going to ask for your help … Ariel, are you driving the document, or Julie?

ARIEL LIANG: Yes, I'm driving the document.

HEATHER FORREST: Cool, thanks, alright. Ariel, if you can take us down to the first comment or change? I think it's on page four. There we go, five even. Excellent. Just to clean this one up, we went back and checked on this language about the individual, and whether or not an individual had the right, or the standing, if you like, to submit a Rejection Action Petition, and how that should happen. You remember we had some fairly convoluted language here that we discussed in our last call, and it was for … I think it was me and Steve DelBianco, it might have just been me, to go back and look this

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one up and fix this. You can see that we've done that. Ariel doesn't have a driver's license yet, but we won't tell, Ariel. We won't report you.

Anyone have any concerns with the way that 4.1 is now articulated, as you see it there in the screen? I note we've got Mary on the call as well. Always really good to have Mary here, just keeping a sanity check on things. Mary, you helped us out with this language in the last time, and pointed us to the dialog. Please, feel free to raise your hand or type comments in the chat. Wolf-Ulrich, over to you, please.

WOLF-ULRICH KNOBEN: Yes, thanks, Heather. I don't have a concern with that, it's very clear, the language. The question to me is how the related stakeholder groups, constituencies, are involved in that process? The language here says the individual should submit it to an SG or constituency for transmission to the GNSO Council, so I understand that it's up to the SGs and constituencies to deal with it, in a matter. It could be in different ways in the IPC, it could be from the ISPCP, or the BC. Is that the common understanding, or is the understanding that there should be a common process, or a similar process, in each constituency, SG, to handle this individual submission?

HEATHER FORREST: Thanks, Wolf-Ulrich. As we understand it, let's say the petition comes through an SG or C to council. In terms of the bylaws, really the only thing we can directly understand from the bylaws, or implicitly understand, is that the role of the SG and C is to communicate that petition to the council, through its councilors. In terms of what each individual SG or C

does, I think what we understood from a previous call was that that largely came down to the bylaws of the individual SGs and Cs, and how those, let's say, are carried out. I can certainly speak for the IPC and say we have not had the sort of review that the GNSO has undertaken in relation to the operating procedures of the IPC bylaws to say, "Well, how do we handle EC responsibilities, and how does this actually happen?" I think it is probably something we all need to sort out within our individual SGs and Cs, but I don't think it's our place as …

And now, if I can say this: at this point, we're representing council, for lack of a better term, in terms of the work that we're doing here in the DT. I don't think it's up to us, in this guideline, to dictate what the individual SG or C does. I think, Wolf-Ulrich, it's for you to go home to the ISPCP, and me to go home to the IPC, and so on, for all the members of our group, and say, "look, when this happens, what are we going to do?" Does that make sense, Wolf-Ulrich? Great, excellent. Thanks, Wolf-Ulrich.

Ariel, could you scroll us down to the next page? I saw David's comment on this one just before the call. I went back and I did a root and branch review of this whole document against the bylaws once more, just as a sanity check, and I noticed an odd catch in the bylaws, just the way that the bylaws were laid out on the page. We duplicated some language here in the two lower dot points. Where the Rejection Action Petition notice relates to something, we captured these a bit more clearly to reflect the bylaws. That's the change that's been made there, just to make sure it copies the bylaws without picking up the actual typo in the bylaws, in the way it's laid out on the page. Any concerns about that one? Doesn't look contentious in the comments, but giving you an opportunity. No, alright,

that's fab. Thank you, David, too, for your sanity check on that one, perfect. Okay, Ariel, down we go.

ARIEL LIANG: Heather, I think Mary has her hand raised.

HEATHER FORREST: Of course, thank you, Ariel. Mary, over to you.

MARY WONG: Thanks, Heather and Ariel. I'll make this short, because I'm not as fully familiar with the ongoing work and the details as all of you are. It was just in relation to Wolf-Ulrich's last question, and your response, Heather. I know I said this on the last call, so with respect to what each individual SG or C does with the petition, should a petition be sent into one of them? I don't know how to convey this to the SGs and Cs, but I think it's an important point that whatever the internal SGs and Cs procedures are, which could range from something relatively trivial, like you've got to send it by e-mail, we won't accept snail mail, to whether they scrutinize the petition. It's important that whatever the procedures are, they do not limit the ability of that individual to file a petition.

At the most extreme, and I think your comments, Heather, were getting to this [– or Wolf's comments were getting to] this, it's almost like an EC administration function, it's a passthrough mechanism, that's the most likely. That is the fullest protection the individual will have. To the extent that there's anything less than that, then I think that it really has to be in such a way that the individual petition can still be submitted. In other

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words, no obstacles are put in the way of that petition at the SG and C level. I hope that's helpful.

HEATHER FORREST: Yes, that is helpful, Mary, thank you. And you know what I would like to do? Julie or Ariel, if you can help … And I'm struggling to remember what it is that we have. We have one other item in the parking lot, effectively, to notify council of. We said we'd put that in our covering note, just to make sure that council understood that we'd picked up on something. Now, it escapes me what that thing was.

Ariel or Julie, can you make a note of this point that Mary's just made, that one of the things we need to include in our covering note to council, or perhaps a separate note to council, is that it's going to be helpful to have a discussion with the SGs and Cs about how they carry out their responsibilities in terms of receiving petitions?

It's not something that we're in a position to dictate, but it might well help to have some kind of a session, probably not … Too late for Montreal, but maybe for Cancun, whereby we walk the GNSO through some of these documents, and what it actually means. Some kind of a session, like "GNSO's responsibilities under the EC, how do we all carry them out?" I think maybe I'm getting ahead of myself, but I think it's one of those things that we need to record and let the community know that we've come up with it. Ariel's going to make a comment on that. Appreciate that, Ariel, thank you. We'll have to figure out what else was in that parking lot as well.

Okay, Ariel, I think we can scroll down. If you take us to the next edit. David has a suggestion here; "I suggest we start this with 'if time permits'. We don't want an argument over 'promptly', or to imply that the petitioner has a right, if for example the petitioner was away on vacation, and did not receive notice." Fair enough, David. My question for you, David, is do we need it in view of the fact that it says the updated petition must be resubmitted no later than the 10th day? David, over to you.

DAVID MCAULEY: Thank you, Heather, I hope you can hear me. I don't think we need it, as a lawyer would look at it, because of what you just pointed out. On the other hand, in this community I think clarity should be the watchword, and the language that we currently have, that says "the petitioner may revise and resubmit" almost sounds like it is what someone would call a right. I just wanted to qualify it consistent with the remainder of the sentence that it has to be within a certain period. I don't think it's absolutely strictly necessary in a literal reading, I just thought it might be good practice. That's it, nothing more. Thanks.

HEATHER FORREST: Thanks, David. What I would suggest is that we tinker with the language to say … I would actually add it, David, after … We need to somehow join up "if time permits" and the updated petition must be resubmitted "no later than." I wonder if we add it, then, to … If we say, "the petitioner may revise and submit the petition", and say there, "if time permits." And then maybe we say, rather than "however", "noting that the updated petition

must be resubmitted no later than." Does that work for you, David? Okay, cool, that's a yes from David, fab. Thanks, Ariel, for your speedy updates.

David's caught some numbering down below, that's good. I have picked up a few numbering points, too. Julie picked up a point about GNSO Council leadership will work with the support staff, so that's good. Ariel says, "do the council leadership need to be involved here?", so we've added that in. Yes, I think it's good that that responsibility get carried by leadership. Okay, David, your hand's up. Old hand? Okay, cool. Thanks, Ariel.

Now, Ariel, we have a highlight, there. Actually, yes indeed, that was the language that we added in in our last call. This question that we had of, "does the council have to provide a rationale?", that sentence was added in there. Note that the bylaws neither require nor prevent the council from providing a rationale for the decision to accept the petition. That was language that, after our last call, I went in and added to capture what we had discussed. Anyone have a concern about the way that that's articulated? No one's screaming, great. Ariel, could you take the highlight off of that for us, just so we can get rid of it as a point of discussion? We know that we're sorted with it. Fab, thanks.

Okay, next line here. I had made a comment initially about the term "accept," and we also had a bit of question around which template actually gets used, and to the extent that we combine the templates, which is something that Ariel has done, we really only needed the one template. I think we're probably good in relation to that paragraph. Ariel, is there anything else we need to say about that edit, or can we leave the comments until we get down to the templates?

ARIEL LIANG: I think you covered it all, Heather. We can just move on.

HEATHER FORREST: Super, thanks. Okay, next comment here in relation to the … Ariel, could you scroll up just a tiny bit, so we see the heading? Where are we? Additionally, the GNSO rep on the EC admin shall formally submit a supported petition to the EC admin, the other decisional participants, and the ICANN corporate secretary. So that submission has to meet the requirements of Annex D of the bylaws. It has to include the following …

David, your comment, "It sounds to me as if the forum is to be directed by the EC admin under D.2.3 and the only request vis a vis the forum is when to hold it, perhaps at the next ICANN meeting." Ariel's response to that is, "Perhaps we don't need this bullet point, a statement whether the forum is requested." Indeed, it does seem that that is the case. David, just take us through your thinking here, just to make sure I haven't missed your point.

DAVID MCAULEY: Hello, Heather. I'm having a hell of a time getting off mute today, so sorry about that. That's exactly what I was thinking, what you just expressed. When I read 2.2 and 2.3, it just sounded to me as if there really is no request for community forum, it's simply a matter of direction. The EC is to direct ICANN to go ahead and do it. The real request centers around, is it going to be soon, or at the next ICANN meeting? I'm on board with everything you just said. Thank you.

HEATHER FORREST:	Thanks, David. I think, Ariel, we can go ahead and remove that bullet. Yes, good. What we need to do then, Ariel, is add "and" after the penultimate semicolon, so after "action forum is …" Yes, that's good, Julie. Cool, thanks, excellent.
	Let's scroll down to … We've got our chart that has no edits. Next comment here, Ariel says, "in accordance with Annex D 2.2(d)(i) A through E, the notice must include the following: a supporting rationale in reasonable detail, and contact information of the GNSO rep on the EC admin." Ariel says she doesn't think these are needed for Rejection Action Supporting Decisional participants, they're only needed for a Rejection Action Decisional participant to provide.
	Ariel, I think what we want to do … Let's just double-check. I should've looked before the call, I'm sorry. Just flag that one, too. I think that's right, but I don't ever like to try and do the bylaws from memory. Let's just double-check the bylaws, and as long as that's in the bylaws, we'll go ahead and remove those, too. Thanks, Ariel. That one, to me, seems like our only remaining live issue.
	David's picked up a spot for us from the bylaws, that it is indeed ICANN HQ time, so we've corrected that. That makes good sense, great. 5.2.1, GNSO community feedback before the Rejection Action Community forum. Ariel, you've raised a question for us here. Help us with your question, Ariel.

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ARIEL LIANG: This section was kind of drafted based on what Heather's input is. Basically, there's a task for the GNSO to collect any views and questions regarding this supported petition, and then those will be transmitted to the EC administration in writing prior to, or during, the community forum. It's not must-do action, it's kind of an optional thing to do, but we've created this section to provide opportunity for the GNSO community to submit those views and questions to be communicated to the community forum. This is the background of this whole new section here, and there's several questions that we have.

The first one, just clicking on this highlighted bullet point, is for the GNSO stakeholder groups and constituencies to communicate whether they support, object or abstain from the rejection action under consideration. I was wondering whether this was really needed before the community forum, because their view could change after that. What's more pertinent is for them to express their views and questions regarding this supported petition. That's my first question, here.

And then there's another part about when this particular feedback period will end. We propose that it ends on the day before the community forum, at 23:59 UTC so that the GNSO Council leadership can work with the support staff to compile these views and questions, and then to transmit to the EC administration. There's a question here as to whether this time period seems realistic.

Another part we want to highlight is this feedback here doesn't preclude the SGs and Cs from submitting their views and questions during the community forum. It's not like they have to do all of these questions and views before the forum, because some exchange may happen during the

forum, and may want to ask some follow-up questions, and they shouldn't be prevented from doing so, because the bylaw didn't preclude them from doing so. That's some highlights we want to emphasize here, and I want to hear the feedback from the DT.

HEATHER FORREST: Thanks, Ariel, that's super helpful. I now remember having chewed on this for a while. Could you scroll down, Ariel, to my comments on the next page. The one that starts … Yes, there we go, Ariel. I understand this to relate to … Next one, sorry, Ariel, one up I think. Do I not have a … There it is, yes, perfect, thank you. What I looked at was this provision 2.3(f) of the bylaws.

What I understood from this … You see, I copied the language here. "ICANN and any supporting organization or advisory committee, including decisional participants, may deliver to the EC admin, in writing, its views and questions on the Rejection Action Supported petition prior to the convening of, and during, the Rejection Action Community forum. Any written materials delivered to the EC admin shall also be delivered to the secretary for prompt posting on the website in a manner deemed appropriate by ICANN. This is also consistent," I said, "with the heading of that section of the guidelines, 'developing input to'," and that wasn't necessarily … I understood 'input to' meaning both before and during, if you like. Hence my comment, there. I think there are two kinds of input; one is SG and C views and questions prior to and during the forum, the second is SG and C input into what would be described as a GNSO position in that forum.

With that in mind, if we go back to the original … Ariel, let's see your reply before we move on. I'm sorry to make everyone seasick. You say, "After thinking further, I think we may need to clarify the GNSO community input process before and after the community forum." You've got some suggested text in redline to address that.

ARIEL LIANG: The suggested redlines are basically 5.2.1 and 5.2.2, that's the suggested redline.

HEATHER FORREST: Perfect, Ariel. I understand. It replaces the language, if we scroll down, that was deleted, which was pretty simple, there, that the SGs and Cs should communicate their input on the list. I think what you've now done is expanded that out to address this point, and that makes sense to me.

What I think we ought to do is, now that we have that explanation, I would encourage everyone, when we circulate the clean version of the document after today's call, there'll still be that one remaining point that I need to follow up on earlier. Have a look at this language around 5.2.1 and 5.2.2, that Ariel's put in, to make sure that it addresses this idea of the SGs and Cs have an opportunity to provide input both before and during. Any questions on that? This kind of thing is hard to deal with in a call, and do on the fly. David, over to you.

DAVID MCAULEY: Thanks, Heather. I think your point that you just said is a good one, that is, not to do this on the fly, but to do it on the list. I'm happy to do that.

Having said that, let me just mention that I think everything that Ariel suggested was, as we expect, spot-on, with one exception. The one difference, I'll say, is it strikes me that the GNSO should have the ability to require constituencies and supporting groups not to speak up at a forum, showing dissension with the GNSO, but rather that the GNSO should have some way to develop its position internally, and give a unified, or at least attempt to give a unified, position. Anyway, I'm happy to do that further on the list, and take a look at the bylaw at the same time, to make sure that's appropriate. Thanks very much.

HEATHER FORREST: Thanks, David. It's a good point, and it's a point that the bylaws don't anticipate, insofar as the bylaws simply say the GNSO is a decisional participant, and a member of the EC, and to that extent it doesn't go into the internal mechanics of the GNSO and how individual SGs and Cs behave, which really brings us back to the point that Wolf-Ulrich made at the start of the call.

I think that's a good point. Let's all put on the list, here … Ariel, when we clean up the document and circulate it, could you please leave in all the comments around 5.2 here, just so everyone can see, and they know that your language is there? Let's not clean those. Ariel, you have your hand up, so over to you.

ARIEL LIANG: Thanks, Heather. I don't want to prolong the discussion on this point, but I did want to quickly mention that when we've pondered on this section, we realized that the GNSO may not have time to develop a unified

position, because the community forum is supposed to happen 21 days after the expiration of the petition supporting period. That's the latest time, or during an ICANN meeting.

There's some uncertainty when the community forum will happen, and because of that it may be difficult for the GNSO to develop a unified position, and it may involve some kind of motion or meeting. That's why we provided that flexibility there. Of course, we can discuss this further on the list.

HEATHER FORREST: Thanks, Ariel. I think that's a good idea. Mary says, just to close this one off, "Presumably, any community discussions should have been started once a petition is known to have been filed with any of the decisional participants." Yes, fair enough. Again, the summary here is that the bylaws don't anticipate the mess that is the GNSO, and we are dealing with very tight timelines. Ariel will flag this one for us, we won't get rid of any of the comments in relation to this one when we circulate the document. Let's all have a think about it with cool heads, and a bit of arm's-length distance, and we'll come back to 5.2 on the list.

Ariel, let's see. Where do we get to now? It takes us to majority vote. And David, I saw your question here. As I understand it, given that this is a vote of the GNSO through the GNSO Council, the GNSO operating procedures do actually provide … There's a series of provisions on voting, but there is a possibility of an offline vote. Ordinarily, it's the case that votes happen via a council meeting, but there are provisions in the bylaws for offline vote, and I think which one happens depends on the

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circumstance and whether there's time and so on. I'm inclined to say that we don't need to expand upon this, because I think if we do it's going to overcomplicate things, as long as we know that it's per the ops procedures.

What I think we could do here, without getting into the thick of it is we could say, "take a decision via a sample majority vote as per the GNSO operating procedures." That, we can say, but I don't want to get into the mechanics of it, or hesitate to get into the mechanics of when what kind of vote happens. David sounds comfortable with that. Ariel, yes, if you could add in after vote, "per the GNSO operating procedures." Perfect, and Wolf-Ulrich agrees, and Wolf-Ulrich's a good one, too, to back me up on the intricacies of the ops procedures. There are few of us who are sufficiently … I won't say nerdy, Wolf-Ulrich, because I have to include you in this, but sufficiently picky in their knowledge about the ops procedures.

Alright, cool, let's scroll down, see where we are. Ariel, we've got a few changes to the chart here, to the timeline. Anything we need to say, Ariel? They all look pretty clear to me.

ARIEL LIANG: It's just adding the section corresponding to 5.2.2, that's the GNSO community feedback period after the community forum, so we tried to reflect these sub-points in the table here.

HEATHER FORREST:	Super, thank you, Ariel. And that I would say … Ariel, when we clean up the document for circulation, since we're going back to review 5.2, let's go ahead and leave these comments highlighted in green. Let's not, let's say, accept these changes just yet, so that when we look at 5.2 we know it reminds us that we need to look at this stuff as well. Ariel says she'll do that. Great, thank you.
	That takes us to the templates down at the bottom of the document, and of course we've made some changes to the templates in view of the fact that we condensed two of the templates together. Ariel has added a reflection, here, of "Following the delivery of the Rejection Action Petition notice to the EC admin, the decisional participant to contact the EC admin to determine whether any others support the Rejection Action Petition." That sounds like a sensible addition. Good.
	Ariel, we've added several paragraphs here. Am I correct in thinking that this simply incorporates the stuff from what used to be the template in 6.2? Is that right?
ARIEL LIANG:	Yes, that's right, and for 6.2, [not every single clause in the motion we moved into this combined one. We picked] the ones that make sense, so these are the ones we think should be included in the template.
HEATHER FORREST:	Great, thanks, Ariel. My understanding is when you and Julie discussed this and dragged some of this stuff … Just so everyone's clear … Clear as mud, but we'll give it a try. We had two separate motions here. We had

this separate motion to appoint a liaison, to decide on a conference call, and other things. Ariel, as I understand it, when you did this, the formal actions you dragged up into that single cohesive motion that is now sitting as motion number one. The things that didn't make it into that motion, you and Julie were of the view that that could happen informally. Things like setting the conference call, and so on. Is that right?

ARIEL LIANG: To put it simply, the ones we've dragged into this updated motion is regarding basically appointing the representative on the EC administration to be the contact person for these petitions, and then also putting a request from GNSO Council regarding when to host the community forum, and then whether it should have a conference call. That's basically the most important thing that needs to be included. And then, I have to look at the other things we deleted, but the ones we did include are not important, and [definitely,] we're not missing anything critical.

HEATHER FORREST: Super, thank you, Ariel. I think an important thing for us to remember: it's very easy to get lost in the weeds. We get so close to these documents, but indeed, these are … I can speak from personal experience as council Chair, these motion templates are simply templates. It is the case, certainly, that the maker of the motion … And in this case very likely to be the council leadership, given the nature of what's happening here, will for sure customize the template insofar as they believe they need to.

If there are other actions that need to be taken, those can be simply documented through a motion and that can be added in. I'm not at all concerned by Ariel's comment that what's in here is the critical stuff, because it leaves open the possibility for other things to be added to that motion. David supports that, that's great. Ariel, that's really good work, and I think it's handy for council, from a practicality point of view, to simply have the one motion. I think that's going to be much easier.

That takes us down to the question that I've raised, down here, down the bottom. Is a separate motion needed to develop the GNSO's input into the community forum? This takes us back, really, to the comments that we raised earlier, and Ariel's response of, "there might not be time to have a GNSO position, as it were." Julie, the suggestion that you have here noted is that that might be able to happen informally. Julie or Ariel, what's your … And David, since time does seem to be a limiting factor … I agree, I think it's probably over-processing things. I suppose I was looking for some means to document something, but even then, that could be difficult.

Julie, Ariel, anything that we need to say here from a staff perspective? You guys are very aware, of course, of the practicalities of getting things done, and making sure people on council do what they need to do. Anything further we need to say here, just as a warning?

ARIEL LIANG: I think Julie and I agree with each other that we don't think the motion is needed, mainly because we may not have time to host the call and actually develop a unified position. What Julie said, "to happen

informally", I think she's referring to the new section we added as 5.2.2 about that GNSO community input period before the community forum. That's the informal process she's referring to.

HEATHER FORREST: Thanks, Ariel. I note David's sensible suggestion in the chat … Maybe what we could do, Ariel, is if you make a note here in the comments, when we go back to that newly added language up above, when we review it, we could add a line there to say, "to the extent that council has the time, and believes it's important to do so, they could document the GNSO position in the form of a motion.

David, I think that'll pick up your point, because I think it's a point well made. Yes, I agree. I was thinking exactly that, that it's helpful to have something to document. I take the point about time, I think it's "if we have time." Cool, thanks, Ariel. Let's see, where are we in the document? I think we can probably scroll down, and that gets us to the end of the document. Wonderful, outstanding. Hooray!

Okay, what I suggest we do, let's wind up what we have to say on this document. We have 5.2 to go back and review, we have the edits to the timeline chart that relate to 5.2 that we're going to leave in, and we are going to return to, and maybe leave in, the comments here about what we want to … I note your hand, David, thank you … What we want to go back and maybe add about a motion into 5.2.2, 5.2.3. It seems to me our time is spent on 5.2.

There was one earlier point that we need to chase down that I can do. Julie and Ariel can poke me. It was just a matter of go back and check the

exact language of the bylaws. We will circulate the document, the cleaned-up version, that still contains the references to these sorts of things, and get everyone to see where we are in time for signing off this document in our next call. That gives us all, then, the fortnight to review that.

Everyone … And Wolf-Ulrich says, "Feeling good." David, your hand's up for AOB. Anyone have any concerns about these documents, the plan forward for 2.2 and 2.3? No? Excellent. David, let's take your hand for AOB. What I'd like to end the call with, if I reverse the order of AOB and the 3.1 stuff, if we take your point for AOB, and then I'd like for Julie or Ariel to give us a quick introduction to the next suite of documents that we're going to start on. Over to you, David.

DAVID MCAULEY: Thanks, Heather. It's a point that I've been thinking about for a while, I may even have expressed it in an earlier call, but this rejection action crystallizes it. What I suggest, and we can perhaps do this on list, is that we form a group of volunteers, or we parcel out individual documents that we've come up with, and ask for someone other than yourself to become a subject matter expert on that document and to do one final check that it matches the bylaws to the tracks, etc.

That way, when we do present this to the council, whether that's in Montreal or Cancun, heaven forbid, in Kuala Lumpur, when we do that, you would have someone that you could turn to in addition to yourself to help you when questions come up. That doesn't mean others on the team can't be equally ready to speak, but it means that there would be

someone whose job is to do the final, "Let's look for whatever typo we missed," that kind of thing. It's just a suggestion, but we could flesh it out on the list if it makes any sense. Thanks, that's it.

HEATHER FORREST: David, that would be brilliant. I think that's outstanding, and I've made a note for Julie and Ariel. I think, as we wind up our work, let's start to think about what we can usefully do for the community. Although I made the suggestion somewhat off the top of my head about speaking, doing a session at a public ICANN meeting, increasingly as I think about it, it sounds like a good idea. I gather that from your comments as well.

What I suggest that we do, to enliven David's proposal, is when we get to the end of our documents, we each take responsibility for one of the suite of them, I think there's five or six, and we each take ownership of that, and go back and look at it in view of what has been done. After that particular document, make sure they're internally consistent, and make sure that they're consistent with the bylaws. I think that that would be a great idea. We'll make a note of that for once we've finished our work. With that, let's turn to Julie and Ariel, please, to give us an introduction to our next suite of documents.

ARIEL LIANG: I think I can help provide a very high-level overview of the last set of documents. You might notice there's three documents, one for each section. 3.1 has its own document, and so does 3.2 and 3.3. We're not going to dive into the detail of the documents, but we want to note that if you have reached 2.2, 2.3, you will notice all these three documents follow the exact same logic and structure, so it may save you some time

to digest the contents. We do want to note there are several differences in terms of how [these] board director removal petitions are.

For example, for the nominating committee director removal, there is a need to host a conference call or meeting between the petitioner, the affected director, the board Chairman or the vice-Chairman, and then the EC representative. That's one difference, there. Another difference is the voting threshold for approving the petition itself, and also approving the removal of the director. There's a bylaw section that's created just to note the [new] threshold. There's some other differences that we highlighted in the document, in the form of comments, and we want you to pay particular attention to that.

That's a very high-level overview. I think, because we only have one minute left, I will just close the introduction now, and I think in the next meeting we can provide a more detailed description of these documents.

HEATHER FORREST: Thank you, Ariel, very much, that's brilliant. I'm sorry I didn't leave you more time for the introduction. We spent a bit of time on introducing the 18.12 updates, but I think that's a good thing. For the next call in a fortnight, staff will send around our calendar invite as per usual. The plan will be, we'll spend the first 15 minutes or so winding up our work, any remaining questions or concerns on the document that we've reviewed today, that's 2.2 and 2.3. For us, then, first item of homework is to go back to 2.2 and 2.3 and sanity-check them, make sure that they make sense. The first thing that we'll do, Ariel and Julie will poke me. We'll just make clean-ups in that document before we circulate that for final

revision. The next thing to do will be to have a look at the documents that Ariel will circulate, or Julie, 3.1, 3.2, 3.3, and we'll spend the bulk of our time on the next call on those.

Any questions, comments, concerns? I hope it's going to be warmer, David. They tell me spring is coming. Excellent, wonderful. Thank you very much to everyone. It's amazing to work with such an efficient and effective team, and I'm grateful. I'm super grateful to Ariel and Julie for all the work that they've done. Off we go! Thank you very much, Julie B, for helping us with back-end support, and talk to you all in two weeks' time. Thanks very much.

JULIE BISLAND: Thank you, Heather, and to everyone, have a good rest of your night. This meeting is adjourned.

[END OF TRANSCRIPTION]