**ICANN San Francisco Meeting**

**JCWG**

**TRANSCRIPTION**

**Saturday 12 March 2011 at 09:30 local**

Note: The following is the output of transcribing from an audio. 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.

Man:            You're nodding your head yes. Great. So we're set to go so we'll just merge right into this discussion on cross-community working groups and pick it up from there. Thanks Rafik for staying where you are so we can pick up from the JAS discussion which seems very topical.

                I have in the queue Mary, Andre, Avri, Wolfe and Adam. Mary.

Mary Wong:      So I'm just going to pick at (unintelligible). I'm just going to pick it up like we're still having the conversation from just now. So following up on Jeff's comment, I guess I have a couple of additional comments. I think - we've learned something from the Rec 6 experience but I also recall that from that that experience there was a motion made to the council to endorse and accept that particular report and for various reasons, we did not but we did forward those recommendations to the board.

                I think what we've done now is actually clearer and an improvement and we've got confirmation from the JAS group that they will be bringing back a report for council action and for ALAC action in May.

I'd like to think that on the question as to why the board - and whether the board will look at the report and the GAAC issues and that GAAC will be looking at the report, I think I'd rather see that as an issue that the board and the GAAC think is of importance to the community. The question of opening up new gTLD to developing countries.

So I don't think that it's spiraling out of control. I do think that we actually have better control than we did a few months ago and whether or not it's right moment that you move forward, it is an important issues and I think that the groups that made it pretty clear how they are going to proceed and report back to council.

Man: Thanks Mary. Andre.

Andre Phillip: Yeah. Thank you. Well I think concern and this answer just goes on and on and I completely support what Mary said and the result is to demand from the developing regions some new TLD. This is a fact. I mean it must be this way and I just cannot imagine any problems which this group may generate to abuse one or another community. I just cannot understand what kind of bad things could happen as an output of working of this particular workgroup.

Man: Thank you Andre. Avri.

Avri Doria: Thank you. Yes. I think with the cross-community groups it is indeed the case that those groups come back with reports to their chartering organizations and their chartering organizations are expected to add to those reports an endorsement or a lack thereof or a modification.

Now because they are cross-community, because lots of people are interested, people beyond those chartering organizations may indeed read them, may indeed decide to think about them, talk about them, probably not act on them until they have seen the endorsements of the chartering organization but it's not like things will be secret. The board and the GAAC

won't know what the JAS are recommending until such time as the GNSO has decided to endorse it or not.

So it's delivered to the community, specifically to the chartering organizations for your approval, to the community for comment. And, you know, because you're not going to decide on your approval of it or your endorsement of it until it's had community, you know, comment and you know - now as to your relationship with the board, and whether you want to talk to the board and say board, you must not act on anything until you have seen the chartering organizations comments from all chartering, that may be a process that you want to formalize at some point.

I don't think it has anything to do with the cross-community working groups. We do the work. We put them up for community comment. We put them out for the endorsement of the SOs and then move on from there. Thank you.

Man:            No. I know where the list is. I'm just saying - I'm surprised by one thing you've said that it would not be secret or - I mean what happened in Columbia then when there was a meeting between certain board members and the JAS no one knew about. I just stumbled into the room and saw it.

Avri Doria:     I know.

Man:            It was a Rec 6.

Avri Doria:     Right. There was an organized - as I remember it, there was an ICANN organized grouping of people who were arguing about definitions of things and that was a definitional just then. That was not a secret meeting of board and Rec 6 and others. That was basically - there was the open session. What came out of the open session was lots of questions so they gathered those people together to make sure that the questions were all understood.

So the people that were in that room were all those that were - and basically then they got the questions clearly delineated. That was not a secret (Cabal) meeting between the board and Rec 6, et cetera.

It was somebody read a report or heard a conversation and asked for clarification. That is definitely not a secret meeting.

Man:  Thank you. Wolf.

Wol-Ulrich Knoben:  Some observations with regard to what happened to the JAS group and what may happen with other joint working groups if you continue to do so as we did.

What happened was okay we have different charters from the ALAC and from GNSO so we were not able to come to a combined charter but without the working group working and still the working group has members of both organizations; ALAC and GNSO. And so I understand that those members from both organizations they have to take care about what they respective organization is chartered and they have to (unintelligible) in the group.

So I wonder why we as a council are now starting a discussion whether this group is going to cope with that different charters at the time being. Is it because (unintelligible) members in this group - and this will happen in the future as well if we cannot find the compromise for the group in the future.

So I'm wondering how we should continue in future with joint working groups and I suspect chartering is an essential point and all participating groups have to take into consideration not just to rely on their positions - on their specific positions for all of them to find compromises. Thank you.

Man:  Thank you (Wolf). Adam is next.

Adam Peake:    A couple of things. As Avri has pointed out, we still do support a free internet where the board is allowed to look at our Wiki and people are allowed to forward Email.

In terms of the formal processes, the GNSCO I believe Jeff drafted a clause that said and I quote verbatim - "All communication to the ICANN board regarding the work of this working group shall be through the respective SOACs unless expressly approved by the respective SOAC." The ALAC stole it and put the verbatim in its charter so it's in both.

So we can't prevent someone from seeing something but although I thought that particular clause was complete overkill and unneeded, we copied it just to make everyone happy.

In respect to the secret meeting in Cartagena on Rec 6, I thought that was one of the more refreshing things that have happened in years in ICANN in that instead of tossing reports over the wall at each other and misinterpreting them, the board said we don't think we understand, can we actually talk to you and make sure that we are clear. There was no negotiation. It was a discussion to make sure each party understood the other. I thought it was really refreshing. Thank you.

Man:    Thanks. Interesting then that any kind of cross-community discussion needn't be it - whether it be social or whatever, get to know events or whatever, seems to make people uncomfortable. I mean I take the point that you're making that that meeting may have allowed - by informal discussions, may have allowed that subject to, you know, be pushed forward in a useful way. I understand what you're saying.

However, I also understand people that are uneasy when - what happened to me for example, which was walking into that room and seeing three board members talking to the Rec 6 group. But I mean obviously in an official meeting kind of capacity with people raising their hands and taking their turns

on subjects and pushing, you know, those subjects. It's just not clear what's happening.

So I'm not saying - all I'm saying is the reason I asked that question was, you know, how clear can we be about processes like this. I think the problem that we're facing here today and on this discussion in general is that there's no clarity on what the process is.

So people are just, you know, free-wheeling constantly and that makes some people uncomfortable.

Adam Peake:   And it makes me uncomfortable at times also. But we're in new territory here and I like the direction it's going in that people are actually wanting to talk to each other and not just toss cryptic reports over walls. And yes, it's a little bit chaotic and it probably won't satisfy everyone's needs. I like the direction though and we need to make it work better.

Man:   Thank you Adam. Bill.

(Bill):   I kind of feel like these groups are becoming sort of a Rorschach test, you know. That we're all projecting our respective hopes, fears, anxieties onto and I can't sometimes track the relationship between the kinds of anxieties that are being generated and what I'm actually seeing in terms of the operations of these groups and how people are dealing with them.

I mean when we get into the kind of language, this things growing. It's out of control. It's, you know, it's like the blob - that movie from the 1950s. It's going to engulf everything and wipe everything out. You know, and when I listen to this and then I hear people say well, there's these perceptions that it enjoys the community support that it doesn't have and that this is being misperceived, that's being misperceived. Where - could we have some concrete evidence of all this misperception that people don't understand what this is and that it's really causing all these kinds of problems.

I haven't seen it. I just tend to think the board people are pretty smart. They understand what this is. They understand how to interpret it. I don't have the sense that everybody's really all that confused about how this - you know, that this is undermining the GNSO council's position or anything like that.

I - could we get concrete examples of how this process has generated specific misperceptions that have been actionable in some way just so I understand really what we're talking about.

Man: So in the queue next I have Jeff, Mary, Tim and Avri.

(Jeff): Yes. So the first question I - or the first point I just want to make just to kind of throw it out there is and Andre this is nothing to do with not wanting applicants to get support so please, this is a discussion about cross-working groups. And I just want to throw that out there because I heard that. I understand - it has nothing to do with that so please, don't attribute it to that.

The second thing I want to say is that look, and I never said that nobody should read it. If when something submitted, whether it's submitted to the council or wherever it's submitted to, if other people want to read it, great. It's a free world. Everyone can read it. But I ask you to think about this question.

If a normal working group sends something to the GNSO council, and the GNSO council rejects it, it doesn't go anywhere further than that. Same thing with this. If the cross-working group sends something to the chartering organizations and the chartering organizations reject it, I'm not saying it's going to happen here, but if that happens, then it would never go any further than that. It would never go to the board to do anything. It wouldn't be actionable.

Now I know Avri you're shaking your head but remember it's the GNSO council that's chartering a group, as well as the ALAC.

Let's say the GNSO council rejects it but the ALAC approves it. At that point it would go to the board as an ALAC only report and that's fine too.

But by submitting it and sending it directly which is what happened with the interim report. It was sent to the council. Then it was sent to the board. Your comments even said well, if it's sent to the GNSO, the GNSO's free to endorse it, not endorse it or modify it.

I'd actually say the GNSO council can reject it completely and if the ALAC didn't accept it, then nothing would ever technically go to the board. We've got certain formal patterns to do this and I know you're shaking your head no but when a chartering organization rejects something, it doesn't go any further than the chartering organization unless it were a board created group.

And I know - but that's what I'm talking about here is that there seems to be this thing that this working group can then develop a report and it automatically goes wherever the working group wants it to go to and others are free to endorse it, not endorse it. It just doesn't make sense to me.

And again Bill you're asking me to produce hard concrete. When I was in Brussels and I talked to a couple of GAAC members, and I'm not going to name and rattle off people. When I explained to them the process that we're going through, they seemed surprised that this wasn't community endorsed when something doesn't come from the - when it comes from the working group.

They assumed that the communities endorsed it. I talked to a couple of board members. The same thing. Again, I'm not going to rattle it out or rat them out.

((Crosstalk))

(Jeff): Board members were confused to think that what - the work product of the working group, the JAS working is actually input from the organizations themselves not realizing that they're chartered from the supporting organizations.

I know that that might surprise you but not everybody reads every word of what we put out. Right. So they just assume - there's a perception that it comes from us as a group and I'll stop there.

Man: Thanks. Mary.

Mary Wong: So I had a question as well as a comment. I think - and I understand that this issue may be more complex when it's a cross-community working group but if we think about the working group that we and presumably other organizations have and we do interim reports, we do final reports, does the board or GAAC or anybody else thing that those reports have been endorsed by the respective chartering organizations or is this an issue and question specific to the community working group.

(Jeff): I was just going to add to that by saying this is the first that I've ever seen that the board comments on an interim report. I've never seen that before. Maybe someone can point to me to one but I literally never seen the board or the GAAC comment on an interim report of a GNSO (capital) group.

Mary Wong: And so that leads to my comment. I think if we assume for a minute that the two issues that we've had cross-community working groups on which the Rec 6 issue, live issue, timely - lots of people were concerned about it. The board got kind of excited about it.

And the JAS issue which again is an important issue as we've heard from some GAAC members to certain nations as well, and perhaps the board and the GAAC wanted clarifications and questions, that's not the same thing as thinking it's endorsed by the chartering organizations.

Perhaps then one way to not solve this but to think about it is to make it very clear, and this could be done in a meeting with the board and with the GAAC, that unless and until a report from any working group, whether it's pure GNSCO or cross-community, has been voted on by the council, it is simply the view of that working group and that is not necessarily something that's specific to a cross-community working group.

And with respect to the earlier point as to the board asking questions and acting on an interim or an earlier report, or even if they want to act on a report that's been rejected by say one of the chartering organizations or both or more of that, surely the board if it believes that more action needs to be taken or that certain things are to be considered, could we open the issue as the board and they have various means to kick it back or to bring it to another organization.

So that too needs to be clarified but the board does have the ability to do that.

Man:            Thanks. Tim.

Tim Ruiz:       You know, as far as misconception, this is from the charter that was included in the Peter Dengate Thrush's response to the GAAC scorecard.

10.1 - Cost considerations, (except) technical and other requirements at a reasonable and appropriate level in order not to exclude stakeholders in developing countries and participating in new gTLD due process.

Here's the board's response. ICANN's board recognized the importance of an exclusive new gTLD program and issued a resolution forming a joint working group which is underway. JAS WG. ICANN would like to receive the report of the working group as soon as possible and they are requested to provide a possible deadline for their work during the ICANN meeting in San Francisco allowing the board to action.

So nowhere in that response do I hear anything about, you know, the chartering organizations that were involved, that any report is going to go back to them that they're going to approve anything. This is the board created this working group. It's going to take its report and it's going to act.

So that's not a misconception. I mean this is what they're telling us right here. So that has me concerned so I just wanted to respond to that.

But the other comment that I have is just in regards to my concerns about the working groups and not about anyone in particular but just that we have these two important policy bodies; the GNSCO and the CCNSO, that is - that has the responsibility of creating policy.

What I'm concerned about is that while I think there could be useful cross-community working groups, what I would - am cautious about is not by accident or design creating a process through which those policy processes can be circumvented whenever it suits the board or the GAAC or anyone else because they want to get things done faster.

Sometimes policy takes time but in all honesty, in my opinion, we're regulating an industry here and that can't be done, you know, fly by night seat of the pants. It's got to have a process or it's going to become - it's going to get called into question. Thanks.

Man:             Thank you Tim. Avri's next.

Avri Doria:      Thank you. I think the first thing I do want to point out is that I do not believe we're in the military here where we always have to talk to people through a chain of command and that it is quite possible for the board to ask us questions in a working group and for the working group to answer the board on this is what we believe.

So I think the whole notion that no one in a working group or a working group itself can't talk to the board without the body or leave of the chartering organizations. It is just way too military for a bottom up organization.

In terms of making policy, I think first of all you have a group here. You have two groups here. Both the Rec 6 and the JAS that are looking at implementation and recommendations on how to implement stuff. There's no change to policy.

In fact, one of the things that the JAS group was able to do is point out GNSO policy that everyone had forgotten about in the implementation. That there were GNSO implementation and guidelines and stuff that had just been ignored while implementation - that's not creating policy. That is assisting with implementation.

As with the IRT and STI and others, when the board wants council, and sometimes they come to the chartering organizations and say hey guys, we have some work we want you to do and then you guys put together a charter that defines the work. That is the board having through a motion asks for some work to be done. It still occurs to me that it is not improper.

In fact it is only proper for that working group to communicate with the board but until such time as they have your endorsement, it is not endorsed. But I think if the board has asked for a report on X, they get a report on X. Then they get the endorsement.

Now there's a lot of talking as to how you ritualize these things and how you formalize them and that's probably a great discussion for ongoing structural improvements work on how we work with these cross-working - how we do work and deliver work requested by the board but indeed they have requested the work; they get a response and that seems right to me.

Man: Jaime, just real quickly, you know, I mean I know that's part of the confusion Avri is what is policy and what isn't.

See and I would disagree. I think the IRT dealt with policy issues. In fact, we said it was when we first discussed it and you were in the working group on protecting the rights of others and we couldn't come to any consensus and so we concluded that no changes were needed.

Well, obviously parties didn't like that and so we ended up with the IRT and then the board thought twice about that and ended up kicking it back to the council and there was the STI and blah, blah, blah.

So now we got, you know, the issue with the JAS and I would say that some of the things that this working group is dealing with I would call policy; now others may not. But I think there are, you know, huge issues.

So, you know, what is policy and what isn't. Maybe that's a bigger issue that needs to be resolved but I think that what - but it concerns me because we're finding it awful easy to say well, we didn't get what we want. Let's call it something else and we'll do it some other way and we get around the whole thing.

That's how we ended up with STI or whatever we want to call it these days. That's how we, you know, we're going to see that happen over and over again if we're not careful and, you know, maybe this time we lack what's being worked on. Next time we may not.

Man: Jaime.

Jaime Hedlund: Well, I think already gave my position but I think a free discussion is good and better discussion always and free communication is good and better communications always. But free representation is (miserable) representation.

I mean it's illegitimate. So the main problem here is the way the board will take advice or opinion. It should not take some discussion that is undergoing in the working groups as a position, a formal position, of the formal body but the board is the main body in ICANN that is required to act and they will - they are demanded to act in the new gTLD issues - we are demanding them to act promptly and the other issues we say well, we need more discussion so you act based on - you take decisions based on judgment.

And to judge you can - the board can shut against a formal position of the GNSO. They can decide that and they can - and they make a better decision if it is informed by a cross-community working group. I think always will be a better decision if it is informed.

But they don't have to take this as a position of the GNSO; a formal position of the GNSO. There's - and I think this must be clarified. Some board members may be confused about this but they are required to act and they don't - they are not required to always respect all the positions.

They are not required to respect GAAC's position right now in respect to the new gTLD issue so they are not required to respect GNSO's position in other issues. Then they will make a better informed decision if they have this clarification from the working groups.

I mean we - I'm not against. I'm very pro this working groups. What I demand is that the board doesn't take this output from this working groups as reflecting a position of the formal bodies. This is (unintelligible).

Woman:              Thanks Jaime. Alan.

Alan Greenberg:  I thought Jaime would give me plenty of time to.

((Crosstalk)

Man:                    Adam's next.

((Crosstalk))

Man:                    Could we just keep with the queue here. You are in the queue Avri. Adam please.

Adam Peake:       I really think we should be using our time to talk about how cross-community working groups should be working.

The first two we have had - the first two major ones we have had, the Rec 6 one and the JAS one, have been created in rather unusual ways. One of them at the direct request of the board. The other one based on a community uprising.

They may have not done things as well as they should. There may be plenty of opportunities to fix it but I don't think we should be spending our time continually looking at the sins of the past but try and figure out how cross-community working groups which are inevitable at this point should function and how we want them to work.

With regard to the comment that Tim rat out from the chairman of the board, I'm probably about one of the older people around this room - around the table here. I learned an awful long time ago that no matter how clearly you say things, how many times you say it over again, how concise you are, people will not listen and will misinterpret.

The chair of the board did in that particular case. I don't think we can control life like that. We're stuck with it. So I'd like to see us go ahead and talk about how in the few minutes we have left, talk about how we would like to make these things work and not just look at the sins of the past.

Man:                        Thanks Adam. Wendy's next.

Wendy Seltzer:        I want to connect some of this discussion to our continual prioritization woes
                        because I think one of the reasons if people are misinterpreting and looking
                        to cross-community working groups as final statements, it's because at times
                        the council hasn't been able to get together and make its own statement on
                        some of these issues. So I think we need to be clear but yes, it is the council
                        that is the place the board should come for consensus on policy issues in our
                        scope.

                        We need to be able to answer those questions when we're asked. We need
                        to - we should allow members of the community to have discussions in other
                        places and if we need to advertise them more clearly as not the decision of
                        council, the voices of individuals represented here are not those of their
                        sponsoring organizations or any organization in which they are a member.
                        Fine. We can do that but let's be able to make our own statements on issues
                        that come up in a timely fashion so that we can give to the board an
                        alternative; this is what the council has consensus on. This is where the
                        council lacks consensus in cases where we don't have agreement.

Man:                        Thanks. Jeff.

Jaime Hedlund:       Just a comment on what Wendy said. Sometimes we demand the board to
                        act without consensus. That's the main point.

                        If they want consensus, they can come to but sometimes we urge them to act
                        even without consensus.

(Jeff):                     I want to get to Alan's question because I think that's a useful topic but I do
                        want to stress, you know, it's kind of ironic here and Christina must be kind of
                        thinking about this too because when the IRT was created as a board group,
                        everyone here, including one of the members of the JAS group, went ballistic.

How could the board do this? This is not bottoms up. This is bottoms up. Sorry.

This is not bottom up. This is, you know, you guys are - this has to go through the bottom up process and we have to create this STI group and it's really the board shouldn't be doing anything with trademark stuff until it goes through all of this STI group and all of the constituencies and stakeholder groups and only then should the board actually be looking at it.

It's amazing how the tides have turned now in kind of a way that it's now the JAS working group thinks this is great. We should just send it to the board for them to do something with.

But, put that aside. Sorry.

((Crosstalk))

Woman:          I was waiting for someone from another stakeholder group to make that point.

(Jeff):           But put that aside for a second. Alan, it's simply - I know you want to talk about how we do this going forward but part of the problem here is that my stakeholder group and some others are reluctant to ever do this again because of what we're seeing happen now and so I do want to go forward but only if we have the understanding that if we do agree to participate in these groups, it's treated like - well frankly like the (Disawantis).

                   If you look at that charter, it's very clear there that these groups are coming together to come up with recommendations that it goes directly back to the organizations. That there's no report that it produces that goes to the board and then others can endorse and not decide to endorse.

                   I mean it's actually a well thought out process there that should have been done in this case and we're trying to bring it back in to do it in this case and

Avri's shaking her head no because she doesn't like that but that's, you know, if we can't be certain of those types of procedures that the organization that's chartering these groups have an actual say in what goes to the board, then groups like the registries at least are going to be reluctant to do this in the future. So that's point one.

And two is I think we all should kind of agree that if we do cross-working groups, one of the things I had submitted in one of my Emails was that it probably wouldn't be - or certainly my group wouldn't accept cross-working groups for anything that was intended to be a consensus policy under the contract. I don't think that's controversial but just to kind of throw that out there.

Man: Thanks. Avri, you're next.

Avri Doria: Okay. Thank you. First of all in terms of the IRT and the STI, we learned. When we saw when the STI was created to correct the work of the IRT, we learned from precedence how you do things.

And so I think Jaime made very good recommendation that Wendy - and it goes along with - that when a report comes out, it comes out and says there is no (implementory) yet. That this is the report. However, it has yet to be agreed by, it has yet to be reviewed by and so I think putting up a very factual right at the front, you know, truth statement that sort of says this is the report of the group. You know, (implementory) TBD. And you know later then the groups look at it and say so I think that truth in advertising what the report is, how far it's gotten, what approvals it has and it hasn't gotten yet is an excellent step as he says in terms of how do we go forward with these sort of things.

You know, what did we learn? How do we make them work? And certainly no report should come out pretending to be an approved report by the chartering organization unless it has been.

And so making that clear is sort of an obvious first step to what comes out of these groups.

So I disagree that these are sins in JAS and Rec. I think we are learning. I think with every group.

You know, whether it's SGI, whether it's JAS, whether it's Rec 6, each time we learn better how we want to standardize the doing of these things. We find certain things that work and we like that we don't.

But I think we have to acknowledge that when there is a cross-community that is concerned by an issue, when there is a board that is asking an issue to be done, that the audience is wider than just the chartering organization.

Man: Thanks. I have (Vay), Jonathan, Edmon and Alan. Does anyone else want to speak to this? Andre and then we shall close this off so Zahid.

Zahid Jamil: Thank you. (Unintelligible) so it changes what I really wanted to say but clarifying and structuring and making it formal as to what these groups will do is going to be very helpful but Alan's point is absolutely right. You cannot stop or predict or control what the board's going to do.

If it wants to directly take - set up an expert group like IRT or STI or anybody else and wants to get information from them or their feedback, they can do that. We can't stop them.

If they want to misinterpret, even though there's a disclaimer on top or at the end of a report, they can go ahead and do that.

The best that we can do is basically make sure that whatever we put in the report - the charter across cross-community working group, it is important that

we say that look, this is not supposed to be approved by that particular ACSO. That's fine. I think that's probably one way to go forward.

I just wanted to make a point about why these things are important. There is value in cross-constituency. Definitely something was not working within the GNSO structure; maybe because there was transitioning through the improvements or whatever else it was doing but there was a need for the IRT. There was a need for the STI. There was a need for Rec 6 and JAS.

And had those things not taken place, I think it would have had (Lacunas). You would have had many parts of the community feeling that they had not been heard or given an opportunity to work on some important stuff.

So accepting one - that has value to cross-constituency, two - that there were problems that were addressed by some of these issues and three - that okay, let's move forward just to make sure that we clarify for the board that they don't start considering this to be, you know, just basically the seal of approval of acts all the time. Thanks.

Man:                    Thanks. Jonathan.

Jonathan Spencer:      It's Jonathan again. I think I need to (unintelligible) a little bit and he expressed things fairly eloquently, or very eloquently I should say, but it seems to me that just listening to things, it's striking how strongly we feel about this issue when there is a large degree of consensus about the usefulness or potential usefulness of these groups.

Which is - and I guess the other thing that struck me very strongly is that the board, or elements of the board, either willingly or unwittingly have - are able to misunderstand the scope or effect of these groups.

But, nevertheless, the question I had - I suppose the one question I have - those were two observations. The one question I had was is there a definition

and I think the answer I've heard and understand on the formalization function role and/or limits of cross-community working groups and there doesn't appear to be one. As far as I can tell, there is nowhere where this is set out or defined.

And, in a way, that's really where we should focus our attention if that's not stating the obvious and perhaps we almost need to charter some kind of working group in itself to set out the role and function of cross-community working groups so that we can get that formalized and then work within that scope.

Man:              Thank you. Edmon.

Edmon Chung:    Hello. Thank you. So as one of the I guess more disciplined and perhaps forgotten cross-community working groups or maybe the first one between the GNSO and CCNSO which is the (JIG) on (unintelligible). Just a few observations I guess.

One is that in the original discussion of the charter, actually it was discussed whether it - you know, the group would talk to the board directly, whether, you known, whether reports would be sent to the board and through the discussion it was decided that no. That's not going to be the case and, you know, the (JIG) would report back to the two councils respectively and the councils would do whatever they want to do with the report from there on.

And but that being said, we do have board members who are observing the group and they do participate in our discussions at our meetings. So I think that might be something to bear in mind is that, you know, we - as these groups form, usually I think we want to keep them open and board members should be encouraged - I shouldn't say encouraged but board members may participate and chose to participate.

Just going back to what Alan mentioned. I'm really interested to - or Jonathan mentioned as well. You know, how we take this forward in the future.

And perhaps taking (JIG)'s working as a trial, the (JIG) is coming towards a final report for the single character IDN TLDs. So I'm just wondering, you know, how the council wants to then deliberate on what to do with it.

Of course we, you know, we worked for quite some time on it and we think we've covered most of the things but how - like, you know, take this as an example. How do we then proceed through the council accepting it or passing it to the board or, you know, doing any action with final report?

So that's...

Man: Thank you. So we have Alan and Andre will end this.

Alan Greenberg: A couple of points. In response to Jonathan, I wonder if this cross - is this working group to decide a cross working group should be a cross-constituency working group and, if so, how do we set the rules for the group setting - never mind.

There really is a longer history in these cross working groups. If I remember correctly, the original IDN work was done by a president's committee on IDN which wasn't called a working group. Actually I think it was the president's working group. It was a working group. It didn't even report to the individual groups. Occasionally the members would tell us what's going on but it wasn't even our group.

So there's a long history of the need for it. I think we're starting to understand how we need it and why we need it a little bit clearer.

Avri suggestion on, you know, a disclaimer on reports doesn't only apply to cross-constituency working groups, it applies to every damn report, forgive the language, that we put out.

I mean PDP groups put out interim groups. The PDP - PPSC PDP report is out. It should have a large disclaimer on it saying it's not official yet; you know, on the cover in bit block letters. The difference seems to be that on most of those reports, nobody really cares. No one is eager to read them and the subject we've been talking about, somebody is eager to read them.

There's a message there that, you know, these aren't the ones we can throw away. These are the ones that actually have some interest in the community.

And I think we're starting to get somewhere now because we really need to talk about what do we need to do to make these better, to make them work so they don't have problems and we're not going to solve all the problems day one.

You know, this is a concept that has as I said a long history but it's a new one in the current incarnation and they're not going to go away whether the registries stakeholder group doesn't want them anymore or not, we're stuck with them I think and we need to figure out how to do them right. Thank you.

Man:                      Thank you. Andre.

Andre Philip:        Yeah. Trying to be an optimist as always. It is a very dynamic environment we're working and I really believe, you know, the priority is to help - the priority session will cover this more (unintelligible) and the process in the particular cross-communities working group is the second (unintelligible).

The matter is important. This session's called the JAS and we spent about ten minutes listening to the presentation and about an hour kind of discussion

over the cross-community working groups. And maybe we should call it differently then when we put that agenda into place.

So that's a short observation again about the priorities. Sorry.

Man:     Thank you. (Jeff)'s been bullying me into getting a response as we've got thirty seconds left. I'll probably yield.

(Jeff):     And so Andre I think that's a good point and I think as soon as the JAS comes out with substantive recommendation - additional substantive recommendations from their subteams we'll spend a lot more time talking about it and hopefully the stakeholder groups and constituencies will have a chance to comment, make changes, endorse, send it up to the board. That will be great. And I hope we have the time to do that.

I think just a little correction on what Alan said. There are presidents committees. There are board committees. There's a whole bunch of rules that are in place from both a board level, fiduciary duty, of board created committees and president created committees that are a lot different than what we're talking about here.

So let's be clear. These are examples where we create the group as opposed to the board. If the board created the JAS group as actually they state in that - which they didn't. But had that happened, we wouldn't be having this discussion at all.

Man:     That you Jeff. Thanks everyone for that useful discussion. We will now go into a break. For the first time today we are dead on time so let's try and keep to that and reconvene at 4 o'clock sharp for a discussion on international live registration data and the working group that's working on that. Thank you very much.

END