Transcription ICANN Toronto Meeting

SCI Meeting

Saturday 13 October 2012 at 09:00 local time

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Coordinator: And thank you. This call is being recorded. You may begin.

Wolf-Ulrich Knoben: Okay. Hello, good morning everybody. May I ask people from the members of the SCI, the Steering Committee on Improvement Implementation to come to the table? Others interested could also share us here at the table. And please take your seats; we would like to start. We have just one hour for the SCI meeting.

By the way this is not the official overall GNSO session right now but it's part of the GNSO activities here this SCI meeting of the Standing Committee of Improvements Implementation of the GNSO.

May I ask for a roll call please? Yes. (Unintelligible). Toronto 45.

((Crosstalk))

Wolf-Ulrich Knoben: Okay - okay maybe can you come here. Mr. Chuck Gomes please. Stay away from Glen. And may I ask you to do a roll call please?

Glen de Saint Géry: James Bladel.

James Bladel: Present.

Glen de Saint Géry: Ray Fassett. Is Ray Fassett on remote participation?

Jonathan Robinson: Glen, it's Jonathan. Ray said he wasn't going to participate. I'm the alternate from the Registries Stakeholder Group.

Glen de Saint Géry: Thank you very much, Jonathan.

Ron Andruff. Angie Graves? Wolf-Ulrich Knoben.

Wolf-Ulrich Knoben: Yes.

Glen de Saint Géry: Tony Holmes. Tony is your alternate. J. Scott Evans.

J. Scott Evans: Present.

Glen de Saint Géry: Anne Aikman-Scalese.

Anne Aikman-Scalese: Present.

Glen de Saint Géry: Avri Doria.

Avri Doria: Yes.

Glen de Saint Géry: Mary Wong. Mary, Mary isn't here. Carlos Aguirre.

Carlos Aguirre: Here.

Glen de Saint Géry: And Alain Berranger. I saw Alain earlier this morning but he doesn't seem to be here. Jennifer Stanford - Standiford, sorry, Standiford. And have we anyone on the phone?

Coordinator: We have Julie Charvolen.

Glen de Saint Géry: Thank you very much. Over to you, Wolf-Ulrich Knoben.

Wolf-Ulrich Knoben: Yes, thank you, Glen. We have an agenda but before we go over to the agenda I would like to ask if anybody has to disclose something with regarding his or her statement of interest? Seeing none. Oh, please over here, James, please.

James Bladel: Thanks, Wolf. And I don't know if I posted this to the list but we have changed our delegation to this group from Registrars and myself and Jennifer Standiford will now be representing Registrars as the primary and secondary reps respectively. Not really a change of my statements of interest but more just a Registrar delegation change.

Wolf-Ulrich Knoben: Yes, all right. Thank you, James. Going to the - Mary's just - hi, Mary, good morning. Yes.

Going to the agenda any comment, any additional items? I see none so let's go to the first point, deferral of motions. You remember that was an item coming up from the GNSO Council then to have on the Council level we have the normal unwritten rule that every motion could be deferred once.

And then there was a request to refer to - to defer motion several times and then there was (in each team) that the SCI is going to handle that and to discuss that and to come up with a proposal how to handle that in future.

We had a lot of discussion about that. And we discussed this practice. And we discussed also whether we see a need to amend the rules or to come up with a procedure outlining the deferral in detail.

But at the last meeting we came, more or less, to the conclusion that we were thinking the - that the deferral of motion was done as a kind of - a matter of courtesy at the discretion of the Chair of the GNSO Council.

So we understood, if that would be the case, then it may not be necessary to come up with a formal procedure on that rather than to explicitly state that there is no must behind that - or there is no necessity for the chair; that he or she can exercise with the same discretion in each case; in each case when a deferral is asked for.

So then we came up with a test - with a text which was proposed by J. Scott. And I would like, I think that would be helpful because we had that on the list and we had also some smaller amendments but no straight opposition to that, I would like to read that text and go around here and ask whether we could live with that text and then discuss what we shall do with that text and how we shall deal with it towards the GNSO Council.

Let me just briefly read that text. After - well - the SCI discussed this practice whether there was a need to create a procedure to formalize this informal practice. After much debate the SCI concluded that the current practice of allowing for the deferral of motions was done as a matter of courtesy at the discretion of the Chair of the GNSO Council.

For this reason the SCI concluded that there was no need to create a formal procedure at this time. However the SCI felt that it was necessary to explicitly state that there is no rule that the Chair must always exercise his or her discretion in the affirmative.

Given that the current informal practice is at the discretion of the Chair the Chair can exercise that same discretion in considering whether to grant or deny any request and can also exercise his or her discretion when determining how to handle any specific situation that may occur with regard to this informal practice.

So that was the status we have at the time being. And I would like to open the floor for discussion or for comments.

Woman: (Unintelligible).

Wolf-Ulrich Knoben: Yes, so well, we have a quick announcement...

((Crosstalk))

Man: New for ICANN this meeting is that there is no open wireless network; it is all secured so for those of you trying to get on it is - the password is Toronto45 and that's a capital T no spaces.

Wolf-Ulrich Knoben: Thank you very much. Very helpful to all of us. Toronto45.

Man: Why is that? I don't have the answer for why that is but I do know that there is no more open networks for security.

((Crosstalk))

Wolf-Ulrich Knoben: Okay we could discuss that in the public meeting, yes?

Wendy Seltzer: Thank you. To me this looks like the worst of both worlds. We have neither codified a clear rule nor acknowledged that we are a body that can trust the Chair to exercise his or her discretion without further description of that discretion.

So I would not favor including text like this. I would either favor including no text at all and - or formalizing with an actual rule rather than formalized discretion.

Wolf-Ulrich Knoben: Thank you, Wendy. And James please.

James Bladel: Hi, James Bladel speaking. And I would like to agree with Wendy. This is like - seems like our advice is to give no advice. And I think in our efforts to be helpful we perhaps made this issue a little worse.

One recommendation I might have to make this language more palatable if we see that sentence where it says there was no need to create a formal procedure at this time, period, full stop and drop everything that occurs afterwards. I'm not sure if there's any babies in that bathwater that we would be throwing out but it seems like that's a reasonable place to stop. Otherwise I think it just muddies the waters after that. Thanks.

Wolf-Ulrich Knoben: Thanks, James. Marika please, yes.

Marika Konings: Yes, this is Marika. Maybe just to clarify that - because I think as I understand this is just a proposed response to the GNSO Council; this is not a proposal to include this in the Operating Procedures or anything like that if I'm correct. I think this is just a reply that the SCI is providing. So I just want to make that clear that that's the intent of this response.

Wolf-Ulrich Knoben: Jonathan.

Jonathan Robinson: Yes, Marika, just to follow on from that. It's Jonathan. Is there anything in the Operating Procedures covering this at this stage? As far as I'm aware there is not, right?

Marika Konings: This is Marika. I think you're correct, there's nothing in the Operating Procedures that talks about deferrals and how to handle those. But there is in the PDP manual there are specific cases there where it's prescribed how many times a motion on - I think on a final report may be deferred in the case of PDP recommendations. So for that specific case I think there are some formal rules in the bylaws.

I think they do allow, as well, some discretion. I don't know - I mean, we need to look up the language but it basically recommends the Council to not defer more than once if possible.

Wolf-Ulrich Knoben: What - sorry, if I may ask you, Jonathan, what is your question behind that? That you think you - it might be necessary to have a rule, yes?

Jonathan Robinson: Not necessarily. It was a follow up to Marika saying - clarifying that this was not intended to go into the procedures and so I want to make it clear to all present that there was nothing else and it wasn't even that this would be substituting; there isn't anything in the procedures at the moment. It is purely discretionary or customary practice at the moment.

Wolf-Ulrich Knoben: Yes. Okay, J. Scott, please.

J. Scott Evans: You know, with regards to the critics we've heard regarding the language that comes after the full stop that James talked about that was part of the consensus that came up with - on the call was that we wouldn't take any formal action so long as there was language in the response to the GNSO that explicitly stated that there was no - it shouldn't be construed as an automatic affirmative.

Because there was some concern that people believed that because it was an informal practice that meant it always had to be granted; that it could never - there could never be an occasion where the Chair could say no.

So everyone felt like that should be stated; that it should be stated that that discretion is not always automatically an affirmative. And I don't see the harm in stating that for the record.

(Unintelligible) affirmative is because the discretion can take - there doesn't need to be a formal procedure is because, you know, (unintelligible) take care of it. So I have no problem with adding, "...or the negative," into that sentence, none whatsoever. And again this is just a response to the Council with regards to the question they asked us; this is not in any way making a formal procedure of any type.

Wolf-Ulrich Knoben: Before I refer to Wendy again with a question. Then, James, sure, yes.

James Bladel: So just quickly, it's certainly not my intention to blow up any consensus particularly since I was absent from the last call. But - and I feel a lot less strongly about this pending Marika's clarification that this isn't getting baked into the Operating Procedures.

But isn't there a crisper way to say, "...at the discretion of the Chair," and lose three or four or five lines of that language? I'm just - I'm concerned that we're trying to describe what discretion looks like, you know, verbosely. And, but, you know, again I've lost my concern because this is not, as we've mentioned, this is just more of a response to Council and not something that's going to be hard-coded into the procedure.

Wolf-Ulrich Knoben: Okay, we have that. Avri please.

Avri Doria: Yes, I mean, I personally thought that, "...at the discretion of the Chair," was good enough. But we seem to have problems with the definition of the word "discretion" and with complete trust of the Chair's discretion.

So I guess we wanted to dig down into what discretion meant. But personally, you know, I think you're right; I think discretion says it all as long as we understand what discretion means and we trust our chairs.

Wolf-Ulrich Knoben: Yes, thank you, maybe. Marika, some further?

Marika Konings: Yes, this is Marika. And this may be an issue for the SCI to consider at a future date because something, indeed, what we did discover when looking at this language and looking, for example, at the Working Group Guidelines there is very specific guidance on the role of the Chair and also what working group members can do to challenge a Chair's decision. If they don't agree there's certain procedures in place that they can follow.

But actually for the GNSO Council Chair that doesn't exist. There's nothing in the Operating Procedures that actually describes the role of the Chair and also a mechanism to, you know, challenge or, you know, kind of procedure to address if members of the Council feel that, you know, the Chair is not fulfilling its role as it's supposed to or challenge some of his or her decisions.

So that might be something in the future when, you know, we come to the stage of reviewing the Operating Procedures that might be an element that might need to be considered also looking at the model that the GNSO Working Group Guidelines have taken in that regard.

Wolf-Ulrich Knoben: Thanks, Marika. Regarding to Wendy's question, Wendy, is that the direction of the explanation - would that help, well, depending on the final wordings in the text? Or do I understand that we have to modify, yes, a bit more to be more careful on explaining what we are meaning with discretion.

So is that the direction you could accept to go there? Because I understood you, at first, that you just say okay either have a formal rule or leave it as it is. That was my understanding from your wording before.

Wendy Seltzer: So, yes, if we excise after, "...at the discretion of the Chair," I think that's a cleaner restatement of where we are right now.

J. Scott Evans: You know, I was in the meeting when Stéphane didn't know what to do. He didn't know what to do. He knew he had discretion but he didn't know what to do. And so all this does is say - it has a group of people who've looked at it, who said we don't need to have a formal procedure and just sort of says, you know, you can grant it, you don't have to grant it. And in deciding whether to grant it, that's the last sentence, you can use that same discretion to decide how that's going to occur; you can do it on your own, you can have a vote, you can do, you know.

But he didn't know what to do. He knew he had discretion but he didn't know what to do. And we've been asked as a group to look at that and decide. And we said well there doesn't need to be a formal procedure but perhaps there needs to be a bit of explanation. And that's what we've provided here.

It still allows the Chair to exercise that discretion. It just says reasonable minds who have looked at this have said you need to know that it's in your discretion, you can grant it, you can deny it and you can use that discretion to decide how to grant or deny it. That's all we've done. And I don't see why this is such a big deal. We're not changing the Operating Procedures; we're simply answering a question that was asked to us.

I see your point about leaving out negative which leads you to believe that it's trying to push one way or the other. I'm fine with that by adding that to make it balanced. But I don't understand why this is such a big deal. I figured this would be a (unintelligible).

Coordinator: Excuse me, this is the Operator. We're not hearing...

((Crosstalk))

Man: ...that we always have time to vet decisions with our stakeholder group or our constituencies. And in those cases I'm not sure it should be discretionary.

Wolf-Ulrich Knoben: Thank you. So we...

((Crosstalk))

Wolf-Ulrich Knoben: So we have, on the one hand, this suggestion not to amend the rules but explain where we are and leave it at the discretion of the Chair. One point came to my mind as well in the discussion so when I look back to - in the history of it there was at least one deferral which was granted any time in the past. There was no question about discretion of Chair; it was just granted.

So if that's - for me the question is does it make a difference, you know, when, on the first time, it is up to the discretion of the Chair. Theoretically it could happen that a deferral on the first time wouldn't be granted because it's up to the discretion of the Chair.

So is that an issue or a real problem for anybody here that this may happen and that we should discuss in that way and find out a way how we can overcome that; that's my question. Jonathan.

Jonathan Robinson: Well certainly as I've understood it, Wolf, the principle of an automatic first deferral based on the rationale that Chuck just described a moment ago, in other words, to give the opportunity for due process to take place in the groups should a motion come up in a certain sequence or for whatever reason there has been - there had been inadequate time for its consideration.

It's clear that that - well it's clear to me, it seems, that that's a necessary condition. And so I would favor an automatic deferral on the first - at the first instance.

However, we had a particular issue where there was a concern that that wasn't the motivation for the deferral, which is what's given rise to this problem. Well if there was - there were concerns over why there may be certain circumstances in which a deferral may be used including in the first instance when time pressures were such that a deferral was being proposed for another reason. So that's clearly the one exception we faced.

Other than that I haven't noticed in my time whether automatic first deferral has been a problem. One other remark is that the sense I have is that we're all under some pressure to - continuous pressure to improve throughput through the Council.

So to the extent that we can avoid that first deferral we should strive to do so. But nevertheless that's notwithstanding the principle that Chuck mentioned, which is if an when it's necessary to consult properly it's a very valuable tool to have in our armory.

Wolf-Ulrich Knoben: J. Scott first, then Marilyn, then Jeff.

J. Scott Evans: One for the record. When I said big deal I wasn't talking about the situation; I was talking about passing this language that just said you had discretion. Secondly, with regards to the folks who think we need to have, you know, an automatic or not automatic or we need to be able we had those discussions pretty in depth.

And the majority felt like it was taking - it was making a rule over one specific situation where something had been working over a period of time with no problems. And everyone felt like the light touch was the better rather than to over-process this.

And those of us who wanted a formal procedure said fine, we're willing to conceded that point provided we explicitly state in our response that that discretion there is not a default with regards to how that discretion is to be exercised.

And so that was the compromise; that's what you see here. And so I remain happy to allow the discretion of the Chair for the - because the idea was well if it becomes a problem we'll look at it again. That was sort of how everyone felt if I remember the call.

And I'm happy to live with that but I am not happy with a full stop after "discretion" because the Chair didn't know what to do. We were asked. And so I think we need to be - we need to say to the GNSO Council you have this discretion but please understand you can exercise that discretion as you see fit.

You're not - I felt like, sitting in that room that day, the Chair felt very much like he had no choice but to grant it; he had no choice. He had no idea what to do. And I think our answer is you have discretion; please understand that that discretion can be exercised in the affirmative, in the negative.

And when deciding how to do that you have the discretion to - you can do it on your own, you can have a vote with the Council. I mean, I just think that - and that's all we're doing; that's all we're saying. And I want it explicit on the record that there is no default. And we've conceded - we've come a long way from wanting a formal process. We've come a long way; we've met you more than halfway.

Marilyn Cade: I'm sitting here as the Chair of the BC. And I was going to channel Ron Andruff so I'm glad that J. Scot actually referenced something that Ron had said.

You know, I'm thinking that maybe, listening to this, that we're dealing with what - different definitions of what words mean. But I think the intent - and I - the intent, I think, is to try to establish a process that is fair and balanced and also flexible enough to meet the needs of the policy development process as things happen or things change.

And maybe this idea that it is an automatic deferral the first time around it sounds as though we didn't actually give consideration to the fact that it is a deferral that is available if certain steps are taken. And the step in this case is a constituency asks for a deferral.

But for the second deferral, if there is one, I do think that we have to give some kind of loose - some kind of - loose is the wrong word - but some kind of wording that shows that the Chair has the responsibility to make a decision but has options to seek additional guidance from the councilors or the constituencies to support that decision.

The Chair is going to be put in a leadership position where they will be facing pressure one way or the other on the decision they make. And I thought what this language provided was the option of the Chair to seek a minimal vote or to seek the input which they will have been taking from the constituencies through the councilors on whether there can be a second deferral.

So I'm struggling with why this language is not providing exactly the flexibility but not without - but not total chaos that the working group was trying to give.

Wolf-Ulrich Knoben: Thanks, Marilyn. So we wouldn't like to (unintelligible) in chaos, really not. And - I don't think that that item is going to bring us to that point. Well, I have Jeff still and then the very last is - because she's also from the working group, from our team, is Avri then. Please, Jeff.

Jeff Neuman: Thanks. You know, I'd like to first kind of challenge the notion of having an automatic deferral. I think, you know, we do need to - and maybe we'll take this up more during the brainstorming session - but we do need to view how others view us and how slow we are.

We're always trying to work on efficiencies in the process and right now between, you know, 21-day response period - or comment period followed by a 21-day reply period before it even gets to the Council. Then you have a Council meeting and then it gets deferred. You have potentially - if it's July you could have two months that go in between because we don't meet in August.

So, I mean, the process goes on and on. And everyone complains about how long our process takes. And frankly they're right; it takes us such a long time that right now we actually have a lot of motions on our table that may be premature just because we know it's going to get deferred a meeting.

So there are some motions there - and I may be the author of one or more of them that are on there - that may be a little premature but it's because I want it done this year and I know at this meeting it's going to get deferred. I'd be pleasantly surprised if it wasn't deferred. But that kind of goes into the mentality of the output of working groups.

You think okay well this is going to get a deferred a meeting automatically so now if we want it to be done by the end of the year we actually have to propose it in October, it gets deferred in October so we can vote on it in November. I mean, that's the kind of mentality and thinking that really I don't like; I don't like having to do that.

But if we automatically - if we say that there's an automatic deferral that's what happens. So I actually kind of - even though I know some of my colleagues from the Registries said, you know, otherwise, I actually like this language. I like the discretion of the Chair.

I may not like the decision of the Chair from time to time but that should go into the reelection process or the election process of a Chair. But I think they do need some discretion. There are some time-sensitive matters that need to be taken into consideration.

And I don't believe in this automatic notion. And I agree with J. Scott that at the one meeting, which this issue came up, it did seem like well this is what we've always done and it has to be automatic and it was done. I do think the Chair should have discretion to call a vote or decide and then they get judged based on what they did.

Wolf-Ulrich Knoben: Jeff, thank you. So I - just I have to cut this here because really we have discussed in our teams and we a diverse team. We have taken into consideration the work of the Council, the time which is needed for putting forward a motion and so on.

This is, as J. Scott also mentioned, this is the outcome - very last outcome of this team here right now. As it was discussed we can put forward it to the next level then afterwards - after revising it that means to the Council and then re-discuss about what to do.

But really so we have heard all the arguments and we have all the discuss in the group and that at the time be. Avri please.

Avri Doria: Thank you. I want to just put a couple things on the record since we're putting all kinds of things on the record. First of all the deferral that is the celebrated cause of this whole issue was because some people didn't feel that the process was complete; not for any of the other things that people may be assuming.

Second, the first proposal I put in was that this practice originated before we had the requirement for motions to be made 9, 10, however many days in advance they are. This was a hangover from a day when a motion could be put on the table the day of the meeting.

So at that point there was certainly a reason for the courtesy to the constituencies and stakeholder groups. So my first suggestion was that we eliminate the practice completely. Of course various people said that eight or nine days is not sufficient for a constituency or stakeholder group to digest something and make up a mind. So (unintelligible).

Wolf-Ulrich Knoben: Thank you.

((Crosstalk))

J. Scott Evans: ...it's not been added but if there's no objection to that from the rest of the group I would like to see that added because it has been requested and I think it adds to the language.

Wolf-Ulrich Knoben: Yes, thank you. So I would suggest, well, that we really take this text, revise it a bit and I would like to ask you, J. Scott, because you also - you came up with that text and put it on our list, yes again so with that revision. And then we have a last round on that.

And then, well, we should think about that how we should deal with that. Should we just put forward that then to the Council and saying that is how we see that situation. Or should we have other - as a proposal for that going more in depth in that but that is the further step then. So I would just to propose that and then end this item here (unintelligible), yes. J. Scott, you have a timeline? Can you tell us when you - around...

J. Scott Evans: If I can find the language in my email box I'll do it today.

Wolf-Ulrich Knoben: Okay. Great. Thank you. So we have, yes, some other point on the agenda. And the very last point was - I put on the agenda was, yes, the leadership election, which I saw we have some minutes at the end, well, to discuss about that so it seems to me right now we have just a quarter of an hour for the rest of the working team here - time here today.

So let's go to that point, voting thresholds for delaying a PDP. There was also a language proposed and put to the list by Marika. I would like to refer to Marika, well, just, well, if - just highlight the points, yes.

Marika Konings: Yes, this is Marika. I think the language up here is the language that has been circulated a couple of times already to the mailing list with the request for input.

I think we did make a little change to the footnote based on the discussion you had on the last meeting - I think that was on the suggestion of Avri - so we added to the footnote that a mere change in milestones or schedule of the PDP is not considered a suspension.

So basically this would be - and it's on the screen - it would be a modification of the language that's currently in the PDP manual, which is part of the GNSO Operating Procedures to basically modify the section that deals with - currently with the termination of a PDP that it would also apply to a suspension of a PDP.

So in cases where the GNSO Council says well we have initiated a PDP but for any one of these reasons, either there's a deadlock or there's a change of circumstances or a lack of community volunteers the GNSO Council may decide to suspend the PDP so completely hold any activity on the PDP and the voting threshold that's associated with that would be a - I think a super majority vote.

So I think this is the latest language that we have. And I said on the last meeting we made a small modification to the footnote. I don't think I've seen any other comments on the mailing list. I think we're at the stage here that if there are no further objections or comments on this this would need to go out for public comment because as it concerns a change to the Operating Procedures so there's a public comment period required before the GNSO Council can adopt it and implement it provided they would agree with the suggested change.

Wolf-Ulrich Knoben: Yes, thank you, Marika. Any further comments to that language? If not the only question is then how to do that; what is next step? Is that the SCI could put it or you - or staff is going to put it to the (unintelligible) or have it go to the Council?

Marika Konings: Yes, this is Marika. I think what we did last time - and we had a discussion at that stage with the GNSO Council about it whether they felt they needed to put it out or whether they were comfortable with the SCI putting it out. And I think at that stage they were fine with the SCI just putting it out. So if...

Wolf-Ulrich Knoben: Okay.

Marika Konings: Right so if there's agreement I can just go ahead and put it out for public comment. And then when we have the comments we'll come back to the SCI to review and see if any changes are needed...

Wolf-Ulrich Knoben: Yes.

Marika Konings: ...and then it would go to the GNSO Council. That's what we did with the previous round of changes.

Wolf-Ulrich Knoben: Okay, well what is the timeline for public comment? Well, how many days?

Marika Konings: It's still the 21 plus 21.

Wolf-Ulrich Knoben: Okay. So I see agreement on that so go ahead and then we can put it to that. Okay thank you. Next item is raising an issue. There was the question who can bring up an issue to the SCI here. Well - the SCI is going to deal with it.

Is it just the GNSO Council or a group chartered by the GNSO Council or should that be widened to - for the possibility for other ICANN SOs and ACs, which is Option Number 2. And which would need a change - an amendment to the SCI charter and would need also GNSO approval.

Or third option could we allow any ICANN-chartered group to come up with requests, well, to the SCI, which also would need approval by the GNSO Council and amendment of the SCI charter.

So that were the three options we put to the table. So far there was just, to my mind, one member raised his - being in favor for Option 1. That was Ron Andruff. That means - okay if he was of the opinion so if the other options are that complicated that means amendment of charters and approval by the

GNSO Council then let's do it with a status quo as we have which means the GNSO Council or a group chartered by the GNSO Council can request an item to be reviewed by the SCI. So that was one voice expressed here.

Any other comments? Anybody - somebody in favor of any of that - those options or having a fourth option anyone else? Mary please.

Mary Wong: Thanks, Wolf. And I just wanted to apologize to the group and the Council because the action item that we had discussed in the SCI actually fell to me. And I have not gotten around to drafting the letter to the GNSO Council.

I think one of - for the benefit of those in the room who are not part of that discussion was that the SCI I think was of the opinion that we should also seek the guidance from the Council as to what exactly was meant by the language in the SCI charter.

And so, Wolf, my question to you is that given that a lot of the SCI work to date has focused on the deferral issue for good reason whether we should just go on and proceed with the request to the Council because very few members on the team or the community have come back on this particular issue.

Wolf-Ulrich Knoben: Good idea. The question to me is just being practical. I mean, since the draft charter - the charter was drafted by this group and, well, it was approved by the GNSO Council - that had to be approved by the GNSO Council - maybe we can get some broader idea about that.

And I wouldn't like to hinder that. But so that is just my question. So whether this way is practically but we can do that so we can ask and, as well, after one meeting they should come up with any - or we can discuss it on Council as well; we can bring it up and ask for an explanation what was behind. I expect, well, that they more or less will refer to the group themselves who chartered that.

Any other comments? Is there any - well, how shall I understand this no comment? Should I understand it that we go - should go to the Council - refer to the Council asking what the Council meant with the charter? Avri please.

Avri Doria: I think my no comments means just leave it with the status quo as defined there. And if there are questions then the G-Council can come back and say oops that's not what we meant. And - but I believe that what is in one defines the status quo. And I think that when I'm supporting the status quo I should just keep my mouth shut unless somebody asks.

Wolf-Ulrich Knoben: Yes, okay thanks, Avri. No comment? No? Mary please.

Mary Wong: I think in this case then given that I don't think there's a particular urgency on this point may I suggest that for the next meeting of the SCI we do a vote or however we want to do it as the first agenda item. And if it's maintain the status quo and consensus then that's what we would go back to the Council with.

Wolf-Ulrich Knoben: Yes, J. Scott.

J. Scott Evans: Avri will remember this as how I did when I was Chair. I think the easiest thing to do is to put out on the list and say if you have any objection to speak up and then give a time. Like you have five days to this, which is end of business, and specify the date and the time and time zone so that people will understand.

And then you consider silence as ascension and then you pass it on to the Council. Because you get to the call - we probably won't have enough people that it would always look suspicious so it's just best to put it to the list where everybody has an opportunity. You know everybody got it. And you ask them to raise any objections. And when there's silence by the deadline you pass it on to the Council. And I'd just make that suggestion.

Mary Wong: Works for me.

Wolf-Ulrich Knoben: Okay thank you, Mary. So just to explain in addition, well, we inserted that we would like also to kind of make outreach to other SOs and AC individuals that if there is something they have in mind to come up with - which refers to the SCI so they have a way it could go through their chartered organization and to the Council so there is a way to go then.

Okay then I understand that we put that on the list as Option 1 and asking for comment, objection on this one and then we'll see what's going to happen. Thank you.

Where we are right now. So we have still about five minutes. And I would come to that working group survey which we have deferred and deferred and deferred because we were discussing deferrals. Just given as an update or a briefly, Marika, so on that what it is about and then maybe we can work - we could work on the list as well.

Marika Konings: Yes this is Marika. I think this is something that we started discussing some time ago. Basically the idea behind this is to get input from GNSO working groups on how they experience the GNSO Working Group Guidelines and eventually probably, as well, the PDP manual that has been developed to get some input on, you know, are there any issues that they encounter or, you know, are they being found useful. Are there any elements that are missing.

So based on that we, staff, made a first draft of that survey which I think you see up on the screen and actually through it. As I said this was sent, as well, to the mailing list, with a bit of an indication of what kind of questions we might want to consider asking.

There are some questions here in redline. We added a couple of suggestions I think based on suggestions from another staff member actually. And

basically the question is for the SCI are there any other questions that would need to be added? Do you think this will be useful once we finalize this?

How do we use this? Do we send this to working groups that, you know, have completed this activities and as part of their closing we send them the survey or is this just something we send out to all the active working groups and drafting teams for their input? And, you know, I think that's basically the question or where we're at at the moment.

Wolf-Ulrich Knoben: Thanks, Marika. How many questions do we have?

Marika Konings: Let me scroll down. Thirteen.

Wolf-Ulrich Knoben: Oh could it be 12 or 14? Okay, 13 is good. Okay we have 13 today.

Marika Konings: And I think the idea would be to put this in a kind of a survey tool like, you know, Zoomerang or Survey Monkey to make it really easy to just click in yes or no and having some open questions...

((Crosstalk))

Wolf-Ulrich Knoben: Okay thank you. There are not too many questions, well. So - and I would like - before I come back to you I would like to ask you, well, really so we put it directly after this meeting to the list again. So, I mean, really I would like to ask you that is one major point; we're going to deal with that. And that you are going to read that comment on the questions and feedback to Marika with that, that would be a first step to do so please (unintelligible) Avri or J. Scott. J. Scott please.

J. Scott Evans: My only comment would be when we send it out I would also like probably to get ALAC's view because I think that Cheryl has used this in the ALAC. And even though it's not a working group it shows the applicability of those rules

to a group that - so if we could include them in the survey I think that would provide us useful information.

Wolf-Ulrich Knoben: Avri first and then - okay please Alan.

Alan Greenberg: I was just going to comment it'll go whether you ask or not.

Wolf-Ulrich Knoben: Okay so we have an agreement to do so. Yes. Thank you very much. We still have one...

Coordinator: Excuse me, this is the Operator. We're not hearing you again.

Wolf-Ulrich Knoben: We are still in the SCI meeting here. So we have - well it needs to end in three minutes, yes. Well we have one point which we should start to discuss about the SCI leadership.

There is nothing in the charter that of the duration, how long a chair, vice chair, should be appointed for which period of time. But (unintelligible) and the members and the alternate members whether you or whoever could think about, well, to do this job. For example, I see here, our two candidates, Jonathan and Thomas here, just as an example so one of them will lose definitely.

So what to do with this time so then afterwards that.

((Crosstalk))

Wolf-Ulrich Knoben: I'm sorry about that. No - no one is a loser. I'm sorry that - you can then - the winner is that who can win the SCI chair, for example, okay just an example. Okay let's start...

((Crosstalk))

Stéphane van Gelder: Can I just correct you, Wolf, actually in this election the winner loses.

Wolf-Ulrich Knoben: Thanks for this. Okay. Good so with that so I would like then to end the meeting and we will start the discussion in the next meeting of the SCI. Thank you very much. Thanks.

Oh yes, Operator, please end the - what else, transcription - yes, recording.

Stéphane van Gelder: Just say the session is over.

Wolf-Ulrich Knoben: The session is over.

Coordinator: Thank you.

((Crosstalk))

Stéphane van Gelder: Thanks, Wolf.

END