

**ICANN Cartagena Meeting
Operations Steering Committee of the GNSO Council
TRANSCRIPTION
Sunday 05 December 2010 at 0900 local**

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Coordinator: Today's conference is now being recorded. If you have any objections you may disconnect at this time.

Glen de Saint Gèry: Thank you.

Woman: Welcome everyone. This is the Meeting of the Operations Steering Committee of the GNSO Council.

The meeting is going to commence. For those of you in the room there are documents on the second table. Please take one of each. The documents will also be (presented) in the Adobe Connect Room that we have open at this time.

We'll be having participation from the room here in Cartagena and we will also be having participation from those who are in the Adobe Chat Room so we will be switching between the two various points of participation. So please be patient when we do that.

I shall then turn over the mike to Philip Sheppard who is the Chair of the OSC.

Philip Sheppard: Okay. Hello everyone. Good morning, it's Phil Sheppard, Chairing OSC.
There are not so many in the room so we may as well perhaps just introduce ourselves also for the purpose of the recording.

So on my right we have.

Olga Cavalli: Olga Cavalli in GNSO.

Philip Sheppard: Thank you. And on my left...

Michael Young: Michael Young.

Philip Sheppard: And in front of me.

Stefan Van Gelder: Stefan Van Gelder, registrar.

Man: (Unintelligible).

Man: (Unintelligible).

Philip Sheppard: Thank you very much. And we have a (unintelligible) photographer in the room as well.

Woman: (Unintelligible).

Philip Sheppard: Right. So our agenda this morning is three items. The first is Section 5 from the operating manual for the Council, ongoing issues to do with the DOI/SOI; that is Declaration of Interest and Statement of Interest.

Second is a review of and comments on the paper we circulated sometime back to the Steering Committee which is the Global Outreach Program recommendations.

And glad that Olga's here because perhaps she can introduce that item when we get to it.

And then Item 3 really just to flag up to this group there have been discussions about one of the procedures that was past, adopted and enacted now in Council to do with absentee voting and extensions. And now that that particular item is in operation I think there've been a few issues in terms of its practicality so we just want to review that and see if there's any additional work we can do to make it more functional.

So going back to Item 1, I hope you all got yourself a copy of the paper that was on the front desk here or has been sent around and though this is the latest version of the Statement of Interest Section 5. Now the version that you would have received by email yesterday and it is in the room today is a hot off the press draft that's been done at the level of Council adapting the version that we had reviewed on the Steering Committee that came in turn from the relevant working group.

The essence of this is that the concept of the Declaration of Interest, the DOI, the separate entity to the SOI, has been deleted. And I think there's general agreement that concept is sound and can be done.

And we are - the paper tends to work together to make the system functional and with the same objectives, perhaps a little bit simpler in terms of the way that it's done.

And the change that's on this latest version have been some items essentially correcting or well, there's some changes to the original version of the SOI where there were some phrases I think that have caused some issue.

I'm delighted that (Billy)'s in the room because (Bill) I believe you have been instrumental in some of the changes in this latest paper.

And (Bill) is nodding. And perhaps (Bill) if you could come to the microphone, what I might ask you to do is talk us through the key comments and why you made those changes and then we'll just take discussion of each of those changes as we get to them.

In terms of outcome for this we need to decide as a committee what we want to do. We can either sort of note that this is some suggested changes and consult a bit of why on it a few days at this level or if we feel we could ask (Ray)'s group on the (GCOG) to get an opinion as well before (it goes through).

But I think particularly with this issue to do with Statements of Interest which is inherently tied up with conflicts of interest and given the Council has the potential for conflicts of interest I think we do need to get it right.

So we need to spend a bit more time on this in terms of proving final procedures. I think it's probably worth doing so.

So (Bill) take us through the changes that you've made on this paper which I think starts in 5.1.

William Drake: Actually the way the (hiccup is making sure (comments). Okay, well there were several issues that I think (unintelligible). Again for those who were not on the Council call and not being on the Council list I do (unintelligible).

Admit that we have (unintelligible).

Woman: (Bill)?

William Drake: Yeah.

Woman: We're hearing from the Adobe Connect that it's hard to hear you. If you could speak up a little bit...

William Drake: Oh I'm sorry (unintelligible).

Woman: ...thanks so much.

William Drake: So what I was (unintelligible) there were concerns about terminology (fixed) before we pass a motion to adopt the (unintelligible).

Anyway so while there are some lingering questions that are unresolved (unintelligible) conversation (unintelligible) working on this but I'll just - I'll stick to the point that I had (unintelligible) group.

One was to (unintelligible) the whole notion of indirect interest to (unintelligible) one (unintelligible) in terms of sort of political pitfall that (unintelligible). There was a question about though whether any language in (unintelligible).

Philip Sheppard: (Bill) stop there because what I'd like to do is take each of these in turn and just...

William Drake: Okay.

Philip Sheppard: ...see where we've got a discussion.

And I suspect that the reason that direct and indirect was there originally was just to indicate that we were looking for Statements of Interest in its widest possible way.

But you're concerned there that it can go too wide or just too vague or what? I mean I think to me direct and indirect to me doesn't necessarily change much.

William Drake: That's true (unintelligible) do. The term is simply one that lends itself to...

Philip Sheppard: (Mechanics seen) that logic too high.

William Drake: But the term of one that could is in some circumstances is used to construe that somebody's actions or motivations are motivated, are driven by some kind of a temporal (unintelligible) conception of what indirect interest might mean. I think it's such a broad and moving (term) that it doesn't really - it opens up the confidence over (rule points) (unintelligible).

((Crosstalk))

Philip Sheppard: Okay, and maybe (I just say), all right. Any comments on that?

All right, so I'm assuming silence is construed as consent for this - purposes of this group here.

Okay, so (thanks). Carry on, next one.

William Drake: That's never very good. I'd rather (unintelligible). Okay, so moving onto other things that we did. So there's some editorial changes in here (unintelligible) that (Mary) and Julie and others (unintelligible).

Philip Sheppard: Yeah.

William Drake: Moving to the end of (5.2.3) (conception). I put in a footnote or comments the point that (unintelligible) with regard to (unintelligible) means that contractors (unintelligible) and she's here (unintelligible).

Philip Sheppard: Okay, so the movement, the (reasonable) language is excluding staff members. And then is this new language that's underlined?

Woman: (Unintelligible) first, there was no mention of any (difference in) staff members (unintelligible). Okay, (unintelligible) so and as we went through a lot of

discussion and they (unintelligible) feedback from staff and legal that says (four full time staff) they are - they don't need (unintelligible) statement from (unintelligible) SOI (unintelligible) (is binding) (unintelligible). They could very well have (unintelligible).

Philip Sheppard: Yeah. Okay, that makes sense. The - what doesn't make sense to me is why it says GNSO Group or staff member because this is solely a staff member category, isn't it? Is that just a...?

Woman: (Unintelligible).

Philip Sheppard: ...because isn't it phrasing?

Julie Hedlund: Actually this is Julie Hedlund. And I should note that that was the change on the redlined text that is in addition to the section was suggested addition that Mary Wong had made.

Philip Sheppard: She's not here to speak to her sins I note so. Okay, (unintelligible).

Woman: Although she may be going to (unintelligible).

Woman: Yeah, I think she (is).

Woman: Yeah okay.

Philip Sheppard: Okay. For me what I was saying makes sense that clearly there could be this gray area and the other thing is talking about (unintelligible) Statements of Interest. So that seems fine.

Any comment on that? Does anybody have a problem with that suggested change?

No. Wolf.

Wolf-Ulrich Knoben: (Unintelligible) that would mean (unintelligible) have a different option at the time being (as stated). Those who have (unintelligible) representing the interest and so far they don't need (unintelligible).

So the other option would be (certain) because the reason why it could be (excluded) or (unintelligible) is because ICANN should state (a global) (unintelligible) so I understand that ICANN is going to post (unintelligible) SOI for those who have (unintelligible).

So you mean they should also (post) an excluded - and it's all right for those who are - who don't have (unintelligible)?

Woman: (Mean) that those individuals themselves are going to have lie like everybody else. The individual will have to lie but they won't - they wouldn't be covered (unintelligible) global ICANN SOI for all exclusive contracts (for ICANN) employees because (unintelligible). They would have to (file their own) just like anyone else.

Philip Sheppard: Stefan (here).

Stefan Van Gelder: Yeah. This is Stefan Van Gelder. I'm just trying to (unintelligible) with (unintelligible) is proposing. I'm just looking at this language again thinking that it may be slightly vague the edits that we've added at the end, the staff member (under certain) circumstances weren't otherwise. I'm not - I mean that's obviously leaving it up to the individual staff members to decide if those circumstances weren't otherwise revoked.

So we do feel that that's slightly vague and need tightening up or is that sufficient?

Philip Sheppard: Well I guess it's (borderline) because it's sort of (unintelligible). I mean the only circumstances we've described there yet so far have been those who

are not (unintelligible) or with an exclusive contract. And we could say that is specific, couldn't we? That would be clearer.

So we then have an exemption. We then have an exception to the exemption stating in the negative particularly those groups who aren't there which ties (unintelligible). Okay, good change. Thanks.

Anything on that? Yes, go ahead.

William Drake: (Unintelligible) (Mary)'s (unintelligible).

Philip Sheppard: Yes, my thing at the moment is that we're deleting (Mary)'s point because it doesn't belong here even if she's got a valid point to make about the issue subsequently.

William Drake: (Unintelligible).

Woman: (Unintelligible).

Philip Sheppard: Okay. No, we're on - (unintelligible) on the merit. We're on the bit of the operation procedure on the SOI, the section about staff exemptions.

And you had inserted in the Council drafting an exemption - exception about GNSO Group.

And our feeling was having reread the paragraph that it probably doesn't fit here because we're only talking about staff. And wanted to make sure you were happy about us taking that out.

Woman: Please excuse me if I'm speaking (unintelligible). And I think the intent here was to capture the fact that it may be on (unintelligible) future and out in the future that a staff member would have either by background or involved in something or other something that needs to be captured in a specific SOI

relevant to that particular group that they will be able (to support it). That was the idea.

And to the extent that the language (unintelligible) I think we (unintelligible). So I think that's two things, whether that notion, that concept is something that is acceptable for specific staff member in one particular circumstance depending on whatever the group is. And we don't know at this point what GNSO Group is (unintelligible).

((Crosstalk))

Philip Sheppard: So are you talking about an exception to...?

Woman: To the...

Philip Sheppard: ...full time or exclusive contract staff that we may...?

Woman: It could include that concept but because that particular concept I think (unintelligible) had brought up that point I wasn't sure what kind of language whether you want...

Philip Sheppard: Okay.

Woman: ...broader language or more specific language. But (unintelligible)...

((Crosstalk))

Philip Sheppard: All right, on the exception to the exemption where you changed the language to make it clear that the exception is going to only refer to not full time staff, not exclusive contract, so everybody's captured by that. So we're taking out the vaguer, broader wording, individual circumstances warrant otherwise to make that clear in terms of everybody who's not previously described.

So your point would now only be relevant to a subset of full time or contract or exclusive contracted staff. And I'm not quite sure if that's now what you want.

Woman: I think (this) point was brought up and I apologize for walking in late and for repeating things that you may have talked about already. That is the prerogative of this group as the primary (since it's been) drafted (unintelligible) decide on two things.

One, if that point is something that should be captured since it's something that's been (unintelligible); and secondly, to the extent that it is, what would be the appropriate language that would not be too broad or too vague.

So I'm comfortable with the group making that decision. But I did want that point to be raised and be discussed.

Philip Sheppard: Okay. That's fair. And I thank you. And I love the term shepherds and (unintelligible).

Woman: (Unintelligible).

Philip Sheppard: So back to (Bill) if we're done on that point.

William Drake: Okay, so then moving along, (5.3.3) content. I'd like to discuss. You may have different views.

Under - where is it? Six, please identify any other relevant arrangements, interests or benefits.

Philip Sheppard: On my version there's a full first, there's a deletion of (5.3.3.4).

William Drake: That (unintelligible).

Man: Yeah, we just - simple edit really. We just felt that when you're negotiating a transaction or a contract you're in a period that's obviously confidential and you can't be expected to disclose that. So we just thought that should come out.

Philip Sheppard: Any comment on that, commercial secrecy exemption?

Okay, let's move on, (Bill), then 6.

William Drake: Oh on 6. Do we have any type of (unintelligible) (distinction) commercial, noncommercial? I suggested removing (distinction between) commercial and noncommercial and replacing it with the term material.

And next sentence where it says (unintelligible) interest is gone.

The notion - I understand that the desire to add parity across (unintelligible) but the problem is exactly how that might be construed because one is dealing noncommercial interest (unintelligible) (personal) (unintelligible) (seeking) (unintelligible) benefit and this material benefit of some sort then what exactly does that consist of.

And I asked on the list, on the Council List, (talked to) what exactly is intended here by those who have been involved in this. And they advised me that he gave me an example. He said somebody may not derive direct financial benefit from participation in GNSO work but they might receive recognition that promotes their recognition and stature and this may elevate them in groups that appreciate such efforts.

Now first of all the fact is that that's not actually - is not a written definition of what noncommercial interest would be that gives it that particular interpretation. But people are going to be inclined to associate that interpretation with this. And I have a problem because there's a number of kind of wooly conceptual (leaks) involved there. The notion and I could go

through why I think that's so but the point that - well why don't I put that aside for a moment but it might be obvious.

Philip Sheppard: Okay.

William Drake: What I'm suggesting. What I suggested and said then was simply replace the term material interest. And I've (looked) Internal Revenue Service for the United States. They have a definition of material interest. Says a material interest is an important interest in a generally but not always financial in nature although for a legal sense the interest needs to be substantial (unintelligible) something (that can be) straightforward and open to a great of abuse, somebody's (getting) concrete, identifiable and questionable kind of benefit that they would derive from participation in something often normally of a financial nature.

If on the other hand we want to go into reputation like - although first of all it implies to everybody, not just (ICANN).

Secondly, the reality is of course that for example (unintelligible) academics which achieve some glory and benefit from being able to vote on OSC and (unintelligible) prioritization and so on.

The reality is actually that that's not true. That could be in normally participation and it could be like this would be deeply frowned upon if it's something that's taking you away from real work which is (participation) and so on.

I mean - well the reality is generally speaking the efforts of people to define (what this) noncommercial interest might be of a sort of glory kind of nature really don't make a lot of sense.

They don't map with the real world of why noncommercial (actors) involved in these processes want to assume that when people say they do this because

for example they care about the Internet but that's not really true and there must be some vested material benefit that they're deriving but the (unintelligible) that is problematic, and hopefully (unintelligible) so to me the notion material interest is much more straightforward, this is good enough for the Internal Revenue Service.

Philip Sheppard: Okay. And I think again your suggested amendment is driving in the same direction as the original. To the extent that it's borrowing language from the source where clearly it's been tested and we don't have to try to reinvent the wheel, gives me a certain feeling of comfort. I think your point about academia is probably right because if an academic (of any sort) of application is not ICANN I think they're probably in serious trouble.

(Amanda) you got a point to make.

(Amanda): Yeah, well in the Board we have some debate about the new (facing views), the new detailed view. There is a lot of agreement for future material interest. And inside the Board we need to state that.

Philip Sheppard: Future material interest.

(Amanda): Future material.

Philip Sheppard: Okay.

(Amanda): You have an agreement and there is no (unintelligible) (out) (unintelligible) inside the Board we decided that we should state this kind of conflict of interest and maybe we could think about the same thing here because there is a lot of people (involved) with this feature, new detailed view. And nowadays there is no conflict.

But, you know, next year or in two years or whatever is the agreement they will be and they are working in that, an action should be (slated) and that's what we decided (over there) to.

Philip Sheppard: Right, I think that's an interesting point and it touches in fact on the earlier one of (four) that we'd discussed about which was the deletion of maybe actively negotiating a transaction or contract step-down.

Man: Thanks Philip. I'm just asking myself riding on some of on some of (Glenda)'s points why single that out. If we ask people to disclose any interest why single a specific category? Shouldn't we be looking at the - a wide (assistance) in making sure that we catch any interest that might be of interest, sorry for the pun, rather than just singling out new gTLDs?

I often get - for obvious reasons nowadays I get the feeling that we're so focused on new gTLDs everything we do needs to have new gTLDs in them. But this should be wider.

Woman: I do understand that but the (roof) facing the new gTLD is the reason that there is agreement for no profit relationship that should not need, you know, clarity or (unintelligible). But there is some of them (unintelligible) will be something as a payment for participation of because you are doing a free task now so you have no, you know, have no commitment now to say I (unintelligible) but in two days from now and I'm working, for instance, I'm working for, you know, (unintelligible).

Everything that (unintelligible) for this tie it's related to that agreement that no profit and I have no obligation to (unintelligible). That's a difficult point but (unintelligible) says about the California law and there is a lot of things so (unintelligible) make some obligation to us to declare these things. So I'm raising the point because we could - some of the specialty individuals could be in that situation. Thank you.

Philip Sheppard: Okay I've got Michael first and then Avri.

Michael Young: I just wanted to actually agree with what Stefan was saying earlier and that is anyway I look at this language and I think about this being an international space. And it's very subjective in some people's minds what's material, what's not material.

This is about accountability and transparency when you make these declarations. So why not drop that simply to any type of interest, add another statement that says along the lines please describe your argument for whether or not this interest is material or immaterial and allow people to self-declare why they think their interest is material or immaterial.

And then people reading that have the opportunity to judge that from their own point of view, from their own norms and cultures and so forth.

Philip Sheppard: Okay, Avri.

Avri Doria: I think I'm actually come to the space between the two. I think that making the general statement for the material and for (unintelligible) but I do think it (unintelligible) that having something that lists some of the possible interest that one might have whether it's a footnote, whether it's, you know, these interests may include A, B, C, D, then because people might not coming into this know what do you mean an interest? You know, and might not have a scope of what things it might include.

So I definitely (unintelligible) we don't want to have an exclusive list, we don't want to have an exhaustive list but I think that having a (unintelligible) I tend to be a maximalist about indicating interest that way you'll find out later that I strongly supported (DLI).

And so being a maximalist about supporting - about declaring interest I think, you know, we've had this discussion elsewhere about if you don't want

somebody to do the work pro bono because you know they'll be doing the work to try to get themselves a contract and so on.

So that kind of secondary interest when you're doing something for free or for - is quite real. So I would suggest finding a row in the middle that says material but then whether it's a footnote or something that lists a variety of possible things to consider in making yourself (unintelligible).

Philip Sheppard: Thank you. I mean, in terms of where this would fit fortunately the brilliant draft is the (division) who gave us the definition section so it would logically fit there. I mean, my opinion at the moment is to go with the material interest residing in (5336) under definitions to use indeed the US Internal Revenue Service definition. And add a phrase qualifying that in terms of that it is - would include future interest. And we can put that in due course.

If everybody is happy with that I've got Mary.

Mary Wong: I would support that approach as well. Because it does provide guidance to people and some of these members or potential members may be relatively new to ICANN. So something that's broader than that would make it very difficult for them to fill out an SOI and put edit burdens on the staff to vet them.

And in that context I would think that to the extent someone is not clear what is or is not a material interest or fills something in that turns out to either by or not be then coming down later on to 5.4 there are methods and mechanisms to resolve that. So I think that that's an excellent suggestion and we should just (unintelligible).

Philip Sheppard: Okay. Are we agreed on that then? Seeing no further comments, Bill, next issue - next point which...

((Crosstalk))

Philip Sheppard: ...5.4.2.

William Drake: I believe somebody handed me their computer to read something to you. (Unintelligible). Yes. Okay so material interest is fine and we get rid of this effort to differentiate commercial and noncommercial interests (unintelligible).

Under 5.4.2, accuracy, (unintelligible) was inclined to delete distinction (unintelligible) direct or indirect.

Philip Sheppard: Okay this is a repeat of the direct and indirect isn't it?

((Crosstalk))

Philip Sheppard: Okay well we discussed that, that's fine so we're happy with that.

((Crosstalk))

Philip Sheppard: Yeah.

William Drake: Moving along I think I'm done with my - those were mine...

Philip Sheppard: I believe you are. Other comments on the draft as amended in front of us? Seeing none before we're done with this item what I'd suggest we do - I think we've worked through this successfully at this level. My inclination would be, with your permission, I will work now with Julie to do a version capturing all of our erudite discussions here.

And then we will consult on that version at the OSC level. And I would invite Ray as the chair of the GCOT to participate in those discussions. So that's on process. And Bill.

William Drake: Philip, I'm sorry, I raised the question and nobody picked up on it; I'll just circle back to make sure. In the - at the beginning in 5.1 definitions do we want to leave or be perceived (affect) in there? My only question was once we get into these kinds of questions or perception or possible perception one can see ways in which that turns into a political football or strategic (unintelligible) somebody could use to question somebody's motivation (unintelligible).

It's kind of a fancy term. I find it - it makes me a little bit uncomfortable and I was just wondering if everybody else feels strongly that it needs to be (tested) and I'll shut up but I just wanted to raise the point.

Philip Sheppard: Okay well my instinct coming from the public relations side of the world is that perception is everything so we probably want to keep it. But how about to get comment? And I saw Avri and then Stefan.

Avri Doria: I have a comment.

Philip Sheppard: Different point, okay. So on this - comments on this topic? Stefan.

Stefan van Gelder: No I support what Bill said. I think - although I understand what you're saying, Philip, about perception being everything it's also very hard to measure. And if you have to start wondering how other people may perceive what your conflicts of interest are I think there comes a point where we have to expect that people, you know, people are adults; they'll say what declarations or segments of interest they have to say.

And if those aren't true to the facts then at some point they'll probably be called out and someone will say something. But I think if you're asking people to measure the perception that others, I mean, I have no idea...

((Crosstalk))

Stefan van Gelder: ...for example.

Philip Sheppard: I can describe his body language to you if that helps.

((Crosstalk))

Stefan van Gelder: So I would support what Bill is saying.

Philip Sheppard: Okay, any other comment on this point? I think probably my own instinct is to go along with that because indeed it's perhaps placing too much on the individual in terms of that assessment to be honest. Okay I think then that's the change we'll make and we'll consult on it anyway. Good, thank you.

Yes, so we're - yeah we're agreeing to delete - that all this will go for consultation. And there was another point, Avri.

Avri Doria: Yeah, I guess I hadn't been aware of this, I mean, you pointed out to me that by 5.0 saying statement of interest (unintelligible). I want to speak out again to doing that (unintelligible) and basically offering first of all to, one, while the council itself (unintelligible) because they're dealing in general with (unintelligible) disclosure of interest (unintelligible) audience.

One of them was the council whether a statement of interest (unintelligible) working groups (unintelligible). It isn't your job, it isn't (unintelligible). Oh yeah, I would think (unintelligible) but get rid of the whole notion (unintelligible) other than (unintelligible).

Philip Sheppard: Right.

Avri Doria: We decided (unintelligible).

Philip Sheppard: I mean, for me I think the - there seemed to be wide support for getting rid of the distinction because it was felt to be unnecessarily complex and my instinct is to go along with that.

I think the point that you're really talking to is probably something that is intended to be captured under 5.3.1 which is timeliness. And it may be that now we're getting the DOI what we should be doing is clarifying what we mean in timeliness and suggesting that perhaps indeed there may be, you know, perhaps the guideline there which is updated at least annually is no longer the right guidelines given that we're now conflating these two concepts.

So what I think in terms of time also for this meeting might be the thing to do, Avri, if you were inclined to agree with my suggestion would be to ask you to provide wording on 5.3.1 which would capture the points you're trying to make. And I have Stefan.

Stefan van Gelder: Yeah, thanks for that. I can't very well speak to this because this is part of - well this is the main reason that you have received the new drafts from a group - from the GNSO Council that comes together to work on this.

We went - perhaps I should start by some - by admitting that I think some people kind of agreed to these recommendations without reading them thoroughly. I'm trying to be as diplomatic as I can about saying this.

And then came to having to put them into practice and having to send a written DOI for every single meeting. And summarily we found ourselves, I mean, just like yourselves we are volunteers; we're generally overwhelmed with work. And if we're adding to the complexities of our everyday procedures then we soon find ourselves in the situation where we just can't manage and we can't (cut).

So we looked at this and we just found them to be in reality unworkable. So I would strongly recommend that we do not go back to including any mention of the DOIs and any requirements to have a written DOI. And the basic logic behind that as well is - goes back to the point I was making earlier on about having to have some element of trust that people will behave as adults.

I mean, if you are asking people at every single meeting - imagine we come into this meeting and we have to submit a written statement before this meeting just saying, you know, we have interests there. And we're just getting into situations where it's so complex that, you know, we're not going to make any forward - any headway.

So I would suggest that we do keep things to some extent simple. I think we've covered most of what conflicts of interest could arise with the text that we have in front of us and that we move forward with that.

Philip Sheppard: (Ray) is your point on this point? Yeah, okay. You need to talk closer to those microphones.

(Ray): Okay so - can everybody hear me? Okay so I think there are two issues here with DOI. One is that (unintelligible) to how does it exist in (Rich)'s point. So, you know, the GCOT was pretty clear on this one in that (unintelligible) look at in the revised fashion that's certainly not a written DOI. That is not what the GCOT is (unintelligible).

What is trying to be covered here is the concept of, you know, there's a lot of verbal discussions that go on. These are open venues. ICANN has open venues, public microphones, meetings of whatnot.

And it's only - it's really the spirit of this is only to encourage participants to acknowledge when they feel appropriate, when they feel appropriate, acknowledge that they may - to declare an interest at a point in time when

they become involved in some matter, some policy matter they'll
(unintelligible) appropriate to acknowledge that they have an interest.

That's the declaration of interest; it's more of a verbal approach whereas a
statement of interest is what's meant to be a written document and then per
the language updated at least once (unintelligible). That's the idea.

Philip Sheppard: Okay Bill.

William Drake: Thank you. I'm inclined to agree with Stefan although I totally understand
Avri's concern about wanting to be clear around these kinds of things. I
mean, I just can't help thinking as a general matter that people understand
that (unintelligible), you know, they have to state that each time in most
cases. It doesn't seem entirely obvious to me.

But my bigger point was beyond complexity there's the question of
redundancy. When we looked at the original language, statement of purpose,
statement of interest was sort of on, you know, the council is indicating it with
everything and then the DOI (unintelligible) with a particular issue which one
would think is a part of everything. There wasn't a very clear basis
(unintelligible).

It just seemed like a redundant formulation. So if one were to try to observe a
DOI concept, Avri, I would at least want it to appear that if you've already filed
an SOI maybe other (unintelligible) that don't have SOIs could self declare
what their interests might be in a particular issue.

But asking people who've got a standing SOI that says here's where I'm
coming from, asking them to re-up each time does make it kind of a
mechanistic thing. Okay, Avri, the (unintelligible) my feeling is that
(unintelligible).

Philip Sheppard: Okay well let's have a queue. We have Mary next. Mary's deferring to Avri.

Avri Doria: Yeah, I think it's...

((Crosstalk))

Avri Doria: ...it's not asking people to re-up every time they say it; it certainly goes along in (unintelligible) SOI that would need to be. But if you're in the middle of a discussion, either in a working group or at a microphone, and you are about to make a comment for example and I truly support that there should be grants of \$100,000 to everybody with, you know, a family member that has blonde hair, that you self - by the way I have a family member with blonde hair.

I guess I'm being absurd about it. But basically this is not something that would be in your SOI. This is something that is specifically (unintelligible) related. In other words in the VI group I plan - I am a registrar and I plan to become a registry.

Now your SOI does not have to say that. But if that's truly what you're planning you (unintelligible) general principals without stating that these are my intentions or as I say in our new applicants support. I intend to apply for financial - for these.

If that's the case you should say so as opposed to just arguing for that. Nothing in your SOI asks you, by the way, when new gTLDs come along do you plan to (unintelligible). So in each (look-at) there could be specific issues that you are making (unintelligible) from a respectively neutral standpoint.

Philip Sheppard: Okay I've got - I'm going to have a 30-second guillotine on comments. Now please and I have Mary in the queue first.

Mary Wong: In 30 seconds. So I'm wondering if I can tie together your first comment about (unintelligible), what Ray said about the intention to not have lots and lots of

documentation and Avri's concern because I do get the BGC point. And actually went back and read the report and (unintelligible) you're right on that.

Would it help if we actually had something (unintelligible) before every meeting the chair of that group reminded participants that whether we use the (term) change or something that they make a verbal declaration of interest at that point?

Philip Sheppard: I mean, that's the case on council at the moment isn't it?

Mary Wong: It's a practice. So I'm wondering if...

Philip Sheppard: Yeah.

((Crosstalk))

Philip Sheppard: ...you could extend that to other groups.

Mary Wong: And if you had a statement in writing under your (unintelligible) provision addressing something like that would that be helpful.

Philip Sheppard: I quite like that because that prompts people without making anything too burdensome. I'm getting nods around the room. Okay don't make comments if you agree with that; just nodding is good.

Good I think we may have settled that point. (Omar)?

(Omar): (Unintelligible).

Philip Sheppard: Yes.

(Omar): I just wanted to say, I mean, the level of decision - the contextual (unintelligible) that you're giving here was not reflected (unintelligible). What you're looking for is not clear in my (unintelligible).

We do in fact that council (unintelligible) very strong desire to (unintelligible). If we're now going to turn around and say no we're not (unintelligible) go back and forth.

Philip Sheppard: Yeah. Okay. Anybody with anything new to say on this? No? Then I will take on board those comments and attempt to reflect the various in the summary we put out for consultation. And I think now we'll move on down our agenda. Those eagle eye will notice we have two minutes left of our allotted time.

We do have a coffee break that we can eat a little bit into. I think given where we are on time I'm going to delete Item 3 which was raising an issue that had been I think a little a matter of council in terms of the operation of the absentee voting and abstentions and proxies.

And I've heard competing pundits on that; some people saying actually it's okay, we can do it, it's all right; and others saying it's a bit complicated. My feeling is that we just need to get some more information and if there's a fix to make then we're happy to work on a fix. But I will perhaps put a message out to council about that so we can solicit that input.

So let's just go to Item 2, Olga introduce it in 30 seconds and perhaps point out any issues that you want to get some discussion on.

Olga Cavalli: Sure, thank you very much Philip. For those of you who have not been following this outreach document just a brief introduction. The working team that I had the pleasure to chair with participants, Michael Young, Debbie, who else is in the room? And some others, and with value of Julie, Chuck, also was on the team, Tony Harris, Rafik and others.

One of the two tasks we were committed to do was building an outreach document about outreach for GNSO. So this is the document that you have in your hands. We built a working team led by Debbie and then we started this talk in Brussels in a meeting we had face to face where we outlined the best - the most important issues that we wanted to address in our document and then we worked in bi-weekly meetings.

And we submitted first a draft of the document to the OSC, if I'm not mistaken, by October. And then it has been revised three times addressing comments from Steve and from Ron and I don't recall - I'm forgetting someone.

And this would be the updated version with trying to include all the comments and all the observations that we had. The document talks about a strategy that - for outreach for the GNSO that should be or could be addressed by what we call the OTF, Outreach Task Force. It's structured very - it's (unintelligible) structure that we intended to be light with a very small steering committee.

But with the inclusion of people who is interested in ICANN who has been part of the ICANN process, who is part of the ICANN process or just interested in.

And the main purpose that we would like to achieve with this task force is to - because we believe there is value in diversity to bring people from regions where there is not a lot of representation to enhance the participation in ICANN meetings in every meeting so bring more local new people to the process, younger people to the process, people who have not been involved, get interested in ICANN.

Me as a teacher of a university I'm surprised that in most universities where we teach about Internet nobody knows what ICANN is. So I realized that in my daily life. So as I told you the document has been three times revised with

the comments included and changes suggested included. I don't know if you want to - me to go into detail in the document. It's quite self explanatory and simple so let me know what you want to do.

Philip Sheppard: Olga, thank you. I think in the interest of time we're not going to conclude on this item so I think we'll need to continue discussion by email on this - on the group anyway. But just in terms of taking value of us being together here, (Steve), have you had a chance to look at those changes? And are - do they go in the direction that you're hoping? (Unintelligible) microphone, (Steve), yeah.

(Steve): I apologize that I haven't gone through it in detail but I did see something I wanted to comment favorably on at the top of Page 5 which is the recommendation and outreach via different approaches.

Particularly the question I had raised is that I think that outreach to contracted parties is quite different than outreach to the non contracted parties. Contracted parties generally try to get the participation from more groups and from higher levels of participation and understanding.

Contracted parties I think it's a business decision as to whether someone (unintelligible) registry (unintelligible) also don't exactly see if they have such an obvious self interest in participation in ICANN (unintelligible) encourage that participation.

But I do appreciate this list here and that there are - the recognition that (unintelligible).

Philip Sheppard: Thank you for that. Thank you. I've got Wolf Ulrich and then Michael and then (Chris).

Wolf Ulrich-Knoben: (Unintelligible) the suggestion (unintelligible) because I think with the last version of this (unintelligible) appreciate it very much. (Unintelligible)

organized and (unintelligible) I was thinking about (unintelligible) could be a little bit that there are - there will be a committee or task force approximate participants you had in mind, maybe more. I mean, that's quite a task force I understand and also the steering committee.

And then I wonder how this is going to work really effectively in the future. So I don't have news for that but I would like to understand why for example we haven't a payback, you know.

You mentioned okay, they might be agents. There's no ALAC but ALAC is also taking a foothold to At-Large organizations and so how does it fit together?

So I would like to avoid that date - going to be a separate large organization and bypassing or duplicating that work At-Large or other bounty.

Philip Sheppard: So Olga has one.

Olga Cavalli: Thank you. Thank you for both questions. I think they are very good and (Steve), about outreaching to contracted parties, and I will speak for my own region, we have six Registrar and that's in America which is a very big region with a lot of intimate development.

And, you know, Argentina has been for example a little country in the development of several businesses in the Internet in the whole region, especially in e-commerce.

Many ISPs have no idea that they could become ICANN Registrar and that could be a good opportunity for them to have a new business or to broaden their business perspective.

So I think that outreach in some regions of the world - maybe this is not the same in Europe or the United States and I understand that, because it's a very much you are on development.

But in some regions of the world, I'm speaking on behalf of Latin America, where Internet is really going to grow a lot and the market will develop a lot because we are installing another fiber optics in the interior of the countries, and we are enhancing wireless networks.

And I think that's the business opportunity for contracted actors as well. So I think outreach could benefit them and I understand your point that it's a business decision, and it could be a good business decision for some of them.

So I - we see value in that idea and while we don't want to duplicate efforts, we know that ALAC is tracing that towards end user. The fact is this is for GNSO and we understand that having - we want a lot of people but not so much engaged in a advisory committee or supporting organization.

We want them to do outreach in their own regions and in their own countries, in their own universe today. (Unintelligible) in the mark in the IGF was interesting because we are like 50 people.

We - it's - we are engaged through a mailing list. We meet two or three times a year. We may meet remotely. You may not travel to Geneva but the group is multi-stakeholder from all over the world, so it's people from governments, people from industry, people - can I finish?

Man: Yes.

Olga Cavalli: Yes, okay, so it's not duplicated. It's having people coordinated by a very small steering committee doing outreach and enhancing the ICANN meetings and enhancing the information that universities have, enhancing some local

events and seminars with information about ICANN, and more specifically about GNSO so...

Philip Sheppard: Thanks Olga. We just - sorry, (Mike), I'll take you. We got a comment on that Adobe Connect which I'll ask Julie to...

Julie Hedlund: Thank you Philip. This is Julie and Rafik Dammak is concurring with Olga and also emphasizing that there is a need for more Registrars in Africa.

Philip Sheppard: Okay, thank you for that. Michael.

Michael Young: I would just add what Olga has started on commercial interest and contracted parties. There's symbiotic relationships with people who are involved in business for-profit companies.

The community that they operate in has to be whole and healthy, and there are a lot of aligned interests in that. So for example Affilias as a good example that I can state has put a lot of effort, a lot of funding into education on IDN technologies and security issues, which I think benefit the community at large and aren't necessarily directly related to a profit and loss perspective.

It's just keep the community healthy and keep the whole enterprise healthy, which benefits a lot of people. So I think it's worth noting.

Philip Sheppard: Thank you Michael. I've got (Chris) next and then (Bill) then (Simi) and then I had (Tony) and (Steve).

(Chris): Yes, this is (Chris) from business decisions. Just to be aware that we're doing outreach out in the GNSO, but (unintelligible) fact sheets (unintelligible) be aware that that sort of activity is going on and perhaps we would see parts of the OTS and facilitate or work down in the constituents with and (unintelligible).

Man: Okay (Chris), thanks. (Bill)?

William Drake: Thank you. I'm probably supportive of the comment that we have here and as somebody who thinks it's (unintelligible) stick to their - and reach out to and engage more because we had what I call was a really sad kind of (unintelligible) group that (Don Jok) shared where - and a lot of people in this room were there where, you know, it was the usual suspects sitting around talking to each other about how (unintelligible) involved.

And there were three happenings and they were like 30 of those have lost the global nomads that float around in these meetings talking to each other. And you just can feel for how ICANN failed systematically to leverage the fact that it moves these meetings around or - plus the question then becomes what's most effective way of doing this?

I certainly think that it's just something where there should be closer coordination. I think the Secretariat or some contact point in the volunteer community, but I don't know Olga that we need a big group of 50 people and I certainly wouldn't think that (unintelligible) functional organization has political problems.

That's a lot of- and I'm also a little bit concerned frankly when you talk about leveraging various things that you and I and Avri and others are involved in the summer schools, I think we have to be so much clearer here and, you know, we - I don't want - think we want to turn all of these different activities into evangelical efforts to draw people into the ICANN church.

We have to maintain the autonomy of those - but there's a whole bunch of ideas that I could put forward about (unintelligible). But my point is and like to generally talk about how to make a (unintelligible) because people had a reaction that Wolf just gave than one we got.

Philip Sheppard: Okay (Bill), thanks. I just want to check names remaining who would like to make a comment at all on this. I've got (Jamie). I've got (Tony). I've got (Steve). I've got (Vander). Anything - anybody else? Last chance to talk because we're going to close the meeting after that list. Thank you.

(Jamie): Well this is (Jamie) and I would like to support what (Bill) just said. But also I would like to make a counterpoint of what Olga said, because I think this kind of outreach is much more in the ICANN world as an organization interest and in the ISPs for instance from Brazil, and I said that already and we have a - more than 2000 still bigger ISPs in Brazil.

And they do not see the DNS business as a business and I don't think that it is because they lack the expertise of European or American, but I think that there are other opportunities in the Internet.

And ICANN is not about Internet. ICANN is about DNS as a market I say. And there is a lot of other business opportunity in the Internet and it's a very - at least in Brazil and I don't know, I'm not familiar with Argentina, but at least in Brazil it's a very active market in the Internet.

So - and I still have my doubts if there is a strong market here. But what I see, it's a shame for all of us is that this multi-stakeholder model that has been something new and it is - and that is just - and it's been something - it's been already catch up is something that all the developing countries should engage, because unless there are - there is not these engagements, this very model is affected at its heart I think.

And it will become fuel and this is something also in the - it's more in the ICANN interest than on the developing countries. It's in both interests but I think we should do this work.

Philip Sheppard: Thank you. (Tony)?

(Tony): I think actually everything about how we could - I would like to just briefly comment on something (unintelligible) the results. We contacted the Latin American Federation of the Internet and I was trying to comment.

In (Baschia) we did two events on the future of the Internet. One was in (Wasiry). The other one was in (Tuttle). But we did operations (unintelligible) country, dozens and dozens of (unintelligible) where (unintelligible) can be very (unintelligible).

Philip Sheppard: Thank you. (Steve)?

(Steve): Yes, I think the last few speakers have given some excellent examples of outreaches going on now. I think - I really think we just have to - as we approach this we should think about two questions.

One is, is it ICANN's job to promote business opportunities for private business, any business? Is that our job - ICANN's job to do business development for others is the first question?

And the second question is if it is part of our jobs, is that part of the GNSO's job or is that something that ICANN should be doing through its public participation committee or in some other way?

The GNSO is very - is overloaded with its issues and topics and problems, so I just - I don't suggest that I know the answers to these questions, but I hope that those questions...

Philip Sheppard: Thank you (Steve). That was a very key question I think. (Vander)?

(Vander): Yes, seeing the run at the start of this fellowship brother in ICANN, I can answer some question. I believe yes, ICANN should improve their responses because ICANN needs more, you know, flow in all the sponsorships.

(Unintelligible) so it's a ICANN task. It's a GNSO task, but I do believe that it could be a very apparent in their organization among many constituencies and driver content here (unintelligible) a lot of insight together with the ICANN task.

So hopefully anything in Brazil but it's still inside the (unintelligible) a very clear decision that the fellowship program supports fundamentally government, full government and the, you know, people independent work.

So why not? I talk about that in some occasions. We need to start to bring to this group more professional groups, that they are related to - and that when we did that some years ago, we brought from (Ravian) area a lot of loyalties that related to that, some ISPs that became virtual sellout and there is business there and that there is opportunities that people don't know we're in.

So my suggestion is have all those in the GNSO as one of them to engage with the others to improve the outreach, including the business area. For the others I took a list.

There is no need to do that but for business there is a real lack of outreach in the ICANN. Thank you.

Philip Sheppard: Yes Olga, it would be helpful if you sum up what you've heard today, and then we also need to address the topic in terms of process. My sense is that we're not done yet on this document.

There's been some good input that perhaps you already want to take on board and make changes, and we know there's some other comments that people still want to submit.

So please sum up and then I'll try and take it from there in terms of what we do on process and timelines.

Olga Cavalli: Very briefly I would like to respond. I think there were very good comments and suggestions, for example the commerseria developed by - with business contingency.

Nobody knows the business contingency in many parts of Latin America, so that material would be great if we - somehow we are part of - or we could be part of this outreach task force, could hand out this material to the people who is interested.

Why 50 people (Bill)? Maybe not the structure of the market. I mean, why 50? It's five continents. I would like five or six people to be engaged in Latin America and doing this.

One per country, one for two or three countries is not that much people. If we really want to be global, we can attain that with two or three people; maybe a small steering committee.

Maybe it's not the mark that's the way. I thought about the mark - was having a very light structure like working in the list and meeting once in a while.

(Jamie), I'm not saying that DNS is the business. I could be a side business for some ISPs. That's something that many ISPs maybe not so aware of. That's the point, or maybe broaden their perspective for the business.

And I totally agree with you that there are many opportunities in the Internet in Latin America, and Brazil especially is very active. And (Steve), I don't think that we have to develop (unintelligible), but we should bring the information to our younger sets, small or medium enterprises, younger professionals to know about what's happening here and maybe they find a business opportunity. They should be the ones to find it but maybe we handle them information.

And I like (Vander)'s comment. We have to only bring governments or independent or young people. Maybe we bring a small or medium enterprise from Argentina, Brazil, Ecuador - who knows.

So that's the perspective I would like to bring and some of these activities are very much related with GNSO. This is why we thought it could be interesting to develop this group, this OTF.

But as a suggestion, we would revise the document. We will send you a new version after the meeting. Like it might be in two weeks, and we can work further on it and thank you very much for the comments - very constructive.

Philip Sheppard: Then on the presence on timelines then, so if - we will wait until we see a new comment from (Vander), set the deadline say 15 days for that. Anybody with comments should get that to (Vander) - for further comments you get that to (Vander) within that timeframe I believe in a week or so.

And then perhaps we will take the time bearing in mind we've got holidays end of year, et cetera, I may within set something like a mid-January timeline for people to respond to your next version.

Olga Cavalli: Okay, perfect.

Philip Sheppard: Good, so on that point I think we will end this meeting, but discussions of course will continue. Thank you very much Julie.

Woman: Thank you.

Julie Hedlund: Thank you everyone. This meeting is adjourned and we'll close out the Adobe Connect. Thank you.

END

