ICANN Singapore Meeting
PDP WT
TRANSCRIPTION
Sunday 19 June 2011 at 14:45 local

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Coordinator: ...if you have any objections you may disconnect at this time, thank you.

Man: Thank you very much. So this is the session that we had planed on the policy development process work team's final report, and here to present it, drum roll, is Jeff Neuman.

Jeff Neuman: Okay, thank you, actually I'm not the one who deserves all the clapping actually, the work team worked very hard on this. So it's really them that deserves the clapping, but thank you.

But anyway, as was said we have a final report that's out there that we decided by resolution to put out for public comment. That's out now for public comment until July 9th or some - I think it's July 9th, and so hopefully that means we can take some sort of action on - at the next Council meeting in July 21st.

So they saved the best for last, the Policy Development Process which is the most exciting topic I think. But it does affect us all and there are a lot of - there are some PDPs that are underway. There are some PDPs being contemplated, but it's a very important subject for all of us to consider to make sure we get all the input we need and to make sure we get policy processes right.

So just to go over some - and I'll go quickly through the introductory slides. But we were responsible for developing a new Policy Development Process

that incorporates the working group approach, makes it more effective and responsive to ICANN's Policy Development needs.

And our primary tasks were to develop appropriate principles, rules, and procedures applicable to a new Policy Development Process, and implementation transition plan.

So we convened a little bit earlier than the transfer (IRT-PB), I think they started in July 2009, we formed in February of 2009. We had an initial report published in May of 2010 and we had a proposed final report that was published in February of 2011.

We reviewed multiple public comments. We've had multiple public comment periods and we continued deliberations on open issues, and our final report, as we said, is out there.

It's important to note that the final report doesn't just include a number of recommendations. Well, it's 48 of them, but it also includes a draft or proposed Policy Development Process manual that will be attached to the GNSO operating rules and procedures.

And - I'm sorry? And, of course, in Annex A which is the - to the bylaws. So this is something that will have to not only go through our process but has to go through the formal ICANN Board process of approving amendments to the bylaws.

And like the transfer group, this group's recommendations, all 48 of them, has - or actually I should say the report, the report has a full consensus support from the PDP work team.

Just to kind of go over a high level of what we did and tasks we performed, we basically broke down the PDP process into five different stages. One, the planning and request for an issues report, two, the Council review of issues

report and initiating the PDP process, three, is the working group how, you know, around the working group, four is voting and implementation, and five, is policy effectiveness and compliance.

So the recommendations are in a bunch of different categories. Some recommendations are around codifying existing practices, some recommended completely new approaches, some recommended changes to the bylaws, and some were - moved existing elements of a Policy Development Process or new elements that we came up with to a PDP manual.

And it was viewed by those in the group to really put those recommendations that we did not want to be as flexible into the bylaws but move other recommendations in the PDP manual that we thought could be more easily changed by the Council with only an oversight role of the Board.

So what are some of the key recommendations that I think will impact all of us and all of our stakeholder groups and constituencies? We now recommend the use of a standardized request for issue reports template. This actually was optional in our proposed final report but we seem to have gotten a lot of comments from - or am I going to the wrong template?

Marika Konings: We recommend the template, but are only two fields I think where we say - or two elements of information that are supposed to be private are required, which is the name of the requestor, an issue to be raised.

Jeff Neuman: Right. Thank you. Yes, Marika should give the presentation because - sorry. Then we have recommendation of publishing. And we filed this, by the way, for the UDRP, is instead of coming out with just a final issue report that's drafted by staff and called upon to vote by the Council, we recommended the publication of preliminary issue report followed by a mandatory public commend period after which a final report will be published.

And so that's again, like I said, the tack that we're taking for the UDRP. And I think, you know, regardless of how that comes out, whether we decide to have a PDP or not, I think we all kind of agree that that was a good process to follow.

We also have modified the timeframe for the creation of a preliminary issue report to give a maximum of 45 days. There was a very stringent requirement, if y'all remember, which are still there in the bylaws which we thought were not really realistic. And actually were never really followed. So we now are much more flexible.

And I think the approach you'll see with most of the recommendations are that of being more flexible. And so our recommendations around the initiation around a PDP, we require a charter. That was no previously required, although that's what we've done in practice.

We have instituted dialogue between the GNSO Council and the - an advisory committee, if an advisory committee is asking for a PDP but they do not ultimately initiate the PDP.

A public comment period upon initiating the PDP to become optional, and clarification of what is in scope of ICANN policy process or the GNSO.

Around the working groups we've made recommendations around a minimum public comment period. Recommendations related to implementation, impact and feasibility so that the working group should provide input into this.

To - we maintain the general notion of having both a preliminary or initial and final report, although we do also provide flexibility for additional output of the - of a working group, maybe a proposed final report or other types of reports that the groups can put out.

And we allow for, believe it or not, there is no concept in the bylaws of terminating a PDP once it's started. And although we've never terminated a PDP at this point once it's been started, we - well, I was going to say, we've come close, I think (Verkland) and (Grayson) delivered its final report and then we terminated it. We didn't get to all the issues in the initial charter. But anyway, yes.

Man: Yes, we didn't - VI was a special case where a Board decision came in and made the rest of the work moot.

Jeff Neuman: Right, but we had a final report and then we decided...

Man: No, it wasn't a final report.

Jeff Neuman: Okay. So there you go, we've instituted it now and now we'll have much more guidance when we do - if we want to do that in the future.

                And for voting implementation we have guidance to the Council on the treatment of PDP working group recommendations. Something like - we have in there, for example, if the working group wants certain recommendations to be considered as a grouping or as some people have said, a tapestry of solutions, right, that they'll make that recommendation to the Council as to why they want those voted together.

                Are we taking questions now or do you want me to go through it? I'm fine with taking questions.

Man: I think Jaime wants you to stop.

Jaime: I would like you to come back to the previous line and elaborate a little bit on the working group input on issues related. Could you elaborate a little bit on that?

Jeff Neuman: Yes, so there are recommendations within the final report that talk about a -
                 let me go back and give some context. We've often had debates continually
                 of what constitutes policy versus what constitutes implementation, right?

                 And so from that notion we had a number of discussions talking about, you
                 know, if the working group, which has expertise in that area, wants to provide
                 input on implementation issues that may not be considered policy, they're
                 strongly encouraged to do so.

                 And so that input should also be taken into consideration if, for example, after
                 policies are approved the staff is then tasked with developing the
                 implementation plan.

Man: Jeff, since you're going - if we're going to ask question on each slide, I
                 actually had a question if you go back one, I think it was. The slide where you
                 talk about the preliminary issue report. Yes.

                 Right, yes. So you - the group has recommended a preliminary issue report
                 be created, issues, whatever, and followed by a mandatory public period -
                 comment period. We are talking about the issue report that staff produces.
                 You - so the group is asking for a two step issue report production cycle with
                 the possibility, for example, if staff recommend that a PDP not be initiated for
                 that position to be changed by public comment. Is that - that's the basic logic
                 behind that?

Jeff Neuman: No, I mean, that's certainly - I should say we actually never really considered
                 that. I think the logic behind it was that what we had done in the past was we
                 basically tell ICANN staff, "Here's what the Council wants to see a PDP on,
                 go on your own, write this thing."

                 And there have been many instances where the staff could use input from the
                 public on a particular issue in order to craft the PDP. And so we didn't really
                 approach it from, you know, "What does staff recommend not going forward?"

It was really approached from, "How can we help provide input to staff to craft the issue in such a way that the Council would then initiate a PDP?" And so I'll let staff - and of course, others on the group like Alan and...

Man: Well, could I just do a follow-up? Maybe you might be you, Margie, or Marika, want to - can help me out. Does that mean that the result of the preliminary issue report would not be a recommendation to do or not do a PDP? You would wait until the final?

Marika Konings: No, the idea is in the way it's written currently in the recommendation is that the public comment period would, among other things, allow for additional information that may be missing from the preliminary issue report or the correction or updating of any information in the preliminary issue report.

And I think we tried to make very clear, as well, because there was a comment, I think, from - I think it was from the BC saying, "Oh, but why would you do - then nothing would be in the preliminary issue report. You would save all the information for the final issue report."

We make clear as well saying, "If no comments are received on the preliminary issue report the content of the final issue report should be substantially similar to the preliminary issue report."

So the real objective is to focus on the issue itself, but all the information - relevant information is there. And I think, for example, if - I think the idea it's foreseen that if there are things that are incorrect in the initial report or stuff missing that is things that staff could add.

If we don't feel the need that our recommendation as such hasn't changed based on information that the other comments would be attached as a summary for the Council's consideration say, you know, if there are a lot of people say, "We don't agree with the staff recommendation.

We think it should be different."

But based on the information we stand by our position, we would submit the issue report as is, but provide a summary of the comments received for the Council's consideration together with the issue report as part of their decision on whether to initiate a PDP formally or not. I think that was what was envisioned by the working group.

Man: So the preliminary report would include all the recommendations that you'd make to Council. Okay and can I just ask -- sorry? Okay, thanks.

Alan Greenberg: Marika has basically addressed the issue. The example I used was in PEDNR where ALAC which is the group that requested the issues report believes that there was a substantive omission in the issue report, but it was too late to do anything about it once it was issue. It's that kind of thing that we are trying to address.

Now, if we had had that opportunity we may have made the comment and staff might have come back and said, "No, no, we ignored it and we ignored it deliberately for a reason." That's still staff's prerogative. It's still a staff process, but there's an opportunity to make sure that no omissions were made.

Man: And that's very helpful, thank you very much. And still on this slide, what timeframe months have you proposed? I mean, on the slide it said, "With the possibility of an extension." Is it defined more precisely by - was it defined more precisely by the group?

Jeff Neuman: It was not defined precisely in terms of an additional number of days but it was basically that there was an obligation for staff to come back and explain to the Council how much time they would need, and there was the understanding of the Council essentially to give guidance or to say yes or no.

It's not a carte blanche for staff to just go back and say, "More." Right? So I think Alan's going to -

Alan Greenberg: To come back to the group that requested the issues for it, not necessarily to Council.

Jeff Neuman: Correct, sorry, yes, right.

Man: So there's the basic recommendation is still to have the issue report done in 45 days but it can be extended if needed.

Marika Konings: Preliminary issue report.

Man: Yes, thanks.

Jeff Neuman: Okay, to continue on. I'm trying to remember where we left off. Voting implementation. Is this where we were? Yes. So I think we went over the first bullet point which is, you know, there were - if a working group - what our recommendation contains is an ability for a working group to identify issues to the Council that they want considered all together.

And if they don't then the Council could always consider recommendations separately, but it was the view in some of the group that there have been instances in the past where, you know, maybe the Council is considering things one by one that the group actually meant for all the recommendations to be considered as a whole.

And if they're not considered as a whole then it could weaken or change some of the recommendations that the initial working group had. So we basically provide for the fact that just kind of a recommendation that if the working group says, "We want this considered in a group" that the Council should honor that request. It doesn't have to, right? You can't force the Council to, but it's basically the Council should honor that request.

There is new procedures for the delivery of recommendations to the Board after the Council approves it. Historically what's happened, right, is that there's a PDP - a final report that's approved by the Council. It goes up to the Board but usually there's a staff memo that's put on top of it that summarizes what has happened.

There's also memos that we never see which may contain privileged or other information. And one of the strongest recommendations in this is that the general principles should be anything going to the Board should be open, should be transparent, should be known before the community before it's presented to the Board with certain exceptions for things like privilege, you know, maybe a legal privilege or certain business reasons for things to be confidential.

So it's really a strong recommendation that number one, that, but number two, is that we also saw there was really no need for duplication of - if there needs to be a summary of the recommendations in our report it should really be drafted by the working group or by the Council with - or using the working group.

So it really to us didn't make sense to have almost like a game of - I call like the game of Telephone, right? The working group writes the report, the GNSO Council approves it, and then the staff basically writes a summary based on what they think the working group meant.

If someone's going to write a summary for the Board maybe the first shot of writing a summary should actually come from the group. So why are people laughing? There was music?

Oh, the music is good? Oh, okay. So that's one of the strong recommendations. We also recommend that for certain - I'm not sure - yes, Recommendation 4 which was, you know, certain issues that were policies

that are passed. We recommend going back to a practice that we had several years ago.

What's that? It should be 40? It's the recommendation we had several - sorry, the practice we did several years ago, I know Marilyn remembers this, that we basically had implementation teams after a policy was passed.

So for example, transfers - the original transfer policy there was after the GNSO Council approved the original transfer policy the Council created an implementation team to help further define that.

And that's what we're doing now with the restructuring, right. So we codify the ability to do that. We have also redefined what GNSO super majority actually means.

This is a bullet point. We didn't actually redefine it as far as changing an existing threshold. What we did is we clarified - let's say we clarified it. There was, I guess, a slight change, right? If you want to go 66% of - yes.

Marika Konings: I think we added the original meaning of super majority.

Jeff Neuman: Right, which was 66% of each house. So we added that in there. So it says "redefinition" but I don't want people to get too concerned because I don't think we really redefine it. I think it was what people understood. I'm sorry, people have questions. Do you want to...

Tim Ruiz: Yes, just in that regard is that - because I was concerned with that, that are we going back to what was done before the group that met that came up with this new house structure and came up with these - or is it what they originally had proposed?

Because my understanding was that this original - this two-thirds of each house wasn't a part of that, that came out of that particular working group. It's what we had prior to that. So there's a difference.

Because if we're going to go back and include, you know, make an "or two-thirds of each house" I think 75% of one house, the majority of the other, or two-thirds of both houses. I don't have, you know, initially a problem off the top of my head, but I would really want to understand why that working group did not originally include that.

Because I would be highly surprised if they didn't discuss it. Maybe not, maybe they don't see a problem with it, but I really want to understand what the issues were around why we came to that conclusion so that we don't inadvertently undo something that was done for a very good reason.

Man: So Alan, you want to go?

Alan Greenberg: Yes, I was part of that group, and I believe, although I haven't read - listened to transcripts that we did not consider that as another one of the alternatives. We were working on tight timelines, the 75 plus 50 was proposed. I think we all said, "Yes, that's reasonable."

In deliberations on the PDP working group we came up with a number of scenarios where we thought it was unrealistic that if indeed you can get more than two-thirds of both houses it met the intent of the original definition in the previous Council structure, but could fail.

And we thought it was reasonable to add that in as an alternative way of reaching the super majority. Again, going back to the intent of what super majority meant, even though we didn't consider it on the restructuring group and we might have, having been given more time. But you remember there was a 30 day limit to that group working and we were on a tight timeline.

Man: (Christina)?

(Christina):   I was just going to follow-up on what Alan was saying. I wasn't directly involved in that group but I was part of the group within the (IPC) that was providing support to, I think Steve Metalitz who did that.

                    And I know that those numbers have some significance. So I think Tim is right. I think I very much would like to hear from some folks who were involved in that to kind of go back and figure out why those were chosen.

Jeff Neuman: Fair enough. So this was one of our first - this was about two years ago that we had this discussions. Yes, that's great. I mean, if you want to go back to them. We did a bunch, as Alan said, we did a bunch of scenarios and came up with a result that the group, at least, the entire group felt that if this were the case that we had two-thirds of both houses that that met the initial intent and that was super majority.

Marika Konings: And I think this was actually an issue that was raised by the registry stakeholder group, correct? I think it was an issue that we initially didn't consider, but I think one of the comments made by the registry stakeholder grouped I think that was brought to the work team and addressed.

Jeff Neuman: Could very well be. The next thing on there is that, yes, this is kind of a short bullet point for a very long conversation that we had which is clarifying instances in which the Board can reject GNSO recommendations.

                    I strongly urge everyone read that. This relates to - this is the one that relates to the issue in the current bylaws. It says that if the GNSO achieves a super majority this is what happens, right? And then it says if the GNSO achieves a majority the Board should be able to act. I'm paraphrasing, essentially.

                    And so we discussed over and over what does that actually mean. We got a memorandum from legal counsel at ICANN. We discussed that and we came

out with recommendations as to what we believe that means, and then some recommendations in the bylaws, or to change the bylaws to clarify what was meant.

We also had some recommendations about in relation to proposed - just review processes, both with respect to reviewing an actual policy that comes out of the GNSO. So providing for reviews of that, but also for providing a review of the entire PDP process.

So I'm trying to think of these bullets here now. This is all short form. It says, "Working group self-assessments," and then basically an assessment of the PDP process. And we talked about that there should be a certain number of completed PDPs before we actually look at a new PDP process.

So, you know, I'm sorry, before we look at reviewing a PDP process we felt like there should be a threshold of PDPs down under this new process so that we could look at it. Right?

Didn't do a good job explaining that because I got a look of puzzled faces. But essentially there's been some calls for reviews of different things and we thought until we had a number of PDPs under our belt with the new process we shouldn't be going back and reviewing that PDP process. Is that a better explanation?

Man: (Christina) has a question.

Jeff Neuman: Yes.

(Christina):   I hate to even say this because it gives me a headache, but aren't we due the whole kind of ICANN cycle of self-review and examination, aren't we due for another GNSO Council review? And is that - how is that going to interplay with, for example, that recommendation?

Man: So that is - can I just - that is a good question. The question that the Council review, the GNSO review. I think there's a plan, I'm looking at staff just to make sure that I'm not wrong. I think there's a plan to do a review every three years.

                But that was changed to five, and now the current train of thought is that you don't start review until the previous one is finished.

Margie Milam: Yes, we're not sure yet how that's interpreted. I think we are under the impression it's going to start again fairly soon. I think - again, this is just internal discussions we were talking about from the date that the Board approved it, which was, I don't, you know, several years ago. We've been doing this work for several years. So I know internally we were discussing that it might be 2013 when it starts up again.

Man: Well, who decides that? Because in my - I mean, informal discussions with your boss the point was raised - I raised the point that, you know, I don't feel the GNSO could be ready for review once before - at least the restructured work has been done. I explained how, you know, resource heavy it was for the whole community.

Margie Milam: Sure.

Man: And the notion - he came back with the notion of the possibility of not starting a review until the previous one is finished. I don't know - I mean, that...

Margie Milam: Yes, and I'm thinking, it's not a staff decision, it's whatever the Board or the (FIC) tells us.

Man: Okay.

Margie Milam: I mean, we're not, you know?

Man: Yes, yes.

Margie Milam: We're not eager to do this either. We're with you on that.

Man: That's what I wanted to have...

Christine: (We can wait).

Margie Milam: Yes, no, we would like some rest before we start the next one.

Man: Okay, that's good to hear. Thanks, Alan?

Alan Greenberg: Yes, I mean, this is an interesting discussion but I don't think it's relevant to the PDP except in the context that Christina asked of what is the interaction with it.

                Now if a new GNSO review was done and it says, "The Council is dysfunctional because they're dealing with impossible PDP rules." Then I didn't think that would force the issue and cause a revamping of PDP rules.

                While listening to Jeff I would think that if in doing the first PDP we find that there was something really, really stupid we proposed, and I'm thinking sort of related to the statement of interest issue on working group rules, then I suppose we can go back and try to fix the problem like that.

                But the intent is short of it being triggered by something really stupid happening, or being forced by an external review, we'd like to let these sit in for a while.

Margie Milam: Right, and I raise it only because, you know, obviously these are some very significant changes and if we're going to all kind of move in this direction, get our minds around it, and kind of revamp how we do things both at the Council level and within each stakeholder group and constituency it's helpful to know

ahead of time whether we're going to spend a year doing that only to find out that the London School of Economics has decided that we're all doing it wrong and we have to start over.

Man: So I've got Wolf and Marika.

Wolf-Ulrich Knoben: Thank you. You all know that all these recommendations with regard to the improvement process have been shifted to the standing committee for potential review.

And yesterday we have this (cost sent) within the committee and there was, you know, there was really no, let me say, no requests for anything that to be proactive in that way the idea that takes these recommendations for a review in a certain time period that may come later on.

But there is no - nothing is seen that anybody would like to take it up and then review anything which has been recommended in the process of improvement right now. Thanks.

Man: And to Marika.

Marika Konings: It is Marika, adding on to Wolf's point - I mean, Alan's point, if we do the first PDP and we realize that we really missed something or overlooked something or something's not working and there is as well the standing committee instead of the - reviewing over the longterm, that is also there to address issues on requests.

So if someone raises an issue saying, "Well, this really doesn't work," there is a way as well to look at that without overhauling the whole process or having to conduct this whole process again. But, you know, doing it on a case by case basis. So...

Man: Thank you.

Margie Milam: This is Margie, I have a suggestion. When we get to the point of you all voting to approve the new PDP maybe in the resolution that goes up to Board you say something about the review cycle. I mean, if it's important to give us time before there's another review of the Council.

You know, I mean, I'm not saying it's binding on them, but at least let them know that, you know, with all this work just having concluded it needs time to be in effect before another substantial change comes into place.

Man: Good suggestion. That could be done through just a friendly amendment or something.

Jeff Neuman: Well, there is no motion right now.

Man: No, absolutely. Sorry.

Jeff Neuman: So it could be done in the (action).

Man: It could be done in the (action), right. Jeff?

Jeff Neuman: So some other issues in there relate to - or I should say what we've done in this final report is respond to a couple of comments. One of the comments, for example, that we got is each of the recommendations we should indicate whether something relates to a change in the bylaws or a change into - where it relates to something in the PDP manual. So we've indicated that.

As we said, there's a new copy of what we would say, it would be Annex A which is actually in the ICANN bylaws, a new proposed PDP manual is in there.

And we talked about how to transition this, and so our thoughts were for any new PDP that's initiated - let me go back, for any request for an issue report

that's initiated after these get approved by the Board, that would follow this process, and any existing PDP that was going on would have - I would say would be encouraged to use this process, but obviously that's for the Council to decide whether the existing PDP should change its rules.

And obviously that will depend on where it is in the process and the effect of using the new PDP in that existing group. Chuck's got a question, Chuck?

Chuck Gomes: Yes, quick question on Section 5 PDP manual. Does the working group think that that's in pretty ready shape to be used as the manual or is that going to require more work? I'm just curious. By the way, it looks pretty good to me but I was curious what you guys think.

Jeff Neuman: The intent was that this was the PDP manual that should get approved. So that was the intent. And if there's anything that needs to be done then please, let us know.

So next step is pretty - and we talked about this, the comment - there's a comment period that's underway that we asked for. On the final report comments are due by July 9th. We put that day because we'd like to address this on the July 21st GNSO Council meeting.

And so by addressing it, it could mean we approve it, we reject it. We sent some things back for the working group because there is no meeting in August. I'm kind of making a very strong plea that you go to your groups now, get the - your thoughts on this, a motion will be pretty straightforward out of this, maybe that's something we could use so you could present to your groups early.

I know everyone, or each group, has, and we've codified this, by the way in the new PDP, each group has the right to delay a vote for one meeting. So obviously everyone's got that right, but I would make a strong plea that that

not happen in this case simply because if we don't pass it in July we lose all of August and then we can't address it again until September.

And a number of us - this has been underway for the past - over 2-1/2 years, or will be at that point, and I think it's in good shape. There's been a lot of comment periods already. So to the extent you can get this to your groups, get their thoughts as to what you think the next step should be, that would be great.

And to the extent we can get you a motion really early so you can take that back to your groups we'll do that.

And based on - so based on the comments we get the Council will decide, you know, whether to approve everything, reject everything, or send things back to the working group for more work, and as we get more information.

Yes, Alan?

Alan Greenberg: With all due respect we are in an open comment period right now. We may actually get some substantive comments which will take a bit of time to address that may alter the timeline.

Jeff Neuman: Yes, no, so I think then if we had comments that needed to be address then the recommendation would be to take that part of it back. And we can work on it in July or in August a little bit so that we can have something back maybe to the Council in September.

I just don't want to lose too much, if at all that's possible. If there's time...

Alan Greenberg: I'm just pointing out it may not be possible for Council to vote in July.

Jeff Neuman: We can always ask.

Man: Someone needs to make a motion then, Jeff, if you want us to vote on this at some point. Not now, obviously.

Jeff Neuman: Right, there'll be a motion that - we'll circulate a preliminary motion around, but it's hard to say exactly what the motion will be until we get the comments back.

Man: Chuck?

Chuck Gomes: Yes, well, my compliments to this work team. And for those who don't fully appreciate the importance of this effort, go to Annex A of the bylaws and read the current PDP.

                    Since it was approved it has needed to be revised. But unfortunately I just - on my trip across the Pacific, just went through the report in detail and I will be submitting some suggested comments for a registry stakeholder group consideration in the next week or so after I get out of here.

                    But I would like to just mention a few general - three general recommendations that I'm probably going to put forward for the registries to think about, but just welcome any input anybody else has on this as well.

                    The first one is except in cases where an action is specifically required of the GNSO Council, this group right here, for example, a vote, I would suggest that we use the term GNSO instead of GNSO Council because that's in keeping with the role of the GNSO Council as being a policy management body and it's the whole GNSO that really develops policy and the Council is the one that manages that process.

                    My second recommendation, this is kind of a trivial one, and yet I think it's helpful to be consistent, and this may be a combination of your report and the existing bylaws and GNSO procedures and everything, but in some cases we have thresholds of 33% or 66% and in other cases we have one-third or two-

thirds. I would just suggest we pick one of those and be consistent across. Not a bit issue, mathematically it's very small but it's helpful to be consistent, I think.

The third general recommendation that I'll, again, put forward to the registries to see if they agree with me, is I think the required time period should be sufficient to allow for the bottom-up process to work.

In other words, that means enough time for each of the counselors to go back to their stakeholder groups or constituencies and allow adequate time for them to consider it and give their counselors direction.

And there's quite a few cases in it, and I'm like the rest of you, I don't want to make the process longer, but we have to allow time for us to work with our groups. And in several cases, in quite a few cases, there are eight day time limits which is what the Council uses, right, for motions?

But if you get a document, a big document, eight days before a Council meeting and a motion and you're expected to get feedback from your stakeholder group or constituency that's pretty much always impossible.

So what I'll do in some of my draft comments, and again, it'll go through the registry stakeholder group, I'll identify those cases. I don't want to make it longer, but I do want to make sure that the process facilitates, in fact, encourages us, to involve the whole GNSO and not just the Council.

And also, I appreciate the fact that there's a lot more flexibility in this and we need to keep that there, so that was probably the biggest problem with the current PDP is the lack of flexibility. Thanks a lot for the great work.

Man: Thanks, Chuck. Did you want to...

Marika Konings: I just had a comment in relation to the motion, because what we could consider, for example, provide different versions of motions, and depending on the comments received, you know, Jeff could then decide which one he keeps on the table and which one to withdraw.

Or do we want saying pass it back to the PDP work team to review another alternative one, GNSO Council approves or considers a recommendation. So that might be the way forward.

Man: That'll probably work, thanks for that suggestion. Any further comments on this? We're three minutes away from our scheduled time to end. Any further comments? In which case I'll just call on Alan who just wants to say a few words and then we'll end.

Alan Greenberg: Thank you. I'd like to jointly nominate Marika and Jeff for the ICANN cat herding award for successfully wrestling to the ground a very diverse set of issues and very diverse set of working group members in such a way that some of us predicted would never actually happen. Thank you to both.

Man: Thanks, Alan for doing that. So this concludes our sessions for the day. We will reconvene, as far as the GNSO Council is concerned, tomorrow for our lunch with the ccNSOs and that is happening from 12:30, immediately after the Board session on new gTLDs until 2:00. And that is in this room, I believe.

Thanks to you all. This session is now over and we'll see you all tomorrow. Thank you very much.

END