

**Transcription ICANN Buenos Aires Meeting
Policy and Implementation F2F meeting
Wednesday 20 November 2013**

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Chuck Gomes: Welcome everyone. I would because there's plenty of room if you're in the room we'd love for you to come up to the table and it's easier to participate.

And so as we're starting here if you're comfortable please feel free to come up to the table. We welcome you to do that.

My name is Chuck Gomes. I'm the Co-chair of the Policy and Implementation Working Group. And this is an open working group meeting today that an open meeting it's open for participation for everyone.

And we've specifically designed the agenda to seek some feedback from you. And there's a couple of ways you can provide feedback.

We'd love any immediate feedback you have but in some cases that may be harder to do. And if that's the case we'd love you too provide it to us via email in the next couple of weeks. So that would be great.

The - we are in Adobe Connect. And the first thing I want to do is open it up to those who are online. And before I do that let me tell you that the

leadership team of this group is made up of myself and J. Scott Evans as co-chairs.

And we also have two Vice Chairs in the group. (Michael) Graham is one of those who you will be hearing from later and Olevie Kouami from Africa will be - is one of the Vice Chairs as well.

So let me pause right now and ask those who are dialed in remotely and let me start off with J. Scott to say hello and (Michael), and Olevie, if they're on. And then we'll open it up to see if there are any others on the call.

J. Scott Evans: Hello. This is J. Scott Evans. I am Co-chair of this Policy Implementation Working Group with Chuck Gomes. I'm at Adobe Systems.

Chuck Gomes: Thank you J. Scott.

(Michael): And I (Michael) Graham. I'm the - I head up the sub team that worked on the proposed work plan. And I guess I'm vice within the group of leadership.

Chuck Gomes: Thank you (Michael). And it is Olevie on? He usually needs to dial out. Did he request one in this case? No he did not so you may not be able to join us but he's the other Vice Chair.

Now is there anyone else on the call dialing in? Nobody else so I'm glad we have J. Scott and (Michael).

The next thing I'd like to do is for those working group members that are here to identify themselves so let's start with Amr over here.

Amr Elsadr: Amr Elsadr from the Noncommercial Stakeholder Group. I'm a member of the Working Group. Hi.

Chuck Gomes: Thank you. Other - that's all we have here today. Well...

(David): I'm (unintelligible).

Chuck Gomes: That's right (David).

(David): (Wrecking) group yes.

Chuck Gomes: Actually these mics are not very sensitive. You need to get close to them for us to hear. And I'm remember I'm hard of hearing.

(David): Yes I'm a member of the work group. And I'm (unintelligible) from the Noncommercial Stakeholder Group council...

Chuck Gomes: Okay.

(David): GNSO Council.

Chuck Gomes: Thank you (David).

James Bladel: This is James Bladel also a member of the Working Group from the registrars. And I would also say that when two people have these buttons pushed the oldest one goes mute. So just bear in mind that you have off buttons for your colleagues. Be careful.

(Nic Steinbach): (Nic Steinbach) from the Registrar Group as well.

Chuck Gomes: Okay I'll put my back on there now. So...

Tom Barrett: Tom Barrett from the Registrar Group.

Chuck Gomes: Good.

(Phil Moreno):(Phil Moreno) IPC with (Cat) and (Mishan Rosenman).

Chuck Gomes: Anyone else? Wolf-Ulrich you need to identify yourself as a member of the Working Group. So if you can grab a mic there.

Wolf-Ulrich Knoblen: Okay (unintelligible) here. Okay so I am Wolf-Ulrich from the ISPTP.
Thank you.

Chuck Gomes: Thank you anybody else? The - it's a Working Group with over 35 participants. Every stakeholder group and constituency in the GNSO is represented in several individuals.

The ALAC is represented. And I don't know if I left any group out so that's a really encouraging situation.

So let's then can we - the agenda is on the screen for those in the room which means it's in Adobe Connect. So please yes Marika.

Marika Konings: This is Marika. Just to note that Greg Shatan is in the Adobe Connect. He's having some difficulty getting on the phone line but he's here too.

Chuck Gomes: Welcome Greg.

Man: Online.

Chuck Gomes: Great. Thanks for joining us. Okay and I will try to watch the Adobe Connect if somebody raised their hands in Adobe Connect.

Those of you in the room feel free to raise your hand physically or in Adobe Connect whichever you're comfortable with.

And if I miss if I'm not watching I'll ask (Mary) and Marika...

Marika Konings: Kristina just Kristina Rosette just said she's listening in as well.

Chuck Gomes: Oh welcome Kristina. Glad I was late dialing into Adobe Connect. So I can see it yet. All right so the agenda is on the screen. Let me quickly go over that.

And again I want to especially welcome those who are not part of the Working Group because we'd really like to hear from you today. And we'll give you some specific opportunities for that. So please feel free to join in.

The first thing we're going to go over -- and here's another Working Group meeting following me in this room here -- welcome (Cheryl).

The first thing we're going to do is we're going to ask (Michael) Graham and as he indicated (Michael) chaired a sub team that developed a first draft of a work plan. And that work plan was subsequently presented to the full working group.

And we would like some feedback on that today both from working group members if there's any additional feedback from working group members as well as the - those who are visitors here today.

We'd really like to hear if you have any comments on that. Work plan is one of our first tasks in the charter and very important because it maps out our progress.

So since that's the first item on the agenda let me turn it over to (Michael) Graham who's calling in remotely for - to go over the work plan.

And if those of you in the room any questions or something as he's going through it are you on Adobe - how come I'm not getting into Adobe Connect I don't know why?

John Berard: Because J. Scott works there.

Chuck Gomes: Oh it's J. Scott's fault thank you John Berard for pointing that problem out.
Did you hear that J. Scott?

J. Scott Evans: I did. And I consider the source.

Chuck Gomes: Good okay. So (Michael) it's over to you.

(Michael): Okay thank you Chuck. I don't know if we have the ability to post on the screen a copy of the October 29 draft of the work plan. If we do I'd appreciate that.

But basically what we did with a group of I believe about seven of us decided from leadership that in order to move into the task that was or the tasks thorough that were given to us by the charter of this workgroup that the only way to approach that seemed to be to take a look at it from point of view of the various sub teams. But we also needed a way to organize our plan so that we would be able to do so in a logical fashion.

There were a number of questions and at least five deliverables that were set forth in the charter. And what we did was with the chore of putting together a draft work plan for the workgroup as a whole we first took the charter and then some other instruments definitions that we had to go on at the beginning of policy and implementation and other terms and tried to connect the dots between deliverables and the questions that were suggested within the charter.

Understanding that none of the questions were exclusive that more questions would come up during the process and that there might be other deliverables.

But what we did was to take a look at all of that. We connected the dots to the extent possible between questions and the various deliverables and then also tried to reach a conclusion as to a logical order of these.

The other sort of problems that we were dealing with was one we have as Chuck mentioned 35 members of the team.

So it is quite a large workgroup similar I suppose to the IGO NGO IGO workgroup that just completed for GNSO.

And we wanted to be able to have meaningful discussions which were difficult in that large group and also to be able to present information and proposals to the group as a whole to come up with the final reports and deliverables that we were called upon to make.

So what we did was to convene the a sub team as I said there were about seven us -- and I'm glad there are at least two members of that sub team (Cheryl) and Amr who are on the ground there -- and began discussing what we would need to do.

And by way of history of some of the basis for the decisions that we reached our early discussions were very interesting and very wide ranging.

And led us to realize very quickly that we needed for the workgroup as a whole and for the various sub teams to first develop a vocabulary that we could utilize within the workgroup and then possibly to the community as a whole so that we could discuss policy and implementation and consensus reasonably and with about debating the meaning of those terms.

So it was our decision and our suggestion that the very first sub team that would be formed would be one to develop definitions.

And then we looked at all of the other deliverables as I was saying that were called upon and tried to come up with a reasonable way for those to be done.

Also discussed possible timelines which are very difficult to come up with not knowing how long it would take to complete any of these individual tasks.

What we've done then is using a mind map that Marika was kind enough to begin with and the charter as I said we connected the dots and came up with a couple of basic preliminary sub teams the first being definitions and the second being an understanding of basic principles underlying the GNSO policy and implementation related discussions in the past and going forward.

And so what we did was to move those into as - two sort of preliminary matters that would have to be dealt with.

The deliverables that we looked and we actually broke those up into four different groups although there were five deliverables. And those are represented here on this chart which is difficult to read.

If you go online to the meeting schedule it is available for download. And it's much easier to read.

But reading from left to right just so that it's clear what we've done is we've set out on the top the identification of those workgroups and then under that the basic deliverables that those workgroups were called upon to doing.

So the first three columns are empty. The first one is a date. The second is milestone events such as ICANN meetings. And then we could do face to faces later if any other meetings are called for.

Then the next column is for the full working group the tasks that we believe that full working group will be called upon to do. And the various reviews of reports that would be generated from the sub teams.

After that the first works plan sub team is the one that I chaired and has put together this plan. Then immediately after that is the definitions sub team.

That sub team has already begun its work. And has published to the workgroup some draft definitions for consideration. And some of that may be discussed during this meeting.

Of the terms that we believe are necessary to have defined from the start so that our conversations and deliberations will be able to be confident in understanding what we're speaking of. And then the underlying principles and descriptions at different stages can be described.

Following that is a sub team that was - that is just being formed. And we were hoping would begin its work at the Buenos Aires. And that's the label 0B Sub Team.

And that's generally deriving from ICANN charters and materials what we call quote unquote working principles that should underpin GNSO policy and implementation related discussion and determinations.

You will note -- and I'll kill two birds with one stone -- that virtually the same deliverable is listed as deliverable five at the very far right of the chart except there it says finalize the set of principles that underpin any GNSO policy.

This is the big picture the big answer that the workgroup is being called upon to really discern from the work of ICANN from the various charters and bylaws of ICANN.

What we decided what we needed to have sort of an idea of what we thought those were at the beginning.

And then as we worked through the process it was called for in the charter will be able to develop a final set.

So this 0B Sub Team is just coming up with those identifying general working principles that the other sub teams could work from.

Then we've got it divided out into sub teams one, two, and three which are together, four and then five which I've already discussed.

One it is described as follows -- since you can't really read this on the screen I'll read it -- proposed process for developing gTLD and other ICANN policy in the form of GNSO "policy development process" and "policy guidance" and proposed criteria for determining when each would be appropriate.

These deliverables you should know are taken virtually word for word from the charter. This is what at the beginning and setting up these sub teams they're going to be geared to produce understanding all on that these may change slightly or greatly I suppose as those sub teams actually work. And this is sort of what their final deliverable would be.

Deliverable two and three which we put together because they seem to cover some of the same ground is to develop criteria to be used to determine when a particular action should be addressed by a policy development or guidance process in when it should be considered implementation and develop framework for discussion of implementation options associated with GNSO policy recommendations.

So that's two things put together as one. And then finally four deliverable four is draft guidance on the formation of function of GNSO implementation review teams and their relation to GNSO policy recommendations and implementation programs.

And then finally five as I mentioned is really coming up with discerning from those other deliverables the principles that are underlying those principles so that we're not imposing them from the beginning we're develop them as we go along.

Now to be clear these sub teams are not intended to take the place of the workgroup. They are designed or proposed to be designed so that smaller groups of individuals can work on these different topics and prepare material to bring to the workgroup as a whole for its consideration and determination. And that's really the goal is to get these to the workgroup so that it can operate.

The other thing to note on the schedule and it's difficult to see but if you look at the first three columns where there's writing in that first yellow row you'll note that there are somewhat set off.

We recognize for instance that the work plan had to come first. And then the definitions were coming at the end of that. And that's what's laid out here beginning October 28.

If we had extended this it would actually show back into August the work plan sub team working and no other sub team working.

But you'll notice then at the bottom of that third that the next sub team which is the Working Principle sub team does not really begin its work until after the definitions are determined.

And that's an order a recognition and an order for them to be utilizing the same terms with the same meaning and understanding those.

After that the next two sub teams sub team one and the combined sub teams two and three those two sub teams would be working at the same time in tandem on their tasks because we saw those as being somewhat mutually exclusive in terms of being able to work and focus on those and then bring them together at the same time.

At the same time the fourth work team although it begins with those if you could see further on the schedule that we laid out those - that actually will be working for a longer time because although it can prepare the draft guidance until the earlier the sub team one and the combined sub team two and three complete their work sub team four wouldn't be able to complete its work.

And then finally sub team five would be in there.

There are within versions of this chart we have basically included only sub team calls and calls for volunteers.

But within each of these sub teams once they began operating there would be other target dates and target points that would be included.

Those are that they would be preparing their materials at some point which they can project once they begin their work.

That would be there deliverables would be in draft form presented to the workgroup as a whole which would review them.

And then once that's finalized all of these steps would be then made public for public comment and input so that the workgroup as a whole then would be able to finalize and respond to those.

The process was designed with two things in mind two primary things in mind. One so that nobody is overburdened by work, everybody gets to participate, and everyone gets to get there word in either as a member of the sub team or is a member of the workgroup.

And then secondly in order to get the maximum ability to get community participation not only as members of the work team but in public comments and in presenting the material at various ICANN meetings for discussion and comment.

And I think that's something that we're all keenly aware of. And as Chuck mentioned we have representatives from virtually if not absolutely all of the ASs and OCs and the various constituencies participating.

And in fact are reaching out to both the board and to the GAC for participation. But I'll let Chuck say anything about that particular outreach.

But that is the plan as we have drafted it. There are additional target points and schedule points that we need to put in here mile markers.

But again we have tried to shy away from that until we have a better handle on what will be going forward with these various sub teams and the approval of the general structure.

Chuck Gomes: (Michael) I'm going to jump in here. I'm going to come back to in a minute. But I would like to pause and see if there are any questions in the room or online.

And one of the things I've failed to do at the beginning was to - for those who I think most everybody here as I'm looking around probably knows them but Marika and (Mary) are our primary support people here. And (Lars) is helping from a technical point of view back there.

So there over here and please let me know if somebody raises their hand in Adobe because I'm still not there.

The - but what I'd like to do does anybody have any questions what (Michael) has gone over so far or any suggestions working group or visitors welcome for everyone?

And while I'm waiting giving him a little bit of time to respond (Michael) the next thing I would like to ask you to do is just go over not in the detailed the

boxes but some of the key target dates that we're setting understanding that we realize there needs to be quite a bit of flexibility in this as we see how things are progressing.

Anyone in the room have any questions or comments on the work plan that the way it's broken up right now and the way we're planning to proceed?

I don't see any hands. Anything in Adobe Connect? Okay let's go to then (Michael) could you just go over very quickly and oh and I saw a hand. Okay. I should have guessed.

Bertrand de la Chappelle: Hi this is Bertrand de la Chappelle. And I'm happy to have joined this group recently. I was looking at the draft work plan and seeing that today this meeting there's an element regarding status update on working definitions for the first sub team basically the definition sub team.

Are you planning to do that later in the...

Chuck Gomes: It's in the - it's on the agenda. I probably should have gone over the whole agenda but I decided just jump right in.

We will come back to that. And like (Michael) shared some first drafts of those definitions have been prepared.

They haven't been approved by a Working Group yet but we're going to come back to that and at least go over the terms that we think need to be defined okay? But that thanks for asking that Bertrand.

Okay anyone else? So let's (Michael) if you would just very quickly go over some of the key dates not all of them but the key dates in terms of major milestones?

Certainly cover the ICANN meeting milestones because those are kind of important in this and any others that you think would be helpful for the Working Group and the guests today?

(Michael): Right. I think Bertrand pointed out the first non-draft work plan target date that we had set forth and that is to take a look at the definitions.

And that was set for this meeting. So it would be good to look take a look at that. And that was a work group that sub team who very quickly in its work and yet has reached some good definitions and has a bunch of work to do on a couple of other ones that are much more shall we say controversial in dealing with them.

What we've tried to do is to peg some of the mile markers too ICANN meetings again without knowing quite what would be required once we get into these.

I can say that the general target date would be to have for discussion at Los Angeles meeting most of the deliverables if not all of the deliverables. So that's sort of working backwards in the chart.

And I'm not sure let me take a look online here how much of the chart appears? Okay...

Chuck Gomes: (Michael) there's (Lars) is scrolling down. And he's down to the Singapore meeting. And go ahead and jump all the way down to the - yes Marika?

Marika Konings: And this is Marika for those in Adobe Connect you can scroll yourselves and zoom in if it's not because this is quite small on the screen here.

So and I've also posted the link in the Adobe Connect if you want to download a document yourself.

Chuck Gomes: Thank you Marika. So on the screen right now is showing the Singapore meeting. Go ahead and scroll down to the Los Angeles meeting there if you would please (Lars).

(Michael): That actually doesn't go down to that far. We've got it completed to right after the Singapore meeting on this chart.

Chuck Gomes: Oh okay all right that's fine. Go ahead.

(Michael): So what we've included in this would be by the Singapore meeting we would be able to have some a publication of some initial findings for public comment and our community consideration for the Singapore meeting.

I do not expect that would be more than the first two deliverable sub teams. That'd be deliverables one and deliverable combined deliverable two, three by Singapore.

With the hope that that would then follow that meeting with some finalized work by the Working Group as a whole. And that's tracked in that first wide column on the left is the actual working team.

Again part of what we've determined is that with the sub teams working the workgroup as a whole need not meet as often and sort of offset these two as their going on.

We did not project a specific frequency of sub team meetings. We just generally set them down based on the once a week phone calls of either the sub team or the workgroup so that they would be working in tandem.

But that Singapore would basically be trying to get to a point where the working principles prior to then have been finalize quote unquote.

And I say that because they are considered to be really principles that we're working from to begin the actual hard work with the - with the belief that those principles actually is what we will come to understand as a result of this process.

But then those first two deliverable one sub team and the deliverable two three sub team would be projected by the Singapore meeting to be in a position that they can be discussed within the workgroup if not within the public for public comment.

Whether or not they'd be reviewed by that time by the workgroup I'm not certain. But we would project and hope that deliverable four and then would be finalized by London I'm sorry not by London yes by London I have my meetings mixed up.

And that then between the London and the Los Angeles meeting final work would be able to be done so that deliverable five would be in a position perhaps to be discussed in London but certainly to be discussed and even perhaps to a draft forum by the Los Angeles meeting.

This is all recognizing that once the workgroup has prepared the final deliverables or the quote unquote final deliverables then those will have to be posted for public comment. And those public comments two responded to and, you know, used to revise or perfect the deliverables.

Chuck Gomes: Thank you (Michael). Now one of the things I want to point out to people and this is really true of the definitions of work team that's in process right now we will probably - we're not going to wait just for public comment periods to get comments but rather we will through the representatives on the working group and the sub teams we're going to ask them to go out to their respective groups those that that aren't just functioning as individuals and get any feedback in other words bounce the definitions off of them and ask for some feedback coming back in.

So don't think that it's only formal public comment periods. We'd really like the representational nature and structure of the GNSO to work so that we can give feedback on an ongoing basis. And we will be doing that.

Any questions on the timeline and keep in mind is going to be flexible? I'm sure some - many of these will change. But this is where the work plan is today.

Okay now my next question is directed towards working group members that are participating in the call.

Does anyone object to us as a Working Group approving for those that are participating today the work plan as it stands right now understanding that it may be changed.

Now for the sake of those that aren't online, we will also send this out - that same question out to the full working group list so that they have an opportunity, but we would like to take advantage of the working group meeting today to see if there are any live objections to approving this work plan.

(Michael): Chuck, it's (Michael) for a moment.

Chuck Gomes: Sure, and then Cheryl's in the queue.

(Michael): Okay.

I just wanted to point out that if you would scroll down this, on the second page under each of the deliverables columns is a - are copies of the questions and the issues that were anticipated that we - each of these subteams would consider. These were from again the charter. And of course,

I anticipate that they would be added to and changed as the process develops.

But at the initial planning stage, these would be the questions and the issues that each of those subteams would be asked to address in its process in order to develop the deliverables that they're asked to bring out.

Chuck Gomes: Thank you, (Michael).

Cheryl, it's your turn.

Cheryl Langdon-Orr: Thank you, Chuck, and Cheryl for the record. Thanks (Michael). It's a perfect segue to what I wanted to say. It's a psychic connection. I'm very (embridged).

I wanted to make sure, Chuck, that as you're asking for this sense of approval and endorsement that it's very clear to everyone both in the room and also when you put it out to the list that this is intended to be a living document. This is something that is added to. We do not need to necessarily get it perfect now. We need to get it right enough now to get running with the subteam.

And so I would hope that would encourage a faster and more affirmative response from everyone.

Chuck Gomes: Very well said, Cheryl. Thank you.

Any comments or questions on that? Anybody think it's not ready to be approved as a living document?

Okay.

And so Marika or (Mary), whichever one of you wants to take that task? If we could send that out to the working group, the list, saying that there were no objections and those that participated in this meeting today, live or online, and that we would give them I would say a week maybe to chime in.

And J. Scott, as co-Chair, please feel free to jump in at any time and keep me straight or add anything that you have.

J. Scott Evans: Will do.

Chuck Gomes: Okay.

So that's the first agenda item, so if we could go back to the agenda again please, and we'll move on to the second agenda item, which will actually get us into the set of questions that we prepared for this meeting to obtain feedback on. And the first one really relates to the work that's being done on definitions that Bertrand mentioned.

Yes Marika?

Marika Konings: This is Marika. Just to ask if you would like me to give a short update as to where the subteam is to help frame maybe this discussion?

Chuck Gomes: I would. And let me qualify that by saying that (Maurine Coverly) from Canada is leading the Definitions Team, and she had a very unfortunate accident and is seeing specialists at this hour for some very bad breaks. And so, she had planned to be here to talk about this, and Marika's going to fill in.

But also, any of the working group members that are in this meeting that would like to add, please, we'll let you chime in as well.

Marika, go ahead.

Marika Konings: Thanks, Chuck, and I'll actually just read a part of what (Marina) has sent us today, noting that the subteam I think has met two or three times now, and this is still work in progress. So I think they've already accomplished quite a bit, but there's still a bit more work to go.

So (unintelligible) (Marina) noted her apologies for not being able to be here or with us online, but she basically notes as well that, "the draft definitions the subgroup has developed are a strong starting point in that they are clear and neutral, and most importantly they enable an understanding of the words and phrases as just that; words for which an agreed upon definition can be found. As drafts, they will be subject to some editing."

"In my view, and that of others, or the subteam would not have been formed, it is essential to seek agreement on the basic definitions themselves before trying to interpret them in terms that could change their fundamental meaning."

"Yes, there's a definite link between policy implementation as there is a link between principles and policies. I think however that in focusing on the relationship between policy interpretation and assuming it is a direct link, we have missed some crucial steps in agreement or disagreement over who will have influence over what and at which stage has truncated and blurred our understanding of the progression of action from idea to implementation."

"In other words, we may have left out a few things."

And, "I see the continuum, (unintelligible) quick and easy continuum of activity in this way. Purpose and vision tells us why an organization exists and where it sees itself now and in the future. In order for an organization to determine what will guide the development of its vision, the organization will need principles."

“Principles are agreed upon, adopted basic beliefs, truths, or theories that influence decision and action and represent that which is positive and desirable for an organization. In order to make decisions which reflect the organization’s principles, the organization needs policies.”

“Policies are written statements of set of decisions or sets of decisions which are considered and chosen to determine and guide present and future actions thought to be desirable or necessary. In order to announce in terms of achievement and impact the work that needs to be done and in a manner consistent with the organization’s policies, the organization needs goals.

“And, goals are statements of intended achievement and impact which are consistent with the organization’s policies. And in order to achieve those goals, specific objectives must be developed.”

“And, objectives are statements of the steps together with indication of the resources; time, money, people required to achieve the stated goals.

“And, implementation is the stage of working on carrying out the objective by using the allocated resources and plans established in the objective.”

“And, completion is simply wonderful.”

“So to go from policy to implementation without considering the dependent steps that are between them seems to complicate our task considerably and makes a successful outcome a long shot. If part of the purpose of our work is to illuminate the point at which it may be appropriate for various parties to have input and influence into the decisions and actions that comprises continuum, then we would be well-advised to look closely at all of those points. They are connected and influenced at one point inevitable opens the door to influence at other points.”

“A lot goes on between policy and implementation and I think we have to think about that before we think about who, which groups might be able to provide the most valuable input and influence at any or all of the stages.”

And maybe, Lars, you can pull up the document on the definitions now just for those in the room to see where the working group currently stands. And I must note that I think this is the document that we updated after our last call on the 11th of November, and like I posted the link as well on there it'll (unintelligible) for those that want to see it or download it themselves.

But just to note this is really a work in progress. On this version, we already received some comments from one of the working group members of - subteam members I should say, so the subteam definitely needs to go back and look at those and see if, how this should be updated. And I think as well based on the discussion here today, what additional input is received that the subteam will take away.

And the idea is once the subteam is at a stage where they feel comfortable with the definitions for each of these terms that that basically would come back to the full working group for approval or consideration. So I think that's where we're currently at.

Chuck Gomes: And let me - this is Chuck again. Let me jump in there and say that what Marika was reading, if we weren't clear, was an email message from (Maurine) since she couldn't be here today. So we should've made that clearer up front, but that's what was happening there. That was communicated.

Wolf-Ulrich. You have your - did you have something to say?

Wolf-Ulrich Knoben: Thank you.

Wolf-Ulrich speaking. So as a member of this - of the definition group, I - in the past I only had one (unintelligible) I think to join the meeting, but I saw all of the list and so I know (unintelligible) going on.

I think it would be worthwhile again, Marika, to show the items themselves, the list of items we are talking about. I think there are five or seven items from policy to principles, and what else are talking about, and then talk about (unintelligible) principles or at least these items, other ones, which you agree yes (unintelligible). Okay. We have a basis of what we are talking about.

The other thing, not to go on into the details here, is that there is a discussion about the question of the scope of these items. It means are we going too far? And if - and putting definitions on here? Or it means looking more than just into ICANN or ICANN-related or policy-related things?

What we are thinking about is that called too far? Should we focus on more? There were several learnings about capital - so-called capital policy - capital (P) and capital implementation, or smaller - small case policy implementation? So this (unintelligible), so that's - I would like to get a flavor of it. That is what we have met here in the group. Or, should we think a little bit in a different way? Thanks.

Chuck Gomes: Thank you, Wolf-Ulrich. And Bertrand's in the queue. Marika, did you want to jump in here?

Marika Konings: If I can just respond, because I think on the list of items there is something I think that has already gone through to full working group to identify which are the terms that need to be defined. But of course, you know, others may be added.

And also, you know, the focus of this is really on GNSO aspects of the policy and implementation (unintelligible) discussions. I think the focus has really been of the subteam to define those terms from the GNSO perspective.

Hence also the definitions for example of consensus policy, which is really specific to the GNSO world, and I think some of the other terms as well you'll see for example, on the policy advice, and that was a comment I think that was made by (Anna) on that.

I think the definition we are talking about is in the GNSO context because we understand that there is a specific definition for policy advice in other parts of ICANN. But for the definitional purposes, we are really focusing on the GNSO, and that is what the charter is limited to, so to speak.

Chuck Gomes: And before I give it to Bertrand, and I am going to give it to you okay, Lars, would you just scroll through so - and when we go back to the agenda you'll see the list of terms. But since we're here - and by the way, we're not going to go through the details of the definitions today. We could take our whole meeting and do that. But if you would just scroll through these.

So we've got policy, policy development, implementation, implement, principles, consensus, consensus policy are the terms.

I can tell you that after reading one of the documents in preparation of this meeting, I threw one - I gave one to this group, and we're not going to - we don't need to discuss it right now, but I got to thinking, "You know, we may need to find - to define multistakeholder processes as a part of this."

So I - the group hasn't - the definition subteam hasn't discussed that yet, but that's another one. And what we're going to ask you in a little bit, okay, is what terms do you think we missed and that we should define? So be thinking about that as I turn it over to Bertrand.

Bertrand de la Chapelle: Thank you, Chuck. Bertrand de la Chapelle.

I was exactly going to do this because I think the list of terms that are here are good - very important. But, I would suggest to add some. Implementation

review team is something that has been used, and the fact that it is called a team is a very interesting thing as opposed to working group, for instance.

The second thing is there is a word that has always puzzled me and I never really understood exactly how it functions, which is picket fence. The term picket fence is extremely pervasive, and I can tell you outside of the GNSO nobody really grasps it correctly.

There's another...

Chuck Gomes: You understand of course that we have Miss Picket Fence here with us today, but we'll leave it at that.

Bertrand de la Chapelle: The second - the other term that may be obvious but that I think is very important is staff, because it points us in the implementation of a new gTLD problem. The problem we had was are the (panels) on staff or not? And for instance in the reconsideration, the question was should we consider the (panels) as a part of staff to which the reconsideration was applicable? So staff is an important element.

Now advice I agree is another element that seemed to be explored.

That being said, I have - one of the things that I see in this exercise of being extremely important is we have a natural tendency when we say policy and implementation to think that there is a very straight line that basically is when the policy is being brought to a point it comes to the GNSO and it comes to the Board, and then it becomes an implementation.

But this line is actually not straight. And if we start the work with the assumption that the goal is to define the exact frontier, we will have very big problems I guess because the reality is that there is a fuzziness of zone. And the key question that needs to be addressed is how to make sure that when

we think we have crossed the line from one side to - when a question arises, when does it need to come back or not?

And this doesn't mean necessarily that there is a sharp line again. Maybe there is some leeway for keeping it in implementation provided that the discussion is sufficiently open and consulting, and there are cases where there are triggers.

So the term trigger is something that I would suggest is not in the kind of discussions we've had, but one of the interests of this group is maybe to discuss when we need a new term, when we need something to describe what we want to do, like the trigger to bring it back to policy or to bring it into implementation. And second, the - I see this process as being a sort of - you know, the scissors type of thing, where you have policy that is true policy but when you try to get into more detail, the implementation staff input is growing.

And at the same time when you've moved to implementation, you still need the input of the policy makers early on and then less and less.

So this kind of scissors process I have no word to describe it at the moment, but mentally that's the kind of articulation that I think would be very useful to explore.

Chuck Gomes: Okay.

Next in the queue is (Michael) and then we have three in the room. Can I - should I go to (Michael) now, or did you say something for - okay. So is there anybody else in Adobe besides (Michael)?

Okay.

Okay, so - I meant raising their hand wanting to speak. So (Michael), you're next.

(Michael): Okay. Just a couple of things, and I was very interested in what Bertrand said. I just wanted to point out going back to Marika's point. The first thing that we discovered in starting to work on these definitions, and again they're quite fluid in what the subteam will propose, was that while some of the terms, including policy, and we thought policy development were fairly well defined within GNSO materials, some of the other terms, in particular implementation and implement, were not. They were sort of used with a presumption of understanding it seemed.

So some of the terms will be easier defined within the GNSO and also ICANN materials. Some may be more difficult.

To the other point, I agree with what Bertrand was discussing in terms of they're not being really a sharp line between policy and implementation, and I think as we all recognize and why we have the work group, that that is a line that is not so much a line as sort of a shifting sands that move within a particular subject over time, and then is in different places according to the different policies, sort of types of implementation being worked out.

And in fact, I think the probably the most useful thing that we have done so far is redefining the analysis and the inquiry of the working group which originally was stated to be policy or implementation and has been changed to and acknowledged really to be policy and implementation as two parts of the same process.

Just to end very quickly with an agreement that I think we could probably come up with a finalist of other terms to define, and frankly I think the more things that we can put out there initially the better. But I note that there was a discussion earlier this week in ICANN, and in presenting the basic report to the GNSO Council, that Alan Greenberg, who's been a member of both the work group and the subteams, pointed out that you know there may not just be policy and implementation, but other steps as well.

And pointing to software as having a design, a specification and implantation and an execution (cell).

So I - although I don't want to make more work for the subgroup, and I think some of these terms will be defined by the other subteams as we go along, but the more terms that we can have that we need to define so that we can carry on a conversation the better.

I do think that we need to distinguish those terms that we need in order to carry on the work of the work group, distinguish those from terms that we might want to find out the meaning of that we don't necessarily need and that might be put on - I guess on a back burner and discover those meaning as we go along.

Chuck Gomes: Thank you, (Michael).

And Marika, I'm going to ask you to help me manage the queue because I can't see those names, and I know we have several people in the room. I think the next one up is right here.

Now let me remind you, and I should've made this clear at the beginning. Make sure even though you're going to repeat yourself, and this includes me as Chair, to identify yourself.

The second time around you can probably give your first name and don't have to give the whole thing. But for the sake of the transcript, recording, and those listening in, please do that.

So...

Marika Konings: Yes, this is Marika. So I think we have in the queue (unintelligible), I think myself in the queue and then we have Wolf, J. Scott Evans. Anyone else?

Woman: Thank you. (Unintelligible) speaking.

I don't know whether it would be useful, but I'm sensing that we could make a difference between policy advice and the actual verb advise - to advise. I would think that to advise would be the action. The actual process. And policy advice would be the results. Products of a process. So I don't know whether it would be useful or not, but that's just my thought.

Chuck Gomes: And what we will do - this is Chuck. There I go. What we will do - I mean, the - this'll all go back to the draft - to the subteam on definitions, and they're going to take all us in and we'll ask them to come back and take all of this into consideration and then develop - continue to refine their work before they come back to the full working group.

So all of these ideas are being accepted and will be evaluated, and they'll come up with the rationales one way or the other and so forth, but thank you very much.

Marika Konings: Yes, this is Marika, and I think I was next in the queue.

Just to emphasize that these are working definitions, and the whole idea is that indeed this is a starting point. And the idea is that by the end of - you know once all these subteams have completed and the working group has gone through its deliberations at the end, they'll come back and say, "Okay. So are these definitions spot on? Did we come up with new terms as part of our work? Did we come up with new concepts that we need to define?"

So I think you know it's really important to get them right. But at the same time, I think we should neither you know get stuck here and spend months of trying to get the definitions right, because these are working definitions. And, I think that's something we maybe need to emphasize as well in this document to really make clear that this is not you know written in stone yet.

So next in the queue I had Wolf.

Wolf-Ulrich Knoben: Thank you. Wolf-Ulrich Knoben speaking.

So (unintelligible) I fully agree to that. So it's working terms. So because we believe as a basis for the common understanding between us now what we are talking about so we don't start to reinvent anything here from a philosophical point-of-view just to try to put it - to get it down here in the GNSO and policy area. So with regards to the borderline between them two, so I fully agree.

So I see that from that point, you know, there is a big connection between them because any policy is looking for implementation, so it is implemented in the policy that there is something going on later on to be implemented, and that has to be a little bit reflected here in what we are doing. So, I do not have a solution, but we have to think about that so that's my (unintelligible) think about this is I think of it that way.

Regarding additional points, it would be very helpful. I saw that picket stuff and so on. The stuff of - if you could frame it a little bit, you know. The stuff is - whatever, you know, from what kind of (unintelligible) we are looking for.

So then it's clear that we are looking from the point-of-view, for example, to staff or to explain that or define that with regards to tasks related to staff or a strategy behind that or whatever. So we should frame that a little bit so that we have a line where to go. Thanks.

Chuck Gomes: J. Scott, you're next.

J. Scott Evans: Thank you. I just wanted to pick up on something I think I heard Bertrand say and then (Michael) seemed to reiterate, and I want to make sure that I'm clear on what my understanding is, and that is that in the ICANN context,

historically there has been a blurred line between what is policy and what is implementation, hence where we find ourself.

And it is my understanding that the deliverable that will be the final outcome of this will be to much more clearly define what is policy and what is implementation, and remove the blurriness that we have operated under for the last several years, and that's my hope at least. And I don't think in the general world outside of the ICANN bubble that there is a fuzziness between what is policy and what is implementation. I think that has occurred here. For whatever reason; good, bad, or indifferent.

But I think that what happens is because of that blurriness, there is a great difficulty in acceptance of where one or the other takes us and we spent a lot of time and energy arguing about whether it was policy or implementation, and we spend a lot of time in a self-created inertia.

And in an environment that is the guardian or keeper, or manager of the public trust with regards to what's the Internet and that evolved so quickly, that isn't necessarily a workable model. And so, we need to come to common understanding and clear you that blurriness so that we can move things forward.

Chuck Gomes: Thank you, J. Scott.

(Becky), you're up.

(Becky): Thanks.

I want to suggest two terms that we should consider putting on the - in the glossary; public policy and public interest. I think those are really hard concepts and we need to think about them in this process.

I also just want to support the notion that it's very hard to write definitions at the outset. The framework of interpretation working group, which has been interpreting RFC 1591 for 18 months, started out trying to write the definitions and it was impossible. And, we learned incredible amount going through about how terms had sort of crept into our vocabulary that didn't exist.

I'd like to suggest something like a living Wiki page for the definitions so that as we're going on we can all add a note that says, "This doesn't work in this context," or it - you know, because I think it's really hard to keep up with this, but this is the - this is actually likely to be the most valuable work product in the end. The most valuable deliverable.

So you know, we just have to be really, really careful about not getting locked in but also using this as a mechanism to keep track of the places that we have to come back at the end and bring everything together.

And then I do - would just like to say - I've said from the beginning if we continue to debate whether something's policy versus implementation, it's going to be a really hard - everything except the very first, you know policy recommendation is going to be a mix of both.

And so I know those are the words we have right now, but I'd like us to be sort of willing to explore concepts that are sort of in between those binary positions.

Chuck Gomes: Yes. Thanks, (Becky), and I'm hoping that in our - even in our principle's subteam that is just going to start working shortly, once the definitions are at least at their first stage. Because I think your suggestion of a Wiki - a dynamic place for the definitions is fantastic. And they will evolve.

The only one that scares me is public interest, but I won't go there right now.

Okay, you and I will talk about that offline.

So thank you very much for - and all of the input is really great. Bertrand I think you're up now.

Bertrand de la Chapelle: First I would like to make an analogy or a comparison. People in the - in common law countries do not necessarily - are not familiar with the kind of challenge that we have in civil law countries, and particularly in the example of France, the debate between policy and implementation is occurring extremely strongly. Something that is a big constitutional challenge, which is a distinction between the law and the (unintelligible), which is what the Administration develops in terms of implementing the law.

There is a specific set of paragraphs in the French Constitution that make a very clear distinction between what is in the domain of the law, i.e. the Parliament, and what is in the domain of the Executive and the Administration. And let me tell you the problem of the distinction of the line is exactly the kind of problem that you're encountering here, and it's a very difficult problem.

The second element is - and here I would like to answer maybe to J. Scott. There are indeed two different approaches. They're not completely radically different, but there are two different approaches to this question, and I very much appreciate that you've moved from policy versus implementation to policy and implementation.

One is to consider that the blurring of the line is an aberration that should be resolved and that we should restore in a certain way the purity of the distinction, which means that we know exactly at what stage we're at and how.

And if it involves a back and forth in - and what (Becky) was mentioning, like sometimes you stop and then you go back to policy and so on, it's still compatible with a sharp distinction.

But my argument was exactly to try to bring a mindset of going in a slightly different direction that maybe there are not two stages. Maybe as Alan Greenberg I think mentioned in another discussion, or (Charine), there is the - what I call the implementation policy stage.

When you look at the new gTLD program, anybody who says that we've moved to implementation in 2008 is completely delusional. The whole development of the Applicant Guidebook was full of policy making. But, it was implementation policy. We are now in the implementation of the program, which is a relatively different thing.

So I would just caution at this very early stage that we keep in mind that there is those two desires. One is to have as much clarity as possible, which is fine. And particularly when there are transition points or trigger points. When something comes to the Council, it is validated by the Board, there clearly is a transition of sorts. But, that does not necessarily mean that the next stage is a pure implementation.

And finally, the question regarding staff, to Wolf, is a very valid question. For instance, I always have an uneasiness because we confuse very different functions for the staff. When the staff is in the support of policy, it should be absolutely neutral. Completely independent in a certain way of any option of implantation. Even if there is an input from another part of staff that says there will be an implementation challenge.

But when we are in operations, the staff is in a different function that is fully implementation, and then you have the (unintelligible) that I was mentioning that we sometimes require third party in-field functions that are part of implementation that can even part of enforcement in some cases. And this is another type of stage, and I think it's useful to explore.

I fully agree that we shouldn't belabor the definitions of the stage. But having those different elements and the Wiki that Becky suggested is a very good idea. Having those elements in mind that we're not trying just to draw very precise lines, but also to look at the different dimensions is a very important thing of the first early stage because it orients the whole discussion afterwards.

Chuck Gomes: Thank you, and next is (Marie Lorie).

(Marie Lorie): Thank you, just some quick comments. The first one is, Marika, when you said that these (unintelligible) to be working the (financians), I absolutely agree with you, and we have to be sort of practical. But at the same time, I don't think we should underestimate - I'm not saying that you're doing it, but we should be very - I mean at least I have the feeling that this is like a very key part of the work we're doing.

Because I'm observing that in other working groups and communities, they're doing very important work and they're using the same terms. And what we're doing right now, they might use it in the future as a reference so this is very important that we have the very (unintelligible) idea of what we're doing.

And the other thing, I'm not seeing a reference in the last column, I'm not seeing a reference to the evaluations to study that has been done by the external experts from the ATRT-2 team.

Chuck Gomes: We're actually going to come - this is Chuck. We're actually - and Lars, while I'm at this point, would you put the agenda back up? I'm not going to initially go to it right now but we actually, if we can get to it, come to a point where we're going to ask for input today in terms of other references and resources that we should, that you're aware of, either today or even in the next couple weeks that we should do. Now you're part of the working group so it will be real easy, but yes, thanks for brining that up.

(Marie Lorie): You're welcome. I was just wondering whether the members of the subgroup were aware that maybe there is some section of this evolution study that could be useful, because there is something like a reference to the policy cycle.

Chuck Gomes: Okay, so moving right along. By the way, I think if you didn't have the understanding before this meeting why we're targeting at the soonest, getting close to some resolution a year from now, hopefully now you do even though we're just talking about definitions. Although I ask people to point it out, they are a critical part of this whole thing.

So we have Omar.

Omar Kaminski: Thanks Chuck, this is Omar.

I just wanted to clarify just - I'm getting a sense that there's a bit of confusion on all the purpose of these working definitions are. This working group is tasked with coming up with solution to what is policy and what is implementation. But that is not the purpose of this list of working definitions.

This list was a suggestion from the planning sub team as a good starting point for the working group to use the definitions during the course of the working group's work. So it is not the objective of the working group to come up with answers to what these - what the definitions of this list is. So just to keep that in mind.

We're getting great suggestions and everything, but this is really just to help us answer questions that will lead to solutions being developed but the other sub teams - sub teams that are going to get (unintelligible); one, two and three and four and five. So just wanted to make that clear in case there was any confusion. Thanks.

Chuck Gomes: Thanks Omar. David?

(David): So I just wanted say it's important that we weight has - just to follow-up on some of the things that (Trama) is saying right there. It's important we have clarity in - when are we doing policy or implementation as an activity, but we shouldn't be making assumptions about the - we should try to make sure the definitions don't have any assumptions about the process in the, you know, policy and implement - we shouldn't necessarily assume that - I mean for example, the implementation comes after policy.

Certainly the policy starts with it, but you then may do other policy after you've done some implementation and so on. We don't want to - some of the earlier discussions I think at the last meeting, some people including (Bridge Tonkin), you used the term agile. And some people noted that we were at - some people were actually using this with a capital A and that we were thinking about the software methodology of agile which stresses a lot of very iterative process.

And we don't want to lock in the idea that we do have a bunch of policy then we go and implement it. Because if we do that we're sort of by default go back to software methodology terms, we're doing what we call a waterfall model. You make a giant specification and then someone builds it which - I had a good description today. The waterfall model is that everyone agrees not to learn anything during the process of building it.

And so as long as that makes our definitions don't make assumptions about our process because hopefully we will be improving our process.

Chuck Gomes: Thank you David. And Greg is next in the queue and then I'm going to do a last call for any additional terms. Is there somebody else - oh Becky, okay. Last call for any other terms that you think the definitions sub team should work on. And that doesn't mean it has to stop there, but we'll do that.

So let me turn it over to Greg and then it will be Becky.

Greg Shatan: Hi, this is Greg Shatan. First, in response to Bertrand, I would say that even in common law countries, we have the same, you know, issue of having regulatory schemes. And anybody who's spent any time with the code of federal regulations will tell you that rulemaking is at least as much of an issue as lawmaking if not more. And the rules can sometimes be many times the size of the laws that they are supposedly implementing.

So we really have the same problem whether it's a common law or civil law. We may just have the added problem that courts can decide what the rules mean and then those decisions have preferential value and can sometimes even twist the rules and the laws in places their makers didn't intend. So I think we're all kind of in the same boat in terms of understanding this.

I think that, you know, a couple of observations. First that we will be returning, as this working group, to these definitions over and over again over the course of our work. So that whatever we do here will - is going to be, you know, a living document or at least they're going to be living definitions as we kind of, you know, continue to learn and not promise not to learn during the course of our discussions.

And I think that, you know, what has always seemed to me to be the case is that the terms policy and implementation are freighted in our ICANN land with the issue of kind of what team can deal with things, what is the accountability and/or approval matrix that needs to be attached to a particular task if something is policy. It's done by a policymaking body if something is implementation, it's taken care of by those who are tasked with implementing it.

Clearly, something that is policy can come up during an implementation phase. So I think, you know, one thing that the definitions, you know, and ultimately our work can help do is identify when policy occurs during implementation.

But more importantly, I think the issue is getting to what these labels are used for which is to claim or to state that a particular method, and let's say it's the policy development process or the GNSO should be having the final say or at least the final recommendation on policy, but that implementation is something that we leave something more to the implementers who may not be, you know, the TNSO, but maybe staff.

I think that, you know, again this is not a bright line of the spectrum. And I think one of the things we need to consider as we look at why we want something to be policy or implementation is the importance of implementation review teams which really, you know, should serve as kind of the living voice of the policy makers during the implementation period.

And I think that if implementation review teams are robust and vocal and involved in the implementation process, that at least to some extent, the divide between policy and implementation becomes, if not less important, less critical to the feeling that if we don't reel something back to policy that it is going to be handled by kind of the wrong set of people or without the input of those, you know, who were the policymakers to say, "No, when we made this policy, we meant this and you are making - you're kind of filling in the blanks or the gaps in our policy statement with things that are not aligned, but are kind of taking our policy and turning it into something different during implementation.

So I think that we kind of need to look at how these terms are used in the wild and also why they're used and how we can, maybe to some extent, avoid having them mean so much. Thanks.

Chuck Gomes: Thank you Greg. Becky.

Becky Burr: I actually just want to reiterate what Dave said about agile. It's actually really a potentially useful concept here. And there's some excellent training

materials on agile development methodology that might be very useful to bring to this group.

Because I mean we all hear Fadi talk about it, but it really is the kind of reiterative process that I think we actually need to get too.

Chuck Gomes: Thanks Becky. And now I want to move past this area, so this is kind of a last opportunity for any more terms that you would like to throw out, not that they can't be added after this, but would like to move from there to a couple areas before we wrap up today. And if nothing else, at the stage for getting additional input going forward.

Bertrand.

Bertrand de la Chapelle: Not another term, I just wanted to echo what (unintelligible) often says. We should not forget the use of the labels is actually attribution of competence i.e. power. So the fact that something is labeled as A or B indicates who's going to drive the discussion of A or B.

Hence the question that is behind this is who has the right to determine that something is on one side or the other irrespective of the terminology or the separations that we make, there will be a question underlying this which is who has the power in case of conflict to determine that something is indeed A or B.

Chuck Gomes: Thank you. Anything else on the terms that might be useful to define? Understanding that if they're going to be living definitions?

Marika Konings: This is Marika. Just a question from (Michael) to Becky if she can maybe provide information on the sources mentioned. It says, "We need this and it could help." Chuck, transition into Question 2.

Chuck Gomes: This is Chuck again. That takes us right in to Question 2 there. So I'll read it so that everybody knows where we're at.

"Do you know any experts in the area of policy and/or implementation from other organizations, but you know, outside of our ICANN world here. In addition, to what is in the working group charter, do you know any other resources that would be useful to this working group?"

Now, I'm going to ask for some guided input in this. I don't think that's even the best term for it. But for those of you that are in the working group which is most of us, okay, I would like you to provide those things to the working group list, okay.

If there's anybody that's not in the working group that has any right now, I'd love to hear from them right now, or you can also email any one of us, staff or working group members and we'll get it into the group. So anybody not in the working group have anything you'd like to input in terms of number two?

And is there anybody in the working group that has something that's so great you need to mention it now rather than sending it to the list. I'll open it up for a couple of minutes in that regard. Okay, good.

Let's then jump, and then I'm rushing a little bit, but I hope that all of you will still feel free and will respond to these questions.

Number 3 is, "Can you identify any particularly successful or unsuccessful examples of ICANN or GNSO policy, development or policy important," and let me stop there. We'll get to the second question afterwards if we have a little bit of time.

But what would be - and we're not going to evaluate these, we're not going to criticize these. We'd just like to hear your opinion, okay. If we have a little bit of time, we'll talk about the reasons why you may call something

unsuccessful in terms of policy or implementation and something successful. We're going to - no value judgments right now. I'd just like to throw it out for a little brainstorming.

What are some - let's go to the successful side first. What are some efforts - and let's focus on the GNSO because that's really where we're at, right. What are some GNSO policy or implementation efforts that you would consider to be successful?

J. Scott Evans: This is J. Scott Evans. The UDRP.

Chuck Gomes: I'm sorry, what was that?

J. Scott Evans: The UDRP, this is J. Scott Evans.

Chuck Gomes: Oh, the UDRP. Okay, all right that's fine. Thank you. Alan?

Alan Greenberg: The recent UDRP locking PDP was the best example I've ever seen of people getting together to end up with a good solution without necessarily - I mean obviously caring about their own, whether they come out ahead or not, but people giving to end up with a good solution.

Chuck Gomes: Thank you. Marika?

Marika Konings: Yes, this is Marika. It's before my time at ICANN, but I've heard people as well about the domain tasting PDP. That was very effective efficiency.

Chuck Gomes: Domain tasting. Other success stories? I'll say the IGO/INGO PDP. Am I biased?

Man: Yes, I think that's a - I don't think (AL) stakeholder group would be thrilled at that one.

Chuck Gomes: Okay, well I'm going to pursue that one a little bit. Why?

(David): That's a good question. We thought it was that the IGO/INGO one, we thought it was very - I mean I wasn't on it so I'm just sort of passing on secondhand. I really want to get more general but we thought it was very lobbyist - something that was very, very lobbyist heavy that it was a bit of mass in terms of it all ready had - there was already essentially parallel policy processes going on within ICANN that sort of were making it drift.

And that we found that hard to get - I think we were quite unhappy with the process. We tried to get some legal experts in and they - who were experts on areas of law relevant and they became quite unhappy with the process and sort of stopped participating. So yes, we didn't think the IGO/INGO - I mean I'm not saying it was terrible process, but we wouldn't hold it up as one of the best by any means.

Chuck Gomes: Thank you, okay. Alan.

Alan Greenberg: Yes, it certainly came out with a conclusion. I think it was charged with - and I'm not going to look at charter words, but it was charged with coming out with a policy to address the whole issue of protecting names of IGO/NGOs or IGO and INGOS. And I think it came out with a set of things that the group leg should be done, but I don't believe it was a single cohesive policy.

And I don't - you know, for instance, I think it should have gone through, you know, each of the levels of protection because there's different types of protection. And if it wasn't going to provide locking protection, then I think it should have looked at the next level of preventative - of other forms of protection. And done that systematically and provided the highest level of protection that the group could reach consensus on. And I don't think we did that.

I think if we had gone on for another few months and not felt the pressure to cut and deliver something immediately, we may well have taken where we are not and come to that level. But we didn't.

Chuck Gomes: Thank you both of you. Just a quick question to both of you. This is Chuck again.

Would you put those in the unsuccessful category? Put the IGO/INGO PDP, the working group, in the unsuccessful category?

Alan Greenberg: I don't think we can judge that yet. I think when we see what the Board does with it and whether they feel the necessity to tinker or not, we'll find out.

Chuck Gomes: Thanks. David, you want to respond to that?

(David): Yes, I would sort of agree. We haven't - the history of that issue is not done yet - sorry. I think - I mean I think if we get to the point where, you know, it may well be that we as the GNSO put a huge amount of work in and the board more or less throws it away if they've got a parallel. It appears to be some sort of parallel, power process going on with the GAC and the NGPC. And if that ends up throwing away a lot of the GNSO work, then we will have to sadly chuck it up as unsuccessful.

And I think there's been some really interesting stuff in that process as well. I wouldn't certainly put it as one of the worst, so far, but we may well end up going down as a bit of historic problems.

Chuck Gomes: Thank you very much. And since we're on the unsuccessful side, what other - Greg, is your hand an old hand or is that a new one?

Greg Shatan: It's actually a new hand.

Chuck Gomes: Go ahead.

Greg Shatan: It's Greg Shatan. I'm also a member of the IGO/INGO working group. And I think I would agree with both those who said it was successful and those who said it was problematic.

I think we were faced with an extremely complex set of issues. And I agree with Alan in retrospect. And I think we did it to an extent to try to have levels of protection and to level set to an area where we, you know, could get consensus.

I think we had difficulties with how consensus is defined and whether something that is strong support but significant opposition is something that should go forward. And as we saw today in the GNSO Council, while we in the group put forward as successful or at least recommendation of the group, the Council, you know, whether opposed in principle or to strong support, you know, being put before the Council or opposed the proposals themselves, decided that that was, you know, those things should not go forward.

So to some extent, we were unsuccessful in identifying kind of where our process, you know, ended and how things should be handed off to the Council.

On the other hand, I think it was very successful in that I think that the group worked, you know, very - I think worked well together. I think that there was a lot of ability to engage in fruitful and constructive discussion.

I would agree that there were a lot of interested parties, more than there should have been, and that some of the interested parties were kind of one-trick ponies who were there only for their interests and not to participate as fully as one should as a working group member. And there were, you know, challenges and dealing with kind of a matrix of, you know, recommendations, and that we were kind of challenged in that way. There's a lot of lessons to be learned.

But I think the biggest lesson to be learned from that is - and this goes right to our bedrock question of policy. Is how do we deal with policy when other groups like the GAC are also giving advice on matters of GNSO policy which the board then is dealing with at the same time, or if hadn't sped up our group 13 months being speedy. And we met two hours every week.

If we had not gotten to the - if we got to the party at the Board after - let's say they got 6 months from now, and the Board had fully kind of taken the GAC's advice on these things underway and our advice is different, what would happen there?

So I think we have to look at how we define policy also in the larger ecosystem of ICANN because we can be sitting here and saying, "We're making policy," and then all of a sudden we get to the Board and they're looking at something else which comes out of a different group but is also policy effecting the same issues.

So you know, that's another aspect to policy, not to make our work more complicated, but that we have to look at is how that definition of policy plays outside of the GNSO's internal deliberations. And when it's delivered, you know, to the Board and to the larger ICANN community.

Chuck Gomes: And thanks Greg. And before I turn it over to (Michael) and then to John, Lars would you scroll down so we see Agenda Item 3 and the rest of the agenda there please.

Go ahead (Michael).

(Michael): I guess the discussion has gone on regarding IGO/INGO brought this up. And it's sort of a question of whether or not the question that we're asking is the correct one to be useful to this work group.

We're asking for successful or not successful examples of policy developed or policy implementation. And it sure seems to me that even if it's a very successful policy development, that it might fall down when implementation comes about. And since it's our charter to consider the relationship between the two, and my understanding of this question is that it would help us identify models for what does work and models for what doesn't work.

That the really relevant examples would be those where there's policy and implementation and hence those that have a proven track record. And I would go back to J. Scott's suggestion to UDRP as being one of those where there is a long enough history that we can actually look at it, and I'm sure that there are other cases as well. But if there's only policy development without implementation or without implementation that we can judge, I don't think that helps us going forward as a work group.

Chuck Gomes: Thank you (Michael). John and then Alan is next.

John Berard: This is John Berard. I'll ask Marika, the bylaws are fairly clear as to when the Board can accept, reject or modify policy. So I don't think that's a road we need to rebuild.

And it is premature to decide if the IGO/INGO PDP falls on the good side or the bad side. My fear is that it's going to fall by the wayside, but we'll see about that.

And there, you know, when I think about vertical integration, when I think about this IGO/INGO, I think about the motivations for having this particular working group because it's important to have a better feel for a more exact way to get issues off the ground. You know, at the gala, we can talk about garbage in/garbage out on some of these things another day.

Chuck Gomes: Thanks John. And I'm perfectly aware that we're a little bit outside our charter in the sense that remember our goal is not to improve the policy development process. But I think it's been helpful to just get a feel for some of these things.

So let me give it to Alan.

Alan Greenberg: Thank you. You're right. I think the IGO/INGO one is outside of our scope and for a very clear reason.

One of the ways I sometimes try to define policy is it's as far as the PDP went. Some PDP's go into detail, the new gTLD one didn't in many cases. And so you could put a line of demarcation there. It may not be the right one but for the moment.

The new gTLD policy did go into protected names. And therefore it's quite clear that IGO/INGO issues were policy which were being changed way after the PDP was completed because the whole issue was raised six years later. You know, to the extent the issue was raised when the PDP was still being debated, it was discarded. So that's clearly policy and it doesn't really go into our questions here.

Chuck Gomes: Thanks Alan. And (Marie).

(Marie Lorie): Yes, I'm just looking at the famous study I mentioned about the GNSO PDP process.

And going back to the question you were asking about whether a PDP has been successful or not, I'm looking at a table where it says when it has been completed they are citing or quoting different PDP's. And it's interesting because the date on it is when it has been complete the initiate date of the initiation completed and has been implemented.

And I'm looking at half of it hasn't been implemented. So I'm wondering if you do a PDP and it's not implemented, I mean would you qualify - I mean would you reach the conclusion that it hasn't been successful. I mean part of being successful is that something has been implemented or not. I'm asking, I don't know.

Marika Konings: Yes, this is Marika. I think that the table you're referring to is one that I developed at the timeframes. Some of those on there are actually still in the process of being implemented. Those are recommendations from IRTP Part B. I think that the locking working group IRTP Part C, and I think there are a couple others as well where there actually wasn't any implementation.

I think on for example fast locks, you know, there were somewhat general recommendations but it wasn't actually anything really to implement and I think the same for IRTP Part A. It didn't have recommendations that required an implementation plan or new requirements on registries or registrars.

(Marie Lorie): Fine, sorry. So another question. One other criteria to define whether it has been successfully the lens. I mean the timing required to be implemented, if it's too long then, I mean.

Chuck Gomes: Thank you, okay. I know that we have a Gala that's coming up. And what time do the bases start (Gwen)?

(Gwen): (Unintelligible).

Chuck Gomes: Okay, seven until quarter to eight so there's time. But let me just open it up for those online as well as those here in the room still if you've left.

Were there any final comments? We're not going to try and tackle question number four. Certainly if you want to answer some of those you can send some information to any of us on the working group if you're not on the working group. If you are, you know where to send it.

So any final comments by anyone? Let me first of all open it up to those online and see if there are any hands on line.

Is that an old hand Greg.

Greg Shatan: Old hand, sorry.

Chuck Gomes: Okay. Greg, are you there? Okay, not hearing from Greg, any final comments in the room?

All right, well we had hoped to get interaction. We were successful. And I really appreciate that, the input that we received. I do want to put J. Scott on the spot here and ask him if he has any final comments as Co-Chair.

J. Scott Evans: No, I think this was a very productive session. I really appreciate both the participation of the working group members, but also those in the rooms. So we really appreciate you helping us sort of see where we need to go and what little tweaks we need to make with regards to definitions. And we also appreciate the guidance you gave us with regards to just the philosophical vent of keeping things as living documents. I think that is our intention, but we take on board very seriously your recommendations to do that as we proceed. And thank you all.

Chuck Gomes: Thanks J. Scott. And not seeing any hands, I don't think there's anybody else in Adobe. Again, thanks for your participation.

Hope you have a wonderful evening and a successful rest of the ICANN meetings. I know we're all kind of probably at a very tired point, but the end is near. Thanks again.

END