
BUENOS AIRES – CSG Meeting with ATRT2
Tuesday, November 19, 2013 – 12:30 to 13:15
ICANN – Buenos Aires, Argentina

UNIDENTIFIED MALE: This is the CSG meeting with ATRT-2 on Tuesday, November 19, in Libertador C.

GLEN DE SAINT GÉRY: If folks could take their seats, I think we're going to go ahead and get started in a moment. Thank you.

Alright. If folks could take their seats, we're going to go ahead and get started. I know that the ATRT-2 folks have a lot of ground to cover. I guess first off, I'd like to welcome everyone and thank the ATRT-2 team very much for making the time in their day to meet with us.

I guess as a threshold question I think it would be helpful to the ATRT-2 team to have a sense about do we want to start with the presentation and then go into Q&A, or if folks feel that they have reviewed the report and they have very specific topics that they'd like to hone in on? The latter? You might be in a minority there, Mikey.

Alright. What I'm going to suggest then is that if the team wouldn't mind taking us through the presentation, and then we'll go into a Q&A. And I believe that we have a mic that can be used by folks sitting out in the chairs. So, Avri?

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AVRI DORIA:

Thank you for having us here. This is a brief overview of the ATRT draft report. So the tasks that were defined under the AoC are really three. The first one is to assess the implementation of prior Review Teams. That's part of the essential nature of the AoC is that while things may not be binding, we keep coming back to it and we do have to have an assessment. So a major part of the draft document is indeed an assessment of ATRT-1, the results of ATRT-1, how they've been treated, how they've been implemented, analysis and perhaps further recommendations.

Then there's basically look at any new recommendations to improve the accountability and transparency. There's a section in there on a set of new recommendations, and we'll look at those in a second. And then also to look at the review process itself and decide whether there are changes needed to the review process. And we'll find that we made a couple of recommendations of that sort too.

One comment on the first bullet is while we assess the implementation of prior Review Teams, other than the previous ATRT team we do not get into the content. So, for example, on the WHOIS we looked at the ways in which it has been implemented, the reactions to its implementation but not in any sense at the substance of its implementation. That's for them to look at the next time they have their review. So I just wanted to make that point is we only look at the process that resulted from those, not the recommendations themselves.

Okay, so the objective of the reviews is to create a culture of accountability and transparency throughout ICANN. And you'll find that

we very much go from a default notion of transparency as a default and such and only when there's a reason can one go beyond that. To examine the effects of the implementation, just because a previous review said something ought to be done and made a normative statement about it, look at its results. Did it actually help the accountability and transparency? So 1) was it implemented and 2) what sort of effect did it have?

So we're in an environment of significant organizational growth. The launch of new TLDs has indeed opened up many issues that hadn't been thought of before. And then look at future directions, doing a benchmark. And that was one of the things that was an issue with ATRT-1 and continues to be with us is how do you measure this. What are the metrics? What are the benchmarks? How do we actually know if there has been improvement? And to try and set a global standard in multi-stakeholder governance, we are putting ourselves forward as a model that works, and so therefore we really have to have some way to show that it works.

So going forward, we believe that clear benchmarks and metrics need to be established to measure. We need to communicate clearly and consistently about mechanisms and performance. And we need to improve and prioritize our processes. And, okay, next please.

There was one with the recommendations, or did I miss that page already? Who is clicking, and if we're at the end. Okay, so there were 12 broad draft recommendations and – as soon as you get seated and comfortably you can – so there are 12 broad recommendations. These

are all outlined in the first section, and then each one of them we go into detail later in the document.

There's also an assessment of the implementation of the SSR Review Team and the WHOIS Review Team's recommendations. And then there's a report that was done by InterConnect Communications report on GNSO Policy Development Process, which their final report is included as an appendix in the draft report that went out.

So the draft recommendations categories was first of all looking at Board performance and work practices, certain other things looking for metrics, the recommendations that had been made last time, for example is compensation. How do we know if it's improved the efforts in the Board or the crop of people that NomCom has to look at.

Policy, implementation, executive function distinction, that was a recommendation in ATRT-1 looking at what degree if any was it implemented, how is it working, where is it going. A couple recommendations in that area were made.

Decision making transparency and appeals process, there are recommendations on ways to improve transparency, ways to have yearly reviews of transparency, functions for the Ombudsmen, functions for looking at the reconsideration process and appeals process. Is it working properly? Making recommendations on perhaps community efforts to take that forward and make changes in that.

Looking at GAC operations and interactions both how the GAC works, its transparency, asking them to document more, looking at ways for early involvement in PDPs and other processes and how can that go forward.

On the multilingualism, looking at the ATRT-1 reviews, to what extent have things improved? And by most accounts they have. But also looking at where there are still gaps and deficits and things that can be done there. Cross-community deliberations, several topics on the fact that while efforts have been made in that area it looks like beyond the GAC there are still efforts and work needed, so recommendations on ways to go forward with that.

Looking at the AoC review process effectiveness and such. We have a year to get the job done, but we seem to spend three to four months in getting started. Can we find a way to start at the beginning of January so we really do have a full year for the team to work? So basically certain recommendations on work that can be done in advance. Looking at some of the budgeting constraints that the Review Teams fall under, can that be fixed.

And then several recommendations on financial accountability and transparency. There's a growing amount of money. It is a nonprofit and basically mentioning various reporting and issues to be dealt with in that.

Feedback, so we're in the process of what I call our nomadic day, wandering from group to group having consultations, asking you to tell us what's right, what's wrong, what's missing, what should be emphasized, what perhaps needs little less emphasis. And then we'll take all that and put it together and look at how to finalize the report or having further consultations and clarifications from staff.

One of the things that was learned from ATRT-1 is you have to look at the implementability on some of these things. So there's a certain

amount of review being done on the recommendations. Are they implementable? If not, why not and what can be done? Taking in the public comments. We need more of those.

On public comments, we are in a period, I guess the formal comment period ends I guess it's tomorrow or something like that, but the reply period and 13 December we're not dividing. You get comments in by 13 December, you've gotten comments in, but 13 December is really a very hard drop dead date because our report has to be out to the Board by 31. Working backwards, we're kind of looking like 20-21 is our deadline for taking all this stuff, so that's why the earlier we get it the better because we're already starting to take into account the comments that we've gotten especially.

So we may look at prioritizing more based on urgency and date. There are certain comments we've gotten about the difficulty of saying what's more important recommendation than others, but some may be more immediate than others, especially recommendations dealing with metrics and multilingualism.

I already mentioned 31 December. Then the Board has up to six months from the final report to review the findings and recommendations and decide on their implementation and schedules and such as that.

So has the draft board addressed your areas of concern? I kind of already went through this. Do you have additional concerns that we've missed, feedback on prioritization, feedback on content, organization, and usability? I think that's it. Thanks.

So it's now pretty much for you to tell us what you think of it.

GLEN DE SAINT GÉRY: I'll go ahead and take a queue and I think that there, oh yeah, Alice has a mic. So I see Mikey, Steve, Jonathan. Okay, we'll start with that. Go ahead.

MIKEY O'CONNOR: My name is Mikey O'Connor. I'm in the ISP constituency. I am soon to go on to the GNSO Council, but I spend all of my time in working groups. I'm a working group nutcase. More mic? There we go. So I read the report, and I especially read the part of the report that talked about working groups because that's what I know and that's what I pay attention to. And I want to start with the getting it right part. I'm really glad it's there.

I really like the ICC report at the end in the appendices, and I want to zero in on that one chart that just blows my doors off which is the chart that says, "How many working groups have you participated in?" They interviewed a whole bunch of people, and 80% of the people that responded said, "I have participated in one working group." And then there's another 10% that have participated in two, and the remaining 10% of people who have participated in working groups is spread along the numbers three, four, five, and six.

And Avri and I spent a couple of extra days here in the leadership development thing, and we're still not quite sure which of us has participated in more, but we're both up in the 20s. And so what you wind up with is the sudden realization that the bottom of the bottom-up process, the whole deal, the whole consensus-based, multi-

stakeholder, bottom-up part of ICANN which is the part that we hold up for the world as what we are and what makes us valid, there's no there there. That's a huge problem. I mean there are literally on the order of 20-30 people who do the bottom of the bottom-up process in the GNSO.

So I loved your recommendations. And the punch line is if there was a way to make those more prominent. They're buried down in a recommendation that's called cross-community something or other. And it's sort of like, God, here's this huge strategic problem for the organization.

Because I'll tell you what. This group is getting smaller. If you look at this over time, when I first came to ICANN, that group of people who actively participated in working groups was much larger than it is today. At the trend that it's going, that group is going to extinguish in about two years. And then what we're going to have is a situation where when we march out to the world to talk about the issues of the day whatever they happen to be and we point at "bottom-up multi-stakeholder consensus-based, that's what makes us valid," there's no there there. So I think that's my case. I would just love to see it more prominent.

GLEN DE SAINT GÉRY: Jonathan?

JONATHAN ZUCK: Jonathan Zuck from the Association for Competitive Technology. I have two issues, I guess, that are of interest. One is the public comment portion of this. And again, I'm excited to see this re-addressed. I

continue to believe, and I'll try to structure more formal comments on this, I continue to believe that there's a demand and a supply side problem here and that the ATRT has continually seemed to focus on the supply side of the comment issue more so than the demand side.

And I think that the degree to which we can have a better understanding of how comments are taken in and processed and how that's reflected back to the community and things like that will have a much dramatic effect on participation than coming up with new ways for people to publish comments, new paradigms for forums and things like that.

And we've had some of those conversations immediately following the first set of ATRT recommendations, but they were sort of out of scope because we were focused on coming up with this structure of reply comments and things like that. And so, again, I think the demand side of this is actually far more important than the supply side on the comment issue.

The other thing I'm excited about is metrics. And people have heard me bring that up one or two times. And I know that I just spoke with Fadi very briefly, and he expressed to me that the work he's doing with One Global Trust is designed specifically to address some of the issues that you raised. And he believes there's very little overlap with the other metrics initiatives that are happening within ICANN. He sees them just as operational.

And so I don't know given an ATRT type of recommendation how that could be the case, and so I'm interested in getting your feedback back on what your intentions were associated with a recommendation

surrounding metrics and whether or not there ought to be greater community participation and establishment of organizational metrics or if it really is just operational as Fadi kind of portrayed it to me. He seemed to think that what he had done addressed what you had recommended and that you had said that to him. So I wanted to discuss that further when we get to the discussion portion. Thanks.

AVRI DORIA:

I wanted to ask, and this is probably my ignorance on understanding supply and demand, by demand you mean in what way do ICANN, working groups, and others respond to comments and take them in? Is that what you meant? I'm just confused, and I didn't have a good grasp of supply and demand and exactly what you mean there.

JONATHAN ZUCK:

Maybe that was an attempt to be too clever in my phraseology. I think there's a persistent belief that comments go into a kind of black hole. They get summarized. There isn't a notion of, "Here are three things that came out of these comments. Here's how we're addressing them. We accepted this for this reason." It's sort of very similar to what the Board went through with the GAC. And I believe that the degree to which people believe that comments have an impact will have a greater effect on participation in that process than the means, coming up with new creative ways to allow them to comment. So that's what I meant by demand side.

AVRI DORIA:

Okay. Thank you.

JONATHAN ZUCK: And part of it is I don't actually know what the demand side of it is. In other words, whose job is it to take these comments in in each case? Who is it that's responding to them and how do they respond to them because it will vary from time to time?

AVRI DORIA: Okay. Thank you.

CLAUDIO DI GANGI: Claudio Di Gangi. I work on staff for the International Trademark Association. And I just wanted to follow up on a point that Mikey raised, which I think he raised a good point. And I didn't see the survey, but I did want to clarify that for organizations – we participate in the Intellectual Property Constituency – the participation working groups are spread among committees. So we have an Internet committee, and we have members who participate in working groups.

And so in terms of that survey, it might be misleading when you look at the data to say that individuals have participated on certain working groups, whereas our committee might have participated in a large number, but it might not be reflected in that data. And I think that's just reflective overall of the issue when organizations participate. It's a different dynamic and something that probably needs to be incorporated better into the process. Thank you.

BRIAN CUTE:

This is Brian. Before we get to you, Olivier, if you don't mind, I want to follow up on Jonathan Zuck's two points. On the public comment and effectiveness and demand side as you put it, one of the things that we've looked at is looking back at the Board's resolutions since ATRT-1 how well have they explained their rationale? And part of explaining their rationale includes reference to input from the community. So that's one element where we can look to see whether the signal can be to the community, "Your inputs are being heard and considered in our decisions." That's an important place to look.

With respect to metrics, from an ATRT-1 perspective we didn't make a recommendation, but in our report we put some language that suggested pretty strongly that the ICANN should adopt metrics so we could benchmark their progress in implementing those recommendations going forward. That didn't happen. It was the view of that Review Team that that Review Team is not an expert in metrics, and so we didn't feel it was our role to define what metrics the organization should use but that the organization should avail themselves of the expertise and find the right resources and adopt these metrics.

So it didn't happen in the first go around. In our meeting in Los Angeles with Fadi, the issue came up and he made a commitment that ICANN would in fact do that going forward. One World Trust has been engaged to advise ICANN on metrics. I'm speaking for myself, but I think it's the sense of this Review Team that still none of us are experts in metrics, so we are as interested to hear from One World Trust what their recommendations would be.

And from my perspective, it really is about the tools, the actual metrics, the toolkit that the organization can use to create benchmarks and measurements going forward. So that's where we are in that process, and One World Trust has a session tomorrow at 10:30 or is it 10:00? 10:30. And?

AVRI DORIA: And they have consulted with us.

BRIAN CUTE: And we've spoken with them and they've consulted. So that is in process, and I would encourage anybody interested in that particular issue to attend the session tomorrow. Jonathan? I'm sorry.

JONATHAN ZUCK: Yeah. I don't want to over dominate the forum, but in terms of your understanding of your recommendation, it feels to me like operational excellence is insufficient to address a toolkit that a future ATRT team might need. Right? I mean, that's my impression is that if I'm looking at accountability and transparency of the organization, I'm looking at more than operational metrics, which I'm very excited to see. And so Fadi represented to me just ten minutes ago that that was the thrust of his commitment and One Global Trust's efforts, and I want to make sure there isn't a disconnect in communication about that.

AVRI DORIA: There's another piece to it that is perhaps different. In the report we also talk about an annual transparency report, for example. And in that

we do offer a couple possible metrics that should be measured and should have the participation of the Ombudsmen, etc., in for example doing an annual transparency report. So there are various places where we do offer additional ideas and metrics. And again, this is an invitation to in the comment to us if we haven't been adequate about the kinds of metrics that we should suggest, please suggest them.

BRIAN CUTE:

Larisa.

[LARISA GURNICK]:

Just to add a dimension on the metrics perhaps – and I don't know exactly what Fadi and you were talking about, but there is an effort going on at ICANN to implement operational metrics. Which is not the same effort but the two efforts on accountability and transparency which is what we're talking about here and that's the work of One World Trust and the work that's going on in the operational area under Susanna Bennett are parallel but not the same efforts. They're connected. They both deal with metrics. But our focus here is specifically on accountability and transparency metrics.

OLIVIER MURON:

Thank you. I'm Olivier Muron from Orange. I just have one comment about the structure of the report as Avri asked. I really like that first part about ATRT-1 and what has changed since ATRT-1. I'm not saying that because I was a member of ATRT-1 but because it really shows what the AoC is really about. It's really a process of improvement of the structure and doing that that way. AoC is not a set of review at the particular

time. It's a process of improvement, and this draft report that you are producing really shows that process of improvement. Thank you.

STEVE METALITZ:

Thank you. Steve Metalitz with the Intellectual Property Constituency. I want to start first by apologizing to the ATRT-2 team that I think our constituency has been a bit remiss in giving input to you over the time period of your work. And it was not because we were concerned about the supply side and that our comments wouldn't be heard. It was just that there was just too much other stuff going on, to be frank.

And because you cover such a wide range of things, it becomes a little difficult just to gain entry into the process mentally. But we will try to atone for that by getting you something by the December 13 deadline. Thank you.

I have two comments about recommendation 12, I think, on the financial accountability. One is I think this is extremely important, and I think it would be a good candidate for prioritization. And having said that, I don't know if I can nominate somebody to bump off that list – well, maybe I could.

But I just think it's an extremely important issue to engage because of the astronomical growth in the ICANN budget and in the ICANN staff, in the scope of ICANN activities, in the opening of offices, in the peregrinations of our senior staff members. I think there's a growing unease about what all this money is being used for and just a sense that there isn't as much accountability and transparency in that area as there should be.

And in that regard, I will just say also that unless I have missed it I don't think there's been a very clear answer to the question of what ICANN will do with the money that comes in from auctions of new gTLDs. That could be a substantial sum of money, and there should be accountability and transparency into how those decisions are made what that money is used for.

So the other aspect of the financial recommendation is maybe to recommendation that this be incorporated as a key element of strategic planning in ICANN. We did raise this just a few minutes ago in our meeting with the Board where we had a couple of minutes to talk with them about ATRT-2. And the impression I got was that – I was told – it was in the strategic planning. You just haven't seen all of the strategic plan yet. And I'm sure that's true, but it might be helpful to have a recommendation from your team that this should be part – and then that would, again, help set a benchmark for ATRT-3. Thank you.

KRISTINA ROSETTE: I'm actually going to put myself in the queue. I read the report. I thought it was extraordinarily helpful. I do have one kind of organizational suggestion/request.

UNIDENTIFIED MALE: Only one?

KRISTINA ROSETTE: Yes, only one. I think it would be extremely helpful for people who are interested in the Review Team's work and in its recommendations but

don't necessarily have whatever the block of time it would take for them to get through 230 pages to have – I don't know if you want to do it in a table or a spreadsheet – but have kind of a visual mapping of the various recommendations be part of the executive summary. I think that would be, I mean to be quite honest, it would probably turn into kind of a cheat sheet.

But I think that would be extremely helpful particularly because I found at times, particularly when I was going through the findings of ATRT-1 and then the ATRT-1 recommendations and then the implementation and their review, sometimes I was thinking about it so hard that by the time I got to your assessment of their implementation that I had forgotten what the big – and I just think visually it would be very helpful in that regard.

Second, I was very intrigued and am very interested to see ultimately how the GAC related recommendations come out. And I guess the question that I would have is – if you can share – to what extent have you gotten feedback from the GAC about their receptiveness to these recommendations? What they would anticipate given their timetable, given their resources, what they are looking at in terms of implementation?

Because I think if there's one SO or AC within ICANN, that it really is going to require an embracing of the recommendations. For them to be fully effective it's going to be in that ACCC. So I would be interested in hearing about that.

Well, I guess a public comment point picking up on something that Jonathan said and picking up on the working group tally, I think it would

be – and I don't know that there's time now – but perhaps it would be a useful metric to have a quantitative review of the public comments.

Done in the sense of for this topic on this day, this is when the public comment deadline was. This is how many other public comment periods were going on at the same time. This is how many public comments were submitted in the initial comment period. This is how many in the reply comment. Of that number, how many of these commenters submitted for the first time? And within a 12-month period did that same entity or individual participate again?

Because picking up on something Jonathan said, it is extraordinarily hard in my experience to persuade an organization that does not regularly follow ICANN matters, but there is a topic that's out for public comment that is of great importance to them to persuade them that it is worth the time and the resources, whether it's internal or external, to read the documentation, to draft a public comment, to then have it go through the internal corporate chain to get approval, and then only for the action or the public comment report it's almost as if they had never submitted the comment in the first place.

And in my experience when that has happened, the next time I suggest to them, "This is an issue I know is important. You might want to put it in public comment," the answer I get is something along the lines of, "No, thanks," and I think that's a problem. So [inaudible] get feedback on the GAC point and if you have thoughts on the public comment point, I think that would be really helpful.

UNIDENTIFIED MALE:

So on the GAC recommendations, the concepts in them were previewed in the face-to-face we had with the GAC in Durban. They hadn't been written yet. And all I would say is in that very brief time we had with them, we didn't hear from anybody, "Oh, this is an absolute non-starter. You can't go there." In fact, the Code of Conduct, which I'm sure will be an interesting discussion we have with them tomorrow, a couple of the GAC members at that time expressed some willingness to consider that.

Having said that though, I don't know what we'll hear from them tomorrow. They're meeting today to assemble their comments of to prepare for the meeting with us. I will say this though, I think it's really important for the other parts of ICANN, the other organizations, to give us comments about how important it is from their perspective that the GAC look to itself in terms of changes they might need to make.

Because I think as with any of these things there's always a sense that it's the ATRT talking to the Board or the ATRT talking to this group or that group. And I think the more that any of these groups understand, no, what we're reflecting is a multitude of comment and a multitude of views and opinions from the whole organization, that just I think adds to the compelling nature of some of the changes we might be recommending.

BRIAN CUTE:

And with respect to the other two points that you raised, Kristina, on the report. Thank you very much for the observations. We've heard from other folks in the community too, and we recognize very clearly that this is not Hemmingway and that we need to not only make the adjustments you recommended but put this in plainer English.

We realize that the document was difficult in a number of different ways. One of our major changes is going to be try to put at least the executive summary in very plain English. Get the ICANN-ese out of it. Link it to the rest of the texts. Maybe link it to the ATRT-1 report. But very good input. We've taken it onboard, and we'll try to make those changes as best we can.

With respect to the public comment, and some of your points tie back to Jonathan's question earlier on, the test of whether someone wants to come back. The question that ATRT-1 framed was this problem of the black box. That inputs go into the Board. It goes into a black box and then something pops out, and I have no idea whether what I said or did had any effect. So we look at it through that frame.

The institution of comment and reply comments structure was an attempt to provide the Board with a broader basis of argumentation that it could work into its rationale that it articulates in its resolutions and start to break down the black box. We've recognized that the comment and reply comment mechanism hasn't worked very well. The community has not used reply comments for whatever reason the way they're intended, so the tool is not having an effect as intended.

So the recommendations you see, which Jonathan you would say are supply side, are well experiment. Are there other ways? Are there social media type tools and platforms where comment and input can come into the system? Let's not be constrained by these specific tools.

That being said, whoever comments in whatever way still needs to feel as though their voice has been heard, and really the point to look there is the output side of the rationale within the decisions in the resolutions

and is the Board integrating comment and reflecting it back to the community.

KRISTINA ROSETTE:

If I could before I turn the floor over I will just note that actually in the IPC we do use the reply comment period, although I would say about 50% of the time it is in fact for its intended purpose. I think probably the most recent one that occurs to me is on the RPM requirements.

Having said that, the other 50% of the time is that by virtue of the composition of the IPC, which is namely INTA which Claudio represents has got 7,000 members and the Internet committee has got, what Claudio? 200 people? So to get a comment to the point through that organization it's just in some cases we're using the reply period because the initial period just isn't long enough.

GLEN DE SAINT GÉRY:

Steve and Jonathan?

CHARLA SHAMBLEY:

I actually have a question on Adobe chat. This is Charla, ICANN staff. The question is from Graham Schreiber. He says he's a USPTO trademark holder. He wants to know what INTA is doing about contributory trademark infringement.

UNIDENTIFIED FEMALE:

Claudio?

STEVE METALITZ:

I'll take Claudio off the hook on that one. Just to pick up on a couple of points that were just raised. I think it's useful that the report did try to look at how the Board responded in its rationale statements to public comments, but many public comments are not at the stage of something that's being acted upon by the Board. They're being acted upon by the staff at that stage or by a working group, so I think that gives us a somewhat incomplete picture. But I think the gist of it is still the same that there's much more that needs to be done to allow people to understand how their comments actually feed into the process.

The other one presentation suggestion I would make, it's a very small one, but when you listed the prioritization areas, you didn't list them by number of recommendations. So the ones having to do with the Board, well the Board is mentioned in about half the recommendations in some way, so it wasn't clear whether you meant all those or just number one. So hopefully if there is a prioritization list, it will tie back to the recommendation. Thank you.

GLEN DE SAINT GÉRY:

Then, I think, Jonathan?

JONATHAN ZUCK:

Yes, thanks. I don't want to beat a dead horse, but I guess since my comment is about comments and my concerns were about comments, then I have a certain concern of using comments as a mechanism to bring up issues about comments I suppose, right?

But in answer to some of your question, Brian, just even what you just said now that you thought that the replies would provide a way for

there to be more debate so there would be more basis for the Board. Was that the result of feedback from the Board that said, “We’re having difficulty using comments because they’re too one-sided and there isn’t enough debate”? How abstract and theoretical was that?

Because again, my issue I think is again what I’m calling demand side which is a policy that says that as comments come in we’re going to do these things with it. I mean, one of the things that Steve and I have brought up many times is there were many, many reply periods that overlapped the decision period. In other words, the group that was supposed to meet and process the comments was meeting before the comment period was even up. So a change in policy around that, for example, seems to be far more powerful than coming up with a Facebook group to handle comments.

I don’t think the comment process is very intimidating when you can submit a text file or a doc file. I don’t think that’s a barrier to participation in any way compared to the perception that comments don’t have an impact on policy making. And it could very well be that there’s an institutional bias against them having an impact because the idea is, “Well, you ought to be here. You ought to be part of the people PDP process, and you’re coming in late when you’re doing comments.”

But everyone ought to know what the role of comments really is, what role they can really play that late in the policy process. Do they need to happen earlier in the process? Those are the really hard tricky issues that will make all the difference beyond the ICANN insiders.

And the stuff on the fringes about coming up with creative ways to allow people to comment, I mean, I’m really trying to be polite about it.

I think it's a complete waste of time. And I went through that working group that came up with designing the reply side and everything like that. I mean, the real hard work is on this demand side.

ALAN GREENBERG: Thank you. If I can, probably inappropriately, summarize some of the input we got on whether comments are treated seriously or not, I guess one summary would be for the GNSO PDP, the work groups seem to be at least reading the comments and thinking about them. Whether they listen or not is a different issue.

UNIDENTIFIED MALE: If they got them before they needed to decide.

ALAN GREENBERG: If they got them before they made the decision. But things are being changed because of it. From staff, less so. And from a personal opinion, I was absolutely overwhelmed when we saw the new PICDRP and they had completely rewritten the procedure based on the comments. So maybe the world is changing.

BRIAN CUTE: If I can.

GLEN DE SAINT GÉRY: Yeah, go right ahead.

BRIAN CUTE:

Let me just – and, Jonathan, you might not want to move – but so heard and heard clearly. Let me tell you other things that we hear, and these seem to be persistent problems.

So the time periods, something we're pointing too. Too short. Organizations 42 days and some of them can barely get it out. So time periods are important. They have an impact. Volume, important. The statistics you're looking for. Also, bottom-up process. Volume is driven by the bottom-up process. How do we put controls on that? Don't know.

These are persistent issues from the first time we started this process. And frankly, we're putting forward some suggestions as to how to address the timing and other elements, but how do we get at those persistent issues from a demand side when you have a community of a set number of participants that seems to be dwindling in some ways and seems to be overtaxed in many ways? How do we get at that?

JONATHAN ZUCK:

Yeah, I mean, I'm happy to engage in that conversation. Part of it is how questions are framed for the public as well. I mean, if I put out a giant whitepaper or something like that, it ends up being Kristina or I reaching out to another organization saying, "Have you read this? Let me summarize it for you. Why don't you respond?" as opposed to questions being framed in a way that they're more approachable by people that aren't engaged on a day-to-day basis.

I think there are things on that side that could help with participation, but again this idea that a decision making process is happening before

the end of a comment period is not just an accident. It's a message that comments don't matter, and it's a very loud and clear message. So we need to look for those kinds of cues that we put out.

So some very simple things – the staff already summarized comments, and if they were summarized in such a way that they could be then addressed by whatever body was receiving the comments directly, “Here's the ten things that came out of this as a result of these comments” since they're already being summarized “and this is what we said about each of these things” would be enormous.

I know there are specific instances in which it looks like comments have a large impact, but they're very rare. And so again, having a process in place that says ICANN takes comments seriously I think is where the real work needs to be done. So again, I don't mean to dominate the discussion, but I've just worked on this a lot.

GLEN DE SAINT GÉRY:

I think that we are out of time, unfortunately. So what I would like to do is, first off, on behalf of the CSG very much thank the ATRT-2 for all of the tremendous work that has gone into the report and for taking the time to be with us here today. I know that within the IPC we have received the message of the December 13 deadline, and we will ensure that you have something.

And to the extent that we can within the team that's working on comments in the IPC put together teams that can go back, for example, and track down the examples of instances where decisions were made

before public comment periods were concluded, we'll do our very best to do that. But certainly, thank you very, very much.

[END OF TRANSCRIPT]