ICANN
Transcription
GNSO Review Working Group Call
Thursday, 19 October 2017 at 12:00 UTC
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Operator: Recordings have started.

Julie Bisland: Okay super. Thank you. Well good morning, good afternoon, good evening everyone. Welcome to the GNSO Review Working Group call on the 19th of October 2017 at 12:00 UTC.

On the call today we have Kris Seeburn, Jen Wolfe, Sara Bockey. We have apologies from Wolf-Ulrich Knoben, Lori Schulman, and Rafik Dammak. And from staff I have Julie Hedlund, Marika Konings, Emily Barabas, and Berry Cobb, and myself, Julie Bisland.

I'd like to remind all to please state your name before speaking for transcription purposes and please keep your phones and microphones on mute when not speaking to avoid background noise. And with this I'll turn it back over to you, Jen.

Jen Wolfe: Thanks, Julie, and thank you to all of you for taking time today for this call. We appreciate your time and commitment to this effort. Just to briefly review our agenda for the day, we'll just very quickly ensure that there are no

updates to the statements of interest. Then we'll review the revised OEC and GNSO Council report in slides that will be delivered during the next meeting. We'll review the revised charter for recommendations 10 and 11 and also 18, and then just review our meeting schedule.

Just quickly, are there any updates to the statements of interest? Okay. Seeing none. Why don't we go ahead proceed? Julie, could you take us through the revised report slides?

Julie Hedlund: Thank you, Jen. Yes, this is Julie Hedlund from staff. Yes, what I'd like to do is I'll run through the slides first since these are new from last week and then I also made an addition last night based on a suggestion from Wolf-Ulrich. These are the slides that we'll deliver to the GNSO Council and also to the OEC, and these will be used in the council update during the GNSO Council meeting at ICANN 60 on the 1st of November.

So I'll just run through these. So this will also then give you all a sense of what we have in the report. And then I will run through the changes that we made to the report since last week's call. So the agenda for the update will be the current status, the timeline and then the background.

And so current status is, as you see here -- I'm not going to read through all of this -- this just describes where we are today, that this group has been meeting and, most importantly, that the group expects to complete the implementation of all the recommendations within the original timeline not later than September 2018.

And here we note that the work group has agreed by full consensus that all 12 phase one recommendations had already been implemented via previous work. And this is something that I know Wolf-Ulrich when he gives the update to the council is going to emphasize.

And I'll note that what we've tried to point out in the report is that while the timeline, you know, had, you know, anticipated various recommendations being completed at certain times, what really has happened is that the working group in its review of the recommendations has found that each of these phase one recommendations was actually completed based on work that has already been done. So they did not actually have to be implemented, they actually were already done.

So I think that will be an important point to make in the update. And further to that, I think it will be important to note that for further recommendations, those in phase two and those in phase three that require actions to implement, you know, current actions to implement to the extent that those might involve changes to GNSO operating procedures, which I think is envisioned in the phase two recommendation relaying 26 through 29, you know, I think it's important to note for the council that any changes to the GNSO operating procedures will go through the usual protocol of being put for public comment and those comments considered and incorporated, and then those changes would go before the council and be voted on to - for approval. So.

At any rate, there is that additional step with any of the implementations that may involve GNSO Council operations. And just to note that for phase two and three the phase two discussions have begun, and that is recommendation six. And recommendation six has been combined with two others relating to the Work Stream 2 Diversity Sub Team deliberations on cross-community working group. And then recommendations 26 through 29, the charter will be revised by staff and considered again by the working group. And those recommendations are likely to result in changes - suggested changed to the GNSO operating procedures.

Just to emphasize the timeline that again the working group expects to implement all the recommendations not later than the end date in the originally envisioned timeline but will notify the OEC and GNSO Council should there be any issues that could interfere with the completion of the

recommendations by the deadline, and just noting that it was a suggested timeline in the implementation plan and thus has been adjusted according to the working group's work and progress.

And so here we've inserted a figure showing the overall timeline, again, showing that the working group started its work in March. Phase one is expected to be completed also in November. We'll have a couple of recommendations that we hope to put out for consideration on a consensus call today that would finalize the phase one recommendations if those are agreed.

We've started the phase two recommendations and phase three is anticipated to be started in November, again, completing on time. Not to go into detail here but for phase one we're showing then all of the recommendations in green as having been implemented. We show the timeline for the recommendations in phase two, and then the phase three timeline adjusted to show when the actual work will start but noting that these will all - are all anticipated to be completed according to the original schedule.

And Wolf-Ulrich had - oh I see that there's a question from Kris in the chat, Kris Seeburn. "How confident will we be done by September 2018?" I think the working group is quite confident of that at this point and of course will raise any issues that might arise to the OEC or GNSO Council if that is determined not to be the case.

So Wolf-Ulrich Knoben yesterday had asked if we could have an example reflecting the working group's determination on one of the recommendations. Staff had just selected the first recommendation. The working group had considered recommendation eight, which is that work groups should have - working groups should have an explicit role in responding to implementation issues related to policy that they have developed.

And then you see the steps that the working group went through for its deliberation, reviewing various activities relating to implementation issues having to do with policy and that is the final report of the Policy and Implementation Working Group recommendation to revise the PDP manual, the IRT principles and guidelines also address the composition of an IRT, and then the revised operating procedures, GNSO operating procedures, and changes to the PDP manual in June of 2015 and specifically mandating that the requirement for the creation of an IRT and that mandate then addresses the fact that a working group should have an explicit role.

It does talk about the role of the working group and the creation of the IRT. And so by the working group's determination, this recommendation was deemed already implemented with the change to the operating procedures of June of 2015.

And then actually because we really only have about I think 15 minutes for the update to the council, staff ended the slides there and then put the background following just so that people could have it for reference.

So I would just ask if anybody has any questions or suggestions for improvements to the slides? I see Kris is typing.

Jen Wolfe: And, Julie, this is Jen. I think this all looks great. I think it's a great summary of where we are. You know, hopefully there won't be too many questions and we'll just keep moving forward. I know I see Kris is still typing. The background should maybe come first.

Julie Hedlund: Thank you, Kris. This is Julie Hedlund from staff. So in the - the slides reflect the order as it appears in the report in that Wolf-Ulrich Knoben and others had agreed that the executive summary should have the current status up front. So it starts with a current status, then it goes to the timeline, and then the background follows.

So the slides actually represent the order in the report. And I'll also note that staff put the background last in the slides because we have a very limited amount of time, and with the number of slides we have in here, if we were to go through the background, I'm afraid that we would not have time to - not have enough time really to address, you know, to have a discussion within the council.

So, as we've done in other cases where we've been giving updates, staff put the background last as, you know, it's there for reference, but I would like to hear if others have thoughts on this.

Jen Wolfe: Hey, Julie, it's Jen. I agree. Having sat through a number of those during my time on council, you know, those sessions are long and, you know, my fear would be if you start with information everybody's heard, they start tuning out as well. So I think in terms of presenting the new most important information first to ensure that that gets in, I think that that's probably the right way to go.

Julie Hedlund: Thank you very much, Jen. So we'll leave it that way but I, you know, if we needed to reorder we can. But I - my goal is to actually have Wolf-Ulrich send this as a report and the slides to the council today or tomorrow to, you know, ensure that we get it in before the document deadline. The document deadline for documents to be submitted for them to be on the agenda for the GNSO Council meeting on the 1st is Sunday the 22nd. So we do need to get it in there.

And I see Kris has said, "Summarize the important points but if you guys feel it's the right way, then no issues." Thank you, Kris. We appreciate that.

So, Jen, if you'd like I can go ahead and switch to the report.

Jen Wolfe: Yes. Please go ahead.

Julie Hedlund: So these are changes made to reflect on the discussion we had last week and then also changes to reflect that we're hoping to also complete consensus on recommendations 10 and 11, that's one charter for the two, and recommendation 18.

Staff had revisited these. These were ones that had been on hold, one - 10 and 11 because of the - this reviewing the geographic names facilitated session at ICANN 59, and then recommendation 18 I can explain when we get there. But this report reflects really the anticipation that we could complete those two recommendations in November, and that would complete all 12 of the phase one recommendations.

But to go first to the executive summary. The other changes are that the working group had asked that the current status be put up front in the executive summary and then the - and followed by the status summary, the timeline, and then, as you see here, then the background is - follows. And so staff has reflected that change. It was captured in the action items from last week's call.

The text hasn't really changed from what we discussed last week, just that now we show that, you know, what the working group is currently doing that the group expects to complete its work on time. We have the more detailed status summary. And I'm sorry, I have 13 phase one recommendations, not 12. That the phase one, all 13 would be completed, that we started work on phase two recommendations and we'll start on phase three recommendations in November.

Then another request from last week's call was to put in a working group determination with respect to the timeline that we're confident that all the recommendations will be implemented not later than September 2018 per the original timeline. I won't go through these again because this is what we just had in the slides. Again, there's the overall timeline, the phase one and two timeline, and the phase three timeline, and then there's the background.

So that's the executive summary reflecting the changes from last week. And then I'd like to move to the other changes that what we did is in the section on recommendations implemented to date, we've added recommendations 10 and 11 and recommendation 18. So we're showing that these two are anticipated to be completed in November.

Now we don't have the link to the implemented charter as we do for the other items because this still has to go out for a call for consensus. And so once that happens, we can put that - we don't expect that the charter would change, so I think it's fine to have the link to the current charter, which is the one that's under review. But if we're - once we've completed the consensus call we'll update this report with the implemented version of the charter as we've done, as you can see here, with the examples we have implemented to make it very clear that it's the charter that's been implemented.

So we added 10 and 11 and then, if you move down here, we added 18 as well. And other than that, those were the only changes to the report. And I'd just like to turn it over again for any questions that people might not - might have.

So I see Kris has said, "The geo names may take longer. It might be interesting to just note and highlight that geo names is not yet ready but would only start soon."

Kris, if I may suggest that geo names is only mentioned as an example of a facilitated meeting so the original recommendation, just to switch back to that and we'll talk more when we get into that recommendation, was that it's recommendation 10 and 11 that the council develop criteria for working groups to engage a professional facilitator and that the face-to-face PDP working group pilot projects has been assessed so that guidelines could be developed and funding made available for facilitation.

Geo names was just an example of a recently facilitated session that was very successful, very inclusive and participatory to show that there is currently the ability for working groups to request and receive facilitation, there is funding that is available for that on an ad hoc basis.

So the recommendation is not actually about geo names, so we don't really need to say how the geo names Work Track 5 group is progressing or not or that it's just started since it doesn't actually pertain to this particular recommendation. And thank you, I'm glad that that clarification is helpful, Kris.

Any questions about the changes to the report? So I'm not hearing any questions. So staff would like to suggest then that we will accept the changes and we will send to Wolf-Ulrich as the council member liaison a message that he can send to the council requesting that this item be added to the agenda for the GNSO Council meeting on the 1st.

Staff will put in a little bit of just very brief, you know, background on this that can then be included in the agenda for that meeting with the report and the slides. And hopefully that can be done by tomorrow and prior to the deadline for submission and materials for the council meeting.

Any questions with that approach?

Jen Wolfe: No. Julie, I think that sounds good. Unless anyone else has a concern, I would say let's go ahead and - yes. Sara says, "Sounds good to me." So why don't we go ahead move forward with the revised charter for 10 and 11?

Julie Hedlund: Great. Thanks so much, Jen. Again this is Julie Hedlund from staff. So as just mentioned, this is a recommendation that had to do with facilitated - the ability for working groups to request facilitation, and we did discuss this last week.

And one of the recommendations, I think it was Lori Schulman who had mentioned this, was for staff to look at whether or not there is guidance in the GNSO operational - operating procedures for - and specifically the working group guidelines for how working groups should proceed if there are divergent views in discussions.

The concern I think she mentioned was that we do have some PDP working groups now that are operating where there are diverging views. And in addition to whether or not working groups can request facilitation in these instances, are there other guidelines that would help working groups address these views and to help them to come to a consensus.

So staff has done two things here with this charter. First staff put in a - just some brief notes on the geographic names session under the new gTLD subsequent procedures held at ICANN 59 that was facilitated and how, you know, how that proceeded.

So there were two 90-minute facilitated sessions. Both were extremely well attended and were conducted in a way that encouraged audience participation. The PDP working group determined that the sessions provided a successful and constructive way to address widely conflicting views and enable the community to move forward. There's a link then to the two sessions.

You know, just to note then that -- and perhaps staff will add in this additional note -- that in moving forward, this working group then had proceeded to establish a new work track on geographic names that has participation from the SOs and ACs and particularly those that have diverging views. And this is a direct outcome from the facilitated session.

I think I might add that in if - so - but I'm just noting a comment from Marika. "Staff still has an action item from the previous pilot for development of draft

guidelines. So I will address this, Marika. So it's up for this working group to decide whether or not there actually need to be guidelines.

So addressed - but first to address Lori's question from last week, the GNSO Review PDP Working Group had asked for references to relevant sections of the working group guidelines that can provide guidance on how to address issues where there are divergent opinions in a PDP working group.

So specifically section 3.6 of the standard methodology for making decisions has a definition of divergent -- I won't read this all out here -- but then has a recommended method for discovering the consensus-level designation on recommendations and how that should work.

So again, I won't read this all out here but there is - there are guidelines on how working groups should try to work through issues where there are diverging views and try to come to a consensus, you know, talking about a timeframe that - whether or not there's a poll that could be held and, you know, a decision to make within a timeframe that does not allow for the natural process of iteration of deciding on a designation to occur, or if it becomes obvious after several iterations it isn't possible to arrive at a designation and then some guidelines with respect to consensus and strong support or significant opposition and divergence and how these are addressed in the working group's determination.

So there are some guidelines there as to how working groups should work through diverging views. And I know Lori has apologies for this call but hopefully she can take this revised version back to her constituency for discussion.

But with respect to whether or not there should be guidelines, so there was that action item from the previous pilot to develop guidelines. This working group discussed previously on this recommendation and again last week about whether or not there should be guidelines.

And my sense from the discussion - our sense from the discussion seemed to be that there did not need to be guidelines, that there was enough guidance that PDP working groups have -- excuse me -- that PDP working groups are able to make the determination on whether or not to use facilitation without a mandate or guidelines to follow a specific procedure to do so.

Now if that, you know, if the working group doesn't agree with that determination then we can - we could then pull this recommendation and staff could then, you know, try to come up with some guidelines. But the sense that we got from the discussion was that PDP working groups differ widely and some may, you know, feel the need for facilitation and some not. Those that do are free to choose this option and have done so. Others, you know, may decide that there's enough, you know, guidance to move forward without having to choose facilitation.

So there was - that's I think where we stood. But I'd like to open that question up then for discussion. And Marika says, "Maybe there's no need for guidelines but there may be a need for a process by which a working group could request a facilitation method as a resource question."

And Kris says, "Let it roll for now and we see how things pan out."

So as it has happened, working groups, you know, this is a resource question and working groups go, you know, to staff, staff goes to, you know, the management and, you know, puts in the request for the working group. It's duly considered based on current resources and budget. This is as it happened in the most recent request and, you know, the request was considered. It was determined that there was a budget and the, you know, and the request was granted as being within the resources and budget.

It's - perhaps it would be helpful for staff to note that there - that working groups can follow the procedure that they would for asking for any kind of

support that requires resources and that, you know, staff then, you know, goes to management, management takes this into consideration, looks at the budget and determines whether or not the resources in the budget exist.

And Kris says, "I think Marika is right, just a simple note process."

So staff could go ahead and put some of that language also in here to indicate that there is a process to be followed with respect to requesting any resources, anything that relates to either staff resources or budgetary resources and that the standard process is, you know, needs to be followed in this case but not necessarily a new process.

And I see that Marika is typing. And Marika says, "I am also checking whether something was done in relation to the outstanding staff action item re guidelines." Yes. Marika, I did some research on that in fact. I did not find it but if you do find something, I'm happy to incorporate that as well. Thank you for that.

So any - so if the working group agrees, we'll add some additional text in here but what staff would like to suggest is that, you know, there was an analysis of the face-to-face PDP working group pilot project and also recently facilitated sessions and that the determination would be that the working group has determined it's not necessary to develop criteria for working groups to engage a professional facilitator moderator in certain situations nor are guidelines necessary at this time, as the current working group guidelines provide guidance on how to address divergence and do not prevent working groups from seeking to use facilitation to address divergence.

And perhaps what we add here is, you know, within the, you know, current process for working groups to request staff and budgetary resources or something like that. We could also add that. Any questions?

And I see Kris is say, "Yep, that would be good and thanks."

So are there any concerns with staff moving forward to go ahead and add a little bit more detail here and go ahead and accept those changes and to put this out for a consensus call? And a question about the consensus calls. Normally we run a consensus call for two weeks. That would run us into time that staff is traveling - I mean, sorry, that the community members are traveling for ICANN 60 and also run us into ICANN 60 as well.

So I'm wondering if we - since we are marking this as being completed in November, perhaps we could extend the consensus call. Three weeks would carry us into I think, let's see, to the 9th of November.

Kris says, "I have no objection on that."

Jen, does that sound like a plan?

Jen Wolfe: I think that sounds great, absolutely.

Julie Hedlund: Okay. Wonderful. Okay staff will take that action. We'll get that out today to run through the 9th. And then we're going to move to recommendation 18. Okay.

So recommendation 18. This had been discussed a few months ago and I'll explain why we had it on hold and that staff is suggesting that we try to move it forward. So recommendation 18 is that the GNSO Council evaluation post-implementation policy effectiveness on an ongoing basis rather than periodically, as stated in the current GNSO operating procedures, and that these evaluations are analyzed by the GNSO Council to monitor and improve the drafting and scope of future PDP charters and facilitate the effective of GNSO policy outcomes over time.

So as a reminder, the analysis provided by staff - so what we found, and this has been previously discussed in the working group I think in at least two

meetings, that the Global Domains Division, along with the Policy and Compliance Department, have a role in terms of reviewing the effectiveness of consensus policies beyond consensus policy effective dates. And this is outlined in the GDDs consensus policy implementation framework.

And staff had noted that the expired registry recovery policy recommended a review of that policy. That is the one just previously mentioned. And that review we don't have an end date for that at this point. And so the working group was considering whether or not this recommendation could be revisited following the results of that review.

But staff reviewed the GDD consensus policy implementation framework and noted that it appears to complete the implementation of the recommendations in that in particular in accepting recommendation 18 - I'm sorry, just skipping ahead here. The recommendations appear to be implemented by the GDD consensus policy implementation framework except for the part of the recommendation that talks about evaluating implementation policy effectiveness on an ongoing basis.

So I'd like to come to that point. We discussed previously this point about ongoing versus periodic. The current procedures state that this evaluation would happen periodically, and previously this working group discussed the difficulty of evaluating post-implementation policy effectiveness on an ongoing basis.

And in particular, the working group had noted that the original GNSO Review Working Party and recommendation 18 - in doing their determination of recommendation 18 assigned the implementation level of medium-hard to this particular aspect of the recommendation and recognized that it may not be feasible to implement ongoing reviews, meaning that, you know, reviews were, you know, constantly happening as opposed to saying a review will happen in two years, you know, we'll come back to this in two years. Ongoing

reviews would mean that something is being reviewed constantly, always, on an ongoing basis.

And so this working group agreed also that that aspect of the recommendation didn't seem feasible. I'm noting that Kris Seeburn has said in the chat, "I agree that constant review is resources have to be allocated - allotted all the time." Exactly. And, well, there is also the feasibility of whether or not you can review something while it is in process as opposed to when something has been completed.

So what staff would like to suggest - the reason this item was put on hold was just because of that aspect of the recommendation that the ongoing aspect of the recommendation as opposed to any other consideration, that the analysis showed that the GDD consensus policy implementation framework addressed the recommendation.

The working group also had considered whether or not to wait until the review of the expired registry recovery policy was completed. But we don't have an end date for that and the concern is that if we wait for that to be completed, we may not be able to complete this recommendation within the timeframe for implementing the recommendations of the GNSO review, because we don't know when, you know, that's going to be complete.

So what staff would like to suggest is that the working group determine that this recommendation has been completed but that it's not feasible to implement the piece of the recommendation that talks about evaluating post-implementation policy effective on an ongoing basis rather than periodically. So that is the staff's suggestion for this recommendation.

Jen Wolfe: Thanks, Julie. Does anyone have any objection to that proposal? I see Kris is typing. "None." I agree. I think that's the right way to proceed so that we can move this forward.

Julie Hedlund: Thank you, Jen. This is Julie Hedlund again from staff. So staff then will take the action to incorporate these changes and to also put this item out for a consensus call, also to run to the 9th of November.

Jen Wolfe: Great. Thank you. Okay. Do we want to move on in our meeting schedule? And, Julie, I think I got my meeting schedule mixed up the last time I looked at it. Are we right that our next meeting is now in November? Are we going all the way till November 16? Is that what we had?

Julie Hedlund: I think that, Jen -- this is Julie Hedlund from staff -- yes. I think we were going to go, excuse me, to the 16th because generally we try not to meet the week following an ICANN meeting if people are traveling. So yes we'll pick up on the 16th of November, I think that's also what we previously discussed and go back to our biweekly schedule.

Jen Wolfe: Okay. Great. Any concerns or objections by anyone to that proposed schedule? Kris is typing. "Time for the review." Okay. Well seeing that that looks good, then we'll proceed with that meeting schedule.

                 Is there any other business or any other questions that anyone has for today? Okay. Seeing none. Well, Julie, thank you as always. I know you do all the heavy lifting here and we really appreciate all the hard work that you do. This all looks really good to present to council during the upcoming meeting. And we'll look forward to regrouping with everybody in a few weeks to keep this process moving.

                 To all of you headed to ICANN, safe travels to you, and we'll look forward to talking again in a few weeks. Thanks very much and this will close out the call.

Julie Hedlund: Thank you very much everyone. Appreciate. And again, safe travels to those who are going and we'll talk to you again on the 16th. Goodbye everyone. Thank you. And thanks so much, Jen.

Julie Bisland: Thanks for joining everyone. The meeting's adjourned. (Colleen), can you please stop the recordings? Everyone have a good rest of your day.

END