

Terri Agnew:Welcome to the Discussion of George's appeal under section 3.7 of the GNSO Working group guidelines on Thursday, 11 January 2018 at 17:00 UTC for 60 minutes.

George Kirikos:Hi folks.

Paul Keating:Hello all.

George Kirikos>Welcome Paul.

Herb Waye Ombuds:Greetings everyone

George Kirikos>Welcome Herb.

Mary Wong:Petter can you hear us?

Petter Rindforth:Lost the line. calling again

Mary Wong:ok

Herb Waye Ombuds:Thank you George

Paul Tattersfield:Hi is there a passcode for the audio today?

George Kirikos:"DISCUSSION" is the code.

George Kirikos:(different from our normal one)

Paul Tattersfield:thanks George

Paul Tattersfield:I just found out !

George Kirikos:If the document can be posted in Adobe, that would be great.

George Kirikos:(unlocked)

Terri Agnew:we are hearing some background noise - others speaking in the background

Petter Rindforth:I support that timeline - seems reasonable and working

Paul Tattersfield:Phil instead of using process to try and determine the outcome of this meeting we should try and see if what George has to say is reasonable

Paul Keating:I agree with Mary

Petter Rindforth:Again, I see that proposed timeline acceptable. Start today with discussion and hen let Phil & me to make notes on the docement by next week

George Kirikos:I've been to settlement conferences, and they often involve written documents for the benefit of the judge/mediator.

Paul Tattersfield:This is exactly what happens time and time again in the working group meetings when anyone wants to raise an issue the co-chairs don't agree with we waste an inordinate amount on time on discussing process rather than dealing with the issue at hand.

Petter Rindforth:I understand it as at least George support to give Phil and me more time after this meeting to study and comment on George's document.

Petter Rindforth:sorry "Paul support" I meant

Petter Rindforth:Phil and I have in fact continously extended the time for our WG, in order to give all members decent time to make their presentations and having a full an open discussion on these.

Herb Waye Ombuds:May I offer a comment from the sidelines as an outsider?

Herb Waye Ombuds:I don't have audio

Paul Tattersfield:I think the only way forward is schedule a new call for next week and start over

Terri Agnew:@Herb, we can dial out to you on the telephone, let me know if needed

George Kirikos:It's late in Europe.

Paul Tattersfield:ok I can stay on the call I didn't realise the call could be extended

George Kirikos:@PaulT: seems like it. So, pretend that I spoke this orally into the record?

Herb Waye Ombuds:If Mr. Kirikos is willing to have his document accepted as his submission then a written reply from the co-chairs by early next week seems reasonable. Then if another call is desired it can be set up to discuss.

George Kirikos:And that this document is the transcript of what I was going to say?

Paul Tattersfield:Good point on the Monday timeline

George Kirikos:But, let;s schedule that call now, for next week.

George Kirikos:And, if they want to abandon their opposition, then it can be cancelled.

George Kirikos:But, schedule it now, so we don't debate an open-ended timeline.

Paul Keating:Mary, to prevent the same thing from occurring, please set deadlines for written submissions remembering that one is due from each side (Co-Chair Response and George's reply)

Herb Waye Ombuds:I should be free from noon to 1 next Thursday

Paul Keating:Tuesday with a reply by George on Weds

George Kirikos:But, that gives them more time than I have.

Paul Tattersfield:Is that the end of the matter if you withdraw the poll?

George Kirikos:Tuesday isn't great, because that reduces my time.

George Kirikos:(waiting to respond.....)

Petter Rindforth:2 working days

Petter Rindforth:Friday + Tuesday (it is in fact Thursday evening already...)

Herb Waye Ombuds:That sounds fair

Philip Corwin:Good suggestion Mary.

Petter Rindforth:Herb, are you available this time next Thursday?

Herb Waye Ombuds:Yes

George Kirikos:Toronto

Philip Corwin:We are not preparing documents for a third party. The co-chairs and the appellant will either agree or disagree.

Paul Keating:George has the right of a reply. He should be able to submit a reply that addresses the issues raised in the Response from Co-Chairs

Philip Corwin:If we disagree and don't reach resolution then George can immediately seek a discussion with the GNSO Council Chair or her representative

Paul Keating:Phil that is the same position you were in when this call began. Please stop playing what I see are games

Philip Corwin:I am not playing games and I reject that accusation

Paul Keating:"If we disagree and don't reach resolution then George can immediately seek a discussion with the GNSO Council Chair or her representative" this is the same as what I said in the beginning

Paul Tattersfield:Would it be helpful to make it 2 weeks for the next call and give them 1 week each?

George Kirikos:Phil and Petter already wrote to GNSO Council.

George Kirikos:I'd like my document forwarded to GNSO Council too, in the event they take any action based on their December letter.

George Kirikos:Or, they can withdraw their December letter to the GNSO Council.

Philip Corwin:NO, let's get this done next week

Petter Rindforth:Yes, let's have this solved next week

Philip Corwin:We are not seeking any action from Council

George Kirikos:That's not what the letter said.

Philip Corwin:We have not received any guidance from Council

Paul Keating:Phil & Petter - will you agree to withdraw the letter?

George Kirikos:Here is their letter: <https://mm.icann.org/pipermail/council/2017-December/020781.html>

George Kirikos:December 21st.

George Kirikos:It's a one-sided document, in my view.

Paul Tattersfield:If the poll is withdrawn can the letter also be withdrawn?

George Kirikos:I don't want them to buy time, and then claim "GNSO Council has ruled in our favour".

George Kirikos:Advice should be balanced. If you seek advice, then our side should be heard on equal terms.

Paul Keating:Withdrawal without prejudice at all.

George Kirikos: Easy choices: withdraw, or allow the PDF I sent to be forwarded to them too, in response.

George Kirikos: Your letter to GNSO Council was *after* the appeal.

George Kirikos: Ok, if no objection, forward it to Council.

George Kirikos: Well, it stops the clock on that side.

George Kirikos: Right, either no action be taken, or immediately forward my document.

George Kirikos: *immediately

George Kirikos: "The letter is a request for guidance from the GNSO Council on the question as to whether, under the GNSO Working Group Guidelines, Working Group chairs have the authority and discretion to determine what mechanisms to use, to assist them in determining the appropriate level of consensus to be designated to each PDP recommendation under consideration in a Working Group."

Petter Rindforth: Yes, that's how I understand the Council's action

George Kirikos: +1 PaulK

George Kirikos: They might not be "seeking" something happening, but would be happy if they did.

George Kirikos: As well as hearing from our side, to counterbalance what was sent out to them.

George Kirikos: "Expect the unexpected"

George Kirikos: Notice the careful language.

Paul Keating: Mary I would like to hear from Herb here

George Kirikos: If they plan to consider the Dec 21 letter, they should hear from both sides. Rather simple.

George Kirikos: But, if they agree not to proceed, then there's no need to send them anything at this time.

Herb Waye Ombuds: It sounds like Mary can report to the group and that should satisfy that Council will not be interfering with this process

Philip Corwin: George has stated that I "would be happy" to have Council act before this stage of the appeal is concluded. Despite his belief that he can read my mind, that is a false statement.

Petter Rindforth: Mary - good proposal

Philip Corwin: I have to leave the call in 2 minutes

Mary Wong: Understood, Phil

George Kirikos: +1 PaulK. Be direct, no wiggle room.

Paul Tattersfield: from the letter "A few Working Group members objected to our proposal to use such a poll." actually 7 out of 12 active members excluding the co-chairs hardly objective

George Kirikos: +1 PaulT. Totally one-sided letter.

George Kirikos: Please post it to the Wiki, yes.

George Kirikos: Bye folks.

Herb Waye Ombuds: My pleasure

Paul Keating: Thank you Mary and Herb. I appreciated your assistance in moving this forward

Herb Waye Ombuds: All the best everyone

Paul Tattersfield: thanks all bye all