
STEPHEN DEERHAKE: That is the weirdest voice ever.

KIMBERLY CARLSON: You're all set now. Thank you.

STEPHEN DEERHAKE: Alright. Thank you, Kim. So good morning, good afternoon, good evening, and thank you for joining today's teleconference. It's the 25 April 2009 [sic] edition of the PDP working group on retirement of ccTLDs for the record.

Again, a big thank you for those of you living near the prime meridian as you're up late, and a hardy good morning to those who live on the anti-meridian. The meeting rotation has finally given you the sweet spot on this time.

It's tolerable for myself, Kimberly and Bernard, but we will be suffering through the next two calls. But I also think it's only fair to all of us that we rotate the meeting time, so we will continue to do that.

And as always, a big thank you to ICANN staff for their support in today's calls and all the work that they perform in the background between calls.

I'm assuming staff will be taking attendance in the usual manner, so if there's anyone on audio only – and I believe that's the case with Patricio – please identify yourselves so that you're properly recorded as being present.

Note: The following is the output resulting from transcribing an audio file into a word/text document. Although the transcription is largely accurate, in some cases may be incomplete or inaccurate due to inaudible passages and grammatical corrections. It is posted as an aid to the original audio file, but should not be treated as an authoritative record.

I do not have any administrative announcements, and I don't think staff do either. But I will defer to them to answer this question. So Bart, Bernard and Kimberly, is there anything along these lines with regards to administrative announcements that I'm not aware of?

BART BOSWINKEL: No.

BERNARD TURCOTTE: Not for me.

STEPHEN DEERHAKE: I'm hearing big nos. Lots of nos. Okay, great. So let's go then into the action items. As you saw from Bart's post to the e-mail list, Kim Davies did come back and pass along the background material that was subject at one of our last calls outstanding action items. By way of record, Kim could not be on today's call, so we won't be discussing what he's provided us. I do thank him for providing this material, and I really suggest that you take a look at it.

KIM DAVIES: I am on the call. [inaudible].

STEPHEN DEERHAKE: Oh, Kim is on the call. I'm sorry. Right, you're on the call for the first 30 minutes. I'm so sorry, sir.

KIM DAVIES: That being said, I have nothing really to say. Obviously, if there are any questions, I can answer them, but I suspect given it was only recently shared there's probably nothing folks want to discuss today. But I'm open for any questions or clarifying comments.

STEPHEN DEERHAKE: if we could go [out of band] if anybody has any questions or comments for Kim, shoot them at him now because he's got limited availability. I forgot you were going to be on for the first 30 minutes, sir.

Not seeing any hands and not hearing anybody, I think you're off the hook. Thank you, Kim, for providing that to us.

BART BOSWINKEL: Stephen, it's also included in the document I've shared around oversight and decisions. Maybe that's a more appropriate opportunity to discuss the document if Kim agrees and when he's available. So we got the document, and we got a place to discuss it in one of the next calls, so that's around the oversight and decision making. And this document [or say] what Kim shared clearly alludes to the oversight in decision making.

STEPHEN DEERHAKE: Agreed. But I just wanted to throw that out there since it was out there, he's here, and if anybody had a quick question or two. But I agree, we should formalize that discussion and push it forward to the next meeting. So I'm happy to do that. Thank you, Bart.

With regards to the second action item, it's going to be covered under section four. As he did on our last call, Bart pulled together and published on the Wiki a consolidated overview of the various posts to the mailing list which I personally find very helpful, so I thank you for that, Bart. And as you can also see from the agenda, we will be incorporating appropriate references to the RFC that defines the whole "must/should/shall" definition stuff into the next iteration of our documentation. Would like to have done it this time around, but there's only so much I can ask of ICANN staff between the teleconferences.

And as with regard to the fourth item, no comments were posted, but there have been some modest changes, and we will be revisiting that on today's call.

Lastly, the final agenda item, number five, will be discussed in section five, the document update section that's on the agenda as you can see in front of you. Bernard's been very busy wordsmithing, and I think as a result, we have a leaner and cleaner exposition of what we're striving for. And of course, we'll see how my prediction pans out during the course of the call.

I think that's it for me. Kimberly, if you could put up Bart's consolidated overview of the e-mail list discussion since the last call, that would be great. And Bart, if you're ready to do so, I will turn the floor over to you and have you summarize the discussion.

BART BOSWINKEL:

I think, Stephen, everybody has seen the e-mails, etc. It's more for reference. I think the issue raised by Allan, and if you can scroll down,

Kimberly, is in a way is incorporated in the new document. I think that the best way to discuss it is heading straight to the new document and let Bernie take it, and Allan and others respond and check whether it's been included in an acceptable way.

STEPHEN DEERHAKE:

Okay. Great. I'm happy to go that way. We have your work up for the record, which is good. Kimberly, if you can pull that down, and I think we want to go straight away to the core of today's call, which will be agenda item five. So Kimberly, if you could bring up the draft policy for the retirement of ccTLDs and go straight away to section 4.2, that would be great.

There we go. By way of introduction, for those of you who have not taken a look at 1.30 yet of this document, which is what we're looking at now, prior to section 4.2, I think we had a single change made, and that was the capitalization issue. So in the absence of objection from the group, I'm going to consider sections one through 4.1 as settled text. We can go and revisit that potentially, but I'd like to think that that's the case.

So let me now turn this over to Bernard. Bernard, you've been our diligent wordsmith throughout this process, and I thank you for that, particularly with your recent knee issue. So I'm going to turn the floor over to you and ask you to walk us through this latest draft beginning at 4.2, which hopefully mitigates the concerns that Allan has expressed, both on previous calls and on the mailing list. So Bernard, the floor is yours, sir.

BERNARD TURCOTTE: Thank you. We just lost it on the screen.

STEPHEN DEERHAKE: I did too as well. The audio is great though.

BERNARD TURCOTTE: We can't see the document but the audio is great. Yes.

STEPHEN DEERHAKE: There we go. Thank you, Kimberly.

BERNARD TURCOTTE: Alright. It keeps going away. While we're waiting for it to come, 4.2, after considering everything, Work Stream a bit of a mismatch because it was getting into the retirement agreement a little bit. So what we did is the second half of that section got deleted where we were talking about getting the retirement agreement done and what would happen, what kind of timeline for that.

So we've moved that down to the retirement agreement section, so we've tightened this up, section 4.2 now is just about the notice of retirement. And we added in line 58 towards the end of the line, you'll see that we added in in brackets "see following sections for the details" when we're talking about a retirement plan.

Now, we've still got mutually agreed to there in 59, and as Stephen has mentioned, we've made a couple of changes. This is just the first one. So under mutually agreed, we've now got a footnote, which clarifies that failure to reach a mutual agreement on a retirement plan as specified in the policy automatically implies that the ccTLD will be removed from the root five years from the date of the notice of retirement.

So we've tried to remove any ambiguity that might be associated with the notion of mutually agreed by putting in that footnote and saying it's not open for debate, it has to be mutually agreed, end of story.

But before getting into it too much, Alan, I would like to go through the other sections, because we touched on it again in some of these other sections. Would that be okay?

STEPHEN DEERHAKE: Allan, is that okay with you?

ALLAN MACGILLIVRAY: Yeah. I haven't seen this, so yes, Bernie, please roll through it. Thank you.

BERNARD TURCOTTE: Okay. Thank you.

STEPHEN DEERHAKE: Thank you.

BERNARD TURCOTTE: Alright, so let's move on to section 4.3. So that's the time span for a retirement. We had left some PTIs in there, and the first bullet that got fixed, and the second bullet that got fixed also, and then we move on to – if we could go down to the next page, please.

STEPHEN DEERHAKE: Thank you, Kim.

BERNARD TURCOTTE: Alright. Then we talk about – let me see where I'm at here. We're missing a few lines.

STEPHEN DEERHAKE: I have the redline version.

BERNARD TURCOTTE: Okay, we're good here. So ten years after. Extending – okay, what you will notice is that after line 66 is where we had the thing, if according to the IFO, the retirement of the ccTLD within the ten-year limit would propose a threat to the security and stability, we were supposed to either remove it or come up with some new text. I played with it for a while, looked at the logic, and decided that after consultation, that it made more sense to just remove it. So the special condition is just gone, and I think from what I remember of the last meeting we had, most people were okay with that. But since this is a non-negligible point, I'll

park it here for a sec and see if there are any people who have a problem with removing that clause.

STEPHEN DEERHAKE: Can we have discussion from those present?

BERNARD TURCOTTE: Doesn't look like there's any objection, so we'll take it as that's okay. Excellent.

STEPHEN DEERHAKE: I will take it down as a first read. Thank you.

BERNARD TURCOTTE: Alright. So now extending the removal of the ccTLD beyond five years, unfortunate page break here, but you'll see we've restructured this – thank you very much, Kim – so that we've tried to clarify it, and there's a new condition in there in the first section, which we hope goes to some of Allan's concerns. An extension to – this is all new text here, it has been significantly edited, so we're going to take the time to walk through it.

An extension to the five-year retirement period is possible, but is at the discretion of the IFO and shall not be unreasonably withheld. So it's not a question of whose decision it is. We're stating clearly it's the IFO's decision.

The reasonable requirements document that the IFO will have included with the notice of retirement will describe the factors it will consider when evaluating a request for an extension to the initial five-year period.

So in that part, we're doing two things. We're saying extension is at the discretion of the IFO, and the things it's going to look at to judge if there is going to be an extension if one is asked for will have been described in the document that's required to be attached with the notice of retirement.

Are we all good with that? [inaudible].

STEPHEN DEERHAKE: Looking like based on our participation, yes.

BERNARD TURCOTTE: Okay. This is just a first go at it. Of course, when [inaudible].

STEPHEN DEERHAKE: Absolutely, it's the first read. But yes.

BERNARD TURCOTTE: Yeah, so we can have another go at it another day, but so far so good.

STEPHEN DEERHAKE: This is solid text, so [I'm going to] thank you, and continue, sir.

BERNARD TURCOTTE:

Alright. Now, we get into if the manager is requesting – thank you, Barrack – if the manager wishes to request an extension to the initial five-year retirement period, it should do so in a retirement plan. The request for the extension should clearly state the length of the extension requested, a maximum of five additional- years, the reasons for requesting an extension, an impact analysis which supports the reasons for making the request.

The IFO should provide a definitive response to the manager. Within 60 days of such a request being received by the IFO, the response by the IFO if positive shall – and you’ll notice that, and I just want to point out we've gone through all these new sections with that RFC relative to “shall, should and will,” and so we've corrected here. So “shall” state the length of the extension which has been granted.

If the response is negative, the IFO shall include the specific reasoning for the refusal. There's a footnote. If the request for an extension is rejected and the ccTLD manager feels the rejection is inconsistent with the rules, it can appeal the decision via ICANN’s IRP process.

Now, just to be clear, we've said there would be an appeal process. this is probably one of the most key elements, and we thought it just needed to be stated at this point.

And finally, the last part here, 84-85, is pretty much the same as it was before, a retiring plan that is mutually agreed between the manager of the retiring ccTLD and the IFO can specify any date for the removal of the ccTLD. And we’re not going to change pages, because that text is

just a copy of what was there before, and we'll take points of discussion on this new text that I've just finished reading.

So, questions, comments, thoughts? Okay.

STEPHEN DEERHAKE: Not seeing nay, carry on, Bernard.

ALLAN MACGILLIVRAY: [Figured out how to raise my hand.]

BERNARD TURCOTTE: Okay.

STEPHEN DEERHAKE: Wait, Allan has raised his hand.

BERNARD TURCOTTE: Allan has raised his hand.

ALLAN MACGILLIVRAY: Oh my god. I hope everyone can hear me. Bernie, thank you. I think you've really tried to understand what was bugging me, and I haven't seen the text before, so I just wanted to say thank you, I think you've understood where I am. Right now, I just have two questions. One is the use of the word "should" in line 75 versus the word "shall."

BERNARD TURCOTTE: I probably got that one wrong, so I'll take a note that I have to fix that. Done.

ALLAN MACGILLIVRAY: Yeah, so look at that. I don't know if we will see later, but since I'm talking, I'll just raise a question. Maybe it'll come up later. Is the linkage between the extension of the five years and the elements of the retirement plan communication with registrants, etc., the linkage that if you ask for more time, those elements become obligatory, whereas within the five years, they're kind of best practice voluntary. So I just want to put that out on the table here. Maybe it's covered off later, but okay.

BERNARD TURCOTTE: It's not covered. Well, it is and it isn't. Let me clarify. There is no requirement if it's just the standard five years. It's exactly as you say, we suggest that there be a retirement plan, but there is no need. As we get into the retirement plan, which is the next section, we'll see that there are requirements for a retirement plan, so both on timing and content. So yes, that is covered, I think.

ALLAN MACGILLIVRAY: Alright, so I got ahead of myself. Thank you, Bernie. I'll shut up now.

STEPHEN DEERHAKE: You don't need to shut up, Allan. Thank you.

BERNARD TURCOTTE: Yeah, that's what I was going to say. Alright. Good. Anything else?

STEPHEN DEERHAKE: I see nobody else, so I will give the floor back to you, sir. Carry on.

BERNARD TURCOTTE: Alright. Thank you. Next page, please, ma'am. And we should note that our valiant Kimberly is doing this from her hotel room in Washington DC on a very small screen, and she deserves all the kudos from everyone to making this work pretty damn well.

STEPHEN DEERHAKE: She certainly does. I just found that out myself and I'm sitting back in my chair, squeaking it and just going, "Wow, how can she be doing this?" So thank you.

BERNARD TURCOTTE: Just to cover off 84 to 89, we are talking about the text that was essentially the same, but I'll read it just to make sure everyone's comfortable. A retirement plan from the [inaudible] years from the IFO, send the notice of retirement to the manager. for further clarity, this includes periods of less than five years from the time the IFO has sent the notice of retirement to the manager of the retiring ccTLD.

So we're just making abundantly clear that you can retire it in a shorter period if you want to. This was noted at the beginning paragraph of section 4.3, and we're just hammering it in again just to make sure that there is no doubt. But as I say, this has not really changed.

Alright. Any questions before we move on to retirement plan?

STEPHEN DEERHAKE: Not seeing any questions from those who are there.

BERNARD TURCOTTE: Alright. Okay. Thank you.

STEPHEN DEERHAKE: Okay, yes. I think we're good. Carry on, sir.

BERNARD TURCOTTE: Excellent. 4.4, retirement plan. So as we said, we've reworked section 4.4 slightly. You'll remember this first paragraph, 91 to 96, used to be up in 4.2 and we brought it back down to 4.4, because it's a retirement plan thing. So the wording's been slightly readjusted just to make sure it fits into this section properly, so we'll read through it.

In conjunction with the notice of retirement, the IFO will inform the manager that it is expected but not mandatory to produce a mutually agreeable retirement plan for the ccTLD. The IFO should include with the notice of retirement a document describing the reasonable requirements it expects about retirement plan and that the IFO will

make itself available to the manager to assist in the development of such a plan, should the manager request it.

So essentially the same words with minor edits just to make sure it fits in there and introduces the notion of a retirement plan, and I think it sort of fits in much nicer in this section.

STEPHEN DEERHAKE:

Can I ask the group, any questions, concerns about this realignment? Not seeing any, I will assume [that's been now accepted,] so Bernard, carry on. Thank you, sir.

BERNARD TURCOTTE:

Okay. A retirement plan could typically include commitments to the following. These bullets haven't changed since the changes that were made in the last meeting. Now, just to make sure we got it right, we'll walk through them. I don't think they're very long, and see if there are any further questions.

First bullet, date the ccTLD manager is expected to stop taking registrations that exceed the date of removal from the root zone. 100. Date the ccTLD manager is expected to stop accepting the renewal of existing registrations that exceed the date of removal from the root zone. 102, date the ccTLD manager is expected to stop accepting the transfer of registrations that exceed the date of removal from the root zone. Anything? I think those were the changes that were agreed to on the last call, and we've made those. Alright, next page, please, Kimberly. Thank you.

104, date the ccTLD is expected to be removed from the root zone. 105, details of the communications plan to advise the registrants of retirement of the ccTLD. Some minor grammar there, we'll fix that on rereading.

STEPHEN DEERHAKE: Yeah. No problem.

BERNARD TURCOTTE: Alright, I note in the chat we've got a bit of a discussion on the obligation of this versus this being optional. Stephen, I'll turn it over to you.

STEPHEN DEERHAKE: Yeah. I'm just now looking at the chat. [inaudible].

BERNARD TURCOTTE: We had this discussion in Kobe about could, should, shall. Technically, this is what it was about. Some people felt it shouldn't be overly constraining, and I think we ended up saying, okay, we're going to try it with "could." I remember some quite detailed language on that, and I think we're getting back into that discussion. I see Allan's hand is up.

STEPHEN DEERHAKE: I do as well. Let's flag this particular part of the text, because we need to go through that. And I will now give Allan the floor so he can express himself. Thank you. Go ahead, Allan.

ALLAN MACGILLIVRAY: No, I'm just going to flag the use of the word "could" in line 97. I talked about this before. In my view, these elements are mandatory where a time extension is granted. If there's no time extension, they are just suggestions. So I don't know if we're going to get into that later, or do we get into it now? Thanks.

STEPHEN DEERHAKE: Thank you, Allan. [inaudible] want to back up to 97? Or [inaudible] question.

BERNARD TURCOTTE: I think I had a bit of a flash when Allan was talking, and I think he's quite correct on this one, is we're failing to make the difference between a mandatory retirement plan and an optional retirement plan when there's no time extension required. And I think that makes all the difference. And I need to rewrite that. I don't think it's a hard fix, but I think that we could make that difference, and I think that might address some of the concerns from people that if you're actually asking for something, then there are hard requirements, and if you're just being nice, then maybe they are slightly more optional.

STEPHEN DEERHAKE: They're softer requirements is the way I'd describe it.

BERNARD TURCOTTE: Yeah.

STEPHEN DEERHAKE: [inaudible]. Thank you, Allan. That's great. I think we got closure on that with Allan. I think that's wonderful. [inaudible] I don't quite understand your last remark. "What happens [if] those commitments are not included?]

BERNARD TURCOTTE: Stephen, if I can take a shot at that.

STEPHEN DEERHAKE: Yeah. Go ahead, sir.

BERNARD TURCOTTE: Okay. The notion is that if it's a five-year and no one' asking for anything, technically, we cannot ask anything of the ccTLD manager. So basic ground rules are, the way we've laid them out, that if the ccTLD manager is advised it's going to be five years, doesn't ask for an extension, doesn't need to do anything, there is nothing done, and there are no other documents.

Now, a responsible ccTLD manager, even if he's not asking for an extension, as we put it in this document, we're saying it's suggested that you produce a retirement plan anyways. So if that ccTLD manager doesn't include all the parts, it's still better than nothing, which is what

we're saying is the responsibility of the ccTLD manager if he's not asking for an extension.

So I think if we follow Allan's lead here and say we clearly differentiate between a retirement plan that is required for an extension and one that is not, we're still way ahead of the game on both counts. I don't know if that helped.

STEPHEN DEERHAKE:

Okay. I'll reserve my judgment on that [and it's] my role as chair, but I hope that does help. [inaudible]. Okay. Yeah. Sleeping dogs and children and wives. I can understand that. Going back to the list for a moment, if you will indulge me, Bernard, I see a comment from Barrack which I don't quite – where did it go now? "Are we really in a position to make obligatory statements? My understanding is we are providing guidance."

I'm not quite sure, Barrack, what that means. If you can actually – I'm new to Zoom as well. Barrack is there. Looks like he's got audio. Barrack, if you could come on and weigh in on that, that would be great. If you just want to post to the list, we'll get back to you on that, because I do not understand it as it's currently stated.

BARRACK OTIENO:

I think my question has been addressed in the last comment, so we can actually proceed. I was just looking at the consistent use of "should" and "shall" as has been asked.

STEPHEN DEERHAKE: Yes. We're working on that. Thank you, sir. Good to hear from you. Bernard, I'm going to turn it back over to you, and you can carry on.

BERNARD TURCOTTE: Alright. Thank you. And for Nenad, yes, I understand. This is actually what we're saying. We're saying that those things – when we rewrite it or when I rewrite it this week or next week, it will become obligatory if you ask for an extension and it will not be if you don't. I think you don't agree with that, and we can have a discussion about that when we see the rewritten text in a couple of weeks. Thank you. Next page, please, Kimberly.

Alright, so we're at line 107. Let's have a look at some of the changes we did there. Minor editing versus what was there originally, and so basically just states if the ccTLD manager wishes to produce a mutually agreeable retirement plan, it must be produced within 12 months of the IFO having sent the notice of retirement to the manager of the retiring ccTLD. If the IFO at its discretion – again, very clear – can extend the 12-month limit to a maximum of 24 months total. If the IFO grants such an extension, it shall promptly notify the manager of this.

So again, I don't think we had too many issues with that last time, minor modifications beginning to make it more readable.

112, if the manager of the retiring ccTLD and the IFO cannot agree on a retirement plan within 12 months or up to a maximum of 24 months if the IFO has granted an extension, of the IFO having sent the notice of retirement to the manager of the retiring ccTLD, then the IFO shall advise the manager of the retiring ccTLD that the ccTLD will be removed

from the root five years from the IFO having sent the notice of retirement to the manager of the retiring ccTLD.

Now, I will point out that Patricio in an e-mail to the list just before the call started noted an inconsistency of using the language “the ccTLD will be removed from the root five years from the IFO having sent the notice of retirement,” because earlier in the document, we say that this policy will cover everything except the removal from the root. So we’re going to have to clear that up, and once we got it cleared up, we may have to fix the language. Patricio has kindly provided some alternate text to tweak that so that we can use similar language but without going to actually removing, but saying is ready to be removed or something like that. So we’ll definitely be having a look at that and I want to thank Patricio for taking the time and picking up on that.

STEPHEN DEERHAKE: Bernard, if I may step in just for a moment, I also want to commend Patricio for pointing that out, and I want to commend the non-native English speakers on this working group for finding holes in things that us native speakers should have found. And I thank you guys for that. It’s like wow, that’s all I can say on that. Bernard, carry on.

BERNARD TURCOTTE: Oh my. I've just had a power failure.

STEPHEN DEERHAKE: Are you literally in the dark, or is your laptop still working?

BERNARD TURCOTTE: My main laptop is working. Can you hear me?

STEPHEN DEERHAKE: Yes, we can. So you must be onboard somewhere somehow.

BERNARD TURCOTTE: Oh my. Okay.

STEPHEN DEERHAKE: I've got a raised hand from Allan, so he can probably explain your power failure to you. Carry on, Allan. The floor is yours, sir. Allan might be having a power failure, because I don't hear him.

ALLAN MACGILLIVRAY: I'm in Halifax, and the lights are on in Halifax, Bernie. I don't know how they are in Quebec City. So Bernie, could you do me a favor? And I think hopefully the group. I'm looking at this debatable phrase, mutually agreeable. I'm looking at it in 107, and I note that in 112, it's not attached to a retirement plan. You just used the term retirement plan in 107, you say mutually agreeable retirement plan.

I would feel more comfortable if you went through the document and took out those two words, and then only where you say yes, they're adding value to the clarity of the text they should be continued, because I still find them introducing ambiguity, and I don't understand the value you're trying to introduce with them. So can you just go through

everywhere in the document and change the onus and say if I took them out, what am I losing by taking [inaudible] root zone?

BERNARD TURCOTTE: I'll have a look at that. Yes, I will.

ALLAN MACGILLIVRAY: Okay. Thank you.

STEPHEN DEERHAKE: Thank you, Allan. Anybody else? Allan, can you lower your hand, sir? Nobody else in the queue. Bernard, continue, sir.

BERNARD TURCOTTE: Alright. And that's the bulk of the big changes. The remaining changes were really cleanup on 4.5, exception conditions. It wasn't a retirement plan. Some grammar things. The meaning has not changed in four or five, it was just editorial cleanup. I don't know if there are any questions, but you can see it in the redline document and it's very clear.

STEPHEN DEERHAKE: I'm not seeing that. I think we'll run this all through a second read next time around [it will be done.] And I think – anything else you wish to discuss, Bernard? Because I think this is pretty much no other changes.

BERNARD TURCOTTE: Yeah, I think we're good. I've noted the major change we're going to try to do in section 4.4 of the required retirement plan versus the nonrequired, so I'll be working that wording. And I've taken Allan's point of walking through it and seeing if we want to keep them mutually agreed. That's it from me.

STEPHEN DEERHAKE: Alright. Thank you, sir. Thank you, Bernard. Great. Then I think we can now turn our attention – thank you very much for that, Bernard.

BERNARD TURCOTTE: Pleasure.

STEPHEN DEERHAKE: Turn our attention over to the oversight document that Bart's been working on and we didn't quite get to last time around. So Kimberly, if you can display that for us, that would be great. See how the magic of Zoom works here from an iPhone in a hotel room. Bingo. Thank you. Wow, you are a miracle worker. Thank you, Kimberly. So Bart, are you there? Can you introduce –

BART BOSWINKEL: Yeah, I'll just run you through it. So if you go back two meetings ago, we introduced the mind map and the summary of the discussions in Kobe. So what I've been doing is adding some material to the oversight and decision, again, to stimulate discussion of the group in order to

converge to an understanding. So don't think of this as anything new, with a few exceptions. I'll run you through it.

So lines two to 13, similar to what was discussed two meetings ago. The only thing I've done is if you recall, the description of oversight, of what it means, etc., I've added it here, and these are just – I looked them up on Wikipedia and some other – it gives you a basic description of what is considered oversight in general, what it means. So that's up for debate, so again, based on your – what happened in Kobe. Next page, please, Kim.

Now, what I've also done and that's a new addition is based on the process as has been identified, I've listed and enumerated a set of decisions, some I've called declaration or decree to show it's one-sided, or it's more a statement that a certain point has been reached, and the other one is a decision for example whether a retirement meets the requirements. It's more a notice.

But in principle, these are all decisions, and if you scroll down again, Kim, what I've added – and this is, again, to structure the discussion around decisions and oversight, and this is for the group, the first step after [listing these,] is this list of decisions, is this complete and/or should some of them be deleted? And that's probably homework for you and for the group. And then the question is, who should take these decisions? Who takes the decisions? And if for example the IFO takes the decision, is there any oversight, or if another entity takes a decision, is there any oversight? And if so, by whom?

And then the basic question is, should it be subject to review? And again, it's a yes or no, and this way, I think, say, based on the process that you've developed and the decisions that are taken in the process, you get a very neat overview of by whom the decision is taken, is there any oversight by an entity, and is it subject to review and/or the oversight decision? Can you scroll down, please?

So what has already been identified by the group, say the board is an oversight entity in case the IFO takes a decision. A few observations, you may agree or disagree with them, but I thought it would be handy to record them. Can you scroll down?

One of these observations is for example line 45-46, it relates to what Kim has shared with the group. Yes, again, the role of the – a little bit about the ICANN board, again, this is from your work in Kobe, and [added] historical references on their role in the past. Scroll down, please.

This is similar to the version of two meetings ago which captured your discussion. And scroll down, please. And this is more the background material to around the oversight and decision making. Included is a note from Kim which is circulated to the group, and if you would scroll down – but you don't have to – you'll see the historic cases and the decisions taken in the historic cases just as an anecdotal case studies.

And that's similar to the note you've been using in preparation of the Kobe discussion, and that was included in the previous version. So this is an overview of what exactly you can see there's a reference to [ICP1.]

Please note that ICP1 is deprecated following the FOI. That's about it.
Back to you, Stephen.

STEPHEN DEERHAKE: Thank you, sir. Appreciate that. I'm glad we got that squared away, and I know there's some [rankle] whenever ICP1 is mentioned. Just keep in mind it's completely deprecated and no longer considered valid ICANN policy. So there are no [inaudible] there. Thank you, Bart. Let's regroup and let's see how things go. Kimberly, I think if you can put up the agenda, that would be great so we can work our way out of this meeting, because I think we're getting towards the top of the hour.

BART BOSWINKEL: Stephen [inaudible] – Kim, before you do that, can you scroll up? Or leave it as it is, doesn't matter. If you at least as a group – and I'll include it in the notes or as an action item for the group – could you at least have a look at the table and check whether the list of decisions matches your understanding of the processes and the decision and start filling in the different fields?

STEPHEN DEERHAKE: Yeah.

BART BOSWINKEL: Because I think if you do so, it makes the discussions around oversight and decision-making a lot easier, and I think we can insert these

decisions and whether they're subject to overview already in, say, the work Bernie's been doing. We just add this as separate lines.

STEPHEN DEERHAKE: Bart, I think that's a brilliant idea. Can this be filled in online? How do we actually do that? I revert back to you, sir.

BART BOSWINKEL: Different ways. I can say we turn this into a Google doc, the table, so everybody can fit it in. Maybe that's the easiest way. And I'll share it with you. Or you can send it directly to me. I see Allan's hand is up.

STEPHEN DEERHAKE: Allan, go for it, sir. Floor is yours.

ALLAN MACGILLIVRAY: Thank you, gentlemen, and ladies. Sorry I've been monopolizing things tonight. Bart, I think it's implicit in your table, but maybe it would be worthwhile to make it explicit, do you not mean by oversight actions that occur a decision is made, and what those romans gave us that phrase, ex ante, whereas review, it would be an ex post action. Is that the separation that you're intending? And if so, I think it would be useful to make that clear in the document. In other words, some of us might say that kind of decision making should – there's no need for some kind of process [inaudible] like on delegations before a decision is made, but there may be need for some mechanism to review the decision after it's made. Thanks.

BART BOSWINKEL: Thank you, Allan. I'll clarify. I think I see it the other way around, is one is the oversight is more of – it's not a kind of [appeal] mechanism, it is just almost an internal check, and this fits more with the role of the board, that is, say, promote [it or there is the] ICANN board [which it currently have] in cases of delegations, transfers, etc., and retirements.

So it's more a due diligence check that is performed, and then still, you've got the independent review of the decision making and oversight role. That's the way I see it, but let me make it more explicit and then circulate it. So I'll extract the table and try to add some definition around it.

ALLAN MACGILLIVRAY: Thank you, Bart.

STEPHEN DEERHAKE: Thank you, both of you. Thank you, Allan. Thank you, Bart. Do we have any other further comments on that? And I'm not seeing any, so let us go for the rest of the agenda, which is at this point AOB. I don't have Any Other Business. Does anybody else? Do we have any other takers? Not seeing any.

Alright. I think we can move on to our next meetings. As you can see on the agenda, it's displayed, we've got one on the 9th of May at 05:00 UTC, which is going to be awful for Europe, and really awful for myself and Bernard and Kimberly. And then we have one on 23rd of May on

the 11th [sic] UTC, so that's a more reasonable time. And the last one is of course on the 6th of June 17:00.

Barring that, anything else? I think that's it. I'm in training for calls at weird hours. I was on one last night from 1:00 to 2:00 AM involving APTLD.

So I think that's it, so I'll adjourn this call. I want to thank you all for participating. Kudos for Kimberly for running this off of, it sounds like a phone, basically, in a hotel room. So kudos for her on that.

Please exchange on the mailing list, and look forward to our next call, which will be on the 9th of May at 05:00 UTC. It's going to be hard for those of you living in the meridian. But I hope you can get up early for it, and thank you and good bye. Thank you, staff, as well. Appreciate it.

Kimberly, we're calling this [to a halt.] We're done. Thank you very much. Have a great evening, morning, afternoon, etc. Thanks, guys. Bye.

[END OF TRANSCRIPTION]