
CHERYL LANGDON-ORR: [inaudible]. Terrific. Okay.

PAMELA SMITH: Sorry about that.

CHERYL LANGDON-ORR: I was going to say [inaudible].

PAMELA SMITH: I needed to unmute myself. Imagine that. Thank you, and hello, everyone. This is Pamela Smith speaking. Welcome to the ATRT3 Plenary Call #11 on the 8th of May, 2019, at 11:00 UTC.

Attending the call today are Cheryl, Daniel ... I'm sorry. Let me go down my proper list. Cheryl, Daniel, David McAuley, Herb, Osvaldo, Pat, Sebastien, Vanda, and Wolfgang, with observers Sophie and Herb. From ICANN.org are Negar Farzinnia, Jennifer Bryce, Allison [Mankin], Pamela Smith, and Yvette Guigneaux.

Today's call is being recorded, so – oh, I'm sorry. My apologies are Jaap Akkerhuis, Jacques Blanc, KC Claffy, Liu Yue, Maarten Botterman, Ramet Khalili Nasr, and Brenda Brewer.

With that, I will turn the call over to the Chairs, Cheryl and Pat. Thank you.

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.

CHERYL LANGDON-ORR: Thanks, Pam. If we could add Geoff Huston to the apologies list. He met with me earlier this week while we were in Cambridge together, and he did indicate he wouldn't be available for this call.

PAMELA SMITH: Yes, ma'am.

CHERYL LANGDON-ORR: So he at least told me if he didn't tell you. One of the things we need to do before we hear about the independent review process is see if there's any statements of interest that need to be updated, so I'll take us through that bit of administrivia. I notice Demi has arrived as well, so, welcome, Demi. If you've got a statement of interest adjustment, then let us know by typing it in chat. And as ever, we work under continuous disclosure for statements of interest. If you were to have any difficulty updating your existing statement of interest, staff will be happy to help you.

With that, David, have you sent through slides? If so, we might as well get ready to have those loaded up. We'll come back to our other agenda after we do the ICANN IRP presentation.

Pat, did you want to do an introduction with David? Or is he just good to go?

PAT KANE: Thank you, Cheryl. David McAuley started off as working on the IRP review when Becky Burr was the Chair of the working group. When

Becky became a member of the ICANN Board, she stepped down and David stepped in behind to finish the work. So David has been working on this for some time. I think it's been something he's been very interested in. I think it's also been something that's been a thorn in his side a little bit, if I may say that, David. He's a member of my team, on the policy team here at Verisign.

David, I'd like you to go ahead and present your slides. Thank you.

PAMELA SMITH: David, we can't hear you. I think you need to unmute.

UNIDENTIFIED MALE: [inaudible]

DAVID MCAULEY: Can you hear me now?

[PAT KANE]: There we go. Thank you, David.

DAVE MCAULEY: I'm sorry. I'm struggling with Zoom a little bit and I was unmuted on my phone. But I didn't realize it was muted in Zoom. I apologize for the delay, but I would like to say good morning, everybody. I'm prepared to give a high-level overview of the independent review process, which is an accountability measure under the ICANN bylaws. We'll launch into

my slides in just a minute. I would like to make some introductory remarks first.

As you saw on the agenda, and as Pat mentioned, I'm the Chair of the IRP Implementation Oversight Team, taking over, as Pat said, when Becky Burr became a member of the Board. Despite that, I want to underscore that I'm speaking today in my personal capacity. I haven't had an opportunity to pass these slides by or my presentation by the IOT, so that's why I just wanted to underscore that I'm speaking in my personal capacity.

Let me then go on to say that there are other resources. I'm one insight into the IOT. There are other resources within the community that have insights on the IRP, including staff and Board, other members of the Implementation Oversight Team. And of course, the ultimate authority for IRP information are the bylaws. The bylaws for IRP appear at Section 4.3. In the event of an IRP dealing with the Empowered Community, you would find those particular rules in Annex D to the bylaws in Section 4.2 That's the authoritative source. These bylaws are complex, and there's a lot of nuance in them.

This will be a high-level presentation, so I just want to remind you that this will give you an indication of what the IRP does, but for specific questions, you would want to go to the bylaws and check them out specifically.

Having said that, let's launch into the slides. If I could have the next slide, please.

Thank you. IRP has appeared in the ICANN bylaw for quite some time now. In the current bylaws, it sits atop of the accountability mechanisms, as I see them. You have the Ombudsperson's Office, which is in Article 5 of the bylaws. Article 4 really has the two other critical accountability functions that you'll be looking at. Section 4.2 gets into reconsideration requests and Section 4.3 gets into the IRP.

The IRP has been there since late in 2002. Before that, there was simply a reference to an advisory committee on independent review, showing, I think, that this whole concept of an independent review panel has evolved over time. And it evolved significantly in 2016 as the IANA transition and the process that lead to the transition reached its culmination in late 2016.

The CCWG on Accountability, that I was a member of, and in which the Implementation Oversight Team actually started as the CCWG legal team, issued their thoughts on IRP and what needs to change in Annex 7. When I'm done speaking, I'll put a link in to Annex 7 in the chat that would give you a chance, if you wish, to go back and see the thinking of the CCWG on Accountability as to what differences would be important in an IRP.

Basically, the new IRP that came up in late 2016 focused on things that were not existing in IRP before that, and that is the ability for an IRP panel to issue a binding decision that is enforceable in a court with jurisdiction. And they had a revised standard of review. I'll get to that in just a second. As I mentioned, the current IRP was the culmination, in IRP terms, of the IANA transition.

Next slide, please. Before the IANA transition, the highlights of an IRP were that a panel could review Board decisions or actions. Now, you'll see that there's a distinction when we get to the current IRP. This is simply reviewing Board decisions and actions that were claimed to be inconsistent with the articles of incorporation or the bylaws.

The pre-transition bylaws had a more narrow standard of review. Basically, the standard of review beforehand was, did the Board have sufficient information before it? Did they act without conflict of interest? Those kinds of things. The pre-IANA transition IRP panel could simply recommend the action to ICANN, and they could recommend interim actions to stay the decision, pending the panel's ruling.

All the Board had to do was to consider the ruling of the IRT. In other words, the panel would go [through] the dispute issue with [inaudible] a decision, and then the Board would take that decision and think about it and consider it and then decide upon what action they wanted to take. So the Board was the ultimate authority.

Next slide, please. Post-IANA transition, things have changed. Now, instead of just reviewing Board decisions and Board actions, there is the opportunity for a panel to review actions and inactions (a failure to act) by the Board, by individual directors, by officers of the corporation, and also by staff members that are claimed to be inconsistent with the articles and bylaws.

Two additional subjects within the scope of IRP have been added. One is failure to enforce the IANA contract. That, of course – the IANA contract

... Provisions came up as part of the transition. Those important differences ... Three, claims regarding PTI service complaints.

Excluded from the IRP scope or the IRT remit right now are claims dealing with certain Empowered Community claims relating to PDPs. What's that getting at is an IRP can review an Empowered Community claim, including Empowered Community claims that deal with the results of PDP. But in the latter case, they can only do that if the supporting organization or organizations that issued the PDP support the Empowered Community in bringing an IRP action. As you can imagine, that would be a rare circumstance, but I guess it's possible.

Also excluded are delegations and redelegations of country-code top-level domains and claims regarding numbering resources and protocol parameters. The IRP has no authority to look at those issues.

There's a boarder de novo standard of review than the prior IRP, which was really looking at the process through which the Board came to its decision. Now the whole substantive decision is open to a de novo review. The IRP panel is not bound by the results of the Ombudsperson's Office. They're not bound by the results of the reconsideration requests. It's a completely new review.

The panel now, under the new bylaws, has the authority to declare whether the action or inaction of the Board/officer/staff/whoever it is violates the articles or bylaws. So they're not now giving an opinion. They're giving a declaration that this does or does not violate those articles or bylaws. They have broad interim relief authority. They can

rule, for instance, that a decision should be stayed, pending the result of the IRP panel.

Now, the panel decisions are final, they're binding, and they're enforceable in court, as I said before. There is an appeal mechanism within the new bylaw. What we have is a standing panel of at least seven members. We don't have it now, but we will have it at some point: a standing panel of at least seven IRP panelists. For any one dispute, three of those will be chosen to hear the dispute. Those three will issue their decision, but there is a right of appeal to the full standing panel.

Next slide, please. Having seen those differences between the pre-transition IRP and the post-transition IRP, now let me speak just generally about what IRP is. It is a form of arbitration. It's intended to be an alternative to litigation. It's intended to be less costly and more timely. There's a target within the current bylaw of finishing an IRP within six months. It's not a hard target. It is basically, if you will, a guideline. That's my spin on it. It's a guideline, but it sets a standard. IRP don't tend to come in within six months, but there is a standard to get on with the business and do it quickly and at less cost. That doesn't mean it's not costly. It means it's less costly than it would be if you went to litigation. At least that is the hope.

Claimants can be any natural or legal person, group, or entity, and it includes the Empowered Community. It includes – these are specifically stated in the bylaws – supporting organizations and advisory committees. But it's any legal, person, group or entity. So, if a

stakeholder group incorporated, it would become a legal entity, and then they would be able to be a claimant.

An IRP panelist, as I mentioned before – three members selected from the standing panel. I mentioned the new de novo review standard and the appeals. Finally, on this slide, I'll say that this is intended to create precedent. The bylaws call out there should be a body of precedent developed over time, and that's reaching back to prior IRPs as well. So that's good for the community, that it will develop a body of precedent that it can rely. And it can guide IRP panels accordingly going into the future.

Next slide, please. We mentioned at the outset the IRP Implementation Oversight Team that I lead. That is a team that's set up and is recognized in the current bylaws. We have important work to do. I'll just mentioned some of the highlights that face the group.

We have to finish the supplementary rules of procedure. These are rules that apply to IRPs specifically. We've issued interim rules, but there are two or three rules that were not quite finished. We need to get that done. We have to develop rules of a cooperative engagement process, which is a process that encourages ICANN and the claimant to resolve their dispute through discussions. There is no requirement that parties do it, but if a party had an opportunity to do it and lost at IRP, they might be responsible for the party's costs.

We have to, as the IOT, recommend training for the standing panel. There's certain training that they will get. We have to develop a recall process for members of the standing panel if they should do something

that would be violative of their independence requirements. We have to consider designing specialized rules for PTI service complaints if the need arises. We have to develop procedures that would take place if ICANN does not respond to an IRP. We have to come up with rules governing appeals. Finally, there are certain independence requirements that apply to members of the standing panel under the bylaws. We have to decide whether those are adequate or we need more. These are things like conflict of interest, etc. Maybe a bar on employment at ICANN following the term of service as an IRP panelist. That kind of thing.

This roughly then is an overview of the IRP under the current bylaws with a little bit of history thrown in to show how it's evolving over time. As I said, I will put in a link in just a moment or two. I will put in the chat a link to Annex 7, which was the CCWG's report on the IRP and their recommendations. I will be happy to take questions. I've not been reading chat, so I'm afraid I can't respond immediately to questions. But I can certainly take a look at the chat.

Let me turn it back to Cheryl.

CHERYL LANGDON-ORR:

Thank you, David. As ever, I always enjoy your presentations, and I'm yet to go through one on this topic where I don't learn something new. I appreciate the work that the Implementation Oversight Team has been doing on all of this even more.

We did have one question. It was put into chat early on, and we've got another one since then. The first one was from Wolfgang. He asked, "Has there been any cases before the panel?"

DAVID MCAULEY:

Thank you for the question and thank you, Cheryl, for the kind comment. Let me say two things in this respect. I am aware that there's one case. Afilius has filed an IRP. But I'm not up to speed on the particulars of that case for a number of reasons. Let me also say that, even though I am the head of the IOT team, I do not follow the IRP practice. I probably will do so once the IOT team completes its work.

I have two thoughts in mind. One is we want to proceed according to the bylaws and avoid the to-and-fro of any one particular case. And we have our hands full in doing that. So I don't keep up personally with the cases that are filed or when they've been filed, but there is a page – I don't have a link to this now, but I can certainly send it to the Chairs after the call – on the ICANN site that lists all of the IRPs that are pending – in fact, it has archival listing of IRPs – and all of the documents that are filed in the IRPs. So you can really go to town and see what happens in an IRP.

Not fully responsive, but that's probably the best I can do with that one.

CHERYL LANGDON-ORR:

Thanks for that, Dave. And, yes, we'd appreciate that link. That would be great. Staff can then promulgate it and ensure that it's part of our references as well.

There's a question in – well, two questions, in fact, from Daniel that have come in. The first one is, "How much implementation has been done in reference to the IRP implementation?" I'll give you the second part or the related question from Daniel as well, which is, "Has specific criteria been developed in reference to the IRP implementation "to do"? So you might want to manage those together. Thanks. David [inaudible]

DAVID MCAULEY:

Thank you, Cheryl, and thank you, Daniel. The implementation that's been done in reference to the IRP boils down to the issuance of the interim rules of procedure. That has taken us quite some time, and they have been the subject of a great deal of discussion. As you can imagine, they are not necessarily the easiest things to get done because there are different points of view.

Rules of procedure basically are, in some respects, are very important as to how decisions will be made in the IRP. The ultimate goal in having rules of procedure is that they are fair and that they are comprehensive. In doing that, the discussions have been intense and they have been involved. So, as I mentioned in our list of things to do, we have to finish those rules. It is my expectation – this is a personal expectation – that the rules of procedure will be the one item that will have taken most of our time when we finish with what we have to do. Following that, we will get to the list that I mentioned.

In the background, there is something that is happening on implementation that the IOT team itself is not involved in under the bylaws, and that is the formation of a standing panel. That is starting to

move forward. That is something between ICANN and the SOs and the ACs. As you can imagine, everybody has their hands full, but they have to come together and organize and start to pick, choose, and vet a standing panel. That process is starting. We in the Implementation Oversight Team are all members of various SOs and ACs, and we've been in touch with our SOs and ACs to help set the table for doing this work. I know that Goran has put out a blog post asking questions in this respect, and I know, behind the scenes, there are steps being taken to get this work underway. This will be quite important and quite involved and somewhat complex, and then it will involve, as you can imagine, the interview process that you would go through when you hire someone for a quite important position. So those things are underway in the background. You'll see more of it, I think, appearing online and calls for action/participation. That kind of thing. That's basically what I can say to that.

The criteria that Daniel asked about, the criteria of the work that we have to do, is basically the things that I listed. They're in the bylaws. We basically have to look to the bylaw, see what [we're] asked to do. It will have certain criteria that we have to follow, and we should execute on that. A good example would be independence requirements for panelists. It gives us some information and tells us how to move forward. Thanks.

CHERYL LANGDON-ORR:

Thanks, David. I'm not noting any additional questions, but I'm happy to take any from the floor at this stage. Anything for David on this while we

have him, remembering we may reach out to him at a future point in time?

Daniel is following up again. Obviously, his work party has a particular interest in this because they're looking at various review processes, but this is a matter for the whole ATRT3. The last question coming in from Daniel is, "Do you have a specific timeline for finalization of these procedures?" How long is the piece of string, David?

DAVID MCAULEY:

Thank you, Cheryl. Thank you, Daniel. I don't know how long the piece of string is, but I do know what help is on the way. Let me speak briefly about the Implementation Oversight Team. When it was created as the legal team in the CCWG for Accountability, it was purposefully capped at 25 members. It's a small team. The rationale for that cap no longer exists. As it happens, a number of participants in the IOT team have become less active. So we need new members. We have gone to ICANN and the SOs and the ACs and said we should develop a process to add members to the Implementation Oversight Team. That's another thing that I think you will see more of in the coming months: calls for expression of interest and things of that nature.

So, even though I can't give you a definitive timeline, I can say, in my opinion, I think things will speed up. We are nearly finished with the rules. Once we are done with that, these other items on the list tend to me much more definitive and easier to grapple with. It doesn't mean we won't grapple, but it's easier to grapple with. As we add new members to the group, I think that will help us in getting things done. So I wish I

could give you a date, a specific timeline. I can't, although I can tell you there is a great interest amongst the team to get things moving and done.

CHERYL LANGDON-ORR:

Thank you, David. I've got to say, having looked at how solidly and continuously the work has progressed over the few years I've been watching you and the evolution – in fact, in some cases a revolution – of what the IRP that we had versus the one that will better serve the community, we trust, I think it's no criticism for the way you're progressing but rather a recognition of the importance of the task and the great consideration that your team is giving to minimizing risk and maximizing outcomes in terms of predictability in the future.

Ladies and gentlemen, the purpose for Pat and I's point of view of having David come and talk to you is to ensure that we all understand what this often mysterious thing – IRP – is actually. It's one of those things that you often don't really need to know about until you need to know about it, but it is an important part of our, as David mentioned to begin with, ICANN accountability measures. It's certainly in its next-generation form, which is what I believe the intentions out of the work stream [were. What] the IOT has been doing is to make it a robust process but also one that the community specifically had a hand in designing. I think, David, that's worthwhile just mentioning to our review team as well, that your group did consult with and interact with community during the accountability cross-community working group lifespan. So it seems like the makeup and desirability of even the numbers of the standing panel and how many would be selected for

activity, etc., were very much discussed and not just the work of 25 bright minds but 25 bright minds interacting with the community.

David, is there anything else you want to say before I see if Pat wants to embellish anything of what I've been doing?

DAVID MCAULEY:

I would. Thank you, Cheryl. I would like to say two things. One is thank you to this group and to the Co-Chairs for this opportunity. I very much appreciate it. Two is you just made a very good point, Cheryl. I would reiterate to this group to keep in mind that, for information about IRP, the members of the IOT come from the SOs and ACs that make up this community. So feel free to reach out to any of us and keep us – and there's work going on in the background – the standing panel adding members to the team – that you all should you keep your eyes on. It would of interest, I think. Thank you.

CHERYL LANGDON-ORR:

Thanks very much. Pat, back to you.

PAT KANE:

[inaudible] Cheryl, thank you very much. David, I just want to say thank you for joining us this morning. If there's any additional follow-up questions, I will be more than happy to funnel them or channel them to David. So thank you again, David.

DAVID MCAULEY: Thanks very much.

CHERYL LANGDON-ORR: Thanks, David. We do appreciate – and of course, we know how to contact you.

DAVID MCAULEY: Thanks very much—

CHERYL LANGDON-ORR: If there's any follow up.

DAVID MCAULEY: So I will be dropping off the line now.

CHERYL LANGDON-ORR: Okay. Thank you. Appreciate your time. Bye-bye.

DAVID MCAULEY: Thanks a lot. Bye-bye.

CHERYL LANGDON-ORR: Okay. So if we can scroll back now to the agenda slide. I trust that you all thought that the amount of time committed to having that excellent presentation was worthwhile. I certainly find I'm always very pleased with the progress of this implementation of the new look, the new

version, of IRP. And I am certainly aware of [our] community concerns about the older versions. So my gut reaction is this is all heading in a good way but obviously that's just my personal opinion. There's a whole review team to discuss it now.

Okay. So let's now just quickly look at the agenda. Obviously our Item 2 was one that ran a bit over time, but I think that was well worth it. Our plan for the rest of the meeting is to look through our updates from each of the work parties and at least a damn good attempt reaching a final agreement on our next face-to-face location and date for that and digging into the term of reference documents and the work plans, which is really just to get all that kickstarted again, noting that the work parties have been in the main head down and tail up and doing good work in their own areas.

But we do have this term of reference document that has a deadline as well. So I might just briefly call, before I head over to Pat, if anyone has any other Any Other Business they'd like to let us know about now, noting we will call for it again towards the end of the call and remind you all that today's call is scheduled for 90 minutes. So we still have a little under an hour's worth of call to go.

I'm not seeing any hands. With that, Pat, do you want to guide us through the work party updates?

PAT KANE:

Sure. I mean, this is probably the easiest piece because all I do is say, "Okay. Next?" So, as we take a look at each of the work party groups, we could have the Board first. We have Osvaldo on, so, Osvaldo, if you'd

like to give us an update because I don't think we have Sebastien on today.

OSVALDO NOVOA:

Hello. I think Sebastien was on the list, but anyway, we haven't done [inaudible] [much] in the last two weeks. You [might get in particular] ... I've been traveling so I couldn't participate. But anyway, I think we are quite delayed with regard to the rest of the group. I hope we can make it up in the next week to have some draft ready by the next meeting. No news beside that. Thank you.

PAT KANE:

Okay. Well, thank you, Osvaldo. So I'll look forward to the next time we meeting, which [inaudible] further updates.

The next group that we've got is the GAC. Vanda?

VANDA SCARTEZINI:

Hi, everyone. I have a slide of [that] if it can put up there, [Jen]. But anyway, we started discussions questions [in] the GAC on how to approach the GAC itself and the ACs and the SOs. So mostly our approach and [inaudible] will be together with the ATRT3 team and Individually with GAC members.

We are also organizing a call for this Friday for our group. We have started the TOR review. We [are thinking of] another sentence to add there that Jack had made, a very good one. We are following our work plan, both at the GAC Google. And that's it. I guess we [are, in our

timeline, following up]. So I believe our work is done timely. So I appreciate the effort of our group that is really cooperative. Well, that's it. Thank you. Anyway, the slide is in Google Doc.

CHERYL LANGDON-ORR:

Thanks, Vanda. Pat, you don't seem muted but we're not hearing you.

All right. Well, in the interest of time, while Pat works out or staff work out why we're not hearing Pat, let's – thanks for that. Jennifer has now popped into the chat the download of the GAC working group PowerPoint slide, which was sent by the GAC work party. So we could all have a look at that. I will take it now until Pat's audio seems to be back and working.

Let's move now to reviews. We've got KC [inaudible] an apology but am aware that Daniel and KC have met and have got a brief update that Daniel is going to be presenting. Over to you, Daniel.

DANIEL NANGHAKA:

Hope I can be heard loud and clear. We [had] that list of [inaudible] discussion how we're going to be able to move forward as the Reviews Work Party. One of the key discussions that [inaudible] had is how we are going to interact with the other respective work parties. So we made a suggestion that, at least half-an-hour [inaudible] discuss the various recommendations that are coming in from the work of the Review Work Party. Then also, KC is to send a request to the SSR review [inaudible] able to share the assessment with the [inaudible]. Then also we are to start a dialogue. I think the dialogue was meant to have

started, but I apologize for the late response in [inaudible] for the questions on the Google Doc. So the dialogue is going to be had in on the various mailing lists [inaudible] report as we move forward, based on the ATRT2 report. That's a very brief update from the reviews. Than you. Back to you.

PAT KANE: Thank you, Daniel. Can you hear me now, Cheryl?

CHERYL LANGDON-ORR: Sure can.

PAT KANE: Thank you very much. All right. So then do we want to go to the community review and Michael?

MICHAEL KARANICOLAS: Hello, all. Thanks for that introduction. Over the past few days, we've prepared a [inaudible] [2] final version of our scope of work and resource requests document, along with a very draft work plan. We agreed to circulate it a couple days ago, and I'm not sure if circulated or we just agreed to circulate it. But just in case, I have pasted this into the chat, although now you have to scroll and look a little bit to find it. So why don't I just paste it in again? So, as you can see, you want to click through to that. There's a basic definition of the areas that we're meant to be looking into, some discussion of the resource requests, and very, very draft work plan, which I expect will be filled out once we look a

little more carefully at what the other groups are doing and how the workflow of the ATRT3 as a whole is going.

I don't have a huge amount of update. I'd rather just let the document speak for itself but would be very happy if anybody has any thoughts on the document or if there are any comments into it. It would be lovely to hear from anybody, either now or going forward by e-mail. I would be very open to it as comments.

I see hands. Oh, I see hands! Cheryl?

CHERYL LANGDON-ORR:

The hand isn't just for you, by the way. Thank you very much, Michael. One of the things that I wanted to raise not just with your group, Michael, but with all of them – it comes out of the meeting Pat and I had with the leadership team because we meet weekly before this call with the leaders of each of the work parties – but also with actions that we've seen coming out of the first cab off the rank, the GAC Work Party ... They've now asked us to start to organize a work-party-specific Zoom call for them to further their work, to take their work to the next level. I just wanted to remind or mention that that sort of facility is at all of your beck and call.

So, Michael and obviously the other work party leads as well, if you want us to get something organized so you can have a dedicated call of whatever length of time, be it one-off, ad hoc, or a small number of planned sessions, just let us know. We're going to do whatever we can to facilitate your work to be progressing.

Pat, have I missed anything there?

PAT KANE: I don't think so, Cheryl.

CHERYL LANGDON-ORR: Okay. Now, the other thing is we might just make sure that, when any of the work parties are holding their particular calls – the call for the GAC Work Party is planned for later this week if possible – we'll put the notice of that out to the list. So, if any of you are deadly keen to join and be an observer, I'm quite sure you can all collaborate collectively and learn off each other. So, if you want to know what's going on in the GAC stuff, then have an interaction.

I think we need to also, next week perhaps, come back to the subject matter of how things that are interrelated or are contingent on other work parties' activities, where there is a nexus between one group and another, are going to be conducted and get at [that] point in our plan/workflow. That's certainly the issue that I believe KC and Daniel were keen to bring up and to sort out with you. That may mean that we have a dedication of at least one or more of our weekly calls, just to look at integrations and interdependencies, where they exist, and how we should manage them.

I note that Vanda has welcome us all to the noon UTC call and that the details will be circulated to the mailing list [inaudible].

Anything else on Agenda Item 3 then?

If not, let's move on in the interest of time. I'm assuming that we're going to see displayed shortly the results of the Doodle so that we can have a look at the most popular dates. Sebastien, for example, I hope you note if you're not available/able to see the [sheet] at the moment that is being displayed, that you can have a look at the Doodle on your own equipment because, for example, you were deeply concerned that a couple of people hadn't filled things out. I certainly met with one of those people and you'll notice that we have almost a full house, if not a full house, of responses now.

Thanks to staff. You can see that there some highlighted sections, which is where the greatest number of people have said they are available. But Pat and I would like to remind you it's not just the greatest number of people. The availability of the work party leads and the availability of those people who were disadvantaged with our Los Angeles meeting also need to be taken into consideration.

Negar, were you going to talk us through this or what? Because then it does lead through to the other material that you have one the different costings.

I'm not hearing anything.

NEGAR FARZINNIA:

Thank you, Cheryl. Hello, everyone. This is Negar. I'm going to actually hand it over to Jennifer to walk you through the results of the Doodle poll and various other items that pertain to location discussion. Jennifer, over to you.

JENNIFER BRYCE:

Thank you. Sorry for [inaudible] there. All right. There are quite a few items in this spreadsheet, as you can see, so thank you all, again, for filling out the extensive Doodle poll. It was really helpful for our planning purposes.

At the beginning, we had some July and August dates in the Doodle poll, which we actually have just removed here, since the 120 days for the meeting planning brings us to early September. That is the timeframe that the ICANN Meetings Team requires. So, based on the early September start dates, the dates that have been chosen, as Cheryl mentioned, as the most popular: there's the 20th through to the 22nd of October and then the 19th through to the 21st of November. Again, there's some dates in January and early February that are popular as well. However, for the purposes of this meeting, we want to just focus on the next face-to-face meeting. So we can think about the [20/20] dates perhaps another time.

So with that, I know there's been some discussion on the list regarding November being quite busy with obviously the ICANN meeting in Montreal and the IGF and various other events that are going on. We have already shared the information from the Meetings Team, that they're happy to look into some meeting space prior to the IGF event in November, if that would be a popular choice.

I think, on this call though, the outcome that we really want to have is an agreed three days that can share with the Meetings Team as the final decision and also the agreed location for that meeting. So I will ask

Pamela to pull up the location spreadsheet as well. Happy to answer any questions, though, on that.

We are obviously coming back to the dates discussion, but I want to just quickly take a look at the office location budget estimate, which was shared to the list. Hopefully, you've all had a chance to have a look at it. But, if not, obviously you can see the Meetings Team kindly costed for us the various ICANN office locations. This is specific to the ATRT3 Review Team as in the air fares have been calculated based on the individuals traveling from the locations that we have as your hometown and also the visa costs based on visa requirements that would be necessary.

With that, you can see that, between the 1, 2, 3, 4 offices – L.A., Brussels, Istanbul, and Singapore – the costs are in a similar region, around \$52,000. Then Montevideo is quite a bit more, at \$70,000. Those are based on the A.V. equipment rental that would be required there and quite additional air fares as well.

So, like I said, it would be great if, at the end of this discussion, we have agreed date and location that we can share with the ICANN Meetings Team and get this [mail] done and get it into everyone's calendars.

With that, I will hand it back over to Pat and Cheryl to facilitate that discussion. Like I said, I'm happy to answer any questions. Thank you.

CHERYL LANGDON-ORR:

Pat, your hand is up. Over to you.

PAT KANE: Thanks, Cheryl. If we can go back and take a look at the Doodle poll, one of the things that jumps out to me is that, even though we don't have 14 positive respondents on that, we do have, on October 7th to ... 8th is it? No, we've got the 12th and 13th. So is that a possibility as well for the group? I know we're shorting one person on each one of the days, but it seems to me that that's a date that we should consider as well.

Any comments on that?

CHERYL LANGDON-ORR: Let's wait until they load the Doodles so everyone is able to look at the specific details there. We do note that there are some people who are simply unavailable in certain months. That happens. There you go. [inaudible] coming up now.

Pat, you were saying not in the yellow zone but in another set of dates.

PAT KANE: Yes. If you go—

CHERYL LANGDON-ORR: Can you just repeat while we're looking at it?

PAT KANE: Yes. If you go to the left of the yellow to where it says, in October for the 7th, 8th, and 9th – you've got 13, 12, and 12 in terms of availability, whereas 14 is certainly better to have face-to-face. But should we consider as those dates as well because it gets us further away from all

the travel in November? And while some people aren't available, I think that might be more beneficial for us.

The other dates that jump out, which we'd have to act upon today, would be September 11th and 12th. Now, I know personally I won't be able to. That's my 20th wedding anniversary. So, if I want to remain in my house, I'm going to miss those dates. But there's also a significant number of people available on those dates as well.

CHERYL LANGDON-ORR: Can we have a look at who isn't available on these dates? I'll like to see some names next to that 7th, 8th, and 9th of October because I, to be honest, whose name belongs to which row.

PAT KANE: Cheryl, what I've got is I've got that Ramet is unavailable on those days, as is Geoff Huston, as is Demi. For the complete three days is Wolfgang and then Adetola. I think it was Adetola... Maarten is only available on that Monday.

CHERYL LANGDON-ORR: Okay. Because that does need to be considered. The makeup does need to be considered. Geoff has indicated to me that his intention is to work specifically with KC and in support of Jaap and that he has no intention of attending any of the face-to-faces. So, while Sebastien was concerned that he hasn't responded, his [null] response is now able to be counted. So let's not worry about Geoff. He's not going to turn up to any of them. That's got a lot to do with his employer, can I hasten to add. But do we

have then at least one, if not both, of the work party leads, available on those preferred dates, Pat?

PAT KANE: I'm sorry, Cheryl. I lost you online on the last part of that.

CHERYL LANGDON-ORR: Do we have one, if not both, of the work party leads for each of the four work parties available on those days?

PAT KANE: It appears that we do have at least one each work party available on those three days.

CHERYL LANGDON-ORR: Okay. I'm assuming that that's not including Michael because I thought he was out for ... or was he available for that? And can we scroll ... We almost need to shrink away from September on the screen and just squish all of those, make those disappear [inaudible].

PAT KANE: [inaudible]

CHERYL LANGDON-ORR: Okay. Let's take some the queue, then, Pat, while we're doing that. Sebastien, go ahead.

SEBASTIEN BACHOLLET: Thank you very much, Cheryl and Pat. I'm sorry to have missed one part of the call. I was driving in a [white] zone and nobody called me back. I had to work to be back on.

I have first a question considering the 120 days. I didn't make the calculation. What is the first day we can consider using that? That is my first question.

The second is that it seems to me that it will be very difficult in a call with all these participants to take into account a few things. The first one is, who will be participating? Who was not at the L.A. meeting? Who would be able to participate? And therefore, what is the best date at the end of the day?

For example, if we take the fact that, [if] you answer now the Doodle poll, L.A. is about to on the 11th, 12th, and 13th of September. But it's one factor. The other one you told us is your ability as Co-Chair, of course, of one of the leaders of each working party. So it then starts to be quite difficult to do all that in this call, but I am sure that you will be able to take all that into account and come back with one or two proposals. We can do that by mail. Even if you make a decision, it will be okay with me. Thank you.

PAT KANE: Thanks, Sebastien.

CHERYL LANGDON-ORR: Okay. Thank you, Sebastien. Sorry I jumped in there, Pat. I know staff are keen to get us to establish a preferred set of dates and location. The longer that is delayed the more we have to chop dates off the beginning. Sebastien, the current Doodle poll has already had the dates removed from the lead of those dates so that it does fit in the 120 days. I'm [inaudible]. Daniel, can you help me. Your concern is those earlier October dates that Pat was suggesting. You think that's not a preferred option? I also note, Pat, that we would have no work party leads from the community work party with those earlier October dates.

ADETOLA SOGBESAN: Can I speak, please?

CHERYL LANGDON-ORR: Please, Adetola. Go ahead.

ADETOLA SOGBESAN: Okay. Good morning, good afternoon, everybody. Two things I want to also quickly take a look at, the first being that we need to count from today or tomorrow the 120 days that is required to book the meeting. What is the date left? What is the range? If we start counting from next week, for example, then we can't [run through] any days. What is the minimum dates that we are looking at? Is it September, early week? Or the second week of September. That is the first guide to start with, in my opinion, because, no matter how we want to balance the dates, the ALS's 120 days matters a lot. So let's have that cap. There's a minimum

date. We can't below this particular date and we can start looking forward. That's my first point.

The second point is it's pretty difficult to make 100% compliance with everybody's time. It's almost impossible. So my thinking is, once we're able to secure the team leads for work parties, we're able to secure appreciable quorum, I think we can go ahead, regardless of how much it [displeases] everybody because, from what we've been discussing, as we move from one week to another week, we see that it's convenient for this. It's not convenient for the other people.

So I would suggest we take a look at the team leads' availability for this period. Once we're able to get work parties' team leads and we get an appreciable number of people that would be available, then we go ahead, just like in the first face-to-face meeting. About four of us were not available, and a lot of was able to be done. Even though I was absent, I appreciate the quantity of work that we achieved by those that were there.

That's the submission I wanted to [make]. Thank you.

CHERYL LANGDON-ORR:

Thanks for that, Tola. I think the general feeling is – and the numbers aren't supported anyway – that September is probably not as wise to aim for, and anything from the 5th of September on still sits in that 120-day cutoff. But it would appear that the October dates do have some benefit.

Pat, you're not available for some of those October dates? I forgot which one is your wedding anniversary. My apologies.

PAT KANE:

Thank, Cheryl. That was a September date because I think the only date where we had 12 or 13 people that was available was that September 11th and 12th date. So, while I would not [attend] that, I think we determined that September is out from the numbers. Like I've put in the chat, I think the only other date that looks significant for availability and having the right people to be able to participate [inside] in terms of leads of each work party add that October 7th through 9th as an option, along with the ones that are highlighted as yellow and that we should probably choose between those and then choose between sites.

I think earlier is better, so if we could the 7th to the 9th of October in any one of the three places, because it looks like the costs is about the same in terms of being in an ICANN office that's not Los Angeles, I think that any one of those three would work fine if we wanted to add those three dates or that set of dates to our selection.

CHERYL LANGDON-ORR:

Okay, great. So, if that's the case, I guess there is the other question, as we choose between those October dates, is that we also do consider the position of which meeting venue is our preference. [Louis] is not on the call. Let me check. He hasn't joined. I think he was an apology.

Sophie, do you remember? I thought there was a period of time when he needed to be closer to home, so his preference would be probably a

meeting in the Singapore office, rather than any of the other choices. I don't want to put you on the spot, but we will reach out to him as well. But if you were aware of that information, than that would be good to know.

So, staff, if we can reach out to Lou and just double check that, in the October dates, the Singapore office is, of the offices, his preference, that will also help both, I think, our decision-making ... And I'm seeing in the chat [that that's] still a preference for those later October dates. To be honest, a fortnight difference is not going to make a huge amount of difference to workflow. So either/or from my point of view.

Okay. Well, how do you want to proceed, Pat? It looks like, if we can tie people down to a choice of ICANN office, Montevideo seems to be too expensive. Los Angeles should be removed because that's where we were last. Can we go back to the costings again? There's not a great deal of difference in terms of getting – the transport costs aren't vastly different, but I must say the time of year also needs to be considered in terms of how busy getting in and out of any of these hubs is.

Have you got any particular preference [inaudible], Pat? Because I'm ambivalent.

PAT KANE:

Thank you, Cheryl. I, too, am ambivalent in terms of office. I know that Michael, once again, noted that there are efficiencies to do November. But I would put it to the review team at this point in time in a very quick Doodle poll, if we can, as to the three sets of date between two in October and one in November and which office. But we make this

decision by close of business Friday. I'll say close of business in your office on Friday, which would be Friday morning, Cheryl. We could get some information to the travel team on Friday or the events team on Friday at ICANN with our decision, if that's acceptable to the group.

CHERYL LANGDON-ORR:

Okay. So we narrowed it down to three sets of dates and the choice between the ... it looks like the Brussels or Singapore office in the chat. Is there a reason to add Istanbul? I'm not seeing it listed in the chat. I mean, obviously it's on parity with the general costings, but I am seeing the suggest from Vanda about these visa requirements and cheaper airfares into Brussels, etc.

So let's do the three dates and a coin toss poll between the Singapore office and the Brussels office. And if we can make sure that Lou gets whatever his preference is particularly noted by us in the decision, seeing as he was utterly disadvantaged in the Los Angeles meeting, as was of course Tola.

So, Tola, can I ask you as well to make sure you respond to this now poll? But, if you have a preference that you can let us know now in terms of venue, if you are aware of visa issues that are possible with one or the other of the two choices between the Brussels and the Singapore office, then, please, that would be a very nice thing to consider.

All right. We got an action item out of that. Sorry we couldn't wrangle an actual result, but we've got a whole lot closer and a deadline at the

end of the week. So that will be close of business on what is effectively UTC Thursday [inaudible], seeing as [inaudible] my Friday.

To be honest, Pat, ICANN has me working seven days a week anyway, so it doesn't really matter to me. But, yeah, let's do it that way so we can get it to the travel team and the Meetings Team by the end of their working week. They can at least know that there is a decision that they can now consider and start working on fresh in the following week. That sounds like an excellent plan.

Anybody else wanting to make any comments about that? Pat, you've got your hand up?

PAT KANE:

Yes. Thank you, Cheryl. One of the things, unless I see any objections in the chat, is that I would like for us, once we get to a point in time, to actually take everybody that's responded to the Doodle poll and not try to chase down additional entries in the Doodle poll, just from a timing standpoint, so we can get people moving on the dates and the decisions.

If that's not [inaudible], please put no in your participation window.

CHERYL LANGDON-ORR:

Yeah. And of course, with people like Geoff, who quite literally says he won't be attending any of them anyway, yeah, we won't expect him to respond. We know what his response is going to be, and that's fine, too. So, if you feel that way, let us know.

Just very aware of time, if you want to jump in now and take us into the world of terms of reference and work plan, noting that there has been some progress already on that, Pat?

PAT KANE: So [inaudible]—

SEBASTIEN BACHOLLET: Sorry, Cheryl. Sebastien.

PAT KANE: Let's get Sebastien.

CHERYL LANGDON-ORR: Oh, I'm sorry, Sebastien. I've scrolled down to see if anyone else's hand was up. Do go ahead.

SEBASTIEN BACHOLLET: Sorry. That's okay, Cheryl. No problem. Just to make a suggestion that we have three dates and three places. It's not to ask if we are okay or not okay but to rank them. I guess with the ranking system you will be able to make a choice at the end of the day. Thank you.

CHERYL LANGDON-ORR: Is there a reason why it needs to be three dates and three places, not three dates a choice of two places?

SEBASTIEN BACHOLLET: I guess we can take two, but I guess we have three. The people didn't say their preference. I say their preference but not the choice. It's why I suggest that we add Istanbul. But nevertheless, my suggestion is that we don't say yes or no but we tank the possibilities. Thank you. It's a suggestion.

CHERYL LANGDON-ORR: So a ranking in the poll. Staff can note that: put preference order of 1, 2, 3 for the three office. But we'll also note that that's where we'll look at visa and [dis]advantaging of people who couldn't turn up to the last meeting as well.

Okay. So then, back, Pat, to terms of reference and the workplan document.

PATE KANE: Right. Thank you, Cheryl. In terms of making modifications to the terms of reference and work plan, I did not go through this morning and take a look at what had been changed. Do we have any lists of identified changes from staff?

JENNIFER BRYCE: Hi. According to my document ... let's see. Only Vanda made some changes. That's the only person that has made any changes to the terms of reference since the April meeting.

PAT KANE:

Okay. So, Vanda, is there anything you want to share with us?

All right. I will assume that that's a no. But we do need to start [inaudible] modification to the terms of reference. It's now the 8th, and if we want to make certain that we are polishing up the document within 7 to 14 days, we do need to start to make updates to that. So ...

CHERYL LANGDON-ORR:

Okay. So Vanda was just mentioning in chat regarding – and your voice seems to have faded all of a sudden – that Jacques had made some suggestion that they're working on [on] the structure of the text, and that will be going on. It perhaps might be worthwhile: us dedicating almost a 35- to 40-minute or so block of time in next week's call to, if need be, start – as much as I test collaborative wordsmithing, that's what we might have to do on the terms of reference doc. So we'll be having a focus on the TOR in next week's call. That means that contributions to that in advance of the call are not only welcome but they're strongly advised.

PAT KANE:

Cheryl, I think that's a good suggestion. So, staff, if we can add that to our agenda discussion for the Monday leadership meeting, as well as getting that out ahead of time.

All right. So I guess that leaves us then with AOB. Is there anything else that anybody would like to bring up as far as all other business?

Yes, Cheryl?

CHERYL LANGDON-ORR: Thanks, Pat. Just to mention to the group – and thank you, Wolfgang. We note you're needing to leave earlier. We appreciate you joining us today. At next week's call, an addition to now our handy focus on the terms of reference document, there was a suggestion that we would also be able to interact again with Brian Cote, specifically with regards to what he now has out for public comment on the development of the evolution of the ICANN governance model work. And where the [e-mail] may not be a nexus, Pat, I'm wondering. We had thought about doing that in next week's call, but if we're going to be digging into the TOR, is that the right time for that interaction with Brian? So I just wanted to perhaps deal with this in a minute or five now as we look towards next week's call.

PAT KANE: Cheryl, it seems to me, with as quickly updates from each work party went this week, that we might have the ability to put both into next week's meeting because David's presentation went 25 minutes. We won't have a long discussion when we're going to meet next. We might have the opportunity for two meaty-type discussions within 90 minutes.

CHERYL LANGDON-ORR: Thanks. That's fine. In fact, there may be complementarity between the two. In that case, the follow-on then from me, Pat, is that I would again suggest that we take the protocol of running Brian first as the second

agenda item, and then we can greedily take advantage of everything we do with the interaction there to perhaps even modify or temper some of what goes into our own term of reference document later on. But I would suggest, Pat, that we ask the review team is there's any objections to us inviting Brian to stay through our meeting, should the temptation be there for him, so that he can appraise himself by listening to all of us on the work party updates, where your work planning is, and if he wants to listen to the term of reference discussion as well.

PAT KANE:

Thank you, Cheryl, for that. So I would ask the review team that's on the call right now to show by either a yes or a no your thoughts around Brian sticking around in the participation room and not just the observation room.

CHERYL LANGDON-ORR:

I'm seeing "if he can"s and "if possible"s in chat, and some ticks as well. There doesn't seem to be any red crosses up there. So we'll extend that invitation, then, team. It's obviously up to Brian. He may run screaming away. Who knows? I somehow doubt it, however. So that's an action item on you and I then, Pat.

PAT KANE:

Very good. Thank you, Cheryl, for that. Any other business?

If not, let's go to Jennifer and confirm the action items or decisions that we've reached today for the record.

JENNIFER BRYCE:

Thanks, Pat. Thanks, everyone. So the first action item I recorded was for staff to circulate a Doodle poll with ranking options between the three sets of dates discussed today in October and early November and the Singapore, Brussels, and Istanbul office, with a deadline as the close of business, UTC, on Thursday. Then that decision will be confirmed at that time and sent to the travel team by close of business on Friday. Thanks, everyone, for your cooperation with that one. Although we didn't get our confirmed decision, I think that's good progress.

So, [for everyone], for next week's call, Cheryl and Pat are going to invite Brian Cote to the meeting with the invitation to stay on if he is able to for the duration. We've added the discussion on terms of reference and work plan to the Monday leadership meeting, as well as next week's agenda. So the next call is the 15th of May. Let me just pull up quickly at one time that was. It's at 21:00 UTC.

With that, please let me know if I missed any action items or decisions. I'll hand it back over to the Co-Chairs. Thanks.

PAT KANE:

Thank you very much, Jennifer. So, if we have nothing else, I will conclude the meeting and we'll talk to you all next Wednesday.

CHERYL LANGDON-ORR:

Thanks, everyone. Thanks, Pat. Bye for now.

[END OF TRANSCRIPTION]
