
CLAUDIA RUIZ: Good morning, good afternoon and good evening to everyone. Welcome to the Consolidated Policy Working Group call on Wednesday the 9th of October, 2019 at 1900 UTC. On the call today on the English Channel we have Olivier Crépin-Leblond, Jonathan Zuck, Cheryl Langdon-Orr, Holly Raiche, Gordon Chillcott, Eduardo Diaz, Jose Lebron, Tijani Ben Jemma, Sébastien Bachollet, Alfredo Calderon, Virkson Acosta, Seun Ojedeji, Betty Fausta, Roberto Gaetano and Kara. On the Spanish Channel we have Lilian Ivette De Luque and Alberto Soto. Justine Chew has also just joined the call, so has Marita Moll, Nadira Al-Araj and Yrjo Lansipuro, as well as Christopher Wilkinson, welcome everyone.

And from staff we have Heidi Ullrich, Evin Erdogan, Herb Wayne, and myself, Claudia Ruiz, on for management. Our interpreters for today are Paula and Claudia, and before I begin, I would like to remind everyone to please state your name before speaking for the transcription purposes and also so the interpreters can identify you on the other language channels. Also, a friendly reminder to please mute your lines when not speaking to prevent any background noise. And another reminder that we do have RTT services available for this call and I will put the link in the chat for you all to follow along. Thank you, and with this, I turn the call over to you, Olivier.

OLIVIER CRÉPIN-LEBLOND: Thank you very much, Olivier Crépin-Leblond speaking, and welcome to this call. We have a number of items today, including first, as usual, an update from the Expedited Policy Development Process Phase 2. Hadia

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Eliminiawi will be telling us what's happening there. Then we'll have Jonathan Zuck speaking to us about the geo names survey and provide us with a quick update on this. Draft ICANN66 talking points. Yes, only a few weeks until ICANN66 and we need to be preparing those. So we're a [inaudible] stage, Jonathan will take us through that.

There's also the CPWG charter and workflow which was presented a few meetings ago, that we're going to be revisiting, so again, comment only at this point, not a full discussion. And then the Subsequent Procedures update for 10 minutes with Justin Chew, with a couple of points which were circulated later in the last week, yeah, well actually it was on Sunday, so not late last week, but actually between last week and this weekend, and so that there's two of them at the moment. And then also an update on the community applications.

And finally, going into the policy comment updates with a whole number of statements that are being drafted and that are at commenting stage and two of them being due in one week. The first one about the effectiveness of ICANN's multistakeholder model and the next one being about the Amazon public interest commitment 2019. Are there any changes amendments? Are there any additions to be made to this beautiful agenda today?

JONATHAN ZUCK: Olivier?

OLIVIER CRÉPIN-LEBLOND: Yes, Jonathan, you have the floor.

JONATHAN ZUCK: It's Jonathan. Yeah, Alan wrote with an interest on discussing appeals, so I guess that could come under any other business, but I just wanted to make sure that we made note of it.

OLIVIER CRÉPIN-LEBLOND: Yes, thank you very much.

JONATHAN ZUCK: Probably part of Justine's thing, I guess so.

OLIVIER CRÉPIN-LEBLOND: It was the Subsequent Procedures, yes, thank you and I think that -- well, Alan isn't quite here -- well he is here but I think he has to leave early, but we'll see how we go. Justine, you've put your hand up. Justine Chew?

JUSTINE CHEW: Yes, hi, Justine here, yes this is part of Accountability mechanisms and objections.

OLIVIER CRÉPIN-LEBLOND: Okay, thanks very much for this. Cheryl Langdon-Orr?

CHERYL LANGDON-ORR: Thank you, just to let you know that, of course as usual, I actually have a Subsequent Procedures overlap with today's call, so if you were moving things around in the agenda, I'll be in a SubPro leadership team meeting, while the SubPro discussion is on in this agenda, so forgive me if I'm tardy but if you move it be aware that at the half of the hour, the last of the call, I'll be in two calls at once and it happens to be the same topic.

OLIVIER CRÉPIN-LEBLOND: Thanks to this, Cheryl, and I'm not sure there are any calls to move this at present. If anybody wishes to move the SubPro forward or backwards, please let us know now, otherwise -- and anything before that of course --

JONATHAN ZUCK: I think, Olivier, Cheryl might have been suggesting that it not be the last thing because she'll be gone then, so I guess I'm going to recommend that we move it up.

OLIVIER CRÉPIN-LEBLOND: Sure we can move it up.

JONATHAN ZUCK: After the EDPD.

OLIVIER CRÉPIN-LEBLOND: Correct, yeah, immediately after the EDPD; so that will make in about 15 minutes or so. Will that work, Cheryl Langdon-Orr?

JONATHAN ZUCK: We'll still have Cheryl then.

CHERYL LANGDON-ORR: Yeah look, I certainly appreciate that, but I did note you specifically said Alan needs to leave early, and if Alan is [inaudible], which I'm quite sure he has good reason to, because as I said, he and Justine were fighting the good fight in the call the other day. So, you know, I'd be delighted for that, especially if Alan has to leave early, it would make sense, and I don't expect to be compensated for that.

OLIVIER CRÉPIN-LEBLOND: Thanks so much for this, Cheryl. Right, so we're moving number 7 just after the EPDP Phase 2 update, so Alan can take part in the EPDP Phase 2 and also in number 7, SubPro update. Let's get moving quickly then, not seeing any other hands up, and go for the action items of our last call, and there are a few that are remaining; the ALAC question to the ICANN Board, domain name abuse.

Jonathan Zuck, you are apparently about to take the pen or you have taken it already, due 14th of October; well, let's move it till next week, not finished yet; and then the only one that remains here is the Competition, Consumer Trust and Consumer Choice Review Team accepted recommendations, plan for implementation and next steps to be discussed on next week. And are we discussing this? No, we're not,

that's really good, or are we discussing this? I'm not seeing it here on the Consumer Trust Issue. Jonathan, do you want to move this to next week? And then make sure we will include this in -- oh no, it is there. 21st of October, 2019, Competition, Consumer Trust and Consumer Choice Review Team.

JONATHAN ZUCK:

We can talk about it a little bit. I'll give an update on where things are. We're going to try to do a comment from the CCTRT itself as soon as possible, like this week, and then be able to refer to it and encourage others to refer to it in their comments. So that's, I think, the strategy that we're going to try to take. So that's the update on that; we'll try to have something published and online from the CCTRT very quickly and it'll be largely in tune with what the At-Large were planning to say.

OLIVIER CRÉPIN-LEBLOND:

Thank you, Jonathan, it's Olivier speaking, let's now move on. And for the record, yes, Alan Greenberg is still on the call at the moment, but he is, I think, not online. Let's move to Agenda item No. 3, that's the EPDP Phase 2 update. Hadia Eliminiawi, you have the floor.

HADIA ELIMINIAWI:

Thank you, Olivier. Look, I don't think we need 15 minutes for today's update, there's not much since our last call, we are still working on the building blocks and the contracted parties are still finalizing their letter to ICANN, in which they are seeking clarity on ICANN's role or what ICANN is willing to take as a role, so that when we develop a policy, we

are sure that it is consistent with what ICANN is willing to accept or the role it's willing to take. So I think that's about it for me. I don't know if Alan has anything to add.

OLIVIER CRÉPIN-LEBLOND: Alan Greenberg?

CLAUDIA RUIZ: Hi Olivier, this is Claudia Ruiz. I don't know if you saw my note, but Alan is actually an apology for this call.

OLIVIER CRÉPIN-LEBLOND: Alan tells me on Skype that he's there, so I'm not quite sure, we must be speaking about the same, Alan, I hope. Maybe he's not able to speak but listening, I don't know.

HADIA ELIMINIAWI: I did add that we are going to talk about accreditation tomorrow and I think this is a very important talk. Basically, what we are going to discuss, do we need to have an accreditation system? And again, most of us think yes, we do need to have an accreditation system because it will lead to a more reliable and trusting system, and it will also lead to a quicker method of access from agencies like customer protection agencies or law enforcement agencies or security practitioners, or at least this is what we hope for.

We're also still to talk about automation, so a building block about automation has been added, but nothing is underneath it yet. Yeah, again, that's about it, thank you. I did try to send some slides over the mail with the different building blocks and what's underneath each of them, but then all of this is online, anyway.

OLIVIER CRÉPIN-LEBLOND: Okay, thank very much for this, Hadia. So, movement at the moment isn't that fast I guess in the EPDP Phase 2, as such. Are there any comments or questions from anyone on the call?

I'm not seeing any hands up from anyone, so that means this section is a lot shorter than 15 minutes. Thank you for the update, Hadia. Yeah, I do stand corrected, Alan is not on the call, or rather the moment I say this, there he is, but I'm not sure whether -- I think he has heard us, whether he wishes to add anything. Alan, did you wish to add anything to the EPDP Phase 2?

ALAN GREENBERG: Just got on a second ago, so I didn't hear what you said, but if you repeat it, I'll be glad to comment.

OLIVIER CRÉPIN -LEBLOND: Well, we're not going to do that. It's a bit too much. So I think we can just move on. I don't know. Hadia, was there anything that you wanted Alan to add?

HADIA ELIMINIAWI: No, I just wanted to note that I only said that we were discussing the building blocks. I didn't say much, if you have anything to add.

ALAN GREENBERG: I have nothing to add on EPDP.

OLIVIER CRÉPIN -LEBLOND: Okay, thanks very much for this, not seeing any hands up or any questions or comments on this. Thanks for spending another week in there, good luck for next week and let's move on to Agenda item 7, as we mentioned earlier, the Subsequent Procedures update, and for this we have Justine Chew. And Justine will take us through 3 points in there and they'll also be a discussion on the Community Objection Process, or the ALAC Objections and the Objections Process that is there. Over to Justine Chew.

JUSTINE CHEW: Thank you, Olivier, this is Justine speaking. I presume you can hear me?

JONATHAN ZUCK: Yes.

JUSTINE CHEW: Great, thank you, Jonathan. Right, okay. I'm going to speak about Accountability Mechanisms per se. Just in line with this, I alluded to a point that was discussed under the Objections, I think a couple of weeks ago. In the Subsequent Procedures Working Group there was a

question as to in terms of objections, in particular, Limited Public Interest Objections and probably also Community Objections; the question was whether ALAC should still be allowed to file objections under those two categories, and I think some parties, if I remember correctly, said that we shouldn't and other parties should that we should, and the argument was around funding. People had concerns about funding.

Moving forward, I think when we're discussing Accountability Mechanisms, because, this is closely related to objections, I think the overall position, if I may say that would be that ALAC, would have retained the rights and ability to follow objections. The question is still in regards to the budgeting aspects of it, in terms of would there be limits in terms of the quantum, the number of objections that ALAC would be with the file or not. Okay, so we want to Accountability mechanisms, when we speak about Accountability Mechanisms, I think it's the same, yes?

OLIVIER CRÉPIN -LEBLOND:

Sorry, it's Olivier speaking, actually, just on this topic of objection since you've touched on it before you launched into your next slide deck, we have three hands, one for me, one from Alan and Cheryl. So I guess maybe we can let Alan and Cheryl and then if there's need to be anything else to be added, I can certainly fill in on that because the three of us were heavily involved with the objections process, and there's quite some, there's a number of things are factors that are involved with that. Perhaps we can get a bit more on the objections

before we proceed forward with the Accountability Mechanisms if that's okay with you?

JUSTINE CHEW:

Yes, I just want to add before we go to the questions, the reason why it's linked is because in the earlier rounds, there wasn't an appeal to process, so what I was trying to allude to is when you see Accountability Mechanisms, we are talking about the possibility of introducing a new Appeals Mechanism rather than rely on the Accountability Mechanism known as what's in the bylaws, which is request a reconsideration, Ombudsman and also Independent Review Panel. So, the discussion now is revolving around a new set of Appeal Mechanisms, which ALAC could also use, okay, so yeah, let's go to questions now.

OLIVIER CRÉPIN -LEBLOND:

Okay, thanks for this, Justine, it's Olivier speaking. First it is Alan Greenberg. It is not questions actually treating the discussion on the topic of objections itself. Alan, you have the floor.

ALAN GREENBERG:

Thank you very much. Last time, we did have an ability to object on several grounds and we had ICANN funding, I believe up to 10 or 20 objections, we in the end did file 3 objections, all against the same string.health. One of them we ended up withdrawing and the other two went forward and we lost the objection is just a very, very brief summary. Olivier was Chair at the time and lead the process and he

can, and I believe should give specifically the ALAC but certainly the CPWG a briefing of just how that process unfolded.

The reason, I think we have to do that is, I believe ALAC needs to make a conscious decision on whether to fight for this new process going forward, both the objection and presumably the appeal and to make it clear, the ability to object and or appeal without any ICANN funding is a sham, because clearly we don't have any money to file appeals or you know, a file for the charges and perhaps get professional help in putting them together. It's a big responsibility, it's a lot of work, it also, I believe, is a measure of whether we can fight for the public interest related to users or not.

So I think the ALAC needs to make a conscious decision, understanding that it was two chairs ago, that, if you measure time and chairs lives, two chairs ago that we did this and will probably be past Maureen's time that we might have to do this again, so, but nevertheless, the current ALAC really needs to make a formal decision on whether we go forward and push for this or simply sit back and say if it doesn't happen, or if we don't get funding, so be it. Although I think it's unlikely that we're likely to file many objections, do note that it's not only against the string, but it's against the applicant.

So last time, we only filed against 1 string, but it was 3 applicant applicants that were involved. It could be 10 applicants in a popular string, so the number of objections we file may well be contingent not only on the number of strings, but on the number of applicants. I can't stay very much on this call and I believe this is a more substantive discussion we need to have, but we need to have it very quickly,

because the subsequent procedure's process is going forward. Thank you.

OLIVIER CRÉPIN -LEBLOND: Thank you, Alan. Then next is Cheryl Langdon-Orr.

CHERYL LANGDON-ORR: Thank you very much, Olivier, and I'm going to be very brief here and follow on from Alan wholeheartedly support, literally everything he said, and I'm going to let Olivier, or I realized his indiscernible ear, I should speak more clearly at my computer and I'm going to let Olivier fill in some of the depth and color on the effort that went into getting this responsibility and it is indeed a responsibility in the first place.

In fact, it was even talking at one point that I could act 'as the Independent Objector' but that's all ancient history, people, just decide whether or not you actually want to maintain the very serious right and responsibilities associated with us to act in this capacity. Just wanted to point out, however, and you can hear my tone of voice by how infuriated I am with this even being an issue, it was a yes there were three.

I think it was, as Allan said, one string, that we file complaints, objections against last time we don't know how long the piece of string may or may not be in future, round, rounds or design, but the people who are, just so we're all really clear, seeming to objecting to our ability, not even our ability to be funded, to be [inaudible] proceedings, and very importantly, the new Accountability Mechanism, which Justine will

take us through it, I'm sure, apparently have the public interest in their rematch.

I just want to make sure you all recognize that, that if you go through the people who have raised the groups at ICANN, specifically within the GNSO, so who have raised concerns and who are standing primarily against continuing this responsibility, which we exercise cautiously and with extreme diligence, nothing frivolous about anything that happens here and would happen in the future. Also, apparently, looking after the end-users interest and if that's the definition of looking after end-users interest, I find it gob smacking, it sounds to me much more like, "How dare we be supported as a defined entity and advisory committee and they must not be." Thank you.

OLIVIER CRÉPIN -LEBLOND:

Thank you very much for this, Cheryl, that's very valuable information. I don't want to take too much time on this and hijack your section of the call, Justine, but I'll go very briefly on, I think rowing in the same direction is what both Cheryl and Alan have said, it is important to note that this is all about the public interest and the battle for the At-Large or the ALAC being able to find objections in the first instance, is because of the advisory committees that are in ICANN, the two that are specifically dealing with end-users are the GAC and ALAC.

So there's no question of removing the ability to make an objection from the GAC and it's the same thing as far as large is concerned to be At-Large was not being able to file objections and then we would be in a

position where we basically have nothing to do with the public interest, you know what, truth do we even have at that point.

Now, of course, there is a cost for everything and you heard from Alan that we had funding for, and I can't remember the number either, maybe it was 10, maybe it was 20 and yes, at the time, we were told, "Oh, you know, you can't just spend millions and millions and millions of dollars of ICANN money because all that is real work, real stuff, you know, these are proper lawsuits, lawyers, things like this, there's a real cost associated to that."

And we were warned a number of times because, of course, the rumors were that we were going to file against hundreds of applications, and throw absolute discord in all of ICANN. As a result, we created a process that was actually a bit heavy, perhaps, as we sometimes do for some of our processes being overcautious and we had a team that first collected any objections that were made within our community or from our At-Large structures, etc, we had a wiki page that was set up for that and all of the calls for objections were put on this wiki page, added as a list and there was supporting documentation needed for each one of these proposals for objection.

We had a whole team that was led by Dev Anand Teelucksingh, worked on this diligently and started looking at each one of those requests and weeded out the ones that were either not put together properly or had absolutely no stance to stand or no chance to end up and so, at the end of the day, we ended up having, again, I don't have the exact numbers, it's all in the wiki somewhere, had a number of applications, a number

of things that went through the sieve and ended up in the funnel and ALAC voted on them, they actually voted on each one of them.

Do you want this objection to proceed forward? Do you want this objection to proceed forward? Once that was the case, then the objection was fully drafted end to end, again with a team that was put together to do this in a very short amount of time, and then it was filed, but that was a long process, a lot of work, but that being said, it might be something we don't want to repeat again, you know, with many applications and so on, it might have been a bit painful at the time, but the very fact that we had the ability to follow the objections was politically very, very important in my view and I think that might be the ability that we would not have the possibility to do this is probably very, very important politically for some other groups, at ICANN. But that I really, frankly, don't give a damn about. I think we need to think about what we need to do.

I have a queue here, Alan Greenberg, and then Christopher Wilkinson, and let's move on after that, please. Alan, you have the floor.

ALAN GREENBERG:

Thank you, Olivier, you've given the briefing I was going to ask for, albeit a very short version of it. I don't know how many ALAC members are on this call, I haven't counted, I really think it is important if the ALAC is going to go to the wall on this and certainly in the comments in the chat, there's an implication that we should, I do believe this needs to be a formal decision of the ALAC and obviously, it should be one that's done relatively quickly.

So unless there happens to be a majority of ALAC members on this call, who want to take an informal poll, I would suggest coming out of this call, you want a recommendation from the CPWG at least the people on this call to the ALAC that it makes a formal decision quickly and I'm happy to help word that for Maureen, I don't know if Maureen's on the call or not, but just going forward, I've got to leave now, but I'm glad we have support for it, but I do think we need a formal decision so that Justine and I or anyone else on the call can say we are speaking on the behalf of the ALAC, it's a very important set of words that we don't often say thank you and I'll take my leave now. Bye-bye.

OLIVIER CRÉPIN -LEBLOND: Thank you, Alan. Christopher Wilkinson is next.

CHRISTOPHER WILKINSON: Good evening, Christopher Wilkinson for the record. Thank you, Olivier, thank you, Justine, very briefly, I was not involved with this aspect of the previous round but from what I've heard and read, I agree absolutely with Alan, ALAC must retain this option of entering of independent objections if necessary and given the risks of challenge I think Alan is quite correct and I support it. ALAC itself should take a formal decision with this industry yard. Thank you.

OLIVIER CRÉPIN -LEBLOND: Thanks very much for this, Christopher, and now I think we're going to go back down to Justine Chew since of course, the process of the Objection Process has now been expanded to include some

Accountability Mechanisms that include an appeal. So sorry for the hijack here, Justine, but now you have the floor and please, you can keep it fight me back if I try to regain it from you. Thank you.

JUSTINE CHEW:

Thank you, Olivier, this is Justine speaking. Actually the question that Alan raised is the substantive question that I wanted to put forward to this group tonight, under this topic of Accountability Mechanisms, which essentially is appealed and I just want to make the point that appeals mechanism is closely related to objections, okay, which is why I said it in the beginning of my presentation; if ALAC retains to right to appeal or to object then it must have the right to appeal because otherwise it doesn't make sense, and number 2, if other parties have the right to appear then why are we being discriminated against?

The issue of funding is not a good enough reason to deny or to constrain ALAC's right, well, that's my personal opinion anyway, and I have been saying that at least objections on SubPro and I can dare say that I've been saying it on behalf of ALAC.

Now, because this question has come up again, it's reared its head again under appeals, therefore, I suggest that we, ALAC should take this up as a need for making a statement, or at least making a strong point, wherever we just to make it other either under SubPro or actually make a proper written statement. So that's up to this group to take up the recommendation, so just going back to the presentation itself, as I said, this is the main question that I was going to have raised for discussion at this call.

So as I said, going back to slide two, as I said before, I think the key SubPro group has come to a conclusion that or at least it has received enough support within the deliberations, at this point in time, to recommend a new Substantive Appeal Mechanism specific to the gTLD program and the reason for this is because I think there's enough recognition from experience of the last round that the ability to appeal certain things were clearly lacking.

So, for example, CPE there was no way to appeal against the decision of a CPE panel, so that's one example, there are several more examples which are similar, okay. So SubPro is looking to rectify this weakness by recommending a new appeal process, but the appeal process has to be limited because you have you we have to stop people from number 1 filing frivolous appeals; number 2, there has to be a finality to appeals process even in public court platforms, so you can't keep appealing, one appeal and then another appeal, another appeal. So SubPro has to look at that mechanism in order to provide some finality, but also to allow fairness in terms of appeal, the process and the costs of it.

So related to this topic are obviously, objections and evaluation because I mentioned like for CPE and another avenue is also as the African Support there was a mechanism to appeal any decision of the CRP, we need to distinguish this appeal mechanism from the Accountability Mechanisms that is currently available under the bylaws.

So, there has to be some reasoning as to why you use one mechanism as opposed to the other mechanism or the possibility of using the Accountability Mechanism to then sub-appeal this new mechanism, so those combinations need to be looked at and SubPro is doing that at the

moment and related to this topic is Recommendation 35 of the CCT Review, which is to introduce a post dispute resolution panel review mechanism, which is basically recommending that an appeals mechanism be established, so, I've already touched on slide number 3, so I'm going to go into it further.

Just slide number 4, if you can go to the next slide, I just wanted to point out that there is a departure from the comment that we made in October 2018, to the one that we meet in the one that ALAC made for CCT 2, and in essence, I think, when the CCT 2 comment was made, the challenges may not have been so apparent, so, having the benefit of now seeing the issues, and the lack of ability to appeal certain things, or certain objections or evaluations, I think, the comment has now been superseded to say that we would support the establishment of a new substantive appeal mechanism.

Obviously, this appeal mechanism has to be transparent. It also has to ensure like with objections, it also has to ensure that the panelists, evaluators are free from conflict of interest, and additionally this mechanism is used with not only objections but also evaluations. So, before, under the topic of objections, it was objections filed against applications so it was only limited to the four types of objections right, it doesn't deal with evaluations because evaluations are now done under a different topic, but in terms of appeals, we are looking at the possibility or the ability to appeal against objections and also evaluations, right, so that's another point to note.

Okay, moving on to slide number 5, okay, so I've already mentioned the [inaudible] part. Okay, so moving on to slide number 6, we had

suggested that the limited appeals process should cover both substantive and procedural appeals, because isn't often difficult to distinguish between the two types of a resource to speak whether it's substantive or procedural.

And moving on to slide number 7, okay, so this is where the question was raised as to whether the AC's have standing to file an appeal. So this is back to what Alan had raised, whether ALAC should be limited in any way or constrained or denied in any way, the ability to file an appeal, that's a related question.

Okay, right, so the rest of it is just to do with a new Appeal Mechanism I will let people just read through it, I don't want to take up more time. I would like to say that in terms of SubPro, the work is being done and there is a matrix of sorts that is being established and discussed to clearly highlight what is appealable, who should be allowed to appeal, what would possibly be the remedies for such an appeal. So SubPro is still working through the intricacies of those things because, as I said, this Appeal Mechanism is entirely new, so there is nothing to work from.

So, I think I'll leave it at that; if there are questions or further comments to be made, I see Cheryl's hand up, so maybe I'll quickly pass the floor to her then. Thank you.

CHERYL LANGDON-ORR:

Thank you very much, Justine. Cheryl Langdon-Orr for the record, and I really always as I keep saying, I really appreciate the way you put such clarity and ease of understanding into the presentations and the

wonderful archives that your presentations are creating for us, and for future At-Large people to bring themselves up to speed on this, I just wanted to add a couple of very tiny points, that are hopefully important points, one of which is, I did mention in chat and I just want to draw attention to it, that the disconnects the apparent disconnect between our comment in the second of the community consultation, that's what the CC 2 of the CC 1, referred to by Justine, 03 October 2018. That's where we didn't think in our ALAC statement that there was a requirement for additional appeals.

That of course, was at the point where the Subsequent Procedures Working Group and all of its work tracks were seeking community input, and based on the very broad and [inaudible] community input, our own input included, then the work tracks went on to develop their thinking and come up with the recommendations about these additional appeal mechanism, so perfectly reasonable for us to adjust as suitable, and of course, the public comments regarding our initial report had also not been gathered at that stage and so we were not aware of the interesting if not utterly bizarre opinions of some other parts of ICANN regarding our advisory committees, responsibilities and roles with regards to appeals with the final moment and, as Justin mentioned, the matrix is being developed.

I think the next iteration of the matrix which becomes public to the Subsequent Procedures, should probably be annexed as one of the documents for this working group to look at, perhaps Justine you might want to introduce that to the CPWG at a future point in time, it is a work in progress, as Justine mentioned, that, notably, a couple of things now, there seems to be the ability to appeal at, far more points, in the

process and so that's important for us to understand, as a community, but more importantly perhaps, coming back to what Olivier and Alan and I are getting our blood pressure up about, and the thinking at this stage, this is not concrete yet, but at this stage, is that along all of those appeal and objection points, it would be a loser pays system. Of course, when it comes to a loser pays system, that would have a chilling effect on the advisory committee, ALAC and GAC, if they were not supported in some way, shape or form to do so. Thank you.

JUSTINE CHEW:

Thank you, Cheryl. Yes, noted, on the metrics to be shared with the group. That was the intention, I just wanted to wait until it had some more input because obviously as I said, it has been tidied up since the last call and it's only seen input from SubPro members, so I just wanted it to be more concretized before I attempted to share the copy. Tijani, you have your hand up.

TIJANI BEN JEMAA:

Thank you very much, Justine. Tijani speaking. I can't agree with you more, Justine, about this CPE and we need really a [inaudible] mechanism for the CPE. And as you know, for the round of 2012 one of the most failures of this round was the CPE because these panels are [inaudible] without any reference criteria. They decide on their own understanding and two panels may have two evaluations, and several times they are not, how to say, I will not say wrong, but not understandable. So having an appeal mechanism will help a lot in the

future so that we will not see applications rejected because of this panel.

JUSTINE CHEW: Thank you, Tijani. Olivier?

OLIVIER CREPIN-LEBLOND: Thank you, Justine, Olivier Crepin-Leblond speaking. Not wearing my Chair's hat and just looking personally at a historical perspective, there were quite a number of objections that were filed by the independent objector. Not many objections, well the At-Large one didn't succeed, the ones from the GAC, I think very few succeeded, the ones from the independent objector, very few of them succeeded, as well.

And it is, I guess, bittersweet in some ways to see that some of the strings that had been so adamant on being launched and that were objected to and still got launched afterwards, have since cost the people that have launched them hundreds of thousands, perhaps millions of dollars, and have not succeeded. Perhaps it would have been better if the objections had succeeded back then, we would have saved them money. Thank you.

JUSTINE CHEW: Thank you, Olivier. Sébastien?

SÉBASTIEN BACHOLLET:

Thank you, Justine. I have one question about appeal mechanisms. I am not a specialist on appeal mechanism but it seems to me that one part of the Workstream I and Workstream II, and specifically IOT was in charge of taking care of changing or moving the appeal mechanisms. Why are we creating a new one, I think some specificity on the appeal mechanism.

Because I have a fear that we will have a lot of -- we are I think [inaudible] to complexity and I am not sure that I will support to have one new appeal mechanism because we have some specific reason. Because it's not in two days because we want to have something specific for end user to appeal, then we will have a specific appeal mechanism. I am not 100% what I am asking for, but I think really we need to think about that before creating a new appeal mechanism and support it. Thank you.

JUSTINE CHEW:

Thank you, Sébastien. Since there is no other hand, I'm going to answer your question as best as I can. From what I understand from the question, you are stating that the accountability mechanisms are in place, they have been the result of a change to the bylaws because of the review processes that you have mentioned. SubPro has considered this aspect. The challenges that we are dealing with has to do with a couple of elements.

Number one, the accountability mechanisms deal with mostly decisions of ICANN Org or ICANN Board and they also deal with procedural questions. So, typically the question is has ICANN Org or ICANN Board

not followed its policies or breached its policies and procedures in making this decision? So, that's a procedural question. The main reason why we're looking at a new appeals mechanism specifically for the new gTLD program is the fact that many decisions, such as evaluation and objections are not taken by ICANN Org or ICANN Board.

Now, there was a comment made that in the future if the applications for new gTLDs were to be not based on rounds but on first come, first serve, basically it's an ongoing process, then there could be a possibility that some evaluations could be moved in house, meaning to say that ICANN Org would take the responsibility for those. That's a question to be thought of not immediately, but in the future. But at this point in time we are still grappling with outsourcing many of these processes to third party service providers.

So in that respect it is not ICANN Org who is making a decision for these things. So the process oriented appeals mechanism under the bylaws does not sufficiently address this aspect of it. So for example if I may take CPE, so CPE requires expertise in the panel, there are questions if the panels in the last round did have expertise, but the idea is that these panels subcontracted under third party service providers have certain expertise, which is why we use them. So, the ICANN Board may not have this expertise in order to deal effectively with an appeal. Cheryl?

CHERYL LANGDON-ORR:

Thank you, Justine. And just to reassure Sébastien, yes, indeed, the CTE review process during Workstream I and Workstream II is important, it shouldn't be overturned, but I can assure you, as I'm sure Alan would,

because both he and I were very active in that particular work track within the cross community working group that what's going on in Subsequent Procedures and the recommendations that their work track is indeed complementary and an extension to, as Justine has just outlined, not a concept in any way with the upgrading and modification of the very faulted existing CPE process that was in place during 2012, but we didn't know what we didn't know back then, and now we know a lot more.

So, I'm not as concerned but I do understand why when things haven't been implemented yet or finalized yet, your concerns, that we didn't start redesigning it before, but having been deeply entrenched in these processes in both of these activities, in fact in all three of these activities, I'm certainly comfortable and happy to follow up, but right now I have to get on to my next meeting, so apologies to my tardiness from now on and thank you for allowing us to move this up on the agenda, Olivier, because it certainly has been a relief to me to be able to contribute. Thank you.

JUSTINE CHEW:

Sébastien?

SÉBASTIEN BACHOLLET:

Thank you very much for the answer and the input. I still feel a little bit uncomfortable with creating a new appeal mechanism. If I understand part of the discussion, it's maybe not to create a new appeal mechanism but to have the current appeal mechanism with some additional

changes. But it may be useful if it's not yet done to have discussion on the specific topic with both the ombudsman and the Chair of the IOT.

Because I understand and I get your points, but I still feel that if we create a new appeal mechanism it will be quite an edit and if follow some words about who could be engaged to do the appeal, I guess that having some knowledge about gTLD, it's not a big deal and it's even very important to have that within the group of people who will be able to do the appeal, participating through the study of the case of the appeal when it will come. I guess we are close to trying to find the seven people who are supposed to be in this group to do the mechanism. Once again, I think you have good arguments, but I really feel that I don't think it is useful to create a new appeal mechanism. Thank you.

JUSTINE CHEW:

Thank you, Sébastien. What I could suggest, just for Olivier's benefit, I could suggest is that I don't want to take up too much more time, I have put in a draft position in the chat we could like at tidying up or expanding it. Should we take this further up by the list and also on the call next week? That would be a question that I would pose to this group. Thanks.

OLIVIER CREPIN-LEBLOND:

Thank you for this, Justine, it's Olivier Crepin-Leblond speaking. For those people that are only on the call, would you please read what you put on the chat and then we'll continue with the call. That would be great.

JUSTINE CHEW:

Essentially, and I think this applies to both objection and appeals, the position would be that ALAC has no funding ability beyond that of ICANN, that is Cheryl's contribution. It is not feasible for ALAC to raise funds to finance an appeal or an objection or to bear costs if appeal is unsuccessful. Thus, it would be discriminatory to constrain ALAC from exercising its right to appeal because of now funding.

In terms of quantum or limits that could possibly be applied, this one, I don't really want us to concede to anything at this point in time, because it is a budgetary issue and budgetary issues could be taken up elsewhere, like to the Board, or something. So, I would just limit it to say that if there were any quantum of objections or appeals that could be filed by ALAC, any limits to that, that it must commensurate with the number of applications. Thank you.

OLIVIER CREPIN-LEBLOND:

Thanks for this, Justine, and we'll continue this discussion next week. And thanks again of course for your excellent work and for those people who have not seen Justine's excellent work, if you go on the wiki page that deals with Subsequent Procedures you will see not only this presentation but other presentations on many different aspects of the Subsequent Procedures, and they are a very interesting read and that will certainly bring you up to date with all the proceedings that have taken place in the Subsequent Procedures policy development process. Without further delay, we will now go back to our usual agenda with Agenda #4, 5, 6 and we will finish, of course, with Agenda Item #8. And

for this, Agenda #4 is GeoNames Survey Update. Jonathan Zuck is going to take the floor. Jonathan?

JONATHAN ZUCK:

Thanks, Olivier. Jonathan Zuck for the record. A bunch of my updates are going to be quite short. There were documents that were out there on which people were able to comment and so the first is the Geo Names survey. We've had people comment via email and also we had a conference call for interested parties for things that they thought would improve the Geo Names survey and make it easier to fill out for more people. I don't know if it's possible for you to bring it up on screen, I've created an introduction.

So the top part, if you follow the link and go through it, you see the top part is the description for you, for us, to remind ourselves what it is that we're trying to do, and then every one of these scenarios is going to have two questions: Do you think, it's supposed to say think instead of feel, I forgot to make that change; Do you think this type of scenario is likely? (Yes, No, I don't know). One of the recommendations was made to add "I don't know," and How would you categorize this outcome? So those are going to be the two questions asked for each of these scenarios.

I then added at the top of this text that might be good for people to be able to read, that's sort of introductory text to the survey, that kind of gives a little bit of background about why we're doing the survey, and also suggest that people skip questions that they're unable to answer, et cetera. And beyond that, I've gone through each of the questions

and tried to make them more clear, explain things in parentheses, I got rid of references to names that had already been delegated and the other suggestions that were made.

So, I guess ideally by the end of this week, if you've been interested in this topic, please check out this Google doc and make any additional comments if you see them and perhaps we can try to circulate the survey together with the Geo Names video by way to introduction prior to sometime next week. So that's it for the Geo Names survey. So it's at this link, it's been edited based on your feedback, and I hope that it meets your expectations.

OLIVIER CREPIN-LEBLOND: Thanks, Jonathan. Marita Moll has her hand up.

MARITA MOLL: Hi, Marita Moll for the record. Thanks, Jonathan, great changes, I think that will help a lot. My question is do we intend to restart the survey after this?

JONATHAN ZUCK: I think so.

MARITA MOLL: Okay.

JONATHAN ZUCK: I think at this point that makes sense to do.

MARITA MOLL: So people who have already done it will have to do it again?

JONATHAN ZUCK: Presumably, if we have them, I will try to synchronize the results. If the questions, I didn't add or remove questions, so in theory the answers should still work. But we added things like I don't know, for example, as one of the answers. Like I said, in theory, I should be able to integrate the two of them.

MARITA MOLL: Okay, thank you.

JONATHAN ZUCK: Any other questions? Okay, great. So, please take a look at this link and see if you're happy with it now, and make any further suggestion that you might have and Sébastien I know you don't always like to do things by editing a document, if you see things you want to change, then feel free to set up a Skype with me and we can talk through any additional changes you see, as well. Thanks, Olivier.

I guess I have the next thing, as well, which is the Draft ICANN66 Talking Points, so Staff if you could bring those up and then post the link. So, I have been asked by Maureen to do the talking points again for this ICANN meeting, even though this meeting is a little bit different because

we're spending a lot more time talking to each other, because of ATLAS than we are out in the main ICANN meeting, but she wanted to make sure that there were some talking points about the three plenary sessions.

So those three sessions are EPDP Phase 2, the DNS Abuse, and the Evolution of ICANN Multistakeholder Model. So, I have just created a first draft here of what a handout might look like, especially for folks that are new, that have just come to ATLAS and are looking in these meetings for the first time, if this is your topic I have already reached out to you for talking points, but I just wanted to start a straw man document so that people have something to react to. So, once again, this is the first draft of this, please go to the link and provide whatever comments you have or updates on my background descriptions and the talking points that are listed for each of these topics.

Any questions about that? Most of these are pulled from documents that we've already written, et cetera, so I don't expect them to be controversial, but you may want to change the wording of my summaries, et cetera, so, please feel free to comment on this document, as well. Any questions? Holly, go ahead.

HOLLY RAICHE:

Okay, just a question, I haven't had a chance to read the document, is this going to be put on the policy page or somewhere where we can actually comment?

JONATHAN ZUCK: It's a Google doc where you can post comments.

HOLLY RAICHE: Okay, thank you.

JONATHAN ZUCK: Eduardo, go ahead.

EDUARDO DIAZ: Thank you, this is Eduardo for the record. I have not read it.

JONATHAN ZUCK: No one has read it.

EDUARDO DIAZ: My question is, these talking points, are these things that we have already set as a comment or is this something that we want to say going forward?

JONATHAN ZUCK: Well, remember the way that we think of the talking points is for people to as they attend different sessions during the ICANN meeting, having a little background on the conversation and then they end up in the hallways having discussions, they might want to raise questions, and so that's the idea. They are specific to the meeting, and in each of these three cases, they are points that we have talked a lot about, so hopefully again the talking points themselves aren't controversial

except that maybe Marita and Holly may decide that there's another point that's better or more important than the ones that I chose.

So there might be some shuffling around, but the idea is that it's just a handout for people, so that as they enter in these conversations, whether it's formally or informally during the meeting, they have a little bit preparation for that. Does that make sense?

EDUARDO DIAZ:

Thank you, it makes sense. The reason I'm asking the question, and I'm taking this as an example, if we take the first bullet for the EPDP Phase II where it says "Request that the issue of geographic differentiation" and so forth, why don't we use this and just send it to the EPDP people and say we request that the issue should be taken into consideration.

JONATHAN ZUCK:

Oh, yes, in this case, those requests have already been made by Alan and Hadia inside the ePDP, so it's more about everyone repeating and echoing those priorities.

EDUARDO DIAZ:

Okay, thank you so much.

JONATHAN ZUCK:

So this doesn't take the place of formal communication at all, it's meant just to allow us to all be on the same page and to echo the things that we've been saying.

EDUARDO DIAZ: Thank you for the clarification.

JONATHAN ZUCK: Of course, thanks for the question. Any other questions on this? So, please do take a look and comment about the folks that are specializing in each of these areas, please comment on the talking points. I wouldn't mind having fewer in the EPDP Phase II, so Hadia or Alan, if you think of a way to cut these down, et cetera, please let me know or make comments on the document directly, and we'll turn out another draft for next week. Okay, I think that's it for this document.

The next document that we've been talking about on and off again is the CPWG Charter & "Ideal" Process. And so same thing, I have gone through and read all of the comments that were left by people and have responded in some instances to those comments if I didn't make a change or I made a change right in the document.

A couple of issues that came up that I think might have the result of confusion, but maybe not, and so that might be worth us discussing for a few minutes, is the issue about whether or not the CPWG should be the central point of taking on issues and then delegating them out. And so I believe some people think that should be the ALAC rather than the CPWG. Other people just like the CPWG meets on a regular basis and has an energetic agenda and see it as a good place for that delegation to occur, even if it's fairly automatic, the finance committee or something like that.

And in some instances, it may be reviving a committee, such as we might be talking about with the public interest issue, and so the CPWG seems to most like a good place for things to get brought up the first time, and then we can assess whether there is policy implication that we should go over, or if we should forward it on to one of the other subcommittees. But if people want to make a case for that delegation happening elsewhere, I'm happy to hear it. Tijani, go ahead.

TIJANI BEN JEMAA:

Thank you very much, Jonathan. Thank you for this remark. I believe that the CPWG should be the home of any discussion about the policies related to DNS only. Any other thing should be handled by ALAC directly and perhaps distributed by ALAC for other groups, et cetera, but anything related, policies related to the DNS should be discussed here in the CPWG working group. Because if not, it will not be a CPWG, we have to call it otherwise, another way, and also it will replace more or less the prerogatives of ALAC. Thank you.

JONATHAN ZUCK:

Thanks, Tijani. Yeah, I think everyone agrees about that, and it's just a process question. Everyone knows that the CPWG is just about policy, and I don't think anyone wants to change that. So the question is just what this ingest process looks like. In other words, who would decide whether an issue had no policy implications other than the CPWG that meets frequently enough for things to happen quickly.

So, I think the reason that the CPWG has become the place where everything gets brought up is because it meets regularly and a lot of key

voices participate on this call. So that's why in this pyramid you can see there is this question about whether or not it's a policy issue, and if it's not, it's forwarded on to either the ALAC or to whatever committee specializes in that area, long before we actually discuss the particulars. So there's like a filter process at the beginning of what I call the CPWG ingest process, you know, like when something is brought up, we can quickly assess whether there are policy implications, and if there are not, we can say, oh, this should go to the finance committee or this should go directly to the ALAC, et cetera.

It's just that those other committees don't meet with the same frequency, and that's why people have favored this being the place that those delegations occur, but I'm not wedded to that, I'm completely happy with whatever the consensus is on that. But I have no desire for the CPWG to become the place to discuss those other issues, it's just about whether or not it's the place to bring them up and figure out where they should go. I hope that makes sense. Hadia, go ahead.

HADIA ELMINIAWI:

Thank you, Jonathan. Hadia Elminiawi speaking, for the record. I was wondering if we actually would like to add to the inverted pyramid one text about the public interest, like if the developed position or action is in the public interest.

JONATHAN ZUCK:

Interesting.

HADIA ELMINIAWI: Within the development.

JONATHAN ZUCK: I guess I'm not opposed to that. So, that yellow stripe is its own process, so as you know, the next slide then expands on how it is we go about developing our position and determining what action we should take. And so we could in that process fill in a public interest question, at least, that always gets asked, and I'm not opposed to that, I'm interested in how other people feel about that, as well. But that's where I think that would take place. This is just the process by which we get rid of things so that we don't have to talk about them.

So, the yellow box on this inverted pyramid, we only get to if we make it through these other layers. Every one of these layers above it is about getting rid of topics. So the develop position action is our actual discussion of it if we haven't gotten rid of it. I'll take the other questions and when we get to the next slide, then we can see if we show put in a public interest question. But before we move on, Holly, did you have anything else about the ingest question? You lowered you hand. Eduardo, did you have something new?

EDUARDO DIAZ: Yes, can you move backwards?

JONATHAN ZUCK: Can you move it back to the pyramid, Claudia?

HOLLY RAICHE: Just a point to raise, in the second to top of the pyramid, isn't that where we also ask if it's in the public interest?

JONATHAN ZUCK: I guess I don't know. The top of the pyramid is really to determine whether the CPWG should be talking about it at all, and I don't know that we're going to get into a detailed enough discussion about the public interest to determine if we should even be discussing it. The top of the pyramid is literally the ways to dispose of this without talking about it. It doesn't belong to us, that's the top of the pyramid. These are all the various reasons that we're not going to talk about it. It's only when we get to the yellow layer that we're actually even going to talk about the issue itself.

HOLLY RAICHE: Okay, well I think somewhere in the very top is where you ask that question that Hadia raised, is it the public interest or not? In other words, is it an ALAC issue or not?

JONATHAN ZUCK: That was actually supposed to be an ICANN and ALAC remit, so that's what the second is supposed to be, so maybe that answers your question. Yes it is, then, in that second, is it in the ICANN remit and is it in the ALAC remit. Oh that's right here. Unique individual end user perspective is the other filter question, it's the fourth one down, which is about whether it's in the ALAC remit.

HOLLY RAICHE: Would you move that up? Because it may be in the ALAC remit but it may be a financial matter or something else that goes somewhere else, but is still of interest to ALAC.

JONATHAN ZUCK: Sure, we can change the order, that makes sense. That's potentially the bigger question in the narrowing sequence, so I agree with that.

HOLLY RAICHE: Okay, thanks.

JONATHAN ZUCK: Thank you, Holly. Eduardo, I come back to you.

EDUARDO DIAZ: I just answered the question when you were answering the question to Holly.

JONATHAN ZUCK: Okay, excellent. So, a couple of slides down is the position development process, Claudia, if you scroll down a little bit, it might be two slides later, keep going, it's the one with the blue boxes. So this slide here, where we might add an actual question about public interest, potentially, Hadia, but maybe you just meant whether or not it's in the ALAC remit when you said the public interest, but if we're talking about public interest as in the public interest framework, then it might be in

the middle of this process as part of finalizing the position, that might be the place to add that. So I can look at that, as well.

HADIA ELMINIAWI:

Thank you, Jonathan, it was to Holly's point, and yes, you're right, I do think that where you highlight it is the place for the public interest framework in order to see if the comment or recommendation or position actually is in the public interest. To Holly's point, the framework or tool for public interest is only beneficial after the issue is determined within ICANN mission. So you can't really use the framework before you make this determination.

JONATHAN ZUCK:

Okay, thanks Claudia. Justine, go ahead.

JUSTINE CHEW:

Thanks Jonathan, this is Justine for the record. Can you remind me again, has the question about who does the filtering been answered?

JONATHAN ZUCK:

Yeah, I was going to bring that up. Justine in the document brought up the question of whether or not we should formalize the process by which we make these decisions in the pyramid. So, as we ask those questions, is this within the ICANN remit, is it within the ALAC remit, is it a policy question or not, and should it be forwarded away, should we formalize the decision process for those questions? And the responding

comments were fairly well divided between creating a formal way of doing that or a wait and see policy on that.

So right now we just sort of have a feel for the room way of deciding that, and I suspect that if we're unable to reach consensus, we would probably pass it to the ALAC to be the arbiter of that question, or something like that. I don't know if there is a good way to institute a vote or anything like that within the CPWG, because it's not a well enough defined work group to ensure that we have a quorum, et cetera.

I think it's a discussion group and a formulation group that ultimately is just making recommendations to the ALAC. And so any recommendation we make, such as we don't think this is within ICANN's remit, can be turned around by the ALAC and pushed back to the CPWG if we get it wrong. Does that make sense?

JUSTINE CHEW:

Yes. Actually I have a supplementary question, then. What you raised, which I alluded to in the Google doc is the question of how. My present question is the question of who. So again, the question of who filters issues to go to CPWG first or does CPWG filter the issues and then tells ALAC we're not going to look into this. Who is doing those things.

JONATHAN ZUCK:

Oh, okay, so that's just a clarity on my part. My proposal here is that in fact the CPWG would have its own discussion about each of those questions and make that determination on a call about whether to

proceed to discuss this issue, to pass it along, or to drop it. And so I think that will be a discussion on the CPWG call, the top of the pyramid. That's the who in my proposal. Alright? Great. I think that was mostly it.

As I'm reading this, I saw a couple of things I still need to fix, and I'll move the ALAC remit higher before the policy determination per Holly's recommendation. So, this is still a live document. I suspect, I don't actually know what the next stage for this is going to be, but I will make those changes, it will remain a Google doc for now and it may get incorporated into a wiki or someplace on the site, but we can do another rep of it, because there's nothing urgent about it. It just got raised and we thought we should put a little bit of information down about it. So, I'll make those changes to the Google doc and feel free to go to the link to see if there's anything else you'd like to see changed. Cheryl, go ahead.

CHERYL LANGDON-ORR:

While you're making changes, the only thing while you had my left brain paying attention to you, perhaps that's the difference, it strikes me that it needs to be clear for the nonentrenched or new reader of this charter later on to be clear in the understanding. But of course, as a working group of the ALAC, the ALAC can always tell the CPWG to do whatever the ALAC wants. It may very well say, CPWG we want you to do the following. And that's okay. So just to have that sort of bump in meeting in the middle bit, because you know what it's like when people read these things disconnected from where we are at this point in time.

JONATHAN ZUCK: Sure, I'll try to add something like that now that's is a document, thanks Cheryl. Any other questions? So, I guess my next step on this is I'll just prose around these slides. This began as slides, and I'll add a little bit planetary prose in between the slides, such that it feels a little bit more like a document, I guess. And it will be there for people to continue to look at and to look at on a future call. Thank you, folks. Olivier, I think those were my homework assignments.

OLIVIER CREPIN-LEBLOND: Thanks very much for this Jonathan, Olivier Crepin-Leblond speaking. We now have the policy comment update. There are three due in one week. So, the first one being the effectiveness of ICANN's multistakeholder model and then Amazon public interest commitments, and ALAC question to the ICANN Board domain name abuse. Over to you, Jonathan, and Evin, of course.

JONATHAN ZUCK: Evin, why don't you go ahead and take the lead.

EVIN ERDOGDU: Okay, thank you, Olivier, thank you Jonathan, as well, for the presentation. There is one public comment for decision just to note it came out today and it closes on the 25th of November, and it's the registration directory service RDS-WHOIS2 Review Team final report. But as Olivier noted, there is one public comment and then two responses that are being drafted, so in total, three, due within the next

few days, actually, so Monday the 14th of October. I would welcome Marita or Holly or Abdulkarim if they are on the call to make any comments about the ICANN multistakeholder model comments and draft statement.

MARITA MOLL:

Hi, it's Marita Moll, for the record. The draft statement is on the wiki page and it's down to the wire on this. There has not been any activity in there for the past few days except me moving some of my text around. It would be very good if some people would go in there and take a look. Maybe there are a few things in there that might not be phrased the way you want to see them.

So, please, this is where all the yellow stickies go up on the wall about how we're going to solve these problems and this is our chance to put in any details that we can deliver about how we think some of the issues could be or should be solved. So, I invite you to please go in. It will be closed within the next few days, the deadline is the 14th, which I believe is Monday, and I guess I'll have to hand it over to Evin on Friday to finish the clean-up, is that right, Evin?

EVIN ERDOGDU:

Yes, Marita, thank you. And also, of course, confirm with Maureen it's okay to submit and then launch the ALAC ratification and so forth. So, thank you, that sounds good.

MARITA MOLL: Friday sounds good, alright then. Please, people, would you please go in and have a look at it, thank you.

EVIN ERDOGDU: Thank you so much, Marita, so the next is the Amazon public interest commitments, and this was noted last week on the CPWG that the ALAC needed to convey that it understands the importance of the PICs issue and has discussed it at length, but there was no consensus in the ALAC and At-Large community on the topic. But, Maureen and Marita again are also coordinating on this and Maureen will be submitting on behalf of ALAC. So that is also on track.

And then the ALAC Question to the ICANN Board: Domain Name Abuse, this Jonathan had volunteered for last week, so this is also on track. So, unless there are comments on those, perhaps we could move to Invitation to Provide Feedback on the ICANN Board's Proposed Public Interest Framework and presentation by Hadia Elminiawi. Thank you.

HADIA ELMINIAWI: Evin, maybe I could read the letter that I put together, it's just a very short piece, and make sure that this draft statement, it's only a two line letter.

SPEAKER: You'd like for me to read this off?

HADIA ELMINIAWI: I'll read it, I just thought everybody should hear what we're saying, since we've had a couple discussions on this.

SPEAKER: Sure, please go ahead.

HADIA ELMINIAWI: The letter basically says, and I hope this is okay, it says, "Through its weekly policy discussion process, the ALAC has spent some time studying and discussing the invitation to comment on the .amazon public interest commitments. However, a lack of consensus on this topic on our community. We wish to respect the peoples of the Amazon region and will in no way try to speak for them and we respect the fact that the process around the delegation of the .amazon gTLD has now concluded." And that's it.

JUSTINE CHEW: Marita, this is Justine.

MARITA MOLL: Hello, Justine.

JUSTINE CHEW: I put in the chat that I made a correction to the draft that you've just read out.

MARITA MOLL: I know there was a typo error, thank you.

JUSTINE CHEW: No, no, it's not a typo error per se, but just to be clear, because you mentioned the word "delegation," actually it has not been delegated, so it's moving to delegation, it's in the contracting phase, so I just wanted to correct that point.

MARITA MOLL: Thank you for correcting that Justine.

JONATHAN ZUCK: Okay, thanks folks, we are short on time and this public interest issue is pressing, so if we can, let's jump right into Hadia's presentation, and Hadia, sorry to rush you, I think we only have 10 minutes max with the translators. So if you could give us your thoughts on this, we'd really appreciate it. Thanks.

HADIA ELMINIAWI: Thank you, Jonathan. Hadia Elminiawi for the record. I'll be really quick, I don't need more than 10 minutes. So, I tried to put together some slides that explain what this framework is about and what is required from us. So I'll start with some points to consider and then I'll talk about the framework itself, and then the questions that we are to consider. Next slide, please.

So, first, we are not looking for a definition for the Global Public Interest. Previous efforts in that direction have not succeeded in defining it in a way that contributes to ICANN 's work without going beyond ICANN's mission. Therefore, instead we are looking for the global public interest on a given issue. So, what is actually presented in the document is a method for finding the global public interest on an instance.

So it is meant to understand the global public interest in relation to an issue in order to guide our decisions, our comments, our recommendations. Within the past years the Board began to include into each of its resolutions how the decision promotes the global public interest. The proposed framework will not change the process. A tool for the community to show how specific recommendations and comments serve the public interest. If we could have the next slide, please.

So what we have here is just a starting point for the discussion. The details of the framework are to be developed by us, the community, and this tool or framework cannot be used except after the issue is determined within ICANN's mission. And this is because when we start looking at the tool, we look at the elements of it. If we could have the next slide, please.

So the tool or the framework consists of three columns or three questions that tackle three main areas. The first is the question about ICANN's work, so how this issue relates to ICANN's work. And then we have several categories for ICANN's work and each category relates to another column that refers to the bylaws. And then the third column

quotes language from the bylaws that supports this work category. If we could have the next slide, please.

So the public interest framework consists of first, a column that includes ICANN's Work Categories, and the categories we actually have are ICANN's Technical Coordination, ICANN's role in the DNS marketplace, Benefit to the Internet community, ICANN's global multistakeholder community and policy development processes, and the last one is ICANN's policies and practices.

So what we need to do here is look at those categories and determine if we think those categories actually further ICANN's work. Do we need to change them? And then related to each category we have the bylaws that support it. So when you're talking for example about the technical coordination, the bylaws in relation to this, is it stable, secure, open, resilient, and interoperable. And then we have a third column that actually brings questions, so if we could have the next slide.

So what we need to do is look at the categories, we have a question here to consider. What are our thoughts on the proposed model, and if we have any suggestion for improvement. So, for the model, we look at the categories, we look to see if those actually cover the work, and do we need to expand on them, change them, keep them as they are, or do we have a totally new idea or another idea for the framework.

Another question to consider is how this framework actually will affect our work as an advisory committee, how it will affect the work of the supporting organization's review team and working group. So for us, for example, it will be very beneficial after making a decision or a comment

or recommendation, we use the tool in order to determine if actually this decision or com is comment global public interest. Also, this could be very useful in the appeals. And then questions put forward, what we think about ICANN's decision accompanied by the public interest related to it.

So that's it for me today, and I'm happy to answer any questions. I didn't yet put my thoughts in there, but it's just an explanation for what we have and then we can start putting comments on the wiki page. Thank you. Happy to take questions.

I can see something in the chat, the table is promising to me, but it is under how the model would deal with the competing positions for different groups, example of mechanism would be greater weight given to any particular group... I don't think, to answer your question, it's not about that. For example, if we decide on a recommendation, then we should use the tool to see if it's actually with the global public interest, or not.

But actually what could be the case, we could have two different positions and I could use the tool and prove that this is in the global public interest and the one having the opposite position could also use the tool, and reach the conclusion that is of global public interest. This is what worries me, actually, that this tool could actually work for any position, but then I'm not sure, it needs to be tried.

OLIVIER CREPIN-LEBLOND: Okay, Olivier Crepin-Leblond speaking. I'm going to jump in because we really are over time on this call, and I'm concerned the interpreters...

MARITA MOLL: Hi, it's Marita, I've got my hand up. I attended the webinar where Avri presented this tool, and I must say that I'm a little confused, some of this is trying to answer some of the similar questions that the multistakeholder evolution thing is trying to answer, and I find it a bit, you know, unsettling, that I think ICANN is trying to put up all of these things under different topics. It really presents yet another job for us to try to answer these questions when they're very much interrelated. So, I don't know where the multistakeholder model ends and where this particular thing begins. So I find it a little weird that this is coming up right now with a very short timeframe. Thank you.

HADIA ELMINIAWI: Okay, so this is very different, Marita, than the multistakeholder model. This is actually a method or tool that is going to be used always to support decisions, recommendations, and activities, it's a tool. So it's a different thing. It does not change anything with regard to the multistakeholder model.

CHERYL LANGDON-ORR: Hadia, Cheryl here, if I may, the point Marita is making is this interesting pairing or overlapping of activity.

HADIA ELMINIAWI: Okay, okay, got it.

CHERYL LANGDON-ORR: Not so much the complementary nature of it. And to be honest, it is very interesting, [inaudible]. But the point is as we're coming to a certain point with the ATRT3 review on a number of things, this is work that has been apparently hanging over the entity and all of a sudden there seems to be to everything at once, whether or not it's tripping over each activity or applying it, or not, is yet to be found out. Good observation, one you might be finding commenting on in the ATRT.

HADIA ELMINIAWI: It's worth thinking, though, the Board has actually been considering its decisions with a public interest for how the decision actually fits into the global public interest, and that makes you wonder, how was this done? Were they using this tool?

CHERYL LANGDON-ORR: It's cart and horse, Hadia, and probably not a conversation we can have with the limited time left. But it's one worthy of having, I'll hasten to add. But the Board has to put that into its resolution rationale because the bylaws demanded it after the IANA transition work. So again, it's horses and carts, and that's the general stampede, they must finish on time.

OLIVIER CREPIN-LEBLOND: Okay, thank you very much, it's Olivier Crepin-Leblond speaking. I have tried on a number of occasions to end the call. We really are over the overtime and I think our interpreters might have already dropped off, or perhaps they're on the way to dropping off, and a number of other

people have dropped off, as well. This issue still has a week of life before the deadline, so let's please follow up on the mailing list and let's revisit it during the call next week.

Thank you for this presentation, Hadia. Jonathan Zuck had to jump off ship as well, he's got other things, so we are now going to Agenda Item #9, Any Other Business. I'm not seeing any hands up, a note from Cheryl, yes, need to know the really impractically short deadline on this one, though. I'm not quite sure how that one worked out, because when was that launched.

CHERYL LANGDON-ORR:

Olivier, it's very simple. It worked out, it worked out, because when they held the briefing that Marita and I joined, it was only a short paper and the Board felt that we only needed 30 days. I pointed out that was going to impractical not only at the time of year, especially before any AGM and at a time the community was busy with many, many other equally important things, that this would be a problem. So gee, what a shock. They were told, they just thought they'd give it a go.

OLIVIER CREPIN-LEBLOND:

Thank you very much for this Cheryl. Maybe a response, a shot across the bow will be one of the points we'll need to make sure we add to our statement. Thank you everyone. I'm not seeing any hands up for any other business. So the call next week is going to happen when, Claudia?

CLAUDIA RUIZ:

I believe the next rotation is at 1300 UTC, next Wednesday at 1300 UTC.

OLIVIER CREPIN-LEBLOND: Okay, thank you very much. So, next Wednesday, that will be the 16th of October, already, and it's at 1300 UTC. So that's going to be a little difficult for me, but we'll see with Jonathan how that can work because I might be on a flight part of the time. In any case, have a very good morning, afternoon, evening, or night. Tijani you had you hand up actually, sorry, I didn't notice that.

TIJANI BEN JEMAA: Yes, thank you very much, Olivier, I would like to say that next week at 1300 UTC I have another very important call so I will be absent, thank you.

OLIVIER CREPIN-LEBLOND: Okay, thanks for this, Tijani, we will note that. And with this, have a very good morning, afternoon, evening, or night. This call is now over. Thank you.

CLAUDIA RUIZ: Thank you all for joining the call, this meeting is now adjourned. Enjoy the rest of your day.

[END OF TRANSCRIPTION]