STEPHEN DEERHAKE: Alright. Thank you everyone for attending. Good morning, good afternoon, good evening, and I want to thank you again for joining today's teleconference, which as you know is our first since our face-to-face meeting in Marrakech, and I do hope that all of you who were present in Marrakech got home uneventfully and I hope your luggage did as well. I was hearing some horror stories of people's luggage not arriving in Marrakech, so I hope it worked better the other way around.

For the record, this is the 18 July 2019 edition of the CNSO PDP working group tasked with developing ICANN policy with respect to retirement of ccTLDs from the root zone. Further for the record, we have convened today at 23:00 UTC.

Alright. A big thanks to our able secretariat for being up late or giving us the prime of their evening to help us out today. As you no doubt know, North and South America has hit the sweet spot for this meeting as it's 19:00 here on the East Coast and 14:00 on the West Coast. So if anyone from these two regions has skipped this call, we will know who you are and you will be getting a yellow card from the chair and appropriate public humiliation at the next call.

I do wish to thank any of our colleagues living on or near the Prime Meridian, and there are some of you this evening who are on the call for joining us this evening as I know it's really late where you guys are.

And I do note that there are a few written apologies. I know there's one from Jaap and one from Eberhart, and perhaps there are a couple of

others that I'm not quite aware of at the moment. Oh, and Nick I believe sent in an apology just recently as well.

And I note it's morning in Asia Pacific, so I welcome anyone from that region who is also on the call. I'm assuming staff will be taking attendance in the usual manner, so if there's anyone on audio only, identify yourself so that you can be properly recorded. Kim, thanks for putting the apologies in the Zoom. That's great.

As I noted previously, the vice chair will not be with us today. So main goals for today's call, review and recap our work [carried out] at the face-to-face and take a first look at Bernard's flowchart which was posted to the list a day or so ago.

Before we dive into all of this however, I'd like to clear an administrative matter as well as any action items. So Kim, if you could put up the table of upcoming meetings, that would be great. Okay. Thank you, Kimberly.

There are two tables here. One is the scheduled between now and the Montréal meeting, and the second is a proposed. And the proposal is given that the next meeting is on the 15th of August and it falls smack in the middle of high summer holiday season in the northern hemisphere, we might consider scrapping it.

I'm happy to run this meeting, I'm just worried about turnout. And maybe I'm just being north hemisphere centric, but I do want to put this out there as a proposal. As you know, I've put this out on the list a couple of days ago. I've not heard anything back yet, but it's only been a day or two.

The proposal as you can see in the second table is to simply drop the 15 August meeting, shift all the times for the other meetings forward six hours so that we respect our six-hour rotation so that the 29 August meeting currently scheduled for 17:00 UTC would kick off at 11:00 UTC, etc. So that is a secondary impact on people, and I just want you to be aware of that. So we'd continue to rotate.

I'm happy to hear anyone's thoughts on the merits of canceling or not canceling the 15 August meeting. As I stated earlier, I don't think we have to decide this today, but I do think a brief discussion is warranted now with further discussion on the list. So if anybody wants to wave their hand up and down on this topic, I'll be happy to entertain your thoughts.

And I'm not seeing any, which I thought might be the case. So I think – so that we can get on to the meat of the matter this evening, what we should do is put this on the list. and specifically, I'm interested in knowing – and I will pose this question to the list for the benefit of those members who are not on today's call – is who thinks that they'll likely not or definitely not be able to make the 15th of August call? Because after all, what I'm trying to find out here is potential lack of turnout.

A comment from Peter in the chat. Okay, so Peter, we'll take that into consideration. Thanks. But if people want to weigh in – and again, as I said, I'll put this out on the chat – and hopefully –

BART BOSWNKEL: Stephen, this is Bart.

STEPHEN DEERHAKE: Oh, Bart does have his hand up. I don't see the full screen here, that's my problem.

BART BOSWNKEL: So my suggestion is don't spend too much time on it and go to the list, because probably, the people who are affected most are the ones in the northern hemisphere, especially the Europeans, and they're not on the call yet now because it's 1:00 AM or later.

STEPHEN DEERHAKE: Or 2:00, yeah.

BART BOSWNKEL: So those who are affected most are not on the call. It doesn't make sense, so just move on.

STEPHEN DEERHAKE: Oh, no, I'm done. I just wanted to say I want to put this out on the list and we'll fiddle with it on the list. And I'm done with this topic. So, Kim, if you can put the agenda back up again.

Action items, I am not aware of any, but then again, I tend to overlook what they are. So if I'm missing any action items, Bart –

BART BOSWNKEL: Yeah, it's fairly simple and they will be addressed anyway during this meeting. What staff promised to do is to recap the discussion of the breakout session and the presentations in Marrakech and on the item four, but just for the record, these two action items are closed.

STEPHEN DEERHAKE: Excellent. Okay. For the record, that's good. We're going to deal with them, address them in line.

So I think we're done with one, two and three. I think we can move on to item four, which was the recap of the face-to-face meeting. So I will turn the floor over to Bart. The floor is yours, sir.

BART BOSWNKEL: Thank you. And apologies for sending out the document [late.] Kim, could you put up that, so on the overview? So let me explain what I've done. As you know, we circulated a Google doc, and you've been working on a Google doc. We used that one for the breakout session in Marrakech, especially the list of the decisions, so that's captured.

What I've also done to assist you is included a bit on what was sconsidred oversight and review. What is an interesting one is first of all, the [inaudible] that was shared by Kim Davies some time ago, in April, I looked it up and now it's included in Annex A of this document and we'll get there a little bit later. That's on the role of the ICANN board with respect to decisions in case of delegations, transfers, and these are the known ones, and maybe even revocations. And that goes back to the 2012 era as Kim Davies indicated.

And a second one is the material from the issues report on review mechanisms, etc., and also included for reference the note from this working group to the council at one point on changing the ICANN bylaws, because it still is on review or using the [inaudible] for delegations and redelegations. So it needs to be aligned, etc. So that is what is incldued in addition to the breakout session.

So going to the breakout session as well, the questions were who takes a decision, so the list of decisions, which decisions should be subject to oversight and by whom, and related, which decision should be subject to a review mechanism?

And what I've done – and will touch upon it –is included it in [a table.] Not so much in a mind map, which I thought might be useful, but probably the table is just as useful because you're used to the flow of decisions, so you're used to that format, and it's fairly easy to list the groups around the different decisions as you'll see in a minute.

I've also incldued a summary of the comments each of the groups made without any reference to the comments, so please check where the comments recorded do reflect the comments of the group and you recognize them.

So that's how the documents look like. Are there any questions at this stage on line number one to 19 or comments? And this is just – I realize you received this today, but if you had a chance to read it, are there any comments? I don't see any hands up. Then can you go to the next page, please, Kim? And just for reference, this is not – we'll touch upon it at the next call as well.

Line 21 to 25, again just high-level comments, high-level summary, or summary, of the comments of the different groups, and there are also more detailed ones, and more questions with respect to the individual decisions are recorded in the comment field in the table. So if there are no comments or questions with respect to lines 21 to 25, then let me explain the consolidated overview – so that's the table.

As you can see, item numbers and decisions should be familiar by now. That's what [you've] been using since quite some time now. Also, who takes the decision, oversight and subject to review, these were the three questions. And I've divided in, say, each of the groups and what you've stated. And some groups were more specific than others, so I hope I captured everything. And I've added, as you can see, a comment field.

I think based on this one, you have a fair overview of what the group thought. What is an interesting one, as you will see, is group two. They considered – or maybe that's more out of practical purposes – that their view was that every decision in the process would be subject to review. And I know Patricio made some comments around this as well. I think he's identified the risk that as soon as a review mechanism is introduced, in case of an issue, people will use it no matter what.

So I don't know, let me explain. Item one on this list, these are your comments – I don't see anything else to add. It's very clear this is IFO. Group two identified that the ICANN board should have a role in overseeing this decision to send out the notice, so this would be along the lines of maybe somebody from group [two] who can speak to it, and that it would be subject to review.

Item number two, so decision notification, no retirement in place, that's more after the no retirement plan in place, that's [IFO] and that's more in, as people stated, a statement of fact than anything else.

Then the items number three, four and seven, as you can see, they're all around the retirement plan, whether it meets the requirements around the duration and whether IFO, ICANN agrees to the retirement plan.

So the reason for including the separate items when we started to draft this and design this was probably the separate decisions, first have a look at the retirement plan itself as proposed, and whether it meets the requirement as included in a template, or what IFO will [inaudible] consider to be core requirements.

Second is around the proposed duration of the retirement plan. It could be five years, but it could be less as well. So that's probably a separate decision, but it could be separate considerations under the notification as well, and [seven] is that the IFO agrees to the retirement plan.

As you can see, with respect to the meets requirements, there is no role for the ICANN board as considered [inaudible] IFO, but it's subject to review. Can you scroll down, Kim?

Duration, similar, and if you look at item number seven, it's [clear that's to] agree to the retirement plan, or not to agree, for that matter. I think it's formulated in a positive way, but it should be whether or not to agree, and that's IFO, ICANN board, and subject to review considered by all.

EN

So that's with respect to three, four and seven, and there are comments there as well that say they should be merged in the final – so in the procedural document, etc., and better formulated as clear as well. But I hope this is helpful. Any questions with regard to number three, four and seven? Any comments? Whether it's captured properly, etc. Yeah, go ahead, Stephen.

STEPHEN DEERHAKE: Thank you, Bart. This looks good. This looks accurate as per my recollection. So thank you, and carry on.

BART BOSWNKEL: Yeah. Okay. Thank you. So going to number five, decision of [administrative] transfer. Please, this still needs to be developed, and I know it came up [at an early stage] at the suggestion of Kim Davies whether or not to define something. And if I recall correctly – and Kim, please correct me if I'm wrong – this [inaudible] what you've seen in some cases in the past with respect to retirement is that the management was transferred to one of the new entities who will do the – I think it was in the case of AN and in the case of former Yugoslavia where they were transferred to one of the new or potential new ccTLD managers. So one was for [inaudible] and the other one was for Serbia. And they took on management of the retiring ccTLD. And the question is whether they should follow the usual transfer procedure, or could there be a lightweight procedure? So it's more an administrative transfer. I hope that's correct.

So that's not been discussed, but at least there was a decision, it is one of the decisions, and there is an assumption that the working group will include this in the procedure, so therefore it is included here as well.

If no questions, comments around this one, number five ... Number six is ... once a retirement is ... once people are working on a retirement or indicate they're working on a retirement plan, say, should the period that they can submit the retirement plan be extended?

And again, that's IFO, subject to review for debate, but say, two of the three groups indicated it should be subject to debate, so [it's]declined, probably.

Number eight and nine, some suggested to merge them. it is very clear that the language needs to be changed as well. This is mostly an administrative matter, so it's more a statement of fact. Again, I think it speaks for itself. Next page, please, Kim.

Number ten, declaration, again, yeah, this is probably self-explanatory. Some of the groups were not able to look into or didn't have the time, they were really focusing on the less administrative side.

So for your reference, what is included in the overview is very clear, and I think that was a very fair distinction, is whether there is discretionary power for the IFO or not as a basis to provide oversight and subject to review. So in cases of administrative, so it's more whether it's purely administrative whether you meet something or you don't, or when a date is passing. So a matter of fact statement or matter of fact assessment. Then there is hardly any room for – it's clearly not

discretion. And in that case, there would be no need for oversight or subject to review. At least that was the implied resolution.

So that's with respect to this part of the table. Any questions with respect to the table itself? I don't see any, nor in the chat. Then can you scroll down? We go into the annexes.

Again, scope of role and responsibility, [inaudible] ccTLDs to be – so this was, at the time, decisions with respect to delegations and redelegations, because [inaudible] and this is directly quoted from an e-mail from Kim Davies, and I've just included it to provide at least a basis for understanding with respect to the oversight role and what is considered. It might provide a baseline for oversight with respect to retirement, because this is the way oversight is now performed in the case of delegation, transfers, and revocations.

Maybe, Kim, if you want to add anything. If not, that's fine as well, but I think it's only fair to include this at this stage when we talk about oversight and the roles of the PTI, PTI staff and the ICANN board.

KIM DAVIES: I don't have anything to add at this point, but I'm happy to answer any questions.

BART BOSWNKEL: Thanks, Kim. I don't see any. Stephen, go ahead.

STEPHEN DEERHAKE:	Not a question for Kim but a plea to the group to read this and read it carefully, and think about what it all implies, because we really need to keep a lot of stuff in our heads, and this is an important part of that. Thank you.
BART BOSWNKEL:	Thank you, Stephen. And please be aware, if you read this, read this with delegations and redelegations, transfers in mind. And it's up to the working group whether they want to define oversight with respect to retirement along these lines. Peter, go ahead.
PETER KOCH:	Yeah. Thank you. Maybe I'm jumping ahead a bit, but I see ICP-1 mentioned in this quote from Kim's e-mail.
BART BOSWNKEL:	Maybe I can answer. Because this is 2012, and that's very clear that you need to put it in the historical context. ICP-1 by now is a non-document following the FOI.
PETER KOCH:	Yeah, that is basically my point. I was wondering. It's a quote in the Annex, so it isn't normative in any way. I'm just saying that we might want to avoid the impression that we put any value in ICP-1. Not saying anything might be appropriate if the rest of the group agrees, otherwise a footnote or so might be helpful.

BART BOSWNKEL: Yes, and I fully understand and agree. But as I said, that's why I put it in italics as well. This is a direct quote from the time. You can leave it out. And I think you put it very mildly even compared with some of your colleagues. Stephen.

STEPHEN DEERHAKE: Thank you, Bart. And thank you, Peter, for that comment. I had an initial concern about that myself, but I feel it's generally recognized that we have driven a wooden stake through the heart of ICP-1. We can't ignore it. We have to acknowledge that it was out there in the ecosphere for a while.

And I also agree with you that we probably should frame any reference to it with – as I think you suggested – a footnote or some introductory clause that says this is an obsolete historical document or something to that effect. But I don't think we can ignore it. I think we do need to reiterate whenever we bring it up – and we do need to bring it up – that it is null and void. So, thank you for bringing that to everyone's attention this evening, Peter.

BART BOSWNKEL: Okay. Thank you. And I think it is only fair to – yeah, the comments of the group, and make reference to the FOI and the work of the FOI working group with respect to ICP-1. And again, note this is only about delegations, redelegation, and that has changed as well. So, can you scroll down, Kim?

So the next one is – oh, it continues.

STEPHEN DEERHAKE: Yeah, it continues [a while.]

BART BOSWNKEL: Yeah, and I think probably the main part -and this is emphasis added by Kim Davies – is review is limited to ensuring that ICANN staff has followed proper procedures. So that's the PTI staff at this stage.

I think review in this context is probably the wrong word given the need for the review mechanisms. So this could be more interpreted as oversight, is limited ensuring that ICANN staff has followed proper procedure. So this is not about the substance of decisions and assessments. I think that's the real core of this whole document. And as I said, the emphasis is added, and this puts it into the 2012 context as well. Any questions with regard [to this space on line] 61 or [notes line] 61 to 92? If none ,then move on. Next page, please, Kim.

And this has been incldued as well before. This is from the issues report, just to put the review mechanism, etc., in context and identifying the different types and the role of the context information around review mechanisms.

Please note, as I said in the introduction, I've incldued the discussions you had around – and I added emphasis dispute relating to country code top-level domains. This section needs to be amended, and there is already a suggestion that could be sent to the council. So the bold and emphasized part in the footnote, that's probably a suggestion and

[inaudible] discussion. But that's something that this working group, the chair of the working group could send to the council, and we put it in the repository of ICANN bylaw changes.

Any comments, questions around this part? Stephen, go ahead.

STEPHEN DEERHAKE: Duly noted. Let's you and I take this offline and discuss a little further.

BART BOSWNKEL: Yeah.

STEPHEN DEERHAKE: Thank you, sir.

BART BOSWNKEL: So, if there are no questions, that was the overview with respect to breakout sessions in Marrakech as promised. I think the next step for us as staff is to summarize them, and if we go into the flowchart, you already see some of these decisions, and probably the easiest way is to, based on the overview, come up with a proposal where probably the group is heading with respect to which decisions should be subject to oversight and/or involvement of the ICANN board along the lines as described, and to review mechanisms.

So that would be my suggestion for the next call, and probably once we go through the flowchart [you'll] already see some elements incldued. If there are no questions – but we can discuss this later on.

Thanks, Kim, for sharing this one. I also sent out – I don't know whether you captured that, Kim, in a document or can share it. I tried to summarize the presentations on [exception reserve,] but as both Nick and Jaap are not on the call, I think it's only fair to defer this to the next meeting so it doesn't interfere with the continued discussion on the process, procedure side of things. This is just an addon. Unless somebody has any questions regarding this part already, I suggest we go into – yeah, go ahead, Stephen.

STEPHEN DEERHAKE: Bart, I concur with you completely, and we should note that we need to carry 4.2 over to our next call when hopefully we can have at least one, if not both, of them on board to elaborate further for those who [inaudible]

BART BOSWNKEL: Yeah, or at least confirm the – and I can ask them by e-mail. Let me do that first, ask them by e-mail whether this captures their presentation. That saves us a lot of time next meeting. And based on this, there is already a path forward to include in the document with respect to [exception reserve.]

STEPHEN DEERHAKE: Yeah, [inaudible].

BART BOSWNKEL: Yeah. Okay, I'll do that.

STEPHEN DEERHAKE: Okay, great. Thank you, sir.

BART BOSWNKEL: Then that ends my part of today's meeting. That's the overview of what happened in Marrakech and the summary. Back to you, Stephen.

STEPHEN DEERHAKE: Okay. Thank you very much, Bart, for that. Appreciate it. We've got a fairly good chunk of time left remaining, so I'd like to turn things over to the process flow document. a.k.a. Bernard's flowchart. Saw that we've got on the list today some substantive comments from Kim, so I assume he's going to want to discuss this, and I will now, I guess, turn the floor over to Bernard.

I don't think this thing is cast in concrete by any means. I won't speak for Bernard, but if you're ready to go, sir, the floor is yours.

BERNARD TURCOTTE: Thank you, Stephen. Alright, starting from the top left-hand corner, ISO removes country code from the active list. Maybe I'll just go through the color scheme as I said in the e-mail just for those who didn't read it.

Blue represents process steps that we all know. Green diamonds are decisions that we've talked about. Orange boxes are retirement plans with dates, and the red stuff is stuff you probably haven't seen and we have to talk about, and we'll get to that towards the end of it.

So starting in the top left-hand corner, ISO removes country code from the active list, the IFO validates there is a functional manager for the ccTLD, and if there is not one, then they can initiate the special retirement transfer process to get an active manager. And if there is one, the IFO sends the initial retirement notice five years day for day.

Up to this point, which is the first line, are we good or do we have questions? Not seeing anything. Alright, so then we go into the rightmost green diamond on the second line. The ccTLD prepares a retirement plan within 12 months.

So if we remember what we talked about, a ccTLD who has received a notice of retirement from the IFO has 12 months to prepare a retirement plan. The outcome of that decision is either they have not produced one, which is no, or yes, they have produced one. If they have produced one within 12 months, then the IFO has to validate if they accept it or not.

If they don't, then we've got this no loop going back up to the ccTLD preparing a retirement plan. Because we don't have a one strike you're out or a three strike you're out, I think we understand that is probably a process where there may be multiple iterations going on.

However, if the ccTLD does not produce one within 12 months, then there is an option – which we discussed and agreed to – that the ccTLD could request a 12-month extension, bringing it to two years to have a retirement plan produced. So there's a decision there, which is basically, does the ccTLD request an extension or not?

So if they don't, basically, we go to that orange box which is in the third line, which is basically the IFO will send a notice of default retirement for five years.

If they do request an extension for an additional year, the IFO has to make a decision whether to grant that or not. If they refuse to grant that, then obviously we go to the default five-year scenario. If they do grant it, then we go back to the ccTLD trying to produce a retirement plan within another year, which will bring it to 24 months.

If they do produce one during that period, then the IFO has to decide whether to accept it or not. If they don't, it goes back to the five-year retirement plan, and if they do, it goes back to that second orange box which is a custom retirement plan.

So basically, we're following through – are you going to produce a retirement plan? If you do, great, we're going to look at it. If we accept it, then we have a custom retirement plan. If we don't accept it, you can keep preparing them and working on this for a year. If you don't do it within a year, you can ask for an extra year. If you're granted an extra year, you've got that extra year to produce one. If you do produce one, then the IFO will look at it. If they accept it, then there's a custom retirement plan. If you fail anywhere along that line, you get the default five-year period.

Are we good up until this point? This should all be known territory for us from everything we've worked on so far. So I'll start from the IFO sends the notice of custom retirement plan with X years to retire.

BART BOSWNKEL: Bernie, do you want to take questions now, comments, or do you want to continue? Allan's hand is up. Bernie?

STEPHEN DEERHAKE: Bart, I think we lost Bernie mid-word. So I think he's probably offline at the moment. At least verbally.

BERNARD TURCOTTE: Hello?

BART BOSWNKEL: Bernie, are you back?

BERNARD TURCOTTE: Okay. Sorry. Dropped off there for a second.

BART BOSWNKEL: Yeah. Do you want to take questions now? Because Allan's hand was up right after you wanted to continue. Or do you want to continue first?

BERNARD TURCOTTE: Let's take a question right now. Sure. Allan, I was trying to get Allan to speak and my headset dropped off. Sorry.

STEPHEN DEERHAKE: Allan, go ahead.

ALLAN MACGILLIVRAY: Sorry, Bernie. Thank you very much. Actually, maybe I should have put my hand up at the start, because I'm trying to establish what the objective of the document is. So maybe Bernie can speak to that in a moment. But a couple of general comments.

I think it's a good idea to have this kind of document, because it's actually pointing out a couple of questions to me that seeing it all on one page, so I think it's useful. But just a couple of general comments, I think if we ever use such a document, we need to put a footnote on it, every piece basically to say this is a summary. If there's any ambiguity or conflict, the policy prevails, not this document. So just an advice to readers.

With that, I'll just make one comment. It goes to the use of Bernie's term of custom RP, custom retirement plan. I know what you're talking about, Bernie, but we don't use the word "custom" in the policy. So I think we really have to stick closely to the words in the actual policy, and I think this is perhaps one of Kim's concerns about using the word "validate if there's a functional manager."

I think we all know what you're doing, but I really think I have to stick as close as possible to that wording. And also, your use of the term "custom" retirement plan does raise with me the question of what of those retirement plans that go forward that do not include a request for a time extension? And I think that's something we may have to deal with in the policy, and perhaps in this diagram. I don't know.

So I know there's three or four comments in there. You may want to set them all aside for the moment, which is fine with me, I just wanted to get them out there. Thanks.

BERNARD TURCOTTE: Well, I think they're pretty good. Overall, one, the objective of this document at this point as far as I'm concerned is more of a tool for us to see where we are. I did not write this up in a concept of saying this is the policy. This is simply a tool to help us understand where we are and is not ready to be attached to anything.

As far as some of the words, when you're doing this kind of stuff, you try to be as evocative as you can. I understand and appreciate the point you're making about using accepted words and not inventing words, and I appreciate that, but as I said, right now at this point, this is just a tool for us to understand where we're going to see – and we'll see in some of the red stuff that some of the interesting stuff came around.

So I hope that puts it in context for you, Allan.

STEPHEN DEERHAKE: Allan, is that an old hand? Thank you. Carry on, Bernard.

BERNARD TURCOTTE: Alright. So striking the word "custom," but I was trying to differentiate it from a default one, which is why I inserted "custom." So maybe we can use the word "nondefault."

What happens after there is an agreement for that retirement plan. We've got a retirement plan that's ongoing, basically, that has certain conditions. And as we discussed, there can be a breach of that retirement plan. What we would expect in a lot of cases is there will be a nondefault retirement plan because there will be additional time that will have been agreed to to retire the ccTLD, but it all hangs together as part of that retirement plan, if there's a breach of conditions, what do we do?

So, is there a breach? Yes. There should be a remediation process to see if we can get this back on track. Is the remediation successful? Yes. Then we go back to the nondefault retirement plan we had in place. If the remediation is not successful, then what we're talking about is changing the date of when we are going to – or potentially changing the date when we're going to retire that ccTLD.

What I remember from our discussions was that if there has been an extension granted to the standard five years, then if you breach that, then we go back to the standard five years. And if we're changing that, I've basically inserted a decision there, does that go to the board? That's why that's in red. This is brand-new. But it struck me as I was playing with this that if we're going to change the date at which we're going to take a ccTLD out of the root, that may be something.

So this was thrown in as part of me going through this and is up for discussion. The second part that was brought up with this, was if there is a breach, there is no resolution of the breach, and our basic tenet is we go back to the default five-year plan, that's fine. But what happens if you're at four years and 364 days since the notice of retirement was

sent, and then you're saying, "Well, you breached it. You were going to get two extra years or three extra years, whatever, but since you breached it, we're removing you from the root tomorrow because we're back to the default retirement plan."

That to my mind was sort of a stress test corner case that it doesn't make sense that if there is a breach, that all of a sudden, there's very little time, and that ccTLD manager doesn't have time to appeal this decision or contest it or do anything else.

So basically, the point of that second red diamond, why the four years – and I know Kim brought that up – it's a new thing, so absolutely, and that's why it's in red. I arbitrarily put in that we need to give the ccTLD manager at least one year.

So the purpose of that second red diamond asking, "Has the retirement sent more than four year ago?" means, "Is there a year left if you're going back to the default?" If there isn't one year left, then you have to create a one-year period to make this workable for everyone, and that's a suggestion.

So, is it 12 months or not? But I think in all the discussion we've had, it just absolutely makes no sense that –

BART BOSWNKEL: Bernie, you're breaking up again.

BERNARD TURCOTTE: I think I faded out there.

STEPHEN DEERHAKE: Yeah, you're back.

BERNARD TURCOTTE: Yeah, I think it [doesn't] make sense that there not be a minimum period. What that period is, the group can decide. I've put in as a placeholder for a year for right now.

so that would conclude that fourth major line, and then the final red box – which again is something that we haven't really talked about is if we are at the end of the retirement plan, is there a final validation by the board that, yes, this is taken out of the root? And then removal from the root.

So that's the end of my presentation, and I know Kim had some comments. So maybe we can hear from him.

KIM DAVIES: As you noted, I'd sent some comments through. I think you addressed the second one, which sounds like a reasonable proposal to discuss. My predominant concern was with the first one. As I wrote in the e-mail ,the way I'd seen this sort of special [dispensation] to do a transfer during a retirement was to be sort of a standing process that could be exercised at any time within the five years [or] within the retirement period, should circumstances require it, as opposed to what I think the flowchart plan kind of implies is that that is sort of a test that is applied at the beginning of the process, at which point if there isn't a functional

manager, that would be sort of a gating process that would limit any further movement until that process is conducted.

I'd [assume this process is] essentially working in parallel. It could well be that this process would happen at the very beginning of the process, but I [saw it] more likely that this is something where if in year three, year four, year seven, whatever, maybe the previous operator is no longer operating or loses interest, because of the diminishing number of domains that are available, I think these are some of the scenarios that were discussed earlier in the working group could be implemented at that time.

So that kind of summarizes my thoughts on that. I'm happy to pause and see what you think.

BERNARD TURCOTTE: Absolutely [don't] disagree with you. The point of having that decision point on top there – and we'll get to Peter in a sec – was the way we structured the document right now is that we can't send the notice of retirement unless there is an active manager. So that was trying to address that point. More than agree with you, and maybe it's something we have to throw in there as a secondary ongoing process, as you say, but there is no time limit on it. This was not meant to say you can only do it at that point. This was meant to say it's a gating factor for the IFO to send the retirement notice the way we'd described it until now, which is why it's a decision that's there. Otherwise, it's a process that's valid for the entire life of the thing, because you need to have an active manager to work through the thing. So absolutely, I don't have a

problem with that. And how we'll end up representing that, I'm not sure right now. But totally agree with you on that one.

I see Peter's hand.

PETER KOCH: Yes. Thank you, Bernie. So this is inspired by [Ching's] remarks that he sent to the mailing list, and added verbally here in the discussion, and also, it's probably more a comment on the general procedure rather than the correctness of the float chart with respect to mirroring or reflecting that procedure.

But on the point of transfer, I probably missed something here, but assuming there's a transfer necessary, by the time the TLD has already been removed from the ISO 3166-1 standard. At that moment in time, the ccTLD manager, like the new one, the party that is the recipient of the transfer so to speak, isn't part of the ccNSO. So it wouldn't be subject to the policy.

Now, one could argue that the ccTLD at that point in time, even though it's not on the list, is still legitimate, because it is in the process of retirement phase. So I wonder whether we already thought about the applicability of the policy in that particular case would be – so if the binding, especially bound to the TLD, to the manager, what happens if the new manager doesn't apply for ccNSO membership, could the transfer be made under the condition only that the new manager adheres to a certain policy? Which would then set a precedent that we might not like, setting a precedent that a transfer is made conditional

on whatever, doing something in particular, having a contract with PTI/ICANN and so on and so forth.

So I understand this is a side issue, but it makes a complicated situation probably more complicated. Maybe we want to defer thinking about that. Thank you.

BERNARD TURCOTTE: Interesting thought. I see Bart's hand up. Is that in reply to this, Bart?

BART BOSWNKEL: Yes, it is. It probably goes back to the fundamental discussion you had almost a year ago and even longer, what is the scope of this policy, to whom does it apply? Does it apply to ccTLD managers, or is it only focused at ICANN/PTI? And I think the response of the working group was to date, no matter what you do, in principle, this is a policy directed at ICANN because that's the scope of ccNSO policies. And whether or not a ccTLD manager adheres to it is another thing. In principle, you could argue that ccNSO members adhere to it by virtue of the membership, but there are exceptions to that rule. But in principle, this is targeted at ICANN and PTI, and not targeted directly at ccTLD managers, because you could even argue that's beyond the scope of the ccNSO.

It's putting a policy around ICANN PTI's actions, because it's the same type of discussion we had, and I think it's recorded in the preamble of – or at least the process document around the scope of the ccNSO policy

and this particular retirement policy. Thank you. Stephen, your hand was up next.

STEPHEN DEERHAKE: I want to wind this up, but I'll defer to Peter one last time, and then I will reclaim the floor after Peter and Bernard have had their conversation.

PETER KOCH: Yeah. Thank you. I almost had seen that response coming. And of course, that's reasonable. So maybe my remark is more kind of a stress test case rather than something that needs to be addressed in the policy in particular. TO that extent, maybe the whole transfer issue is something that could be kept out of the policy, but I haven't thought that part through.

So thanks, and I'll shut up now.

STEPHEN DEERHAKE: Peter, you never need to shut up. But thank you. Bart, you got your hand up.

BART BOSWNKEL: Yes. Thanks, Peter. And I think what you highlighted is the need to include these type of basic principles in a preamble, because they drive the interpretation of the policy. Not just by, say, future users, but also the broader context. So they understand, and understand what is meant

by – they put it in perspective. So again, thank you, Peter, for raising this, because it shows the importance of these guiding principles.

STEPHEN DEERHAKE: Bart, I assume that's an old hand at this point. Yes. Thank you. Bernard, thank you very much. Kim, thank you for your comments. Peter, thank you. And Alan, thank you as well.

Kim, if you could put the agenda back up again. We will revisit this, obviously, on our next call. I'm a big fan of flowcharts myself, but then I'm old school.

If we can move on now – and again, Bernard, thank you for that presentation. If we can move on now to Any Other Business, because we're in overtime. Is there Any Other Business that anyone would wish to raise? And I'm not seeing any hands, so going once, going twice.

Alright, with regards to next meeting, our next meeting is – we're once again crushing the Europeans. It's on the 1st of August at 05:00 UTC. I hope most of you can make it. And I think that's it. I don't see a last-minute waving of hands.

So I just wish to take the opportunity afforded to me as chair to thank all the participants on today's call. I want to extend my sincere thanks to our secretariat staff who made it all possible. So thanks again. We will reconvene then on the 1st of August. Be well. I declare this teleconference adjourned. And Kimberly, you may stop the recording. Thank you again. Bye, everyone.

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