

Zoom Chat Transcript
IRP_IOT Plenary – 28 April 2020

14:02:25 From Kristina Rosette : Greetings! Apologies for joining late.

14:03:06 From Mike Silber : Hi Kristina. We are just getting going

14:04:18 From Kristina Rosette : Sam - at some point, would you please share any guidance that is available as to what ICANN considers "de minimis" stock ownership?
Thanks!

14:04:53 From Sam Eisner : @Kristina, we'll return with guidance on that

14:05:15 From David McAuley (Verisign) : I thought the EOI was well done and was happy to see a longish time period (to July 31) to encourage and gather applications

14:05:19 From Kristina Rosette : Thanks!

14:06:04 From David McAuley (Verisign) : Good points, Sam, thanks

14:09:41 From David McAuley (Verisign) : Thanks to Susan and those who helped move this issue forward over past few days

14:11:13 From Scott Austin : Has panel in seated been corrected to panel IS seated below.

14:14:55 From Scott Austin : @Mike Agree

14:15:13 From Kurt Pritz : What Kristine said (leave the title as translation and include a clarifying sentence) only the sentence should be at the top rather than the bottom

14:16:58 From Scott Austin : my reference to the typo is at the last sentence of para 5 begins with Requests

14:17:36 From Scott Austin : before the IRP panel IS seated.

14:18:15 From David McAuley (Verisign) : Fair point by Mike

14:19:38 From Kurt Pritz : I will jump in but not do better than Susan

14:20:48 From David McAuley (Verisign) : translations a function of need, not preference, as I see bylaw

14:22:38 From Mike Silber : and include an explanation of why the Claimant needs such services *to be provided by ICANN*

14:22:52 From Becky Burr : In other words, this is also about accountable allocation of ICANN resources

14:23:27 From Malcolm Hutty : I would agree with Sam, the essence of this is ensuring a fair process. I'm not sure what that means in practice though. If a small business fundamentally has the money to arrange for its own translation, but only at such a stretch it would otherwise forego bringing the case, is that a loss of fairness or just their free choice?

14:25:09 From Mike Silber : I don't want to go there - I just want an explanation that goes beyond "I don't speak English as a first language" and goes on to explain that "I will be disadvantaged in the following way ..." or "I am unable to afford translation ..."

14:25:45 From Mike Silber : @Kurt - I don't agree with you there

14:25:49 From Becky Burr : I would say that requiring ICANN to fund translation in the context of a commercial dispute between itself and a sophisticated commercial player that happens to be a native French speaker (or German or whatever) is not an accountable use of ICANN resources.

14:26:41 From David McAuley (Verisign) : can I be heard

14:26:48 From David McAuley (Verisign) : having mic issue

14:26:51 From David McAuley (Verisign) : sorry

14:26:58 From Bernard Turcotte : no

14:27:03 From Mike Silber : @Kurt - sorry but your argument that there is no incentive for a party to abuse the process does not pass muster for me

14:27:04 From David McAuley (Verisign) : i'll type in chat

14:27:08 From David McAuley (Verisign) : yes

14:27:34 From David McAuley (Verisign) : I think need needs to be more than a simple statement - the panel should make ultimate decision

14:29:09 From Becky Burr : if we stop where Mike proposes - would the lack of translation disadvantage a party in a way that undermines the integrity of the process seems appropriate

14:30:00 From Mike Silber : @becky - I think that goes into the list of factors to be considered by the panel

14:30:06 From Kurt Pritz : I do not think the parties are necessarily sophisticated. Also I believe in a principle that the party that selects the language makes allowance for the participation of those that do not speak that language.

14:30:13 From Bernard Turcotte : Timing note - 60 minutes left in call

14:33:24 From Kurt Pritz : I didn't think Sam and I were that far apart.

14:33:30 From Scott Austin : suggest a refinement to language in romanette ii of the para that begins The IRP Panel ... Change to read: "the documents and/or hearing to which the need relates",

14:40:48 From David McAuley (Verisign) : agree on materiality point

14:42:30 From David McAuley (Verisign) : if the provision of translations service is contested the standard may not be level of proficiency in English but, as Sam said, the ability to fairly participate

14:45:34 From David McAuley (Verisign) : How the CEP process is handled/experienced may have a lot to do with whether this becomes an issue

14:46:51 From Kurt Pritz : Thanks Susan. Maybe the approach is "given the objective of fairness, etc etc; these are the elements for the panel to consider

14:53:46 From Kurt Pritz : I think that the budget figures might be confidential information - even for sharing just with the panelists.

14:55:09 From David McAuley (Verisign) : Direction, as Scott suggests, might justify a (dreaded) form to request translation services with questions needing an answer plus some free form of a certain length

14:57:49 From David McAuley (Verisign) : interesting point, Mike, hadn't thought of that one

14:58:26 From Sam Eisner : We have translations into the UN languages of the Bylaws

14:58:33 From Sam Eisner : but they are never official versions

14:58:33 From Kurt Pritz : I agree with Mike to make this clarification explicit in the translation section.

15:00:11 From Bernard Turcotte : Time check - 30 minutes left in call

15:00:15 From Kristina Rosette : I like the idea of a form. Helpful,

15:00:45 From Justine Chew : Or just a list of questions perhaps?

15:00:49 From David McAuley (Verisign) : I think it would, after hearing Scott's ideas

15:01:23 From Scott Austin : @Kurt agree confidential; @David agree a form may not be easy but could help limit uncertainty or allays fears by prospective complainants and create some useful awareness of the complexities or expected costs inherent in the proceeding.

15:02:11 From Flip Petillion : 5 sounds okay

15:02:16 From David McAuley (Verisign) : Five seems to long to me

15:02:27 From Kristina Rosette : 5 seems really long. how about 3?

15:02:38 From Flip Petillion : add 'max'

15:02:48 From Kurt Pritz : Five is ok but we can add a statement thatless is likely adequate

15:02:50 From Mike Silber : A party may decide to list documents it needs translated ... so I think 5 is fine

15:03:24 From Scott Austin : Absolutely free text to make their case. Including exhibits schedules and footnotes

15:04:38 From Scott Austin : Sorry, 5 page limit includes exhibits, schedules and footnotes.

15:06:08 From David McAuley (Verisign) : sounds reasonable to me, Susan, about rare case for bringing translation issue to emergency panelist

15:06:15 From Kurt Pritz : I think there is only one harmful outcome here: that ICANN (or ICANN personified by the panel) refuses a request for translation services and the claimant afterward publicly alleges an unfair process - that is the only outcome damaging to the ICANN model

15:08:16 From Kurt Pritz : It is more general but applies to emergency situation too - and allowing for rapid consideration of a translation request

15:11:05 From Scott Austin : @Kurt interesting idea but wouldn't the claimant be able to raise that criticism about the translation even if ICANN paid for it.

15:12:44 From Kurt Pritz : On admin costs: good answer Susan. Maybe we should say that in the doc.

15:18:07 From David McAuley (Verisign) : none here

15:18:16 From Kurt Pritz : I haven't been called a radical since back in the 1900s. Thinking of a tattoo or eyepatch.

15:18:29 From David McAuley (Verisign) : go for both, Kurt
15:19:07 From David McAuley (Verisign) : Thank you, Susan, Bernie, Brenda, and all
15:19:13 From Flip Petillion : Thanks Susan !
15:19:25 From Kristina Rosette : Thank you, all! Stay healthy and safe, everyone!
15:19:45 From Bernard Turcotte : bye all
15:19:52 From Mike Silber : bye all