
BRENDA BREWER: Hello everyone. Good day. Welcome to the ATRT3 plenary number 65 on 13 May 2020 at 21:00 UTC.

Members attending the call today include Tola, Cheryl, Daniel, Jaap, Pat, Vanda, León, Demi, Sébastien, and KC.

We have observers Avri, Herb, and Everton.

And from ICANN Org, Jennifer, Negar, and Brenda along with Bernie Turcotte.

Today's meeting is being recorded. Please state your name before speaking for the record. Pat, I will turn the call over to you. Thank you.

PAT KANE: Thank you very much, Brenda. Appreciate it. Welcome everybody. Thanks for the roll call. As we start the meeting, can we go through, see if we have any updates to anybody's SOI? Either raising hand in the window or in the chat. Seeing none, do we have any Any Other Business that we want to add at the end so that we can estimate time? Please raise your hand in the participant window. I see nothing in the window or in chat, so let's move on and review the outstanding action items. Jennifer, please.

JENNIFER BRYCE: Thanks, Pat. Hi everyone. A couple of action items that were captured on the call last time which will close today given the date. So number one, review team members will review and provide input on the

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prologue by end of day UTC on Monday the 11th of May. We're going to discuss that today, and we'll close the action item.

Second action item that was captured last week which we will close, Cheryl and Pat to work with Bernie to include text around the implementation of recommendations and organizational reviews in preparation for the 13th of May plenary call. So we'll close both of those. Thanks.

PAT KANE:

Thank you very much, Jennifer. So the first item that we've got to do today is to review and finalize the text for the prologue, so if we could go and bring that up, please, Brenda. Thank you. And Bernie, if you want to take the helm and walk us through this, that would be excellent.

BERNARD TURCOTTE:

Sure. I can do that. I thought I was going to get the day off. Okay, what I'm going to propose is that we walk through this, have our discussions, and sort of close it off paragraph by paragraph or section by section so that we can actually get through it.

what I've done as I said in the e-mail is I've accepted all the text changes that made sense on the grammatical stuff. I sometimes did some edits. On the content stuff, I didn't change anything and left the comments. So that's why the volume has gone down, otherwise I believe it would be unworkable for everyone.

Okay, so if that's all right with everyone, let's get started. On the first paragraph, I reinserted Sébastien's comment because he put it in the

other version of the document I was testing. We have COVID-19 pandemic led to completing our final report approximately 45 days beyond the bylaw-mandated one year, and Sébastien's suggestion is seven to eight weeks instead of the 45 days. Thoughts, comments? No one cares. Sébastien.

SÉBASTIEN BACHOLLET:

Just to say that we're already 45 days and that we will not deliver then if we want to be accurate. I suggest that you put the right—either it's day or week, I don't care, but you put the right time when we are done. That will be one of your last asks, is to align with the reality of this. Thank you.

BERNARD TURCOTTE:

Okay. I like that suggestion, so let's resolve that and put in a note. Insert comment, fix when we know the approximate date. All right. Anything else on this paragraph? Not seeing anything. Let's close that off. Okay, so in gray, it means it'll be closed off.

We don't have anything on the second paragraph where we describe our work. I believe there were a few minor tweaks, but those got accepted. Anything else on the second paragraph? Not seeing anything. All right. Let's move that to closed.

Third paragraph, ATRT chose not to address, for some or all the reasons listed above, the following items in the hope that a holistic review or a future ATRT review considers appropriate. And we have Osvaldo that typed in, "The phrase sounds strange." All right.

We've got Sébastien comment relative to “considers appropriate or any agreed upon special,” not to use the word “specific process.” I think you mean any other process. Is that correct, Sébastien?

SÉBASTIEN BACHOLLET: Yeah, the idea is that yes, it could be a realistic review, yes, it could be the ATRT, but as we, I think, will discuss later on, it could be another specific process. Its why I wanted to add. But in your document, I was not able to make changes, it's why it was a comment. But it's to add to the sentence this idea of any agree special or specific processes.

BERNARD TURCOTTE: Yeah, okay, so I'll keep that comment there, because depending on how we close off, we may want to edit. Also, Osvaldo, I didn't have a chance today to—I agreed the sentence construction is a little difficult. I did not have time to play with it. But I will do so. So let's just put that in light yellow for now and we will get back to it. That's not good because it matches up the other one. Let's go do light green.

Okay, now we get into the actual points where we were working on things. gTLD change of ownership, the .org case. The proposed sale of the .org registry from ISOC to a private equity firm. We have a comment from Pat, why should this topic be this broad? There were no conversations or comments made over the last year about any of the new gTLDs changing hands.

And then another relevant comment is from León, given the board's resolution withholding consent, is this something we still want to

mention? KC is saying “I assume ISOC would say yes,” and Pat agrees with her.

So that’s just on that first sentence. I see a bunch of hands, let’s start with Vanda.

VANDA SCARTEZINI:

What I see is we should not put all those details on that, because in my view, if you put links on that or we should put all the links about those discussion all the time, so enormous discussion, or we do not put anything, because we have no time to analyze anything about related to accountability or transparency in the process as a whole. So it’s not for us, it’s not our call to suggest any point of that. So we should only raise the case that maybe other groups should look for some points. But not for us. We have no discussion on that and have no time to do so. That’s it. Thank you.

PAT KANE:

All right. Thank you, Vanda. So basically, takeaway from your point is all those sub-bullets to that gTLD bullet shouldn’t be there. All right, León, you’re next.

LEÓN SANCHEZ:

Thank you, Bernie. I mainly agree with what Vanda has said. I don’t think it is for this group to put on the table views of third parties. I could argue to any of these bullets, but I don’t think it’s appropriate that we include this in our report because, yes, we will have as many points of

view as fish in the sea, but it is not up to us to include them in this report.

I was suggesting that given the board resolution withholding consent, is this still something we want to mention? Okay, I see that KC says ISOC would say yes, but with all due respect to ISOC, I really don't care what ISOC would say in this situation. So I still wonder if this is something that we would want to include at all in the report.

So that's pretty much it, Bernie.

BERNARD TURCOTTE:

Thank you, León. So León reaffirming his comment. Pat, you're next.

PAT KANE:

Thank you, Bernie. So since we started off on whether to include this or not, I think the reason why we should, León, continue to have this be—and I agree that we shouldn't put it from the standpoint of what a third person's opinion was on this, but what's the question that we want to ask here in terms of—because it took a long time, the two parties agreed to do certain things outside of what the time frame would be bilaterally, so I think that's all right, but there's still some questions that should be investigated I think on this side, and we should phrase the bullet point underneath this as what should be investigated, not a position on one side or the other. So I agree with the statement that we shouldn't have third-party positions listed in here.

But the reason why I raised my hand in the first place is we introduced this as events that have happened over the course of the year, not

topics that we decided that we wanted to talk about. And so if we're saying gTLD change of ownership, the org case, we're now making this a topic of gTLDs changes in ownership. And there have been a lot of changes in ownership on gTLDs over the past year. Of course, none with the size of PIR, and none with legacy TLDs that I can think of. Most of them were around the new gTLDs that changed hands in many instances. So I would not want us to take a look at new topics, but again, events, because as we introduce the prologue, I think it's in the second paragraph, we talk about events that occurred over the last year, not new topics that we wanted to talk about from the past year.

So I would change this to leave it where it's sat at the proposed sale and not a broader item of gTLD change of ownership.

BERNARD TURCOTTE: Thank you, Pat. Tola.

ADETOLA SOGBESAN: Thank you, Bernie. I'm reading the prologue again, because the first question that came to me was, the objective of listing these items in the first instance, what is our objective, what is our constraint? If we're able to define the two, what the objectives are and what the constraints are, then it tells me whether we should list the details [inaudible].

Now I go back to the prologue and I read the first sentence. Over the course of our work, several unforeseen events have occurred, meaning that it's in our understanding it falls within our remit of what to do, because we think we're saying we now considered subject for

accountability and transparency review of the board, organization and the community. It means we have considered that there's an objective that is made. It falls within the remit of the ATRT3.

However, we have gone ahead to state that we discussed and made conscious decision. So, ordinarily, we had negated our decision to want to state all the [details] we're talking about. Unless we're going to change the content of what we have written that we discussed and made conscious decision to not address them.

So if we have said we made conscious decision not to address them, then we should just list [these are the events,] number one, two, three, without any details at all. Unless we are changing the writeup in the prologue to say we discussed and we made few observations. Then we can list. That's my understanding of what we've written here.

For as long as we have said we have made conscious decision to not address them, then we're not supposed to put in my own opinion gTLD change of ownership, because in listing it, the way I understand it is we've started discussing it, we've started taking some position on it. So I think we should just list them, the way the last paragraph says, the last sentence says we do however wish to highlight. So I think we just [stay at that point that we are light,] unless we change the decision to address it. Thank you.

BERNARD TURCOTTE:

Thank you, Tola. That was very clear. Anybody else? KC.

KC CLAFFY:

I've lost track of what today's call is for. I thought we were trying to come up with what were the accountability issues that we think should be addressed. I agree that some of this text in the sub-bullets is more like ideas to enter into a discussion with, but the bullets at the top that were already here, I got the impression from last week's call that they weren't granular enough, they didn't really identify what were the accountability issues. So, is the hope that by the end of today's call, the sub-bullets underneath each of these high-level bullets like gTLD change of ownership are going to be what do we think whether the accountability issue is without taking a side on whether we even think it is an accountability issue? Maybe that's where the subtlety is coming in. It's not up to us to decide.

BERNARD TURCOTTE:

Yes, exactly. I think that's what Pat was suggesting, is that we're not here to put in viewpoints, we're here to list the issues that we think we may have a concern with, and state what those issues are. So I think you sort of brought that together quite well. But we're just on the first point here, we're not even on the sub-bullets. So what I'm hearing is the gTLD change of ownership is maybe casting a little bit too wide a net and the thing that is potentially our concern is the .org case.

The feeling I'm getting from this discussion is that we should revert this to the proposed sale of the .org or the .org situation or something like that. Sébastien.

SÉBASTIEN BACHOLLET: Yeah. I understand the comment made by the other ones that consider it's too wide, but I heard a lot of discussion on that issue in at least my part of the multi-stakeholder, but I didn't like the sentence, the proposed sale of the .org registry from ISOC to a private equity. It's why I was trying to find a title who is broader, but at the same time, targeted to .org, because if we want to be accurate, it's not .org, it was PIR who was [sold off as the] .org registry.

But I think we need to find a simple sentence as suggested by Cheryl, that it must be simple. A simple sentence would talk about change of ownership of this specific registry, full stop, without saying that it was ISOC to a private equity firm. All that must be part of the analysis. Thank you.

BERNARD TURCOTTE: Sébastien, you just said some interesting words. Let me try and type that in so we all get that. How about proposed change, because it didn't go through? Ownership of the .org registry, as a title. Would that work for everyone? Did I capture what you were saying, Sébastien?

SÉBASTIEN BACHOLLET: Yeah.

BERNARD TURCOTTE: All right. I got a green tick, a thumbs up. If you're not happy with that, put up a red X or put up your hand and tell us why. Otherwise, I think we're doing okay with that title. Pat, are you okay with that? you had issues with the changed title before.

PAT KANE: Yes, I'm good with that, Bernie. Thank you.

BERNARD TURCOTTE: All right, so let's go with that. I guess the next big question I'm getting from hearing everyone is exactly what KC was saying and Pat was saying, is if we want to put in sub-bullets here, we have to say what our concerns are. So let's just run through what's there right now and see which of those points meets that requirement versus presenting positions.

So the first bullet—and we're here, in case you're wondering where we are. PIR says the decision is the failure of ICANN to follow—well, that's position. That's not our issue with this. Both sides complained about the length the decision took exceeding policy rules. So, does it at least mean ICANN needs to change the rules so it can be within them next time? The delay in this case did harm ICANN's standing as a governing authority, leaving many with the impression that the California AG [threats would] have gone through. Okay, I'm not sure that expresses what our accountability or transparency concern is. KC.

KC CLAFFY: I'm a little worried that you're saying our concern, because I thought the goal here was to identify the concerns that we have noticed the community articulating, without taking a position whether it's our concern or not.

BERNARD TURCOTTE:

Well, what I was thinking—and what I said, and I'm just trying to structure this so it makes sense for everyone—was that we're looking at—and this is what I took from Pat—what ATRT3's concerns could be with respect to that, and this is not a platform to list the community's issues with this. But I may be wrong. You guys are in charge, I'm just trying to facilitate this. Pat, did I understand your point correctly? I see Pat has his hand up. Let's go to Pat for a sec.

PAT KANE:

Yeah, Bernie, that's exactly right. And I think that KC's point is valid, because there are going to be the community concerns that are going to weigh into this, because the same concerns of the community really ought to be our concerns in terms of what we're looking at here. So I would suggest that we look at the wording, which is, what's the question we should be asking in a manner that doesn't bias towards one or the other?

So I typed into chat a proposed question on this particular item, that is, was the final decision from the ICANN board achieved with a faithful diligence to the identified process? So to me, that's what in my mind would be our concerns, and PIR says the decision is a failure of ICANN to follow its bylaws and processes. Well, that's the question that we're asking right there. So I would like for us to make certain that when we put the question in place, that we do it as, here's what the investigation that we would need to look at if we were starting again in April of 2019 to where it's an unbiased question or it's not predisposed to a position that we would take. But here's the question that should be asked. Is that helpful?

BERNARD TURCOTTE: That's very helpful, and I think that makes a lot more sense, at least to my mind. Let's hear from some other people. Are there other points of view? Sébastien, please.

SÉBASTIEN BACHOLLET: Thank you. I consider that it's an important question, but we can't avoid the fact that the process who allow this final decision need to be under review. I will not explain, because I think it's not just the final decision but it's also processes from the time that the community know about this project to the decision how all that happen and what could have been done more transparently and more accountably.

BERNARD TURCOTTE: Okay. So I think if I listen to you, Sébastien, what you're aiming at from an ATRT point of view is, did the ICANN board meet the transparency requirements? Is that what you're trying to say?

SÉBASTIEN BACHOLLET: Yes and no. It's not just the board. The board have done what they could, but it's also other part of the community, and when the board ask PIR to allow them to publish documents, as a transparency, it's not just the board, it's why I'm talking about the process and not to say that X, Y or Z organization or people or part of the community are doing wrong. But is the process smooth and transparent and accountable enough? Thank you.

VANDA SCARTEZINI: Okay. So the process you're talking about is the change of ownership process for a gTLD, right? Let's be clear here. And does that really fit into the ATRT3 set of things we're looking at? I fully understand the transparency question from us looking at the board, but I'm just trying to match this up to what we're supposed to do as an ATRT. We're supposed to look at the board. I don't know the hook to start looking into the contractual arrangements for gTLDs, but maybe that's just me. Anybody else have some thoughts on this?

CHERYL LANGDON-ORR: Bernie, we've got a few things happening in chat which is probably worthwhile looking at, I think. There's been a bit of toing and froing in chat that will help.

BERNARD TURCOTTE: Okay. Let's have a look at this. From León Sanchez, "I just want to remind us of the many letters—"

CHERYL LANGDON-ORR: You've got to go back before that.

BERNARD TURCOTTE: Okay. Sorry.

CHERYL LANGDON-ORR: There has been plenty.

BERNARD TURCOTTE: I was busy.

CHERYL LANGDON-ORR: You were indeed busy, that's why I thought I'd bring your attention to it now. There seems to be a bit of groundswell saying identifying an accountability issue here is a challenge for some of us, that, however, there could very well be something that we can outline from what Pat had said in a simple sentence, and then we got into the probably more meaningful area in this particular matter, and that was the topic of transparency. So hopefully you've had time to read while I've been filibustering.

BERNARD TURCOTTE: Yes, I'm sort of catching up with that. Okay. So where we are at right now, we have Pat's question which can be restructured, but the intent is pretty clear. Was the final decision from the ICANN board achieved with faithful diligence to the identified process? I might actually trim that down if I was editing this a bit, just to diligence. How does that sound? "Was the final decision from the ICANN board achieved with diligence per the various requirements for this process?" Pat, am I offending you by making that change?

PAT KANE: Not at all, Bernie.

BERNARD TURCOTTE:

Great. Thank you. So that's very clearly in our workspace. Was there a diligence to the board? And that goes back to accountability and transparency. I think we can make a case for that very easily. I think the other point that Sébastien was trying to bring in was this whole issue around transparency, but if we restructure that first phrase there, we're actually touching all those bases, at least we are in my mind. But I think that's a good first question, I think it fits in our universe. What would be another question that the ATRT3 or what is a concern versus our ability to do things, our mandated ability to do things that are of concern here? Pat.

PAT KANE:

Thanks, Bernie. So if we scroll down a little bit to where we talk about the delay in the case did harm ICANN's standing as a governing authority, leaving me with the impression that without CAG threat, a sale would have gone through.

So I think that that's of course a statement that's taking a position, and as I think about that, the question that I think should be asked is in finalizing the decision to reject the assignment of .org, did the ICANN board outsource the definition of public interest either in part or in whole to another government entity?

And the reason why I think that's important is that when you go back to the IANA transition in 2016, the US government said that this role would not be replaced by a government or intergovernmental agency, and I think agency may not be the right word, but they focused on that. So I

would be concerned in terms of how much the CA AG letter weighed on the final decision.

I know the way that it's written in the resolution, it was an element as part of the decision, but it would be interesting to ask that particular question, I think, from this perspective.

BERNARD TURCOTTE:

[The concern.] I really like that point. If we remember our work throughout Work Stream 1 and Work Stream 2, this public interest requirement from ICANN is certainly something versus having no governments as per the transition agreement. So I think that's a valid concern which actually fits in the space. Would people be okay if we restructure something around that?

So that takes in, I think, a lot of concerns. It's about the role played by the California AG, attorney general's contribution to this process versus the requirement of public interest and that ICANN not be controlled by another government. Does that sort of capture everything we've got here?

KC CLAFFY:

In a way, you're getting there, but I still think the accountability issue might be that the delay left no choice but for people to develop that impression, because the delay—CAG didn't step in until like four days before the announcement. So a lot of people are now left with the impression that the CAG did make a difference. In fact, the CAG's letter

had to make a difference, because they threatened to sue ICANN. So if it didn't make a difference, ICANN's not doing its job.

So I think you could step back a little bit from there and say it was the delay—which is pretty much what Vint Cerf said in the letter. Vint Cerf said it is the delay that is threatening the accountability, the legitimacy of the process. And then a few days after that, CAG stepped in. So then you might want to say, okay, does it mean that the accountability issue—is that the delay—and indeed if ICANN thinks that it needed that much time to do due diligence, then maybe the rules have to change so that it has enough time to do due diligence next time something like that happens. I don't know.

León, yeah, I understand the delay was agreed, but again, I guess Vint's letter captures it better than I'm able to right now.

BERNARD TURCOTTE:

All right, I'm going to catch up on the chat here. "I am not saying there is." "Understood that, thanks." "Delay was agreed between the parties so it was not something ICANN board forced." "[inaudible] rationale in the resolution in my view explains the detail how input was received, assessed and taken into account."

All right. This delay thing, I am interested in from an accountability point of view. I understand the juxtaposition here of saying if this thing hadn't dragged on as much as it did, then maybe we would not have ended up in the situation we're in. But that's like being a Monday morning quarterback, as it were.

But that's up to you guys. So, do we want to go—we've got two items here we're looking at, I think. First item is the delay. Do we really want to note that? And then the second item is this outsourcing to the government, which I think is a separate point.

So let's take some comments. Do we really want a point on the delay?
KC.

KC CLAFFY: Sorry, just want to clarify one more time, I don't like the phrase, "outsourcing to government." I don't think that we should even put that in here as an issue. I mean I don't think that's the way we should word it, even though I think that's [inaudible] the issue. We have to find a different way—

BERNARD TURCOTTE: Oh, trust me, we're not going to write it as outsource it to governments. That's not even a question.

KC CLAFFY: Okay. But the reason I think the delay and the outsource to government is not separate issue is that it's the delay that I think led to the government intervention—like if the decision had been made May 1st, obviously, the letter wouldn't have come from the CAG. So that's why I think they're not totally separate. But I'm also very concerned that we are litigating this issue, and we do not want to do that on this call. We just want to get it down that it is an issue, and move on, or we're never going to finish.

BERNARD TURCOTTE: Yeah, absolutely. Jaap?

JAAP AKKERHUIS: I'm there with KC as well. Looks like we're starting to already look into the process itself and make speculation about that. I really want to avoid that. At best ,we want to point out that [the way the process went] left open a lot of speculation about who got influence about what. And I don't think we should actually mention more details than just that.

[inaudible] think that there are a couple of influences. It might be caused by delay, might be caused by other stuff, but that takes way more time than we have to look through those details. But just mentioning it, that it's a concern that the perspective people got from this process needs to be looked into is, I think, probably enough.

BERNARD TURCOTTE: All right. And before I let you go, Jaap, do you think that first question sort of covers that enough? Was the final decision from the ICANN board achieved with diligence per the various requirements for this process?

JAAP AKKERHUIS: I think it does, although it just popped out form my screen, so I'm not ...

BERNARD TURCOTTE: Brenda, can we go up just a bit to see that line again? Highlight that in yellow for everyone. Okay, since we seem to—

JAAP AKKERHUIS: Yes, I'm fine with that.

BERNARD TURCOTTE: Okay. So what I'm going to propose so we don't get stuck, I think we're okay with this one. We may want to add another one. But let's take a break from this topic. And if we want to get through things, let's go to another topic. Would that be okay with everyone? Sébastien, you're up.

SÉBASTIEN BACHOLLET: Yeah, please look at the chat. I tried to put in one sentence, my question about the process.

BERNARD TURCOTTE: “[inaudible] process and the real process jeopardize ICANN's accountability and transparency?” Well, I think that comes back to the question of public interest and independence in things resolving around that. I'm saying let's put a pin on it. The final point on this one, which I think we should have a chat about before leaving this point, is I think it was your proposal, Sébastien, which is the last bullet of this group, which says when .org is fully settled, a commission of inquiry should be set up in the following six months, and in any case, before the memory of the actors disappears. It can take the form of a specific review or a

cross-community working group. Waiting for the next ATRT will be very late.

So we have a comment from Pat on that. “I believe that we should stay away from suggestions or recommendations.” I believe that’s what Vanda was trying to tell us also, and I’m inferring that it was also what Jaap was doing. But Sébastien, I would give you the word.

SÉBASTIEN BACHOLLET:

Yes. Thank you. I think if we agree to add what I suggest at what is in pink at the top of the—just before the bullet points, if we agree that we can add that it could be the holistic review, the future ATRT, or any other specific process, relevant process. Would solve my suggestion. Yes, I know, it’s a little bit too pushy, but it was also to be sure that we discuss it.

But I think it’s important, because if we don’t open the door to something else than the holistic review, it could be, but ATRT will be too late.

BERNARD TURCOTTE:

Okay. I understand. I think that’s a pretty good compromise. Pat actually had a negative comment on this, so let’ go to Pat, see what his thoughts. Would that work?

PAT KANE:

Thanks Bernie. I think that if we were to put it in the form of, should this be a consideration to have out-of-cycle or specific reviews or specific

investigations, I'm okay with putting it as a thought as opposed to a specific suggestion that a commission of inquiry be set up.

BERNARD TURCOTTE: Yeah, but I think that was the point of Sébastien's compromise. If we put that in that paragraph that leads into the sections we did not consider, and we include "or another relevant process," then I think we cover all of those points well. Does that fit in for you, Pat?

PAT KANE: I'd want to see the final wording on that, but I understand where we're going, and I'm okay as long as it doesn't come across as, again—

BERNARD TURCOTTE: No, given those words, the way it is in there, I don't think it would be worded as such.

PAT KANE: Okay.

BERNARD TURCOTTE: Okay, I think that's a good compromise. I'll try to put in some words in there. I'm watching the clock, we're almost through an hour and we've only gone through our first point. But it's a very big one. So I think we've got enough to see what we can do with that first point. Any last comments on that?

Okay, so let's park that and go to the next one. The EPDP—which is the next big bullet, please, Brenda. Sorry. I keep forgetting since I'm working on my document. Yes, thank you. the EPDP in response to the temporary specification enacted by the ICANN board in response to the General Data Protection Regulations, both phases one and two.

So after all our discussion on the previous point, I think it helped us set up how to look at those things. Let's go through a few comments first. I'll read them. KC, "What was the goal of the commission?" Sorry, no, that was on the previous point, we're past that. There we go.

Vanda, "Would like to stop here. One and two, no other issue need to be raised." KC replies, "I disagree. I think we need to be clear what are the accountability and transparency issues if we know them. Not sure we do."

I don't think it's knowing the accountability issues, KC, it's being the things that are relevant for us to look at. We're within our bailiwick, if you will, or our wheelhouse. As we did in ATRT3's final report, we did look at PDPs in the GNSO. So that's certainly in there. So if there r accountability or transparency issues with respect to the EPDP, then I think that could fit within what we're talking about. Vanda, please.

VANDA SCARTEZINI:

Yes. I agree with your explanation. I had no time to respond to KC, but that is [all about.] So we don't need to go through that, because also, we do not discuss this in this particular issue because it's not finished. But we discuss this in GNSO. So for me, should stop on two, and that's it.

BERNARD TURCOTTE: All right. But as we said in the other things, really, that would be the question, is, did the accountability and transparency requirements for policy development processes, were they met for the EPDP? I think that's what we're trying to say. Is that the general idea here? And that would be the reason we say we have a concern with that? KC.

VANDA SCARTEZINI: I believe we don't know what we're going to be, because we have no time to go deeply into those issues and suggest something.

BERNARD TURCOTTE: Yeah, but we're just trying to say why we have a concern.

VANDA SCARTEZINI: Take a look on that.

BERNARD TURCOTTE: Yeah, that's it.

VANDA SCARTEZINI: Yeah, we just say take a look on that, we didn't.

BERNARD TURCOTTE: Yeah. And how and why we can say "look at that," given our mandate. We can't go off the reservation, as it were. I'm going to go back to KC in

a second. Does that structure of our concern as an ATRT versus that point make sense to you?

KC CLAFFY: It does, although, could you repeat the sentence that is the accountability issue that we're going to ...?

BERNARD TURCOTTE: Okay, so ATRT3 is concerned about the accountability and transparency of the policy development process in the GNSO with respect to the EPDP. Something along those lines.

KC CLAFFY: Sure.

BERNARD TURCOTTE: Okay, great. Anybody else on that? I would ram all those bullet points into something like that. That's good? Because I think that's the issue. And I think that's part of what SSAC is saying in its report, and it just allows us to deal with all those things. Sébastien.

SÉBASTIEN BACHOLLET: Just a question. I need to see the sentence, but is it this EPDP or it is the EPDPs? I know we have the tendency in ICANN the first time to use the acronym for the first group, but EPDP is something in itself and this is an EPDP about data protection. Therefore, we are talking about this one specifically. It's why I think you need to take that into account when you

write your things, because you will talk about policy development process.

BERNARD TURCOTTE: Yes, I absolutely agree with you.

SÉBASTIEN BACHOLLET: Okay. Thank you.

BERNARD TURCOTTE: Okay, so we're talking about this specific one. KC.

KC CLAFFY: To Sébastien's point, I think it would remove all ambiguity if we just cite as a footnote SAC 111, because that thing mentions accountability four times [in three pages] or something.

BERNARD TURCOTTE: Yeah. I think as a footnote, it's fine as a reference. But let's hear from Pat for a sec.

PAT KANE: I get that SAC 111's really important from this standpoint, but we still have members of the SSAC that are on EPDP. So why would we call out SAC 111 more than the consensus process to where representatives of the SSAC are engaged in that process? That's where I struggle with

calling it out specifically in something other than a footnote, KC, and that's my question.

KC CLAFFY: Yes. Just a footnote with a cite.

PAT KANE: Okay. Thank you.

BERNARD TURCOTTE: Something like that. That's what I was thinking of. Let me highlight that. And then we could have the footnote at the end of that to SAC 111. That do it for everyone?

KC CLAFFY: Yeah.

PAT KANE: Bernie, so as I read this, the EPDP process related to data protection, that's not the concern, right? The concern is the accountability and transparency of the EPDP process related to data protection. Or is it the concern about accountability and transparency related to data protection?

BERNARD TURCOTTE: No, it's about the EPDP process. I was just about to fix that.

PAT KANE: I'm sorry. Okay.

BERNARD TURCOTTE: There. I think I was trying to go where you were trying to go.

PAT KANE: Yeah. Thank you.

BERNARD TURCOTTE: All right. This is what we're proposing as our ATRT3 issue for this one, with the footnote—yes, I agree. I'll put that in right now. Insert footnote. I'm just going to write SAC 111 right now and I'll put in the right thing later, just so I don't forget. There you go. We good with that? Sébastien, please.

SÉBASTIEN BACHOLLET: I have a question just because if I understand well, the policy development process for different reason is this time EPDP. Therefore, I think we are just saying two times the same thing. What about transparency of the GNSO expedited policy development process related to data protection.

BERNARD TURCOTTE: No, I think there are two different things in my mind. I'm willing to be wrong here, but what ATRT3 is mandated to look at is the policy

development process. We've said that given that most of the policy developments in the GNSO [we] focused on that in ATRT3. So we're looking at the accountability and transparency of the policy development process, and here we're specifying that our look into that is because of the concern with the EPDP process related to data protection, [as the specific instantiation.]

SÉBASTIEN BACHOLLET: Yeah, but once again, is it—what we are in trouble, it's the E, or is it data protection? Because it gives the impression that what we are questioning is the expedited, and it's not what we are considering or questioning. We are considering the process related to data protection, the policy development process related to data protection.

BERNARD TURCOTTE: I think we're saying the same thing, Sébastien. I've tried to frame it a little wider, is saying exactly that, is the policy development process and the example is the EPDP process related to data protection.

SÉBASTIEN BACHOLLET: Okay. I will try to put something as a suggestion. Go ahead, and I will try to write something here.

BERNARD TURCOTTE: Okay. Thank you, Sébastien. KC.

KC CLAFFY: I hadn't really thought of it until Sébastien put it that way, but he makes a good point, that the accountability issue, at least according to some, to the extent that we want some other body to review it, really has gone on way longer than the EPDP has gone on. The data protection issue has gone on before GDPR. So if that's what he's talking about, I can understand why he wants it not to focus on EPDP twice in the same recommendation. But yeah, maybe letting him take a pass is a good idea.

BERNARD TURCOTTE: Yeah, let's let him take a pass, and we can look back on that. I think that all the other stuff under here is specific views or other things, and if we can get to some agreement about that concern, then that'll wrap all of that up. Does that make sense?

KC CLAFFY: Yeah, agreed.

BERNARD TURCOTTE: Okay, great. Looking at the clock, we've got about 27 minutes left. Let's look at our third point, if you will. The addressing of domain name system abuse and the enforcement tools for which ICANN Organization has or does not have in their agreements with contracted parties.

I think we talked about DNS abuse when the CCT recommendations came up, and then when the Interisle report came up, keeping in line with the strategies we've given ourselves for the two previous points, I'm having trouble seeing the accountability and transparency issue that

is under our remit on this one. I am in no way minimizing the issue of DNS abuse, I'm just trying to find the hooks so we can write a similar question here which will sort of say why we think an ATRT or another specific review should look at that. And maybe it's tied in with saying that we think there should at least be one more CCT review.

I know KC was [hard] on this one. Can you help me a bit here, KC? Pat's got his hand up so I'll go to him first.

PAT KANE:

Thanks Bernie. As I read this one and the Interisle report one, it seemed to me that the main issue that comes out of the Interisle report is this issue. And it really has to do with ICANN's enforcement of the agreements with contracted parties and the discrepancies between what ICANN says and what the Interisle report—which has members of the SSAC as part of that—believe in terms of what ICANN should be doing with their agreements.

So I would be for rolling these two together, unless there's some objections with the group, and then one of the things that I wrote in response to the bottom one was—so the authors of this report contend that ICANN is misinterpreting the provisions of the contracted party agreements. Is the rationale behind ICANN's position transparent to the community in such a manner that it is clear?

So I think it comes down to, is ICANN just saying, "We don't have the tools," and should they be saying, "Here is the rationale behind what we believe we have the ability to do and not to do?" Now, that may not be the legal team's preference at ICANN to do, is to say we're not going to

put our cards on the table as to what the rationale is. I understand that, but is that the question for both Interisle and the DNS abuse topic before? I don't know. KC, [inaudible] some of your comments. I'd love to know what you think.

BERNARD TURCOTTE: Yeah, let's go to KC, but Pat, I agree, I think those two things are actually one thing and we can certainly, in my mind, bring them together. KC.

KC CLAFFY: I definitely agree that they could be brought together, although we have to be articulate about it, because they are different issues that all relate to responsible stewardship of the data. Indeed, there are two Interisle reports, and I'm scratching my head trying to figure out which one [inaudible] because neither did I read it as directly talking about that issue. Obviously, they're talking about data handling, or registration process handling, transaction handling, bulk registrations with anonymous—registrant data. But I think, still, they could all come under ...

I mean, the top bullet is what? Let me look at that. The top bullet says addressing of DNS abuse and the enforcement tools. See, that's kind of different from what the first Interisle report is talking about, so we'd have to broaden this bullet, but I think it can be done, I think it should be done. It makes sense, we just have to figure out how to capture it in one bullet.

BERNARD TURCOTTE: Yeah. I think probably, would actually shortening this down to the issue of domain name system abuse actually cover both those points?

KC CLAFFY: God, abuse is such a loaded word right now because—

BERNARD TURCOTTE: I know. But then if t hats the header, then we can put in some points below it that are concerns as an ATRT.

KC CLAFFY: Yeah. Indeed, accountability and transparency with respect to DNS abuse is the topic that captures everything.

BERNARD TURCOTTE: Okay, so let's do that. If we can go back up to that bullet, Brenda, of the previous point. The accountability and transparency issues related to DNS abuse. I would just call it like that. Does that make sense to folk?

KC CLAFFY: Yeah, I like that.

VANDA SCARTEZINI: Yeah, me too.

BERNARD TURCOTTE: All right. Anyone who doesn't like that? Okay, I think we have something here. And then this thing will cover both the following points, the Interisle reports and the CCT section. So going back to the way we're dealing with these things, what are our ATRT3-related concerns that we're trying to bring out here? We're saying we're worried about the accountability and transparency of issues related to the domain name system. What Pat was suggesting was that the sub-bullet, if I heard him well, is that ICANN in the name of accountability and transparency should provide a rationale as to how it is making its decision relative to managing DNS abuse issues. Is that what I heard from you, Pat?

PAT KANE: Yes.

BERNARD TURCOTTE: Okay. Let's try typing that in just so everyone has the same point of reference. There are the words. So accountability and transparency issues around ICANN Org providing a rationale relative to its enforcement of DNS abuse. Does that capture it?

PAT KANE: It's really enforcement of DNS abuse provisions in registry agreements.

BERNARD TURCOTTE: Okay, relative to its enforcement of—can you repeat that? I'll try to get it in there.

PAT KANE: Of DNS abuse provisions in their agreements with contracted parties.

BERNARD TURCOTTE: Okay, folks, I think that sort of certainly captures the CCT issues from my discussions with them, certainly the main point. The Interisle reports, I think that covers part of it. KC, can you talk to us a bit about more?

KC CLAFFY: Well, it was on the last thing, I don't think we totally covered the CCT issue on the last piece because the CCT's conclusion really said there's a bunch of stuff that needs to be done before the next round, which by all accounts doesn't look like they're going to be done before the next round. So that seems like another accountability issue, but I don't want to belabor too much on that.

BERNARD TURCOTTE: I think that one's a bit of a chicken and egg problem because I think there's still a lot of time before the next round and we don't know where we're going to go with that. We have made a recommendation on prioritization of recommendations, and if that prioritization process gets accepted, then I think this is one of the things that's going to be looked at and we're going to see where that goes. So that one I'm a little iffy on, KC. But relative to other issues that are brought up in Interisle reports, what are some of the accountability and transparency issues?

Here I think we call it out quite specifically, and I think Pat's done a good job on that, really specifying it. Can we build something else around that for the issues that are being brought up by the Interisle report, or are they covered by this?

KC CLAFFY: Again, before we go to Interisle, can we talk about the CPH letter? Because they seem to go way out of their way to bring this up as an accountability issue.

BERNARD TURCOTTE: The CPH letter?

KC CLAFFY: The URL that's in the next paragraph, right before Interisle reports.

BERNARD TURCOTTE: Oh yeah.

KC CLAFFY: Maybe somebody else can give me more detail—

BERNARD TURCOTTE: The [commercial parties house] about ICANN's unwillingness to take responsibility for DNS. Well, I think that's an opinion. What we're saying here is exactly that. We're saying there's an accountability and transparency issue around ICANN Org providing a rationale relative to

its enforcement of DNS abuse provisions in their agreements with contracted parties. I think that goes right into that.

The thing you're pointing to in my mind is data. And we're not putting data in here. Yes, they have the CPH, [commercial] parties house certainly has an opinion on this, but we have to keep in mind where we're coming from with ATRT and what we can actually cover in this when we're talking about that. So for me, that's covered by that bullet that we just created. Is that okay, KC?

KC CLAFFY: I'll have to think about it, but let's keep going. Let's move on.

BERNARD TURCOTTE: Okay, so let's move on to what would be a bullet for the Interisle reports.

KC CLAFFY: Okay, so there's two Interisle reports. One of them is about activity that can be inferred on registrars that seem to have concentrated amounts of malicious registrations, registrations that end up on block lists according to them. And part of their complaint in that report I guess is that ICANN has a lot of this data and it's not sharing it in a form that people can make use of it, people can improve their own security based on it.

It's a transparency issue that might already be covered by the top bullet.

BERNARD TURCOTTE:

No, I don't think it is, the way you're putting it. But then, is it really a transparency issue or an accountability issue because ICANN is keeping some specific data out of the public area? We had a discussion on that in Work Stream 1 and Work Stream 2 if I recall correctly, and basically, the end all of that one is, yes, ICANN does have the right to keep some information confidential even in—we look at the accountability and transparency recommendations of Work Stream 2, there are certainly—we're expanding what should be released from the board and other areas, but we're certainly putting caps on it.

Here, we're digging even much further down into quite a very technical area, and I don't know if that really fits into our wheelhouse, as it were.

KC CLAFFY:

If we go a little further in the report, it talks about being accountable for registry and registrar behavior that violates its mission, commitments, core values. So I think this might get to the point that there are things that may not be in the contracts, like what you're saying in this bullet is, are they enforcing what's in our contracts? And just speaking with the SSR2 hat on, I've listened to too many SSR2 meetings where the review team was talking to ICANN and ICANN's response would be we would like to do something about that but we don't have the tools in the contracts to do something about that.

So it's two separate issues. Are they using the tools that they have, and do they need additional tools?

BERNARD TURCOTTE: Okay, so I think what I'm hearing from you—and let me see if I can capture that, because I think that's different than what we have there. The first point is, are they telling us why they can and can't do things versus the current contracts? I think that's a really fine thing. The second point I'm hearing from you as an accountability and transparency issue is, is there a gap between the mission statement and the public interest which ICANN says it's committed to, and its rules for dealing with DNS abuse? Pat, maybe you can bring some clarity to that.

PAT KANE: Thanks, Bernie. When KC said that, what popped in my head was the question, do the negotiated agreements with contracted parties accurately reflect ICANN's mission, bylaws, and ...

BERNARD TURCOTTE: Commitment to public interest.

PAT KANE: Well, I want to stay away from public interest, because it's not really defined and it's harder. But if we were to say accurately reflect ICANN's mission, commitments and core values, then maybe that's the right question, which is —

BERNARD TURCOTTE: Yeah, I think that crystallizing what I was trying to get to. How about you repeat that and I'll try to beat that into some text here on the screen right now?

PAT KANE: [inaudible] and do ICANN's negotiated agreements with contracted parties accurately reflect ICANN's mission, commitments and core values?

BERNARD TURCOTTE: What was the—agreements with contracted parties—

PAT KANE: Properly or accurately. The word I used was "reflect."

BERNARD TURCOTTE: Or we could say enact. But reflect is good. Let me just type it. Reflect ICANN's mission, core values, and bylaws.

KC CLAFFY: It's mission, commitments and core values. I think that must be in its articles of incorporation or something, because that's why you've got in the text right below that I was reading.

PAT KANE: Mission, commitments and core values is right, KC.

BERNARD TURCOTTE: There we go. Something like that?

PAT KANE: Yeah. And I'm not saying that's what I think, to be clear, but I think that's the question that we're trying to impart from below.

KC CLAFFY: Exactly.

BERNARD TURCOTTE: I think that covers it quite well. We've got two questions here. Okay, with the setup that we've got here, are you explaining properly to the community how and why what you can enforce and what you cannot? And then once we answer that question, we're saying, is there consistency between ICANN's mission, commitments and core values, and those negotiated agreements? I think that's really good stuff. Let's take some comments. Are people okay with this?

KC CLAFFY: Can you make both of them questions? Do we want them both to be questions? Because the first sub-bullet could be, does ICANN Org provide a rationale—

BERNARD TURCOTTE: Oh, yeah, this is just to give everyone a sense. I'm going to go over these things and turn them into proper text.

KC CLAFFY: Great.

BERNARD TURCOTTE: All right, I think people are sort of happy with that. That means we would fold the Interisle report into that question, and we've got one more point. I know we're down to the wire, but I think it's worth it taking a little bit of time talking about these COVID-19 consequences. We've got two comments. We've got a comment from Vanda, "Would suggest a clear text recognizing the impacts of COVID-19 and that all measures taken or to be taken shall be considered by the community and especially all social and budget aspects."

Okay. We can try and work something in that. And then we have some suggested text. In the last part of the engagement of the—sorry. If we could go down to the COVID-19 text, please.

So we've got Vanda's comment, [we can see what we do,] and we've got these two pieces of text that were added here. In the last part of the engagement of the accountability and transparency review team, the current consequences and the future ones, more difficult to imagine, were in the mind of all members, but the team also faced it directly. No face-to-face meeting to finalize our report, difficulty to find time to do this duty, and other for ICANN.

Okay. And then a final point, the process for prioritization will have to be cognizant of COVID-19 for ICANN and all participants. Okay, the first one I can work with. The second one, who wrote this one? The process for the prioritization will have to be cognizant of COVID-19 for ICANN and all the participants.

SÉBASTIEN BACHOLLET: I guess I wrote [to] both of them. Not I guess, I wrote both of them. That's why it's in blue, I guess.

BERNARD TURCOTTE: Yeah. I'm just making sure, not just making accusations.

SÉBASTIEN BACHOLLET: No, don't worry. It's my English.

BERNARD TURCOTTE: Yeah, [inaudible] the first one, don't know where you're going with the second one. Maybe you can—

SÉBASTIEN BACHOLLET: I think that my point was it's linked with the prioritization and we will not rediscuss the prioritization, but I think it needs to be taken into account, the situation when we are talking—if we were talking about prioritization before, it's not the same thing as now. Therefore, what we have done is a good job, and I know that we are not suggesting something else, to put a process in place, but I would like very much

that as ATRT3 we say that it must be done taking into account this new world we are facing with COVID-19 and the future consequences.

BERNARD TURCOTTE:

Okay. I probably can work something on that. I think that's rather generic and a fair comment. All right, and then finally, just a little bit below, we have twice each of the events. I think that's wordsmithing, and I will take a crack at that a little later.

At one minute left, I feel we've gone through this and I will hand it back to Pat. What I am proposing is that I will beat up on this tomorrow morning my time and try to have a new draft for people to comment on inside of 24 hours, if that's agreeable to everyone. Pat, Cheryl.

PAT KANE:

Thank you very much, Bernie. I appreciate it. Thanks, everyone, for going through that. I know it's hard to wordsmith on the fly, so thanks for going through that.

If we could bring up the agenda, please. So the next item we've got is review and finalize the text pertaining to implementation of recommendations and organizational reviews. So Bernie, I wish I'd give you more time off, but ...

BERNARD TURCOTTE:

Friday.

PAT KANE: You don't get any.

BERNARD TURCOTTE: All right, no rest for the wicked.

PAT KANE: So what do you want to bring up here, Bernie?

BERNARD TURCOTTE: We'll have a document to look at on Friday.

PAT KANE: Oh, for the implementation of recommendations and organizational reviews, we don't have [something for that] today?

BERNARD TURCOTTE: Yes. Well, it's actually—the title's a little confusing. It's review text relative to the implementation of—review text pertaining to recommendation on organizational reviews, is what it focuses on.

PAT KANE: Okay, and we're going to do that on Friday.

BERNARD TURCOTTE: We're going to do that on Friday.

PAT KANE: Very good. All right then. So the next item was Any Other Business, and we had none identified earlier. Do we have any at this point in time? Osvaldo, your hand is raised.

OSVALDO NOVOA: Yes. Two things. First, something that Larisa pointed out, I don't know if it was on the last call or the previous one regarding the bylaws was we should be including in our final report an explanation of how public comments were considered in the report as well as a summary of the changes made in response to public comments. We don't have anything on that. Also, I think [it's almost sure] that the Commercial Stakeholder Group is going to present a minority statement. I think that the deadline for presenting it is next Friday. I think I heard that also last time. And I see that Cheryl said it's an appendix. Well, we will discuss it afterwards or we won't see that appendix before finishing the whole report. That's my question. Thank you.

PAT KANE: Thank you, Osvaldo. I think there are two items there. One was, what did we identify for minority input? And I thought that was this upcoming Friday, not next Friday.

OSVALDO NOVOA: I don't understand what this upcoming Friday means.

PAT KANE: That would be the 15th of May.

OSVALDO NOVOA: Okay, yeah, next Friday.

PAT KANE: Oh, okay.

ADETOLA SOGBESAN: It is next Friday, actually, not next week Friday.

PAT KANE: We're saying the same thing, just differently. Got it.

ADETOLA SOGBESAN: Next Friday, but not next week Friday.

PAT KANE: So Friday the 15th is—

OSVALDO NOVOA: Right, okay, thank you.

PAT KANE: And the second question you had was concerning how we handled comments from the public comment period to the initial draft, correct?

OSVALDO NOVOA: Correct.

PAT KANE: Okay, hold on a second, I've got an interruption. Cheryl, can you pick that up, please?

CHERYL LANGDON-ORR: I can certainly pick it up. Thank you, Pat. And that's the joy we all live with, with world getting in the way of our meetings. Under normal circumstances, this is a requirement for example in the PDP process where public comments are dealt with and how they're dealt with. And in fact, it's a specification, desire or requirement that was borne out of the very first accountability and transparency review team. It was a recommendation out of ATRT1 that this sort of thing occurs at all.

So there is in fact, these days, a standard pro forma spreadsheet thing that we can either use or not—but I would encourage something similar if we don't use it—where one simply says what the particular item out of the public comment was with respect to what, whether it did or did not have an influence on our results, and it's a record that shows those who took the time for putting in public comments that their public comments were indeed reviewed, taken into consideration to a greater or lesser extent depending on what the view of the review team was on them, and if indeed there was any influence on any outcome, it can be noted.

So I wouldn't say we would need to do it any other way than that. The way that can be tabulated is from our own records and the notes we've made in each of our meetings. There wouldn't be any creative or new text associated. So I'm not quite sure, unless someone was asleep at the wheel and not listening or reviewing meetings if they were absent from the meetings why anything in such a document would be a surprise. But it is important.

Tola, yes, I understand where it came from, I know where it is. I'm saying it happens because of ATRT1 in the first place. So it would behoove us to do the same. And it's best dealt with as an appendix, otherwise you'll end up with a huge amount of text and not a great deal of readability.

Bernie, I know you're painfully familiar with all of this. Are you in a position to answer Osvaldo's concern? I suspect about when we will be seeing this piece of the documentation.

BERNARD TURCOTTE: Do I have to?

CHERYL LANGDON-ORR: Yes, you do.

BERNARD TURCOTTE: Oh, okay. No, I was saving this one for the end once we got everything nailed down, including this prologue, because that's part of the report. And then you want to make sure that you've got all the information to

produce that, pretty much as Cheryl said. I don't think anyone will see anything new here, it's just mapping the comments versus where we ended up going with them. Of course, some of the comments, the response is, well, thank you but no, we didn't take that, and in some other cases, yes, thank you, and here it is. And I think we've got that type of approach really well worked out. Work Stream 1, Work Stream 2, and we'll be following that same kind of approach and putting that into a report. Back to you, ma'am. And you want to know a time. Well, the time will probably be at the end of next week, I would imagine, with everything else going on. Thank you.

CHERYL LANGDON-ORR: Okay. Osvaldo, is there anything else on that matter?

OSVALDO NOVOA: Yes. No, my question was because when I was reading the document explaining difficult issues that Bernie so kindly distributed, my interpretation was that some of the comments were misinterpreted. So the way Bernie presented it, explained the difficult issues, I don't interpret the comments in the same way he did. So that's why I was asking how, when that document was going to be presented because I think my interpretation was different than Bernie's on some comment. Thank you.

CHERYL LANGDON-ORR: Can I just respond there, Pat? Osvaldo, if this is information that you think your influence in terms of the interpretation is not in keeping with

how it has been captured, how it has been captured should be what the bulk of or majority of the review team saw, felt or read. So if you're at odds with any of those things, could I encourage you to send those at odds points to Bernie and Pat and I and the rest of the team to the list? But also specifically to Bernie as soon as possible, because we're not going to suddenly hold up the process to go back and relitigate things. It may be that we simply disagree with the way the interpretation is. It may not. We don't know until we know what it is you're concerned about. So rather than hold off for any particular future point in time, if you've gone through and you have a few uneasy bits, annotate them and get them across to us certainly before we get too deeply into recoding of the pro forma documentation. Thank you for that. Now Pat, back to you. I think you've got KC before Tola.

PAT KANE: Thank you very much, Cheryl. KC.

KC CLAFFY: Maybe Tola should talk first because my understanding is that Osvaldo has sent those to the mailing list already. We talked about it last week, and at least I didn't get a clear understanding of how those public comments were addressed. I just didn't want to hold up the conversation any longer.

So I would really like to see that part of the report before I draft a minority opinion on one of the recommendations, because part of my concern is I don't think the public comments were addressed adequately or considered [adequately.]

PAT KANE: All right. Thank you, KC. Tola?

ADETOLA SOGBESAN: Okay. I'm in the same boat as what KC just presented. [inaudible] information was posted by Osvaldo as message from the CSG, and we had put some response to the group and the team considered this response at the last call. But we did not address the concern raised by CSG in my opinion. And this recording is there online, and I'm aware the members of CSG had visited the recording, listened to what we discussed, and up until now, still not convinced that we addressed what's raised.

So my thinking is we're going to be discussing that today. Unfortunately, it's been postponed to Friday. So what I imply is that until Friday, before we can have [that described,] that same Friday is the deadline for submission of minority report. Perhaps if we discussed that, if it had been presented today, the outcome might have prevented the submission of the minority report.

So in the circumstances as it is right now, no discussion on it, no thinking, we may not be able to prevent the minority report that will come from the CSG on Friday.

PAT KANE: Thank you, Tola. Osvaldo.

OSVALDO NOVOA:

Thank you, Pat. Yes, I will try to send today, or at the latest tomorrow my morning—it's night now—an e-mail to the group stating my observations on the comments, and what our position is regarding the recommendation on reviews in general, and it will be different, my position from the CSG position because it's a group and we have other views also, but I'll try to let you know as much as I can. I would prefer not to present a minority report, but we don't have time for that. So that's it.

I'll try to send an e-mail either today or tomorrow morning. Thank you.

PAT KANE:

Thank you, Osvaldo.

CHERYL LANGDON-ORR:

Pat, whilst I'd be delighted to be able to say that there was full consensus on all the different parts, if there isn't, that's not a criticism of our work. It's an observation of the diversity that occurs in the multi-stakeholder model. So let's not be fearful of this. It'd be wonderful if we could not have minority reports, but it's not a problem if we do. Let's put this into proper context here. I would be delighted if there weren't, but if there is, that's okay.

PAT KANE:

Thank you, Cheryl. KC.

KC CLAFFY: [I hear people] talking past each other, so I'm going to try one more time. I agree with Cheryl, it's totally fine if there's a minority report. But I think what I hear Osvaldo and Tola saying is they'd like to have the minority report written on the complete report. And if the report isn't complete yet, they're nervous that their minority report may get undermined by a section of the report that isn't written yet.

So I share that concern, and I would like to propose that we move the deadline for the minority report until the public comment piece has been written, which hopefully is just a couple of days.

PAT KANE: Thanks KC. So the request from the team or the observation from the team is that without understanding what is going to be written as far as how we've addressed the public comments from the initial draft, it'll be difficult to complete the minority reports if there are to be any. Is that correct?

OSVALDO NOVOA: Yes.

PAT KANE: All right. And Cheryl, I'm running with scissors right now, so you can smack me upside the head later, but seeing as we're probably days away from that happening and we're not going to edit or wordsmith minority reports that are coming from either the CSG or from you specifically, KC, I have to believe that's fine. And let me get with Bernie and find out when we can have that out so that we can address that. So

we'll get back to you on that as far as the dates go, but I understand what you're asking. So let me circle with Bernie and Cheryl on that.

CHERYL LANGDON-ORR: While you're running with scissors, Pat, let me help you. [inaudible] appended, so I see no harm in giving them a drop dead date which is after this next documentation is looked at on Friday. That's fine. But we're not going to use it as a relitigation basis. You'll either be satisfied or not with the outcomes, and you will either be able to modify or not your [MRs.] I would obviously encourage those of you that are writing MRs to have them well written or ready, and then edit or not depending on what the outcome is of our next meeting. That's all. We're not going to say, "And now you should start writing them and you've got 10 days to do it." We've been saying "start writing them if you think you need them" for some time. So quid pro quo on this one.

PAT KANE: Thank you, Cheryl. KC, is that an old hand or a new hand?

KC CLAFFY: Old hand, sorry. Totally agree with Cheryl.

PAT KANE: All right. So then I think we've got our way forward on that. We'll take a look at it on Friday, and from there, we'll set some time when we're actually going to submit this to ICANN staff for finalization and publication, and we'll include at that point in time.

All right, Any Other Business at this time? Thanks for bringing that up, Osvaldo. It's a good start to the conversation. All right, I see no hands—

CHERYL LANGDON-ORR: Pat, just to be clear, on Friday's agenda, other than the carryover from today's agenda, which is [overview] part and taking one final pass on what will be the [inaudible] text out of today, I assume we're also looking at what we've put together as we've said we would as an action item from our last meeting regarding detailed responses to the issues raised by the board. That was something that Tola referred to as well. So that's the three things on our agenda for next week. Just so we clarify that, and that can be picked up as an action item so we can get that agenda out as soon as possible. Thanks.

PAT KANE: Correct. Thank you very much, Cheryl. All right, so as long as there's nothing else that we have on any other business, we will move to confirmation of actions, or action items. Jennifer.

JENNIFER BRYCE: Thank you. I captured a couple of action items. So Bernie's going to adjust the prologue text based on the discussion today and shared to the list for the team to review in the next 24 hours, and then on Friday, we just captured the agenda items to look at the prologue text again. The implementation of organizational reviews text that was initially penciled in for today. That's carried over, and then also look at the detailed responses to the issues raised by the board. That's all I

captured, but let me know if there's anything else I need to add. Thank you.

PAT KANE: Yeah, I didn't capture anything else either, Jennifer, so thanks very much. I think you've got it. All right, so on Friday we're meeting at 11:00 UTC, and we've got two hours scheduled for the meeting at that time. And with that, we will have a good couple of days and we will see you on Friday at 11:00.

VANDA SCARTEZINI: Yeah.

PAT KANE: Thank you all very much.

CHERYL LANGDON-ORR: Thanks everyone. Bye for now.

VANDA SCARTEZINI: Thank you. Bye. Take care.

ADETOLA SOGBESAN: Thank you. Bye, everyone.

[END OF TRANSCRIPTION]