
STEPHEN DEERHAKE:

Let me shut something else down going on over here. All right. Thank you everybody. Good morning, good afternoon, and good evening. I want to thank you for joining today's teleconference. For the record, this is the 06 May 2020 edition of the ccNSO PDP Working Group, tasked with developing ICANN policy with respect to establishing a review mechanism for ccTLDs, as mentioned in RFC 1591, section 3.4. As I just mentioned, the meeting has been convened today at 06:00 UTC.

I really want to thank those of you who have either stayed up really late or gotten up really early for your participation on today's call. For me, it's up really late, shall I say. I also wish to thank Bart and Joke for getting up early and, as well, Kimberly and Bernard, who are participating way out of band on their behalf, because they're up late as well. They're up in the middle of the night, actually.

Assuming staff will be taking attendance in the usual manner. So, if there is anyone on audio only, please identify yourself and make sure you're recorded as present.

With regards to administrative matters, Kimberly, can we perhaps have the Doodle poll results? I know I didn't ask you to have them beforehand but you are just a genius. Thank you. So, what do we have here? It looks like option three is the winner. The Retirement Working Group, we worked on a six-hour rotation. But now we're talking about an eight-hour rotation with option three. Any thoughts, comments from anyone on the call about where we are with this? Because we would like to really get this resolved because we need to figure out our schedule going forward.

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Naela, thank you for being here as well. Any hands? Anybody wants to comment on this or are we going to go with option three?

EBERHARD LISSE: Option three.

STEPHEN DEERHAKE: That sounded like the good doctor but he didn't raise his hand. I don't see any hands. Oh, wait. I see a hand. I see a waving hand. That was [El's] hand. Okay. Anybody else with any regards to this rotational schedule? Because we will put this into place, then, with option three going forward and work out the times going forward as result. Okay, going once.

NICK WENBAN-SMITH: Stephen?

STEPHEN DEERHAKE: Nick, you're not waving your hand but that's all right.

NICK WENBAN-SMITH: No. I didn't find that hand thing. Just a thought on this. I know the option three had the most votes. That doesn't mean to say, necessarily, it's fair on the minority who are participating from antisocial time zones. And before you proceed immediately on the assumption that the number with the most votes should automatically win, I just want to test that because it seems that if you've got a minority in an antisocial

time zone for this thing then you effectively might exclude a bit of participation. I'm aware that, essentially, it's a majority referendum. Not that I'm a big fan of referendum, but it's a referendum to set the time rotation in this way.

STEPHEN DEERHAKE: Okay, Nick. What do you mean by antisocial time zones?

NICK WENBAN-SMITH: Effectively, there's a small percentage of people for who option three is really poor. But actually, for those of us in Europe, option three's fine and most of us participating at the New York side of the US. Then, the minority have, by virtue of being in a minority and being in the time zones they are being in, for that particular rotation ... They've been outvoted but they always would have been. So, I suppose the whole point about the rotations is to make sure that that doesn't happen.

STEPHEN DEERHAKE: Well, I want the pain to be shared.

NICK WENBAN-SMITH: That's the point. Yeah.

STEPHEN DEERHAKE: I'm [inaudible] at two in the morning.

NICK WENBAN-SMITH: I suppose what I'm saying is the greatest good for the greatest number might not necessarily be the most equitable outcome.

STEPHEN DEERHAKE: Oh gosh. I don't know how we address that, except that we—

NICK WENBAN-SMITH: Sorry! No, I'm not saying I'm against it. Option three suits me fine. I'm just saying I wasn't aware that the process was we have a vote and then the one with the most votes automatically wins.

STEPHEN DEERHAKE: Well, how else would you propose we structure this decision? We don't do any decisions on a single call. That is the paramount rule here for this working group, as it is with the Retirement Working Group. We will go over everything twice so if somebody's in a really bad time zone meeting-wise, like I am tonight, being 2:00 in the morning my time ...

NICK WENBAN-SMITH: I suppose I just look at Wellington and see that option three has a ... Okay. Actually, option three's fine for them, isn't it?

STEPHEN DEERHAKE: Wellington and Tokyo, I think, work pretty well for that. Hong Kong, less well but mostly well.

KIMBERLY CARLSON: Stephen, there are hands up.

STEPHEN DEERHAKE: I see that. Let me finish with—if Nick is finished. Are you finished, Nick?
Nick must be finished.

NICK WENBAN-SMITH: I'm going crazy.

STEPHEN DEERHAKE: Okay. Nick, if you're done, let me go to Bernard and then I'll go to Eberhard.

NICK WENBAN-SMITH: I'm done.

STEPHEN DEERHAKE: Bernard?

BERNIE TURCOTTE: Thank you, Stephen. Can you hear me?

STEPHEN DEERHAKE: Yes, I can.

BERNIE TURCOTTE: Okay. Usually, you resolve the kind of issues that Nick is pointing out by rating the options in order of preference and then things will come out. I see what he's talking about because there are 13 votes for three and then 11 votes for four and nine votes for five. But there was only one choice. And so, if you would rate them in order of preference then it might actually shift this some. Thank you.

STEPHEN DEERHAKE: Thank you, Bernard. Eberhard? You have something?

EBERHARD LISSE: Yeah. I don't really understand why we're debating this. We decided last time we want to have a Doodle poll. I wasn't on the call but it seems to me that if we have a Doodle poll, we take the one where most people voted. Also, you had the option of voting for more than one. And I must say, option three is the least inconvenient to most, from what I can see. So, I think we should not second guess ourselves and move on.

STEPHEN DEERHAKE: Thank you, [E]. If I can go Bernard, can you elaborate on your comment, sir?

BERNIE TURCOTTE: Well, it was just very simple. If people understand that they have to rate them from the least painful from their perspective all the way to the most painful for their objective ... There are four options, so you would go, "My first option is option two. My second option is option one." And

so, you cascade the votes like that. Then, it's a bit more painful to do an analysis but then a clear winner will come out because you will take out the options where you are looking at ... Things that are very painful for a number of people become less attractive, if you will.

STEPHEN DEERHAKE:

Okay. Well, the Doodle poll allowed multiple selections. I only made one and I thought everybody would just make one. And so, it muddied it. But be that as it may, let me ask the group. Thank you, Bernard, for that clarification. Let me ask the group. Do we just go with the most votes here, at least for the moment? We can come back and revisit this if we find it down the road a couple months being untenable. Do we just go for the most votes at the moment and just set a schedule? Because we need to set a time schedule and a rotation schedule.

Any hands on that? Any objections to that? Any approvals? I see one from [El]. Do we get approval from this? I see Nick has his hand up. I'll get back to you shortly, Nick. Hold on. I'm polling. Jaap's in agreement. Irina's in agreement. [El]'s in agreement. Barrack's in agreement. [El] is in agreement. Let's see what else. Sean's in agreement. Svetlana's in agreement. Okay. Maarten's in agreement. So, I'm seeing a sense of agreement here on just let's go with three and set it for now. Thank you. Great. Okay. Thank you for that expression of agreement. And Nick, now you have the floor. Thank you, sir.

NICK WENBAN-SMITH:

Thank you. And I'm slightly sorry now I brought this up.

STEPHEN DEERHAKE: Do not apologize.

NICK WENBAN-SMITH: Let's go with option three. But perhaps we could revisit how we're getting on in three months' time or something. Obviously, there's 20 participants. 13 have ticked option three. That means that seven didn't pick option three. So, for the seven people who didn't pick it, obviously I just want to be thoughtful that—as you talk about, sharing the pain—because there's a slight majority in favor of option three, that we don't necessarily say it's set in stone for the next three or four years. That's all. That's fine.

STEPHEN DEERHAKE: No. Good grief! I don't want to be doing this four years from now. Are you kidding?

NICK WENBAN-SMITH: All right. Let's just move on. Sorry.

STEPHEN DEERHAKE: That's a separate discussion. You scare me with that. All right. Thank you, Nick. Thank you, thank you. All right. So, we, I believe, are going to now run with the time schedule in option three going forward, so we can produce an accurate time schedule with that. And I think you,

Kimberly, for that and the Doodle poll results. Wow. And we will come and revisit that again.

And Kim, you read my mind. You redisplayed the agenda. Review of the webinars ... So, as you guys know, I recently managed a couple webinars on the Retirement Working Group results. Many of you guys participated. And frankly, I'd like your feedback on both the content of them and, even more importantly, on how I managed them, what I did do correctly, what I could have done better. That was my first venture into a community-wide webinar venture and likely it may not be my last. So, I would appreciate any feedback from you guys so feel free to sling arrows. And I'm really looking for honest feedback here. I won't take any of it personally.

So, anybody who participated in those webinars who would like to critique the content and my performance, feel free to raise hands. Don't be modest here. My goodness, you guys are modest. This is not a modest group. Nobody is willing to sling arrows at me? How can this be? Wow! Seriously. Somebody must have something to say about the stuff. Oh, Nick does.

NICK WENBAN-SMITH:

Yeah. Sorry. I only participated in one of them but I thought that the content was really good, and fair, and informative. And it was a positive experience, so well done. I've just been doing so many webinars, and Zoom meetings, and all the rest of it. And I know people are getting more used to this sort of thing.

But from my perspective of having run some of these now, they're quite tiring to do flat talking for an hour. I supposed being more of a lecture ... They weren't very interactive or participative, I suppose. It was more just, "Here's some information. I'm getting it to you. Now, you've got the information."

So, my only feedback, in terms of what you want to reflect on a bit ... How do you make it a bit more engaging or break it up a bit and make it less tiring for yourself, speaking for the whole of the 60 minutes? Because I know how tiring that is and also how tiring it is for people to listen to one person speak for 60 minutes on quite a dry topic, as well, I guess.

So, off the top of my head, that's the only thing I would say. I think it was a good thing to have done and it was a good range of the stakeholder groups participating. So, that was all mission accomplished, in terms of what the objectives were.

STEPHEN DEERHAKE: Thank you, Nick? Did you like the polling idea? Because I thought it was quite interesting.

NICK WENBAN-SMITH: Yeah. I think that worked well. Some people are a bit quicker to work out what they need to do rather than others but I think everyone's getting more used to Zoom polling. You can use breakout rooms. There's all sorts of fancy things that we never really looked into before.

STEPHEN DEERHAKE: Stay tuned for the breakout rooms. But yeah. I thought the polling was really intriguing. And it got people's attention and kept their interest. Anybody else have any comments on that? Thank you, Nick, for that? Nobody else appears to have any comments on that. Going once, going twice, going three times. Okay. With regards to the review of the webinars, I think we're complete. If we can move on to the work items.

BART BOSWINKEL: Stephen, this is Bart.

STEPHEN DEERHAKE: Yes. I hear that, Bart.

BART BOSWINKEL: This one more thing. For those who are interested in the interim paper and the public comment, it's been opened yesterday. I've posted a link in the chat so you can check. The interim paper is published on the webpage of the Retirement Working Group. But if you go through the public comment, you can follow the links. It is open now, so that concludes, I would say, the first phase of Retirement Working Group.

STEPHEN DEERHAKE: Thank you, Bart. So, the interim paper on retirement is now formally published for public comment. Is that what I understand from you?

BART BOSWINKEL: Yes, it is.

STEPHEN DEERHAKE: Excellent. I was asked this afternoon by a Board member about that and I did not know. I thought it would go out today, and it did go out today, and I thank you guys for that. Thank you, ICANN staff for that. Excellent. It's a good piece of work, I think.

Work items ... If we can go to item four on the agenda, work items. And this is where I'm going to put ICANN staff to work, I think. Thank you, Kimberly. Bart or Bernard, who's taking this one on? I believe it's Bart.

BART BOSWINKEL: Yes. Morning, afternoon, and evening, everybody.

STEPHEN DEERHAKE: Good morning.

BART BOSWINKEL: We've circulated this document before and it includes, effectively, the overview of existing procedures, as one item in the second part is the work items identified, and the issues we brought, and the underlying charter of the working group, and a paper that was prepared by the drafting group on the retirement and review mechanism charters.

So, the goal is to identify the next step for this working group. So, first was the overview of the existing procedures. We started with two of them, the IANA escalation procedure and the Customer Standing Committee and Public Technical Identifier, or PTI, remedial action

procedure. So, that was the last two meetings. But there are still some procedures which are open for further discussion and to inform you about their scope and how they work. So, I'll go into a little bit more detail later on, together with Bernie.

The second part ... Can you scroll down, please, Kim, to page two or three? Page two. That's fine. The second part is the issues—items identified in the issue report and order in which they need to be addressed. So, that's, I would say, the substantive work of the working group that you need to undertake.

And what I've included from line 14 until—I don't know which page—and down is the high-level overview of issues that have been identified in the issues report. And so, that's the scope of the review, etc. And then, in the background is a more detailed overview of the background paper. So, this is all old work, done, I think, in 2017 or prior to 2017, before the issue report was adopted by the Council.

What I've done with respect to the first two items in the scope of the review mechanism, I've alluded to the Retirement Working Group because they effectively identified some of the decisions and actions. And the goal of this session will be for you to identify how do you want to proceed and how do you want to move forward? We had a pre-call with Stephen and Eberhard around these topics. There is a bit of a sense that we'll present it. But our suggestion is first—or do stuff in parallel—continue with informing you about the background and scope of some of these procedures and then, in parallel, the topics that have been identified in the issue report and start with a particular item.

Bernie, you want to allude to the ... Can you go back to page one, please, Kim, to line items five to eight—the different procedures we have not addressed and how they interlink to provide some context? Over to you, Bernie.

BERNIE TURCOTTE:

All right. Thank you very much. Yes. So, we have a few things that currently don't apply to ccTLDs, as was requested in the transition. But they are used for a number of other things where people wish to challenge Board decisions.

The first one is the reconsideration of Board or staff actions. Reconsideration request is basically the Board Administrative Committee looking at a written complaint within 30 days of a decision made by a Board and deciding if it has any merit or not. If it has merit, it's passed on to the ombudsman for a full consideration, if you will. And then, the ombudsman brings back a report to the Board Committee and the Board Committee looks at the report and makes a recommendation to the Board.

The Board is not bound by any recommendations in that report and can decide if it wishes to change its action. I don't have statistics on those but I would imagine that changing a Board action after a reconsideration request would be an exceptional thing.

The second community engagement process is part and parcel of the independent review process. The independent review process is whereby a decision by the ICANN Board, people, basically, who are dissatisfied with that decision and feel that under the grounds of the

IRP, the Board has gone against some basic requirements for ICANN, such as the bylaws, which is mostly the grounds for those things.

And so, basically, there is a recommendation that the claimant—the person who is dissatisfied, who is considering making an IRP claim—first go through the community—the cooperative engagement process, slight mistyping there—cooperative engagement process, whereby ICANN and the plaintiffs sit down and try to work out something without going to a full IRP.

The incentive for people to go through CEP is that if they do not go through CEP and they lose the IRP, the panel can award costs to ICANN from the plaintiff. If they do go through CEP and they lose the IRP, there can be no costs assigned to the plaintiff to reimburse ICANN. So, of course, it's very popular first step before an IRP.

The IRP itself is a very long document. I've been working on reforming the IRP. I've been supporting the various groups working on reforming the IRP for the last four years. So, this group shouldn't feel bad about the retirement process. It is basically a group—

STEPHEN DEERHAKE: Thank you, Bernie.

BERNIE TURCOTTE: I thought you'd appreciate that one. The IRP, basically, if you start it, is managed by an independent body. And basically, what happens is there are a number of highly-qualified legal practitioners that are called panelists. And there is an option to go to one panelist or three panelists

from the roster of panelists. If you go to three panelists, basically one party picks one panelist. The other party, being always ICANN, picks the other panelist. And those two panelists agree on a third panelist. Then, they hear the case.

Again, I will underline. This is very much pretty close to a trial—a formal legal proceeding before the courts. There are arguments that are made to the panelists. There are all sorts of rules for how much evidence can be presented, when. If the panel feels it is required, there can be in-person testimonies.

And we are currently working on some other rules regarding things like translation. One of the big issues right now, which still hasn't been resolved after a few years, is how far back can you take an IRP about a decision for which was taken in the past? Once the IRP panel makes a decision on any given case, then ICANN is bound to respect that decision.

So, that's about the outline of those mechanisms. But as I said, the panel works from a body of rules and documentations from ICANN. There are clearly-established documents which really set out what ICANN is supposed to do, which is what we have in the bylaws and our other documents or contracts. And then, they make a judgment versus the IRP, if the matter that we're considering does fall within the IRP. And right now, anything related to ccTLDs does not. Thank you. I hope that was useful.

STEPHEN DEERHAKE: Thank you, Bernard. Question. Given that we got ourselves excluded from all the transition-related oversight stuff, do you have any thoughts on how to go forward on this?

BERNIE TURCOTTE: I've been thinking about it for a few weeks. The problem with ccTLDs, which relates to the point that I was making—

STEPHEN DEERHAKE: Not a problem, but continue.

BERNIE TURCOTTE: Yeah. The problem with ccTLDs is that the body of rules which apply, like our RFC 1591 as part of our work that we did way back on the FOIG, was that those rules, versus legal texts, are a little fuzzy. So, it might be very hard for an IRP-like process from an independent provider to work with those. That's putting aside the issue that IRPs are very expensive. ICANN has a limited number of them but they are not an official legal proceeding before court. They have the advantage that they are independent of any particular country, if you will, but they are based on common law proceedings, usually.

So, that's the issue, is they are based on rules and they are very expensive to carry out. And the rules that we have may be difficult for people who are mainly legal practitioners because if you look at the ICANN bylaws, yes, it looks like legal text but there's a reason for that. Yes, they are written by lawyers and they are meant to be interpreted by lawyers. Thank you.

STEPHEN DEERHAKE: Excellent. Okay. Thank you, Bernard. All right. I've got a hand up from Eberhard. And anybody else on the call, please raise your hand if you've got a question. Eberhard, the floor is yours, sir.

EBERHARD LISSE: I actually like the idea of it being expensive because that will make sure that it will only be used if—the decisions that are subject to this will be made carefully. That helps me.

That said, my view on this is we should have internal remedies that must be exhausted prior to going to an expensive procedure. So, I think this example of the community engagement procedure is a very good one. So, that is something that we could look at, that we establish internal remedies that must be exhausted. And then, if a decision is so gregarious that an IRP or a review mechanism could decide against the ccTLD, then I don't have no sympathy with this ccTLD manager.

And then, another thing. If the panelists are ... I like the idea of retired high court judges of Anglophone countries—commonwealth countries and so-on. These people are extremely intelligent, and they can read these things, and they can distill the spirit from the letter, and they usually figure this out very well. Never mind that if we have a panel, who selects the panel. By my view of this is that if both sides choose one, they agree on a third one, we may have to have a mechanism on what happens if they can't agree. But we should make the mechanism painful enough so that decisions that are reviewable are being made very carefully.

STEPHEN DEERHAKE: Thank you, Eberhard. Anybody else have any comments? Do I see anything else?

EBERHARD LISSE: Bernard.

STEPHEN DEERHAKE: Bernard, do you have anything further to—

BERNIE TURCOTTE: Yes. If you're looking at establishing an IRP-like system, which is currently running for ICANN, just the setup costs, if you're setting up something that is different, are monumental. It's a very expensive process to set up to begin with, if you will.

STEPHEN DEERHAKE: Financially? Okay.

BERNIE TURCOTTE: Yeah. So that's the reality. However, if you decide to go along with the ICANN one, everything is there and provided. Thank you.

STEPHEN DEERHAKE: Yikes. Okay. Anybody else?

EBERHARD LISSE: Sorry. Let me answer to that. That would need a careful review on panel and panel selection. If we use an existing panel, we would need to look ... If we were to use an existing mechanism without the same people, it's one thing. If you we use the same people with a slightly different mechanism, then we need to look careful at who is on the panel and how are they selected?

STEPHEN DEERHAKE: Thank you, Eberhard. Allan, your hand is up.

ALLAN MACGILLIVRAY: Thank you, Stephen. Hello. Can you hear me?

STEPHEN DEERHAKE: Yeah. Good morning.

ALLAN MACGILLIVRAY: Good morning. I'm waking everyone up. I certainly think and agree with a lot of the comments that Bernie made about the cost of the current IRP. But I think we have to recognize that the CC community is entitled to have a mechanism. And I think that we should have a serious look at using the existing IRP, perhaps with some tweaks. And I don't know how far we should get into this today but it goes to the fact that I think we should have a form of detailed briefing on how the current IRP works or

will work because I know it's still a work in progress and we're very fortunate to have Bernie supporting us as well.

But as an example of a tweak, if I could use that term, as I understand it, when the IRP gets up and running, there will be, I think the term is rosters of people that if I want to launch an appeal, there'll be eminent jurists or something like this who are prequalified, to even go look at them and choose this one or that one. And we may wish to have, perhaps, a specialized person or persons prequalified on that list as well who may have knowledge of the peculiarities of 1591 or of the CC community.

So, I offer that as an example about how we may be able to take the IRP and adapt it. And I really don't think that we should be trying to build something from scratch because, as Bernie said, it's taken them four years thus far and it's still not fully functional. So, yeah. That's just my two cents. Thanks.

STEPHEN DEERHAKE: Thank you, Allan. Bernard, your hand is up.

BERNIE TURCOTTE: Thank you. Yes. Just a few clarifications. The IRP is up and running. What the IOT is doing is trying to bring in the modifications that were required as part of the CCWG Accountability Work Stream 1 and Work Stream 2. So, there was an understanding that the IRP had to be reviewed and there was an agreement that it needed to be reviewed with some high-level guidelines. But there was just no time as part of those processes to

actually work out all the details. So, the IRP is a process—has been a process—in ICANN for years.

Second, on the panelists, the idea, as opposed to the previous version of IRPs, is to have a standing roster of panelists who will be specifically only available for ICANN cases. And those panelists will be trained specifically in ICANN lore and how the mechanics of the DNS system works. So, adding some CC-related items to that specific training should not, actually, be too much of a problem.

And finally, on selecting that roster of panelists, the community has been asked for input on that over the last two years. They are in the process of asking for people to submit their candidatures for that panel. And then, we'll look at established a panel with a minimal number of participants so that there is a choice for all the cases that come forward. Thank you.

STEPHEN DEERHAKE: Thank you, Bernard. As chair, I don't ask things muchly. But isn't IRP approach something the group should consider? I just put that out there for you guys to all think about without any opinion on my part.

BART BOSWINKEL: Stephen?

STEPHEN DEERHAKE: Yes, Bart.

BART BOSWINKEL: May I suggest that, as Bernie said, that the first step is before we start speculating about this IRP that first of all we provide a more in-depth presentation on the IRP—what it takes, etc. That’s one.

The second point is ... And that’s interesting some of the points raised by Bernie and others are effectively some of the questions the working group will need to address one way or the other—for example, the structure of a review mechanism. One way or the other, you need to either use this one, or another existing one, or develop one yourself. And you heard Bernie about the resource intensity, both financially and probably from volunteer time, to develop a structure and seeking panelists. These are exactly the questions you need to address later on in your work.

So, in that sense, it’s probably very informative, even if you do not want to use this one, the IRP, that you look at it in more detail to understand how a structure and how panelist selection, etc. works.

STEPHEN DEERHAKE: Well, yeah—how we can incorporate something similar to what they’re doing and to what we would need to have on a review mechanism for CCs. Yes, I agree. But yeah. With regard with to work items, I think we’re on our way. What was that?

BART BOSWINKEL: It’s okay, Stephen.

STEPHEN DEERHAKE: I'm still connected? Yes.

BART BOSWINKEL: Yeah. You are.

STEPHEN DEERHAKE: Okay. Any more comments on this from the group that's here? And I really want to thank everybody for pitching up their time zones. Are you generally happy, then, with our next steps forward with regards to how we are going to proceed? Is there any commentary on that? Everybody seems either quiet or happy. Any further discussion on it? I'm seeing no hands raised with any further discussion.

BART BOSWINKEL: Stephen?

STEPHEN DEERHAKE: I'm trying to make some ... Yes, sir.

BART BOSWINKEL: Just for the notes and for the record. So, next step is that in two weeks, we'll start with a more in-depth presentation of the reconsideration and community engagement procedure. Then, two weeks after, we go into the ombudsman, as Bernie said, because that builds on the reconsideration and community engagement procedure. And then, in

three meetings—so, that’s in six weeks—we’ll have a really focused session on the IRP itself. Is that the way forward?

STEPHEN DEERHAKE: I like that way forward, Bart. Thank you for presenting that. Does anybody have an issue with it? Eberhard agrees with it. Anybody else agree with it? Anybody else have a problem with it?

BART BOSWINKEL: Bernie has his hand up.

STEPHEN DEERHAKE: Bernard does have his hand up, yes.

BERNIE TURCOTTE: Thank you. Just to note, for some of these presentations, it may be wise to try and schedule them as early as possible as you’re getting into the timeframe where people are preparing things for the next ICANN meeting, which will, again, be a virtual meeting. But it’s quite time-consuming for some of the people who’d be making those presentations. So, just be aware of that. Thank you.

STEPHEN DEERHAKE: Thank you. Thank you, Bernard. Good point. If we could only go and enjoy that food.

BART BOSWINKEL: Yeah. So, I think the schedule is clear, Stephen. And if people can't make it, then we defer that particular presentation to the meeting afterwards. So, in that sense, we'll continue with the overview of existing procedures at this stage so people do have a sense of where we're at. And my suggestion would be that would be the first part of each of the forthcoming working group meetings so that everybody's on the same page and has the same basic knowledge of the different procedures. And we can note this as such in whatever deliverable.

STEPHEN DEERHAKE: Yes, as the deliverable. And then, as we get closer to what was the Kuala Lumpur meeting, we have stuff to present [in your] community. That would be great. Okay.

BART BOSWINKEL: So then, I think this part of the overview of the existing procedures—so, section one—is now completed. Can you go to the next part, Kim, please—the scope of the review mechanism. So, this section 2.1 originally is from the issue report—the high-level overview of issues pertaining to review mechanism—so, section 2.2. of the high-level overview.

And the major items in that high-level overview ... As I said, they are included in the charter of the working group as well and they are from a background paper, which is included in the document that's been circulated. The major issues are what have been called the scope of the review mechanism, standing at the review mechanism, grounds for

invoking a review, and rules and structure of the review mechanism. So, that's effectively, I would say, four core areas for discussion.

Now, if you look at the scope of review mechanism, I've added comments for your consideration. If you zoom into the scope of the review mechanism, you'll see what it entails is to understand the decision or actions that should be subject to a review mechanism. And as Bernie already alluded to, some of the documents are not very clear, on some of the decision or from a legal point of view, to act or to be used as a starting point for interpretation.

If you look, for example, the decisions that should be subject to a review mechanism, it's only partly addressed. In the interim paper, there was a special section on review. And throughout the interim paper, you will see some decisions being highlighted to be subject for the review mechanism. For those of you who were not member of the Review Working Group, this was done with already in mind that something like the review mechanism should be developed. So, that document includes some of the decisions that could be subject for a review.

If you would look at the other existing policy documentation—so, that's the RFC 1591 and related, the framework of interpretation—only the in the framework of interpretation there is one sentence or one section on revocation that alludes to potential review mechanism. So, that's only one decision out of a set of decisions.

So, what is necessary, probably, in order to understand and for the scope of the review mechanism is to identify the decisions that you will propose that should be subject for a review mechanism and that's with

respect to the delegation, transfer, maybe even for revocation. So, it means revisiting the different procedures and processes to understand, first of all, which decisions are taken and secondly to allude to or to identify the decision that should be subject, independent of how the review mechanism will be structured.

And then, the second part, maybe related, is whose decisions? There are different parties involved in these different processes. With delegation, it's very clear that the significantly interested parties are involved. The IFO is involved, or PTI currently, and the ICANN Board is involved, and the potential ccTLD manager—so, with respect to the delegation. In transfers, it's very clearly the incumbent ccTLD manager, and the proposed ccTLD manager, and again, the SIP, or the significant interested parties, the ICANN Board, and PTI.

So, I think it's necessary that this working group identifies whose decisions or actions so the entity or persons should be subject to a review. I could imagine that you strictly limit it to the IFO, PTI, and the ICANN Board as a first filter because at the end of the day, this policy process is directed at ICANN and the decisions taken under its umbrella. But at least it needs to be considered by this working group.

And then, you've got the other topics listed as well—so, understanding, at the review, who is able to launch a review mechanism. Is it only the ccTLD manager or are others—and I imagine and I expect that there are some diverse views within this group. So, food for thought. And again, the grounds ... Maybe it's too [Dunglish] but it's at least the questions or the reasons for a review mechanism.

And then, finally, as I've said, the rules and structures for review mechanism. Yeah. That's clearly the procedure of process side needs to be developed by this group as well because you start from scratch. You can use existing models but that's another question. But at least, it needs to be designated. You need to make a choice what you want to propose moving forward.

So, my suggestion would be ... First of all, are there any questions with respect to section 2.1 until the rules and structure questions?

STEPHEN DEERHAKE:

My question is are you good with that? Is this a good roadmap going forward? Anybody have an issue, comment? I don't see any, Bart, so I think you can continue.

BART BOSWINKEL:

Yeah. Then, going back and focusing a little bit more on the ... I think what is easiest, and we do have experience ... Some of you have experience in identifying decisions that should be subject to the review mechanism. I think starting within two weeks that we start detailing the decisions in the delegations, transfer, and revocation process and work through a method that was used by the Retirement Working Group to understand which decision should be subject. I think it's the most natural point to start with, to structure the discussion and to come up with answers to the different questions. And then, along that way, you'll see a lot of additional information, material submerging as well.

So, my suggestion is that, at the next meeting, we just take on the delegation process head-on and start using the method that was developed on ccPDP 3, or the Working Group on Retirement, to identify the decisions that should be subject to and that in parallel to the first the presentation that we just discussed. Back to you, Stephen.

STEPHEN DEERHAKE: Thank you, Bernard. No. Thank you, Bart. I'm sorry. It's late where I am. All right. Do we have any comments on that? I am not seeing any. Oh, wait. [El's] got his hand up. Eberhard?

EBERHARD LISSE: Yeah. We are reaching the top of the hour.

STEPHEN DEERHAKE: I know. We're about to go into extra time. I realize that. Do we want to go into extra time or do we want to call a halt to this?

EBERHARD LISSE: We are not in a hurry. I think we should not prolong this too much.

STEPHEN DEERHAKE: Right.

BART BOSWINKEL: The question is do you want to continue as proposed. Yes or no?

STEPHEN DEERHAKE: You're not through but you're halfway through.

BART BOSWINKEL: Halfway through the document. As I said in the introduction, the underlying document—and I think it starts with page ... Let me see. It would be section—background topic document. It's a refinement of ... It was included because it's addressing the same type of documents or questions as the in the issue report. It is more detailed and it was developed by the charter drafting group. So, there is no need to go into this because it's just background material. The main questions that the group needs to address is what is in the issue report. This is just to assist the discussions.

STEPHEN DEERHAKE: All right. With that, I think let's call a halt to it. Thank you, Bart. We may come back and refer to this again and certainly get the transcript out to everybody. That's a subtle hint to Kimberly. And I think we're good to go on this one. Any other questions on this? If not, can we go ... Thank you, Kimberly. Can we go to any other business? It's three in the morning. [Won't spend too much longer], I guess. Any AOB? Thank you, Kim. Any other business from anybody? Not seeing.

Next meetings, you can see them up there. 20th of May, 3rd of June, 17th of June, 1st of July, 15th of July. We'll work the schedule out further from there. We are not doing anything special for ICANN Kuala Lumpur. We're just going to carry on with our schedule. We have our

meeting rotation established. So, the actual times of those meeting in 6.1 through 6.5 will be sent out to you. And I believe that's it with regards to closures. Anybody have any final comments, criticisms? You guys are being so quiet. Oh my gosh. There's nothing there.

With that, I think you're going to let us call this meeting to a close. So, Kimberly, if you can close the recording, and I can go to bed, and you can go to bed. And I thank you all for participating. I hope it was productive. Thank you very much. Good night.

BART BOSWINKEL: Night all.

STEPHEN DEERHAKE: Good morning, good evening. Thank you, guys. Thank everyone.

KIMBERLY CARLSON: Thanks, all. Bye.

[END OF TRANSCRIPT]