SUSAN PAYNE:	Lovely. Sorry. I'm used to GNSO calls, and I always expect to get the kind of introductory text. It takes me a moment to get my head around the fact that we don't do that. So, welcome, everyone, to our IRP-IOT meeting for the 7th of July. We don't usually take a roll call.
	We work from the roll call in the Zoom room. But I think I should ask, if there's anyone who's only on the phone and not in the Zoom room, to just please let me know.
	Okay. I'm not hearing anyone, so that is good. Again, as usual, just to request to people to try to keep their phones on mute when they're not speaking, just to avoid background noise. But please don't let that interfere with the full and engaged discussion.
	I can see that Kavouss, you have your hand up. I don't know if that is a new hand.
	Okay. I'm not hearing from Kavouss, so I—
UNIDENTIFIED MALE:	I think it's an old hand. He wanted to check his sound.
SUSAN PAYNE:	Okay. Excellent. Another person who's being having some problems. Thanks, Kavouss, for putting your hand up. Perfect.
	For our agenda today, we have a few items to look at. We'll talk again about the updates to the SOIs. I wanted to spend a small amount of

time just getting the views of this group on the roll, if any, that we should have in relation to the IRP standing panel selection. Then we hopefully can circle back to the topic of translations, which we had largely completed, but I had an open action item to circulate some revised text. So I'd like to do that. Then we can continue with our consideration on consolidation, intervention, and participation as an amicus and particularly to think about the materials that [Pham] and Liz very kindly circulated to us in readiness for our discussion.

If anyone has anything they want to raise as AOB, please feel free to mention that now. I will come back to that at the end, just to make sure that there's nothing.

I'm not hearing anyone at the moment, but as I say, we will come back to us just towards the end. Then just a reminder to everyone that we have our next meeting scheduled on the 21st of July at the alternate time that we have for our meetings at 19:00 UTC for that call.

Without more ado—again, I'm not seeing any hands for the moment, so that's perfect—in terms of SOIs, thanks very much first to Bernard for circulating the SOI document for us to complete and for his keeping on the case and reminding us to complete and return it. And thanks to those of you who have now done so. That is super. I think there are still some of our group who have not yet returned a completed SOI. I myself have done so. In doing so, I did note that, despite best efforts, a couple of the questions did seem to be duplicative. So I did my best, and I presume that others have equally done so. But, please, do complete the SOI and send it back to Bernard so that that can get posted on the website. By the time of our next call, I guess I might have to start

actually naming people if we're still waiting on them. But I really hope that we can knock this on the head.

I know there's some indifference of interpretation in how to answer the questions, I think, but my personal view is I would err on the side of inclusion where one's able to give the information, or at least, if you work for a particular party, for example, and you don't feel you can name them, nevertheless it's worth including the existence that you worked for a particular party, for example, that is in an IRP, even if you can't identify the IRP.

I did note Malcolm had expressed a view that he found one of the questions quite difficult to answer because, in some ways, we all, as members of the Empowered Community, have a very clear interest in this process but obviously don't necessarily have an IRP or even any intention currently to bring an IRP. But nonetheless, it's incredibly important for all of us. I think that's taken as red, although, I confess, when I completed mine, I said something to that effect. My company is a contracted party, so we don't have any IRPs. I'd very much like to think we never have one, but clearly we could be the beneficiaries of this rule, if you like. So I noted that because it felt to me easier to, as I say, err on the side of inclusion.

So that's all I need to say on that. If anyone has any questions or comments or views, please raise them.

Flip?

FLIP PETILLION: Thank you, Susan. Just wondering where these will be made available for anybody to read/consult. Thank you.

SUSAN PAYNE: Indeed, Flip. As I hope you realize, we have a workspace on the ICANN website where things like the list of our calls and the list of our participants and so on is captured in the same way as most working groups have a wiki space. In one of the tabs on that, there is a reference to our SOIs. So, to the extent that people have been—ah, Brenda has put something in the chat—sending in the updated IRP-specific one, then those are being uploaded there.

FLIP PETILLION: Thanks, Susan.

SUSAN PAYNE: Thank you. The next item I wanted to raise with people is the role of this group—the IRP-IOT—in relation to the selection of the IRP standing panel. We have talked about this very briefly in the past. To my mind, this group doesn't have a clear role in that exercise.

                         Just to circle back and just make sure that everyone is aware of the current status of the IRP standing panel, a call for volunteers to be members of that standing panel was issued a few weeks ago. The period for the submission of expressions of interest expires, if I recall correctly, on the 31st of July. So one hopes that there have been some submissions to ICANN of expressions of interest and that more will be submitted.

The standing panel is something that's expressed onto the bylaws to be a requirement. The expectation is that there'll be a standing panel that will be in place of approximately seven people—I think it's a minimum of seven—who will be standing ready effectively and from whom panelists for hearing IRPs can then be drawn down. Indeed, I believe it's in these supplemental rules, or possibly it's in the bylaws. There's also an expectation that, in the case of appeals, I think, there is a role for the whole standing panel. In any event, this group requirement exists for a standing panel to be appointed, and it has been something outstanding for some time. But, as I say, the call for expressions of interest has gone out and is currently underway.

Sorry. Just seeing, Flip, that you have a hand up. Is this a new hand or—oh, we have two hands up now. So, Flip, is yours a new hand or an old one?

FLIP PETILLION: Sorry. Old.

SUSAN PAYNE: Okay. And, Liz, you have a hand. Do you want me to keep going or do you want to interject just now?

LIZ LE: I can wait until you've finished with your area on this. Well, I just wanted to add something and update the group on what's going on with respect to the standing panel work and our conversations with the community on this.

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SUSAN PAYNE:	Oh, okay. Well, then I will just briefly explain why I put this on the agenda, but it may be that you have more to add than I know.

The reason I put this on the agenda was because, when listening in to the GNSO Council meeting that they held during the ICANN68 meeting the other week, it was something that was raised by Keith Drazek with the GNSO Council: he was seeking the views of the council and consequently the various stakeholder groups and constituencies in the GNSO about what their views are on how the selection panel is best addressed. This specifically is, again, the concept under the bylaws that the standing panel will be appointed by ICANN in consultation with the community.

So the question is, what is the community, or how is that role of the community to be handled? Two suggestions that have been floated were either that this group—the IRP-IOT—could play that role of being the community that takes on that task, or, I think, that the SO and AC leaders should in some way put together some other group to hold this role.

So I put this on the agenda in order to seek the views of this group. Clearly it wouldn't be our decision since this is a question that's been put to the SO and AC leaders, but it had taken me somewhat by surprise and I did feel that it was worth at least getting the views of members of this group as to whether they even feel that this would be appropriate that it be something that we should take on. And, indeed, if we have strong views one way or the other collectively as a group, we may feel

that we want to express those views to have those views taken into account in that decision being made.

But, as I say, it may be, Liz, that you actually have more to add that sheds more light on this or that the conversation has moved on further than I am aware.

LIZ LE: Thanks, Susan. Just to frame the conversation and what resulted in probably what you heard in the GNSO Council's session during ICANN68, the bylaws call for that the IRP standing panel be established by ICANN in consultation with the SOs and ACs and that the SOs and ACs collectively have to come together and nominate one slate of the standing panel slate for the ICANN Board's approval. ICANN Org has helped facilitate that discussion with the community on how they are going to do that work. We've been doing it for the last year or two.

So, as we are heading into the end of the call for expressions of interest for standing panelists, which, as you correctly pointed out is the end of this month, we've reinvigorated this discussion that has been ongoing with the community, which is, how does the community see itself organizing around getting this work done? Previously we have heard from various SO and AC groups in terms of how they wanted to do that. So, in reinvigorating this conversation, there were, through our policy development support team, conversations by the SOs and ACs that chimed in on whether some of them want to create their own representational group to work, or can they leverage on the fact that there this group that's existing? And, to the extent that there are some

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members of this group—the IOT group—that might want to be part of the other group to do the standing panel group, it wouldn't necessarily be an activity as part of the IOT. It would just be our leveraging of the current membership and then to do the standing panel group work. I think that's a conversation that SOs and ACs are still trying to have and decide as to the best approach and what path they want to take to move forward and get this work done.

I think one of the things that have suggested, though there hasn't been any consensus on how they're going to approach this, is that maybe they would leverage the current group here and the members that are interested in doing it and then adding additional members to do that work. In the event that such additional members would have to be added to the IOT to do that work, then that would be something that we would have to consult on and go through the BMC and the Board because they are the ones that comprise this group.

So I hope that helps in terms of providing some background on where we are with that.

SUSAN PAYNE: Thanks, Liz. And that does. I can see I've got a couple of hands up, and I will turn to Kurt and David in just a moment.

If you will allow me, I guess I just wanted to say that I can see pros and cons to involving this group or having a separate group. I think there obviously is a big advantage to this group in putting ourselves forward for joining this IRP-IOT. Obviously, the people in this group have expressed a keen interest in this process. Also, we're asked to

demonstrate some level of knowledge and expertise. So perhaps one would hope [we're] ideally placed to help in the assessment of the applicants to be standing panelists.

On the other hand, I am aware that there have been some reservations expressed that this does not compromise the whole community. I think that is perhaps because the whole community didn't necessarily see joining a group to draft the kind of legal rules as being necessarily a priority or an area of their skill set. So this group was not appointed as a group of people that felt they were ideally placed to choose standing panelists. It was a group of people who wanted to be involved in drafting the rules.

So, as I say, I can personally see pros and cons, but I did whether, as we discussed this, if we feel there are strong views, either collectively or, indeed, even individually, I feel like we should perhaps be feeding those into our respective community groups as they're making their own decision as to how they think this should be happened.

Kurt?

KURT PRITZ: Thank, Susan. First, I think ICANN Org should take some ownership for getting this done. So having a process to select panelists and the criteria for selecting panelists is a clear deliverable. I get the impression sitting here that we've let that community talk about it for over a year and they haven't come to consensus yet. That indicates to me that the process hasn't been driven where ICANN in some way should do

something to get this done—devise this set of criteria and a process for selecting panelists.

My second point is that I recall in one of our first meetings that we talked about the importance of ICANN creating this panel because it had been on the backburner for some time. I and I think others suggested that this should be the first thing we talk about. The conclusion at that time was that ICANN is after it and we don't need to talk about it anymore because it's getting done. So it's a surprise that the only thing that's getting done is really going out for candidates and not having a process for how to deal with them when we receive them.

The third point I have is I think we have a duty not just to the whole IRP process development but also to those people that are applying to be a panelists. It takes work to put all that stuff together and it's not easy to receive those applications. To not know what we're going to do with them until there's some sort of community consensus around that, I think, is a disservice to them.

So I don't know if I recommend this, but a path would be for us to say, "Well, let's make this our top priority and not get into the panel selection business," as you say, Susan, but to create strawman criteria and say, "Here it is, SO and AC leaders. The applications are closing in the very near future and this is our plan for how to deal with them." So at least there's something to paper that would create an environment where maybe more easily the groups in charge of creating this consensus can reach this consensus. Thanks.

Since you haven't blurted out, I see Chris' text in here that the criteria and process exists. So I don't understand what that … Maybe we can understand better what the remaining tasks are. Thank you very much.

SUSAN PAYNE: Thanks very much, Kurt, for all your thoughtful comments. We have a few more hands in the queue, so I'll go to them. But I'd also love at some point to hear from Chris. If I misunderstood and there are already criteria and processes in place, then perhaps I've misunderstood. But certainly from the meeting that happened during ICANN68—the GNSO Council meeting—it seemed to me that people were talking about, was this group was the right group to be making the decision on the panelists? I confess, as Kurt is a bit surprised that this would be happening now—

CHRIS LEWIS-EVANS: Shall I take a stab at it?

SUSAN PAYNE: Yeah, if you don't mind.

CHRIS DISSPAIN: I'm really good at throwing comments like that at the list and then not being able to follow up with detail. So I'll do my best, and then I have no doubt that somebody will come along and rescue me. My understand is that we've advertised for panelists. We have a set of criteria. We have a process in a much as you put your application in and so on.

What's lacking? What's missing? What I think the conversations are about or should be about is the community part. How will the community be involved in the final decision?

I'll be blunt because that I am good at. We do not want—and I don't think anyone would want—some kind of CCWG on choosing who the panelists should be, as I think everyone has acknowledged, including Kurt just now, it's already been outstanding for some time and needs to be done as quickly as possible. There are issues on who should be involved in picking them, but my understanding is that the only gap in the process is getting the community to agree on how it should interface in its bit of us consulting—"us" being the Board—consulting on the community on the choices.

Now, if I've got any of that wrong, Sam or someone else can lead them and tell me, but that's my understanding. I hope that that's provided a bit of clarity.

SUSAN PAYNE: Yes, sort of. Thank you, Chris. Yes, I think that aligns with what I was understanding, which is that there doesn't seem to be a community process for being involved in this. So that's what now is attempting to be worked out.

CHRIS DISSPAIN: That's right. So it's not the criteria for what the panelists should be. It's not that. It's just, how does the community do the bit that it described in the bylaws as needing to do? As complicated and difficult it may be—

this is just a suggestion, and frankly I have no clue if this is even doable or not—it strikes me that one way of dealing with it would be to go through this process, have the Board put a slate together and choose the committee members, and let the community figure out how to deal with its contribution over time and do that as we move on and panelists come and go. But we do desperately need to get this done as quickly as possible. Frankly, waiting around for the ccNSO to be aligned with the GNSO to be aligned with the ASO to be aligned with the GAC is probably not in the best interest of everybody in the community. But that is very much my own personal opinion. Please do not suggest that that is the Board's.

SUSAN PAYNE: Okay. Thanks, Chris. David?

CHRIS DISSPAIN: Sorry. I just note that Sam says something doesn't work with the bylaws, and I'm not sure what that is. Probably my suggestion.

SAM EISNER: The suggestion that the Board would just come up with the slate because the bylaws specify that the community prosed the slate of the highly qualified applicants. And that's what the Board acts on. So the Board doesn't really have the ability to just decide on the slate—

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CHRIS DISSPAIN: Not of its own bat it doesn't, but the community—I agree with you—could suggest that would be a way forwards in the interim. But that's just a suggestion.

SAM EISNER: Yeah.

SUSAN PAYNE: Lovely. Thank you. David?

DAVID MCAULEY: Thanks, Susan. I agree with what Chris just said on what identifying a problem is and how to get the community engaged in this, not so much the criteria. To me, it's all right there in Bylaw 4.3J. We do have a little bit of work to do in this group with maybe some additional conflict of interest provisions, but what we're looking for is spelled out in the bylaws.

I just wanted to put my hand up to urge caution that the IOT get involved in this formally. The reason I do is because both the rulemaking and the panel selection, in my view, at least, need to be done expeditiously.

So, to the extent we want to involve the IOT, what I would try to do is [clone him] and say, "Who here in the IOT wants to be part of another group that's going to off? But it's a separate effort and it's a separate time commitment to go off and do this different kind of work. It's more like human resources and hiring someone and interviewing people."

These panelists have to be interviewed. This is quite an important panel. Once they're picked, they're picked for at least five years.

The other thing I would say about that is the expeditiousness is that people, by the end of July, will have sent in their applications and they need to be treated accordingly, which means let's get on with it and try and figure out who to pick from that group. Hopefully, it'd be a group that's far above seven to give the choosing group some ability to work with it.

I as a member of the IOT would be interested in helping, but I just think it's like a mini-CCWG. I agree with Chris. If you hear the words "CCWG," it would make your hair stand on it. But if you can take a dash of CCWG and a dash of expedited from EPDP and mix those two together, I think that's what we're looking for. That's what I wanted to say. So thanks very much.

SUSAN PAYNE: Thanks, David. Kavouss.

KAVOUSS ARASTEH: Good morning, good afternoon, good evening. I think I consider that we are at the beginning of the process but not at the end of the process. First of all, there is no organization to run this meeting. The people monopolize the microphone without [saying] their name and putting a dialogue within two or three people and forgetting others. This is not correct. Eleven minutes ago, I raised a hand and I'm waiting. But two

people are talking to each other ping-pong-wise without respecting others. Point 1.

Point 2. It is surprisingly that still we don't know whether we have a process or we don't have a process. We don't know whether we have criteria or we don't have criteria. We don't know what is the role of the community. We don't know what is the role of ICANN. We know what is the role of the IOT. If, in the view of some people, all of this is clear, put them together and provide a paper for the next meeting—the 21st of July—that this is the process, this is the criteria, this is the role of ICANN, this is the role of the community, and this is the role of IOT. Yes or no. Thank you.

SUSAN PAYNE: Thank you, Kavouss. Kristina?

KRISTINA ROSETTE: Hi. Thanks very much. It seems to me that, just taking a step back for a minute, there's really three options here. One is that the community does in its entirety, obviously up to the point where the Board needs to act. The second is that the IRP-IOT does it, and the third is that the IRP-IOT, if I understood where David was heading, would develop a recommended list of candidates for action by the community.

I don't think the IRP-IOT should take this on in its entirety. I think that's beyond the scope of our work, particularly because I for one—I may be alone in the wilderness here—am actually not a member of the community. I'm technically not a member of any SO or AC at this point.

I do think that the IRP-IOT has some role. I am still mulling over what David has just proposed as a parallel track IRP-IOT. It does seem to me that—I have friends on the NomCom, so I hope they don't hold this against me—they have got—well, I assume they have—a fairly robust process for interviewing candidates, doing screening—that type of thing. It would seem to me that there's a lot that we can borrow from the NomCom in terms of how do you conduct interviews and how to transcribe them and ensure the results with the rest of the NomCom.

I think the one thing that makes me a little uneasy about all of this not having seen or knowing who might be throwing their hat in the ring, so to speak, is how, if the IRP-IOT is involved, is that consideration and communication of proposed recommendations, for lack of a better way to put it, communicated in such a way that preserves the privacy and confidentiality for the potential candidates. I think that could potentially get a little sticky. It may be that that is not something we need to worry about or that wheel has already been invented. But that is the one thing that I'm getting a little troubled by. Thanks.

SUSAN PAYNE: Thank you, Kristina. Flip?

FLIP PETILLION: Thank you, Susan. I think what's really important to this group is to think of the following. What do we want? Do we want the representatives of the community to be involved to help take a political decision in who could be best to be part of the panel? Or—that is frankly what I thought that was part of our role here—do we want to go for a search of who's

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really excellent in this and who could really serve the community? This is, I think, key. I committed to be part of this group with a view to sharing expertise and experience, but I really did not commit to become part of a group to hear and to be part of political discussions.

So I would very much support that, as a group, clearly with expertise and experience, we go for excellence and not for the right political person being part of the standing panel. Thank you.

SUSAN PAYNE: Thank you, Flip. I may come back to you and ask you a follow-up question, but, Kavouss, you have your hand up first.

KAVOUSS ARASTEH: Excuse me, you're taking to me?

SUSAN PAYNE: Yes.

KAVOUSS ARASTEH: Because there was someone else before me, but okay. I put whatever I asked before. If we have all available information, we can go ahead and take action. If we don't have this information available, we have to find out where they are. Someone says that the IOT should not have any role. I do not agree with that. We must have a role. What the role would be is another issue. But I don't think that we [are] given the task [of] IOT

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implementation oversight team. Then we have no role at all. I don't agree with that.

So if it's not clear for the people, put it in the discussion and follow the consensus from the group, whether we have ten people in the group or 20. But this is an issue. I put all roles. Do we have a process? Do we have criteria? What is the role of ICANN? What is the role of the community? And what is the role of the IOT? If you have all of this, put it in the paper. If you don't have it, put it in the paper and indicate what is the missing information. Thank you.

SUSAN PAYNE: Thanks, Kavouss. Chris?

CHRIS DISSPAIN: Thank you, Susan. Just a suggestion. I don't actually think it's up to this group to decide whether it has the role or not. It's probably up to the community to decide whether it wants this group to have a role or not. Therefore it strikes me that, leading aside my concerns about timing, that one way forward would be for the group itself to contact the community and SO and AC leadership and say, "Look, this group stands ready to help in any way if it's useful." But, under its current charter and existence, I just don't think it can just unilaterally or arbitrarily say we have a role. It's a matter for the community to decide. If it wants to take advantage of it, then it can do so and tentatively may decide it'd rather go the other way.

What's clear is that the community, in whatever guise it decided, has a role and that this group is a resource. Whether it chooses to use it is a matter for the community.

SUSAN PAYNE: Thank you, Chris. Indeed. I'm sorry if I gave the impression that we were the decisionmakers here. That wasn't my intent. I had hoped that it was clear, but perhaps it wasn't. As I said, I think, at the start, I had been somewhat surprised, I suppose, that there were these discussions that appeared to be happening about whether this task should be handed to our group and that our group were not aware of that and potentially some of us may feel that it as an appropriate role for us. But some may feel it isn't. So I wanted to get feedback from the group. And I agree with you that I thought that it could be beneficial for us to express our views if we as a group had a view on the appropriateness of us or not being involved in any way. Perhaps that is the takeaway that we can take from this discussion.

I can see I have Kavouss' hand up and Kurt. Then maybe we can wrap this discussion up after that. Than you. So Kavouss?

KAVOUSS ARASTEH: Sorry. My intervention was alluded to by somebody. I did not say that this is the duty of this group to say what is the role of ICANN? No, it is not. I didn't say that this is the duty of this group to say what is the role of the community. No, it is not. I didn't say that this group should have the criteria. No, it is not this group to establish criteria. What I said is that we should act as the repository to collect this information. The only

thing we should discuss is whether or not we should have any role in this process. However, once all of this information is available, we could initiate or at least take part in having an initiative, asking SO/ACs to take necessary actions as appropriate regarding the role that they might have according to those roles once it is established.

So I was misunderstood by some people. I didn't say that. Thank you.

SUSAN PAYNE: Thank you, Kavouss. I think there's been some talking across purposes, but I don't believe that that was what Chris interpreted you as saying. Indeed, he's saying in the chat that he didn't feel that he was suggesting that. But I think there's the fact that there is a lot of agreement here amongst our group on what, if any, role this group should have.

Kurt, I'm going to give you the final word.

KURT PRITZ: Oh, gosh. I agree with the sentiment that this group does not have a role in selecting panel members or even at a higher level. But I do think we have some sense of ownership, or at least I feel a sense of ownership, in moving this whole process of implementing the new form of IRP to fruition.

With that in mind—thanks to David; we do need a copy of these bylaws; Sam, thanks for sending them to me—it says ICANN is going to work with the SOs and ACs to identify and solicit applications and conduct an initial review, and the SOs and ACs shall nominate a slate of proposed panel members. But I think ICANN Org could draft the process for how

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this is done. I don't think we need to rely on the SOs and ACs who may or may not be mobilized if we send them a letter. They haven't seem to be mobilized by the past couple years of letters going back and forth.

So I would suggest—I don't know how this group could do it—for ICANN to say, "Write a process for how this is done: ICANN is going to do this. We're going to call a meeting of these SO and AC leaders," or draft a process and say, "This is how we're going to include you in this decision-making process and put it out there so it become a vehicle for building consensus. Thanks.

SUSAN PAYNE: Thank you, Kurt.

I will just note that Kristina has suggested in the chat that, if we're going to send a letter—if we are— we need to decide whether we A) simply offer to be of assistance or B) we identify possible ways in which we could be of assistance and that the SO/AC leaderships come back to us with their preference.

Yeah, I think that's correct. And I'm not sure … Yeah. Kurt is suggesting we should send Org a letter.

Sorry. Bernard, you have your hand up so I'll turn to you before I keep going.

BERNARD TURCOTTE: All right. Just a bit of history for those that missed it. In the past, I think we've tried to encourage the SOs and ACs to be proactive in this quite a

few number of times, as Kurt has pointed out with very little success. So maybe, now that this is heating up, there will be a slightly different outcome. But this has not been the situation up until now. Thank you.

SUSAN PAYNE: Thank you. Kavouss, is that a new hand?

KAVOUSS ARASTEH: Yes, a new hand.

SUSAN PAYNE: Thank you. Please go ahead.

KAVOUSS ARASTEH: I don't think that we have to encourage anybody. If somebody has a duty, they should undertake performing their duties. So, once again, we have to have a paper indicating what is the rule and duty of the community. Once we have that, we could take actions either directly or indirectly to remind them that you have such a role to play. Please do that. But, once again, that paper that I [said about] is an absolute necessity for all information. If some people don't remember the 4.3 of the bylaw, I have no problem adding that one as well [so] that we know what it's the basis [for]. So still I insist on the document that I have suggested to be put as a repository for us to look, ready-made. I raised the question about one-and-a-half years ago to David to write the SOs and ACs, but because of some oddities, it was put aside and nothing was sent. But still we have to raise it again. At that time, people knew that

the community has such-and-such a duty. But unfortunately some people have forgotten. I don't want to be the key player for that. I leave it for you to prepare a paper saying what is the role of the community. If the role is clear, we could remind them of that. Please kindly play your role. Thank you.

SUSAN PAYNE: Thanks, Kavouss. David?

DAVID MCAULEY: Thank you, Susan. This will just be a brief point. I agree with Kavouss said. We did talk about informing SOs and ACs back when I was the Chair of this group. While I never thought to do a letter, I did at ICANN meetings routinely speak to as many SOs and ACs as I could, and stakeholder groups, etc. All I mention it for now is just to underscore what I think Kurt and Chris and others have said. This is very hard to get folks moving. But I did go around and I think maybe some others on the panel were with me speaking to groups—GNSO, ccNSO, etc.—saying, "This is on the table. It's important. Needs to get done." So I'm just saying this is hard work. Thanks.

SUSAN PAYNE: Thank you. Yes, I think we all agree that—

KAVOUSS ARASTEH: [inaudible]

SUSAN PAYNE: Huh.

UNIDENTIFIED FEMALE: My apologies, Susan. That was my mistake. The screen jumped. I was trying to mute Kavouss. I'm so sorry. So you're unmuted now.

SUSAN PAYNE: I'm not taking it personally.

UNIDENTIFIED FEMALE: Thank you.

SUSAN PAYNE: I was going to say I shared some of the concerns that Kurt and David and others have expressed, that we have these people who are submitted [our] applications. So I think we all recognize that the community has a role.

But to respond to Kavouss, my concern is, of course, that you can't put a slate of candidates on an ICANN mailing list that goes to the whole community and expect some kind of a selection process to happen by that means. I'm not suggesting that that was what you were suggesting. But unless the community works on a process for doing this, the community is not going to be suggesting a slate of candidates. And

Kristina made the point that we have a NomCom. I am not suggesting, and I don't think she was suggesting, that we give this job to the NomCom. But perhaps that is something we can suggest. We stand here, a number of us, in this. We have experience in arbitration and in selecting panelists. Some of us may be willing to be involved in a process, but essentially the SO and ACs collectively have to come up with a small group that will be effectively a kind of a nomcom that will use some of the same processes that the NomCom has learned and developed and [will] review the slate of panelist applications and make a recommendation. Perhaps that's something we could suggest.

Thanks, Kristina. I didn't mean to suggest that you were saying we gave it to the NomCom. I didn't understand you to mean that. But I did understand you to be making a very sensible suggestions, which is that there are some processes already in place for doing a similar sort of exercises and that can be leveraged.

But I'm concerned that, unless someone gets moving on this, when it's being tossed around, perhaps this task gets thrown at us in this group when this is not something that I think we were expecting to be thrown at us. Whether we think it's a good or a bad thing, I think it warrants us expressing our views and seeing if we can help.

I've got Flip and then Greg. I'm conscious we've spent a huge amount of time talking about this. So I will turn to you and maybe we can wrap this up. Perhaps we could [write] a letter that could be circulated on the list that we could agree would be an appropriate starting point. Flip and then Greg.

FLIP PETILLION: Thank you, Susan. Just a factual question. Have people shown interest for becoming a member of a standing panel so far? If yes, how many? And can we see the list and the information [of] the candidates? Thank you.

SAM EISNER: Susan, this is Sam. Did you want me to respond to that?

SUSAN PAYNE: Thanks. Yes, why don't you, if you don't mind?

SAM EISNER: Thanks, Flip. We have received expressions to date. We received somewhere between five and ten, I believe, and we'll be coordinating with our Comms department and other parts of ICANN the community to see if we can do some final pushes to remind people to get out to their networks to see if we can get more. We have not yet made the list available. I think that's one of the things that we'll be carefully coordinating with the applicants out of privacy concerns as well as for the process itself. When it comes to an appropriate point, you will be making that information available, given that so much of the expression of interest has already passed without identifying to potential applicants who the other applicants are. We wouldn't release that information at least before the call for expression of interest time is over so that we're not prejudicing anyone.

FLIP PETILLION: Thank you.

SUSAN PAYNE: Thank you. Greg?

                               Greg, you seem to be on mute still.

KAVOUSS ARASTEH: Hello? Have you given the floor to me?

SUSAN PAYNE: Well, I was hoping to Greg, but he remains on mute. So whilst we're waiting for that to get sorted, why don't you go, Kavouss?

KAVOUSS ARASTEH: Okay. I'll wait for Greg. If Greg does not want to speak. But I'll wait.

GREG SHATAN: Hi, this is Greg. I'm here. Sorry.

SUSAN PAYNE: Thank you, Greg.

GREG SHATAN: Thanks. Sorry about that. Just multitasking. My point was I think that, in terms of the selection process or team or committee, it would make sense for this group to be constituted/reconstituted in part from any member of this group who is interested in being on that group plus some additional people that are identified by ICANN structures within the ICANN community to be on this. For instance, if nobody from SSAC happened to be involved in this group because it's not their cup of tea to develop judicial-type rules, then they could nominate someone. We could decide on some sort of a seating plan. I would like to be a little more vague than granular about it because, when you're very granular about seating plans, it takes months to decide who it's going to be.

In any case, I think the group needs to be driven by criteria rather than self-interest. That would seem to me to be the way to get there: say, NomCom processes and some reconstituted group of less than all of us, along with some other people from the community who want to be part of the slog. Thanks.

SUSAN PAYNE: Thanks, Greg. Kavouss?

KAVOUSS ARASTEH: First of all, I apologize if I was speaking in my native language because I thought I was muted but in fact apparently I was not muted. I'm very sorry for that. Please forgive me. Point 1.

Point 2. It seems to me that there has been some hidden channel. Somebody nominated or self-nominated himself or herself without

formally having established criteria because, in my opinion—humble opinion—if there is criteria, this criteria is not available for everybody. So first we should have criteria.

Based on that criteria, we have to have applications for applying that criteria. Then it goes to the SOs and ACs. Somebody says that SSAC does have [some] members. I don't know, but I think all SOs and ACs should have this role. It is up to them to process this situation based on the criteria, receiving the applicants' names and communicating the applicants' names to some area in which that should be processed and then finally going to the selection. In that selection, once it's completed, the name will be given to the ICANN Board for approval.

The process is not clear for me, madam, and I oppose any hidden list that five or ten people have already nominated themselves for this very critical, delicate, and important matter. I oppose to that formally. Those people could come once the criteria is established or agreed to or, if it is agreed, confirmed. Once those names are confirmed by those SOs and the ACs, [they] are eligible to nominate people. Without that, any bypass and any, I would say, shortcut is not acceptable. Thank you.

SUSAN PAYNE: Thanks, Kavouss. I think maybe it would be helpful for everyone in this group just to circulate the call for expressions of interest so that you can see what the criteria were and what the basis for the applications being submitted is. That call for expression of interest—thank you, Liz; perfect—is still open, so it is possible for anyone who wishes to apply to still do so.

But what we are talking about here is not so much who are the applicants being considered for the standing panel but this step of it going to the SOs and ACs for appointment. That is the point. I think it's recognized that the SOs and ACs at the largest level you can't send a slate of candidates to the whole community and say, "Pick them." So it is how is that role of the SOs and AC to be executed. I think this has been, from my perspective, certainly a useful discussion and useful to get your views.

I will perhaps suggest, if you're happy with that, that I could put pen to paper and draft a suggested response that we could send to David Olive and perhaps to the SO/AC leader and circulate that on the list. Perhaps we could go from there and I could get people's additions and amendments and viewpoints. If we can't agree on this, then so be it. But it's possible that we can make some recommendations on how the SO and AC leaders could take this forward.

Greg, you have a hand. I think it's an old one because I think it's been up for a while. Kavouss, you have a new one, so I'm going to give you the last word, Kavouss.

KAVOUSS ARASTEH: Thank you. It is a new hand. Thank you very much for agreeing to prepare something—a draft to be sent to the SOs and ACs—but we need to look at that draft and we need to approve that. Thank you.

SUSAN PAYNE:	Absolutely. I would have no wish to send something out on behalf of this group that had not been approved. Perfect.
	Again, thank you very much, everyone. It's been really helpful, I think, to discuss this.
	Let's move on now and discuss translations. We're circling back to the proposed final text. If the group is willing, I would like to take this as an opportunity to quickly run through the last few minor amendments to the translation text so that, aside from perhaps a further opportunity on the list for people to have time to review it, maybe we just finally come back to it very briefly next week so that hopefully we can conclude the discussion and feel confident that we've dealt with the issue of translations.
	Yes, thank you, Brenda. So I circulated it, I'm afraid, only earlier today, so I no that some of you will not have had that much time to look at it. But [there were] very few amendments really over the text that we previously discussed, just to reflect a few small changes that have been suggested on not our last call but the one before, which was the last time that we discussed this topic. But I'm very conscious that it was an action point for me. So I did want to complete this.
	So, if you don't mind, we can just quickly walk through the text. Hopefully, it will address the concerns and the comments that came up on the previous call.
	In respect of translation, 5B: "As required by the ICANN bylaws"—the relevant section is specified, and then there's a quote from the bylaws—"all IRP proceedings shall be administered in English as the

primary working language with a provision of translation services for claimants if needed. Translation may include both transmission of submitted written statements, document—

SCOTT AUSTIN: Susan? Excuse me, I'm sorry to interrupt. I had a hand up. I don't know if I was able to be on that particular call. I think it was the one call I missed. But I thought that I sent a Word document. When I received this morning, it was the first time that I had a chance to look at it. But I had a couple of changes that I think I'd like to get in front of the group to see if they think they would be useful. I sent that around about, oh, a half-hour ago. It's in a Word with a redline. It's a redline of your document. Did you get it in your e-mail?

BERNARD TURCOTTE: Scott, I saw that come in from the list about half-an-hour ago.

SCOTT AUSTIN: Okay. Thanks. That's Bernie?

BERNARD TURCOTTE: Yes, that's correct.

SUSAN PAYNE: Apologies. I was talking on mute. I have not seen that because it came in while we were on this call, I think. I wonder then, are they substantial changes, Scott? Is it something—

SCOTT AUSTIN:

Well, there is in one section. If I can open it and see at the same time, I can tell you where it's at. But I did not realize that this was totally final, now that I've heard you to speak to it. I really think that there's some things in there that would help the process considerably because, again, it's supposed to refine some direction to the panelists as well as to claimants. I just think there's a few terms that maybe need to be … There was a one-time word, something small, like "written" was left out, because I noticed you changed it to "written statement of dispute" each time it occurs.

If you look at … Let me just see if I can pull up my document that I sent around. My changes, I think, are in blue, underlined, or the blueline. For example, there's a section that talks about "disadvantaged language" or "disadvantaged by language", yet, down below, the text as it is right now speaks to unable to fairly participate in the proceedings as the key determinant. So I suggested that maybe that would be a better way to express it than "disadvantaged," because that can be a somewhat ambiguous term or vague term or however you want to refer to it. There are lots of versions of disadvantage, but "unable to fairly participate" is more of a procedural term because this is dealing with notice and fairness. Then the one—

UNIDENTIFIED FEMALE:

Brenda, I do have Scott's document showing right now.

SUSAN PAYNE: Okay.

SCOTT AUSTIN: So that's at the end of the first paragraph. I don't do anything after the first page, I think it is, because the rest of it was really pretty much a listing of what's in there now as far as the specific sections of the bylaws. But I thought that, just for clarification, we need to say something about the language into which the claimant is preferring that it be translated. So I chose a defined term for that in the next paragraph.

Probably the biggest one is the section that deals with an emergency panelist being appointed in the event they want to expedite where there's urgency. I reworked that sentence because I think it's clearer if we begin with "If a determination is required as a matter of urgency," essentially turning it into an if/then kind of statement. Then, because you're dealing with a specific event and trigger, I thought the addition of a particular number of days, especially because it's an emergency, would be a useful addition.

So that's basically what I inserted into that next section because it brought up the need for an emergency determination where someone needs to have the language immediately translated or within a short period of time. I leave it to the group to determine what number of days that should be, but I think you can look to some of the other analogues that we've used before.

SUSAN PAYNE: Okay. Lovely. Thanks, Scott. Bernard?

BERNARD TURCOTTE: Thank you. Just a minor point. I think Sam probably can back it up if necessarily. Let's all remember here that this language, whatever we agreed to, is not final language until it has been cleaned up and gone through by Legal and finalized. So I'm almost giving a little bit of caution here that we should be very clear on what we expect in the final text, but this is probably not the final drafting. It's going to have to go through the wash and come out. It'll come back to us, of course, as is the usual thing. But we shouldn't think that whatever we come up with here will be the final legal text we've got, I believe. Thank you.

SCOTT AUSTIN: Now I feel better that I didn't undo the final.

SUSAN PAYNE: Okay. Well, no one has undone the final in the sense that I was under the impression that, based on the conversations we'd had, I was reflecting on what had previously been discussed. But you have raised some additional suggestions for improvement on the text. That's absolutely fine, Scott.

Bernard, I was under the impression that we were essentially trying to draft the final form of language because I know, in the past, outside counsel have been used at some stage for early versions of the wording. But that is no longer the case.

I'm going to go to Sam because she may be able to assist on that.

SAM EISNER: Thanks, Susan. I think that we have to look at the rules as a hole as we identify when something is final and when it's not. So we have to get the different sections that the IOT is working on and come up with the principles and come up with the determination of what you want to see in the rules and what you don't. We would imagine that what's going to go into the final set will be fairly close to what's here, but we do have to make sure that the rules have a final readthrough as a whole, that each of the subparts of the rules are in line with the others, and that we're making sure that we're not crossing over things unintentionally and making sure that the language is clear for usage in the perpetuity for which it will be used. So we're creating a new baseline document to be used for IRPs. So we do want to make sure that we're reading through it with clear practitioner's eyes. We would expect that we would go out for a round of possibly some external counsel support and rewriting anything that needs to be written—not rewriting any of the principles, not rewriting any of the agreements that have been made, but making sure that it's a cohesive, usable document that meets the principles that this group has agreed to but also is the least susceptible to other interpretation or other concerns that we've seen happen with the prior set of supplementary procedures. So I do think that there is a space that we need to step back in and make sure we have a cohesive set that works together that we're all okay with before it goes out for public comment.

SCOTT AUSTIN: If I may, Susan, could I just interject one thing.

SUSAN PAYNE: Sure.

SCOTT AUSTIN: The only reason I did this was purely as a matter of procedure. I have no substantive agenda or interest in altering anything in terms of the direction or purpose. My only interest was that, mechanically, we could go from Point A to Point B. When there were things and language that seemed to me to be somewhat uncertain, I was just trying to type it up, for example, using a claimant's preferred language. I saw that it was plural in one place and not in another. So I tried to keep that consistent. My whole purpose here was internal consistency and trying to draft it a little closer to what I would see in the [federal rules] of civil procedure and some of the other arbitration rules that we use on a regular basis for putting in timeframes, etc. That was my sole purpose.

SUSAN PAYNE: Sorry. I seem to be having trouble with my ability to control my mute button, which is entirely operator error and not a technical issue at all. So I keep talking to you all on mute and I apologize.

Bernard is giving me a time check here. We are going to obviously shortly run out of time.

As I said, I was circulating quite late before this call, my own draft but felt that that was something that was seeking to reflect what we, I felt,

had agreed on in a previous call. But I think you have made some additional suggestions, Scott, that certainly warrant some consideration. Perhaps it does make sense on that basis for people to be allowed a bit of time to look at this. You've circulated it to the group, so everyone has had it on e-mail.

Perhaps I could ask you all to please try and take the time to review the redline draft that has my redline and, more importantly, Scott's redline on it. Then we can, if possible, get expressions of support or suggestions of why particular edits or not supported over e-mail if we possibly can. Then we can, as I said, come back to this on the next call anyway to be sure that we have something that we're all comfortable and happy with.

Just before we do move on, though, could I just quickly ask you a question, Scott, in relation to the amendment where you refer to the claimant's preferred language? [I'm] suggesting, I think, that that's a defined term. I had a question for you. I'm asking you this because I haven't obviously had the time to look at this is detail. Is that something where that term comes up in multiple places in the draft rules so we need to find a term for that?

SCOTT AUSTIN: I'm trying to jump between my full document and the page that she has up, but if you scroll up just a bit on what's on the screen to the very first language—a little bit further because that's where I put the defined term—originally it said—no, I think it's even further up; yeah; no; okay, there's the place—in a request for translation services [Roma.net 1], where I've added, originally, "Into language. A [stated] response from

English into language"—I don't know. Maybe there's something else that was deleted. I can't see what was struck through. But that doesn't seem to make sense : "into language." But I added an "s" because, down below, on the next line: "Any request for ICANN translation service must identify the languages and include an explanation for why it needs such services." So my point was we've got languages (plural). I wanted something to do that. Then we don't have something where it says "the translated language, the language into which the proceedings should be translated for the benefit of claimant." There were all kinds of ways that you could go with it, but it seemed to me that, in the request, there's an identification of the language that the claimant wants to use. So that's why I chose that approach. I just did this in a half-hour's time, so it's relatively quick: "identified by claimant as its preferred language for the proceeding" and use that as a defined term because preference is something that nobody can argue or it's the least argumentative choice.

SUSAN PAYNE: Understood, Scott. Thank you very much. On a quick skim, this looks promising to me. I would personally like to take some time to read it to assure or just to confirm to myself that we're not, for example, changing the extent of what we previously agreed was the scope of translation services and so on. So I personally would find it useful to take some time to review your suggested edits. I'm hoping that others in the group will do the same. So thank you very much.

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SCOTT AUSTIN:	Absolutely. Thank you.
SUSAN PAYNE:	So we'll come back to this hopefully over e-mail over the next few days, ideally.
	Kavouss, I see you have your hand up.
	Sorry, Kav—ah.
KAVOUSS ARASTEH:	Hello?
SUSAN PAYNE:	Yes, I hear you now.
KAVOUSS ARASTEH:	I think this text is open-ended. When you talk of language, language is a very broad term. The first filter is U.N. language. We don't refer to that. Then we say "language." Are we talking about national language? In some countries, there are 200 languages—200. If a claimant coming from one of those in which there are, in that area, more than one language, and he or she wants to translate it in those languages, that is something very important. Then we saw "one or more than." What do you mean by "more than"? "More than" is an uncomfortable expression. We have to be more specific whether we are dealing with the national language claimant or claimant or one of the national languages of the claimant preferred by the claimant. If there is one or

more language, we have to be very specific on what do we mean by "more." Thank you.

SUSAN PAYNE: Thanks, Kavouss. Well, that's a good point at which to just allow you as well to take the opportunity to review the draft overall, bearing in mind the conversations we've previously had on calls about the fact that the bylaws refer to English as being the primary language. We then had some extensive discussions about the extent to which we should be limiting other languages. We sought to reach a compromise that didn't try to limit to simply translations into the U.N. languages but did try to prioritize translations into the U.N. languages where that would serve the necessary purpose of the party that needed these translation services.

Kavouss, I see your hand again.

KAVOUSS ARASTEH: Yes. I suggest if Susan allows me to ask her, to kindly look at the conclusion of the subsequent round of the new gTLDs. We have discussed at length the language in many, many sessions. I'm not saying we follow what they agreed to, but at least look at what was the essence of that discussion and how they, I would say, compromised to have something which is reasonably possible to do rather than paying a considerable amount of money or effort for languages. Would it be possible? Thank you.

SUSAN PAYNE: Thank you, Kavouss. Yes, of course. I can certainly remind myself of where the SubPro group has come out on this topic. Thank you for that suggestion.

In the meantime, as I say, I think it would be beneficial if you haven't recently read the draft as it currently stands. Some of your concerns may be addressed further down on the second page of this. So you may also find that we have sought to reach that kind of compromise as well.

So thanks to everyone. This has been useful. Thank you very much to Scott for his suggested draft additions. I'm going to ask everyone to review the draft over e-mail. We can exchange further thoughts on it between now and our next call.

Kavouss, I see your hand again. Sorry.

KAVOUSS ARASTEH: Excuse me for raising my hand again. There are two blank spaces for days. Could we have some ideas? I remember that, for one of these days or [period] issue, we have discussed many, many times. At the end, someone came and totally broke what we have agreed to and what we have discussed and proposed a new period. Could we have some idea about the two blank areas in which we need to put value, whether it is X days or not?

The second issue is whether we're talking about calendar days or whether we are talking of working days. So we would be very appreciate if we had some initial idea of that and not discuss that [for] ten meetings to have this because everybody wants to push for his own

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idea and has maybe the less tendency to accept others' views. So could you have something, at least for our next meeting, put in the square brackets or somewhere—days; X days or Y days—at least to have an idea of what we are talking about? Thank you.

SUSAN PAYNE: Indeed, Kavouss. Assuming that that language stays, then that is certainly something that will need to be addressed. So, yes, we will, between us, need to come up with some suggestions for timing.

I see that it's 27 minutes past the hour already. This has not been my most well-managed timing of a call, I'm afraid. So we have not come to the discussion about consolidation, intervention, and participation as an amicus. Nevertheless, we very helpfully had some materials circulated by Sam and by Liz, just over the last couple of days, that were in response to some action items that they had agreed to follow up with us on. So this will allow everyone a bit more opportunity to review those materials that they circulated. Again, please do feel free to use the mailing list to make suggestions and progress the discussion before we have our next call on the 21st of July.

Kurt, I'm not sure how to put the link to the document into the chat either, I'm afraid. Hopefully, maybe someone can. I would imagine it should be in your inbox. It will at some time go onto our mailing list where it's archived on our webspace. But I'm not sure I know how to do it either at the moment, I'm afraid. Sorry.

Finally, just before we finish, did anyone have any other business? I just said I would circle back to that before we concluded.

Oh, I see what Kurt is suggesting. Sorry. Yes, that is a good idea. If people are happy to work within a Google Doc, I could perhaps, Bernard, if you don't mind, if you'd be able to do that for us.

Yes. Thank you so much. So Bernard will do that for us and circulate a link. That way, people can work online on the same version. That would be helpful. If you could endeavor to do that in a manner that reflects that you are making a suggestion, then that would be helpful so that we have a tracked version of any edits.

Apologies again for us not getting through everything on our agenda, but thanks very much, everyone, for your really helpful participation. I look forward to progressing things further over the e-mail list.

We can stop the recording and then the call. Thank you.

[END OF TRANSCRIPTION]