STEPHEN DEERHAKE: Greetings, everyone. Good morning, good afternoon, good evening. I want to thank everyone for joining today's teleconference. For the record, this is the 6th January 2021 edition of the ccNSO PDP working group tasked with developing ICANN policy with respect to establishing a review mechanism for ccTLDs that, as is mentioned in RFC 1519 Section 3.4, and we have convened this, our first meeting of 2021 today at 13:00 UTC.

I do want to thank those of you who've either stayed up really late or gotten up really early for your participation in today's call, especially our Zoom master, Kimberly.

Timewise, it's a bit early for us here in the Americas. A sweet spot for those of you in Europe or near the meridian. But once again, an awful time for those of you out in Asia Pacific. And I do want to thank all of the ICANN staff that is on the call and for their work today.

Given this is our first call of the new year, I just want to wish everyone a happy new year, and remark that surely, 2021 will not be as awful as 2020 proved to be, but then again, maybe I'm being optimistic. I hope not, though. I hope we can meet in person, actually, before the end of the year. We'll see how that turns out.

So thanks, everyone, again, for participating in today's call. With respect to the administrative matters, I don't have any per se. Bart, Bernard,

BART BOSWINKEL: No, not from my end.

STEPHEN DEERHAKE: Okay. I didn't think we had any.

BERNARD TURCOTTE: Not on my end either.

STEPHEN DEERHAKE: Great. Thank you both gentlemen. As I mentioned on our last call, which was back in mid-December, I think the 16th, work is continuing to carve out the retirement policy document developed by our sister working group so that it can be presented to the ccNSO council and membership of the ccNSO independent of our work here.

we do have a final draft to that document, and we do expect to have that presented to and approved by our [sister] working group next week. So that's it from me on that stuff.

With regards to action items, I don't have any and I don't believe that any carried over from our last teleconference. So if I'm mistaken there, gentlemen, speak up. Otherwise, I will assume that we're good to go.

BART BOSWINKEL: Stephen, the only action item—that's on the agenda—was Bernie was to revise the table based on the comments for a final read. So that's not agenda item four, but this is just for the record. So all action items are closed.

STEPHEN DEERHAKE: That's good. Yes. Thank you for that, Bart. So, our goal today is to finalize a review of the decision point spreadsheet that Bernard's been working on. I'd really like to get this locked down today so that we can move on to the next phase of our work, which is some actual language which will articulate what's in the spreadsheet.

Also, as you will recall from our last meeting, there's been some discussion regarding soliciting the involvement of ICANN Legal sooner rather than later with the idea that we can expect a meeting with them early this year where we can question them with regards to what we're trying to achieve here.

And I believe, Bart, that a tentative reach out to them and we'll be getting them onboard—

BART BOSWINKEL: Bernie.

STEPHEN DEERHAKE: Was it Bernie? Okay.

BERNARD TURCOTTE: Yes, I have reached out to them. They're just waiting for an invite.

STEPHEN DEERHAKE: Okay. When we feel like we're ready for it, we can do that. That works for me. Thank you, Bernie. Bernard, that's it from me for introductory remarks, so I think I'll turn the floor over to you. I see Kim's got your

spreadsheet up and running, so I give the floor to you, sir, if you're amenable.

BERNARD TURCOTTE: Thank you, sir. I am amenable. Really, not many changes, although a few lines were added. We separated out if we look at line five on the spreadsheet. So the ICANN Board decision can be the subject of a reconsideration request.

Now, this being said, as Kim Davies has pointed out several times, the Board approval is that IANA, PTI has followed its procedure and is not a decision per se on an allocation of a new ccTLD or a transfer, or any such process.

So that's why we've separated that out. We as a group are not going to start an appeals mechanism versus ICANN Board decisions. Our appeals mechanism will focus on PTI's decisions. However, if the Board does approve something as we discussed—excuse me for a second. So if there is a Board decision, then it is not subject to the standard appeals mechanisms.

The IRP, as was said—and we'll be going over some documents later on, but it is available for a reconsideration request. Now, that's important in a way, because the reconsideration there has its own timing involved in that. And so we're going to have to make sure those things all work. So that's the only thing that's been added in here, is I've separated out the Board decisions for a reconsideration request. The rest is pretty much the same. So I'm not going to spend a lot of time going over that all over again. If there are questions, I'll be glad to take them.

STEPHEN DEERHAKE: Are there any questions? I'm not seeing any hands, so I'm going to assume not. Bernard, you can continue, sir.

BERNARD TURCOTTE: If there are no questions, I'm done on this part. I think the sheet is as far as we can take it at this point and basically lists all the points. And until we decide to move on on some points, we've got, if you will, all our elements mapped out that we need to consider in a review mechanism.

STEPHEN DEERHAKE: Let me ask the group if there is any comments that you would wish to make on this. Otherwise, I'm going to presume that we are happy with this work product from Bernard, and this is our blueprint on how to proceed. Going once, I don't see anybody. Going twice, I still don't see any hands. I will assume my role as chair and say we are in agreement with what we have presented in front of us, and I think, Bernard, we can say we're done with this. We have locked it down. Applause, and thank you so much. It's been a lot of work, I realize. But I don't see any hands, so I'm going to assume agreement in the absence of hands to the contrary.

That was easy. So again, thank you, Bernard, for that, and for everybody who's participated in goodness knows how many meetings on this. But I think we've gotten to an important step here.

Next step is item 5.1, and 5.1 again because you can't have 5.1 too many times. Bart, you want to discuss your thoughts and visions regarding how to tie all this back into the CCWG on accountability?

BART BOSWINKEL: What I've done, I've been thinking and we've been discussing it on and off whether or not—or check against the reasoning to exclude the delegation revocation and retirement and transfers from the IRP, and originally from, I think it was independent appeals process.

So, leading—and especially now we got this document, I would consider it a kind of stress testing whether the arguments used at the time to exclude delegations and redelegations from the IRP have been addressed in the sense that we do not open that can of worms from the 2014-2015 era.

So what I've done is I went through first of all the final report of the CCWG accountability Work Stream 1 to check why it was excluded as a recommendation, and that's included. And then backtracking in time, and I ended up with all the comments on, I would say, the second proposal from the CCWG stewardship where a lot of ccTLDs commented that it should not be included at the time. And as you may recall or some of you may recall, there was also something called design team B under CWG process that conducted a survey around the inclusion—or exclusion—of the delegation, transfer, revocation, etc. from the IRP IAP.

So I haven't circulated this because I compiled this, started doing these things yesterday, but I want to just run through it. So it's more an overview and summary of the comments received at the time, and I

would say it's a kind of high-level stress test of the work to date, and check whether, say, we do not run into the same issues as identified at the time.

So, first of all, what you see in front of you is the final report of the CCWG Annex 07, and there was this specific section on the exclusion of country code top-level domain delegation, redelegations issues. And as you can see—and that's the interesting part—it was based on a letter from the CWG stewardship from 2015.

Next page. So what I've included, I excerpted the bits about the appeals mechanism from that letter. You can see the link there as well. So there was an original question on the appeal mechanism, especially with respect to the ccTLD-related issues from the CCWG Accountability, and this was the response of the stewardship working group, the cross-community working group. Again, you can see we're in that process right now. So I think it's just to check, as I said.

And their response and the reaction of the CWG was based on, first of all, the original second draft, but also on a survey. I've included again for reference—because I've done, as I said, backtracking. This is, again, from the final report of 10 April, CWG DTB. So that was the one. Looking at the in- or exclusion of the delegation, redelegation, and this was taking into account the comments received on the second proposal, and a survey conducted, and this was a working drafting team led by Alan at the time. Again, you can read at your leisure. I'll circulate it after the call. It's the recommendation of that design team, and some of their reasoning, again, that's clear. I think it's self-explanatory.

And then as I said—and again, going back in time, in the December 2014, so six years ago, you got—at the time, it was called, as I said, the independent appeals panel. You had the comments from the individual ccTLDs and two of the four regional organizations with respect to the inclusion of a review mechanism. And I think for this working group, that's the most relevant part, and whether their concerns at the time have been addressed, are addressed.

It's just to be on the safe side that you don't say once we go out for public comment with a process, design and also with the overview of what we have now on the table, there are no issues or you can't foresee any issues. And as you can see, and if you would go through this on your leisure, you would see that most of them are, I would say, just going through it this morning, most of the comments have been addressed.

One of the principal ones—and I think that's the most principal one—is whatever the review mechanism is, it needs to be developed through a country code or ccNSO policy development process and should be very limited and should take account of sovereignty issues, etc. So it's very clearly subsidiary to what is happening in country.

You can scroll down. So what I cam across is the comment from AFNIC, from Nominet, SIDN, AUDA, DIFO. So for those of you not really familiar with the European landscape, that is Denmark, Cira, and then LACTLD, and the next one would be CENTR, InternetNZ, and NORID. So these were the comments I came across with respect to the appeals mechanism or review mechanism as we call it right now. There were some additional comments, but they did not deal with the specifics

either at a high level or, say, really details with the appeals and/or review mechanism.

So I thought this might be helpful, just as a background check against where we are right now in the process, we check that we at least address the original concerns with respect to the inclusion or exclusion of delegation and transfer, etc. from the IRP. And I think we've covered most, if not all, of the concerns raised at the time.

So, back to you, Stephen.

STEPHEN DEERHAKE: Thank you, Bart. I appreciate that. I think when we're coming towards the conclusion of this process that we need to include a section in our final work product that references back to this work that Bart's done that says, yes, we have looked at what was raised back in the day, 2016 time frame, and we believe that we have addressed the issues raised in the comments from that period. So this is a valuable piece of work from that respect. If anyone has any issue with that suggestion from my part, waggle your hands and we can discuss.

I don't see any wiggling hands.

BART BOSWINKEL: There's a comment from Peter in the chat. First of all, will it be circulated? Yes, of course it will be circulated to the full group. But as I said, I started with this yesterday afternoon, so I thought I better share this so we know this has happened and it's taken into account. This was a nice point in time to do it.

And secondly, with respect to explicitly reach out, I think some of them, it's very clear they are members of this working group anyway.

STEPHEN DEERHAKE: Exactly.

BART BOSWINKEL: So that's one. And secondly, I don't think—and I think the way you raised it, Stephen, is the best way, is that we make very clear to the community we've looked at it and this is our conclusion and it's up to the individual ccTLDs whether they want to comment again. I don't think in that sense, it's not put them in a special position. That's one. But at the same time, it's also their responsibility. And I know there have been major changes in some of the ccTLD, so from a practical point of view, they may not be even aware of what has happened in the past.

STEPHEN DEERHAKE: No, but they will also have an opportunity to submit public comments.

BART BOSWINKEL: Certainly. I see Nick's hand is up.

STEPHEN DEERHAKE: When we get to that stage. Nick, I see your hand.

NICK WENBAN-SMITH: Can you hear me okay?

STEPHEN DEERHAKE: Yes. Happy new year.

NICK WENBAN-SMITH: I've been experimenting with new headphones from father Christmas. They're wireless and light. Yeah, I completely wasn't even aware that Nominet had put in a comment, and I just think it is probably worth referring to these commenters those processes being looked at specifically now and whether anything needed to be updated or whether they want to reemphasize or revisit the comments made and drawing attention to the fact that we're specifically looking at this now, because it's interesting reading through these comments and they do date quite quickly, I guess, is my first impressions, but since people did make the comment and obviously we know all of these people who made the comments, be really interesting to get their involvement, I think, before the point of public comment because we don't want them to come in and say, "Well, we told you in our previous comments back from 2016 and you didn't take any account of them," because that's obviously not the case.

STEPHEN DEERHAKE: Thank you, Nick. This begs the question, I guess, do we want to reach out to those you've identified, Bart, who commented back in the day, and solicit updated viewpoints from them, from Nominet, SIDN, [the Danes, etc.,] or how do you think we might want to proceed here?

BART BOSWINKEL: Stephen, I think if you want to—I think I like Nick's suggestion. Reaching out at this stage is too early.

STEPHEN DEERHAKE: That's what I'd say too.

BART BOSWINKEL: But at the same time, it's a good thing that we understand the table that you've been working on. I think the first check would be for this working group to check after I've circulated this, to check again the table. Are there any issue already that we are aware of if you look at the table and the results and the underlying reasoning, that would cause or is in conflict with some of the comments at the time. You still have the issue whether these comments are valid and supported by the individual ccTLDs, but at least it's a bit of a stress test, I would say.

And once you go into—and it's a good thing to keep in the back of your mind. If you look at some of the comments already, when we start designing the process to take these into account. Doesn't mean that you need to address them, but at least be aware of them. And then at one point, as Nick suggested, as soon as you got an interim paper or report at the time, reach out beforehand and check with them, do you want to have a look at them? Or you can do it even beforehand, or even when we start reporting out to the community, because I think the review mechanisms working group hasn't done so up until now. But I could imagine that presenting the table is a good opportunity, for example, to inform the community of where we are, and especially reach out to

these individual ccTLD managers to check whether their comments have been addressed.

STEPHEN DEERHAKE: Yeah. I like the idea of reaching out to those ccTLDs that have actually provided comment back in the day prior to finalization so that we don't get blindsided with public comments from them, because they did take the initiative to provide their viewpoint back in the day. So if we could do that down the road, I think that's a reasonable approach, give them a preview of here's where we're going with it, see if they've got any—in many cases, it's probably completely new management, I'm thinking about specifically at this point.

So I'm happy with that approach. Anybody have any comments, issues with that approach when we get to that stage? If so, wiggle your hands. I'm not seeing any hands being wiggled, so I think, Bart, that's a reasonable way forward. Bernie, do you feel that's a reasonable way forward?

BART BOSWINKEL: Stephen, what I'll do is before circulating or when I circulate this to the group, I'll include it in the cover e-mail so we've got this action item recorded as well in the e-mail to the people not attending today.

STEPHEN DEERHAKE: Yeah, that's a very good point. So that's an action item. All righty, if there is no further desire on the part of those present to discuss this, I think we can move on to our next item, 5.1 again.

BART BOSWINKEL: Let me kick this off. I think in moving forward, it's structuring the discussion. The way we've been talking about it—and Stephen and Eberhard, please chime in because I know you have some opinions about this—is that we first—not on this call but on the next call, that we first look at potential requirements this group may have with respect to the process and process design, and we could use the experience of some of you.

There is some reference material in the issue report, and at the time from the drafting team who done this, and based on that conversation that this working group starts thinking about their requirements for the process itself, so the architectural requirements I would say, that we then invite ICANN Legal to give a more detailed overview and also with the requirements that you've identified and then provide an overview on the current makeup of the IRP and check whether this could work and whether they have any other mechanisms. And at the same time, of course, if this group foresees other mechanisms which could be relevant, that we start looking into them as well, as a kind of fact-finding stage before we go into a detailed process design or use or redesign an existing process. That would be a very high-level approach or suggestion for structuring the discussion on the process design, because if you start wrongly or with the wrong assumptions, you may end up somewhere which we don't want to be.

Stephen, Eberhard, Bernie, any comments, suggestions, other views?

STEPHEN DEERHAKE: It's reasonable to me. Does anybody on the call have thoughts about this? I see a checkmark from Bernie. I don't see any hands waving. I think I've got the full participant list in front of me. Does anybody have any reservations about the approach that Bart has just outlined? Eberhard, do you have any thoughts on this? I feel it's pretty reasonable.

EBERHARD LISSE: I have no opinion at the moment.

STEPHEN DEERHAKE: Okay. Given the lack of hands waving or people putting thumbs down, I would assume that the working group is in agreement with this approach, so I think we should structure our work with that approach in mind. Bart, do you have any further comments on this, or can we say—

BART BOSWINKEL: What I will do is—and do it earlier than today, but the good thing is the holiday season is over—I'll provide you again with the excerpts and reference material well ahead of the time, and I think as from a leadership group, we may start to think about ways to structure the discussion, because it will be first a kind of almost whiteboarding exercise on what other requirements you want, and we can do it various ways, but I think it's only fair that Stephen and Eberhard feel comfortable with the way forward as leadership of this part of the group before we start involving ICANN Legal.

STEPHEN DEERHAKE:	Yeah. I'm seeing some buy in in the chat, so I think we're good. That's fine with me. I think we do need to discuss how we're going to structure this. But I think it sounds to me like a pretty solid way forward. Happy with that.
BART BOSWINKEL:	So prepare yourselves for some of the Zoom or other Zoom facilities that we haven't used to date.
STEPHEN DEERHAKE:	Yeah. I do want to alert the group to the fact that we are going to be exercising Zoom because we're not meeting in person with our whiteboards and Kim's bag of markers. So we're going to be using Kim's bag of markers virtually in some upcoming meetings. So breakout groups, everything else that Zoom allows us to do, basically. So be prepared, it's coming. We have work to do. Bart, thank you. I think we pretty much wrapped this one up. I don't see any hands with any further comments. I got an "okay with the approach" from Vanda, so I think we can move on to item six.
BART BOSWINKEL:	Nigel's hand is up, Stephen.
STEPHEN DEERHAKE:	Nigel just popped in and I saw a hand and now I don't see it, but Nigel, the floor is yours.

NIGEL ROBERTS: I had another meeting that overran. Very keen to see the progress.

STEPHEN DEERHAKE: We hit a milestone today, so I'm happy about that. We locked down this spreadsheet with the decisional points. Anybody else with anything? I'm not seeing any hands. I think we can move on to item six then, which is Any Other Business. Is there Any Other Business? I'm not seeing a waggle of hands. I do not have any. Doctor vice chair, do you have Any Other Business? Does staff have any other business?

EBERHARD LISSE: No, I'm just waiting for C-SPAN at 12:30 your time.

STEPHEN DEERHAKE: Oh, well, yeah, it's going to be an interesting day here on many levels. All right, in the absence of Any Other Business, I want to remind everybody, as you can see from item seven, 7.1 through 7.4, those are our next meetings. I will point out that the next meeting on the 20th is also inauguration day here, so I might be somewhat distracted, but based on the time, I think I'll be present for that meeting. I want to thank [inaudible] for that comment. Yes, interesting day all the way around.

So those are our meetings. I'm sorry about that February 3rd meeting. For those of you near the meridian, it's not a good time for you. It's kind of late night for us on the east coast of the US. But we all suffer in turn. I

think that's it from me. If anybody's got anything else they want to address, speak up, otherwise we've got our meeting schedule. And if I'm correct, Kim, 7.4 takes us right up to what's supposed to be the Cancun meeting, correct?

KIM CARLSON: Hi Stephen. Yes, that's correct.

STEPHEN DEERHAKE: Okay. So we've got four meetings before our virtual face-to-face meeting. Let's see how much work we can get done between now and then. And that's it from me. Thank you, Nick, as well. Is there anybody else who has anything? Otherwise, I think we're going to wrap this up early, 40 minutes into the call. And I'm not seeing a big waggle of hands, so I think I'm going to call this one done and baked. And Kim, I think we're done and you can stop the recording.

Thank you, everyone, for being here. I appreciate it. [inaudible]. And we're done. Thank you, Kim. Bye.

[END OF TRANSCRIPTION]