

STEPHEN DEERHAKE:

Okay. Thank you, Kim. Good morning, good afternoon, good evening depending where you are. For the record, I'm Stephen Deerhake, the chair of the working group tasked with developing a policy for the retirement of ccTLDs. I want to thank everyone for joining today's call. It looks like we have a pretty decent turnout. For the record, this is the 7<sup>th</sup> of April 2021 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 interpreted by one of our predecessor working groups or Framework of Interpretation Working Group. This meeting is being convened today at 13:00 UTC.

As per usual, I do want to thank all those who have either stayed up late or have gotten up really early for your participation. Special thanks for Kimberly who's working a bit out of band for us today, being up really early to support us. And, of course, a big thanks to our other staff support, Joke, Bart, and Bernard.

With our time zone stuff, time-wise, it's early mid-afternoon for our European and African colleagues, early to mid-morning here in the Americas, and again a horrible time of day for our colleagues in Oceania and Asia overall. We will be addressing this issue as part of our administrative matters shortly. I just want to give you a heads up on that. Thank you again for participating on the call. Roll call will be taken the usual manner. So if you're on audio only, please make yourself known to staff so we can count you as being here.

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*Note: The following is the output resulting from transcribing an audio file into a word/text document. Although the transcription is largely accurate, in some cases may be incomplete or inaccurate due to inaudible passages and grammatical corrections. It is posted as an aid to the original audio file, but should not be treated as an authoritative record.*

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Moving on to administrative announcements. First, I'd like to note that this working group was formed three years ago this month. Let that one sink in for a little bit. Again, I'd like to bring your attention to our sister workgroup's initial report on Retirement of ccTLDs, which is moving along in its public comment period which ends on the 14th of April. I looked at the comments webpage a couple of hours ago; there are no public comments yet. As I said in my remarks, during our last two teleconferences, I do not expect any concerns be expressed by the community writ large with regards to what is out for public comment, but putting it out for their reviews, an important aspect of the ICANN process.

We do have a couple of administrative issues. First, as you may or may not know, there are a couple of upcoming community webinars to bring the community up to date with the work of both our working group ccPDP3 and the IDN Working Group, ccPDP4. These are scheduled for the 15<sup>th</sup> of April at 08:00 UTC and 16:00 UTC. We will run through the proposed slide deck for this presently. Kim, can you fire up that slide deck, please? I believe Bernard is going to walk us through this.

BERNARD TURCOTTE: I can do that.

STEPHEN DEERHAKE: I'm not mistaken. Thank you, sir. The floor is yours.

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BERNARD TURCOTTE:

All right. So we haven't necessarily done a lot of things which are finalized, so we've focused on the history and the few things we have covered. Next slide, please.

History update on work to date and next steps. Next slide.

History of review mechanisms. I'm not going to spend a lot of time on this. RFC 1591, 1998 ICANN formally takes over the IANA functions. May 1999, ICANN unilaterally introduces ICP-1. We all fondly remember that. Next slide, please.

June 2015, the final proposal of the IANA Stewardship Transition from the Cross-Community Working Group on Naming Related Functions does not include a review mechanism, as we know, at the request of the ccNSO. In June 2015, also the ICANN Board adopts all of the recommendations of the ccNSO FOI Working Group which include the following: "4.8. The FOI Working Group believes it is consistent with RFC 1591 (section 3.4) and the duty to act fairly to recognize the manager has the right to appeal a notice of revocation by the IANA operator to an independent body." Next slide, please.

Continuing on our history, February 2016, the final proposal of the Cross-Community Working Group on Enhancing ICANN Accountability—whoa. Did we get that slide twice? Okay. I guess so. I'll fix that. Sorry. May 2016, the CCWG Work Stream 1 recommendations are implemented in the ICANN Bylaws. April 2017, the ccNSO launches the PDP on a Review Mechanism for ccTLDs which is coupled with the PDP on the retirement of ccTLDs. Due to a number of factors the two PDPs did not proceed in parallel. Next slide, please.

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June 2017, the ccNSO Working Group for the PDP on the Retirement of ccTLDs holds its first meeting. March 2020, the ccNSO Working Group for the PDP on a Review Mechanism holds its first meeting. February 2021, the ccNSO Working Group for the PDP on the Retirement of ccTLDs published its final report and requested it be separated from the Review Mechanism PDP so the Retirement Policy can be adopted independently. This should be confirmed in mid-April 2021.

So, on the history, any comments or questions?

STEPHEN DEERHAKE: I'm not seeing any.

BART BOSWINKEL: Bernie?

BERNARD TURCOTTE: Yes, sir?

BART BOSWINKEL: As this meeting is on the 15<sup>th</sup>, we'll know on the 15<sup>th</sup> whether or not it's confirmed. If there is no comment, it is considered confirmed.

BERNARD TURCOTTE: Okay. I'll adjust that accordingly. Thanks, Bart. No other questions? All right. Next slide, please.

Update on work to date. The working group considered the following dependencies with respect to a review mechanism, RFC 1591. I'm not going to read the quote. We all know that scripture. The FOI Working Group recommendation, we just read that one. Next slide, please.

Review requirements of the draft ccNSO Retirement Policy. So I quote the two sections we have in the Retirement Policy that require ability to access a review mechanism. That is a ccNSO which is not an Alpha-2 Code, there being a change and PTI saying that that change allows it to retire the ccTLD. We said that can be appealed. And if there is a request for an extension and is denied by PTI, that can be appealed. Next slide, please.

The working group also considered the possible requirement for a review mechanism by the ongoing PDP on IDN ccTLDs. I don't remember if we've talked about that, if a string is proposed for an IDN ccTLD and it's not accepted. But, as I say, a possible requirement. Next slide, please.

Update on work to date. Working group identified the following IFO decisions which could be subject to a review. Failure to accept the delegation application for a newly created ccTLD, contested delegation of a newly created ccTLD by a losing party, rejection of a transfer request, contested revocation of an active ccTLD, contested retirement of an active ccTLD for an active 2-letter Latin ccTLD which do not correspond to 3166-1 Alpha-2 Code, and failure to accept an IDN ccTLD dependent on the IDN ccTLD PDP. So those covered the core of what we've discussed as situations where we would want to have reviews available. Next slide, please.

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The working group identified the following elements which should be considered in any potential review mechanism. So that's what we've been doing over the last few meetings with this group. Must include references to RFC 1591 and FOI, must decide on complete re-hearing versus administrative review, process and policy must be timeless, process must be affordable for small ccTLDs, process must have set pre-defined milestones and timelines. And I threw in there "Once a ccTLD is delegated it is considered impossible to undo this." Look at existing mechanisms to build on, process must be clear as to who has standing to access the review mechanism, and process should not be subject to local law. I think these are all points we discussed and we had in our board when we were discussing these things. Next slide, please.

The working group has also started working with ICANN Legal. In a presentation, ICANN Legal stated the following relevant to Corporate Governance Fundamentals. ICANN Board is not able to defer decision making to other bodies. Fiduciary duties preclude this. ICANN is entrusted to perform the IANA functions, not an external tribunal. ICANN is not in a position to place decisions on IANA functions external to PTI/ICANN. Those were quotes from Sam Eisner's presentation a few weeks ago. Next slide, please.

Next steps. The working group will continue to interact with ICANN Legal and consider its work in the context of the input by ICANN Legal in an effort to complete a first draft of a review mechanism. Eberhard, I see your hand.

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EBERHARD LISSE: I have been reading the consultative papers from this law firm, and this is not as clear as she said it is, in particular a very specific set of circumstances such as ours, from my view, will probably be tolerable. But, of course, many law firms need to charge a large number of billable hours before we come to something like this. But I'm not that concerned anymore because in this very small limited instance, it's probably not going to be—

BERNARD TURCOTTE: All right. Thank you, Eberhard. Anybody else?

STEPHEN DEERHAKE: Eberhard, can you lower your hand?

BERNARD TURCOTTE: Bart?

BART BOSWINKEL: And Irina. Maybe what you want to do is include also at least the two-step process so that we—it's a nice thing to alert people already on the internal procedures.

BERNARD TURCOTTE: Okay. We'll do that. Irina?

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EBERHARD LISSE:                   And that's what I mean, Bernard. You should maybe rephrase this slightly that it is not as strict as it sounds.

BERNARD TURCOTTE:               I don't want to get into interpretation in these slides. They presented the slides like this, and I say we will continue to work with them. I think it covers that. We're not making a statement in here that we believe this is final. We're just saying this is what ICANN said and we're going to keep working with it.

STEPHEN DEERHAKE:               Irina?

IRINA DANELIA:                   Hello, everyone. It's just a comment. Based on the comments and questions I received in my place, I see that not every people understand in general regarding the ccNSO policies, whether they are applicable to ccNSO members only or to all ccTLDs. So maybe it was mentioning, it could just be in general. Not with regard to this particular PDP but in general. Thank you.

STEPHEN DEERHAKE:               Thank you, Irina. Bart?

BART BOSWINKEL:                 Yes, just to follow up on that. Maybe as a general introduction but that's something for the chair and vice chair to coordinate with the chair and

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vice chair of the IDN Working Group to do a general introduction on the scope, etc. of ccNSO PDPs and how they work. Because it is a joint webinar so that might resolve that issue.

I have another point—and this goes back to what Bernie said—it depends a bit on the outcome of today’s working group meeting. Say on next steps, maybe add some details on what are we going to do next, but that depends a bit on the outcome of today. Thanks. So going back, what will be the next topic for discussion and how the working group wants to proceed? That’s what I’m alluding to. Thanks.

STEPHEN DEERHAKE: Thank you, Bart.

BERNARD TURCOTTE: All right. I think that’s about it. Back to you, Stephen.

STEPHEN DEERHAKE: That said, okay, thanks for that, Bernie. I’m not seeing any additional hands. I think the slide deck is pretty straightforward. So that’s what we’re going to go with the upcoming webinar. Thank you, Kimberly, for putting that up.

I do have a second administrative issue to discuss, which at the end—we’ll have a discussion, then we’ll have a poll. I do not have a specific slide for this. We have the agenda up, which is great. So at my request, Kimberly went and crunched the attendance numbers by meeting time to see who is pitching up by region, what their local time

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was when they did pitch up, and a few other bits of information. And as a result of her work, I'd like to reopen the discussion we had, the formation as working group regarding meeting rotation.

Based on my gut feeling over the past few months as well as Kimberly's analytic work, what we have in place currently is working. It's the best way I describe it based on the geographic composition of the working group and, more importantly, the geographic composition of those members who are actively contributing to our work. I realized it's a bit of a harsh statement but it is what it is. Kimberly's analysis makes it clear to me that, in an effort to both maximize participation of those who are actively participating and to make it as convenient for those of you who do participate as much as possible, and given the time zone issue that we're all confronted with given how we're spread out all over the world, I've come to the conclusion that I would like to propose that we abandon our current eight-hour per meeting rotation schedule and settle on a single meeting time. I have to admit, I never thought I'd find myself saying this as being a proponent of sharing the pain of time zones. The data, however, is pretty compelling. We've been trying to accommodate members who rarely, if ever, participate, and I feel at a great cost to the rest of us who are taking our obligation within this working group seriously. Frankly, the meeting rotation approach, as much as I think it is a good idea from an equitable pain standpoint, is, in my view, really impeding our work at this point and we really may need to make some serious progress soon. As I noted at the outset, we're celebrating our third birthday this month.

So, based on Kimberly's analysis of attendance, it appears that the optimal sweet spot to achieve maximum teleconference attendance is

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18:00 UTC. I'm going to leave it up to the individual members to convert this to their own time zones, but I think we'll find that whilst it might keep you up in the prime of your evening hours, it's not going to make you get up very late at night or very early in the morning either, and we've all been doing that. Normal mostly you find that it's eating into the prime of your day jobs as well. That was one concern whether we would force people to attend in the middle of their workday. So at this point, I'm happy to open the floor for a short discussion on this manner. And at the conclusion of this discussion, Kimberly will put up a quick Zoom poll around this idea.

Lastly, I'd like to advise working group members that we are likely to extend beyond our usual 60 minutes into extra time to try to push our deliberations forward. We will not, however, go beyond 90 minutes, but I did want to make you guys aware of it for your own planning purposes. So with that, does anybody have any thoughts or comments? If so, please raise your hand. I am not seeing any hands. I'm not sure how to interpret that. I have a hand from Dr. Lisse. Go ahead, sir.

EBERHARD LISSE:

Thank you. I just had to find the Unmute button. I don't mind, really, but as you can see, sometimes my day job interferes. 18:00 UTC is something that will work for me on a regular basis. I could do it even every week, if we didn't do 60 minutes. But I don't like every week because it's already a problem getting documents more than a day before the meetings and I didn't have time to go through all the documents. So we must work on that so that we have enough time. Having more meetings and no time to look at the documents is not

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going to help us much in achieving something, but the time slot is good for me.

STEPHEN DEERHAKE: Duly noted. Thank you, doctor. Allan?

ALLAN MACGILLIVRAY: Thank you, Stephen. Actually, I think it's a good idea to revisit this. I just wanted to say early that I might be uncomfortable making a decision today to move without kind of—

STEPHEN DEERHAKE: We're not.

ALLAN MACGILLIVRAY: Okay. Yes, all right. That's fine.

STEPHEN DEERHAKE: This is read it twice, we're all here applies.

ALLAN MACGILLIVRAY: Okay. All right. Good. I'll just say, since I have the floor, I think we should make a point of reaching out to—I don't know how to say this better—those who haven't been participating, for whom we've been having the odd-hour meetings, if you know what I mean.

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STEPHEN DEERHAKE: Yes.

ALLAN MACGILLIVRAY: All right. Thank you.

STEPHEN DEERHAKE: I understand and I agree. Doctor, is that an old hand or a new hand?

EBERHARD LISSE: A new one. This is a change of rules of engagement so we'll have to put this in our rules of engagement. That means we have to read it twice and we probably have to have some form of vote on it. I am totally opposed to running behind people who don't contribute. The people who are not participating, they can read the mailing list. If they have got something to say, they can please join the meeting and vote. If not, it's not my problem. The members who attend will form a quorum and we run it over the mailing list and over this twice, but in the end, I must say I'm a little bit dissatisfied that the work we're doing is done by the same people on both working groups and always by the same people and very little time contribution from anybody outside the smaller group of people who are involved.

STEPHEN DEERHAKE: Well, it is what it is. Thank you, doctor. I assume that's an old hand. Any other comments, questions? As I pointed out to Allan, we will be reviewing this again at our next call to try to catch whoever is not on this call, who might be on the next call. I'm not seeing any further hands.

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I think, Kimberly, we can do our poll. If you could put up your poll for me, that would be great. I love this polling feature. And do we have a result? It's still open. Wow. Okay.

EBERHARD LISSE: How many participated?

UNIDENTIFIED MALE: One.

KIMBERLY CARLSON: 13.

EBERHARD LISSE: 13 of the 18. Okay.

STEPHEN DEERHAKE: Okay. That works. All right.

EBERHARD LISSE: Hosts cannot participate in the poll. It's only one host at the moment. Did staff participate?

KIMBERLY CARLSON: We did not.

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BART BOSWINKEL: I did. I thought it doesn't matter.

EBERHARD LISSE: No, no, no, no. The staff members should participate, actually, because there are involved, but it's the members who actually decide.

BART BOSWINKEL: Yeah. And this is not a decision or thing. This is just a temperature of the room, as always. Final decision will be on the next call.

EBERHARD LISSE: Yeah.

STEPHEN DEERHAKE: Okay. It looks like everybody got out their green cards. Thanks, Kim, for that. And thank you, everybody, for participating. As mentioned earlier, we will be reviewing this again on our next call.

So those were the two administrative matters that I had on my list. Let me check with Bart and Bernard in case I have forgotten anything. Bart, Bernard?

BART BOSWINKEL: No.

BERNARD TURCOTTE: All good.

STEPHEN DEERHAKE: Okay, great. Okay. [Inaudible] brain is not too bad today. Okay. Thank you, guys. With respect to action items then, I've none. Kimberly, Bart, Bernard, am I again forgetting anything?

BART BOSWINKEL: Going over the notes yesterday, I saw two action items. One was from Sam. It was circulating the document from I think the [Sydney] advisers. That was the legal advisers to the Accountability Working Group, Cross-Community Working Group. And Kim already circulated this right after the call last time. The second one was for Eberhard to have a more thorough discussion or explanation of fundamental fairness. I circulated this by e-mail, but I assume this is a topic that the working group will revisit at one of the following meetings anyway so that might be a time. And next time I'll remember, I'll remind you, Eberhard.

EBERHARD LISSE: I am suitably castigated and I will do this but I was a bit overloaded with other stuff.

BART BOSWINKEL: No, but I'll remind you. It's something that probably needs to be discussed more fundamentally anyway, if we start looking at the topic-driven working method. Thanks.

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STEPHEN DEERHAKE: Thank you, Bart. I have to say personally that the [Sydney] legal memo to Work Stream 1 was quite the trip down memory lane for me.

All right. So let us then move on to the summary discussion requirements identified to date with the goal today of achieving a ranking with respect to which ones we want to discuss and which were.

BART BOSWINKEL: Let me take this one, Stephen.

STEPHEN DEERHAKE: That I was about to turn it over to you, Bart.

BART BOSWINKEL: Thanks. So let me explain. What I've done is on the first three pages, I've listed the topics that have been identified to date by the working group. So we'll revisit this in a minute. I want to start, Kim, with the first page with the text because this goes back to the Jamboard sessions we did. Next page, please. Sorry. We're starting with the different pages. What I've also included from the notes and from the slides that was circulated yesterday were the discussions with Sam Eisner before the break. So we just run through it. So this is just identifying the topics. And if you recollect them as they are and then the part of that list of topics that the working group should focus on, we can discuss the way to handle this.

So the first one was the topic with reference to RFC 1591 and why was that needed. Line items 18, 19, that's the way I believe the working group agreed to at least refer to RFC 1591 in dealing with the review

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mechanisms. So this is just a recap summary of the discussions to date based on the notes and the Jamboard sessions. Are there any questions regarding line item or comments that you want to see included in from line items 1 to 23? I don't see a hand or anything else. Then go to the next page, please, Kim.

So must include—the other one was topic “complete re-hearing versus administrative review.” Again, based on a summary, this was included. The summary note from 12 to 21 was included in the document that was circulated before the meeting with Sam Eisner as a summary of your discussions. Again, to include and you will see—we'll get to the reference as a topic in a little bit later. But are there any comments, questions regarding line item 2 to 25 that you want to add, etc.?

STEPHEN DEERHAKE: I don't see any hands, Bart.

BART BOSWINKEL: Nope. Let's go to the next page. Process and policy must be timeless. Maybe you'll recall, we had a discussion with Kim Davies about this. And he explained this. Again, are there any comments, questions regarding line items to 2 to 13?

STEPHEN DEERHAKE: No hands.

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BART BOSWINKEL: Okay. So that's again a clear topic. Then the same process must have set predefined milestones and timelines. And it's very obvious almost, but are there any comments, questions regarding line items 15 to 22? I don't see any hands.

STEPHEN DEERHAKE: No.

BART BOSWINKEL: Then we go to look at existing mechanisms to build on. Yes, there will be more. Thanks for noting, Patricia.

STEPHEN DEERHAKE: Patricia, yes.

BART BOSWINKEL: Can you scroll down, please, Kim, for look at existing mechanism? Scroll a bit. Yeah, okay. There we are, yeah. Are there any questions, comments? Again, "look at the existing mechanism" is more a direction on how to work and, again, a topic for future discussion. That's the way it was presented. So line items 24 to 16 on page 7. Let's do it, say, first to line items 11, are there any questions to line items 24 to 11? And what is marked yellow or what is marked that has been added after the discussion. So first 24 to 11 on page 7, any questions, comments? I don't see any. Then we go to line items 13 to 23. So that is part of the same topic. Any comments, questions regarding 13 to 23?

STEPHEN DEERHAKE: Since this is new material, let's give them a little bit of time to let them read it.

BART BOSWINKEL: The only one is the reference to discussion on the governance.

STEPHEN DEERHAKE: Okay.

BART BOSWINKEL: That was the 17 March discussion. So this was distributed, I believe, on the 15<sup>th</sup> or something.

STEPHEN DEERHAKE: Right. Okay. Any questions, comments? I'm not seeing any hands. All right, carry on.

BART BOSWINKEL: Now, "Topic: choice of law is subject for the discussion." That's very clear. So that was just as one line item. I think everybody agreed.

Then the topic "Scope—binding and replacing previous decision," again, this was not determined in the sense of how it should end. So the result was not determined but it's subject to further discussion. So line item 1 to 2, and it was part of the discussion with Samantha Eisner as well. And

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that's line item 4. It should have been asked to Sam but we discussed it differently. So that's to avoid forum shopping. I don't see any hands.

Then line items 6 to 7. That was stress testing. So that's it. But that's not a topic for further discussion. At the end, we need to check. So any questions regarding 25 on page 7 to 7 on page 8?

STEPHEN DEERHAKE: I'm not seeing any hands, Bart.

BART BOSWINKEL: Good. Then not to include. As you could see from Bernie line item 11 to 13, that was clear that it should not be included. So are there any questions, comments on this item?

STEPHEN DEERHAKE: No hands.

BART BOSWINKEL: Okay. "Topic: determine who has standing at panel." That was included in the spreadsheet and was discussed as a note. So probably it needs to be at least made more explicit and could put in a document the line item 15 to 16.

And then the topic "Rules and procedures of the processes," 18 to 20. Again, it's very clear that it needs to be addressed later. It's probably one of the more substantive topic. So are there any questions on do not include, and then on the 15, 16, and 18, 20? Or comments. I didn't see

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any hands up. Good. Then we at least have clear understanding of what needs to be excluded and included. Next page, please.

The next page is pros and cons of the various panels. If you recall, we did a kind of polling who has experience with any of these different panels or tribunals, etc. We did not go into the pros and cons of the various panels. I still say thinking about it but I'll leave it up for further discussion. So what you see here is the results of that polling. I doubt whether it is useful to go into and it will gain much with going into the pros and cons of the various type of panels at this stage. But I leave it up to you, Stephen and Eberhard, how you want to address this. But it's not included for today and I doubt whether you want to do it at this early stage before we deal with the different topics. Stephen, Eberhard, any suggestions?

STEPHEN DEERHAKE: I don't see the need to go into the pros and cons, I think, at this point. Because I think if we did, it's just going to the weeds.

BART BOSWINKEL: Yeah. Anybody else who has an urgent need to do this? I don't see any hands up.

STEPHEN DEERHAKE: I don't either.

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BART BOSWINKEL: So let's go to the next. Okay, go to the next page, please. As you recall, this was from the 3<sup>rd</sup> of March polling and discussion on the two- or three-step process. This is the summary of what was discussed at the time. Are there any comments, questions around line items 1 to 25?

STEPHEN DEERHAKE: No hands.

BART BOSWINKEL: No? Then we go to the next page, please. And this was the three-step process. Again, any questions, comments around this part? I don't see any hands or comments. Okay. Next page, please, Kim.

So as you can see, there was a temperature of the room polling at the time. The results of the polling were—there were 12 participants who participated in the polling, and there was a large majority who was in favor of the two-step process. I recall of the three persons who were in favor of the three-step process, one explained explicitly from an end user perspective, probably the three-step process would be preferable but it was very understandable if it would have been limited to a two-step process. So at least the two-step process, for the time being, is very clearly has the most support, put it this way, from the working group members who participated in that polling. That's the end. Can you could scroll up again to page—I think it's 10, Kim. Sorry. Yes.

The PTI/IFO complaint process (always available) should be I think identified as an internal IFO ICANN procedure because it's always there, always available for every step during the process. And not just for the

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delegation, transfer, revocation, and retirement, but it's available even for, say, name server changes, etc., if something goes wrong there. So it's the general internal procedure on how to deal with it. It's also been identified as such in the spreadsheet you've been working on. Can you scroll down, please, Kim? So that's the bit about the procedures. Are there any further comments, questions around this section?

STEPHEN DEERHAKE: I'm not seeing any.

BART BOSWINKEL: You see in the slides, you saw the notes, this is all from the notes but I wanted to capture this or we wanted to capture this in one document to identify topics. This is from the discussion with Samantha Eisner on the 17<sup>th</sup> of March. You've seen the slides, etc., and the background notes.

So the topics identify based on the discussion scope, and one of the questions is "Still open? Binding decision of IANA (IFO) or the Board?" Again, this is probably, in more general terms, is more around the governance structure and the discussion on the role of the Board, etc., and the fiduciary duties of the Board as was identified in the note from [Sydney].

Top choice of law was not discussed but identified as a topic, and the applicability of ccNSO policies. Again, Irina alluded to this already. It is a recurring topic as soon as we start the working group members talk to others, I would say. Any comments around line item 1 to 25? I will speed it up a bit. I don't see any. Good. Next page, please, Kim.

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So, again, topic “The Corporate Governance Fundamentals,” that was the note. Any comments, additions you want to make or questions regarding line items 1 to 26? No? Then next page, please.

“Fundamental fairness/some ccNSO members cannot go to court.” Again, this is what we just discussed. This was one of the action items. As a topic, mediation was clearly a point with some questions from both working group members and from Sam Eisner. So the mediation, whether to include or not to include as a first step but also how it should look like was clearly a topic identified. So any questions or comments regarding line items 3 to 23 before going to the final one? I don’t see any.

We go to line item 26. Maybe, Kim, can you scroll down? The timing of the review decision. This was the last one. This again relates to the governance structure, which decision or final decision is subject to the review. Again, it has to do with should it be on the final recommendation decision by PTI/IFO or by the ICANN Board. Again, a topic for discussion. I hope that we captured it properly and provide you with scope. Any comments, questions, and then we go into the really important part of it.

STEPHEN DEERHAKE: No comments that I see.

BART BOSWINKEL: Okay. Thank you. Can you go back to page 1, please, Kim? What you see in front of you—in the next page 1, 2, and 3—I’ve captured the headings

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of the topics as discussed in the balance of this note, I would say, or the summary. This is something for discussion with you. If you recall from the meeting of the 17<sup>th</sup> of March, the proposal is of the next couple of meetings to have a more topic-driven discussion, meaning that each and every of these items we'll try to produce a topic paper. I think the governance structure is a very nice one to start off with because we got this note from [Sydney] around the role of the Board and decisions of the Board and how it relates to the decisions that should be subject to review. And then based on this paper, have a in-depth discussion, record the results of that discussion, and if there is no progress anymore or when the group feels the topic has been discussed to the end, there are no new arguments, etc., then move on to the next topic again based on a topic paper. In this way, focus the discussions of the working group going forward. Hence, the need to extend the meeting, whether we will need the 90 minutes but that we at least have a thorough discussion of the topics themselves by the working group during the upcoming sessions. And maybe if time permits start with a new one or have two topics per session, so going more in-depth into the different topics.

So my first question is as a working method, would this work for you as working group members? And the assumption is that we from staff or maybe one of the working group members produce a topic paper in time for an in-depth discussion that you read it well ahead before the meeting and that we have an active discussion on a topic during the call to solicit views. Would that work for you? First let me ask, are there any questions regarding that approach? I don't see any hands or comments in the chat. If you agree, could you check your green mark again, just to wake up? So a topic-driven—you receive a document on a specific topic

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before the meeting, and then we'll discuss it. You're assumed to have read it and then we go into the discussion of the topic. We'll invite and inform Sam accordingly. Because I think this way, more or less Sam is alerted. Okay. Thank you very much.

STEPHEN DEERHAKE: I'm going to ask if anybody is not happy with this. And if so, click your red box, your red click, but I don't see any yet. That's more greens.

BART BOSWINKEL: I see the working days, Eberhard. Yeah, that's clear. Okay. Thanks. So we got a working method moving forward.

I already alluded to it a little bit but the next item is the order of topics. Maybe that's something to discuss on the next meeting. As we got the material already for the next meeting, invite Sam to have a more thorough of an in-depth discussion about the—can you scroll down, please, Kim, to, I believe it was the scope or the governance structure. Scroll up, please. It's page 2 I think. Yeah. It's topic 14. ICANN Corporate Governance Fundamentals. Maybe based on this list identify one or two related topics. I assume one of them is the related topic is the timing of the decision. I believe that was number 16, but we'll inform you beforehand. So topic number 16 is related, I would say, to Corporate Fundamentals. And I believe number 8 as well, the binding, etc., how that relates. So at the call, the overarching topic would be the Corporate Governance Fundamentals, the document, and then related are topic number 16, and topic number 8 is related as well because all is around, I would say, the same core principles.

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If you agree with this, can you [inaudible] because that makes life easy as you already have some of the materials? Please let us know. Based on that, we'll come up with a list of subsequent topic or clusters of topics. So the next meeting we'll focus on the Corporate Governance and identify the related topics as I just alluded to, and that we identify other clusters or topics or clusters. Is that okay? Please check your green marks if you feel that's the one you want to start off. Or if you have another suggestion, raise your hand. What I can see, the majority is in favor of doing it this way.

STEPHEN DEERHAKE: Anybody not in favor?

BART BOSWINKEL: Please check the red mark. To show that it works, I'll do it. And it works.

STEPHEN DEERHAKE: It seems to work. You have a red card. You're off the pitch.

BART BOSWINKEL: Yeah. That was just me.

STEPHEN DEERHAKE: I know. Thank you for your support of this approach. Carry on, Bart.

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BART BOSWINKEL: That was about it. So the homework is we'll re-circulate the document and parts of the summary document relating to the topics to the group well in time, so a week ahead of the next meeting. You're assumed to read it and that we invite Sam to have a discussion around this cluster, and then move it forward. So the other homework for the next meeting for us is to identify the other clusters as an action item. And the third point will be the second reading of the timing. Back to you, Stephen.

STEPHEN DEERHAKE: Thank you, sir. I appreciate that. We're getting up towards the top of the hour. I believe next up on our agenda is next meetings. As you can see from what's displayed, we've got the upcoming webinar being held jointly with the IBM Working Group on the 15<sup>th</sup> of April at 08:00 and 16:00 UTC. So I'll be up early that day. The next meeting of this group is on the 21<sup>st</sup> of April at 21:00 UTC. We will go through the idea of abandoning the rotation one more time to give those who weren't on the call today to weigh in on that proposal.

And with that, is there any other business? I'm not seeing any hands. Again, someday we'll meet in person. I have no idea when but it would be nice. I just want to thank everybody again for continued participation in the working group, and I do want to encourage everyone to continue to participate. I think with that, I can declare this meeting adjourned. I want to thank everyone. I wish you and those dear to you all well, and continue to stay safe. So, Kim, at this point, you can stop recording. As always, thank you for your outstanding technical support. And we will see hopefully you guys on the webinars or at least one of them and at the next call. Thank you.

**[END OF TRANSCRIPT]**