

Zoom Chat Transcript
IRP-IOT Call – 2 March 2021

13:03:32 From Malcolm Huddy to Everyone : I lost audio from Susan

13:03:34 From Brenda Brewer to Everyone : Susan is cutting out for me. Anyone else?

13:03:38 From Robin Gross to Everyone : me too

13:03:40 From David McAuley (Verisign) to Everyone : Sound bad

13:03:43 From ISOC-NY to Everyone : Me three

13:03:52 From Bernard Turcotte to Everyone : same here

13:03:54 From ISOC-NY to Everyone : Are you on Bluetooth and far from your base?

13:03:57 From David McAuley (Verisign) to Everyone : still yes

13:04:11 From Kristina Rosette to Everyone : Hello all. apologies for being a bit late.

13:04:34 From David McAuley (Verisign) to Everyone : I am away on leave visiting family and helping to care for new grandson – may have to leave early, if so I send regrets for that.

13:05:41 From ISOC-NY to Everyone : Congratulations, David!

13:06:09 From David McAuley (Verisign) to Everyone : Thank you ISOC Greg.

13:06:35 From Bernard Turcotte to Everyone : good enough

13:09:49 From Kristina Rosette to Everyone : Congratulations, David!

13:10:31 From David McAuley (Verisign) to Everyone : Thanks Kristina

13:12:13 From David McAuley (Verisign) to Everyone : I agree with Kavouss that we need to move on but I also think the discussions on the Time for Filing rule have been very well done, with compromises proposed and lots to consider.

13:20:37 From Kristina Rosette to Everyone : Excellent summary, Susan. Nothing to add from me.

13:31:35 From David McAuley (Verisign) to Everyone : I also will be happy to respond on list

13:31:38 From Scott R. Austin to Everyone : Agree with David

13:32:35 From David McAuley (Verisign) to Everyone : Thank you, Flip

13:32:37 From Bernard Turcotte to Everyone : Time check - 58 minutes left in call

13:33:36 From Flip Petillion to Everyone : Thx Susan

13:41:53 From Arasteh to Everyone : sUSAN, COULD sAM GIVE AN EXAMPLE OF ONGOING INACTION

13:42:17 From Arasteh to Everyone : Sorry for cap it was a misminipulation

13:49:55 From David McAuley (Verisign) to Everyone : With respect, I disagree with Kavouss on this point. This is an important area for consideration IMO - what is the action in dispute. Some policies, for example, are implemented by ICANN Org and some are implemented by others, like URS examiners. I think we need to understand what constitutes an action that can be disputed.

13:53:49 From Arasteh to Everyone : Dear David,

13:54:21 From Arasteh to Everyone : I also disagree to get involved to such complex area which may not have any end

13:56:09 From David McAuley (Verisign) to Everyone : Thank you, Kavouss. I appreciate that but I think Sam makes a good point in this complex discussion. It might help us get to consensus if we look at this, although, of course, that is not guaranteed.

13:59:55 From ISOC-NY to Everyone : After you, Susan.,,,

14:00:12 From Bernard Turcotte to Everyone : Time check - 30 minutes left in call

14:02:42 From Sam Eisner to Everyone : Having audio issues - apologies

14:03:38 From David McAuley (Verisign) to Everyone : no

14:08:43 From Sam Eisner to Everyone : The Panel can't declare any of its decisions to be retroactive

14:10:17 From David McAuley (Verisign) to Everyone : While I think the 'action' inquiry is useful, I would be hesitant to get into retroactivity. Not sure how a panel could speak retroactively.

14:11:20 From Sam Eisner to Everyone : To Greg's point - if the panel say's that today's action is bad, and it's part of a larger action, how could ICANN remain accountable if it didn't consider how that declaration impacts the overall program at issue as well?

14:12:00 From Liz Le to Everyone : The Panel is empowered to declare whether an action/inaction violates/does not violate the Bylaws and/or Articles. The Panel does not have the authority to unwind an action.

14:12:00 From Sam Eisner to Everyone : I see this as NOT requiring a bright line - it removes a lot of uncertainty

14:12:37 From David McAuley (Verisign) to Everyone : I think the concept of retroactivity is precisely why this rule is so important in a system of precedential decisions.

14:16:02 From Sam Eisner to Everyone : The subsequent action IS the new beginning

14:16:13 From Sam Eisner to Everyone : That's the heart of what we're trying to express

14:19:57 From Arasteh to Everyone : i have serious concerns about rectoactivity

14:29:04 From David McAuley (Verisign) to Everyone : Thanks Susan, Bernie, Brenda, and all

14:29:32 From Flip Petillion to Everyone : Thx Susan and all

14:29:40 From Bernard Turcotte to Everyone : bye all