ICANN77 | PF – IRP IOT Work Session
Thursday, June 15 2023 – 10:45 to 12:15 DCA

BRENDA BREWER:
Thank you and welcome to the Independent Review Process Implementation Oversight Work Session at ICANN 77 on 15 June 2023. My name is Brenda Brewer and I will be monitoring this chat room. In this role I am the voice for remote members of IRP IOT. Observers are welcome to observe. Please note that I will read aloud comments or questions submitted in English within the time set by the chair of this session. This session is being recorded and is governed by the ICANN expected standards of behavior. During this session, questions or comments submitted in chat will only be read if put in the proper form as noted in the chat. I will read questions and comments aloud. Oh, I already said that. Sorry. Let's just go on to review real-time transcription. Click on the closed caption button in the Zoom toolbar and to ensure transparency—With that, I am happy to turn this meeting over to IRP IOT Chair, Susan Payne.

SUSAN PAYNE:
Thank you. Thank you very much, Brenda. And thanks to those who've been able to make it. We are quite light on numbers in terms of our IRP IOT membership. Are we at quorum? We just have quorum. So there's no challenge with that. I think in any event, we probably are not making any kind of decisions here that we wouldn't be discussing further at a subsequent meeting. So I think I'm happy we can go ahead. But in any

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event I think regardless, given the opportunity that we have here to be face-to-face, at least a few of us, we should try and use some of our time well.

So in terms of our agenda, we'll, as always, we review the agenda and do updates to statements of interest at the beginning. I'll do that first. Are there any updates anyone needs to make to a statement of interest? And I will just mention, I think, I don't think it has any real bearing on the work we're doing here. And so I don't know that I necessarily need to update the SOI that we have specific for this work stream. But just to note that I think it's now been finalized that I and someone else are co-council liaisons for the subsequent procedures implementation review team. But as I say, I don't think it has any real bearing on the work we're doing here.

Okay, in terms of the rest of the agenda, we'll just review any action items we have. As agenda item three, I'm hoping we'll be getting an update on the standing panel selection and where that has got to. Item four just a kind of update on where we are with the IRP panel selection rule three. And then some thoughts about next steps on the IRP rules. And then I think what I'm expecting to be the bulk of our meeting is for us just to take a step away from the IRP rules for a change and look at some of the other tasks we are allocated under the bylaws to this IRP-IOT group and just have a quick overview of what those are. And then I hope we can maybe spend a little bit of time brainstorming on training requirements for the standing panelists. That is one of the tasks that is assigned to us. So with that in mind, I think we'll go back up to agenda item two. Not seeing any questions at all.

Yeah, in terms of action items, I haven't listed them. I think the main action items, there are a couple of them that are sitting with me. One is that I do have an action to update the text of rule three into what is our final form of, probably final form of agreement. And we, having spent a number of meetings discussing that rule three, we have reached the point where I think we are hopefully going to just finalize and kind of agree that text over email now, rather than needing necessarily to take more discussion time. We reached a pretty good point on our last call.

And then in terms of the other action item that is also with me is I'm aware that we do need to circle back on the discussions that we were having on consolidation, intervention and participation as an amicus. And we have a small team for that who are in fact in the room, I think. So I'll be reaching out to you guys and see if we can just pick that back up. I think probably just for one or maybe a couple of meetings, but I would anticipate that we'll be bringing that to the main IOT group to take that forward, because obviously no decisions are actually being made in small teams. And there are probably items that we'll feel are appropriate for the group as a whole to weigh in on.

So that's in terms of the action items, I think those are the only ones. I'm not missing anything, am I? David.

DAVID MCAULEY: Thank you, Susan. I think we should make this an action item. It's something I said before about getting a face-to-face meeting. And I think we should make that an action item. And so this relates to agenda item number two, but also the second part of agenda item number four, the next step on rules. And so I just want to make it on the record here

because I think the time in which we seek this kind of a meeting is important. In other words, it should come soon before or around the time we next meet. But what I'm thinking is, and we can see it here, I think if we had a face-to-face meeting the day before the next ICANN meeting, we could potentially finish our work on the rules. And I think that's really quite important.

And I've mentioned before that we might want to consider asking ICANN for travel support for two of our members who would otherwise not be able to go there. But in order to get travel funding, if it were available, they would have to undertake to agree to facilitate, to lead the discussion on at least one of the rules that's problematic. We have one or two rules that are difficult. We need people to lead our discussion with a focus on bringing us to closure, at least in my opinion. I think it's a difficult ask of ICANN to give that kind of support because here we are and we have a number of members who are not here. That's understandable because there's a bunch of conflicts this week. And I know of three or four conflicts that are keeping people away.

But if there's an urgency to getting these rules done, there's an importance to getting these rules done, but it's hard to generate the urgency because we've been talking for years. And so my expectation is if we did this, that between now and then in our meetings, we would be setting the table for making sure that when we got in Hamburg, we could close the rules down. Maybe along the way between here and there, we could close some down such as consolidation, intervention, amicus, that kind of thing. But if we as a group agree to do this, and I guess we'll have to find out on the list because we don't have a number of people here. If we agreed to do this, in order to get it done, we'd have

to do it soon. And so, and I would, for one, I imagine Malcolm, you're the same way. You and I have been flogging these rules since the beginning. Would like to see that part of it closed down and be done so that we could turn. There are other important things we have to do. So anyway, I'm sorry to go on for so long about this, but I think that that might be an action item for us is to say to ICANN Org, can we have a face-to-face the day before the Hamburg meeting starts? And can we get travel support maybe for one or two folks who agree to take on the burden? Because it's not fair to you to ask you to take on the organization of that entire meeting. Thank you.

SUSAN PAYNE: Thanks, David. Yeah, I think a couple of questions and I'll ask one of Brenda in a minute, but if that face-to-face, like full day, kind of day zero session, perhaps is more challenging to achieve. One of the things we've seen at this meeting is, for example, the IDN group has had, I think, a meeting on each day, four sessions allocated to them. Again, there's always the challenge of getting slots on the schedule, but do you think that would be a viable alternative if we couldn't get a day zero?

DAVID MCAULEY: That's a good question. My answer would be yes, because objectively, we can break things into this rule, rule four, for instance, on time for filing on one day, rule seven, I think it is, on consolidation on another day, so that would easily happen. If we could get four meetings, I think that would help. I think with us when we set the table saying these are going to be two hours dedicated to this issue, another dedicated to this issue, come prepared, and the facilitator for those issues would, in the

time leading up to the meeting, say, here's the issues, here's where the discussion's been, you might want to look at this email, you might want to look at that email, that'll give you the context in which we are, but the point of this meeting is to close this rule down. And the final question, I think, would be, when we come to adopt rules, is can you live with this? Obviously it's not perfect, no rule's going to be perfect from everybody's perspective. Thanks.

SUSAN PAYNE: Okay, thanks. So Malcolm in the room has a hand up, and then, and then Flip after that. So I'll go to Malcolm first. I will also ask if maybe, even if you're in the room, can we try and use the hand in the Zoom, if possible, just so that we can work out who's first and who's third. Malcolm.

MALCOLM HUTTY: My apologies, I'll follow that in future. I would support these proposals, but I would have a strict order of preference. I think that breaking it up will make the logistics more difficult, particularly for those that are attending remotely, that you don't necessarily know how long you're going to want to spend on each item, and that if you break it up into four, it's more pressured that we will have this much on this item than this much on this other, which is not necessarily what you actually want to do in practice. A day zero thing is easier to set aside and less likely to conflict for those that are attending in person, or well, those who are attending, regardless of whether in person or otherwise, other meetings. So my preference would definitely be to have a day zero meeting as my first preference, to have a series of other meetings as my

second preference, and not to have a meeting at all as my last preference. Thank you.

SUSAN PAYNE: Thank you, Malcolm. Flip.

FLIP PETILLION: Thank you very much. I actually very much liked the proposal by David, and I don't have any views on content on order at this stage. I only have a practical question. I planned to be there in Hamburg, which is not that far away for us, from the 21st of October till the 26th. Is this still a good schedule, or should I adapt it already now? It's always good to know the sooner than later. Just a practical question. You don't need to answer today, but I think it's relevant if we would follow the idea of David, which I support.

SUSAN PAYNE: Yeah, I definitely don't think I can answer that today, Flip, but I hear your real point, which is if we are to do this, we would need to know sooner rather than later so that people are making appropriate travel plans. Thank you. Kristina.

KRISTINA ROSETTE: I definitely understand the appeal of having a meeting each day. I think that is helpful to kind of keep the momentum and keep everybody on track. I have no strong feeling one way or the other about whether it's a day zero or a meeting each day. I would just ask that in the event, well,

I'll be perfectly honest. I think it's unlikely that I'll be going to Hamburg, so I would just ask that if, regardless that the schedule kind of take into account the time difference between Hamburg and the East Coast and wherever else people are that aren't going to be attending in person. Thank you.

SUSAN PAYNE: Thanks, Kristina. Yeah, that is another challenge. I will certainly have to bear that in mind. I think it may prove particularly challenging if someone like Liz is attending remotely, given where she would be based, to marry that up with a time zone in Hamburg. Yeah, okay. So just a question then for Brenda, really. I think it's for you. I know that other groups are being told that they have to be putting their meeting requests in relatively soon, but I don't know if there's a specific date by which these requests have to be submitted. I don't know if you know or could find out. Not necessarily now, but could let us know.

BRENDA BREWER: This is Brenda, and I put a question into my team about a day zero meeting. I don't know if that's possible yet, so I'll let you know that. But otherwise, scheduling meetings on the schedule, I have a pretty large window for that. I don't have a date at this time, but if you know a month, six weeks in advance of the meeting, six weeks is good. Day zero, I'll need a little more advance notice. So I'll let you know first if that's available. We already know that's on the table, right?

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SUSAN PAYNE: Thank you. I think there seems to be a good support for that. And I guess the other question is, is there anything formal that we have to do in order to put in a request for something like that? Just let me know. Yeah, I don't know the answer. I've noted that down, and we'll see what we can find out. Thanks, David.

Okay, I think our next agenda item is the standing panel selection update. I'm hoping, Liz, that that's something that you can help us with. I was hoping we might have Sam with us, but I think she, I'm guessing, has a conflict. So Liz, are you able to give us that update on kind of what the status is on the standing panel selection?

LIZ LE: Yes, hi, Susan. Yes, that is something that I can provide an update on. Sam, unfortunately, is not able to attend the meeting in person, she has a conflict and sent her apologies. With respect to the update on the IRP standing panel selection process, the board did receive the transmittal of the nominated slate from the CRG, and the board is appreciative of the transmittal, and is currently engaging with the CRG on what the next steps in the selection process will entail.

SUSAN PAYNE: Thanks, Liz. So, and the CRG is the selection group?

LIZ LE: Yes, it stands for IRP Standing Panel Selection Community Representatives Group.

SUSAN PAYNE: Thank you. I'll obviously let anyone else ask questions as well, but is there any kind of sense of the timing on this in terms of, I know the slate with the board—is there any sense of when is it that we are expecting the board to make a decision and confirm the appointments? And I guess as subsidiary question to that—well, perhaps I'll come back to that one, but I know we have a group of hands as well. So I'll see if you can answer that first, if you can, and then I'll go to the queue. Thanks, Liz.

LIZ LE: Sure, no problem. The board is working as expediently and efficiently as it can through the next steps of the process. Currently with respect to timing, there is some engagement that the board is conducting with the CRG on next steps. And so that will drive a lot of what the timing looks like.

SUSAN PAYNE: Okay, thank you. So in the queue, I've got David McCauley.

DAVID MCAULEY: Thank you, Susan. And so I chaired that community rep group that sent the nominated panelists to the board. And I just want to react to what Liz said and say, yes, the board has engaged us. We just firmed up that engagement this morning. I've been in touch with the other six members of the group, and we will be responding to the board probably early next week to keep the process moving. But my expectation is it

may not be too long now. I mean, in other words, there was some complexity in the process when we made the nomination, but it's like everything else. It's a little bit more complex than you might see when you first look at it. But in any event, we are in touch with the board. The seven of us are in touch with the board, and so things I think should move pretty smartly now. Thanks.

SUSAN PAYNE: Thanks, David. Kristina?

KRISTINA ROSETTE: And I'm not sure whether to direct this question at David or at Liz, but whichever of you thinks you can best answer it, please feel free. It would be great to get kind of a 30-second overview of what else is left in the process other than if there's something more than the board kind of consulting with the community team and then making an appointment just so that we can all have a better understanding of realistically what that timeframe could be, because clearly the more steps there are, the longer it's likely to take. Thank you.

DAVID MCAULEY: I could take a pass, unless Liz, if you would like to answer first.

LIZ LE: Feel free to go ahead, David, and I'm happy to follow up with you if you would like.

DAVID MCAULEY: Okay, thank you. So there's just questions on, there's clarification that needs to take place. That's about it. In other words, the CRG reports to the board. The board, in their fiduciary capacity, I'm sure will consult with the Org and with their legal staff, and that's pretty much it. And then the board under the bylaws has an obligation to accept them— they can reject a panel or a panelist if there's reasonable basis. I forget the phrasing, but it's a test of reasonableness. And so it could be pretty quick. It depends. I think that the first hurdle, and maybe the only hurdle right now, is for the CRG and the board to have a discussion. And I think things will probably move pretty quickly. Thank you. Liz, you can feel free to add to that if you wish.

LIZ LE: Thanks. Just following up on what David just said. That's correct. Once the board and the CRG has engaged and has discussed some certain pending issues, the slate is with the board to vote on. And once that is done and the board has acted on the nominated slate and approved a slate, then the next step would be moving to contracting and training the standing panelists.

KRISTINA ROSETTE: Susan, can I ask a follow-up? So I guess, and I apologize for not being more specific, I guess one thing I'm particularly curious about is, and I don't even know if this is the case, but for these proposed members, are there background checks? Are there kind of let's go back and do a final conflicts check? Is there that type of thing or has that already happened? Thanks.

SUSAN PAYNE: Yeah, I think that one's directed at you Liz, thanks.

LIZ LE: So thanks, Kristina, for the clarification. We have, as part of the process, at the beginning of the process, we did conduct a conflicts check for the standing panelists. And that is something that was an ongoing obligation of the candidates, excuse me, not panelists, but the candidates for those panelists to disclose throughout the process if there were any issues of conflict that arose.

                      Certainly before going to contracting, there will be, as you have alluded to, a due diligence process where there will be conflicts of interest checks and background checks that will have to be done as part of just a due diligence process before we go to contracting.

KRISTIAN ROSETTE: Awesome, thank you, Liz.

LIZ LE: Of course.

SUSAN PAYNE: Okay, and then if you don't mind, I had another question. And again, I'm not quite sure. I suspect this is probably best answered by you, Liz, but if David has the answer, I appreciate either of you. The first question is, what is the size of the slate? I think we know that under the bylaws, it

talks about a standing panel of a minimum of seven, but it would actually be really interesting to know what is the size of the slate that the CRG has sent through as being their suggested panelists. And then is there an expectation that all of them would be appointed, or is it a suggestion that only some of them would be appointed in the sense of, is it a slate of here are 13 candidates, pick seven, or is it here are 13 candidates, we think they should all be appointed, 13 I'm picking out of the air? And then any of the slate that the CRG has recommended, have any of them pulled out or dropped by the wayside because of, since this process began, perhaps because they have no longer the interest in going forward?

So all of the slate that have been recommended, are they all still in the running? I guess that's the question. And I, again, I'm not quite sure who it's best to address to.

DAVID MCAULEY: Yeah. Well, if I could respond and then ask Liz to speak to it also. The one concern I have, Susan, is I'm operating under terms of reference or terms of engagement that are requiring confidentiality. And so I have to be really careful about what I say. And so I think it would be fair to say that what was sent was somewhat more than seven. I don't want to give the number. And I think the board will have their discretion as to what— they weren't delivered in the manner of pick seven out of this number. It was a delivery of what we felt were qualified candidates. And so I think the board will be at liberty to make decisions as it best sees fit from this pool of candidates. But other than that—and I don't know the status of

people dropping out. Maybe Liz can help us there and on the thing that I just mentioned. Thank you.

SUSAN PAYNE: Thanks, David. Liz, is there anything you can add to that?

LIZ LE: Yes. I can add with respect to whether or not we have had any of the candidates that have withdrawn from the process. Just following up on David's answer with respect to the size, I agree with that, his reference to the confidentiality provision and the terms of reference itself for the CRG.

With respect to the withdrawals, of the pools of candidates that were submitted EOIs along the way, there was just a handful that did submit their withdrawal since the initial call for a special interest deadline expired, but not with respect to any of the people that the CRG have provided the slate for. We have not received any notice of withdrawal since the submission of the slate from the CRG.

DAVID MCAULEY: I have a question for Liz, and that is, Liz, are you, in the org, are you all in touch with the slate of candidates that was forwarded? Just to tell them the process is moving forward.

LIZ LE: That is something that [inaudible] has been in touch with them with respect to the process is still moving forward. Yes.

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SUSAN PAYNE: Thanks very much. One of the reasons obviously we have a great interest in knowing where the standing panel selection process has got to, but I think we also, as we'll come onto in a bit, we have some of our tasks allocated to the IOT are relevant to the standing panel, and including things like the suggestion of appropriate training. And so obviously it's of great interest to us to know when the panel, the standing panel might reasonably be expected to be appointed. And with that regard, one of the things that I had been thinking about, and again, we may come onto this, is if the standing panel is in place by the Hamburg meeting, for example, I would suggest and would be interested in getting the views of the group on whether it would be appropriate for us to invite them to a meeting with us, to have some conversation about some of the items that as we've been going through our rules, we've been identifying some items where we think, oh, the standing panel themselves might expect to take this forward or that forward. And indeed, we could talk to them as part of that kind of training exercise about what we've been doing in relation to the IRP rules. David.

DAVID MCAULEY: Thank you. I think that would be a good idea. And I'll just note that under the bylaw, once the standing panel is established, they can participate with us in fashioning the rules under 4.3 and they'll have a hand in this too, in the making the sausage.

SUSAN PAYNE:	Good point, David. And in which case, I guess then we would actually be wanting to invite them to join our meetings going forward, I would imagine.
DAVID MCAULEY:	Yeah, I think they would have the ability to say they're not yet ready. I mean, it would be up to them, but they certainly have the right under the bylaws to help us fashion the rules if we're not yet done.
SUSAN PAYNE:	Yeah, thanks, David. Kristina.
KRISTINA ROSETTE:	Maybe this is an AOB, but I may have to leave early, so I wanted to make sure that I raised it. And it's kind of brought to mind by the impending selection and finalization appointment, etc., of the standing panel. I think it would be really helpful for us, not today, but I think at our next call, or perhaps before our next call, and I'm happy to work with whoever would want to do it, is to do a working backwards timeline and figure out kind of when we want to have something out for public comment and what needs to happen so that we can make sure that we meet that deadline. I think Susan, you've just done Yeoman's work on this, but I think it would be helpful for all of us if we had a greater sense of urgency, because it seems kind of broadly, and correct me if I'm wrong, fellow IOT members, but I think we seem to be lacking that, and I think having a kind of, here's the date we want to get these out for public comment, here's the timeline we have to be on, we really need

to stick with that, I think that will work to light a fire under all of us. You know, obviously the fact that we're going into summer holidays is going to be a little challenging, but I do think overall that would be a productive exercise, and I'm happy to be involved. I'm not sure that it's been long enough that I've been deep in the weeds on the process to be able to say, here's everything that has to happen beforehand, but I'm happy to be very involved. Thanks.

SUSAN PAYNE: Thanks, Kristina. Yeah, I think that's a great suggestion. I did see another hand, but it's gone down, so I'm not sure if anyone else has any comments. Okay, looks like we can move on to the next item, which is just a kind of quick update on what we're doing, and actually, Kristina's point just now, did rather touch on that. So we've been working on the IRP panel selection rule three. As I mentioned, it's sitting with me to do a kind of cleanup of the draft of that, the amended draft of that rule, as to reflect our recent discussions, and in particular, we made really good progress on our last call, and I think came to a kind of a meeting of the minds on how we handle that.

So once that is out of the way, as I mentioned, we still have to clean up and finalize the rule on consolidation, intervention, and participation as an amicus. And we have a couple of things. I think it does warrant mapping out. We need, at some point, to do a public comment. I think we're all in agreement on that, and I think there's a bit of a question on whether we think it is better for us to have the actual proposed language of the rules drafted before we go out to public comment, or whether we put out for public comment kind of the output that we've

been working on, in the sense that much of what we've been working on has been what we want the rules to say, but we haven't actually done the legal drafting in some cases, or at least where we have done it, it still does need to go through some kind of a legal review and kind of fine tuning. And to my mind, my preference, I think, would be, I feel that the community would probably rather see the actual rules in a public comment rather than an overview of them. But on the other hand, that does build more time into the process, and it may be that we do a public comment and people have views on some of the matters of principle, and so does it make sense for us to get the input on those principle issues rather than the specific language of the rule?

Really interested in hearing what others think. As I say, I'm kind of in two minds. I can see pros and cons of both, so. Kristina.

KRISTINA ROSETTE: I'm going to split the difference and suggest that we pick a date, and it's going to be kind of arbitrary, but say we say the first Wednesday in September. Whatever we have done at that point, we put out for public comment as a, here's what we have so far, we're still working, but we wanted to make sure that the community saw that the work product we generated to date, we will be turning these principles into actual rules, but to ensure that kind of transparency and accountability. And frankly, I don't want us to create our own bottleneck. I think that might, if we're allowed to do it that way, I would actually think, I would prefer that we do it that way, thanks.

SUSAN PAYNE:	Thanks, Kristina. Malcolm.

MALCOLM HUTTY:	I have no particular view on consulting on a fixed date on principles, but I strongly believe the community expects to see the actual proposed text, and we can't allow ourselves to get into a position that the, oh, well, we consulted on these principles, we've now implemented that in a way that we think just follows naturally from the principles, so there's no need to consult on the text. If we are to do this preliminary public comment round, I would strongly request that it include an explicit commitment to the community that we will be publishing, for public comment, the full text of our proposed final report.

KRISTINA ROSETTE:	I completely agree, and I apologize if I wasn't clear on that. I don't mean to suggest that we wouldn't put the final rules out for public comment. My point was more of let's get at least something out to the community while we're continuing to work so that we show people that we've actually accomplished something, and quite honestly, if there is something in our principles that is going to give the community significant heartburn, I'd rather know before we spend the time turning it into a rule, right?

SUSAN PAYNE:	Liz.

LIZ LE: Thanks, Susan. So I think Org agrees with what Malcolm stated, which is I think if we're going to go out for public comment, definitely that it is something that the community would expect to see for post-final language on a provision. For example, to Kristina's point, if we feel that there are certain provisions where we've, as the group, accomplished and reached consensus on or agreement on, and we're done with that, and it's appropriate to move it out for public comment with the proposed final language, I think that's something that we can consider doing as a way to show the community that this is moving forward. And we don't have to wait for the wholesale completion of the entire updated language. So we can move out with the portions that are done. And then as we continue to work on the remaining provisions that we need to iron out. That's just something we should propose to consider as a group.

SUSAN PAYNE: Okay, thanks. Oh, Flip.

FLIP PETILLION: Thank you, Susan. Just a thought. I don't know what we would have ready, what we would not have ready. I would find it very bizarre to come to the public with part of work done and not with one complete set. Also, I have my thoughts on the involvement of members of a standing panel. In discussing the rules, that they would be asked to apply and possibly interpret. I've never seen that in the past. And even if that were provided in the bylaws, I would really like to see where that is. There can be secondary or supplementary rules, but that's for a center to develop, not for the panel. And there may be some rules that

parties and the panel agree to, and that's part of a procedure order. But involving panel members in the development of a policy that is actually intended for them to apply, I've never seen that.

SUSAN PAYNE: Yeah, David, thanks.

DAVID MCAULEY: Let me comment on that because I made that comment originally, and I want to make sure I'm clear. And I think I appreciate Flip's Let me read it, it's just one sentence, just so we know what is at play here. The IRP implementation oversight team, and once the standing panel is established, the IRP implementation oversight team, in consultation with the standing panel, shall develop clear published rules for the IRP, etc., that conform with international, etc.

So the operative words are, we will develop the rules in consultation with the standing panel. But I mean, Flip's point, I understand his point, but I mean, the bylaw is what it is, and so I just wanted to make sure I was clear about that. Thanks.

SUSAN PAYNE: Thanks, David. And there certainly are elements, as we've been going through, that we've identified elements where we think that perhaps we should be leaving that to the standing panel to determine how best they want to play something, haven't we? Which I think probably does fall within the realm of in consultation.

Okay. Again, we're not a huge group. We'll probably talk about this again, but I think taking Kristina's suggestion of let's work back from when we need to get something out, or when we would wish to get something out, I think we are, in terms of the rules that we still think we need to work on, we're close to done, and so I don't think we would be in a case of putting out a couple of sections and telling people we're still working on other sections. I think we're close to feeling that we've done what we intended to do. So hopefully, with that in mind, we can come up with a date that we will be trying to work towards for a public comment and act accordingly. David.

DAVID MCAULEY: I just wanted to remind us, under the bylaws, that we can ask for assistance of council. So when we get to the point of either writing rules, or the actual text of the rules, or asking council to write the rules, or check what we've done to make sure it's right, we can ask for assistance of council. Thank you.

SUSAN PAYNE: Yeah, good reminder, thank you. Okay, all right, I think we can move on then to our next agenda item, which is just to give us a bit of lighthearted relief, I think, from the time we've spent talking about the rules, to looking at some of the other responsibilities that are allocated to us. And I thought this was a good opportunity to kind of remind ourselves of what else we need to work on, and particularly bearing in mind that we are anticipating we'll have a standing panel in place quite soon, we hope, that there are some tasks that are directly related to the

standing panel. So, Brenda, if we could go to, I'm not sure if it's the next, it's probably the next page.

Yes, so this is just a summary, and it's taken from—we did have, very early on in the second phase of this IOT's work, when it was reconstituted, we did gather together a list of items that were on our slate, and these are the ones. I'll run through them kind of in turn. In some cases, the task is very clearly allocated to us, and in other cases, it's not quite so clear cut, but so I think it's worth us looking at that. But in terms of the standing panel, there's recommending training for the standing panel, a recall process for the standing panel to be developed, and potentially standing panel conflicts of interest work.

And then in terms of other matters, the rules for the cooperative engagement process are a big one. Also appeals, and then, it's down here, is consider designing specialized rules for PTI service complaints, and we'll come on to that one in a moment as well. But if we could move on then to the next slide, Brenda.

The first one, I think, is there's no real doubt here, I think, that it's a task allocated to us to recommend the minimum training to be provided by ICANN on the workings and management of the internet's unique identifiers and other appropriate training as recommended by the IRP implementation oversight team. I think, to my mind, this has now kind of risen to the point where really it's a bit of a priority for us to take forward. And time permitting, I did think we could also even just do a little bit of general brainstorming in a few moments on the kind of things we think would be appropriate for training for the standing panel.

And so we will, again, I think, circle back to that in a minute. But the other items related to the standing panel are bylaws 4.3(j)(3), again, specifically identifies that appointments to the standing panel should be a fixed term of five years with no removal except for specified cause in the nature of corruption, misuse of position, fraud, or criminal activity. And the recall process should be developed by the IRP implementation oversight team.

So again, that's something that we need to do. It's perhaps not—and to date, we haven't had a standing panel, so we haven't needed a recall process. Optimistically, we'd like to think that this would perhaps rarely be needed. One would hope it wouldn't be needed almost immediately that the standing panel's in place. But clearly, there is a need for some work on that to be done.

And I had a question, and it's really just a floating question. I'm not necessarily expecting Liz or anyone else necessarily to be able to answer it now. But is there any other existing recall process that's within this space that we could build off? I know, for example, that there's a standing panel for the PIC DRP where there are a slate of arbitrators, and I don't know whether there's any kind of recall process that's been developed for that group of individuals. And so it's something I hope that we can look into and see if there's anything we can use as at least a starting point. Flip.

FLIP PETILLION: Thank you, Susan. I would like to come back, if you allow me, to point one, where there is, in the text, "and other appropriate training as recommended by the IRP IOT."

What I would like to propose is that we think of recommending either that the training provided by ICANN is done with the company of players in the market, like registry representatives, registrars representatives, or that we recommend that additional training be provided by reps from registries and registrars, because otherwise, and I've raised that before, you would actually have a situation where clearly one, not potential, but real party in IRP would have trained the standing panel members, whereas there wouldn't have been reps from the other potential involved parties, which would create some inequality, and that would definitely lead to discussions. And with a view to be pragmatic and to help avoiding that kind of issues, I think it would be good that at the training phase, there would either be an accompanying of ICANN by reps of registries and registrars, or additional training by reps of registries and registrars. Thank you.

SUSAN PAYNE: Thanks, Flip. And David, if that's a response to Flip, I wonder if you could just hold that thought for a moment, if you don't mind, because I think that's exactly the conversation I would like us to come on to. So we will just run through the rest of the next couple of slides, just to get to the end of that slate of items that are allocated to us to do. And then I would love to have exactly that conversation about the kind of nature and content of the training that we think we should be recommending. And obviously, we're not going to reach all of our conclusions on that discussion today, but I think that's something that we can usefully start thinking about now as we're also continuing with our work on the rules, because it is something that we will need really soon. So thank you. Yes, we will absolutely pick up this conversation in a few minutes.

So if we can go on to the next one. The last of the ones specifically that are called out relating to the standing panel is about standing panel conflicts of interest. That's bylaws 4.3(q)(i)(B). And that deals with conflicts of interest and talks about standing panel members' independence from ICANN and its SOs and ACs. And there are some criteria that must be adhered to, including any additional independence requirements that this group, the IOT, develop, including any term limits or restrictions on post-term appointments to other ICANN positions.

And I wanted to flag that. There's a reference to term limits. We already know from one of the previous provisions in the bylaws that we just looked at that the standing panelists are expected to be appointed for a fixed term of five years. And so I'm not quite sure what else is envisaged in terms of term limits. It seems to me probably that we might want to think about things like, should there be any limit to the number of times a standing panelist could be reappointed? You know, how long should you have off the panel, off the standing panel before you come back onto it? That kind of thing might be the considerations that we want to think about. And as it says, we might want to think about whether there ought to be any kind of restriction on someone moving from being a standing panelist to taking up an employed role at ICANN or being elected onto the ICANN board or something of that nature.

I'm not saying we necessarily will come to the conclusion that we need those things, but I think it's set out in the bylaws that that is something for this group to give some consideration to. And so again, I think this is something that's on our slate. It's not necessarily our most urgent task

because the standing panel, once appointed, they do have a term limit of five years. So we I'm not saying we need to leave it for five years, but it's not our most urgent task, but it is definitely something for us that we've been asked to consider. And then if we go onto our next one. Thanks, Brenda.

So I reproduced, so that we have it to hand if people want it, bylaws 4.3(e)(r)(i) and this talks about the cooperative engagement process. And as you'll see in the bolded text, cooperative engagement processes shall be conducted pursuant to the CEP rules to be developed with community involvement adopted by the board and as amended from time to time.

So this is one of those items that's not actually allocated to the IOT specifically by name. But it seems to me that it makes sense for there to be the involvement and activity of this IOT group in developing those CEP rules, given that there's so much connection between the cooperative engagement process and the IRP itself. But first off, keen to get the thoughts of the rest of the group in terms of whether anyone— do others agree that this task does fall to us? Or perhaps more to the point, does anyone think it doesn't fall to us?

And then it may be that we need to seek the views of Org as to is there anything we need to do if we think this is a task for us in order to formalize that? Kristina.

KRISTINA ROSETTE: I definitely think it falls to us. And I think the expectation of the broader community is that CEP is in fact going to be a topic on which we are

going to propose rules. And I guess my interpretation of this would be that the community involvement would be A, the fact that all of the IRP IOT members are community members and B, presumably would put them out for public comment and take those public comments into account in finalizing any rules. So I certainly understand why you flagged it because it is, at least at first glance, not as clear as you would like. But the reasonable interpretation seems to be, yes, it's us, at least in my view.

SUSAN PAYNE: Thanks, Kristina. David.

DAVID MCAULEY: Thanks, Susan. I agree with what Kristina just said and I also wanted to provide just a short bit of background. Coming out of the Work Stream 1, there was a work group stood up to create the rules for the cooperative engagement process. And it was only two people, Ed Morris and a young intern from Southern California University. And they were struggling and Ed—I think Malcolm, you may actually have been there when this happened, but I think it was in Johannesburg, I forget.

But in any event, Ed came to me, I was chairing the IOT at the time, and said, "Can you all do this?" And so we said, well, we will do our best when we're done with the rules. And so it seems to me like Kristina was saying, it naturally falls to us, but that's a brief history of the CEP rules.

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| SUSAN PAYNE: | Thanks, David. Yeah, okay, and I'm seeing nodding. Oh, huh, it looks as though from the chat, we've lost Liz and possibly Flip. We've lost audio. Huh. Our microphones are on and obviously we can hear, but it sounds like our remote participants have lost us. Recording stopped. |

[END OF TRANSCRIPTION]