BRENDA BREWER: And good day everyone, welcome to the IRP IOT plenary on 27 June 2023 at 19:00 UTC. Today's meeting is recorded. I would ask that you please state your name for the record. And I'll turn the meeting over to Susan. Thank you.

SUSAN PAYNE: Thank you very much. Thanks Brenda and hi everyone. Thanks for joining. It was good to see some of you at least in Washington DC in person and I think we were having a kind of reasonably productive meeting when we had some technical issues, so that was a little unfortunate and I think, as a result, I'd like us to try and finish up what we were discussing. We were having quite a good discussion about some of the outstanding items, the other things that are on our plate, outside of the actual rules. And just to note that we've got a few more joiners as well so welcome to those who've been able to join, we're just kicking off.

Okay, so first up as usual we'll do a quick review of the agenda and note any updates to statements of interest. I'll do that bit first. Does anyone have any update that they need to make to their SOI? Okay, I'm not seeing any so I will keep going.

So on our agenda as usual, we'll just revisit the action items that we have. Agenda item three, I'd like to touch on the planning for a public consultation on our work so far, and possible the possibility of doing presentations to the community at ICANN 78, we'll come on to that when we get to that agenda item.

Agenda item four is an update on the current status of the rules. And then five, I put on the agenda as continuing the discussion on the standing panel training. In fact, when I looked back at where we got to before the tech problems in our face to face meeting, it looks as though we cut off when we were talking about the cooperative engagement process so there are just a couple of other items that were referenced in the slide deck that I think we need to go back to before we get on to a discussion on standard panel training but I'm hoping that that will be the bulk of our call. And then, just finally, in case there's any items of AOB.

So, coming back up to the agenda item two and the action items. I've got a few action items. I haven't captured them in the agenda. But I think the ones that we have, by my reckoning, are firstly looking into possibly a day zero or more than perhaps one meeting slot for a substantive working sessions for us to meet in Hamburg. We are up against timing issues, particularly if we were going to try and get a kind of a day zero and I do wonder how achievable that's going to be given that things like travel requests, apparently the deadline is already passed for them.

There's some possibility, but when we come on to our third agenda item, it may become clearer what time we need during the meeting. But in any event, I've captured that as an action item for exploring. We have talked about potentially meeting with the standing panel members, if they've been appointed by Hamburg. I don't know whether that will be the case. We heard from David regarding the standing panel selection process that that he thought that that it was fairly close. Again, keep that on our running list of action items to come back to.

The next item was looking into the timing of putting out our work product to a public comment. And as I said, that's what we'll come on to on agenda item three. And then we also or I also have an action item to reconvene the consolidation sub group, at least briefly probably for one, perhaps a couple of meetings but hopefully just a single meeting if possible, and then so that we can then bring the proposals from that group back to the full working group to review and discuss any outstanding items. So I think those are the main ones. There is one final one actually that I nearly forgot which is as mentioned on our at our last meeting, it's also sitting with me to just clean up the proposed rule. I want to say it's three, the one on selection of the IRP panelists and circulate that around. That's something that we're going to—So we agreed to finalize over email where if at all possible, rather than—since our discussions, I think, have really concluded on that.

So those are, I think, all of the action items. Do shout if I have missed anything. Kavouss, go ahead.

KAVOUSS ARASTEH: just a small correction on agenda item five. Please replace training by briefing. We don't train the panel. We brief them. Thank you. Thank you very much.

SUSAN PAYNE: Thanks Kavouss. So we'll come on to this as a topic for discussion. But I think what we're charged to do under the bylaws, as we'll come on to, is to identify or make suggestions as to training. So it's not a suggestion that we train them. It's more a suggestion that that it's a task that we

have been given to come up with suggestions for training for the standing panel members. I hope that that clarifies.

Okay, so agenda item three relates to really—as we were talking in DC about our desire to wrap the work on the rules up and how we thought it was best to go about seeking public comment input. And I think there was a general feeling that that whilst we do believe that that ultimately the final version of any actual text of the rules will need to be seen by the community before being finalized.

Nevertheless, we did feel that that we should put out for public comments what we have in terms of an explanation of what we've been doing and the proposed changes that we propose to make in various parts of the rules before we have the legal language finalized, because we could find ourselves with quite significant input from the community and it could obviously result in in changes to what we're proposing. And so we might then find ourselves going back and having the final version of the rules redrafted more than once.

So I think that that's really where we seem to coalesce at our last meeting. And that certainly makes sense to me. And so with that in mind, and I wanted to share with you my desire for us to get something out for public comment before ICANN 78 if at all possible. That would be basically, I think the text that we've got of changes that we're proposing to the rules on various aspects. And also a kind of report explaining our thinking and the options that we've explored and how we've reached the conclusions we've reached.

That would then give us the opportunity to, if something is published in advance of the ICANN 78 meeting, it would then give us the opportunity to have a session with the community during ICANN 78 where we could explain what we've done and answer questions. And assuming that the timing is correct, then it would also enable members of the community to have that discussion with us before the deadline is reached for putting in any comments on our output. That's a reasonably tight time limit. I've spent a bit of time today just kind of trying to work out timings and I'm seeking Bernard's input on that in particular in terms of whether he thinks some of those timings are realistic and how much time we need to allow for things like finalization of our output and kind of formatting for publication and that kind of thing. But it really gives us between now at the end of June and the end of September, pretty much to get things wrapped up and into a state where we can put something out for public comment. The ICANN meeting begins on the 21st, I think it is, of October. There is a an expectation. I'm not sure that it's exactly a rule, but there's certainly an expectation that there's a gap of three weeks where documentation isn't published in that kind of three week period before a meeting. I'd say that kind of tends to get breached quite often. But certainly, it would be something that we should be aiming for. So we should be aiming to get something out, I think, about three weeks before the meeting. Again, this is the detail that I'll be kind of confirming with Bernard over the coming couple of days. But something roughly along those lines of us having to wrap up our work on the rules and get it pulled together into a form that we can put out for public comment between now and the end of September.

So I wanted to flag that there's obviously a bit of work to do, but I think we've really done the majority of the work. We spent a lot of time talking about the rules. We probably could go through and spend more but there comes a point at which I think we do have to go out to the community and show them what we've been working on and get some input on where we've reached in our work. So I'll just pause and see if anyone's got any questions or immediate comments on that. And I see, David. Thanks.

DAVID MCAULEY: Thank you, Susan. So I guess my hand is raised a little bit for clarification. I'm not sure I quite understood what we're doing. In this respect, when you first started talking about it, I thought maybe you were talking about going to the community with a summary of what our thinking is, where we think we're going to land on the rules. But then as you finished, I thought you were more talking about we should endeavor to complete the rules and put the rules out for public comment. If it's the latter, then I think that's a good idea. I mean, if we could do it. That's a tall order, but God bless us. I hope we can do it. I would be very much supportive of that.

I think we have, as you said, had a lot of discussion about the rules. Maybe we could just put them on the table. One of them that will be tough is rule four on timing, obviously, but maybe we could say it's time to make a decision on one of the two widely divergent alternatives or something in the middle, but it's time to make a decision. We should discuss amongst ourselves will there be minority statements. I imagine there will be on some of the rules.

So if it's that, in other words, I'm envisioning one public consultation on the rules. And then when the public comes back, maybe the final draft would be tweaked, as you said, based on the public input. But I was worried that what you were first saying what might lead to two public consultations. And I don't think that's what we want. So maybe I just didn't quite understand. But if it is a drive to finish the rules and get them out for public comment, I fully support that. Thanks.

SUSAN PAYNE: So, David, with risk of disappointing you, it was nearer to the former than the latter. In many respects, we've had quite a lot of detailed discussion on changes that we've made and we've pretty much been undertaking that kind of drafting exercise on much of this. But in terms of what the language of the actual rules is going to look like, it will obviously be based on what we've produced to date, but my understanding is that it will have to go to ICANN Legal, whether ICANN Legal would handle it themselves or whether it would be something that that our colleagues at Jones Day would handle to actually finalize the text of what the rules will look like.

And my reservation about us striving to have that all done before we go out to public comment is that I don't think we will meet an ICANN 78 deadline, if that was the case. And I think as we talked about a week or so ago when we were at the ICANN 77 meeting, there were some of us in the group who had some reservations that if we went to the step of waiting for until we've got that cleaned up draft language before we go out to public comments, we then run the risk of getting significant pushback from the community on some of—on perhaps an aspect of

the rules, such as the timing rule or something. And potentially have been waiting for that cleaned up draft language and have to then change it as a result of the public comment.

So I think I wouldn't go so far as to suggest that we would then revise the rules and just go forward with them. I think the community will want to see them, but it would be, I think, at that stage, a very limited public comment just on, does the text as drafted actually reflect what the intent was? That's my thinking. Anyway, I'm open to feedback from this group. And if there's strong feeling that that's not the right path, then we can reconsider. But that's certainly my current thinking. Kristina.

KRISTINA ROSETTE: Hi. Thanks, Susan. You know, I want to agree with David in the sense that I do think that would be the ideal path forward. Unfortunately, I am not very confident that it's realistic to think that by the deadline that we would need to meet in order to get rule language drafted, agreed upon by all of us and then sent to ICANN, whatever that process is, I just realistically don't think we're going to meet that deadline for Hamburg. And given that if we don't meet that deadline, we're then looking at another five months before there's another meeting. And yes, I realized that we can certainly put things out for public comment other than in connection with an ICANN meeting. However, I believe that given how important this work is just overall and the interest within the community in it, I do think that we and the community and ICANN Org itself are best served if we are in a position to accompany that publication for public comment, along with a session that reviews what

the work has been done to date and takes input. I think ultimately, where I'm coming down is although it just goes against my grain to put something out that isn't "ready for prime time," I am very concerned about our, not to use another cliche, but I'm going to, I'm concerned about letting perfect be the enemy of good here. So my vote is that we plan to have something out for public comment in time for Hamburg and if we can get it as close to final form as possible, fantastic, but I do absolutely think it's criticval we get something out in time for Hamburg. Thanks.

SUSAN PAYNE: Thanks, Kristina. I've got a good queue now. So I've got David and after him, Malcolm. So, David.

DAVID MCAULEY: Thank you, Susan. Hi. So based on what you and Kristina have said, I recognize this is not the easiest thing in the world to try and plan and pull off, etc. I'm still of the school that wants to caution us that we should only seek one public consultation on this, on the next iteration or the final iteration of the rules. And I would mention that when we did the interim rules, with respect to the drafting. It's, it's the IOT that did the drafting. And I think ICANN Org's legal department had a big hand in it, for which we're grateful, I think.

But it's possible that we could draft something that's close enough to the rules to be the rules and then at the end, we could hand it off to a quote expert, somebody like Sidley Austin, who drew up the IRP to begin with, or whoever the expert is. And the bylaws give us the right to

use an expert to polish the language so that they look more like professional rules. But I think we could come up with rules that are subject to comment.

I'm of the mind that potentially asking for public comment in two iterations on this would be unwise. Then, with respect to schedule. I do agree. This is an incredibly tough schedule. I'd love it if we would try and commit to do it. But there is an alternative in even if we didn't have a day zero event, but had for two-hour sessions throughout the week or whatever it is, we could invite the public to please come and set the table for them by saying in the coming month, meaning October or November, we're going to seek public consultation on the rules. Come and listen to this, come and get an understanding of what we're doing. We'd have to commit to this timeline, by the way.

And that would seed the ground for public comment, would give us time to wrap up the rules, we may need it. We're coming up on summer months in the northern hemisphere. And is a way forward. And it would be another way, I think, which is an important thing, to draw back those of our members who have become a little bit less active, and get the IOT back up to speed, back up to depth and strength and all that stuff. You know, this could be something we can all rally around and say we've got to come up with this nub of rules. We've got to invite the community to come and see us. There we can discuss what our thoughts are. We could have that more loose language of this is the way we're going. This is the direction of travel. What do you think? We could have a session where the public gets to comment and then commit to putting out the final product.

Anyway, I guess I'm not persuaded is what I'm saying. But I appreciate your comments and Kristina's. I do accept that it's very, very difficult. Thank you.

SUSAN PAYNE: Thanks, David. And I will obviously take what you said on board and give this more thought. Malcolm.

MALCOLM HUTTY: Thank you. No one would be happier than me to have this all wrapped up in a nice little bow by November. Well, there's no round, no need for any further public comments and it was all ready to go and done. If that could be achieved. But I must say, I think we've got some way to go since then. I think I want to focus on the things that I think are most important. It is really important that when we produce the final version with the text of what we are proposing, that goes out for proper public comment. There's no substitute for that. This is far too important work to slip this through on the sly.

And that also means that I don't think there can be any question with that public comment being done between ICANN meetings. Yeah, it would be grossly disadvantageous to those parts of the community, particularly on the Noncontracted Parties House who really only have the opportunity to or can really get the notice of what gets realized, get to notice what's happening in the ICANN world in the context of an ICANN meeting. It's a very important time for the community to come together and to exchange information and to bring each other up to speed.

Now, for those that that live and breathe this like Verisign and all the rest. Yeah, yeah. Of course, you're watching the ICANN front page announcements on a daily basis. But for the Noncontracted Parties House, we've got to be a little more respectful of the level of engagement that they can put on a project that's what, seven years old or something. Yeah. So we've got to have a proper public comments and it's got to include an ICANN meeting.

Now, are we going to be able to make that full thing in time for November? I doubt it. If we can, then great. But I must say, Susan, I tend to agree with you. I think it's unlikely. And if that's not the case, then that just raises the question of, well, what should we do in November? Yeah. Do we leave this till ICANN, I guess, 80 and do nothing in November? Or do we put out an update and call for views on where we're headed? Yeah, that seems to me the options that are supportable.

And I don't see why we should be too precious about saying we don't want to consult multiple times as being a way of meaning, well, that means we have to be silent in November because we're not going to be ready with a full report, a full and final report by then. So I'd be happy to go along and support what you suggested, Susan, but not at the cost of compromising the fundamentals of a proper, robust and public comment with all the stuff laid out clearly where the community can see it with an ICANN meeting during the course of the public comment. Or as the launch of the public comments or as the end of the public comment. Thank you.

SUSAN PAYNE: Thanks. Thanks, Malcolm. Okay, Flip.

FLIP PETILLION: Thank you, Susan. I very much agree with what I've seen and heard. I saw Becky's comments. I entirely agree with it. I saw David's, Kristina's, Malcolm's. How could I disagree? But I would like to apply the Jeff Bezos approach here, and that is, what do I want to achieve? I want a process that is applicable, that is working at a certain date. What's that date here? And let's just look at the IRPs that we had in the past.

The main part is related to applications for new TLDs. We only had one or two that are not related to the applications for a new TLD. So, that's what we need to really work towards, that is, have this ready for the moment where new applications will be applied for, new TLDs will be applied for. That's, I think, the milestone that we have to look at.

And I would then go back in time and try to see, in view of the new subsequent procedures, how we can fix a date to post rules. I agree. We need to be practical and show what we've done. I mean, we've been busy. I have personally been involved, I think, but David, Susan can correct me, but I think I've been involved since 2018. That is five years. And I know you guys were actually already involved before that. So, the community wants us to be concrete and to come back with something. We need to do that.

But I try to be pragmatic here and to think of a concrete purpose for which this should be installed, and it's the SubPro. I would very much support the idea to get the core of this team, probably the whole team, that should be the whole team, focus on the total package. Try to get it

ready. If we have something to exchange among ourselves, do it as soon as possible. So that we can go back to the community with a concrete set. I think we really need to, we owe it to ourselves, we owe it to the community. That's what I would really propose we try to do.

SUSAN PAYNE: Okay, thanks, Flip. Okay, David, it looks like I'm going to give you the last word on this and then let's move on.

DAVID MCAULEY: Okay, thanks. I agree largely with all the comments that have been made. I just wanted to add one bit. I agree with what Becky put in chat. I just would caution us, as I said, about the number of public consultations we do. I think we should do one. But I think agenda item four is an important one. What's the current status of the rules? I think we need to find out what's the current status of the rules. What's the gap between here and just winding this up? Is it language? Is it making a decision on a rule? What is it? And I think we should do that. But I also think, and that's why I raised my hand this last time, we should encourage those who have drifted away to come back, that we are on the cusp of winding up the rules. If there's anything that this conversation demonstrates, it's that, I think. We are at that point where we're now saying to ourselves, okay, we're going to close this down. Is it going to take us two months or is it going to take us eight? We want to make it the shorter end, but we're on the cusp of closing this down, so let's do it. And let's invite back those that have been less active and say, you committed to do this. We are at an important stage. We're going to

now set the table as to what needs to be done on the rules, where we are, and how do we close this down and get them back, maybe add one meeting or two meetings more than we thought we were going to have between here and ICANN 78, and just close down the rules. I think we can periodically discuss the training and other things, but let's focus on the rules and get them done, hopefully with one public consultation. But anyway, so I think I agree with everybody. I think we're just trying to figure out the way forward. And I hope as we do it, we invite back those others and say, please come back. We need your help. Thank you.

SUSAN PAYNE: Thanks, David. I will just mention, I'll come to Flip and I will give you the last word, but I really think we should probably move on and I'll give some thought to all of the feedback. But in terms of inviting back those who have dropped by the wayside, I have tried that more than once, including in-person conversations with them in DC. And I am not confident that any number of invitations will get them to come back. In some cases it's because, for various reasons, but some of them include things like they've taken on certainly for the moment, indeed other responsibilities like chairing a group that's on a very, very tight timeline and they see themselves as being more useful there than they are here. And so at least for the moment, that's not to say they will never come back, but they're aware of what we're doing. They're keeping an eye on our emails. But I have done what I think I can do in terms of trying to encourage them back. And I don't think I can do more. Flip, thanks. And then we will wrap up on this and move on.

FLIP PETILLION: Thank you, Susan. Flip here. I very much hear you, David. And you should be applauded for your approach. You want to give an opportunity to people to come back and to re-participate in the conversation. But we are not in a due process here. People have had an opportunity to participate and if they haven't, if they opted out, if they choose not to participate or not to participate anymore, that's their choice. We are not in a litigation here. So they had their chance. And I agree with the comment by Becky. This could be a re-argumentation, a reopening. And although I very much appreciate your openness, it's very fair, it's a gentleman's approach, but I think it's going to be counterproductive.

SUSAN PAYNE: Okay. Thanks for that. All right. We will move on perhaps. I'll pick this up outside of this call, but perhaps we even need some kind of a straw poll to make a decision. I guess at the moment, I'm hearing two schools of thought, one to wait until we've got everything and get that out, and the other that we should just get something out so that the community can see what we're doing, the direction we've been going in. You know, we know some of this is controversial, so the sooner we explain where we've got to and what our thinking is, the better, since it could impact what ends up being the final version.

I don't think anything stops us doing more than one public comment. I'm very sensitive to Malcolm's point that the community will want to see what the final version of the rules is, and I'm not in any way suggesting that we don't do that. Bernard.

BERNARD TURCOTTE: Thank you. Just a note for everyone involved in the discussion. Regardless where we end up on this, however we get to our final product and we say this is it, let's remember, I believe the board's going to want to hold its own public consultation on what we come up with. So if we only do one, and then there are significant comments, and we have to make significant changes when we send it in to the board, it's going to go back out to public consultation. And then, if we did not address those properly or explain why we did not address those properly, the board's going to be in a bit of a quandary, probably. And that is something we probably want to avoid. So, something to keep in mind, because in my mind it's very unclear that there will only be one public consultation on this. Thank you.

SUSAN PAYNE: Okay, thanks Bernard. And good reminder. All right. Moving on to the next agenda item and the current status of the rules. I touched on this a little when we were talking about the action items. We are largely agreed, I believe, on the proposed changes we're making to Rule three, which is about the selection of the IRP panel. Brenda has put out a doodle poll for me just earlier on today to get together the group that originally looked at the consolidation, intervention and participation as amicus for us to revisit that and hopefully bring that back to the full group very shortly.

In terms of when we've looked previously at sections of the rules that we felt needed to be addressed, those were the ones that we identified.

That does mean we haven't reviewed and amended every section of the interim procedures, but that doesn't necessarily mean that we haven't completed our job. I think what we have done is looked at those parts of the rules that certainly when I came into this process had been identified as having had some problematic elements.

So I think we'll want to kind of run through the kind of package of what the rules look like and see whether we think there are any glaring issues. But other than that, I think that is where we are. What we have is, in some cases, is kind of a statement of how we think something should be handled. In many cases we have largely a redraft, but it's not a redraft that's been through the legal team for a proper review and there are elements around a sense check on things like timings to make sure that they all fit together, which really does need to get done when we've got a sort of package. So there are sort of tidying up elements like that that we do need to think about, or will need to do, but that's where we are.

But again, I mean, there are some big topics we've looked at and proposed changes to. Timing is not the only one, of course, but this certainly was my thinking in terms of trying to get something out. So at our next call, it may be that we're in a position to bring back the consolidation rule and work on that collectively. In fact, I suspect that may make sense, but I will give some thought to what else we can do if we're not quite in the position to do that by the time we have our next call.

But other than that, that was really all I wanted to say on the current status at the moment. Particularly, I think, I don't think I have either

Sam or Liz on here, so I don't know if they have any particular thoughts in terms of drafting time, but as we've been talking about, I have a reservation that if we're seeking to have the final language drafted and agreed by all of us and tidied up, I don't think we will meet the Hamburg meeting. I cannot see it happening. There just simply isn't enough time. And so we are then looking more like the meeting after that. And that would seem a shame.

Okay. Malcolm.

MALCOLM HUTTY: Thank you. I must come back to in support of your suggestion, if that plays out as you said, and I think you is very likely that it will, that still leaves us a question. So what are we going to do in November? If we're going to work now, if we're agreeing now that we want to work towards a report, but the final report needs to have the full complete wording, we can try for that to November. But if we don't get there. If it's not ready by then, then the question is, do we show the community what we've got so far, or do we not? So we just keep quiet about it? And I don't know that I have heard any good argument or persuasive argument as to why we should be not [inaudible] the transparency. In other words, go ahead with what we have making clear that a fully articulated final report will also be made. Which would essentially seem to be what you're suggesting, Susan.

SUSAN PAYNE: Thanks, Malcolm. Yeah, I would just flag. I don't think it's November. I think the meeting is in October. So we're really talking about September

here in terms of needing to be ready, not November. If we were talking about November, I might feel that we've got more time. Becky, you put your hand down. Is that what you were going to say?

BECKY BURR: No, I was actually now just going to check that. Only because I am very anxious that somehow we have to wait till March if we miss the Hamburg opportunity. And we are going to have a standing panel before too long. Hopefully before March. And the standing panel would be an excellent source of expertise to have us finish off things that we can't agree on. So I guess my inclination is to the extent that there are rules that we've reached closure on and are ready to move on, I'd recommend at least taking those and seeing if we can get them out. I appreciate, given summer holidays, that's not all that far away. But March is a long way away from now.

SUSAN PAYNE: Yeah, thanks, Becky. Okay. All right. To be continued, I think, but let's move on. I think we've all aired our thoughts on this. Item five, agenda item five, as I mentioned, it listed as being the discussion on the standing panel training, but I did want to just finish off just identifying the other items that were in the slide deck that we had for our last meeting because we had our technical issues and we didn't get through. So, Brenda, if I could ask you to call up the slide deck. Perfect. Thank you.

So, when we had our discussion in Washington DC, this is where we got to, we were on slide five and we were talking about the rules for the

cooperative engagement process. And specifically I'd posed the question that was at the bottom of this slide, which is essentially, does any of this group feel that it isn't a task falling to us, the drafting of the cooperative engagement process rules?

And Kristina made some comments that she certainly interprets this as falling to us and she would argue that the community involvement that's referred to there in that bylaws section would be met by the members of this IOT, since we do come from the community. And David McCauley had reminded us that there had previously been a couple of people, including Ed Morris, who were spun up to look at the cooperative engagement process rules and that they'd come to David when he was the chair of this IOT and asked if the IOT would take the task over.

So I don't want to sort of belabor this point too much, but I just, since we were cut off as we were talking about this, I didn't want to not come back to it. So really, just a sort of final opportunity to flag that from my perspective, I think that the development of the rules for the cooperative engagement process is something that falls to us, even though the language of the bylaws doesn't specifically name check this group. But I wanted to just pause and give the opportunity in case there's anyone who disagrees and feels that that isn't a task that's been allocated to us. Okay. Oh, David.

DAVID MCAULEY: Hi, Susan. It's David again. I certainly agree it falls to us. I think there's a subset of us that we might ask to lead that process. Practitioners like

Flip and maybe Mike Rodenbaugh and Sam and Liz or other ICANN Legal staff who participate and see cooperative engagement process to sort of set the table for us. What kind of rules are we talking about? Is it a light touch because it's like a mediation or that kind of thing.

But I think the way to determine that it falls to us is to ask who else could do it. I think we're probably in the best position. Thanks.

SUSAN PAYNE: Thanks, David. Yes, I would agree. There are some previous rules. They are quite light touch from recollection. It's a sort of a page or so, I think, but it does set some timings and things like that. I think it's probably a pretty good starting point, but it certainly is—the process that exists at the moment is under the old bylaws. And so it definitely is out of date and kind of could do with being revisited.

All right. So that's that. Oh, sorry, Flip.

FLIP PETILLION: Thank you, Susan. Flip here. Just a very last second comment that came into my mind. It absolutely needs to be reviewed because it doesn't work. And it's a unilateral process. I mean, I'm just stating the reality here. It's only working from one side, not both sides. And that's not what it should be. In all honesty, it should be a cooperative engagement process. There is no cooperation. Absolutely not. It's a one way ticket. And there is one party receiving info and the other one is just getting nothing. We have to face that. We have to accept that. And ICANN has to accept that.

And the open discussion that we have here on this topic should be an intellectual open discussion with a view to coming to an alternative that is really working, because what do we want to achieve? We want to avoid IRPs. And how it has been working and been drafted so far, it doesn't avoid them. It's just a step that everybody takes because nobody dares not to take it because otherwise there is that reproach that you will have to pay costs or whatever. And come on, let's try to avoid that. Let's be realistic. Thank you.

SUSAN PAYNE: Thanks, Flip. Okay. All right. So that's definitely on our plate. And then if we can go to the next page, Brenda. There we go. And two other items. One is regarding appeals. And we have talked about this a little bit. There's a section in the bylaws that refers to appeals being something that does occur and refers to it being subject to any limitations established within the rules of procedure. An IRP panel decision can be appealed to the full standing panel sitting on bank within 60 days of issuance. In the current interim supplementary procedures, do you have Article 14, which do appeal, do cover appeals? It's very brief. As you can see, I won't read it all out, but it doesn't say a great deal more than the bylaws language says. We've previously discussed this, and I feel that we were generally in agreement that to the extent that we think there needs to be any expansion and a more fulsome set of rules relating to appeals, that perhaps we would be better doing that as a kind of separate action rather than trying to delay the drafting of the IRP rules further by having to pick up this discussion on appeals.

But I am not wedded to that path. If people feel that we should actually spend the time now and revise Rule 14, then we can do so. Bearing in mind the conversation we've just been having about getting things out to public comments, it might be that even if we ultimately amend the language of Article 14, it might be that it is something that we focus on finishing off what we've done so far, and then we turn our attention to that, knowing that we may have more than one public comment period.

But as I said, we do have to at least think about whether we need to enhance the language in relation to appeals. It's something that the bylaws give us as a task to do. That doesn't mean we have to change Article 14. We may feel that Article 14 is adequate, but it's something that's on our action list.

And then the final item is one that I feel I sort of inherited as something that was on a list of potential tasks for the IOT, and it was to consider whether we need to design specialist rules for complaints about the PTI service. And this relates to Bylaws 4.3 AV, and that talks about the IRP being the process to provide a mechanism by which direct customers of the IANA naming functions can seek to resolution of PTI service complaints that are not resolved through mediation. So those complaints come into the IRP process, and the question that I sort of inherited was, do we need to design any special rules for that? Again, I'm not sure that we do. It's a task on our plate to look at. At the moment, I'm not aware of where this idea of their needing to or of us considering specialist rules came from, and so I don't know if there's anyone who was previously on this IOT group who does recall that. But otherwise, perhaps we just need to keep it sort of on our list as an action to revisit in the future when we are through with the rules. And

potentially, maybe it's something where we should seek feedback from someone like the Registry Stakeholder Group, since they would be customers for the IANA naming function to see whether they even feel that there is any issue here that needs fixing. I'm not aware that there is one. Again, we don't have Sam and Liz here, so I'm not sure if they had some specific input and concern on this. But for the moment, it's again just flagging that it's on our list. And if anyone has any insight on this one that they want to share now, then please feel free. But otherwise, I'll just kind of keep it as one of our action items to revisit when the time permits.

Okay, I'm not seeing any hands, so let's do that. And then we can come on to our next agenda item, which is to consider and continue the kind of discussion about the training that we might recommend for the standing panel members when they're appointed. And that is something that we had, when we had our previous meeting in Washington DC, Flip did make some comments on this. And from recollection, Flip's comment was one of seeking to have balance, to try to ensure that when standing panel members are given some training, they get the perspectives from registries and registrars and those who might be on one side of the dispute in an IRP process, as well as getting the perspective from ICANN, the organization, who sits on the other side of an IRP dispute.

So Flip mentioned that a concern that the importance of standing panel members getting a balanced training, if you like. And then when we were having our tech issues, I think there were some ideas being kind of thrown about one to one, while we were waiting to see whether we could get reconnected for the call. And I feel like some of these were

quite useful suggestions from members of this group about the types of training we should be recommending for the standing panel. And so I wanted us to just try to share those now more formally and see what we can capture in terms of recommendations.

It may be that we have a little bit more time. Certainly when we were meeting in DC, we had a feeling that the appointment of the standing panel was sort of imminent, given that David's selection group had, I think, wrapped up their work. I believe there are still steps that are being gone through, so it's perhaps not an absolutely they're not being appointed absolutely immediately. But it's reasonable to assume that within the next few months, I would imagine we will have the standing panel members appointed. So it would be helpful if we can capture some suggestions of the kind of information we feel would be beneficial for them for the purposes of training. And as I think I mentioned, we did also talk about perhaps it being possible to have a session with the standing panel members around the Hamburg meeting or if it's envisaged that they won't be at the Hamburg meeting, then obviously that's something we could also think about doing as a virtual meeting with them. Okay, Flip, thank you.

FLIP PETILLION: Thank you, Susan. Just a question, and maybe you don't know the answer, I don't know. Do we have a view on where we are in the selection process? So how many people have been contacted? How many have stayed in the process? Have people pulled out because it took too long and they don't like it? Have we refused some people because the people who are in charge of organizing this didn't like the

people or disqualified them? When do we know when we will have a number of people that stay in the running? Really just a practical, factual question. I don't know the answer. Thank you.

SUSAN PAYNE: Thanks, Flip. So we did have an update at our last meeting, which was sort of came from Liz Le and David also, as the chair of that selection group, did also add some color as well. As I understand it, that selection group have finished their work. David, I'm sure will speak for himself, but he had some reservations about getting into detail about things like the exact number of proposed appointees because of the kind of confidential nature of that selection group. But I believe that when he gave us an update, he said that as the chair of that group, he'd received a communication from the board and asking some questions, I think, or seeking some further input and felt that things were close to conclusion. And David is going to help me out now, but he's put his hand up. Thanks, David.

DAVID MCAULEY: Thank you, Susan. And thanks, Flip, for the question. At the last session at ICANN 77, indeed, Liz gave an update. And she and myself and the members of the group have to be circumspect because we're operating under rules of engagement that are highly confidential, a lot like NomCom. But to answer some of your questions, there was a large group that applied. They have been contacted regularly. ICANN staff has remained in contact with these people. The CRG looked at the candidates, created short lists, interviewed people. All of that has taken

place. And once the process started, it moved along rather smartly. It's getting near the end. I can't say too much more, but I do expect sometime soon there'll be some action on it.

But your concerns, did people leave because they weren't hearing anything, those are not concerns. It's my understanding that staff has been staying in touch with people and that they are being apprised and a number of them were interviewed. Thanks.

SUSAN PAYNE: Thanks, David. And my assumption would be that a bit like NomCom, there's probably a process of sort of background checks as well and that kind of thing that happens. So after there's a slate of candidates, there is a sort of delay before appointments are actually finalized due to things like background checks as well that perhaps might take place. But we're hopefully reasonably close to having that standing panel appointed now.

Okay. All right. And again, as I said, I know that we were starting to have some kind of offline discussions, if you like, when we were in DC and waiting for the tech issues to be resolved on the kind of training that we thought it would be useful for us to recommend for the standing panelists. And so just really, if there's any suggestions that any of the group want to share now, that would be, I think, really helpful. And we can look to capture them here. And if not, I think it is something that we can usefully also do over email. It doesn't necessarily need to be a number of working group calls that we spend doing this, but it would be

good for us to come up with a list of the kind of information and kind of training that we think the panelists would find useful.

And again, just to reiterate, it's not our job to train them. It really is just our job to identify the types of information that we think standing panelists will need to be familiar with and the types of training and without in any way reinventing the wheel. I mean, there is there's a ton of ICANN Org training materials and materials that we can suggest that the panelists read the obvious ones, of course, would be things like we would expect them to be familiar with the bylaws. We'd expect them to be familiar with the IRP rules. I think my, I feel that they would find it useful to read the final report from the accountability across community working group. And those kind of pieces of information that probably don't need training as such. They really can, I think, speak for themselves.

But just if others have suggestions on things that they think that the standing panelists should be trained on, that would be really helpful. And I can see David's put his hand up. So, David, over to you.

DAVID MCAULEY: Thank you, Susan. And the bylaws do talk about ICANN, and I think they mean ICANN Org here, does have to provide certain training at a minimum and that's on, quote, the workings and management of the Internet's unique identifiers and then other appropriate training that we might recommend. But they're supposed to have knowledge developed over time of ICANN's mission, work, policies, practices and procedures. So it could be almost anything. We may want to invite SOs, ACs, etc., to

introduce themselves at the panel in writing, say this is what we do, how we fit. There's obviously going to be some existing materials that ICANN Org has that explain TLDs, etc.

So there should be a wealth of information available, but I think the burden falls on org under the bylaws, I'm thinking, to at least do that required minimum training that the bylaws speak about. Thanks.

SUSAN PAYNE: Yeah, thanks, David. I think it's simply that it's a task that's also proposed. And actually, Brenda, we could probably, if we jump back a couple of pages on the slide, we can see exactly what it says in terms of our task. A little bit further, I think. That's the one. So it says, as David just mentioned, members of the standing panel shall receive at a minimum training provided by ICANN on the workings and management of the Internet's unique identifiers and other appropriate training as recommended by the IRP IOT. And so I absolutely agree with you, David, that the primary responsibility for this is from Org, but it's really there as an opportunity for this group as well to flag items that we think we want specifically to be provided for the standing panel members.

Okay. All right, I'm not seeing any hands, I think perhaps, perhaps let's try and sort of crowdsource this a little. We can do this over email and perhaps if we have a Google Doc, we could just collectively make some suggestions if there's anything that we feel is absolutely essential. It's obviously also the sort of thing that can be added to as time goes by, if it occurs to us that we think there's an area where standing panel members might perhaps find it useful to get some additional

information and training. We can always propose that at any point after their appointment. But it would be, I think, useful for us to have at least a sort of a list of some suggestions of what we think would be beneficial for the standing panel members when their appointments get finalized.

Okay. All right, I think if no one has any other suggestions they want to flag now, then there's no need for us to sort of labor this and indeed we can wrap up the call and continue over email and perhaps in a Google Doc. David.

DAVID MCAULEY: Thanks, Susan. I was going to say—no, let me withdraw it, we can do it on list. Thank you.

SUSAN PAYNE: Okay, thanks, David. All right. In which case, then, I think unless anyone has anything that they want to bring up as a AOB, I think we can probably wrap up a little bit early for this call and I will give you 20 minutes or so of your time back. So I'll just pause and see if there's anything anyone else wants to raise. Okay, I'm not seeing any hands. All right. Okay, then, with that, I think thanks everyone for the discussion and keep an eye out for some emails including on things like sharing of thoughts on the training. Brenda, we can stop the recording. Thanks.

[END OF TRANSCRIPTION]