
BRENDA BREWER: Good day, everyone. This is Brenda speaking. Welcome to the IRP-IOT Plenary on 19th September, 2023 at 18:00 UTC. Today's call is recorded. Please state your name before speaking. Have your phones and microphones on mute when not speaking. Apologies are received from Liz, Flip, and Kristina. And with that, I'll turn the floor over to Susan Payne. Thank you.

SUSAN PAYNE: Lovely. Thanks, Brenda. Hi everyone. This is our plenary call from the 19th of September. Thanks for joining. We do have quorum. We're quite a small but perfectly formed group this evening. We may get a couple of people possibly might join us late, but we do have a quorum, so I think we can go ahead. So first of all, as usual, we'll be doing a quick review of the agenda and updates to statements of interest. Let's do SOIs first, just to mix it up. Anyone has any update to their SOI that they need to flag? Okay. Not seeing any. Excellent.

And the usual reminder to keep your SOI up to date, please. In terms of action items, it was one for all of us on rule three. That's the rule on panelists selection that we're just finalizing the draft of the rule to reflect what we'd previously discussed. So our action item was for all of us to review and for any feedback to be provided prior to this call. We'll move on to agenda item three, which is the main task, which is actually hopefully getting to a point where we have a finalized agreed version of that text for rule three.

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

Noting in four, agenda item four, that's quite a long agenda item. I won't run through all of that as we're doing the agenda review, but we will come back to that. Basically, there are a couple of agenda items here talking about plans and activities or steps that we're taking with a view to the public comment. And one of those is we've renamed things like the fixed additional time and the safety valve that we were using in relation to the timing rule, or at least we're proposing to rename them and incorporating them in to rule four in sections marked A, B, C and so on.

Agenda item five here is planning for the meetings at ICANN78. I probably will swap that actually, if people don't mind, with agenda item six so that we'll cover off the next steps on the public comment first before we then circle back to the ICANN78 meeting. And then, noted at agenda item seven that our next call is due to be in two week's time. We have been doing weekly calls. I think that it's certainly been helpful to get through finalizing these last couple of rules to be able to meet more regularly.

And we may well need to go back to weekly calls over the next few weeks, but for the next call, we'll revert back to fortnightly and that will allow Bernard and I to put together the versions of what we're hoping will be text for the actual public comment and give people an opportunity to actually look at it. Okay. All right. So I'm circling back to the top of the agenda. Mentioned already at the action items, there wasn't any feedback that I saw on the mailing list regarding rule three. And so, I think hopefully that means that everyone had an opportunity to look at the draft rule and was comfortable with it. There are a couple

of things that as I've been going through it, I think fairly minor tweaks that I think may be worth us making.

And so, I think this is a good opportunity for us to look at them, if that's okay. So if we could pull up that draft again, Brenda. And as a reminder, that document is a markup of rule three. The red line markup is against the existing version of rule three, which is called composition of the IRP panel in the current version of the rules. And then the highlighted text was the things that I had changed going into our last call to reflect the areas that we discussed and the changes that we felt as a group that we needed to make to this. I don't think we need to read through this whole rule, but it will take us back to paragraph two, and particularly starting on 2A, but paragraph two is the one that deals with the selection of three panelists.

And that this would be three panelists selected from the standing panel, assuming it's in place and obviously assuming that it has capacity. In A, we talked on our last call about the timing particularly the timing if a party has not selected their panelist. The proposal has been that with 30 days being the current proposed timing on the table, if they haven't done so within 30 days that the request of the other party, the standing panel could take over the responsibility and select the panelist on their behalf. And what we had proposed, or what I had proposed based on our previous discussion was that we give the standing panel 72 hours from being requested to make that selection.

And then we default back to the IRP providers administrator if the standing panel doesn't do so. I haven't made the change, but as we discussed on our last call, that 72 hours I think there were strong

feelings that that wasn't really giving the standing panel enough time, and that five days would be more appropriate. And so, that is a change that based on our discussion of this last week that will get made. One thing that I did want to flag though in-- well, a couple of things to flag on this though.

First of all is, at the beginning of that section A, it says if one party has not selected a panelist within proposed 30 days of the commencement of the IRP, and I think actually that should probably be initiation of the IRP rather than commencement. I don't think commencement is a term that's been used elsewhere in the rules. I think initiation has been used. And so, that seems more appropriate. And from my recollection, there's also something that makes it clear that initiation has happened once the appropriate documents have been filed and the relevant fee has been paid.

So, it seems preferable to use that terminology. So that would be my suggestion as an amendment that we didn't particularly talk about on our last call, but I think should probably be made. And then the other thing in A, just to flag, but it's a comment that will come across as we go through this rule generally is that this process of you referring the matter onto the standing panel or subject to following that referring onto the IRP provider, this does require the party who feel the other party.

So effectively, if one party hasn't appointed their panelist, then the other party has to make this request to the standing panel to take over responsibility for panelist appointment. There's a few situations where we've got this scenario.

And so, really just pausing to see whether this causes concerns to anyone. It does obviously mean that if the other party doesn't make the request, then this could run on for longer than 30 days because if for some particular reason the other party doesn't want to ask the standing panel to get on with panelist appointment. I think that that's okay, I think that that's a fairly standard situation in a kind of arbitration proceeding. And indeed, this does from my recollection, reflect the same sorts of concepts that are in the ICDR rules. But nevertheless, I wanted to just flag that and see whether anyone feels that there is a concern here.

I could envisage a situation where the two parties, ICANN and the claimant perhaps are having discussions, and so actually there's a reason why a panelist hasn't been appointed yet or something like that, and so they may not actually want to be pushing the proceedings along promptly in that case.

But again, I'm flagging it in case anyone has any strong reaction that this is a problem. It sounds, or rather, it seems from the lack of hands that probably people are comfortable with this, but I'll leave that to kind of percolate. And then if we move down just to 2B, so we don't need to shift the document. 2B deals with the other sort of form of delay in panelist appointment, which is where the two parties have selected their panelists. But then those two panelists cannot agree on who the third panelist should be.

And again, we have there a proposed timing of 21 days to allow for that. And then again, at the request of either of the parties in this case, the

standing panel could be asked to make that selection for them because the two selected panelists can't reach agreement.

Again, at the moment, this is as drafted and as we talked about last week, this is drafted as giving the standing panel 72 hours to make the appointment instead before it defaults to the IRP providers administrator. But again, as we discussed last week, the proposal is to change that to five days. And so that is an amendment that I will make.

And that request situation again, that if this is triggered by one or other of the parties wanting to move things along, is again in this section 2B. Okay. All right. So then, if we move down to paragraph three or section three, the introductory section there, we talked a lot last time about the reference to the standing panel not having capacity.

And at the moment, it is reading as if the standing panel does not have capacity, it must notify the claimant and ICANN in writing within a period of time. That lack of capacity is something that's referred to in the bylaws as we discussed it's 4.3 K2. There is a reference to that bylaws section in the footnote, but I did wonder whether we should actually include that reference in the sentence.

So rather than simply say if the standing panel does not have capacity, we could say as defined in bylaws 4.3 K2 to make that absolutely clear where that's coming from. Because not for the purposes of the public comment, but the footnote ultimately will fall away. It wouldn't remain in the version of the rules, I think. So I again will pause and see whether anyone has concerns, sort of thoughts on that. It may be that it's

helpful. It certainly would be-- it would be kind of consistent with the approach that we have tended to take. David.

DAVID MCAULEY:

Hi, everybody, it's David McAuley speaking for the record. I apologize, I haven't read this since we did it last week. I read it before last week's meeting, but in this area, the requisite experience, I will be the first to admit the bylaws between J and K are not the clearest language in the world. I've made the argument that the requisite experience being spoken about here is that that's listed in J, that is sufficient legal experience in corporate governance, international law, whatever, whatever that section lists.

And what I was getting at is I think we need to make sure that the rule as drawn does not encourage going outside the standing panel. I recognize the language in K2, but I wouldn't want to cite it because I think it exists in addition to language in J and I think we should just not cite one of those. I personally think that we have to do everything we can to encourage use of the standing panel and not pull arbitrators in off the street to make binding presidential decisions. And that's the way I read the bylaws, recognizing or not an example of clarity. But that's my position on it. So thank you.

SUSAN PAYNE:

Thanks, David. Okay. I'm not seeing any other hands. Given that everyone else has been reviewing this document without that reference to the bylaws specifically, and especially as this is going to out to comment and we are going to be seeking the views of the community

on this, I don't feel strongly. So with there being an objection, perhaps the safe course is not to make that amendment that I was suggesting rather than start reopening this debate again. What I will say is in relation to the footnote, it's footnote three there that talks about the information we are seeking or the information we are looking to provide to the community as more sort of explanation of how we've reached the draft language that we have.

At the moment, this is in this document as a footnote as we'll talk about in a bit more detail when we get further down our agenda. I'm proposing to sort of pull this out from being specifically a footnote and having it as part of an explanation to the rule and what we are seeking to get comment on. But capturing that same language or at least capturing to as best I can, what we intended by that language.

But one thing that I will flag is that, again, as we talked about on our last call, it was suggested that we should include a reference to the other section of the bylaws, bylaws 4.3Kv, which is the section of the bylaws that allows the IRP panel to have access to skilled experts so that when we're including this explanation of what we consider to be intended here in the reference to capacity and when we're seeking the views from the community, we're also flagging to them that that sort of experience from the IRP panelists is not necessarily something, it's not necessarily the case that within the IRP panel itself, the full range of expertise is needed because the IRP panel can ask for an expert or experts to give them the assistance that they need.

As I say, we talked about that, and that was one of the other changes that I was going to make as a result of our call last week, to make sure that that is captured so that we flag that to the community. Okay.

And then, if we could scroll down to the next page, Brenda. This B through E, these sub-paragraphs, again, it's something we discussed and agreed on when we were working on this text before. We felt it would be helpful to actually reflect the principles that are captured in the ICDR rules for the list method for selecting panelists when all other methods have failed. And this would tend to come into play particularly if or while there's no standing panel in place. I think we've seen this language before. As I say, this is the fallback language that is effectively is in the ICDR rules adopted into our rules here.

One thing I would say is that I did note that, or indeed Bernard noted that for me, that there are various references in here where I've picked text up and basically reproduced it from the ICDR rules. There are a few references to arbitrators rather than panelists. And so there's a global change here that I think I need to make just to use the terminology that we use rather than using the term arbitrator, which is not something that's used really anywhere else in our rules. And so, I don't think that that's not a change of substance, but it's just one to tidy this up a bit. And then if we scroll down a little further, Brenda, I think-- where are we? No, conflict of interest. That's correct. Yes.

Again, this is one of these questions where I just want to flag it to the group as a potential gap, if you like, and see whether it's caused concern that we feel we need to fill. And this is that, if we go to A, it says a standing panel member's appointment to an IRP panel will not take

effect unless, and until the standing panel member signs within seven days.

The timing is something we're seeking input on, but within seven days of appointment, a notice of standing panel appointment confirming their compliance with the conflict of interest requirements at bylaws 4.3Q1, and making any disclosures or material relationships so required. So the potential gap there is what if they don't sign? What if we get to day eight and the IRP, the panel member, proposed panelist hasn't signed their notice of standing panel appointment.

It seems to me that it's implicit that if they haven't signed and given that there's a deadline given for them to do so, then effectively they're not willing to give the necessary declaration that allows them to be a panelist in the case. And so, they would need to be replaced and a new panelist selected. But this doesn't specifically make that point. And the same concept arises in B where we're talking about appointing panelists from outside of the standing panel, but we want them to give a sort of similar comparable statement, declaration in relation to their lack of conflict of interest.

And so again, it's really a question for you all whether you feel that what we have here is sufficient or whether we need to close that loop and make it clear that there ought to be another panelist appointed if they haven't signed by the deadline. I think there might be some benefit to closing that loop, so I guess perhaps that's what I will suggest is that we should make that slight amendment to make it clear that if they don't sign the relevant declaration, that there will be an alternative panelist, put in place instead.

But I will just pause and see whether anyone is concerned by that. Okay. I'm not seeing any hand, I'm tending to take silence as consent, so this is your opportunity to object if you do so. And otherwise, I think just for completeness, let's scroll down. Just check if there's anything else. I don't think there was anything else in there that I wanted to flag on the rest of this paragraph, this section five. But I see David, so David.

DAVID MCAULEY:

Thanks, Susan. And it's David McAuley speaking again. So I've lost track a little bit, apologies for that. But I think it might be wise for us to say here if we haven't already, that when it comes to the topic of a panel not having requisite experience or capacity or whatever the word is that we're using, is that that decision is a decision to be made by the standing panel, not by any particular claimant or ICANN, is that what we're agreeing and do we say-- I don't know that we say that anywhere, but I would recommend that. Thank you.

SUSAN PAYNE:

Thanks, David. I think, let's scroll back up to three. And I'm seeing support from Sam. I think it's in three. What we do say is if the standing panel does not have capacity, it must notify the claimant and ICANN in writing as soon as possible. And I think the reason we ended up with it drafted in that way was as is talked about in the footnote that our expectation was that we shouldn't build in a specific process for allowing a party to kind of allege lack of capacity. But quite ask the community about that.

But no, at the moment, it doesn't specifically say that except that as is set out in the rules at the moment., it's the standing panel who's making that notification to the two parties that they don't have the necessary capacity. Would some language to the effect that if the standing panel in its discretion does not have the capacity or something of that nature, do you think that would address it, or have you got any alternative suggestion? David?

DAVID MCAULEY:

Thanks. I like your suggestion about in its discretion, I think that makes sense. But I guess what I was getting, and it'll help me a great deal when we have the next version that we can look at in a clean way. But what I'm getting at is this is hopefully not something that's going to be argued over or if it is, it'll just be perfunctory, people can, but it's a panel decision. It's within their discretion. There'll be a constituted panel, they will be trained in ICANN ways, they will be growing over time in their understanding of ICANN, they should manage this process. This is part of what we designed, as I recall, in work stream one. And so they should take this over, and whether there's capacity or not, or they need to call in experts or whatever should be really up to them, I think. That's my thought. Thank you.

SUSAN PAYNE:

Okay. Thanks David. Sam.

SAM EISNER:

Thanks. I'm wondering if we need to add something in here so that it's not viewed as a fully either/or situation, because there's a way to read this as either the standing panel has capacity to put all the panelists on, or it doesn't have capacity to put any panelists on. And I know that there's the possibility for the chair to propose a process for the IRP panel selection, but what I think is lacking here is the potential that capacity could mean that there are the IRP panel out of the standing panelists, that there are two appropriate available panelists.

But they, they don't have a third right now, or they can't find the appropriate third, for example. And so, I think we might need some additional language in here to contemplate that this doesn't mean that either the standing panel has to comprise all three or none, and to just help make that clearer here.

SUSAN PAYNE:

Thanks, Sam. Thanks for that. That absolutely is what A was intended to capture. The idea that as a starting point, it's for the standing panel to decide if they've got the capacity. And that capacity might mean they might have one panelist available, but two more need to be selected in some other way. And so it would be for the standing panel to make some determination of an alternate path for filling the panel, and that we'd only move on to that default of what previously would be viewed as the R process in the event that they haven't done that.

Again, I'm happy for us to make some changes if you feel that isn't sufficient. But perhaps if you want to suggest some language, either if you don't want to do it now, if you want to maybe just circulate

something on email after the call, that would be helpful because that is what A was meant to capture. So I certainly don't object to it. Greg.

GREG SHATAN:

Thanks. It's Greg Shatan for the record. I agree with Sam's concern, and I think we could possibly change A so that it may propose a process for selection of one or more or all panelists for the panel or something like that. That's not really great drafting, but I think my concern is similar to Sam's. We said talk about proposing a process for selecting the panel which kind of implies that it's going to be that broad leeway for that process, but it doesn't imply that the panel will be filled in part from the standing panel.

So I think we do need to clarify that it could be a process that contemplates filling it from the standing panel or rather that would follow the normal rules perhaps for one or even two of the three seats, and that it's only the remaining seats that would need a different approach. But I'm open to any kind of drafting that just makes it clear that it's a titrated, a nuanced approach and not a, well, if we can't fill three seats, well then we're just going to go to the outside for all three.

SUSAN PAYNE:

Yes, okay. In which case, perhaps maybe Sam, you previously said you'd be willing to make a suggestion, perhaps you could take into account what Greg's been suggesting there, and between that and where you are coming from. You could maybe circulate something by, if I could ask for it by the end of the week, that would be super, just because we are trying to pull the text together for the purposes of getting things sort of

cleaned up and put into a form for the public comment. So if you could send something around maybe by the end of the week, that would be excellent.

SAM EISNER: Sure.

SUSAN PAYNE: Thanks so much. And then I'm sure if anyone has further tweaks to it, we can engage on that by email. All right. Okay. I think then we are at the end of rule three panel selection. There are various tweaks that I need to make, and I will do that after this call and circulate round the close to final version. Perhaps we'll not do so until I've got some language from Sam that I can slot in as well that might make sense, but we will see how we get on. But there will be those tweaks that we've been talking about on this call to be made to this. But otherwise, we're in very close to final form. Okay. In which case, I think we can go back to our agenda please, Brenda. Yes.

GREG SHATAN: That was poetry, Susan.

SUSAN PAYNE: Thank you. It was, wasn't it? And Greg, you have your hand up. I think it's an old one, but just in case it's not.

GREG SHATAN:

My hand is old, but at least it's not cold.

SUSAN PAYNE:

Oh, now you're just getting carried away. All right. Okay. We are on agenda item four. This is really somewhat informational, but obviously happy to get any kind of reactions on this. As we've been, Bernard and I have been working and pulling together the various draft rules, the ones that we have in a state to go out to public comment, we did feel that we needed to retitle some of our output. We have what we called for the whole of our working time on rule four. We called something fixed additional time or FAT, but that doesn't seem a particularly appropriate title for that sort of section of the timing rules.

So the suggestion is that we could change that to timing considerations for a claimant to file an IRP following a request for reconsideration, because that is what we limited the fixed additional time concept to. So it's a slightly long and very descriptive title, but that is the proposal. And then similarly, we spent a lot of time where we talked about the safety valve of the, or as it's now being suggested, the limited circumstances for requesting permission to file after the 24-month time limit.

And again, that's really just rather long and descriptive title, but it's slightly more meaningful than the safety valve language that we were using previously. And then the other thing that I wanted to flag on this was really just the-- yes, David is--- oh, I'm sorry. David, I was reading your messages saying you thought we were fine with FAT and safety valve, and so I was laughing, but I see you say that the changes seem

fine to you, so thank you. And then we are also proposing to pull into one section in a rule four, which we'll have sections 4A, 4B, 4C, and 4D, the various parts of our output that relate to timing.

And so the first part, that is proposed now to be 4A is the principles relating to initiation that we worked on. There isn't actually at the moment in the current rules an actual rule on initiation. And so this needed a new home, and at the start of rule four seemed actually the best place to put it.

So we'll have the text that reflects the principles we agreed on initiation inserted as a section 4A. Then the main rule on time to file will be 4C, 4B rather. 4C will be that timing considerations for following the request for reconsideration. So what had been previously the fixed additional time principle. And then finally, the safety valve language or the newly renamed limited circumstances for requesting permission to file after the 24-month period is now 4D.

And so really, that's just to flag to you this is-- I'm loving the comments about the acronyms. I think it's a mission, isn't it, to try and get to something where you can't possibly turn it into an acronym because everyone hates them. And so this way, they're just so long, it's just impractical.

And so really that's just to flag that that language will probably be coming out fairly shortly. And because we've done a slight reorganization and restructure and renaming, just wanted to flag that to everyone so it's understood when the text gets circulated. And I think I will then move on to what was agenda item six. But I've sort of

swapped that around with five now. And so just to talk a little bit about the next steps on the public comment.

And this is really just again, to highlight what you'll start seeing come out to you as draft text or draft sections I should say. There was a certain amount of reflection on my part of how best we could put these rules out to the community, but also give the necessary background and explanation of the issues that we've grappled with in this group at a high level and the decisions that we've reached and why we've, we've done what we've done or proposed what we are proposing.

And one option would've been to have a set of draft rules and a separate section or even potentially a separate document, but a separate set of report or explanatory text. But actually, given what we really want people to do is read the rules and comment on the rules or where we don't actually have final rule language drafted, the principles that we expect to be reflected in the rules. It actually seems-- I hope that it will be easier for people to cross refer or to read the rules and the explanation of how we got to where we got to by incorporating it all in a single place.

So rather than have people having to flip back and forwards between two documents or two parts of the same output, we would have essentially a section from the rule, and then the rationale, the explanation of where we've got to and why. And if there are any specific questions that we're or any specific elements of what we're putting out that we are saying, we are asking the community to particularly comment on, then that's there that follows the actual rule text so people can see what our thinking is, how we reached the

conclusion we reached, and if we've got any particular questions that we're asking the community to think about when we are doing this.

Now I realize without actually seeing the text, it's probably a little bit difficult for you to envisage it, but I really just wanted to explain what you'll be seeing and what will be coming round in tranches of review and consideration, and hopefully that we can reach agreement on relatively quickly.

But what you will see is a set of a section of the rules. So rule three there'll be some introductory explanatory text about rule three. And then, as you go through the subsections of rule three, there'll be little extra paragraphs inserted as the rationale and explanation throughout that rule so that it's hopefully easier for the community to read.

And we'll use different fonts and so on so that it's clear to people what's the rule and what is the rationale text. And we will also have the clean language of whatever the proposed rule is and a red line against what the current interim supplementary procedures say.

As we saw when we were working on consolidation, that red line quite often isn't terribly user-friendly. It's quite difficult to read, but that will be there so that anyone who wants to can refer to the red line and see exactly what it is that is in the current rules and exactly what we are changing. But I think in general people will probably find it easier to work off the clean version with the explanatory text and just have that red line there for if they need it for cross reference. Okay. So I think that's maybe as far as we can go with that, except to say that, yes, I

mean at the moment, I think there's some draft language on most, if not all of the sections now that is sitting with me.

Some of it is in a more close to final state than other parts of the rules. But between now and our next call, you will see this text coming out on the email. And I think the ideal, what I would very much hope we can do is that we can come our next few calls having the relevant texts of whichever rules we are going to be looking at for that call.

And if there are any particular revisions or concerns about how something's expressed or that something that considerations from our discussion should have been raised, should have been flagged in the rationale and haven't been that we'll ideally come into the call with that having been flagged over our email list first so that we can come in to our subsequent calls fully prepped and ready to finalize the text in so far as we possibly can on no more than one or at best a couple of calls.

Because although we aren't going to hit a public comment deadline for before ICANN78 as we talked about last week, I'm really keen that we can get this out to public comment as soon as possible. That's a lot of talking from me. I'm going to just take a breath and see if I've got any hands. I don't think I do. Okay. Oh, David. I have got a hand.

DAVID MCAULEY:

Susan. I appreciate all the work you do, I think that's a good plan. I would just suggest in your cover email at the top be very emphatic about the plan because we have a number of people that don't come to meetings frequently and they need to know that this is their chance to weigh in et cetera, et cetera, that we're moving on. Thanks.

SUSAN PAYNE:

Yeah, thanks for that, David. Good idea. Yeah, definitely. It's definitely the opportunity to weigh in. Obviously, this is going to public comment, people will also weigh in during that process, but it would be-- as members of the group, I would like to feel that we've got support for the output. Obviously flagging in being emphatic, the actual text of what we've agreed on the rule language or the principles that we've agreed already. This is not the time for reopening that, this is the time obviously for us all to get comfortable with how the rationale is expressed and to be sure that we are happy that everything has been flagged that needs to be flagged.

It's not our chance to start reopening the rules again, just to be clear. Not that I thought you were suggesting that, but we will come back to them after we've done the public comment, but we won't be changing them now before that. Okay. Thank you. All right.

Then planning for IOT meetings at ICANN78. So David, I have this on the agenda. This is something I know you are keen for us to talk about. I would say, I think we may be a little up in the air on our sessions at the moment, and I might put Brenda on the spot. And I suspect there's no update yet. The plan was that we would have two sessions, but it's not clear whether we've got two allocated at the moment. So I might just quickly put Brenda on the spot, if you don't mind, Brenda, and just see if there's any update on that.

BRENDA BREWER:

Great. Thank you, Susan. This is Brenda. I was ready for this. So I reached out to our meetings team and asked if I could reinstate the one that I incorrectly canceled, and she said, yes, she will work with us. So it looks like we will have two sessions, 90 minutes each. One is on Monday at-- one second here, Monday, tentatively 4 to 5:30 local Hamburg time. The other one will be-- here it is, Wednesday. Well, that's not right. Wednesday, 10:30 to 12 local Hamburg time.

SUSAN PAYNE:

Okay, brilliant. Thank you, Brenda. I really appreciate you managing to reinstate that. We had a bit of a technical misunderstanding amongst myself and Brenda, and so hopefully we will have those two sessions. Obviously, the plan had been that one of those sessions would be a public session for the community for us to specifically talk through what we had put out to public comment.

So we won't have put out to public comment at that point. And so these are now going to be two working sessions. And I think realistically there will probably be two sessions where we hopefully can really finalize the text to the extent that we are still going through our text for the public comment and agreeing on wording of the rationales.

I think a couple of fairly meeting in-person sessions should hopefully be able to knock that on the head to the extent that we actually don't need that because we maybe already agreed. And perhaps we only need one of those sessions for that purpose. Then I welcome thoughts on how we would use the other session. One of my thoughts would be that we have tended to look at these rules rule by rule, and it would definitely

be sensible for us to look at the rules as a whole and assure ourselves that there's nothing else that we really ought to be turning our attention to.

I think we've made some fairly substantial revisions to, some important parts of the rule, but I think it would certainly make sense for us, I think to do a walkthrough and see whether we feel that we are missing anything that really does need our attention.

And that could then be-- we could turn that our attention to that perhaps whilst we've got our public comment going on. And so that would be one suggestion, but I am very open to other suggestions on how we could best use our time when we are face-to-face. David.

DAVID MACAULEY:

Thank you, Susan. It's David McAuley speaking. I was unaware of kerfuffle that had lost a session for us, and very grateful, Brenda to you for getting it back. I think that's wonderful. Having two 90-minute sessions is much better than what we've been having, which is really no meetings at the ICANN meetings. So I think this is really good news, and thank you all who have worked on that for doing that. My suggestion would be that we have something ready to go to fill the time and to have subjects ready to discuss and have them ready and not need them, rather than to need something to fill the time and not have it.

So I'm very much in favor, Susan, of what you're saying. Let's plan for that second session. I think you're right, with respect to the first session, we will probably need some intense time to nail things together on what's going on for public comment.

If we do need something for a second session, while I understand what you're talking about, about walking through it and seeing how it works, I would suggest something else. And what I would suggest is that we start on looking at, and I know people can come up with all kinds of recommendations, all of which makes sense, but the one that I think would be most valuable would be to look at what we think would be appropriate limitations on appeals.

So the way I see the system working is, there'll be a standing panel appointed sometime soon. There'll be rules for the panel to operate by, but when a panel comes up with a decision, there is a right of appeal. We have the right to put limitations on appeal. I have some ideas on what we might want to do.

And so my suggestion would be why don't we turn to that and at least, and I'd be happy to help Susan set this up, create slides for it or do whatever so that we're prepared to talk about that at the meeting. But that would be my suggestion. The other good facet of having these two meetings is pulling together our membership face-to-face, renewing those ties and encouraging us all now that we're close to finalizing the rules, there's more to do, it's all interesting and to revitalize, reenergize us.

So I see a great social element being pursued here. So I'm very grateful that we have this time, thankful to ICANN. And Brenda, I take it these are supported for virtual participation and all that. I hope so, but I'm grateful to ICANN for the time. I think we should use it well and we'll get more in the future if we need it. Thanks.

SUSAN PAYNE:

Thanks, David. Yeah, very much hope that all of that, and yeah, appreciate your comments. I think that's certainly a good suggestion. Appeals is definitely something that we are expected to deal with. And so, that's certainly one really good option. Of course, that's another area that that is down to us and is also I think quite pressing is cooperative engagement process.

I don't necessarily feel strongly on which we do first. I think they both are important. And so not seeing any other comments, perhaps if others have thoughts on this call, we can think about that. Otherwise, we definitely can look at one or even both of those to start thinking about them. Sam.

SAM EISNER:

Thanks, Susan. I just note, I really appreciate that thought of moving some of the other items forward. I think while appeals are pressing and there's always a potential that someone will try to file an appeal, I think, we've already seen people engage CEP, so if there's anything we could do from the IOT side to move that first, I think that would be really appreciated by all who are trying to use the processes.

SUSAN PAYNE:

Yeah, thanks. I think likely both of those are coming into play, but I am conscious that hopefully most IRPs don't go to appeal, but all of them are expected to go through CEP. So perhaps we can even be prepped to be thinking about both of those, time permitting subject again suggest

being very keen that we do finalize the text or if we possibly we get our public comment text finalized, so it's good to go.

All right. I am not seeing any other hands at the moment. I think in the absence of that, I think it's a little bit of a short call this week, but I will give you your sort of just a little less than 30 minutes back on your days or evenings if there's no objection to that. And keep your eyes on your email, you will be getting out some of the draft public comment text over the next few days to start reviewing, and we can hopefully begin the process of finalizing that quite quickly.

And yes, again, just a reminder, I think we've got a couple of action items. There's one with me to make those tweaks to the text of rule three that we've been talking about, and one for Sam to make a proposal on that section three as we discussed. All right. Thank you so much everyone, and keep in touch over email and look forward to speaking in a couple of weeks. All right, we can wrap up. Thanks, Brenda.

[END OF TRANSCRIPTION]