JOKE BRAEKEN:	Hello, everyone. Welcome to the IRP-IOT plenary on the 9th of April 2024 at 18:00 UTC. Today's call is recorded and is governed by the ICANN Expected Standards of Behavior.
	Kindly state your name before speaking, and have your phones and microphones on mute when not speaking. Attendance is taken from the Zoom participation. And with that, I'll turn the floor over to Susan Payne. Thank you.
SUSAN PAYNE:	Lovely. Thank you so much, Joke. Hi, everyone. It's Susan here. Thanks for joining me. This is our regular IRP-IOT call. We've got quite a long agenda. But I think a lot of these things, as you'll see as we go through them, we're looking at things that we've already agreed and just sort of giving them a last glance over. So some of these items, I think, are not too time-consuming.
	But anyway, before we start, I think we'll review the agenda and then we'll come and do the Statement of Interest update. So in terms of our agenda, we have four action items. Liz was to circulate the revised legal draft which she did on the 29th of March. And so there was an action for all of us to review and for any comments or concerns. Prior to the call, Bernard was also doing an action to update our Rationale document that we're using for the purposes of the Public Comment by incorporating that revised legal draft language in there, and that was circulated with the agenda for this call. Then we also had an action on us all to review the list of training materials that have been put together

for the Standing Panel. And Liz e-mailed that around to us in the 19th of March, so you've had that list now for a little while, and so, again, to share any additional suggestions, if any. Then finally, I said I would dig out the list of outstanding tasks for the IOT. We had a list that we've looked at previously, some of the other things that are assigned to us under the Bylaws. And again, that was sent around with the agenda.

I think our main sort of agenda item points here for today, first up, agenda item three, is for us to sort of sign off on that revised legal draft that Liz circulated. We can then review and discuss the updated Rationale documents and propose to try and kind of sign that off if we can or finalize that rather on the mailing list. We can then come back to that, the Standing Panel training materials, and discuss if there are any sort of subject matter or particular items that anyone feels should be included. And again, I think that is something that we probably might be able to finalize over the mailing list.

Agenda item six is then a discussion on outstanding items for the IRT-IOT and to agree what our next task ought to be while the rules are out for public comment. I've included a number seven, Any Other Businesses, if there is any from anyone. And I will just pause if anyone has anything to add to the agenda at the moment. Okay. I'm not hearing anything. We'll keep going.

Once again, we need to take a few minutes to talk about the timing of our next meeting. Okay. So heading back up to agenda item one. Does anyone have any Statement of Interest updates that they need to give? I'm not hearing anything from anyone. So that's all good. The usual reminder that please do update your Statement of Interest. If there is a

change that is relevant, particularly relevant to this work that we're doing here, please do make sure to update this. I remember that this is a slightly separate Statement of Interest to the one that the GNSO use. It's very similar but it's not identical. So if you are updating your GNSO Statement of Interest, do have a think about whether this one needs to be updated as well. Okay.

All right. Then back to the agenda. Agenda item two. I kind of ran through the action items when I was going through the agenda, really. So I think we can probably move straight on because all of those have been included with separate agenda items of their own. So I think we can go straight on to agenda item three, which is the sign off on the revised legal draft. Let me work out what this one is called.

Joke, I think it's worth pulling this document up into the Zoom Room, just in case anyone wants to refer to it. It's the one that's called redline updated draft procedures. It's one of those ones that I forwarded to you just now.

JOKE BRAEKEN: Thank you, Susan. This is the one, yeah?

SUSAN PAYNE: I think that is the one. Yes. Thank you so much. Okay, everyone. Hopefully you have all taken the time to look at this. It's been with us all now for a little while. It was circulated on the 29th of March. Really, there were a relatively small number of revisions made by the legal drafters. They were obviously all ones that we've already discussed and

they were instructions that we gave back to the legal drafters for a handful of sort of edits and tidying up that we wanted them to do. So those amendments basically reflect all of our previous group discussions. Obviously, we've had no comments since that updated draft was circulated. So really, unless anyone believes that there's a sort of problem with that draft that they've identified and they do want to flag now on this call, my proposal is that we treat this as now finalized, and that we go forward with this draft. And that's this text is the version that we'll be using for the rules that we're putting out for public comment. Remember that obviously we are having a Public Comment period. So if there are any sort of marginal errors or if anything does need to be changed, there is still the opportunity to do that because we will be getting public comment input.

So I'm just going to quickly pause. You're correct. Very kindly, slowly scrolling through for us. It's just very time. I think we have had this before us for a while. They were, as I said, very minimal changes that needed making as a result of our own discussions and the instructions we gave back. So I'm really taking silence on people as being that everyone is happy with them. So I'm just going to pause and see if anyone has anything that they do feel they want to bring up that they're concerned about. Otherwise, I think we can treat this one as done and we can move on to the next item on our agenda. All right, I am not seeing anyone. So good job, everyone. I think we are in a good place with that draft text now for the rules. Okay.

So then our next agenda item for us is agenda item four, which is reviewing and discussing the updated Rationale document. That one, Joke, was one of the ones that was circulated with the agenda. I think

it's called that Clean Updated. Yeah. It looks very similar to the last one. If you scroll a couple of pages, I think you start to get to the text.

So just as a reminder, this is an exercise that Bernard has taken on to take our Rationale text and sort of merge it with the draft of the text for the rules. So this is a clean version of the text at the moment. Bernard has also offered or agreed to work on recreating a redline of the rule text against the current interim Supplementary Procedures. So that is still to come. But for now, we're really just looking at this Rationale document that make one of the key documents we're putting out for Public Comment. I would say and I'm sure Bernard would say that most of this was pretty straightforward to slot the slightly updated rule text into the Rationale document in the right place. But it did highlight to me that, obviously, since some of Rules 4 that we've previously been working on has been principles rather than actual legal drafting. He did have to review and sort of tweak how he inserted the Rationale in the new version, particularly for Rule 4. But I certainly had a look at what's been done, and it all looks very good to me. So I think this is just a sort of note to everyone, you just have this for a day, but please take the opportunity to cast your eye over it. Probably particularly cast your eye over the sections on Rule 4, because, in some cases, Bernard had to sort of work out where the Rationale text was best inserted.

Then I would also say in relation to Rule 5, which is the text on translations, we originally in our Rationale document—oh, sorry. I see Liz's hand. Liz? Sorry.

LIZ LE: Thanks, Susan. This is Liz Le with ICANN Org for the record. One thing I just wanted to flag to the IOT is that in the redline that we sent out, there was a note with respect to Rule 3, where we had mentioned that during the IOT discussion, there was a reference made that the footnotes to Rule 3 probably didn't need to be there and because it would be moved into the Rationale document. But we didn't receive an instruction to remove the footnote so we left it in. And now if you look at the Clean document, you see that the footnotes are basically duplicative of the Rationale. So I just want to flag that out and see because it's included in the Rationale the IOT wants to take out the footnotes to Rule 3.

JOKE BRAEKEN: Thank you, Liz. Would you like me to scroll to a particular page to show the footnote?

LIZ LE: Yes. If you scroll to page five.

JOKE BRAEKEN: Okay. If Susan is speaking, we cannot hear you, Susan.

LIZ LE: So you see right there where it says, "Rationale refer to above," and it talks about Bylaw Section 4.3K. Then the same footnote, same text appears in footnote number four.

SUSAN PAYNE: I'm really sorry. I'm coming off mute. I maybe didn't come off mute before and I was saying I'm really struggling to hear Liz and I'm not sure if it's me at my end or probably Liz's end. It sounds as though it may be me because it sounds as though everyone else can hear what Liz is saying. And I can hear Liz speaking. I just am really struggling to hear what you're saying, Liz. I'm really sorry.

DAVID MCAULEY: Susan, it's David speaking. Can you hear me?

SUSAN PAYNE: Yes, I can hear you.

DAVID MCAULEY: What Liz was saying—Liz, tell me if I get this wrong—is footnote four on page five, which Joke is sort of highlighting it right now, is duplicative of what's in the Rationale document now. That being the case, it seems that we could delete footnote four. I'm okay with deleting it. I put that in chat. But that's what she was saying. Liz, tell me if I got any of that wrong.

LIZ LE: Thanks, David. You're right with footnote four. But that's the case with all of the footnotes for Rule 3. We will see that the text from those footnotes, all footnotes for Rule 3, is also captured in the Rationale. So

when we received the instructions for the redraft, there wasn't an instruction to strip, to take out the footnotes to Rule 3 because it would be incorporated in the Rationale. However, in our comments, we did say we noted that the IOT did discuss that the footnotes in Rule 3 would probably be transferred to the Rationale. So we flagged that to the IOT as saying we didn't strip the footnotes in Rule 3, but we noted that there was this discussion. So now we see that it is included in the Rationale, so I just want to flag that now that you have duplicative footnotes in Rationale for the entirety of the Rule 3.

DAVID MCAULEY: Did you hear that, Susan?

SUSAN PAYNE: No. I'm really sorry. I mean, I can hear the odd word. I think what you're saying and I think it's what I agree with, I think you're saying that the legal drafters were reluctant to delete the footnotes that we discussed and agreed that we were carrying the draft text over into the Rationale and that we didn't need it as footnote as well. I think if that's what you're saying, I would agree with that. And I think we can clean that up, and I agree. If that's not what you're saying, then I apologize and we can try again. I'm really sorry, Liz. I can't hear what you're saying.

DAVID MCAULEY: Let me intervene just for a second. It is not the greatest connection. But I think that's what Liz was saying, Susan, but insofar as Rule 3 goes. Give it a shot, Liz, if you have a better connection now.

SAM EISNER: I'm here with Liz. She and I are taking the call together. This is Sam. I think the gist of removing the footnotes that are in Rule 3 in favor of the fact that it's already been incorporated into the Rationale makes sense to us, and that's what we're suggesting.

SUSAN PAYNE: Okay. I think we were in agreement. I think there was a footnote. And I can now remember, it is the new one that we actually asked the drafters to put in, which was about the fact that we will be defining publication and that we think some timing should run from publication. Off the top of my head, I can't remember which one that is in. But that is a new footnote, and I think that was created because we asked the drafters to do it. But other than that, I think the footnotes are all good to go because we went through the exercise of capturing that in the Rationale doc instead. I hope that's okay. All right. Thank you.

Yes. The other thing I was going to highlight, sorry, in relation to the Rationale doc was just on translation, so Rule 5B, where, in our original version of the Rationale document we had some text as an introduction at the start, which, as far as from my perspective, was basically also been reproduced or not word for word but it was all of the points made there were also captured in the Rationale to the individual rules as well. So when Bernard was going through and creating this version, those have been deleted because they were duplicative. But again, I'm highlighting that so that when you are having a quick look at this, if anyone has concerns that any of that introductory section from Rule 5B

has been deleted and they think we're missing something, there will obviously be an opportunity to put that back in. But I think it was a duplication and we do not need to keep it.

Again, subject to anything, any comments or concerns or questions anyone has at the minute, my proposal would be that we sort of try and finalize this to the extent possible. If anyone's got any questions or concerns, we bring them up over the e-mail list. And if we can, we'll sort this out over the e-mail. But obviously, if there's anything that comes up that requires us to actually bring the discussion back to our next call, then we can do that. But I think, basically, if we all sort of take the next week and give ourselves the opportunity to just review that Rationale document and just assure yourself that you're happy with it, then I think we can move that into getting this actually out to Public Comment. So again, I'm not cutting off the opportunity. If anyone spot something they think it's wrong, they think there's a problem, we can bring this back for a further discussion. But if there's nothing that gets raised on the e-mail then we won't need to do that. All right. Okay. I'm not seeing any hands. So I am hoping we're all good with that.

In which case, we can move on to agenda item five which is the Standing Panel training materials. It's being suggested I ought to give people an actual date that would make good sense. Let me have a quick look at my calendar. So if we look at any comments by a week, so the 16th of April. We may convene on the 16th if we have a call that day. We won't put this on the agenda unless anyone raises anything that needs us to discuss it. That's what I'm hoping.

All right, so again item five is the proposed Standing Panel training materials. Again, I think this is probably one that we'll look to sort of finishing off and signing off over e-mail. But Liz circulated a list of training materials that all could identify, so the Standing Panel members. And that was in her e-mail of the 19th of March. We did have a very brief explanation of what that list is on our last call. There haven't been any comments so far on the mailing list about that. But I think it's worth us just casting our eye over the list. If anyone has got any comments or suggestions whilst we're talking about it, and again, then we can finalize that over e-mail as we need to. Joke, it's the one called IRP Standing Panel Training Materials, which is I think that fourth tab. Thank you. David?

DAVID MCAULEY: Thank you, Susan. I didn't want to interrupt you, though, but you called for comments. That's all I'm looking to do is comment when you're done with the introduction you want to make. But if it's okay—

SUSAN PAYNE: Yes. Give me one second. As you've all seen and last time explained on our last call, the proposed approach here from Org has been to identify existing materials, rather than try and sort of recreate things from scratch. So there are a number of courses from ICANN Learn, some of which are proposed to be required for the Standing Panel members themselves, which are suggested as optional things that they might also find useful. And then there are a handful of recordings from How It Works sessions on things relating to domain name registry protocols

with several operations, Internet networking and the like, and then finding various reference materials, unsurprisingly, like the Bylaws and the Articles of Association, the interim Supplementary Procedures, ICDR rules, those kinds of things. So it's a pretty fulsome list, it seems to me. So it's really just a question of whether we think that there is—I mean, arguably, if we think something's on there that shouldn't be, but I think that's not likely. Or if we think that there are sort of specific materials or materials on a specific topic, that we think it would be helpful to also be highlighted for the Standing Panel members. When I was prepping for this call, I did have a few thoughts. I'm happy to bring them up in a minute. I'll turn to David now. David, thanks for your patience.

DAVID MCAULEY: Thanks, Susan. It was just a brief comment. I wanted to really ask Sam and Liz and us about the order of these, and putting them in some order. I just want to confirm. I think the order of the presentations makes logical sense and that we ought to introduce this list to the Standing Panel in that manner. It seems to me to say top to bottom is the way to proceed unless you have some particular interest. But I want to say thanks for ordering these. At least the order strikes me as good.

I was thinking about should we give an opportunity to the leaders of the SOs and ACs to introduce what they do. But all these courses seem to cover that and there's probably no need to do it. So no, it's just a general comment along those lines. Thank you. By the way, I'm sorry, I did want to say thank you for the reference materials. I look at the Bylaws constantly and I think putting those at the top and then the articles, that makes great sense. Thank you.

SUSAN PAYNE: Thanks, David. Sam?

SAM EISNER: Thanks. Just to note, the listing doesn't actually indicate any sort of primacy or required order of how they do it. It's really the division between required and optional when the standing panelists go into ICANN Learn, they'll have basically a container. They'll have a defined set of courses, all the courses that are here that are within ICANN Learn will be there. And that will also be that tracking mechanism that we discussed during the last meeting so that we know if they've completed the materials or not. So there's not necessarily that "You have to start with this one before you go to this one." If there are other things that that IOT wishes to see as part of this or thinks it's a good idea to have as part of it such as introductions from SO/AC leadership, etc., we'd want to then work with IOT and work with the community to see how we can also capture that concept that we discussed last week about not giving preferential access between the people who would be presenting and the panelist. So for example, you could see that there could be in the future an IRP that comes up but that's about a specific GNSO policy, for example, and so you wouldn't want to then have any sort of relationships that are formed because the current GNSO chair under which the policy was formed is the one that made the presentation directly to them and had an opportunity to engage, right? So we'd want to think about how can we make sure that if we have things that are identified like that, we can take the action to go back and see, are there existing onboarding materials that might already be kind of publicly

available that we can refer to, and then if not, what it might take in order to develop those sorts of more publicly available onboarding materials. So that would be how we would work through that with the IOT as additional trainings were identified.

If I can just respond to David's comment in the chat, I think one of the things we're trying to do is really keep a very clean line between ICANN trainers and the Standing Panel. But I think we do want to try to preserve that same line between the community and the Standing Panel because today's leadership might not be called—it has the same opportunity to be involved in an IRP in the future either in their role as it relates to the group or potentially as a claimant or as a witness. There are a lot of interconnections. So I think we still want to preserve that ideal that we're not having individuals from across the ICANN community having the opportunity to form relationships with the Standing Panel outside of the IRPs that are actually being heard by them.

SUSAN PAYNE: Thanks, Sam. I can appreciate that issue, certainly. As I said, when I was looking through this list, there were a couple of things that I was not sure if they're covered or not. So it's helpful, I think, if you'll bear with me. I'd actually go somewhat to what David was talking about, the SO/AC leadership, and it wasn't specifically about leadership. But there were materials there, in reviewing the list, about an explanation of the GNSO and there's something explaining the At-Large, sort of introductions to those two structures. But not necessarily some of the other structures, and particularly I'm not sure if there's any kind of

explanation of the difference, SOs and ACs, and kind of ICANN generally how it's structured. But it might be that that's included within the introduction to ICANN, and I'm just not aware of that. So it's kind of a question with that kind of understanding of the different structures and where they sit. Is that captured in the introduction to ICANN or is there some other training material that maybe does that? Because it sounds like that might be useful, and equally some kind of an explanation of the Empowered Community. I mean, I know we will think probably it would be pretty unlikely occurrence that an Empowered Community IRP would actually happen, but in theory, the Standing Panel would be called on to adjudicate those Empowered Communities kind of disputes as well. So I wonder if, again, within the materials that you've already listed, is there some kind of explanation for the Standing Panel members about the concept of the Empowered Community and the role that plays and even the slight difference that there's an IRP brought by that community. So that kind of a question for Sam and Liz, but it's maybe not one that can immediately be dealt with. But I just put this in an e-mail if that's easier.

SAM EISNER: Thanks, Susan. I think that those are really good points. A lot of this is captured. And I don't think the Empowered Community has, but a lot of it is captured within the introduction to ICANN. We also have the reference material to ICANN's multistakeholder model. And then we have different courses where certain portions of this will come up, kind of the overview, the policy development process has some aspects of it. I think one of the things that you raised about the Empowered Community, one thing we can do is add in the reference material to the Empowered Community webpage itself. So within ICANN, we've had

varying discussions. So the concept of what trainings are valuable to the ICANN community that of course we're leveraging for the Standing Panel is a conversation that's a bit separate from this conversation that we're having today. But I think as you're indicating, there's kind of a lot of overlap because we've had a conversation within ICANN itself about the value of developing a training on the Empowered Community and how that would go. I think that if we were to think about what types of trainings across ICANN that need to be developed that could be prioritized, an Empowered Community type training would be one of those things that maybe we should try to prioritize for development because there is value both for the Standing Panel as well as for the broader community to understand what that is and isn't, and the special powers that are afforded to the Empowered Community.

Another thing that we've been working on internally is we've been thinking a lot internally, and again, not just about the Standing Panel. But as David noted in the chat, we've been thinking about now that we're almost 10 years from the IANA transition and recognizing that as we have new people coming into ICANN, which is a great thing, we don't all have the same shared experience about the transition, and that we really need to do more to document the history of that appropriately, so that also is one of those topics that we're really looking at internally from ICANN. I think if we were to have a recommendation from the IOT, that that would be another thing to prioritize that has both general benefit for the ICANN community and those coming into it as well as for the Standing Panel. So those would be things that we'd be supportive of looking into creation to.

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SUSAN PAYNE:	Thanks, Sam, and thanks, David, for that suggestion in the chat. I certainly think that that definitely makes some sense to me, I think. I think it would be useful for Standing Panel members to have that, but as you say, incredibly useful for the community. There'll be people now who are active in the space who weren't around for the transition and wouldn't have all of that necessarily, that background. So I think perhaps those are two areas where perhaps we could as a group see if we agree that we should make that kind of recommendation, and that would be helpful. So you can perhaps follow up with a little bit of a discussion every now, and hopefully we can do that.

Then just to circle back to a final one that occurred to me was previous IRP decisions. Clearly, it would be, I think, unusual for a Standing Panel member when they were coming to adjudicate a decision not to look at a previous decision and some of the precedents there. But it might be something that it would be worth actually identifying for them as the decisions that are under the new Bylaw framework and those decisions that are under the old Bylaw framework. Not that the old Bylaws ones are irrelevant, but obviously there is a slightly new regime under the new Bylaws, the IRP decisions have a slightly different status. And obviously, a really informed panelist can work it out. But perhaps it would be helpful for them as part of their training to make that distinction for them and make it easier. There aren't a huge number of decisions. Because although there's a list of IRPs, quite a number of things that go towards all of decision, a proper panel decision, a number of them get mutual along the way.

SAM EISNER: Thanks. I'm here with Liz so she might jump in as she has additional information. One of the things that we are currently working on is we're working with our ICANN Learn team to develop a broad general conversation or training about ICANN's accountability mechanisms. Within that, I think, an important component is exactly what you were just saying. We should make sure that it's built out that way, that we have that demarcation that happened in 2016 of old IRP cases and new IRP cases and the impact between them. We were not intending to go through each of the decisions that have been reached under the IRP, but I don't think that's what you were asking for. But I think that that's a really good point to bring out to help make sure that there's a clear understanding of the accessibility to the difference between pre-October 2016 filings and post-October 2016 filings. We'll make sure that as that script is being built out for the training, that that gets reflected in there.

SUSAN PAYNE: Lovely. Thanks, Sam. Kavouss?

KAVOUSS ARASTEH: Thanks, Susan. Good evening, good afternoon or good morning or good time. I have a suggestion for the title of this training program. I don't believe that we should train the Standing Panel. Even in reality, they are trained. But formally, we should not talk about training. So I suggest an alternative word. Instead of training, a briefing program. That's the same concept and same objectives, but different language, more diplomatic. In reality, the independent panel, they should be. I was in

the CG. I hope that we had a good selection. I hope. They are dealing with very critical situation. So we should not say that we train them to decide. We brief them. This is a firm suggestion. I hope you would not reject it because some of my suggestions already at various occasions are rejected. No problem. But this one, I am serious. I do not agree to put training program. Briefing the independent review or briefing program for the independent review. Thank you.

SUSAN PAYNE: Thank you, Kavouss. David is putting some positive support in the chat. I appreciate where you're coming from. That sounds quite sensible to me. I know the Bylaws we talk about are coming up with training materials, but that does not mean we have to call them that. I will defer to Sam because this is something that really Org is putting together and we are just providing some input. But we can certainly make better the suggestion if we need to. Sam?

SAM EISNER: Thanks. Kavouss, I appreciate the point that you raised, that we want to make sure that we are not overly using the word training and that we're respecting the expertise of the panel and that they are provided with briefings on the relevant portions. But I do think it is also important to make sure that we have documentation that shows that we lived up to the words of the Bylaws which specify training. Particularly when we are thinking about the documentation that we are giving them, I take it a point that we should be very careful of the words that we are using. Because asking them to read documents is not actually providing

training, for example. We could call it a training course in the different briefings that we have identified as either required for them to complete or suggested for them to take a look at. We'll take a note on the language, but I do not think it would be appropriate for us to fully remove the word training from the documentation that we have so that we have the ability to show that we have met the Bylaws.

SUSAN PAYNE: Thanks, Sam. I mean, there is obviously, in that introduction, a reference to that obligation for us to come up with training materials. And I do not hear a suggestion that that should get deleted. I think I am hearing you saying that you are open to thinking about the terminology use, and I hope that I am not misspeaking. Kavouss, I am not sure if that is a new hand from you.

KAVOUSS ARASTEH: It is a new hand. I do not want to refer to the Bylaw. I do not want to refer to the Bylaw. I was like many of you in the preparation of Bylaw very deeply. We were under a lot of pressure. So I don't agree. Seriously, I disagree with the word training. I have no problem if David or others have some other words instead of briefings. They would say updating or some other words, but not training. We do not train the people. They should decide on the issue. We do not do that. I don't find anyone that trained these people. Otherwise, we should have not taken them to decide on our cases. We have not received anything from any of these people at this meeting to be a member of that IRP and so on and so forth. I disagree totally with the term training. But I am prepared

to accept anything like updating, briefing, or anything like that. But not training. I don't want to do that if you refer to the Bylaw. Thank you.

SUSAN PAYNE: Thanks, Kavouss. Sam?

SAM EISNER: Thanks, Kavouss. To your point, we will make sure that whatever reference is here, we are not trying to train the panelists on how to be arbitrators. Whatever we call this, this is about getting them to understand, giving them access to information about the uniqueness of ICANN, which is the full purpose of having the Standing Panel. But we will be extremely sensitive in all of our read-throughs that this is not about training them to become arbitrators because your point is well taken that this is not about training them to become arbitrators. They already needed those precursors in order to even be selected. Your point is well taken on that. We'll use care around the terms we use for that.

KAVOUSS ARASTEH: Just a common thing for that. In ITU, we have the Secretary General of ITU. We have the Council who are high level people, but we don't refer to the training of the Council. We say [inaudible] sessions or something like that, but not training. I know in reality, it would be training. But diplomatically, it's not training. We would not mention that we train them. [Inaudible] or listening sessions and so on and so forth. So I don't

intervene anymore, but I would request you to put any of these three: updating, briefing, [inaudible] and anything like that. Thank you.

SUSAN PAYNE: Okay. Thanks, Kavouss. I think your point is well taken. Sam has acknowledged that she understands the point you're making. But we'll look at this and reflect on how best to refer to these materials. I think we also do want to be really clear in our mind that it is important that there is also a paper trail that makes it clear that we have dealt with that Bylaws requirement that's highlighted there in 4.3 and 1, that some materials for the briefing of the IRP panel over training, whatever words used, that that's been covered off. But I think we can leave this to Sam and Liz for now and I'm sure they'll reflect on this and we will see where we come up. But certainly, no one is looking to offend the Standing Panel members. Certainly, we want to be diplomatic and respectful.

All right. I will just pause and see if anyone has any other specific items in relation to the training materials that they wanted to bring up now. I'm not seeing any hands. So I think let's again over the next week, perhaps two weeks, take the opportunity to review this again. We'll share if you have any suggestions. We already have a couple that we've been talking about where it's been indicated that Org is thinking about developing materials on certain matters, and that it would be helpful for a recommendation from this group that encourages that. We can hopefully pursue this further over e-mail. Again, if it's something that we need to talk about more on our next call, we can definitely do so. Again, another question to Sam maybe briefly on this spot again. If we take two weeks to this effort, how will that fit in terms of your timing as

when your Standing Panel appointments will be for this in place and getting into meeting this material? Two weeks—does that fit with your timing, Sam?

SAM EISNER: Our view of this training list is unless there's something that the IOT believes it's on here that is totally inappropriate, that this is really a living list. And we should also have some process of evaluating as new courses come on to ICANN Learn or identifying if there are new things that have to be created, whether those go on the list at all, go on as required, go on as optional. So the timing of two weeks doesn't impact us at all. Unless any member of the IOT has identified something for conversation among the IOT that they believe is inappropriate to be on this list, that would be the only thing that would cause us delays. You don't only have two weeks to identify new things to come onto the list, this could be a bit of a living process too, but I think having two weeks for that initial review and everything makes a lot of sense. But you're not impacting us at all unless it's about taking something off.

SUSAN PAYNE: Thanks for that. I'd be surprised—again, members of this group should still be free to flag if they think that anything on this list is inappropriate. I'd be surprised if anyone did. Certainly, no one has done so to date, having had this list now for a couple of weeks at least. I have Kavouss and then David. Kavouss?

KAVOUSS ARASTEH: I have same problem with the first line of introduction to ICANN, "This course will teach you." I have problem with "teach". This course will inform you. This course provides you. But not teach you. We are not teaching. We are not teacher. I don't think that ICANN staff are teacher of the IRP panelists. With all due concern to all of them, full respect, but they are not teachers. So we'll inform you, we'll provide you, we'll bring to your kind attention, something like this. But not teach. Thank you.

SUSAN PAYNE: Thanks, Kavouss. I'm sure Sam will—she's going to be, as she said, looking at terminology. David?

DAVID MCAULEY: Thank you, Susan. I put my questions to Sam in chat and they came about as I was sitting here thinking, "Should we in the IOT look at some of these courses?" I'm hoping the answer is no, but I don't know. I mean, sometimes it's hard to recommend that people watch a course that you yourself have not watched. I'm just curious how current the courses are. If we felt that we needed to, maybe we could divide it up and report back or something like that. So thank you for that.

SAM EISNER: Thanks, David. I wanted to respond. Thank you. First, Kavouss, we'll take another look at the language again about "teach you" in that language. Right now, the language that's in those description materials are actually the summaries that, I understand, are provided within ICANN Learn. But with the sensitivity that you've raised about the language,

we'll take a look and see if we can modify it at all so that we're not raising that concern that you have.

David, in terms of the content of the courses, the content creators and the SMEs, the Subject Matter Experts, within ICANN are in a regular pattern of review with the ICANN Learn team about the current status of the information in the courses. Some of them are older, but not everything needed to be updated since the IANA stewardship transition in some portions of the trainings. If they do predate that, they're not necessarily impacted. There is a continual process within ICANN Learn to try to update the content as resources are available to do that. So it's something that we looked at intensively as we were building the course list with the ICANN Learn team, because we wanted to make sure that we weren't putting up outdated information, particularly information that would conflict with the Bylaws or conflict with the information or in the state of the world as we understand it within ICANN. It's something that we were really attuned to as we were looking at this. Of course, if you happen to see a course that you feel is outdated, if you happen to watch it, let us know and we'll flag that for our ICANN Learn team as well to see how that content can be updated. But it is something that we really try to think about and look at as we were building this list.

SUSAN PAYNE: Lovely. Thanks so much, Sam. All right. I think we can leave this there, then we'll reflect over the next couple of weeks on whether there's anything we want to add to the list. But also, of course, if anyone does think that any of this material shouldn't be referred to the Standing Panel members, that's a slightly more important view to reflect because

the materials will be being referred to the Standing Panel members in a fairly short order. Again, I think it seems unlikely to me but that's an action item for us all to reflect on.

Okay. Then I think we can now come to our agenda item six, which is the outstanding items and what should be the next task for this IOT group whilst we have our rules out for Public Comment. Of course, we're not quite there on the Public Comment so we may still need to spend a little bit more of our time just reviewing the materials and making sure that we're comfortable with them before they go out. But we do have a bit of a lull then when the Public Comment is underway and before we get the input back from the community and need to go back to it.

What I did was I had taken an action item to go back to the previous list that we had. We did have a document that was originally put together in 2021 and it related to some fairly early discussions we've had, things that people have identified, some of the feedback that had come from ICANN Legal out of previous disputes and so on. Also, obviously, there are various items that are identified in the Bylaws that are tasked to this group. So that 2021 document included items that we subsequently been working on in terms of the rules. I took the opportunity to reorder it. If it was a topic like initiation of an IRP that we have now addressed and we've got some rule text for that, then I move that into a new heading that's called Issues Addressed just so that we haven't lost it. I didn't want to lose it, but I also wanted to just reflect that we've already dealt with it.

I'm just noticing that Sam has noted in the chat that because we've lost Greg, we have lost quorum. In which case, I think what I will do, if you'll bear with me, is I think it's worth us at least looking at this list. We may not make some outright decisions, although the only decision we really need to make is what we work on next. It's not a substantive decision. It's rather what do we spend our time on next. Unless anyone disagrees, I think we should keep going rather than lose the opportunity.

In terms of the document I circulated, it basically therefore is grouped under a couple of headings. There's a set of potential other issues under the IRP rules that we maybe need to look at. Joke, if you wouldn't mind scrolling back towards the top of that document, that would be super. There are five listed, although "appeals" actually is in both groups. I'm not saying that those four items actually need to be addressed, but I think what does need to be done is that we do need to just look at them and work out whether there's any work needs to be doing or not. It may be that there isn't anything. It may be an example being the procedure if ICANN elects not to respond to an IRP. We've dealt now with what happens if ICANN doesn't appoint a panelist on their behalf. So it may be that really we've done as much as we need to do to address ICANN non-engagement. But it was a question that was on our list and so I think we should formally have the discussion and just decide whether that's something we need to deal with more or whether we can do that as dealt with or not needed. Let's put it that way.

To my mind, I think those four items—I'm stepping appeals to the side for a moment. I think those first four items are ones that we should look at and just see whether there's anything that we need to do on them. And that's in order that then we are making progress and that when

we've got our public comment finished, that when we've finished going through the Public Comment input that we get in, that we hopefully have a final set of rules. I think, to my mind, it makes sense for us to cover those off over the next two to three weeks, however long it takes, and get them concluded and just decide whether any action is needed from us or not. But I'm really hoping that that won't necessarily be a long exercise. I mean, famous last words, but I'm hopeful that that won't require too much work from us.

And then in that second subheading, we have been a set of other tasks that are given to us under the Bylaws. And that includes things like the recall process of panelists. It includes anything more that we want to do on panelist conflicts of interest. It includes the rules for the cooperative engagement process. It indeed includes the rules on appeals as well, where certainly to date, our discussion on appeals has been that there's a short section on appeals in the current IRP Supplementary Procedures. But to the extent that we talked about previously, our view as a group was that if we wanted to have more fuller and more detailed rules on appeals, that we thought perhaps we should work on that separately outside of the IRP Supplementary Procedures. Rather than slow that work down and potentially take a significantly longer period of time, there's separate set of rules on appeals might be more appropriate. That certainly has been the approach that we've taken in relation to appeals. I'm open again to a different opinion on that. But I think the presentation that David circulated just before this call does indicate that there are a reasonable number of potential questions for us to consider on appeals, and that could take us a short while. It would

be nice to update the main IRP rules and not hold them up while we have that conversation.

I think in terms of what we do next, as I say, that first four items, I think we should deal with. Then there is a discussion for us if we have time about what do we start on next. I'll just finish off briefly. Item number six, the Recall Process of the Standing Panel and then item number seven, which is about Conflicts of Interest, both of those items, when I was looking at them, I have immediate questions which were, is there something already in existence perhaps in another context such as a recall process for other kinds of providers? That's the IRP panelists or anywhere else in the ICANN sphere that might be relevant here and that might form a sort of precedent that we could start working off rather than us creating something from scratch. Before we start work on six or seven, I have that question of what else is there out there? And also what's already been said to the IRP standing panelist in the appointment agreement that they are entering into about those two items, items six and seven. Sam? Sam, I think you are on mute.

SAM EISNER: Indeed. I put my hand down instead of going on mute. Sorry about that. I raised my hand before you raised this last point. We can provide to the group information about the conflict of interest practices that will already be in place because there are, of course, established conflict of interest principles around arbitrator appointments already. So that would be something that would be already contemplated to be the baseline, and then the IOT's work on that would be iterative. We can take a look also at the recall process information and see that.

I would like to make a bit of a plea from the ICANN side in terms of holes that we see that we think the IOT's quicker movement could help us fill, so that might be able to help some of the IOT's next steps on work. Given the fact that the Work Stream 2 effort on the cooperative engagement process didn't conclude, we are still operating under the old cooperative engagement process that doesn't fully align with what we need in the Bylaws. So having the IOT turn to that quickly would benefit the entirety of the community. Also, looking more in depth at the appeals process where there's anticipated to be a fuller set of rules, but that doesn't yet exist, that would also be, I think, a benefit to the ICANN community to having the full advantage of the IRP as it's contemplated within the Bylaws. So if I can just put in that bug in the IOT's ears that those would be things that I think would be of immediate benefit to the community in addressing more quickly, just wanted to put that out for some food for thought as the agenda is getting set for the next few months for the IOT.

SUSAN PAYNE: Thanks, Sam. David?

DAVID MCAULEY: Thank you, Susan, and thank you, Sam. I appreciate Sam making a plea like that, and I think that we should do what we can to respond to it. As to the order, whether it be CEP or appeals, I think it would be good to maybe make this an agenda item at the next meeting and ask the practitioners and hope that Sam and Liz will be able to speak to it from the ICANN practitioner side or have someone who might be. And maybe

Mike and Flip could speak to it. I think that would help, especially with respect to where CEP fits. Appeals are going to be new, so I don't think they'll have any experience with respect to ICANN appeals, and I think we can think it through. But there are some important considerations in the appeals business, as you might see from my slides. One of them you've noted up above, Susan, and that is the business of non-binding IRPs. That is such a strange bird. I'm surprised that I took part in the IANA transition Work Stream 1, and that I was part of the legal team in Work Stream 1, and yet that got through. I mean, a non-binding IRP. But there it is in the Bylaws, and it's a big issue on appeals, at least as far as I see, with respect to precedent and appealability, rather. I think we should give deference to what Sam asked and address those. So those are my thoughts. Thank you.

SUSAN PAYNE: Thanks, David. I think as you'll see when you have an opportunity to review the list, if you haven't already, but when we got to CEP, I'm very much on the same page as Sam in terms of that one, well, certainly because anyone who brings an IRP is expected to go into a CEP first. So that basically affects all potential IRP statements and obviously ICANN. Currently, the rules predate the change for the Bylaws and they predate the changes that have already been made to the IRP Supplementary Procedures. For example, there's a timing for entering into CEP, which may still be appropriate, but it's a timing that was set when the time to bring an IRP was 45 days rather than what it now is of 120. The CEP also envisages IRPs only relating to Board action. And so there are references for the timings running from when the Board minute is published and

that kind of thing, which is not the scope of the IRP as it's been amended.

Definitely, I appreciate what you said there, Sam. It's something I think I'm aligned on. I think it's something that would be important for us to deal with. Likewise, I appreciate what you say on appeals. As we all know, there's only an extremely short paragraph about appeals at the moment in the Supplementary Procedures and it may be that it warrants much more fleshing out as David indicated in his slide deck.

I think with that in mind and bearing in mind that we don't really have the practitioners on the call and we are quite light on numbers now, I'll do a call for thoughts on that over the e-mail and we can also revert back to it next time, but I think very much noted that those two items, the cooperative engagement process and appeals, are ones that it would benefit the community for us to turn our attention to.

Okay. I think, in which case, any other business, we didn't have any. I'll just pause and see if anyone wants to bring anything up. I'm not seeing anyone. I wanted just to raise the question of when we have our next call. Routinely, we have them every two weeks. I have a personal challenge which is that we seem to have gone on to the same rotation now as some of the SubPro IRT calls, and so I'm having a direct clash. But however, if we were to do a call in a week's time on the 16th of April, or indeed, if we did one in three weeks time, I think on the 30th of April, I don't have a clash. Whereas if we do one in two weeks' time, I have a clash. So I'm sort of inclined for us to reconvene on the 16th of April. Provided I don't get lots of objections to that, I think we could move some of this further forward even if it was just relatively short

call. And then that would hopefully help me in terms of getting me out of my clash of rotations. All right. I think David is indicating he voted for the 16th. David?

DAVID MCAULEY: Thanks, Susan. Maybe if it's on the 16th, we could just make it 60 minutes, it might be more attractive and attract more people. And I think we have a few nuts and bolts just to wrap up that are basically done. But we just need to look at—you could put something out in the list saying, "Look at these things. We're going to bless them on the 16th," that kind of thing. Just a thought. Thank you.

SUSAN PAYNE: That's a good suggestion, 60 minutes is probably all we need. All right. Then let's assume that that's the case. We'll do the next call on the 16th and try and keep it for maybe just 60 minutes. As you say, David, we can wrap up some of these outstanding items and try and get a heads up to the practitioners that it would be helpful to talk to them about thoughts on next steps on CEP or appeals in terms of priority.

Okay. In which case then, we are a few minutes early, but I think this would seem like a good time to wrap up. So I will give you a few minutes back on your day. Thank you all very much for your time and continuing engagement. Thank you.

DAVID MCAULEY: Thanks, Susan.

JOKE BRAEKEN: Thank you all. This call has now ended.

SUSAN PAYNE: Thanks, Joke.

[END OF TRANSCRIPTION]