

BRIAN CUTE:

Greetings in the room in Los Angeles. This is Accountability and Transparency Review Team 2, May 3rd, face-to-face meeting with ICANN staff. Greetings to everyone online. Good morning here in Los Angeles. Welcome back.

We have a full agenda today. Again, we're going to continue hearing from ICANN staff in terms of their input on implementation of recommendations of the review team; continuing with ATRT-1 on issues of public input and multi-lingual access, and also GAC operations, engagement and interaction with the board.

After our lunch break we're going to hear from staff about implementation of SSR recommendations. For the balance of the sessions, we're going to look at – coming out of yesterday – have a session where we develop follow-up questions and guidance to the staff to provide more information about implementation efforts that we've heard about yesterday and today.

We will also look again at the new issues that we're going to focus on. I took the opportunity to map the issues from our issues list to the four different work streams and organize the new issues by work stream, so we'll take a look at that document as well as discuss how we can kick off those respective work streams. And we have a couple of other items to finish up the balance of the day.

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With that, I open the session. Is David here, or are we still a few minutes off from that, Alice? A few minutes off from that? I guess, to fill that time, we could put the work stream and new issues document up on the wall and at least take a first pass through that.

What I did, so you know, is I took the issues list that was color-coded and mapped to the different section of the AoC 9.1 and mapped the issue underneath the respect work stream – 1, 2, 3, of 4 – where we think it belongs. Then with respect to the cross-cutting issues, I copied those under each of the work streams, and I think we want to do as a team is walk through that, make sure we're all in agreement in terms of the work that's going to be done.

And I do think we need to look at the cross-cutting issues to make sure that they actually are cross-cutting. There may be a work stream or subject matter for which a cross-cutting issues actually doesn't apply, so let's check that. And once we finish that, we know we'll have organized work moving forward.

Up on the wall, if you can go back up a bit to the top of the document – thanks, Alice. Okay. So just building on it, you see we have Workstream 1 and a short description. We have the chair, which is waiting to be filled by some happy volunteer. The members are listed, and then I used the heading New Issues, pulling off of the issues list. And if I miss something, please catch it and add it under Workstream 1, and this is 1A.

New issues are Transparency and Financial Matters, Skills, and Training. Look at this more closely. What are the measures associated with skills

and training? It's recognized this is part of ATRT-1's work, but it's a new look at that issue.

Internationalization of Outreach as it applies to Workstream 1A, and Capture. There was an issue of Capture that I believe was mapped to – and Carlos and Fiona, you helped put that document together; if I miss something, please correct it.

So these are the new issues that this team would work on – Workstream 1A. Everything look accurate? Everyone in agreement?

CARLOS RAÚL GUTIERREZ: (inaudible) A related to 9.1A?

BRIAN CUTE: Correct. Yeah, this maps to 9.1A. And you know what, Alice? I'm not sure if...

CARLOS RAÚL GUTIERREZ: This is (4)?

BRIAN CUTE: Yeah, this is (4).

CARLOS RAÚL GUTIERREZ: You divided it into five chapters of the 9.1.

BRIAN CUTE: 1A, 1B, 1C, 1D, 1E. Exactly.

CARLOS RAÚL GUTIERREZ: Yes.

BRIAN CUTE: For some reason, the cross-cutting issues... Could you scroll down the document, Alice? I'm not sure. Maybe I didn't send you the right version.

UNIDENTIFIED MALE: Down at the bottom.

BRIAN CUTE: Down at the bottom. Oh, that's right. Okay. So here are the cross-cutting issues coming off the issues list, and I put them at the bottom

because conceptually, they would be cross-cutting for each of the five work streams – 1A, 1B, 1C, 1D, 1E. Carlos?

CARLOS RAÚL GUTIERREZ: In the first four, you talk about outreach and internationalization of outreach. My question is, should we take it out of the four chapters and put it as a cross-cutting?

BRIAN CUTE: We could do that.

CARLOS RAÚL GUTIERREZ: It's only in the fifth one that you don't mention outreach, but it seems to pop up all the time.

BRIAN CUTE: We could make that cross-cutting. We just need to check it against the substance of each of the work streams – the discreet work streams – and make sure it actually is a salient, relevant issue. Avri?

AVRI DORIA: Thanks. Avri speaking. In terms of going back to what was on the list at top, the transparency and financial matters and the issue of capture – I'm not sure how I understand that being a board only issue. And it seems almost more like a C issue in terms of "ICANN public input, including adequate explanation of decisions taken and rationales thereof." But it's a broader ICANN issue, as opposed to a board issue. And if it's in A, or is it being restricted just to how the board's doing?

BRIAN CUTE: So what should be the scope of it?

AVRI DORIA: I think in terms of financial issues, we're dealing with both the board and the staff. It's not just the board.

BRIAN CUTE: So board and staff.

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- AVRI DORIA: And I think in terms of Capture, we're not talking about eh board being captured. We're talking about organizational capture, not just capture of the board, are we?
- CARLOS RAÚL GUTIERREZ: There might be, if we go a little bit deeper, there might be some conflicts of interest issues. But yes, I would agree (inaudible).
- BRIAN CUTE: Olivier?
- OLIVIER CRÉPIN-LEBLOND: (inaudible)
- BRIAN CUTE: Thank you. Alan?
- ALAN GREENBERG: We've talked over the years a lot about capture of the board by staff. We've certainly talked about capture of the policy making organizations by contracted parties, so capture comes in many different flavors. Capture, in any one of those aspects, harms ICANN's credibility in the world. So we may want to address Capture in multiple places, or we may want to put it in one place. It's going to span – if we put it under C, it's still going to have reference to the board, and I don't think we need to get hung up on that.
- BRIAN CUTE: This is just a mapping exercise when you boil it down. Where does this get homed is an issue, and that's the final question. Yeah, Avri?
- AVRI DORIA: The problem with that is that once you've got it homed, if it's the wrong home, then you end up with discussions about, "Is that within scope for our group?" questions. And so I'm looking to avoid the future scope question of saying, "Well, no. A here is really only talking about the board, and we're not worried about..." So that's...
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ALAN GREENBERG: I understand. Finding the right home is the point. So, no. Having accepted, I think I'm hearing agreement that it's about capture of the organization. Then my question back to you is, do you know what the right home is across these? Just C?

ALAN GREENBERG: There's nothing to stop A from talking about it. When we finally come to the report, we probably need to integrate the recommendations to the extent that it makes sense. I mean there may be very different solutions to stop one kind of capture than another.

BRIAN CUTE: Okay, so should we move it to C for the moment?

CARLOS RAÚL GUTIERREZ: I have it under E, but (inaudible). For me, Capture is (inaudible). If there are problems inside, it would be a conflict of interest. Capture normally, in regulatory terms is one of the regulated entities. It serves undue influence on the regulatory body, so it's actually an external relationship. If there is something internal between staff and board and so on, I wouldn't call it capture. I would call it conflict of interest or any other type of conflict.

BRIAN CUTE: Could it have more than one home? Alan?

ALAN GREENBERG: When you consider capture by staff, which has been a significant subject at ICANN over the years, that's not conflict of interest. That's something different, yeah. Olivier, I think was (inaudible).

BRIAN CUTE: Sorry. Olivier?

OLIVIER CRÉPIN-LEBLOND: Thank you. Alan said it very eloquently, actually. (I'm just saying to you), within ICANN circles, capture is used both by capture of the process and capture of the interests, and of course with staff, there's no conflict as

such. It's just the nature of the way they're supposed to support the community, and it's very hard sometimes to be able to draw a line between one and the other.

BRIAN CUTE:

Okay. Well, in about five minutes we have to shift over to staff, so this is just the beginning of the discussion. We'll come back to this document in the afternoon, but it would be good if we can work through this exercise of finalizing the mapping. Then we are all in alignment on what work needs to be done on what work stream. And we'll get that done today.

Another note, too. I asked Fadi for just about 15 minutes of his time today – he had some time – so I could talk to him about the issue of outreach as we've discussed, and he's available now. So if you all don't mind excusing me, I'll go grab 15 minutes with Fadi and bring back his thoughts to the group.

Alan, if you could take over for the initial staff inputs, that would be fantastic. Okay. So let's table this document for now. We'll come back to it in the afternoon, keep working through it. And we'll start with the staff inputs.

ALAN GREENBERG:

Alice, who are we hearing from – or anybody? Who are we hearing from first? I just found out I was chairing a moment ago, so I'm not quite up on what I'm sharing.

UNIDENTIFIED FEMALE:

The (inaudible) discussion and (inaudible) will be joining us in the session.

ALAN GREENBERG:

I think silence is golden. Is there any way the temperature in this room can be lowered? It's that, or clothes start coming off soon.

UNIDENTIFIED FEMALE: Alan, we have Sébastien with his hand up. Sébastien Bachollet is in the room, Adobe room, and he had his hand up. Sébastien Bachollet's in the Adobe room and his hand is up.

ALAN GREENBERG: Sebastian, you have your hand up. Would you like to speak?

SÉBASTIEN BACHOLLET: Yes. Thank you very much. I just want to know if you need my participation because I really feel strange what is happening here. You talk about staff inputs and I get e-mail a few days ago asking me to participate with these sessions, and I am happy to do so, but if you don't need me, it's my wife's birthday. I have something else to do. But I am happy to spend time with you if it's needed. Thank you, Alan.

ALAN GREENBERG: If you can hold on for a moment or two until Dave...

GROUP: Happy birthday to you. Happy birthday to you. Happy birthday, Sébastien's wife. Happy birthday to you.

SÉBASTIEN BACHOLLET: I will tell her. Thank you.

UNIDENTIFIED MALE: Now talk about Capture.

ALAN GREENBERG: Sébastien, if you can hold on just a couple of minutes until David gets here. Since he's presenting, I don't know whether he's depending on you to put forward some aspect of it or what. So if you could hold on a few more minutes, we'd appreciate it.

SÉBASTIEN BACHOLLET: Okay. Just my point is that if it's a presentation by staff, then I have nothing to do. If it's by staff and by board committee we're in charge of, then I have something to do with you this morning.

ALAN GREENBERG: Okay. David has just walked in and we'll ask him.

SÉBASTIEN BACHOLLET: Okay, thank you very much.

ALAN GREENBERG: David says you can go celebrate your wife's birthday. Sébastien, are you still there?

SÉBASTIEN BACHOLLET: Yeah. I just have to unmute myself.

ALAN GREENBERG: Okay. You have dispensation. You may go celebrate.

SÉBASTIEN BACHOLLET: Okay. Thank you very much and have a good meeting. If you need any time my participation, I will be happy to do so.

ALAN GREENBERG: Bye-bye.

SÉBASTIEN BACHOLLET: Good-bye.

ALAN GREENBERG: Thank you, Sébastien.

DAVID OLIVER: Thank you very much. I appreciate the opportunity to be here from Istanbul, the other headquarters of ICANN, and glad to be here at this headquarter as well. So I expect to spend only a third of my time here, and the rest of my time elsewhere. But thank you very much.

The issue here, of course, is the ATRT public comment recommendation and your review of that. We have provided some initial answers to the topics that were raised in the earlier messages about the implementation and other aspects of that. We also documented as we had throughout the process where they could be found on the ATRT update. The implementation update was constantly revised and presented and published to talk about our implementation plans.

Overall goal is to facilitate the community's qualitative public comment input into ICANN's processes and activities. The implementation of the

ATRT improvements has occurred, and it's part of the standard operating procedure of both staff and community. Nevertheless, we don't rest on those laurels.

Continual refinements remain part of this process, and in some areas they need more attention as we build upon our experiences based on the implementation, first that occurred in July of 20eleven, and then more importantly across the board in January 1, the implementation of 2012.

We of course are looking at this, as I said. We are looking at the studies, how this is implemented. The staff has conducted, of course, an inventory of the web pages on ICANN.org, and we noticed they needed some updated, and I'll explain that a little later. They have been updated, and of course we are in constant communication with our staff with templates and other instructions on how they prepare and document the public comments.

We will be putting out a new set of communications because one element of the public comment process that we saw needed improvement was the forecasting side. And even though, in 20eleven in July, we had a forecast that we were going to update, the updating of it on annual basis was problematic for a lot of people – to get the information, to keep it accurate.

We were realizing that, in this particular year, that it wasn't providing the guideline or roadmap that we had hoped it would. So we have decided to refine that, move it to a trimester focus which is more of what the community will look at and can focus on, and staff can kind of

project as this would improve the kind of annual forecasting process and focus the attention on the trimester that we're at.

So this will be the new improvement that you'll see, and hopefully this will go forward to helping refine a forecasting tool for the community as we go forward.

The other issue that we are looking at is, of course, the impact of the changes. Does that help or hinder the public participation in our public comments forums? At the moment, we're looking at this over the last three years. The question was, have some sort of stability and predictability in the public comments. One of the past issues was, what is the day, how many days? So we did regularize that, but generally over the three-year survey that we took, the average was about 40 days of public comment period. And with the new reply comments added to that, that added about 52 days of public comment timeframe.

We're not sure at this stage – and we'll have to do more research, focus groups, and the like to find out refinements – but we think that, through the use of other new tools that we're introducing – the information on myICANN, for example, that highlights public comments currently being activated and other tools through Chris Gift – that this will help us augment the process changes we've made and help to focus the attention of the community and make it easier for the community to make their public comments.

We, of course, heard the remarks that the comment periods are too short maybe. The compromise was a minimum 21-day comment period, 21-day reply period, though we had focused into our operating procedure a flexibility for the staff person or group involved with the

public comments to extend it if needed because the whole purpose of which was to get comments , not to have strict deadlines. And we'd done that in the past.

There are some challenge that we have going forward on PDP processes that have specific timelines and the like that would elongate or delay, if you will, even further some of the processes in the GNSO, for example, or in a ccNSO policy development process. There were concerns for that, and nevertheless the minimum – that's why we said the minimum – would be 21 days in the comment/reply period.

What we're finding in the reply period is that many are not really replying in an interactive way, but using that extra time to input in its first comments, if you will. And that's something we were trying to address with next steps either in terms of a wiki type of format or with new tools that might provide more interactivity, so we are still kind of refining the comment/reply comment process. But again, there's tension in the balance of the time because if you add more to it, it delays some of the processes of the policy-making process. With that, I think I will stop as an overview.

And just a final comment. My experience in implementing this in the time that I was responsible and continue to be responsible, I've found that the staff errs on the side of trying to get comments. They rely on that; they encourage that. They're flexible for that, and I've heard nothing more than support for the idea of trying to be flexible to make sure that comments are gotten, obtained, and put into the process because that's an important element at what we do here at ICANN.

The other thing is that, while we regularize and standardize templates which were not there before, this provided an easy tool for the staff to have a checklist, if you will, because of the template to fill out the format needed. We have a little special tool that calculates the 21-day/21-day period so they can set the deadlines right off the bat.

So in essence, we have put that into the standard regular process and, to that extent, that was a great improvement of the ATRT recommendation, and I think is bearing fruit for a standard across the ICANN offices a way to deal with and handle and process, if you will, the public comments.

So with that, I'll stop and open up the discussion. Thank you very much.

ALAN GREENBERG:

Thank you, David. A couple of comments and then follow-on questions. Before the change, there were always a number of groups, specifically At Large and a number of the GNSO constituencies or stakeholder groups that said 30 days, which was the previous norm, was not sufficient. And of course, the reaction was to reduce it to 21 with the possible extension.

But I note that sitting on a lot of work groups that initiate public comments, the default is 21 unless the work group can show cause, which to some extent ignores the people who are actually trying to answer them. I don't think it's surprising that, because of the reduction, you're seeing answers coming out in the reply period.

You implied that the reply period is not generally used of replies. Can you give us any – I won't say statistic – but any measure of to what extent replies have been there. And I know there have always been, to

some extent, people giving replies even though we never had a reply period, but to what extent has it been even a bit successful in achieving the original purpose?

DAVID OLIVE:

Alan, thank you very much. I think it has been successful to the extent that the comments are now known in that sense. With the 21-day period, you have to put in your comments so that in the past when you only had a comment period only, people waited because of timing or inputs or whatnot to the last minute. Other people weren't able to see those comments until afterwards, if you will. Whereas, at least with the reply/comment period, you're able to see those inputs to date and, to that extent, that has helped provide a view of other opinions or other views. And to that extent, that's, I think, very helpful.

ALAN GREENBERG:

But has it in fact generated reply comments? It generates the opportunity for replies, but have there actually been a lot of substantive replies?

DAVID OLIVE:

I would have to say no. In other words, if indeed what you're saying, that the reply/comment would be, "Oh, the NCSG noted that the CSG said this, and we would like to..." No, that we haven't seen much of. And that, we had hoped, would be...

What we had planned was kind of a wiki forum for this. We haven't implemented that because we waited for some of the new tools that were coming in to see if they were either better or could be tailored to us. But that was how we were trying to address that.

ALAN GREENBERG:

The second question I have is – I'll go to Carlos in a second – I understand comment periods range from no answers at all to hundreds

sometimes. Do you have any feel, however, given that wide range, has the number and substance of comments changed given the new timing sets?

DAVID OLIVE:

We do have what I would call, in our kind of review, a survey of the most popular ones and topical issues that you would, of course, imagine – the Registry Agreements, the (dot job), new gTLD Program, Applicant Guidebook. Those issues were quite popular.

The least popular ones were probably in the form of procedural changes that might have occurred – GNSO; changes in their PDP process or more internal processes. There was less of a kind of an uptake on participation.

ALAN GREENBERG:

I guess the question I'm asking is, is there any reason to believe that the change that was made in response to the ATRT-1 recommendation really yielded a qualitatively different group of responses than we would have gotten if the rules had simply stayed the same? In my mind, that comes down to the core of the question. Was all the work worthwhile?

DAVID OLIVE:

I would have to say yes, though. If we look at, for example, the increase of public comment by At Large, for example, over the period. We've had huge increases of their outputs into that process. So that's a positive element.

And I think the groups were organizing themselves, though it's tough on the communities, as volunteers, to get all their comments, if you will, organized and sorted. But I think there has been an improvement in that because they're able to pick and choose and see what they wish to input into. So I would say yes.

ALAN GREENBERG:

Carlos?

CARLOS RAÚL GUTIERREZ:

Yes. In terms of your comment that there is no interaction between the different comments, don't you think that we should consider staff doing more analysis of these comments, more value adding? Would it be possible, or does it require revamping of your organization?

DAVID OLIVE:

Carlos, thank you. I'm sorry. I'm not sure I understand the question. What do you want the staff to do?

CARLOS RAÚL GUTIERREZ:

You mentioned that there is little interaction between the different comments. People just make a comment and nobody is comparing the comments. Nobody making comments, is checking what the other ones are commenting. So my question is do you think staff should do this value adding of analyzing the different comments and noting where there are similar comments or where there are contradictions? What about staff's role in the analysis and adding value to the inputs?

DAVID OLIVE:

Thank you. I understand that question. There are two parts to that. The first part is, during the comment process, are other groups reading the inputs there and also incorporating them into their comments? The answer there is it doesn't seem that there's much of that.

The second half of that, (inaudible) in its summary of the publicly comments, quite clearly takes all of them and points out the commonalities, the differences, what comments they've made, and the highlights of their comments. So to that extent, the staff does that in its summary and takes care of that after that. Of course, that is made public, too, so that the groups in that way find the summary that way. But it's after the public comment period has closed.

BRIAN CUTE: Hi, David. It's Brian. Sorry for being out of the room.

DAVID OLIVE: Hello, Brian. Good to see you.

BRIAN CUTE: Welcome. Likewise. If somebody's asked this question or parts of it, I apologize, too. Just catching up. This issue is one that I personally feel very strongly about, coming out of ATRT-1 – not because it was created by ATRT-1, but this particular issue, the benefits of this process, if the community uses the tool properly, are extraordinary – for the community in terms of the sense of being heard; for the board in terms of understanding the argumentation on both sides of the given issues and being able to know that process was full and complete as it renders its decision at the end of the process. And I understand clearly that the replies are not being used as intended by the community for maybe a number of reasons.

Two points. Have you give consideration to just flat out extending the comment periods longer than 21 days full-stop? Have you considered another round of education with the community to help them understand exactly how these tools are intended to be used and how it benefits them when they're used appropriately? Or any other idea as to how to make this actually useful.

DAVID OLIVE: Thank you. Good points. In terms of extending the comment period, we have, because periodically and then throughout the process working with the board PDP committee, we've heard comments of this. "Can you extend it? Would you extend it?" I think the first reaction was we wanted to have at least a year period to find how we should do that and if we should change that.

And we were just reluctant to change after our first year, quickly, because the word we had – and it's a caution we had – that it would discourage public input. (inaudible) another change in the process, what does it mean, and things like that.

So we opted for the flexibility of each particular staff or group and the process to extend. And we wanted to wait to have more research done, focus groups or whatever, to find out if we needed to change it more officially. So at this stage, we were holding onto that to see the track record, allowing flexibility. But we were worried to make another quick change might be discouraging.

In terms of education with the community, yes, that's a very good point, and we had thought that we'd use a variety of ways to alert them. The policy update that's a monthly report, as you know, starts out with public comments currently under issue. I created an SO/AC Alert List which goes to the leaders both of the SOs and ACs and the constituencies, which we send them periodically to remind them of what's coming up.

And of course, we constantly send notes to the constituencies in the groups to remind them that a period is about to close or something like this. And then myICANN came into play, linking to public comments, so we hope that those information and gentle reminders would also be a way of encouraging that – but maybe a more formalized education webinar might be useful to kind of explain the value of the reply/comment.

ALAN GREENBERG:

Follow-up, Brian?

BRIAN CUTE:

Thanks for that, and just thinking this through in the bigger picture. Thank you for all the things that you've undertaken and considered. I've heard, over time, complaints from the community that just the sheer volume that are out there and requests for comments that are out there is an issue.

Not passing judgment on that, but having heard it, have you done any quantitative analysis or statistical analysis on how many comments and reply comments you're receiving from the community from before the new mechanisms were introduced and after the new mechanisms were introduced? Any research or analysis there that might shed light on the community's use of these tools?

DAVID OLIVE:

The one statistic that we have, Brian – thank you – is that, by and large, we've been relatively consistent over time when looking at this three-year time range, 2010-2012. We're seeing roughly 18 public comments per quarter or about six per month on average, and that's been under a busy period. We expect that to continue and maybe increase a little bit.

In terms of your specific question on the comment/reply/comment, we don't have that data. I would have to look into that. We have what is done for the extension of the days for commenting. On average, as I say, before the comment/reply/comment was instituted, there was an average of 40 days – the length of comment period – whereas with the new changes of January 1, 2012, the average has been 55 days for public comment/reply/comment.

BRIAN CUTE:

Combined. Thanks, David.

ALAN GREENBERG: We have Olivier next. I'll give one little insight as the person who's often designated as the person to decide whether to make a comment or recommend whether to make a comment and to draft it, there's probably a fair number of things that we don't say because the timeframe is just too short. Olivier?

OLIVIER CRÉPIN-LEBLOND: Thank you very much, Alan. It's Olivier Crépin-Leblond for the transcript record. Whilst Alan decides or often has to give his point of view as to whether the ALAC would file a public comment or not on specific subjects, I'm the one who has to give the final green light for it and to read the final comment that goes out there, and sometimes edit it.

So with 51 public comments that we had last year, which is actually perhaps primarily because of the new system of public comments, but because of the maturity of the advisory committee itself, public comments is one of my real things that takes part of my life, effectively.

I have several things to ask, but first a couple of things. The SO and AC list that you have put together I think is extremely helpful, and so I think that all SO and AC chairs and leaders have really benefited from this.

I had a question last time we spoke with regards to the forecasting of the upcoming public comments, and I'm very glad to see that this has reappeared now after having been dropped somehow by lack of luck or something, or maybe staff movement and so on. So I'm really glad and I just had a look at it and it's good to be able to forecast what is coming up. I'm glad to see that it looks even beyond Durban, which is a really good thing.

I hope that you will publicize this, because I haven't seen these upcoming public comments publicized yet, and that all SOs and ACs will be able to actually make use of this to forecast a little bit of when they're going to ask for comments.

One of the concerns is not perhaps the volume of public comments, but the bursty-ness of public comments. Before an ICANN meeting, you suddenly have a huge surge of different SOs and ACs that wish to get some kind of feedback before they meet face-to-face, and so they actually often don't get any feedback because of the fact that there's 10-15 public comments that suddenly arrive before and ICANN meeting and it's extremely hard to deal with at the time.

A couple of things. First, there were several sessions which you organized with the PDP in Prague and prior to that and you connected, I think, a lot of feedback already at the time on the public comment process, but I haven't seen any final reports or any processing from your department to come back to us and say what you have heard and (audio cuts out) show us what next steps there are going to be, based on that feedback.

The questions and the comments I've heard here just now are very much the same comments that were admitted in Prague. There were even some potential solutions that were provided. It's understood that if you are an individual wanting to comment, 21 days is probably enough time for you to make up your mind. If, on the other hand, you are an SO or an Advisory Committee, 21 days is a very short amount of time to be able to tap into your membership and your colleagues,

especially if you're going to have a consolidated statement and you have to find consensus in your Advisory Committee or in your SO.

So the suggestion that I had heard at the time was that there would be two parallel time scales where the SOs and ACs would be able to send their comment in on a different time scale than individual comments coming in. Has there been any thought about this? Has there been any analysis about this – what this would entice, whether this would break the initial comment/reply period or cycle, whether this would break the discussion which you're trying to generate by having a reply cycle?

DAVID OLIVE:

Thank you, Olivier. To answer the question about the comments acquired, if you will, in Prague and in other public comment forums, as well as discussions we've had with SO/AC leaders, we of course heard and we do hear the issue of the time – too short for some cases; not enough time for others; hard for groups to organize within a 21-day, though in essence they're using the 42-day period to do that.

The question was wait and see until we decide. It's kind of hard to change the system again. If we didn't have flexibility, I could see that, but we still have flexibility within the system to see if that was sufficient before we did a major change of deciding should it be 30/30 days or 30/15 days. And again, that goes back to some of the concerns of delaying the PDP processes in other groups.

The second point I'd like to comment on. There are two levels of comments. There are those that are linked to the PDP process, and that's a particular timeframe that's set by the bylaws and by the processes. That is different from others – the strategic plan, the security and reliability studies, general public comment which we as a staff want

to get out, and committee groups want to get out, their recent reports or whatnot to hear some comments, or at least so notify them. And that's a different timeframe. Usually they have flexibility to extend that even further, and some do, in fact. So there is already that parallel point. We just have not been able to do the balancing of lengthy or public comment periods and the PDP process.

OLIVIER CRÉPIN-LEBLOND: Thank you, David. Olivier, again, for the transcript. So when the new system was introduced, I recall very clearly that it was going to be a test and, as in any test, there needs to be statistical data that is collected, etc. I've heard Brian asking you about this already, but perhaps some other test, I was going to ask for where the number of public comments report per quarter, the frequency at which they arrived.

Do you have any instantaneous statistic over many public comments get published three weeks before an ICANN meeting and how many public comments get published just after an ICANN meeting? This sort of thing – real-time information about the number of public comments that you have so you can have a graph and seeing where you get your surge and burst of public comment. The bursty-ness is a real problem, I think. So there definitely needs to be more statistical information on this because I haven't seen any of this yet, unfortunately.

Then, have you considered a public comment on public comments – because there was a public comment on public comments when the new public comments system was launched, but there isn't one now – later on? It might be interesting to find out because it's often the same people speaking, but it would be interesting to hear what the real

people out there – not us who are versed with this public comment thing – really think about it.

There are the performance indicators regarding the public comment – how many replies to you get; how many initial comments do you get per public comment; which subjects gain more comments than others? I think this is all interesting and important information to find out. What are the key topics today that public comments get? And then I had another question, but I'll let you respond to these.

ALAN GREENBERG:

Then we'll move on to another speaker and come back to you.

DAVID OLIVE:

As I say, we have an analysis that links to some of that, Olivier, and roughly it's six per month that we find is the Public Comments. We do not and we did not cut the data as you had indicated on the bursty-ness. Again, that is a question of – it's not necessarily in the PDP process because that's somewhat set, but a lot of people want to make sure that they get that out, so the continuation of the discussion happens at the ICANN meeting.

So in many ways I understand, and we've been sensitive to not having due dates during the ICANN meeting, but at the same time, the question is it's hard to control the process or the timing of a lot of the public comments as groups finish their work. The ICANN meeting is, in a sense, a pressure point to get things done, to move things forward, to move them to the next step and so there is that inevitable, if not natural, pressure to do that so that there can be consensus or agreement at the working groups at the ICANN meetings to get things done to the next step.

So to that extent, we've looked at blackout periods and things like this, but the point is, who is to determine what is more important or less important? I don't think it's a staff role to say, "I'm going to pick and choose the following two or three topics," when each working group or each SO or AC views that as a top 1 priority for them, or for a few of them. To that extent, that's an issue of how one looks at that or controls that.

So the one control that we have is we say to staff, "Don't make it during the ICANN meeting; everyone's busy doing other things," but it's hard to say, "Don't put something out for Public Comment that may extend to after the meeting," because the whole point is to use the ICANN meeting as well as an input to that process.

Did I answer all the other questions? I'm sorry, the bursty-ness. No, we haven't done that. We could try to look at that as to the timing. There is a bursty-ness; I understand that. And some of the other comments, we'll look into.

ALAN GREENBERG:

Fiona?

FIONA ALEXANDER:

Hi, David. I'm just curious. When you look at recommendation 15 and 16 together as the terminology used, I know from your previous life and career you're very familiar with the FCC's rule-making processes, and you can see that that terminology is reflective of that. So do you think that's actually (inaudible) an appropriate model, now that we've sort of suggested to implement that approach for good reason – whether that's actually an effective approach in this sort of Internet space and the ICANN time because the reply/comment process and that approach is very well-versed and people can use them as a corporate interest.

And you've described an individual versus a group in that process, and you mentioned using a wiki instead. I mean, if you were starting over and trying to figure out how to address the problem, is this the way that you would do it? Or having tried to do this, what have you learned and what would you think is better?

And the other question I have is, back to the volume. The group had suggested some sort of prioritization or categorization of types of comments. In describing it, you've identified at least two or three in your own mind. Is that listed somewhere that there are comments that are more procedural, there are comments that are about strategic plans? Are they already listed as types, and people that don't know how to use ICANN can say, "It's this type of comment"?

But I'd be really curious as to whether you think trying to do this overlay (of more) traditional approaches have actually worked here.

DAVID OLIVE:

Thank you, Fiona. I think that's right. The comment/reply/comment methodology, whereas – for those in the U.S., for example – is understood, was maybe less understood elsewhere. And so, as the community is looking at this, I think they're still grappling with that issue. I can't say that it's not the right approach because I think that if the timing is worked out correctly, they may like the idea of noticing what others have said and commenting further. At least that was the notion of trying to get an interaction.

And so I'm not at this stage saying that's not the best approach. We just have to figure out and refine it a little more to what the community can kind of react to in a better way.

In terms of prioritization, we early on put in the tagging system so that people would know that it was new gTLD or PDP or whatever and it's a help to – and we worked with the community on developing those prioritization tags, if you will, for them to be able to discern what was the nature of that public comment. Now maybe we should do a little bit more labeling.

And what I would like to do and we just haven't had the time to do it as we're shifting and looking for the platforms, but you may have seen in the latest edition of the Policy Development Process, we've developed graphics and we use this for the GAC and Early Warning and whatnot – graphics that tell you where we are in step with the process.

I would like that also inputted into the Public Comment notice so that people know we're at stage 1, stage 2, stage 6, whatever it is, and they could click in and see that stage. It's just a matter of technically getting it in to the website as whatnot, but that's my intention going forward. It's always been to try to incorporate that as we make the improvements because I think that helps people to determine what that is.

Now we don't have graphics for what I would call non-PDP approaches, but we can easily do that that would help people visually see the importance there without having to put a note that says "Budget" as opposed to GNSO (inaudible) WHOIS (inaudible) make it easier.

ALAN GREENBERG:

Avri, you're next.

AVRI DORIA:

Thanks. I'm actually going to say a few self-contradictory things. First of all, I'm almost always one of those that wants you to extend the

comment period. I think it's a terrible idea because what it does is it trains me to always expect you to extend the comment period. So just sort of say I always need that time. I'm one of the commenters. I always need it (and yet so that).

I think it's going to take a while to educate us to get the comments in, get the reply period. I think it's a good idea. I think it's going to take while before we escape the mentality that we've got of, "I'm going to put my comment in at the last minute so nobody can trump me," which many of us have taken in the past. So I think that it forces us to learn a new way of working is a good thing. I think the long comment periods are problematic FOR the working groups because what happens is that many of the working groups go into sort of a stasis and they're waiting on the comment periods. And so finding that right balance.

And I think that's one of the things that your stats that you are collecting will eventually tell you. One, you'll start to see whether we have been learning to reply, whether we have been learning. I think that finding a medium path to sort of, yes extending, but having a notion of one singular, extraordinary extension that's either given a week before or not given so that we also get trained – I mean, we're all Pavlovian – so that we all get trained to the fact of, "Don't wait for the last minute expecting an extension." If there was a decision to have one, it was made, and if today's 24-hours to go, it's 24 hours to go.

So I think it's actually going well. I think we need to be trained, and I think we are training. But your stats will actually show you the extent to which we as a population are learning new ways of behavior.

DAVID OLIVE:

Thank you. I think the issue is that these changes – yes, some of that was staff templates and more regularizing the process within the staff, but generally it's a behavioral change, and that takes time and that's what we're struggling with and that's why I was cautious to say, "Oh, after six months people want more time. Let's change it." That's kind of hard to do in the communities that we deal with. It could be more confusing. So it is a behavioral change that we still think it needs more time.

In terms of actual data of the analysis we have to date, the jury is out. It's not clear from the responses that there is a 90/10 direction, and part of that still is, I think, the learning process that we're going through. And that, to me, indicates a use of more tools that could help. Clearer designations, like the graphics, as well as maybe some more educational webinars before we really say that we have to make another major change.

To that extent, in terms of comments on the Public Comments, to Olivier's point as well, we always do that and we will continue to do that. We're just not ready to present another package at this stage for that kind of comment on the comments.

ALAN GREENBERG:

Thank you. We're building a queue and we're going to have to move a little bit quicker, but first, Steve.

STEVE CROCKER:

Thank you. This is Steve Crocker. I have to applaud the enormous amount of work that's gone into this, and at the same time I find myself kind of still hungry even after sitting down to a large banquet of endless statistics and process issues. The key question that I've always had

about the Public Comment process is, does it actually matter? Is it having any effect?

And there are a couple of key points within that overarching question. One of them, of course, is, is anybody listening? But an also closely-related question is, is anybody saying anything that's worth listening to? Your comment early in your description in response to "are people replying to anything" suggests to me that there's something in the dynamics of what's going on that there is not a dialog imbedded in this process.

And in comparison with other forums – we're all familiar with many, many different forums – sometimes there are quite vigorous dialogs, debates that go on. And I don't know from everything that's been said here and from what I've watched over time, whether or not our public comment process has any real contact with the processes that they're commenting on.

Are things being said that change the outcome of what would have happened without them or what was going forward? We put a document up and ask people to comment on it, and then we go forward.

Yesterday I mentioned that I'm, from the position that I sit in as board chair, tightening up on the rationales that are included in resolutions so that they in fact deal with not only what the reason is for the resolution, but all of the other things that were said and have to (inaudible) for I think we've not been as strong in that area as we can.

And having said that, yesterday – and I had begun to say it within ICANN and various places. I decided I better not be slow, and so I sent out an internal memo saying – and now that I’ve made that in a large enough forum, this is plenty large enough and I better make good on it. So pass the word.” I had Amy Stathos sitting on one side and Sam Eisner sitting on the other and I felt flanked by legal staff (inaudible) make it happen.

So just drilling into this, has anybody looked at the substance of comments and whether or not they’re raising points that are either genuinely new or have not been thought through well enough before? And a kind of statistical analysis of, “We’ve got this many comments,” or, “they’re this bursty,” or how long they are doesn’t quite do it for me. I want to go inside the machine, if you will.

And perhaps your department is (inaudible) purely procedural in a way, and I know there’s a lot of pressure not to get involved in the substance because that would look like the staff is tilting the process. So I know there’s a delicate balance there, but nonetheless, from our perspective, it’s fine to have this public comment process as a matter of form, but if it doesn’t actually accomplish anything, then I don’t know what the value is of shortening or lengthening or whatever except that it kind of fiddles with things around the edges.

ALAN GREENBERG:

I think we have one or two rebuttals or comments on the comment. Do you want to go first? I have a short one. Avri has a short one, I believe. From my perspective as sitting on a lot of GNSO working groups, thanks to some very able staff developing a number of tools and instruments, that process does look at comments, and decisions are made based on the comments.

Looking at summaries and results of other comment periods other than policy development, I feel far less comfort that someone's actually sincerely taking the comments to heart and evaluating them. So I think it may depend on where they're targeted.

ALAN GREENBERG:

Avri?

AVRI DORIA:

What he said with the edition of "in the PDP process, I have noticed us changing what we were doing, taking things further, digging deeper into parts that we hadn't thought of before. So I agree with him. When they're not coming to PDPs and working groups, it looks like we're going into a black hole, but when they're coming to us in PDPs and working groups, I know that we're working.

And yeah, the tools that Marika and others have built for managing us working through these things have been incredibly good and incredibly helpful.

ALAN GREENBERG:

Brian?

BRIAN CUTE:

I just want to pick up on Fiona's question to David which was, "Is this the right tool? Are these the right tools? Are these effective tools in our environment?" It may turn out, certainly open to the fact that given the way this community works, these might not, at the end of the day, be useful tools. But the question isn't appropriately just to staff. It's to board.

And so Steve weighing in as he did, I strongly support is thinking because the design of this reply/comment period in particular which is intended to be an adversarial opportunity to take on the arguments of your opponents and deconstruct them logically and put forward a

broader basis of argumentation as to why ICANN's board should take position X is really the value here.

So the measure of whether they're effective tools, at the end of the day, should be an informed view of the board as well, having received the input from this process. So I would encourage you to keep digging at it and see if you can help coax the community along to use the tool as it's intended to be. And then a qualitative decision on its usefulness could be made.

ALAN GREENBERG:

David?

DAVID OLIVE:

Yes, thank you. I'd like to point out no, we don't. Of the 2twelve Public Comment Forums from 2010 to 2012, we don't look into the substance of it, but the key elements are surely emerging. The better rationale for the board action, that's one. The other examples in the PDP process are two.

The third one, for those not in the PDP process, for my experience working with the ICANN staff, as I mentioned earlier, they await and thrive and need that public comment. And some of it is either incorporated in that or maybe not always well articulated as to how, but that they really wait for.

And in the case of areas where it's not accepted, that's further stated. If we look at the recent rationale or summary of public comment on the Trademark Clearing House Strawman Poll, that was a 21-page memo of detailed explanation of where it did and where it doesn't and how it fits in and the like.

So that extent, I think there is a greater use and (are listening), and how best to kind of convey that to the person or persons or groups submitting the public comment is a challenge we have. We hope to have that with some new tools that might help us.

The other thing I think we also are seeing is that another, I think, indirect impact is how we organize some of our session at ICANN meetings. So for example, the Tuesday Constituency days, there are active discussions within those groups on what position they should take and how they should present that.

What we're finding is that there is little time for them to interact between groups. So we see that and we're recognizing that the intersessional meeting that we held January of this year for the Non-Contracted Party house of the GNSO, we actually constructed a session where they sat face to face – all of the constituencies of that Non-Contracted Party house – and talked about issues.

And it was I think the first time, someone said, that they were able to say, "Why are you asking that? Why are you saying that?" It was that interaction that was very helpful. We see a little bit of this emerging when the board meets with the constituencies, and we've heard both Steve Crocker and others say, "We'd like to hear more of their views, as opposed to a discussion or a debate of the views," and we're to look at ways to encourage that more fully.

This was part of – can you do it online in a wiki or in some other method? Maybe, but this is also another kind of structural change that we're looking at, which I think has an impact because of the nature of

the need to comment on and listen to what other people are saying. That's what we're trying to do.

ALAN GREENBERG: Okay. The speaker list we have is Heather, me for a short amount, back to Olivier, and to Brian for a wrap-up if he chooses.

HEATHER DRYDEN: Okay. I had a mini disaster at this end of the table. Okay. So I want to thank Steve for bringing this around to what I think is the qualitative side of this rather than the quantitative. It's important to be counting things – number of comments, number of comment periods – but you do need to find a way to come at a more qualitative aspect of what's being submitted. And so I think that's really clarified what you've raised in this discussion.

As far as perhaps complicating things a bit further in the interest of having this come back around to a clear path on where we might go next, one of the considerations I think as well when looking at how the public comment periods are used, is looking at what public comments are out at the same time.

If it's the case that there's a certain amount of capacity or that some issues are of greater priority, then attention will be directed there, even though there may be other public comment periods that would also be of interest – so our parts of the community making choices in fact about that kind of thing.

Certainly, the feeling is that there are a lot of public comment periods open and, speaking of the perspective of the GAC, it's challenging to actually assess where we need to focus in terms of an issue. And it's the case as well that the GAC doesn't always want to come up with written

consensus advice on something. GAC members may actually have an interest in commenting directly by the Public Comment processes and would want to be within the deadline and do all these things.

And so in those cases, are choices being made there? And the ALAC may as well have a similar perspective because they also have a (broader) niche. As far as the kinds of issues they look at, it can be virtually anything that's under discussion at ICANN.

So anyway, I just wanted to point to this kind of added dimension of the overall picture regarding the public comment periods that are underway perhaps at the same time or at different phases, but still active at the same time. Thank you.

ALAN GREENBERG:

David, any comments?

DAVID OLIVE:

The only comment I would have is one size doesn't fit all. So the question is, at any given issue that's out for public comment, is that of interest to every SO and AC and everybody else? Maybe, maybe not. Some are and some aren't. So that's where the prioritization happens at the executive community levels or other levels.

It's hard for us as staff to say what is or isn't in that sense as we move forward on that. But that's right. Some of them are of interest to everyone, and others have to review it and say, "That's a lower priority."

ALAN GREENBERG:

Thank you. A couple of quick comments, and I don't require answers – just tossing some ideas out. One of the things, especially for comment periods which do generate a fair number of comments, it would be really useful and perhaps impossible to have staff very nimbly come out

with a quick summary of the comments at the end of the comment period.

The process of reading comments – just the sheer number of clicks you have to click on to get to the substance of the document which is often three clicks away from the list – makes it an onerous process. And if, within three or four days of the comment period – and obviously staff can start working at it as the comments come in – there were a quick summary, not necessarily of the same details as the final one, you may encourage some level of replies on it.

Another quick issue is – and related to the next items we’re coming to – the fact that almost all comment periods are exclusively in English does reduce the market essentially for comments from parts of the community that we deal with.

And lastly, we’ve seen a number over the last year or so of staff papers – usually process papers – where they come up with a draft, ask for comments, and that’s the last you ever hear of it. Presumably, someone writes a final paper, it never gets published. Nothing ever gets seen of it. So I think we have to make sure ICANN does its homework on its internal processes, too.

Last comment other than Brian for Olivier, if he still wants to speak.

OLIVIER CRÉPIN-LEBLOND:

Thank you very much, Alan. It’s Olivier for the transcript. I’m taking two things out of this discussion here. One, the need for a public comment on Public Comment. The other one being the survey that you mention on your response sheet, and the survey being that of GNSO – well, of pretty much any group that has sent out a public comment recently

because I'm really surprised that we haven't got that data, so we don't know if it works for those people .

We've spoken a lot about the people commenting, but we don't know if the system works for the groups that are asking for those comments. I certainly am not seeing any information on that, and we have noticed that it has been helpful for some, but it might not be the case for everyone.

And that includes, of course, the apples and the oranges. So you'd have the staff public comments, the board public comments, the GNSO working group public comments, etc. Each one has a different flavor of public comments and different needs, and it would be really interesting to find out if the new system has helped them.

ALAN GREENBERG:

Thank you. David, any comment before we go to Brian?

DAVID OLIVE:

Yes. I think going forward we would surely, as I mentioned, would have a comment on the Public Comments and when we collect more of this information we will obviously present it.

The other issue of the groups – have they found it useful? That's kind of hard for staff to assess that, and I think what we need to do, and as we hope to do, is we use the focus group as an innovative way of getting this more details rather than just throwing it out for public comment type of thing.

In addition to that, the focus group which we conducted in preparation for implementation of all these agreements – of all these ATRT recommendations. So we found that to be an effective way to kind of

have a personal interaction, and we'd have to go in and do that to find out the effectiveness as well. We will hope to do that.

OLIVIER CRÉPIN-LEBLOND: If I could just add. Go and ask the chairs of the GNSO working groups if the Public Comment has helped them. They're probably the best people to be able to answer this because they're the ones who are receiving the overall summary of comments from staff and who have to work with it and get the working group to maybe change its recommendations.

BRIAN CUTE: Thank you. I'm just wondering. What if nobody comments on the public comment on public comments? Never mind. Let's hope we don't land there.

I'm speaking personally now because I just want to pick up a suggestion Alan made in my personal capacity. I actually see some danger in staff putting together a summary of comments before the reply/comment period starts because we have heard in other contexts concern from the community that, "The staff's summary of my comments wasn't accurate, didn't capture my points," and if somebody's going to reply on a summary made by staff, I think there's some risk there. So I would take the contrary view to that suggestion.

And I also personally think it's our job. AC/SO individuals, if they have an interest that they're looking to advance in the ICANN process, it's our responsibility to take advantage of these tools, assuming these tools are provided in a manner where they can be used and that volume or other factors are not making them impossible to use.

This is my personal view. It's really our job, and it's really our job to read through opponent's comments in full and analyze them in full and then use the reply/comment period to put forward our view.

What I would like to say, with the ATRT-2 hat on, is again encourage you to keep at this and try to see if we can find out whether the reply/comment in particular provides any benefit to the staff and the board and the community.

And also, really commend you on the exercise you did to provoke debate in that forum. I don't think there's enough of that in ICANN, and this is what this is about. We all know that there are interested parties who have different views, but when you can bring the debate out into the open, whether it's through written comments or through a forum, I think that creates a great benefit to the entire community. So I commend that type of activity and encourage more of that.

DAVID OLIVE:

(inaudible) I thank you. I appreciate those comments. And I also share the concern about the summary of the comments before the reply/comments. What we try to do when we can is to point to that.

I must say that the platform we have needs some refinement, and that's why we'll be working with Sally Costerton and Chris Gift on this point to make it a little more user-friendly. It is not easy – I agree with you – to click back and forth, and we're looking at a format that might make that just clearer so you can see that and not have to have four or five clicks, or maybe a one-click stop type of thing. But that is a platform and an improvement we're looking at to make that more visible to the groups and the commenters as well. So that's correct.

In terms of qualitative versus quantitative, we're not looking for a public opinion survey on the issues. We're looking for the qualitative inputs, and we've been hearing various views on that – "Well, the numbers matter." In my view, no. The numbers don't matter because it's not a 60%/40% kind of way of doing it. It's the quality of comments.

I don't read every input that comes in, but I try to focus on the PDP ones and I'm amazed at the thoughtful inputs and constructive comments that are put into that. And that's why the staff thrives on receiving those and works on that.

And in internal discussions and in – I can't speak for the board, but other kind of workshop discussions – they cite the public comments by X group or Y group or issues raised. That's another example of how it has an impact. So thank you.

ALAN GREENBERG: Thank you very much. I'm going to now turn the chair back over to the chair.

BRIAN CUTE: Thank, Alan. Where are we in the agenda? Do you have an agenda?

ALAN GREENBERG: We have done, I believe, two of the six recommendations in this section.

BRIAN CUTE: Thank you. Okay. So we have four more to go in this section. And how are we on time? We have 45 minutes left. Okay. Four more to go with 45 minutes. We can do that. So, David. This is still your show? Oh, where are we now? That's kind of what I'm asking. We have four more recommendations for you to provide input on in terms of implementation efforts. Is that correct? That was 16? So we have 17

through...okay So we're on 18. So we have 18 through... We have six more to go in 45 minutes. So, David. Soldier on, if you would.

DAVID CONRAD: Are we moving to...?

BRIAN CUTE: 18.

UNIDENTIFIED FEMALE: Christiana Rodriguez personally had a family emergency and isn't able to be on the line. We may have some comments in that area, but we'll get Christina back together with the team at another time.

BRIAN CUTE: Okay, that's fine.

UNIDENTIFIED FEMALE: The last comment in this section is the forecast. Do you feel like you've addressed that or...?

UNIDENTIFIED MALE: Yes.

UNIDENTIFIED FEMALE: Yeah.

BRIAN CUTE: So, Christina would cover the balance of these recommendations?

UNIDENTIFIED FEMALE: (inaudible) The one I was specifically referring to was the multilingual access. Christina Rodriguez is responsible for translation and can speak in detail to the processes.

BRIAN CUTE: That's number 22.

UNIDENTIFIED FEMALE: That is 18.

BRIAN CUTE: 18...

UNIDENTIFIED FEMALE: Ensure (inaudible)

UNIDENTIFIED MALE: (inaudible) rationales.

BRIAN CUTE: Are there any of the remaining six that David can report on?

UNIDENTIFIED FEMALE: I believe we're done with that section, right?

DAVID OLIVE: (Yes).

BRIAN CUTE: Okay.

UNIDENTIFIED FEMALE: David is done with that section.

BRIAN CUTE: Okay. So Christina would cover off the remaining six?

UNIDENTIFIED FEMALE: And Steve Antonov. Christina can address the multilingual access and translation.

BRIAN CUTE: Okay.

UNIDENTIFIED FEMALE: And that relates specifically to the PDP and the public comments, and also board material – anything for translation. And number 22 is “Ensure senior staffing arrangements are appropriately multilingual.” That one actually can be address by Steve Antonov, the head of HR, and he's on the line.

BRIAN CUTE: Okay, great.

UNIDENTIFIED FEMALE: Does David have any other issues you'd like to address relating to public comments or that? I think David's done.

BRIAN CUTE: Okay. David, thank you very much. We very much appreciate it. So which number recommendation, and just go to Steve, just so I'm clear.

UNIDENTIFIED FEMALE: 22.

BRIAN CUTE: 22. Thank you. Alright. Steve, are you there?

STEVE ANTONOFF: I am here.

BRIAN CUTE: Hi, Steve. Brian Cute here. We're going to give you the floor to give us your view on the implementation efforts with respect to recommendation number 22. The guidance we provided yesterday to the staff was try to focus centrally your comments on the effect of the implementation, if you will. What was the effect of implementing this recommendation, whether it had positive effects, neutral effects, or negative effects. And then we'll let the conversation and Q&A go from there. The floor is yours.

STEVE ANTONOFF: Very good. Thank you. So we implemented a number of steps to try and follow through on this recommendation. It has been difficult to measure the impact itself, other than to say that we see an increase in the multilingual skills of senior staff, but we're unable to measure as to whether that has had a positive impact on the organization or no impact whatsoever.

BRIAN CUTE: Are you pausing for a question? Are you there, Steve?

STEVE ANTONOFF: I'm actually waiting because there's not much else to say other than we know that we've increased the number of single staff that has multilingual skills. We continue to pursue candidates that have multilingual skills, but it's unclear as to what the impact of having additional multilingual senior staff members has had.

BRIAN CUTE: Has any thought been given to the role of the senior staffers involved? Because, clearly, certain staffers are going to be interacting with the community more than others and I think that it looks like the goal here is to improve accountability and transparency across all language

communities. An aspect of that certainly has to be interaction with the community. Has mapping been done, or thought been given to the role of the respective staffers and need for multilingual skills?

STEVE ANTONOFF:

So we have not mapped the specific role to interaction with the community, therefore requiring additional multilingual skills. What we see is that most of the interaction between the staff and the community in a broad sense is typically in English, to the extent that it's regionalized where we have staff that work in regions where having multilingual skills becomes more impactful.

Those tend not to be the most senior level staff members. For example, the global stakeholder engagement staff which are at the most senior level, although they are members of the management team – tend to, by default, being multilingual because they typically are recruited in their regions and already have language skills that are appropriate for that region.

BRIAN CUTE:

Thank you. Avri?

AVRI DORIA:

Thank you. Avri with a question. When first we started having documents translated into other languages, one of the things we watched for was to notice how often they were picked up off the web to see whether there's any...

So I'm wondering if there's at least an anecdotal start point to surveying these surveying these senior staff members who are multilingual to find out just has anyone been speaking to them in languages other than English? When they're at these meetings, do they find themselves...? How many conversations have they had with people?

And if perhaps there was a periodic survey, or even now just a survey – you are multilingual. “Has anybody spoken to you in anything other than English?” would be a useful thing to know.

STEVE ANTONOFF: Understood.

BRIAN CUTE: So is there any benchmarking to shorthand what I was asking – data – available to you today or any efforts to create some benchmarks against what you can measure forward progress?

STEVE ANTONOFF: There is no current data available. We would have to go solicit that data.

BRIAN CUTE: Thank you. Olivier and then Steve. Okay. Steve?

STEVE CROCKER: I have to say that all this feels a little surreal. These recommendations were written like three years ago. Our CEO speaks Arabic, French, Italian, and Spanish, I think. Tarek Kamel is now part of our senior staff in German, in addition to French, English, and Arabic. I think I could go a little bit further down, but I know from direct personal observation that there are conversations that take place in a wide variety of languages.

We went to Dubai to meet with leaders from Arab countries, and it became clear that I should not participate in one particular session so that everybody else would feel comfortable talking in Arabic, which was perfectly fine with me.

So this collection of statistics or trying to do surveys or asking feels a little standoffish from actually observing the facts on the ground, which is that we have much, much better linguistic coverage than we used to. Quantifying that, matching up against what the actual needs are and so

forth still remains. I think that's a perfectly reasonable thing to do, but it's night and day compared to where we were.

BRIAN CUTE: Olivier? Thank you, Steve.

OLIVIER CRÉPIN-LEBLOND: Thank you very much, Brian. It's Olivier for the transcript. I think we have anecdotal evidence at the moment that ICANN staff is multilingual, but I haven't seen any actual real statistics with regards to the multilingualism at various levels, various strata of ICANN staff.

And perhaps with Fadi mentioning this cross-wire, sort of a horizontal and vertical matrix, maybe building such a matrix to find out the multilingualism across ICANN is something that needs to be pursued if we want to actually get proper hard data on the success of this recommendation.

STEVE CROCKER: So in line with my previous comments, I think it's important to not just measure what's easy to measure, but... I'm sorry. So we could certainly do a survey of language skills across the staff. But the more relevant thing – and I don't mean to say that's irrelevant. That's useful and important to do. But that's not sufficient in my mind. Also, a question is, are we engaging with the communities? Does it actually make a difference? For that, we need a somewhat deeper, richer model than simply doing a matrix of who speaks what language.

BRIAN CUTE: Thanks you. Alan?

ALAN GREENBERG: Just a quick comment, to reinforce. It's difficult to know what the right measures are. How many languages do people speak is important. How often are they called upon is important. Steve, it's interesting – the comment you made – but the observations as someone who's acting as

the chair of the board and is involved in a lot of activities is not the same as the community having belief that the world has changed significantly. And somehow, we have to get that level of information (inaudible)

STEVE CROCKER: My comment was definitive. In listening to what was being said by Steve Antonov that we haven't measured these things, there clearly is a lot of data around or it's not so hard to get more. We need more, obviously.

ALAN GREENBERG: I appreciate that, but I think what we need is to have the level of comfort that you feel, having seen what you've seen, be available to other people through perhaps more formal surveys, analysis, whatever.

BRIAN CUTE: Carlos?

CARLOS RAÚL GUTIERREZ: Yes. This is Carlos. I think we shouldn't look at it, as Steve said, just numbers and staff speaking. I have to praise the efforts by ICANN to do some regional work – the nomination of regional vice presidents and the work that they have developed in the particular case of Latin America of trying to do some substantial community work, development of strategy, meetings, etc.

It's more important than who speaks Spanish and how fast the comment can be translated. I don't know how it will develop. I don't know how the strategy will phase the regional government presence in GAC and whatever, but I really look forward that this regional effort – the Latin American strategy, the engagement of the vice president for Latin America with different countries and different communities and different work in groups continues because I think this is even more

important than the strict numbers or the time it will take to translate public input from Spanish into English.

So it should be combined with geographic coverage and the outreach of ICANN. It's a very important element, but it should be seen in context. Thank you.

BRIAN CUTE:

Other questions from the Review Team? Online? I'm not seeing any. Just an observation. I think it's clear from Steve Crocker's comments that work's been done here, and in the context of a Review Team exercise, that the report and information into the Review Team should be, "This has been a success and here's why."

At the same time, there is that element of delivering optimal levels of transparency and accountability, which I think requires a little bit more context and qualitative analysis about whether that aspect is being promoted and improved. And maybe that's an area where more information coming into this process would be helpful.

STEVE CROCKER:

Yeah. To be clear, I was not at all trying to suggest that this Review Team shouldn't do a full check off and say, "Yes, that's been accomplished." I was more responding to the information that Steve Antonov was supplying us, and saying, "Boy, that feels pretty disconnected from what we know are a set of transformations that have taken place." And so I was feeling like we want to tie all this together.

I think the comment from Carlos matches my feeling as well that language skills per se are a small portion of what's actually required, and that the regional strategies, the distribution of hubs, the building of engagement offices, and the hiring of people in the regions are all part

of the same general strategy, and just having language skills alone would be pretty weak compared to a much broader scale strategy.

BRIAN CUTE:

Thank you for those comments. Well appreciated. I also think listening to Steve Antonov and looking back at the recommendation, it just says “senior staffing arrangements.” So when you look at the recommendation and staff is trying to implement and then report back in a measurable way, there’s some grey there as well – which is why I asked that clarifying question about senior staffers who interact with the community. That’s meaningful.

So there’s probably a little bit of grey here that we can all work through going forward. Olivier?

OLIVIER CRÉPIN-LEBLOND:

Thank you, Brian. It’s Olivier. Just to clarify, my insistence on metrics is on qualitative and quantitative metrics. It’s so as for this to be trackable in the future as well. As ICANN is going to open more offices, as it is currently opening more offices, it’s obvious that its landscape is changing and its environment is changing as well. If we don’t have qualitative and quantitative metrics of what we have today or what we had maybe a year ago, what we have today and what we will have tomorrow, it will be very difficult to track if ICANN is becoming more internationalized or not. We’ll have anecdotal evidence. We’ll say, “Yes, our CEO is from this place and speaks that number of languages.” But that doesn’t make an organization international.

STEVE CROCKER:

Completely agreed. But taking your comments a bit earlier about it’s important to have a model of what it is that you’re trying to measure and that that model is a non-trivial part of the process, we ought to be careful not just to measure things and then say, “Well, that’s what we

measured; therefore we continue to measure it,” if it’s not actually related to the larger goal of what we’re trying to accomplish. So building that model is going to be the challenging part. I think the measurement may have been much easier.

BRIAN CUTE:

Thank you. Denise?

DENISE MICHEL:

In the same vein, your goal – your objective – is to have metrics and to measure, so you can see that ICANN is an international organization. What is appropriately internationalized? What is an international? So we can – and I think this point holds for really pretty much all the recommendations. There’s a whole endless number of things that we can measure in deep detail, but I think, as Steve points out, it’s important for this team to determine what the end goal is, what success is. Why are you measuring? And when you reach X point, you will deem it to be a success.

So we can continue to measure and we can track a whole slew of metrics, but I think what would be more useful is to get guidance from this team about what your vision is, I guess, of, for example, “An appropriately internationalized organization is...” to Steve’s point about sort of the model of where we’re going with this, and I think many other recommendations.

And that would not only help staff think more about what additionally we want to do as an organization, but also help us refine and provide you with much more meaningful measurements, I think.

BRIAN CUTE:

Thanks, Denise, and I think those are welcome comments. Just for myself – and I’m sorry, Olivier, I’ll get to you in a moment – but I did

think in the discussion with David Olive of the risk of paralysis by analysis and that the quantitative does have to link to qualitative at the end of the exercise.

And I also think that this is where this Review Team, whereas the first Review Team did not consciously delve into suggesting specific metrics, I think this is where this Review Team with staff in a shared way can do some good work. And I don't personally view the vision thing as unique to the Review Team. This is more of a shared exercise. And at the end of the day, it's not the Review Team signing off and saying, "Great Job. Successful by our standards." It's improving the organization organically, and that's the measure at the end of the exercise. So just my views, but a very welcome opportunity to exchange and think through what metrics make sense – quantitative, qualitative – and how do we get to something that has impact and effect? So we'll take that on together. Olivier?

OLIVIER CRÉPIN-LEBLOND: Thank you, Brian. It's Olivier here. Just to add, I don't think we should just look at targets. In fact, it's very difficult to set targets. As you very rightly said, if you say, "Oh, 80% of staff has to be multi-lingual," and then when we reach 80%, great. That's not a target which I would set, and in fact, not something that I would find helpful.

I think we have to look at trends. Trends is really important. You alluded to that as well. If we see that ICANN has a trend of having less multi-lingual – or less number of languages – used in ICANN and used with the community, then there might be something. Well, we'd never know. Over the years, basically. There might be more or less, but if we see a

definite trend of less internationalization, then we can see it through the languages that staff speaks.

DENISE MICHEL: I think this area – kind of this process point, perhaps – yeah, deserves more conversation. I completely understand your point. And it may be in some areas that tracking some trends and continuing to consider it will be helpful to perhaps ultimately lead us to a collective agreement on whether it's been successful or whether we need to do something different. It may be that instead of saying, "If X happens then we've reached the pinnacle."

BRIAN CUTE: Thanks very much. Do we have anything else on this recommendation? This was the one that Steve was covering off. The rest would be...?

DENISE MICHEL: Right. This is Steve's only...

BRIAN CUTE: Okay. Anything else on this one? Okay. And Christine may or may not be available today, which is understood and that's fine. Why don't we – I think we can take a break here. We're a little bit ahead of schedule, but why don't we take the 15-minute coffee break now, and then SSR would be next? Or that's the GAC aspects of ATRT-1, Denise, right, in the next session?

DENISE MICHEL: Well, here, let me give Larisa the mic. She's handling the schedule.

BRIAN CUTE: So the next session subject matter is...

LARISA GURNICK: The next session is at 10:45.

BRIAN CUTE: Yeah. I know we're running ahead of schedule. Are you going to be able to have the staffers here early or is that problematic for you?

LARISA GURNICK: No. I think it's a fairly large group and some are dialing in, so I'm not sure how quickly we can assemble everything here at 10:45.

BRIAN CUTE: Okay. Well, we're about 15 minutes ahead of schedule, 20 minutes ahead of schedule. We could fill the time. We could go back to our work stream document and fill some time to stay on the clock.

LARISA GURNICK: And also Charla has the questionnaire ready if you want to take a look at that.

BRIAN CUTE: On what?

LARISA GURNICK: So a quick update. There's been some discussions about making the questionnaire that was published for public comment more interactive and easier for people to engage with, whereas now it's just posted as a PDF. As you all know, there's lots of questions and lots of questions embedded within questions. So Charla's been going through and transforming that text into an interactive survey. So what you are going to see in a few minutes on the screen is just the first cut at this, and it would be helpful to get some feedback from this group. Of course our intention is to make sure that we don't change the nature of the questions and the structure of what was intended as we format this into an interactive tool.

BRIAN CUTE: Sounds great. Thank you. Charla, you want to take it away?

CHARLA SHAMBLEY: So already on the public comment, we have the original documents translated. That has been done and posted and that is why we extended the public comment period. What you are seeing now is just the interactive tool. It's our first cut at it. It is also available to be translated into other languages, but this is a process that's a part from the other

translations, so at this point, we are just tackling the English version and then if that looks good, we can explore...

UNIDENTIFIED MALE: (off mic)

CHARLA SHAMBLEY: Exactly. So that would be the next step. June 19th – June 9th, I'm sorry.

(CHARLA SHAMBLEY): Okay. So the first part of the questionnaire is just taken directly from the PDF online. So I put that language in there. Currently there are 86 questions in the survey, believe it or not. [laughs] So what I did was instead of numbering them straight 1-86, I took them from the questionnaire so maybe it won't appear when they're going through it to be so burdensome and voluminous. So I'll just show you a couple of them, so you get the idea.

AVRI DORIA: Is this one of these surveys that you can stop and start and continue?

(CHARLA SHAMBLEY): Yes, yes, you have that option.

AVRI DORIA: Okay, thank you.

(CHARLA SHAMBLEY): So the first question is on a scale of 1-10, so I've created the scale here with radio buttons. So you can see I've numbered that question 1A. the next question is 1B. So hopefully, in their head, they're not answering 86 questions. So there's open-ended text here that they can enter. Scrolling down. And again, these are just strictly questions from the questionnaire that's already published.

These are not required. The only ones I may require – and that's something we need to talk about – is perhaps the 1-10. Do we want to have anything that's on a scale of 1-10? I did make those mandatory. All of the other ones are optional.

Anything that's marked with a red asterisk is a required. And it won't let you proceed to the next screen unless you answer those. I can change that.

AVRI DORIA: Yeah, I know you can. I would recommend – and I don't know if it's possible – but to sort of have an “I don't know” or “no” answer. To require it, but to let them give a null answer of “I don't know.” Or not make it optional, so that nothing blocks going on.

(CHARLA SHAMBLEY): Okay. I can remove them.

UNIDENTIFIED MALE: (inaudible) some people may be really familiar with one or two recommendations because they care about them, but all the recommendations (inaudible).

UNIDENTIFIED FEMALE: (inaudible) then you know if people have taken their (inaudible) upon it saying, “I don't know.”

(CHARLA SHAMBLEY): So I think mechanically from the structure of how this is laid out, embedding an “I don't know” along with the scale may not be a possibility. But we can certainly make it...There's limited functionality with certain options. I can play with it and see what I can come up with.

AVRI DORIA: What I really want to make sure is that we have nothing that blocks people from going on. I think that's one of the critical concerns.

(CHARLA SHAMBLEY): Okay. So here is a test. I can't proceed to the next screen until I make sure that I answer the scale. It really is. It's my own survey and I'm irritated. Okay. At the top of each (here), it tells you what percentage and also what portion of the survey that you're answering.

UNIDENTIFIED MALE: (off mic)

[laughter]

(CHARLA SHAMBLEY): I can't change that. No, when I did the one question, I had – do we want anonymity or do we want names?

UNIDENTIFIED MALE: I think we want to ask for identity (inaudible) and choose not to provide it would be the best solution.

UNIDENTIFIED FEMALE: These are questions that I had.

AVRI DORIA: Optional name, e-mail, and constituency affiliation whatever. And they can fill in – and they might just want to say “civil society” or “business” and not say anything else.

(CHARLA SHAMBLEY): Open-ended.

STEVE CROCKER: There are probably a set of demographic type questions that might be interesting to take into account, like where you're from, what region you're actually providing these answers from and that sort of thing. You can go down that particular rabbit hole and ask for way too many questions, like more than 86.

(CHARLA SHAMBLEY): Yeah. I think that's a great idea to include the demographics, but I wonder if that, with 86 questions already, because that would just tack on to the number – the pieces of information we're collecting. But we can certainly add that.

STEVE CROCKER: Since this is a multi-page survey, that you really need to give someone some sort of link, even if it's to our original questions at the beginning, so they can print it off or save it and look at it to think about the answers before starting on the process. So whether it's a summary you create, maybe it's a mapping to our original questions – I'm not quite

sure how closely this conforms to our questions. If it's close enough, yes. If it isn't – people don't want to embark on it without understanding what it involves and they need to get an overall image.

(CHARLA SHAMBLEY): We anticipate that the link to this interactive survey would be embedded in where the PDF and the public comment is currently. So that would be the container. And for people that want the interactive experience, they would just link on this and be taken there, along with the other option that you mentioned.

(DENISE MICHEL): Here's an example. The yes/no also has the no answer option. Any other? I'm trying to think if there's other. There's some pull-down. Pardon me?

UNIDENTIFIED FEMALE: (off mic)

(DENISE MICHEL): Oh, thank you. That's the goal. Some more yes/nos. Oh, did I miss one? It'll flag it for me bright red.

UNIDENTIFIED FEMALE: That's nice. That's another feature that (inaudible) can demonstrate for you.

(DENISE MICHEL): What's going to happen in real life?

UNIDENTIFIED MALE: On that question, say if you answer yes to any of the...

(CHARLA SHAMBLEY): Okay. So here on this screen 6B is a yes/no. So anytime I did a yes/no, I would – according to the questionnaire; it's not me – I would say, "If you answered yes to the prior question..."

UNIDENTIFIED MALE: But the previous one, though, you have to say I think that if you answered yes to (inaudible) yes or no.

UNIDENTIFIED FEMALE: Is the elaboration manageable in any place?

UNIDENTIFIED FEMALE: Well, we're (inaudible) mandatory throughout.

(CHARLA SHAMBLEY): I probably lost it. Okay. I have to start over.

UNIDENTIFIED FEMALE: (inaudible) just make doubly sure that nothing is mandatory (including that). Yeah, which I think she's got.

UNIDENTIFIED MALE: (inaudible) if you answered yes (inaudible) answered no (inaudible).

(CHARLA SHAMBLEY): The form asked where the question was, do you have some feedback? And then the answer is, yes, then provide your feedback. That was just our conversion of that sort of style of question.

(off mic comments)

ALAN GREENBERG: Out of curiosity, as it stands right now, the lead-in to the 1, 2, 3, 4 wherever it last was – right there – says, "If you answered yes..." Oh, not that one. Another one did. But it was mandatory even if you answered no.

UNIDENTIFIED MALE: Yeah, that's what I meant.

ALAN GREENBERG: Yeah, okay. No, I understand that. I'm just trying to – it was broken as it was, in other words. Yes.

(CHARLA SHAMBLEY): This is the first time the team has even seen the questionnaire. So, hot off the press. Okay. We're not getting very far in the survey. Okay, if you answered yes about metrics, more yes/nos.

UNIDENTIFIED FEMALE: You can give them the link and they can play around with it on their own machines, too.

STEVE CROCKER: Actually, one thought I had – would it be possible with that tool to structure the survey as a series of sections so people can skip over entire sections of areas that they have no knowledge or interest in? So it would be like an outline, and then you can click into a section and then fill out all the answers in that section and you’re done. Do you understand what I’m saying?

(CHARLA SHAMBLEY): I think the groups, as we reflected them here, followed the original survey because the original survey was grouped so we maintained that and we’re going to check to see if it can be presented that first page, when they get to that first page, that they can see the high level of groups and then make a selection through which one they want to go to. I think that’s your point.

BRIAN CUTE: Any other specific suggestions?

(CHARLA SHAMBLEY): So if we’re offering a space to enter optional information, then do give some thought to in addition to, optional name, e-mail, affiliation. Do you want geographic region? If you want to throw another space in there I can’t imagine that it would hurt. What would it be?

BRIAN CUTE: I don’t think we’d want to overload that, but I do think geographic region is a useful data point for ICANN, not just us. If there’s anything else you think, like geographic region is useful data for you guys. Yes. Avri?

AVRI DORIA: Question on the geographic region is how do you do it? Do you do it with a drop-in or do you do it with a fill-in? If you do it with a fill-in, you’re going to get all kinds of answers that may not be helpful. If you

do it with a drop-in that corresponds to the ICANN notion, perhaps that's useful, though that could irritate some.

Basically I don't know how you do that one other than perhaps resorting to country, which of course then I'll object to because, "Well, I'm a multi-national office." I think it's a good idea, but I don't know how you do it.

UNIDENTIFIED MALE: I'd probably say a dropdown with other.

BRIAN CUTE: We'll leave that in your hands.

(CHARLA SHAMBLEY): We'll take it from here. We'll clean up the survey...

BRIAN CUTE: What's that?

UNIDENTIFIED FEMALE: The next 10 – this is my interpretation. It can be how we visit over the course of a year. I did a scale of easy to very easy. Again, that's not mandatory. And then 10C – again these are just my buckets – we can change the bucket option. When did you last use the public comment mechanism?

UNIDENTIFIED FEMALE: We can change the words definitely. Impossible? I did hear that. There's one more. It was a percentage. Here we go. Question 13. See how I did this? I don't think there's any other way. It's just a numeric field, but I put in there that it must be between 0 and 100%. I think that shows all the different options of input.

BRIAN CUTE: Did we draft that question? I'm not crazy about that question.

UNIDENTIFIED FEMALE: I didn't make it up.

BRIAN CUTE: I know you didn't. That was to the review team. That wasn't to you.

UNIDENTIFIED MALE: With regards to who drafted it, I'm not sure what it means.

BRIAN CUTE: That's my point.

STEVE CROCKER: The question is asking what do you think the chances are that the board is able to revise a decision since ATRT-1?

BRIAN CUTE: That ties logically. So based on ATRT-1 recommendations...

STEVE CROCKER: Is the board more amendable to changing a decision?

BRIAN CUTE: So if it's more explicitly tied to the review mechanisms, then it would make more sense to my mind. Yes, Heather?

HEATHER DRYDEN: I read this differently. I read this as how effective is ICANN at communicating why it's made the decision so that the community understands and has some degree of acceptance about the process that's been undertaken and that kind of think.

BRIAN CUTE: That's encouraging. Now let's think about non-English speakers. We've got three different views around this table in English. I think we need to work on this question.

HEATHER DRYDEN: We need respond to the survey.

(ALAN GREENBERG): I read it completely differently. I read it that since the ATRT-1, in the last three years, is the board able to say, "Oops. I made a mistake. Let's do something different than we decided." That seems to be what it's saying to me.

BRIAN CUTE: I think the Review Team is going to have to take a look at this in its entirety and come back to you. There was some discussion about linking this to the PDF that would have our questions in full. Denise, we could

do that so that the survey party can have that to read in advance and have context. There isn't a lot of context in the given box. If you're reading this in a vacuum, it's a lot of ambiguity there.

UNIDENTIFIED FEMALE: You can see at the top of the page that it is for the AOC section 9.1D. All of the questions on this page pertain to that section on the questionnaire.

UNIDENTIFIED FEMALE: Which question?

UNIDENTIFIED FEMALE: It was 13.

UNIDENTIFIED FEMALE: As a percentage, please indicate your view of the chances for revision of board's decision since the ATRT-1. That is the question.

UNIDENTIFIED FEMALE: And it's within the section that's indicated at the top of the page.

BRIAN CUTE: This is really a question for the Review Team, not for staff. We just need to make sure that this projects what we thought we intended. We'll have to take this on board, but thank you for all of this hard work. Really appreciate it. Thank you very much. We'll take our 15 minute break now. We're now on time and we'll reconvene at quarter to the hour. Thank you.

BILL GRAHAM: Hi, Bill Graham joining.

JAMIE HEDLUND: Hey, Bill, it's Jamie.

BILL GRAHAM: Hi, Jamie.

JAMIE HEDLUND: I think we're the only ones on.

BILL GRAHAM: They're enjoying their lunch entirely too much.

UNIDENTIFIED FEMALE: Hi, Jamie. Jamie?

JAMIE HEDLUND: Yes?

UNIDENTIFIED FEMALE: Hi, (inaudible). Sorry, yes, I'll let you know when we...

BRIAN CUTE: Folks, we'll be starting in a moment.

UNIDENTIFIED FEMALE: Yeah. Thank you.

BRIAN GRAHAM: I recognize the Cute voice. So are you out in LA, Jamie, or are you in Washington?

JAMIE HEDLUND: No, I'm in Washington. I got some pushback from my family about more travel, so I got let off the hook.

BRIAN CUTE: Gentlemen, you're audible.

BILL GRAHAM: I know you're not talking to me. I'm no gentleman.

BRIAN CUTE: Just so you know.

BILL GRAHAM: Everyone already knew I wasn't a gentleman.

JAMIE HEDLUND: (inaudible), Brian. It'll be fine.

BRIAN CUTE: Folks are coming into the room. Denise, Larisa, you ready on your end in the room? Jamie's on the line and Bill Graham's on the line. You ready? Okay. Okay, folks, we're going to recommence.

It's the accountability and transparency review team 2. It's Friday May 3rd. Face-to-face meeting in Los Angeles, California. Coming back from our break we are now moving to item three on the agenda. Report and update from implementation project owners of ATRT-1

recommendations. Addressing jack operations, engagement, interaction with the board. Six recommendations to be reported on by staff followed by Q&A.

We have allotted an hour and 45 minutes for this session. Larisa, could you introduce the staffers on your end who are going to be speaking with us?

LARISA GURNICK: Sure. This is Larisa Gurnick. The staff people are Jeannie Ellers, who is in the room here next to me. David Olive is back and on the line. We have Jamie.

BRIAN CUTE: Jamie, and also I think Bill Graham from the GAC side, correct? Anyone else?

LARISA GURNICK: Brian Peck.

BRIAN CUTE: Jeannie, David, Jamie, Brian and Bill. Welcome to all of you. What we've asked ICANN staff and Bill, for yourself as well, in terms of presenting to the Review Team your view of the implementation of the recommendations that you're going to be addressing and how that process went.

What we're really asking you to focus your comments on is what were the effects of the implementation of that recommendation where implementation was complete? What were the effects for the positive, neutral, or negative? If you can focus your comments mostly along those lines, that'd be a great way to start with the presentation and then we'll follow-up with the Q&A and get into a dynamic discussion.

Larisa, did you have an order of speakers on this one? What's the numeric recommendation we're looking at first?

LARISA GURNICK: We're looking at recommendation nine. That'll be Jamie.

BRIAN CUTE: Jamie. Thank you Jamie. Welcome back.

JAMIE HEDLUND: Thank you. Just so I understand, how long should I speak to give an overview and how much time?

BRIAN CUTE: Six recommendations. An hour and 45. Roughly 15 minutes or so per recommendation on average.

JAMIE HEDLUND: Right. As opposed to me speaking and opposed to the Review Team getting an opportunity to ask questions.

BRIAN CUTE: Go 5 or 10 minutes, but as much as you have on your mind. It's an open invitation.

JAMIE HEDLUND: Okay. Recommendation 9 was concerned with clarifying what constitutes GAC public policy advice under the bylaws. This was one of the more straightforward recommendations I think to implement. My sense is the GAC took it on and had already been subject of a lot of discussion, as with a lot of these recommendations, among the joint GAC board working group.

While this was a straightforward recommendation to implement, it was also foundational for some of the follow on recommendations. The BGRI Working Group did discuss what needed clarifying. What was clarified was how the GAC reaches consensus and what types of things the GAC provides advice.

The GAC, as a result of the discussions, updated or amended one of their operating principles, number 47, and put out the BGRI Working Group board GAC recommendations, implementation working group. Great acronym if there ever was one.

They put out a public statement announcing that the conclusion of implementing that recommendation and clarifying publicly what does constitute public GAC advice.

BRIAN CUTE:

Thanks Jamie. Question. This was one of the recommendations where the review team put a date certain to clarify by March 20eleven. One of the things that Review Team 2 is trying to understand is when there was a date certain included in the recommendation for action to be taken, was that date hit and if it wasn't, then also looking to understand in the case where it wasn't, why wasn't it from a neutral perspective? What were the obstacles because of processes or resources or other things that the Review Team might not have considered that led to a proposed implementation date not being hit?

That could also include that the Review Team didn't understand fully what it would take to implement it. It could also include the fact that there were some flaws on the side of the board or the GAC in their processes that couldn't be overcome.

In as neutral a sense as possible, if you could comment on that proposed deadline for implementation, whether it was hit and reasons behind that.

JAMIE HEDLUND:

I'd be happy to. This goes for the other recommendations, which also had the March 20eleven deadline. I can't speculate on what the ATRT-1

Review Team was considering or thinking about when they established these deadlines. Obviously it was a reflection of the importance and urgency of getting these things done.

From my staff's perspective, the main obstacle to – this one was not done on time. It wasn't fully done until, I think, March or April, sometime in 2012 when the public announcement – I think it was April – came out. The main reason for that was that for this recommendation and some of the others, it explicitly referenced the joint working groups' work and the final report, which would help inform the implementation of this and some of the other recommendations.

The joint working group did not finalize its report until June of 2011 or six months after the ATRT report final recommendations came out. It was not really feasible, I don't think, for any of the recommendations to be completed before the joint working group had finished their work.

In the spreadsheet that you all have, there were some other reasons that were given including the difficulty of the board and GAC working group completing work between ICANN meetings. Most of the work on this and the other recommendations was actually accomplished and finalized at the ICANN meeting. The timing of those also made it difficult to hew to a specific deadline.

DENISE MICHEL:

Can I add just a quick note to follow-up – hi, this is Denise Michel – to follow up on what Jamie said. So when the board adopted the ATRT-1 report and the recommendations, it was accepting the recommendations, not the specific recommended deadline. And as part of the adoption the board also tasked staff with developing proposed implementation plans.

As part of that effort, I think the staff made it clear that in a number of areas the suggested deadlines, is what they were – the suggested deadlines, it was not feasible to meet them. That was an initial overlay on this work for a variety of reasons that we've discussed regarding different recommendations.

BRIAN CUTE:

Thank you. We've had this discussion yesterday too. Thank you, Jamie and Denise and Jamie for pointing to some of the responses in the spreadsheet. It would be helpful to this Review Team to understand the reasons why there were impediments.

One of the goals of this Review Team is to provide recommendations – better built recommendations – based on learnings from the past. Appreciate very much the overview and if there's additional reasons, be they resource, timing, how long certain processes took, by all means please provide this in this process so we can take them other consideration going forward.

Are there any questions from the Review Team for Jamie on this recommendation? Any comments? Bill, from your side, were there any observations you want to add?

BILL GRAHAM:

Yes, Brian, thank you. I think the point that Jamie makes about the requirement for face-to-face meetings is something that shouldn't be underestimated when dealing with GAC related recommendations from the team. We did, I think, do a fair bit of work for board committee intersessionally between the meetings, but it fundamentally is necessary from my perspective dealing with the GAC.

You can get so far by email and so forth, but ultimately you have to sit down face-to-face and discuss the issues in that format before you can come to a conclusion, even on something as simple as defining advice. That said, I think the response to this recommendation was very positive.

For many years I had been hearing personally things from board members, before I was on the board, not understanding what precisely constituted GAC advice and I was hearing from GAC members, both when I was in the GAC and afterwards, some fairly sweeping definitions.

The work done on this recommendation, I think, actually was fundamental to increasing understanding and effectiveness of board GAC working relationships. Thanks.

BRIAN CUTE: Thanks Bill. Go ahead, Jamie, please.

JAMIE HEDLUND: I was going to say and just echo what Bill said, which I had overlooked, which was there was a lot of work that was done intersessionally and a lot of email exchanges, some phone conversations, papers exchanged back and forth on these and the other recommendations, but as Bill says, it was really not possible to finalize the work outside of an ICANN public meeting.

BRIAN CUTE: Thanks very much. Bill, you have that unique status of having been on the GAC and on the board. With both hats on, you've seen the positive effect of the clarification of advice from the GAC perspective and the board on the receiving end.

BILL GRAHAM: Definitely. I think it's been helpful.

BRIAN CUTE: Any other questions on this recommendation? Online? Seeing none, thank you both. Can we move onto recommendation 10?

JAMIE HEDLUND: Sure. Should I go again?

BRIAN CUTE: Sure, if you've got this one.

JAMIE HEDLUND: Sure. Recommendation 10 was focused primarily on creating a formal documented process for requesting and tracking GAC advice. I think before this recommendation was implemented there was no formal process. There were complaints that all here I'm sure have heard many times about the lack of clarity on addressing GAC advice and following up on it.

It was coming out of the joint working group's report. There was a strong recommendation to build a process to make that transparent and make it visible to the community. What GAC advice was, when it was issued, what the board response was, and the follow on work was on it.

There was also no real clear way or clear signal before this that a particular process around GAC advice had been completed. That is that it's been fully implemented. There are exceptions to that. There are a couple of things now.

The advice register does exist. It is on the GAC website. I'm not sure I would classify it as being final. The board and GAC continue to iterate on it and there are known issues about lack of perfect performance just on the website side, but it has helped enormously in terms of, speaking from staff perspective, knowing what the GAC advice is and following deadlines, which was part of this process and recommendation eleven.

There are timelines that are developed. There are expectations on both the board and the GAC side in terms of when things are supposed to be done, communications are supposed to be had, and updates are to be given – and this leads into another recommendation – but what happens when the board is not inclined to accept GAC advice.

BRIAN CUTE:

Jamie, when were these specific processes effectively in place? And the following question is going to be how many times have they been used since then, if we know?

JAMIE HEDLUND:

I have to go back and find exactly when it was up. and it was being used before publicly announced. I think it was in 2012, but it has been used – it is populated with all of the communiqués from the beginning. It has been used and populated in a really detailed way for all of the communiqués, all the individual advice elements since going back to 2010 I believe. Jeannie, do you have exact dates?

JEANNIE ELLERS:

The register was online and live March 2012 and then the communiqués with the detailed advice are from 2010 that are entered. There are some entries that don't have complete information. It's just the GAC advice and trying to track down the exact process from 2010 hasn't been easy as there wasn't a process, but it's getting much easier to add new information and it's a live register that keeps going.

Every time the GAC issues advice, it gets put in, core responses are entered in, timelines, next steps, everything like that.

JAMIE HEDLUND:

Just to give an example, the Beijing, all of the individual elements of advice from the Beijing communiqué have been entered as well as the board's acknowledgement of receipt of that advice, which was a

separate issue. And as we work forward to implementing or discussing that advice, the register will be continuously updated.

BRIAN CUTE:

Thank you very much. Specifically with respect to the more formal documented process by which the board notifies the GAC of matters that affect public policy concerns, how often has that notification process been used? Do you have that quantified or has that been used yet?

JAMIE HEDLUND:

As discussed in LA, there has yet to be really built out a formal process for the board to notify the GAC of matters that may have public policy impact. However, a lot of the work around that is really parts of recommendations twelve and 13 which are focused on – the parts of those recommendations focus on getting the GAC or allowing the GAC to be engaged earlier in the process of policy development so that it's more of a bottom-up rather than a top-down method.

It seems, at least from a staff perspective, that it would make more sense for the GAC to become aware of potential matters of public policy through early awareness and early engagement in the policy development, which means the policy team in particular, which has taken significant strides to keep the GAC apprised of what's going on with ICANN.

BRIAN CUTE:

Thanks. I guess I'd ask from a GAC perspective, is there a noticeable improvement even in the informal context of raising awareness, whether it's formal notification or not, by the board to the GAC of policy issues that are important. Any comment there, Heather? Yeah, I am looking at you. Thanks.

HEATHER DRYDEN:

Where there's been progress really is with the register. It's really on issues that the GAC has been able to identify itself and has advised on and then consequently received a response from the board on it.

In terms of any kind of process where issues are being flagged for the GAC by the board, that just isn't really happening. I think there's still a feeling because, as Jaime points out quite rightly, this links to the issue of earlier engagement in the overall policy development process, I think there's still interest in exploring this particular avenue or looking at it as being a possible part of the solution overall.

I think really from the GAC side we see the board's role as critical to enabling the GAC's earlier participation and engagement. It's a really key component. Whether it looks exactly as drafted in the recommendation or not, we haven't quite gotten to that point I think.

BRIAN CUTE:

Thanks. I guess one of the things that would be useful to explore for this Review Team is the context of the moment. That that recommendation was drafted in the context of that moment three years ago, and in today's environment, is that still a useful tool – a formal notification process? Views on that would be welcome. Is earlier engagement with other parts of the community the better tool?

Any observations or thoughts on those issues would be welcome from both sides as we think this through.

BILL GRAHAM:

Brian, it's Bill. From my perspective I really would emphasize that for the board members of the implementation committee, we do see the mechanisms that we're currently working on to try to assist the GAC to

become involved in the ICANN policy process earlier on to be vital to this.

Because of the bottom-up nature of policy development in ICANN, the board is often not aware any earlier than the GAC, to be perfectly frank, of public policy issues that are developing primarily in the GNSO. They have their own processes and I'd say, to be frank as a general rule, the board are not following what's going on in the GNSO on a day-to-day basis in great detail.

It's there to my mind that we really need an eye on the possibility of public policy issues arising. Now there have been instances where public policy issues have been evident in PDPs when the result comes to the board and certainly through Heather as the liaison. She's immediately aware of those things, if not before. Increasingly she's aware before I would say.

But it is a little problematic to, and I would say speaking personally, possibly a bit too late, to ask for the board to be notifying the GAC given that we're certainly not the first to know. Thanks.

BRIAN CUTE:

Thanks very much. Helpful. Any questions from the Review Team? Fiona Alexander.

FIONA ALEXANDER:

I just have a question. I know David's team is doing all these great policy briefings. I see them on the GAC lists and papers. I know the volume of work in the GAC the last three months has been tremendous in regards to new gTLDs.

Do you think that what David has been doing has been fully appreciated or people have a chance to take a look at it or is that a tool that you

need to explore more? I just think the volume of the GAC for the last four months has been challenged to take on anything new and that could be reflective of that, but I'd be curious – Carlos, (inaudible) GAC.

(HEATHER DRYDEN:

I think you're quite right with what you're saying. The volume issue remains a challenge, but we have looked at trying to receive information from the GNSO and David Olive has been key in organizing that for the GAC. To look at ways to be advised by those doing the work quite directly about what's going on. and then it's a matter of putting some kind of process around that in order to connect that up with the GAC's planning.

In periods where we have a lot of intense work and a lot of volume of work, like we have in recent months, it just means us not doing anything on another topic or issue at all. Even communicating that is difficult. But I think this is very worthy to explore.

In terms of the liaison role that the GAC chair plays to the board, just because Bill mentioned that, I'd like to touch on that as well. There has been a tendency in the past, I think, to want to project too much onto that role. It is really important. It is a means of moving information back and forth and helping connecting up the board and the GAC.

There is no question about that, but I would be wary of placing greater responsibility or the burden of more formally communicating back and forth solely on the shoulders of that liaison. I think that's probably asking too much of that role. And as I say, I think that's been one of the assumptions on the board in the past or an expectation that the liaison would somehow be able to go back and communicate all and everything

in their own personal capacity to a body like the GAC. That hasn't really been realistic.

Anyway, to come back to this key point I think that it is important to look at the movement of information and communication between the parts of the community, but that's not to diminish the role of the board because really the board, I think, has to make this happen on some level as well. Thank you.

BRIAN CUTE:

Thank you. Alan and then Carlos.

ALAN GREENBERG:

Just a quick comment as you were saying that the onus should not be on the liaison to act as purely the conduit. I would think the onus is on the liaison to flag for the board that maybe the GAC needs to be informed of something or other, if the board is not already obviously aware of it, but I would think the communication needs to be more formal than just tapping you on the shoulder and saying, "Tell them."

I would think that if the board needs to alert the GAC to some issue that the GAC should be taking action on, it should be done through a more formal instrument than simply asking the liaison to do it.

(HEATHER DRYDEN):

I think that's right, but I also think Bill is correct in saying that if you are going to reasonably ask the liaison at the board to say, "Oh, the GAC is going to have an interest in this," that's late and the intention of this recommendation is not that. It is to be advising the GAC earlier on about the issues. It's not going to meet the recommendation as outlined here anyway.

ALAN GREENBERG:

For clarification, I wouldn't think that's the primary path that the GAC gets information on, but if that communication should be necessary, it

should be done through a slightly more formal means than a tap on the shoulder.

BRIAN CUTE: Thanks very much. Carlos?

CARLOS RAÚL GUTIERREZ: Yes. I just want to connect a few dots. In Toronto we had a presentation on the early involvement on the policy development process, which was very interesting, but very short. It started late in the barrier and we couldn't ask questions.

Then the paper showed up in an e-mail from one of the GAC members, so we had no formal introduction to the paper again. In the meeting you had in Beijing, the representative from Australia gave very interesting thoughts about the two different speeds, the GNSO award and policy development as against the slow speed of GAC.

And when I listened to this comment today that the board does not get wind of new policy development any earlier than the GAC, then we seriously have to consider including in our review analyzing directly GNSO/GAC issues. Thank you.

BRIAN CUTE: Thank you. Any other comments or questions? David?

DAVID CONRAD: If I may, we're talking about a policy development process that's iterative step-by-step. It's unclear when you start the process what the recommendations will be and so it's a little hard to expect the board to know when the working group itself is working out what those recommendations might be, but we do of course provide a monthly report to everyone, including the board members, on our policy updates that provide the information of where they are in each step of the process.

It's not unreasonable to say that the board will look at this toward the end of the process when there are solid recommendations as opposed to the sausage making at the beginning of the process.

BRIAN CUTE:

Thank you David. Just to note, Jaime and Bill and others, if you're presenting stuff you've already presented to us in LA the first time or later, it's understood and appreciated, but this discussion is adding some of the context and depth that we really need to get to to understand how implementation occurred and whether it provided a useful effect or not or whether it was slightly off target and we need to look at other targets. Very good discussion and observations by all. Thank you.

Any other points on number 10? Questions? I don't see any hands online. Can we move onto eleven? That's up on the board now. Whoever owns that. Sam?

SAMANTHA EISNER:

This is Samantha Eisner for the record. This recommendation has really two parts to it. It first actually been covered somewhat through the discussion on recommendation 10, which is the establishment of the document process by which the board responds to GAC advice. The second part of this is the procedures through which GAC and the board will go ahead with the consultation that's set out in the bylaws in the event that the board determines to act in way that may be inconsistent with the GAC advice.

A lot of the discussion that already happened in relation to 10 really discusses that register process, and as Jeannie mentioned, the register now includes timelines and has a response. There is now a formal

timeline, an expectation of how the board will receive and respond to GAC advice.

One of the important parts of that process includes an opportunity for the board to receive clarification on GAC advice. One of the things that we've seen in the past is that the board hasn't necessarily been clear on what the advice meant or if something was advice.

And through these recommendations that's all getting clearer, as you say at number 9 I believe, defining what advice actually is and the moving forward to putting in a step in the process that allows for clarification of what the advice that the board received is so that the board can know that the actions that it intends to take are actually in contravention of that GAC advice or if they can be in harmony with it.

The second part of this recommendation about the consultation, the work was taken from the board GAC working group into the board GAC recommendation implementation working group, the BGRI, and through the BGRI processes have been identified and lays out a timeline with an expectation of a six month window of how that consultation process will happen.

It includes opportunities for papers to be submitted, timelines to be identified between the chair of the board and the chair of the GAC and then also an opportunity in the event that six months isn't long enough for either side to identify a longer period of time. I can answer any questions.

BRIAN CUTE:

Any questions from the Review Team? Fiona Alexander.

FIONA ALEXANDER: I'm just curious. Is this posted now on the GAC website or somewhere publicly?

SAMANTHA EISNER: I don't think it's a public document yet because it has been discussed within the recommendation and implementation working groups, depending on the status of those discussion, which maybe Bill can help identify, but since I have the microphone I will just point out the related area where I think there's been progress and that is in the restricting of the communiqué.

This really help us as well build out the register and it's much more clear when the GAC is offering comments versus using the phraseology of the GAC advises the board and then specific items of advice. I think that has benefited us quite a bit in our efforts. Bill, can you help us with what is the status of that document?

BILL GRAHAM: To be perfectly honest I have not thought about that much. There's no reason at this point – after the discussions in Beijing I think it could be public. The reason it's been held up and not published until now, in my view, is because we were waiting to figure out whether we were going to go ahead rapidly with a couple of bylaw amendments that are required or whether we would hold off for a larger package of amendments that may be recommended by the GAC following the new gTLD round.

The decision was taken in Beijing to put the processes that we've discussed including things that might require a bylaw amendment to be hard coated into the Board Operations Operating Manual and that step I believe has been taken. Certainly the board understands and agrees

with those steps I believe. So there's no good reason why the document couldn't or shouldn't be published in my view.

I think I would also say Heather's comments about restructuring the communiqué, that has been tremendously helpful to us in understanding, on the board side, in separating the advice from comments and making it easier to operationalize and consider at the board level. Thanks.

BRIAN CUTE: Thanks very much. Olivier?

OLIVIER CRÉPIN-LEBLOND: Thank you Brian. It's Olivier for the transcript. Had there been any looking into the use of advice with an uppercase A rather than advice with a normal lowercase A? I'm asking this because on previous occasions with ALAC advice that we have provided to the board, there has been a distinction between the uppercase and the lowercase A and sometimes you may think that lowercase A is just general advice while uppercase A is really a statement of the GAC that you need to follow. Just a thought.

HEATHER DRYDEN: I think we need to setup the committee immediately to look at those questions.

OLIVIER CRÉPIN-LEBLOND: Would that be uppercase committee or lowercase committee?

BRIAN CUTE: I think they've sorted it, troublemaker.

OLIVIER CRÉPIN-LEBLOND: Multi-stakeholder committee though.

BRIAN CUTE: Any serious comment in terms of how you clarify that?

HEATHER DRYDEN: We just haven't distinguished. It hasn't held us up in any way. No one's queried it, but it does speak to as well this issue that is really an important consideration for governments and that is the weight of their advice and that it is something that has adequate influence over the decision-making process.

In having the GAC talk about its own decisions because it works independently and having it talk about its advice and referencing the formal aspects that are associated with that advice, as outlined in the bylaws. It's always useful to be emphasizing that and conveying the significance of the consensus advice that we develop. It's a difficult process for us and those results are really a demonstration I think of those things.

BRIAN CUTE: Thanks. Olivier?

OLIVIER CRÉPIN-LEBLOND: Thank you, Brian. It's Olivier. My question might have seemed trivial, but in fact it was based on the fact that with a capital A you could define what the advice is and define it in your words. In other words, say what advice is from the GAC and at that point whenever you refer to advice it is your definition of advice and that produces some clarity.

BRIAN CUTE: Thank you. Avri – oh, Bill.

BILL GRAHAM: If you look at recent GAC communiqué since the new format has been put in place, there's a separate section called GAC advice to the ICANN board and each piece of advice is set out as clearly as possible given the GAC consensus process as very specific advice for the boards to pay attention to, which wasn't always the case prior to this.

BRIAN CUTE: Thank you Bill. Avri?

AVRI DORIA:

Thank you. I guess I was not paying attention because I never realized that everything in the communiqué wasn't advice written in all caps like "mus"t written in all caps and RC documents. I think that I'm not actually alone in the community that's still not aware that when a communiqué comes out there are various levels of comment, some of which are advice with large and some of which are comments, opinions, and whatever.

I think it's actually the fact that this – I know it probably wasn't done in March 20eleven, but the fact that there is a document that describes the various levels of GAC comment. As I say, maybe I missed it, but that that hasn't been socialized to the whole community because I know I'm not alone in looking at the last GAC communiqué and saying, "Yeah, it's all advice," because in the past there's been this full position that anything that GAC says is advice. And if that's not the case, I don't know if I'm the only one that didn't realize that.

HEATHER DRYDEN:

Thank you Avri. I think that's really a great perspective to be aware of and I suspect you're probably right around socializing, this concept of clarifying really what is in a communiqué and how to respond to it.

As Bill mentioned, in terms of the board, the main recipient of the communiqué, there has been a notable difference with that where the board is able to identify more readily what is formal advice, but if you consider that in a communiqué typically we'll talk about new members. We'll request written briefings. And even with the advice there may be a bit of explanation around it before we get into the advice, but it's also really useful information. This is why we have found this restructuring to

work so well for us and that aspect of explaining is something we should probably pay more attention to.

BRIAN CUTE: Sure. Avri?

AVRI DORIA: Yes, indeed the communiqué did make for better reading. I think though when you're putting out a communiqué, especially like the ones with the new gTLD comments in it, it's going to a wider audience than just the board. (inaudible)

HEATHER DRYDEN: I don't mean to suggest otherwise, but of course I have better insight being the liaison to the board to where I am with communicating with the board about GAC insights. Why their community, it's more difficult for me to have a sense of that and that's why I find your comment so helpful.

BRIAN CUTE: Thank you. I'd like to just come back to the process on how the board will inform the GAC in a timely basis whether it agrees or disagrees with the advice. We talked about the document that captures that and that potentially being published sometime in the not too distant future. I would just suggest that if and when that process is utilized, if that happens before the Review Team's work is done, certainly any observations about how that process worked from both the board perspective and the GAC perspective would be welcome input to this Review Team as well to the extent the mechanism is used. Steve?

STEVE CROCKER: I hesitate because a lot's been said, but I have been paying very close attention to this process myself. Two key things. Bill and Heather and (Menal) and a team of people have been working very hard to develop a

formal process that is associated with this so-called register. So it's not just a listing, but it's also a process associated with that.

Key steps are receipt of advice and making sure that the transmission of the advice is heard and understood just in terms of clarity. Never mind agreement. Never mind what the implementation might be, but just the hand off. That's phase one of a four phase step. The last phase is claiming that it was dealt with and agreement that that was true. So those are the bookends.

The second phase is an assessment of how much time it will take in order to respond. The first two phases are intended to be very short, bounded time, predictable, and then a third phase that is dependent upon what the substance of it is, but the shape of that is the output of the second phase that says, "We've looked at this and here's the issues and here's what we're going to do about them."

This communiqué, the one that came out in Beijing, would be the first serious test of that process. Various of us, including myself – and I've already stopped by and chatted with Jeannie about these and she's of the same mind. We're looking hard to see how this is going to play out.

That's one of the two processes that I wanted to say and that is, from my perspective, the mainline overarching process. Within that is the part that is the most interesting, which is what happens if the board doesn't agree, then we get into the formal process of consultation and so forth.

That is of course heavy weight and important and has to be viewed. We get to a certain point and then we go into this other set of rules and

processes and so forth. What I'm hungering for is to see the whole thing laid out in a very clear full description, not quite there yet, and see the process run and get all the statistics addressed about out how often these things happen and so forth and be able to show for each piece of advice that's in the GAC communiqué what happened to it and how it progressed through the steps and so forth.

Think of it as you've got a front row seat on the assembly line. You're watching through the glass cage this factory process. We're a good ways there. We're not quite at the place that I would say everything you want to know is laid out here, but we're there. The restructuring of the GAC communiqué was a very big step forward. I have to compliment Heather and her team because there was uncertainty about is that really advice or is that just sort of a comment and so forth?

Now there is a section that says this is advice and all the other stuff is, by their choice, curtained off from that. So then the next step is that section that's called advice sliced and diced into individual items and each one of those subjected to the process that I described.

BRIAN CUTE:

Thank you very much. Looking forward to that. Any questions online? Any other comments on this before we move onto the next recommendation? I think we're doing okay on time. What's the next one up on the screen? Is it twelve? Sorry, we don't have it on the screen right now. Number twelve and I think we alluded to this a little bit in prior discussion. Whoever owns the report on this, take it away please. David?

DAVID CONRAD:

Thank you very much Brian. We combined twelve and 13 and it's important to note the wording there. The board acting through the GAC

board joint working group should develop and implement a process to engage the GAC earlier in the policy development process. Ensure GAC is fully informed of the policy agenda and the policy staff is aware of GAC concerns.

Again, this links to what was earlier said about working with the GAC board working group on this. That we as staff were supportive of the efforts, but it was best for them to work out the best modalities. In the meantime, of course, the challenge and a good experience for us as a policy staff.

I'd also to say that Brian Peck, our policy director, is also here because he's actively involved in this as well, was to take the information that we have and make sure that it is in a simplified and understandable format that is useful to the various SOs and ACs that we're trying to communicate, in this case the GAC.

I've had experience in my earlier life being in the government and knowing what the one page summary is useful and can be very useful for in circulating to others and getting an idea of what's going on and the notion generally, as I tried to do as leading the policy team, is to simplify that which we can, many complex issues that are somewhat hard to reduce to one page, but we can do that.

In this particular challenge, it was how best to package, if you will, the information that we have that is best useable for the GAC and to inform them of the start of policy development processes that they should be aware of to help their effort, one, to understand the issue and, two, to have them focus on possible public policy implications as their general

role; and the third to see what other type of active involvement they could be in working groups or inputs into the process going forward.

With that we came up with a pilot project, which we briefed the board on in Toronto, to have these one page quick summaries in the six UN languages at the start of the various policy development processes, either from the GSNO, ccNSO, or in those cases global policy, the ASO, so that they would know when these processes started, where they were, what stage of the development of those activities were and could be informed about that.

This was presented, as I say, in Toronto. We started the pilot project soon thereafter for these monthly reports that are first circulated by Jeannie to GAC members, but also posted on the public GAC website and this was in conjunction with engaging the various support organizations that develop policy to have further engagement with the GAC leaders on the policy so that questions could be asked and answers given.

What we've learned is that the one-pager is a very helpful guide, but it was something that we had parts of and it links to fuller explanations of the various websites of the supporting organizations, but it is a quick guide. We hope that that can serve as a start to the information because many were confused that the start of a PDP was somewhat too late.

Noting the various steps in the process, it's not too late when we begin it and there was efforts to have inputs either formally or informally, either through the working groups or at other stages. But what we did learn from that is that there was only in the ccNSO a formalized process

at a certain stage in their development of the policy to inform the GAC, whereas the GSNO had a more informal way of informing everybody – all the stakeholders, the SOs and the ACs – that they were starting a working group. The issue was X and please join our input.

What we've learned in that process is that maybe a more formalized notification process might be in order for that in addition to the one pagers that we're providing. So that is a helpful guide.

We saw in the briefing in Beijing further comments on this process linked again to a more face-to-face or interchanges between GSNO leadership and ccNSO leadership and the GAC and where appropriate, the ASO leadership and the GAC, to refine their exchanges and further talked about issues and ways to have the GAC input into them.

In terms of a beneficial aspect, a simple one-page executive summary is useful for everyone and we've learned in the policy team that this is also may be useful to the other ACs to use that similar format in the six UN languages as another instructive way of keeping people informed of when the policy process has begun in the various supporting organizations.

This is in conjunction with, and again this is all publicly available, with our policy monthly. The policy monthly is a short description, if you will a summary. The one-pager is a little more detail, but it links to the details of the substances of the working groups and so it allows people to dig deeper into the issues if they so care to, but provides the overview that they may need to say when we should be involved or how we should be involved.

So to that extent, it's an ongoing process. It is not complete. It will probably change, but from our policy staff point of view I think it's been helpful to learn how best to tailor this information to the guidelines of the working procedures of the various advisory committees and how they can best digest and use this information. That's our primary goal and we're happy to work with the GAC chair and the committee to make that happen. Thank you very much.

BRIAN CUTE:

Thank you, David. If you don't mind, I'm going to kick off. Thanks very much. Clearly twelve and 13, if you boil it down, are about engaging the GAC earlier in the process and making sure the GAC is fully informed, if I were to boil away most of those words.

I just have a general question, overarching question. Global policy in reference to ASO, public policy, general responsibility of the GAC, policy, knowing that there's an animal called consensus policy. Is there a clear understanding when we use the word policy in its various forms at your level, in the engagement with the GAC to make sure the GAC is engaged early and fully informed? Any and all of those words. and I hesitate to even mention that there's something called implementation and executive function just on top of that. Is there clarity, from your perspective David at your level, in your job, and as you engage with the GAC on these points?

DAVID CONRAD:

I would say there is clarity and we try to make it clear, but I think at every stage we have to reiterate and state that. That there are various policies that I can develop by various groups. There are specific meanings to the supporting organizations and what they do as mandated by the bylaws. That is what I would call the policy

development process in the formal sense of making recommendations to the board for the board to accept or not and then move to implementation.

To that extent, we focused on the early engagement and the materials for the GAC on those issues. By and large consensus policy issues that are major issues. Other decisions, other small P policies that may be best practices adoptions or whatever, that is something that's not really what we're focusing on The GAC about. We tried to get them informed by the policy monthly update, which talks about other elements that they're dealing with, but generally the focus is on the consensus policies that they would have to worry about and the board would have to worry about.

BRIAN CUTE:

Thank you very much. Alan?

ALAN GREENBERG:

A couple of comments. On your last one on policy, in Beijing I was double and triple booked many days and I walked into a GNSO meeting halfway through and there was this angst-driven discussion of policy related to the trademark clearing house. I listened for 10 minutes and finally realized this was not policy in the form of gTLD policy, but because they were using the word it was taken that way.

This was the trademark clearing house needed their rules set for how to handle certain situations. It was very much an implementation issue, but policies are what we use. My PC has a security policy. It wasn't approved by the gTLD, by the GNSO.

We use the words loosely sometimes and people interpret them in very different ways than they were meant. Just every time we use the word policy, it needs to be taken with care.

BRIAN CUTE: David, as a response; and then Heather.

DAVID CONRAD: Yes, and that's a very good point, Alan, and we try to be very precise on that. You're right. In general it's sometimes a shortcut or a quick label to use policy to cover everything, and of course they turn to me and they say, "You're making that or you're responsible for that," and I say, "Now wait a minute. There are distinctions."

We try to make that very, very clear and we have to repeat that rightly or wrongly for that clarity so there's not confusion. Because you're right – implementation is something else and that is implementing the policy and not making policy.

HEATHER DRYDEN: Listening to these last exchanges has been pretty informative for me because I'm realizing that there isn't good understanding in the GAC and not on my part. There's alignment between what we think we're covering when we say the phrase, 'GAC early engagement in the PDP,' and if you're talking about things like consensus policy, I'm not sure I know what that covers or what people's understanding is of what that covers. I don't understand it.

I think this is something to explore more. There's the common understanding of policy versus implementation and then there's the significance of all of these terms in the community for the GNSO, that they're referenced in your working methods documents and this kind of

thing. That's yet another layer that I don't think the GAC has really thought about and maybe there are others as well.

ALAN GREENBERG:

Note I was talking about discussion within the GSO where they supposedly know what their own words mean, but they were taking them completely out of context because English words often have generic meanings, not necessarily ICANN meanings.

My other comment was it strikes me, David, that most of what you were discussing was really number 13, and that is awareness of the GAC of what's going on. Number twelve talks about engaging and engaging is a two directional street and I find it interesting and I must admit I've never noticed it before, but twelve said the board acting through the GAC or joint working group should develop a process to engage the GAC in the policy development process, that is the development process of the SOs without mentioning the SO should be involved in that. It just strikes me as being somewhat one-sided and indeed we haven't done much of that.

BILL GRAHAM:

It's Bill. Can I offer a bit of information?

BRIAN CUTE:

Sure Bill. Go ahead, then Steve.

BILL GRAHAM:

I think as we continue to work towards this, and I really have to commend the work that David and his staff, and in fact the ICANN staff in general, have done to help out with this. We are making some progress.

We finally now, I think, reached a point where – this happened in Beijing. We as the board side facilitated a meeting between several people on the GNSO Council and the GAC and really had what I thought

was a very constructive conversation about how to best engage the GAC constructively with the GNSO and at what point.

That work is ongoing. So I think the board is actually playing that role in a useful way here and in fact as recently as two hours ago got a communication from Jonathan Robinson, who's chair of the council, with some additional work that's been done by staff and asking how we can advance this constructive engagement.

I think we're playing a bit of a go-between role with the GAC on this and I'm personally quite – what's the word? Encouraged, I guess, by the positive attitude that both the GNSO council folks and the GAC members have had in this discussion so far.

BRIAN CUTE:

Thank you Bill. Steve, did you have comments? Heather, did you have comments? I hear Alan's comment on the construction of the recommendation to suggest that somehow the ACs and SOs who might be important parties to this are not mentioned. That's a question mark. I think that's something we should ponder.

The other reason I asked a question about global policy, public policy, consensus policy and policy, you could look at recommendation twelve and conclude that the Review Team intended that this work be focused on policy development process, which would imply consensus policies, although that's not explicit.

But just to add to Alan's point and to echo Heather's point, there are some veterans in the ICANN world who think something is a consensus policy and when you actually look back through the mess of ICANN time

you find out actually it wasn't the result of the PDP process. It was something organic at the beginning of time.

So I think there is an issue here around the clarity of understanding across the community as to what these terms of art mean and might be something good for us to focus on as a review team going forward too. Any other questions? Alan. I'm sorry. I had Olivier in the queue and then Alan.

OLIVIER CRÉPIN-LEBLOND:

Thanks very much, Brian and I'm glad I'm speaking before Alan because he usually says what I want to say and that's a bit of a...Olivier for the transcript. A quick thing. I think recommendation twelve does have – or might run a real problem in implementation. I can understand the recommendation. I can understand the feedback that was provided by staff and that is on our working sheet, but I have a question for Heather.

Is this something that is implementable? Can the GAC take part in early policy development? In other words, can the GAC take part in the PDPs, in the GNSO? Because the PDP process and the GNSO is effectively a working group. You have individuals that are on the working group. You have to make quick decisions. You have to get the work done quickly and move forward and find consensus there and then.

Yet the way the GAC works, GAC members cannot represent the GAC. You'd probably be able to explain this to us, but from what I understand from the GAC, this is not a body where each member is able to take on the microphone and say, "I can speak on behalf of the GAC." On top of that, every GAC member has to report back to their government to find out what the point of view is.

We're not dealing with individuals who have the freedom to act as they wish to do and the freedom to engage in the policy development process or the PDP process and the GNSO.

HEATHER DRYDEN:

Thank you for these questions. In terms of just generally the challenges of implementing on this recommendation, this is really the one that's outstanding and the one that's really still very significant for us to look at and it's precisely because of some of the challenges that you outlined that we're still talking about this as we are.

As far as, I think you had said participating in, I think it might be useful to think about the GAC contributing to that policy development process. We know that there are really quite different working methods between the GNSO and the GAC and we need to acknowledge that upfront.

Then we need to expect to both sides to adjust. That seems like the equitable thing to do, but if it's the case that what is most useful is some sort of written guidance, even if we have to identify perhaps an interim or comments that are interim coming from the GAC, can there be some sort of milestone or moment in time where there's an understanding that the GAC will try to generate that. It will be received and looked at. Is that the kind of thing that you can actually look at building into both sides in order to facilitate that?

I really don't believe that you will have a point in time where the GAC as a whole will be able to participate in the working group in the way that others do from the community that are active in the GSNO working groups.

It's very challenging when you have numerous calls. I think someone had told me about one of the working groups. They were having two calls a week and for a government representative, that's so completely outside their experience and their ability to join in. That if they were participating, it would probably mean they were extremely concerned about what was happening, but that rate of discussion by an e-mail list, lots of back and forth, this is just not how governments are able to communicate. But of course we have to respect the working methods as well of the GSNO and I say, find a way to adjust in a way that works.

ALAN GREENBERG:

Brian handed the chair to me. I was next in the list, but Carlos has an obvious need to speak so go ahead.

CARLOS RAÚL GUTIERREZ:

I want to relate question twelve and 13 and my surprise that who knows what on the policy agenda is. I think the keyword in 13 is on the policy agenda. We need to know what the policy agenda is. Not of the board. We need the policy agenda period even if it doesn't get to the board because yesterday we had discussions of issues that might not be right, that might be in the agenda for the board, but then might be taken out of the board. I think that's perfectly normal.

But that requires the first step for GAC to follow-up is to have transparency in the policy agenda and then we have to add what Brian just said. This is a private sector led process and it should continue as such and government should forebear to act before public policy is necessary.

This is just standard 101 legacy telecom regulation. I know we should not use the word here, but it can be organized. If there is a transparency in the policy agenda before the board and the GAC is not behind the

board waiting for the board to tell them what the policy agenda is and if there is clarity that there is a second instance where an analysis of public policy can be done, as Steve just mentioned we're going to try this time would be gTLDs. I think it's perfectly fine. We just have to have the whole picture.

ALAN GREENBERG: Do I sense Heather wants to respond to Carlos? And I'm just accumulating more points I have to add here.

HEATHER DRYDEN: That's great. We're having a really good discussion. So the way I understand what Carlos is saying is that we have to be careful. If we say early engagement, we mean not too early engagement.

CARLOS RAÚL GUTIERREZ: Transparency of what the agenda is.

HEATHER DRYDEN: Right. Transparency. Okay. All right, thank you.

ALAN GREENBERG: The chair is back. Okay. The original point I put my hand up was just to say something very nice. I'll change that. I just note in twelve it says policy development process in lowercase, which is a much more generic term than PDP and I think it's important that we recall this because policies can be developed in a lot of different venues.

Occasionally we substitute the term PDP in capitals and think that (often escapes) the real issue. We're trying to get early involvement in developing policy, not in a specific named process that's in the bylaws.

BRIAN CUTE: I think by recollection that it was intended to be the formal PDP process without the capitals. I don't know if that makes it lowercase A advice equivalent, but I don't think that was the intent. We can check that.

UNIDENTIFIED FEMALE: We need that committee.

ALAN GREENBERG: Brian, you've got it right. Take credit for it, even if it was by accident. Just an aside to Heather, I believe there once was one working group that met twice a week for a few months once. It is not the common thing and I believe that was vertical integration, a dirty word, so let's not talk about that one too much.

When we talk about GAC participation, I normally take that at the development level to really mean GAC member participation, not GAC participation as a formal entity. I'll let you rebut. My only comment is look at the ATRT, look at the other review teams. We have GAC members at times participating. They don't before speaking say, "I have to go back and check with my government." These are open recorded meetings, which everything is attributable to them, but somehow we've overcome the fear that it's going to be interpreted as a formal statement of the government or things like that.

And I think we have to think about it perhaps and try to figure out is there a way we can use the model in the review teams to get similar engagement in other types of working groups in ICANN.

BRIAN CUTE: When did that happen? Carlos?

CARLOS RAÚL GUTIERREZ: That brings me back to the discussion we had yesterday on the NomCom. Let's say their requirements to become a GAC member are not standardized. They don't come from the same type of government agencies, depending on the country. I would advise against taking GAC as a black box of standardized governmental officials at the same technical level with the same initiative, with the same interest and so on.

And that's a serious problem. That's a serious problem because if you compare the GAC to other governmental organizations that are more standardized where they're represented by ministers across the board and so on, we have a difference in expectations. I think that we should go through the GAC question with the same standards that we went through the board.

What is the technical qualifications? What is their background, etc. and go a little bit deeper in that analogy because that has serious implications. If you expect that the GAC will give you the governmental legitimacy that you need, you might be wrong and that brings us back to a series of other questions, how to deal with government.

BRIAN CUTE: Thank you Carlos. David, Jørgen, and Alan. David, please. That's fine. Thank you.

BILL GRAHAM: Hi, it's Bill here. I'm not hearing anything. Have we dropped?

UNIDENTIFIED MALE: Sorry, Bill, I was talking to you. I was on mute. Are you still there?

(CHERYL): (Cheryl) here. We've got no audio, if we're on Adobe Connect.

BRIAN CUTE: Heather?

HEATHER DRYDEN: To this point governments appoint their representative. It's not something that GAC comments on. Certainly not something the chair comments on. They designate their representative and as to which part of government they come from. Sometimes there's some history so a regulator may have been more active in this area and have responsibility. In other cases they might be a ministry or foreign ministry

communications, science and technology, but I wouldn't comment personally any further than to note that fact.

BRIAN CUTE: Thank you. Jørgen?

JØRGEN ANDERSEN: Just to come back. As I see it – and thank you for the answer – I think it can be of absolute no importance whether a representative comes from a regulatory or from a ministry or another government agency. In his or her capacity as member of GAC, he or she is representing the government. Meaning the group of ministers. I understand your replies there. That is your consideration when looking at the country's representative, right?

HEATHER DRYDEN: That's what we assume and we also have an expectation, but it's nothing stronger than an expectation that someone be a public servant, but that's not the case with all governments. In some cases they may have a consultant or someone that is from another organization or company that they have been appointing to the GAC.

We do talk about this in our operating principles. I forget the precise language, but as I say, when I talk about representation in the GAC, I communicate it as an expectation that they be an official, that they be an actual public servant.

BRIAN CUTE: Thank you. Olivier, please.

OLIVIER CRÉPIN-LEBLOND: Thank you very much, Brian. It's Olivier. Carlos, did you want to respond or did you put your hand down?

CARLOS RAÚL GUTIERREZ: I fully agree with Jørgen's statement and with the clarification that Heather made and with the expectation that the technical level is not

even within the GAC and that shows in the level of engagement during the public meetings and between the public meetings and so on and so forth. I think it's pretty clear. I could agree with what you say.

OLIVIER CRÉPIN-LEBLOND: It's Olivier again. I wanted to come back to Carlos' earlier mentions of the policy agenda and who effectively sets the policy agenda. I have a concern that the policy agenda is often too centered around the board policy agenda, which we are all aware of because the board is I think transparent enough these days to clearly show what they are working on at the moment. That's a good thing. But I'd like to think that ICANN is bottom up and so that the policy agenda is actually set by the bottom, not set by the people at the top.

Now admittedly there is a mix of this at the moment, especially with recent work that has taken place where you have some top-down and some bottom-up policy agenda being set. But I wonder whether – I mean, I know that the policy agenda is clearly found in the GNSO. You go on GNSO Wiki pages and you find out what the agenda is and you go to the ccNSO and you can see it. You go to some of the advisory committees and you can see it, but there doesn't seem to be a consolidated policy agenda as to what part of ICANN is doing what and what part of ICANN is working on what at the moment.

So in the implementation of this recommendation I really wonder what part of the policy agenda is GAC fully informed on. Is there knowledge of this?

UNIDENTIFIED MALE: Now there is the vague term of policy, Olivier.

OLIVIER CRÉPIN-LEBLOND: With a lowercase P did you mean?

UNIDENTIFIED MALE: That could be anything. When they approve the budget, that's the budget policy. Now there's bottom-Up and top-down involved with that. The answer is that the SOs develop policy and policies can be suggested to them by the board and any of the advisory committees. That's a top-down, bottom-up process and the GNSO or the ccNSO or the ASO itself can generate a policy development process.

To that extent it's been less used for the advisory committees to suggest to the GNSO or the ccNSO to take up a topic. The board has done that on occasion and most of the other occasions have been from the groups themselves.

So it's a combination of the ACs coming to the supporting organizations who have the primary responsibility for starting that process and making a recommendation to the board.

Now in terms of what does the GAC know or should now, we're trying to provide a priority, if you will, of those major issues, consensus policy issues. Not necessarily the budget process or the strategic plan from that point.

BRIAN CUTE: Follow-up for Olivier. Is that okay Heather before we get to...?

OLIVIER CRÉPIN-LEBLOND: Thank you very much Brian. It's Olivier for the transcript. Permit me to say that this morning you have contradicted yourself, and the reason being that staff sets a priority for policy issues for the GAC, but does not want to set a priority for public comment issues earlier because it felt that it was in some kind of conflict for doing so. Why is there a difference between setting a priority for the GAC and not setting a priority for the public comments?

DAVID CONRAD: I will review that transcript, but I did not say that the staff set the policies. We are providing information, Olivier, to them.

OLIVIER CRÉPIN-LEBLOND: You said priorities. You prioritize for the GAC, but you wouldn't prioritize for the...

DAVID CONRAD: We point out those policies – consensus policies – that are under development for them. That's not excluding that they may be interested in other policies that may be up for public comment or the light. That we provide them in terms of the monthly update that provides that information to them.

We don't make the decisions for them. They make their decisions. We provide all the information evenly to them. The staff does not make priority decisions. We provide it in kind of digestible fashion of what may be public policy implications for the GAC, but we don't determine that. They determine that.

BRIAN CUTE: Heather.

HEATHER DRYDEN: Thank you. So I think David is quite right that when it comes to the GAC setting its own priorities, then of course it needs to be doing that and I think what I'm very sensitized to is the importance of the GNSO in this because when it comes to volume of work and significance and depth of what they're looking at in comparison with another supporting organization like the ccNSO, I can call to mind very easily what are the key issues of ccNSO. I know what they are. I'm not going to be surprised by an agenda when we're meeting with them, but with the GNSO it's much more difficult.

If we continue to view the role of the SOs as initiating policy development or leading in that process, I think we do, then the GAC really is reliant on making information flows work better and understanding to what extent the GNSO is able to prioritize as well in its work so that we can as well do our own prioritization.

There are dependencies in that, and because we're talking about who initiates what, I would remind you that in the bylaws the GAC actually does have the ability to request an issues paper. We have not taken advantage of that and I don't think we would, because for governments to be going into that kind of activity, I think is unavoidably going to appear inconsistent with a bottom-up approach.

Governments don't tend to do small things and they don't tend to be perceived as small things, and for that reason we haven't taken advantage of that. But I really think this ability to prioritize is critical for the GAC and we can't succeed in doing that without the understanding and the right processes in place for dealing with these issues with other parts of the community because we're not really controlling the amount of policy development processes that have been initiated or (inaudible). We don't control that, but we also need to be able to keep up and we're not. We're not currently. So this is a great concern to me.

OLIVIER CRÉPIN-LEBLOND: Thank you Brian. It's Olivier. So let me just get this straight. Who does the prioritization? The GAC prioritizes its work or when the issues reach the GAC they already have a priority that has been assigned to them?

HEATHER DRYDEN: I would hope that both the things happen because if the GSNO says we don't have any priorities and we have 30 working groups underway, then the GAC can't work on 30 working groups. And if that really is the

answer, then the GNSO isn't actually prioritizing. As a community we have to identify I think what are the key issues or the key issues that we're dealing with at a certain moment in order for the GAC to prioritize its own work.

OLIVIER CRÉPIN-LEBLOND: It's Olivier again. I'm basically just going around the pot at the moment trying to find out who does the prioritization. That's my bottom line. Trying to find out who sets the priority because I think that is particularly important in the bottom-up systems, such as ICANN, because that could amount to capture. It's a way to change policy.

You go and you prioritize on things that you wanted to happen and you put a low priority on the stuff that you don't want to happen, and effectively you've got capture and this is why I'm trying to sense and put my finger on that. Thank you.

BRIAN CUTE: Okay. David?

DAVID CONRAD: Again, the staff provides information of the PDPs approved by the various councils – ccNSO, GNSO, or ASO – and we convey that information to them. That is not the only source of information for the GAC. They get hundreds of emails, other information about what's happening at ICANN.

So it's not the staff that tells them the priorities. It's the staff conveying the information of those responsible councils that set the priorities, one. Two ,we ask and try to encourage a dialogue when the GAC and the supporting organizations have their ICANN meetings to use those occasions because we are asked. GAC has asked, "What do you want to

talk about?” GNSO has asked, “What do you want to talk about?” to the GAC.

We use those occasions as staff to say, “The current issues. The priorities of your council.” That’s generally what they tend to do or should do if there’s time permitting.

BRIAN CUTE:

Time check. We have just under 10 minutes. We do need to get to recommendation 14. I’ve got Alan, Fiona, Carlos, and Heather in the queue. This is the most fun we’re going to have all day so I’m going to let some folks... So let’s go with Alan.

ALAN GREENBERG:

A couple of very short points. Heather worried about 30 GNSO policy development processes have been dumped on the GAC. In my lifetime, which is seven years or so, I’ve never seen more than a handful of active GNSO policy processes at the same time, and most of those, I hate to tell you, are not going to be of much interest.

So the active ones that are really of concern is a much smaller number. That being said, the GNSO has been grappling with prioritization for about the last four years and hasn’t managed to, but luckily on these kind of (inaudible) it’s not that important. My personal opinion.

In response to Carlos saying that the evenness of GAC representation and the credentials of people and their backgrounds being varied, I hate to tell you that’s true of every organization within ICANN. It’s true in ALAC. It’s true in the GNSO. It may be less true in the ccNSO because they’re a far more uniformed – no, I’m told it’s just as true.

It’s a very uneven thing in any of the groups and you cannot presume that everyone sitting around the table has the same worldview or the

same credentials or the same level of representing the company or government that they wear the badge from. That's business as usual I'm afraid. It's a problem for everyone.

And the last very short point is when people talk about GAC participation, they are talking about having people there who have some concept of what the insights and needs and ideas of governments are.

BRIAN CUTE:

Fiona Alexander.

FIONA ALEXANDER:

Not to prolong this and to be brief, I think some context for user recommendations and also not speaking whether it's the right or wrong structure, but the current bylaws, as I understand them, the GAC gives public policy advice to the board. Right? That's what the by-law says. So another kind of policy is public policy and so you are talking about involvement in the GNSO and one of the reasons there's been this back and forth is the GAC and several of the GAC members are like, "Our job is to advise the board." So what we are talking about in addressing all of the challenges we have is changing that relationship and that dynamic and I think maybe Heather can speak to that challenge from the GAC members as a whole, but the current structure and role of the GAC is to advise the board.

BRIAN CUTE:

Thank you. Carlos. Thank you. Denise.

DENISE MICHEL:

Just a point to perhaps consider exploring further in the work stream, and then it's of course recently a significant amount of GAC's time has been spent not on a PDP but on a small p policy and activity the board is considering that are not related to the PDP, of course, that fall more

into the implementation category and I think it would be useful for team to also consider the whole range of activities that are occurring at ICANN, some of which do have, of course, public policy issues. There is about seventeen public comment forums open right now. Maybe three, at the most or four, are actually related to the policy process come from an SO. Otherwise it is all posted by staff and it's all related to a whole range of operation and implementation activities. So, that's something else to think about.

BRIAN CUTE:

Thank you. Steve. And then we'll move on.

STEVE CROCKER:

I wanted to follow up on Fiona's comment. So, yes, it is clear in black and white that the GAC provides advice to the board, but that lead to an interesting little conundrum because the board is strongly expected not to go make its own advice and not to override it or sort of dabble too much in the process.

So if we have advice coming from the GAC and it relates perhaps to some policy development process that is underway in the GNSO, what is the board supposed to do about this? I can tell you the simplest thing that the board does. It says, "Oh thank you very much and we send it over." Right? "So you guys talk." It's when that doesn't satisfy that various parties that things get to be more interesting but to leave it as the GAC advises the board it suggests that the board is an operational decision-making process, which it is to a certain extent, but mostly what is expected is that the board oversees the process and tries to make sure that all the parts are working together rather than jumping in as its own subject matter experts. As I've commented, with I hope irony ,we of course are capable of doing that and if that's what you want, but ...

FIONA ALEXANDER: Just to be clear, I am not suggesting that needs to continue. I am suggesting that's the current framework and that's perhaps some of the cause of the current problem.

STEVE CROCKER: It is an interesting structural peculiarity of ICANN, which the Boston consulting group pointed out vividly, that the board is overseeing two parallel processes, an ordinary corporate structure with staff and CEO and so forth, and a quite separate set of supporting organizations and advisory committees.

And their report I think said that they were unaware of any other structure that was like that. and so they picked out for example, American Red Cross, which has huge number of volunteers but the volunteers don't participate in the decision-making process about the organization so much as they report in to staff and carry out the work of handing out needED care and all of that.

This is a somewhat unique animal and it put the board in a position that it draws some of the guidance as to what it should do from standard practice of how a board operates –fiduciary responsibilities and so forth. But the rest of it is peculiar to this particular organization and we're still working it out.

BRIAN CUTE: Avri, and then we are absolutely closing.

AVRI DORIA: Thanks. I just wanted to add one small tale to the story progression that Steve just told, which is that GAC comes to you, you come to the GNSO, and then we get a response from the GAC saying there's nothing there for the GNSO to do. It's public policy it's not their policy. So we do have this built-in conundrum there that I'm not sure what the way out of it is,

but we've seen at least that happen once and that becomes sort of an interesting loop to have.

BRIAN CUTE: Heather.

HEATHER DRYDEN: To that very last point, it depends on the issue. Sometimes it is the case that it is really the GAC that you would look to in the name to comment on something. I don't think that is the standard. The way things are structured in a way also does help force the GAC to come in late in fact when you're looking at the processes and we're better off acknowledging that and figuring out how to deal with that and possibly restructure some things. Thank you.

BRIAN CUTE: Thank you for that. And, boy, the people who are working in stream 2. to are going to have a lot of fun. I think I need a cigarette. Can we move to number fourteen with a few minutes? It's five 'til ten here.

JAMIE HEDLUNG: Sure. It sounds like you might need more than just a cigarette. Anyway, recommendation 14, from a staff prospective anyway or my personal prospective, was one of the most important recommendations for this juncture in ICANN's development.

Without the strong participation and ability to effectively participate in ICANN by the GAC, ICANN loses a big chunk of its legitimacy and credibility. And with other discussions going on in other fora, strong GAC engagement is more important now than ever.

So this recommendation focused on increasing support to the GAC and GAC members, particularly those from developing countries as well as increasing commitment by governments at higher levels to participate to the GAC and to ICANN.

There were a number of things that were undertaken as part of the implementation of this recommendation. There were increased resources made available for interpretation of GAC sessions and for translation of GAC documents, all which are in UN six, plus Portuguese, significantly increased support for travel, again with the focus on the government from developing countries, greater awareness raising within the regions by coordination with the GAC and ICANN.

Then the other one that I want to highlight is the high-level meeting that was jointly sponsored by the government of Canada – or sponsored by the government of Canada and jointly hosted with the Canada at the Toronto meeting, which was an opportunity for senior level government officials to participate in and discuss ICANNs role and the GAC’s role within ICANN.

BRIAN CUTE:

Thanks, Jamie. I guess one question would be, in addition to the activities and undertakings that are driving toward implementation of the recommendation, any consideration given to measurements or metrics in terms of how well it is advancing or benchmarks of interactions with governments and how that’s changing over time as the result of this recommendation’s implementation?

JAMIE HEDLUNG:

Well, I’m not aware they we’re actively using metric to measure the effectiveness of this implementation of this recommendation. There are some obvious ones that spring to mind which include whether there is a growth in the number of GAC member countries, whether there is a growth in person participation in the GAC from countries particularly from the developing world. Then for measure, how many more interpretation sessions there are, how many more documents are

translated, how many GAC members actually take advantage of the increased travel support. Those kinds of things. Yeah, as I say, I'm not aware that we have been keeping track of any of those, but those are some things that immediately spring to mind for me.

BRIAN CUTE:

Thanks, Jamie. Heather?

HEATHER DRYDEN:

Thank you, Brian and thank you Jamie for providing some further detail about what measures have been undertaken. In terms of tracking, although we haven't set out purposefully to try to collect some data, there are some things that are very clear as a result of the measures.

And in terms of the fellowships, there was a time when we received six and then we received 20 and when we were receiving six we would get maybe five or six applications and now that we have 20 we are starting to get in excess of 20. So we're seeing that that option is being taken up very readily by governments. I can tell you anecdotally that the existence of interpretation being available and increased translation of key documents has made a tremendous impact on the GAC, and we hear comments all the time about how nice it is to have this available.

And when we've been to regions while we have interpretation available, it has enable us to retain some of that initial interest that we were able to garner by virtue of being in the region and it has been sustained following the meetings with participation from new governments. And I think we sit at at least twelve0 governments plus 25 observer organizations. These are the kinds of numbers that often get reported at much lower levels outside of ICANN circles. So I think an important component of this is to actually get this word out because there's still

sometimes an assumption that there isn't interpretation, that there aren't fellowships and that there isn't this kind of support available.

We've also been able to do on an ad-hoc basis some capacity building sessions, so with the working group in the GAC set up. We did one, for example, at the Costa Rica meeting and that has proven to be very successful. We're also much better organized at providing support to new representatives to use some of the tools that we have in place. So they get guidance and the have that available to them.

And before I give up the floor, the important thing to note here I think is that this is all ICANN provided support. This is ICANN funding that has enabled us to receive this interpretation and this is ICANN funding and support that allows to do fellowships and that administers that in fact. It's ICANN's travel department who, very capably, work with colleagues who come from the far reaches of the world and have all kind of unique challenges in traveling to meetings and so I want to acknowledge that fully, and I think we need to make sure that we are recognizing that that support comes from ICANN. Thank you.

BRIAN CUTE: Thank you , Heather. Olivier?

OLIVIER CRÉPIN-LEBLOND: Thank you very much, Brian. It's Olivier Crépin-Leblond for the transcript record. Heather, you cited anecdotal evidence on the happiness of GAC members, which is great to hear. Do you have any formal ways to find out what the point of view is of the actual governments? So not the people traveling and enjoying the sun and visiting places while they travel which, of course, I know they don't because they didn't come out of the meetings in Beijing. they were working very hard indeed, but I am saying, not those people who were

actually traveling there but the governments themselves, whether their GAC representation serves their expectations. Is there any plan or has there been already a survey of these governments or some way to get formal input from them with regards to that?

HEATHER DRYDEN:

We tend not to approach those questions in the way that you describe and we do have opportunities to talk about the GAC and get a sense, not only when we're at ICANN or a GAC meeting to get that kind of feedback, and I think that's probably okay. I think it is all right. But we do want to be influencing more senior levels within a department and that must be the idea of doing this first high-level meeting. And there has been discussion about doing one again based on what we have learned and what we know from the first undertaking. So that's a good way to hear firsthand about what governments are noticing. And there was, again, anecdotal feedback coming from the high-level meeting where some had not been to a GAC meeting in years and they said, well, it's really quite different than it used to be, there's a lot more active participation, there's good representation or having been substantive discussions about things. And so that I think has encouraged people to be looking at those mechanisms in the future. Again that was an ICANN supported effort to hold that high-level meeting. So these are great ways that ICANN has truly assisted us in strengthening our ability to do our work.

BRIAN CUTE:

Thank you. I've got Denise and then Carlos. Denise?

DENISE MICHEL:

Currently ICANN is tracking, in addition to the basic number of GAC membership, is also tracking interpretation services provided and also travel support provided to GAC members.

BRIAN CUTE: Thank you. Carlos.

CARLOS RAUL GUTIERREZ: Carlos for the record. Yes, I have an example for you, Olivier, which is fact-based and very official. The reason I didn't go to Beijing is because the Economic Commission for Latin America of the United Nations had their ministerial meeting in Montevideo and in the Resolution of Montevideo all governments of Latin America wrote that they don't want .amazon and .patagonia to be given away without government advice.

I think this is a tangible report of all governments acting together and taking a formal resolution of all ministries involved that we make immediately to the delegations present in Beijing. But this was a very well-founded resolution. There were representatives of all countries of various ministries in the case of Mexico and the case of Brazil. There were foreign ministry regulator, technology minister. Everybody was there and I think that this, for me, is a sign that Latin America, although the representation in the GAC itself might be underrepresented, but at the ministerial meeting of Montevideo you got an official check that the governments are following ICANN seriously.

BRIAN CUTE: Thank you, Carlos. Heather.

HEATHER DRYDEN: This last discussion has just reminded me that when we first began our discussions in the Review Team that we talked about the importance of looking externally and I'm just thinking, that's the discussion we are having now and that's great. But that external world and how ICANN and the GAC are being discussed and hopefully reinforced in other settings and better understood is something that we need to continue thinking about in the Review Team.

BRIAN CUTE: Thank you, Heather. I have a question. The second part of the recommendation says the board working with the GAC should establish a process to determine when and how ICANN engages senior government officials in public policy issues on a regular and collective basis. So just a general question, has a process to do that been established, if so how's it going? If not, is a formal process necessary? How's that all working?

HEATHER DRYDEN: In terms of the process, I would say that was the high-level meeting. They key example where we try to initiate a kind of track of discussion at more senior levels and we would consider doing one again, I think. I think that there's been some interest among GAC representatives. There's been discussion, only informal, but to express an interest in doing that in the future.

Then I think we've heard a lot about ICANN's global stakeholder engagement plans and so it seems to me that those plans would want to be in cooperation with or at least mutually reinforcing with other parts of the community. Not just the GAC, but the community generally. And so outreach to governments and getting information out about government including at senior levels is something where I would hope that we can work well with ICANN staff on accomplishing.

BRIAN CUTE: Thanks very much. Any other questions before we break for lunch? Online? In the room? Okay. Seeing none. Thank you. Staff and Jeannie, David, Jamie, Brian, Bill, thank you all very, very much for your time and inputs. Well appreciated. We may come back to you with some follow up questions but very good input and well welcomed good discussions. Thank you all. For those online we're going to break for lunch now.

(BILL GRAHAM): Thanks, Brian and all. Bye.

BRIAN CUTE: We are interested to hear what things worked and what and what things didn't work and why regardless of the reason. But if you could come at it from that point of view, we'd appreciate it and then we can follow up with some dynamic Q&A. The floor is yours.

PATRICK JONES: Can everyone hear me okay? This is Patrick Jones, Senior Director of Security, from the ICANN security team. As you know I've provided a briefing to the Review Team in Beijing on where we were in the progress of implementation. Since that time we are still advancing through the various recommendations.

I think at this stage it's still premature to say where we are on implementation and the lessons learned because we're still in the progress. The board adopted the final report of the SSR Review Team at the ICANN meeting in Toronto and we're now working through those recommendations that can be done by staff and identifying those recommendations where there will need to be staff and community or staff and advisory committee collaboration in order for those to be properly implemented.

I will also add that we did publish for community review a status report of the 28 recommendations as part of the FY 14 security stability and resiliency framework. That was published on March 6 before the Beijing meeting. It is now in the reply phase of comments. It's my intention that the spreadsheet of responses to the ATRT-2 would also be made available for public consumption. So that would be an addendum or an additional document that would show the community where we are in implementation in our progress.

BRIAN CUTE: Okay. We're just trying to follow on the screen. We're having some technical difficulties. When you talk about implementation efforts could you refer to the recommendation number as well just so we can follow along on the screen? We've got one through four in front of us and can scroll down to read the rest.

PATRICK JONES: Sure. One of the advantages that we had is while the SSR Review Team was doing its work we were following along in parallel and in some cases we're taking steps of doing advance work on implementation, so a good example is recommendation 1, publishing a single clear consistent statement of the SSR Role and Remit. In May of last year we published a draft statement while the Review Team was doing its work to again to socialize the ideas with the community. We ran a longer than normal public comment process on that document. In fact, it ran through September of 2012, and then we synthesized the comment and made that available at the ICANN – in advance of the ICANN meeting in Toronto in October of 2012. A revised version of that work that took into account the public comment was incorporated into the FY 14 document that was published in March. So that's an example of how we've done some implementation along the way. Another example is with recommendation 15 of providing some...

BRIAN CUTE: That's 14 you said, with a five?

PATRICK JONES: Yes, recommendation 15. One, five. That's to facilitate responsible disclosure of security threats and mitigation techniques. So in March of this year we published a set of guidelines for the community, particularly for security researchers and others, a way to report things to the ICANN security team so that they can be dealt with in an

appropriate manner. That also grew out of collaborative discussions with SSAC and I think largely that the publication of that process has been well received.

BRIAN CUTE:

Let me ask you a question, Patrick. I'm reading the recommendation that ICANN should act as a facilitator in a responsible disclosure and dissemination of DNS security threats and mitigation techniques. Did that recommendation or the implementation of it shed any new light on ICANN's role in this ecosystem?

I have an understanding that from an operator's standpoint or operators DNS infrastructure that ICANN does have a role to play, facilitator as defined here. ICANN also operates a root and has relationships contractually with the operators of infrastructure. Did it provide any light or clarification either for yourself or an understanding with the infrastructure operators in that respect?

PATRICK JONES:

Look, I think the work of the review team was helpful in crystalizing the thought process for the security team over the last 18 months of when and how to reach out to different operators. Over the course of the work of the Review Team there were also some real-world examples that helped show when we needed to be a responsible party in the process.

A good example I believe was a year ago in the threats from Anonymous on potentially attacking the root operations resulted in collaboration with the parties in the ecosystem, and that was a good example of how different parties were able to talk to each other and that we could play a facilitating role not a governing role, or even largely a coordinating role. It was just a way to bring different groups together.

BRIAN CUTE:

Thank you. I think another area that's not clear for a lot of people in the community, the broader global community, the Internet community is necessarily the scope of what ICANN is responsible for when it comes to security. In the implementation of any of these recommendations, do you think that effort helped to clarify ICANN's role in the ecosystem, if you will, and if so which ones would you point to? Or if any of them made things worse in your estimation, which ones would you point to?

PATRICK JONES:

Well at this point I don't know if I can point to anything that the recommendations have made worse because largely what the Review Team has done is given a set of practical, usable recommendations that could be implemented. I think what we've seen from the early work that was done around recommendation 1, but also the work on recommendation 4 of documenting the security relationships with the community.

All along this process we have tried to come up with some clear definitions of what we think security, stability and resiliency means for ICANN and a very clear explanation of what ICANN's (limited) technical mission is, and these guidelines or recommendations have been reasonable enough that we have been able to work with them.

And I think from the public comments we've received to date and also the public comments on the earlier draft statement of ICANN's role when we met, the community reaction has been largely positive and I think if you take a look where we've progressed from the draft statement to the current documents that's out for public comment the input that has come in has been that we can see that the security team has made changes to the statement that reflect the public comments

and now we're at a point where we're really trying to reach out beyond the usual groups that are aware.....

BRIAN CUTE: Are you there? Patrick?

STEVE CROCKER: I assume this is the case, but I am just double-checking. We are anticipating a spreadsheet similar to WHOIS and ATRT for the SSR?

BRIAN CUTE: Yes. That's coming. Thank you very much.

STEVE CROCKER: And that will be today or...?

UNIDENTIFIED FEMALE: Well, we'll confirm (inaudible) in the next two days.

STEVE CROCKER: Oh, I see. Okay. Thanks.

BRIAN CUTE: For those of you online, Patrick has fallen off and we are waiting for him to get up.

PATRICK JONES: Hello!

BRIAN CUTE: There you are.

PATRICK JONES: Hey. I'll blame it on (inaudible).

BRIAN CUTE: Okay. Fine by us. Please carry on.

PATRICK JONES: Okay. So I was answering your question about where we think the recommendations have been helpful in having us implement our role and remit, in clarifying our role and remit? Is that correct? And I was rolling with a really good comment, so I am not sure where you lost me in that process, but maybe I should stop and see if there's other questions.

BRIAN CUTE:

Well, yeah, and we can open up to other questions and the other thing we were thinking while you were offline too is if you wouldn't mind you could walk us through the recommendations in order numerically. That's what we've been trying to do with the other presenters. You touched on number one already, but if – are there any questions for Patrick at this juncture. And I'm looking online as well. Not seeing any.

Yeah, Patrick why don't you pick it up at recommendation number 2 and then just walk us forward. Again, the effect of implementation on this recommendation – positive, neutral, negative. If it hasn't been implemented yet just a clear explanation as to what have been the challenges or obstacles to achieving that. Thanks

PATRICK JONES:

Okay. Take it to recommendation 2. Doing our definition and implementation that it should be reviewed in order to maintain consensus and elicit feedback from the community. So I don't believe that this recommendation has been implemented yet, because one way to read this is that first we have to have a single clear consistent statement that is recognized by the community. So I think that work is reflected within the existing FY 14 framework, that we need to close that off and the public comment process that is associated with it first.

I will say that each year we have published a security, stability and resiliency framework, at least going back to 2009, so we have now done an annual process of publishing a document. In the FY 12 framework was published while the Review Team was beginning its work and one of their early comments to us was that it would be helpful for the security team and for ICANN to publish a status report showing what

had been implemented along the way or how the previous years' activities had been completed.

And so in the FY 13 document we, published a status report from FY 12, showing the Review Team that we were taking in consideration their early thoughts before their work was done and they referenced that in their report as a positive step for us. In the FY 14 version I think we took it a bit farther and tried to provide more information in our status report and that will keep getting refined, especially as we adapt that to the at-task reporting that Fadi introduced at the Beijing meeting.

BRIAN CUTE:

So, let me ask you, Patrick, looking at it kind of for the first time, if you boil this down it's saying ICANN – provide a statement, a definition of what your remit is and tell the community how you've implemented against that remit to maintain consensus and elicit feedback and do that on a regular basis. How do you measure consensus to make sure that the community is still with you on, yeah, this is an appropriate statement of your role and we agree with the way you are implementing under your remit?

PARTICK JONES:

You know, that's a big question that you could ask of any of the policy processes that ICANN does. One way that we look at this is making sure that we take into account the comments that are received on the draft statement and the statement that's in the existing framework, make sure that we are conducting a very thorough socialization of that statement with all the supporting organizations, advisory committees, reaching out broadly to stakeholder groups and making sure that they are largely pleased, or at least with the definition of consensus that we

use in other policy processes, agree that that's the appropriate statement. And then we move into reviewing that on a regular basis.

BRIAN CUTE: Thank you. Any other questions for Patrick? Recommendation 2? Okay. Would you please proceed down to recommendation 3 please, Patrick.

PATRICK JONES: Sure. So this one, again, this is once we've done a consensus-based statement and we need to make sure that the definitions of security, stability, and resiliency and the other terms that are in the document – for example what the definition of ICANN's technical mission is and the role and remit are used across the organization. So I think this one, our approach will be first to make sure that there is several opportunities for all staff and also board to be aware of what the Role and Remit Statement is and how we've treated the recommendations. Providing a webinar, educational materials. Also making sure that in the communications and in the outreach materials that are used by ICANN department's presentations are consistent with the terminology that has gone through this public comment process – and that education effort is going to take some time.

BRIAN CUTE: Thank you. Questions? Looking around the room, online. No questions? Recommendation 4 please, Patrick.

PATRICK JONES: Sure. So this is one of defining the nature of the relationships that ICANN has in the community. One approach that we've already taken and you saw it in the FY 14 framework was a visualization of the functions of security at ICANN. So we had this image that showed the organizational risk management, the threat awareness component, the coordination component, and the (bot) leadership and technical engagement component.

Within those four components we are then going to identify the existing relationships. So some of these are apparent in (inaudible)of understanding in contracts and accountability frameworks and partnerships or contracts with registries and registrars. There are other relationships that are not so apparent. Some of them are either based out of trust-based lists that ICANN participates in. They're also from providing technical engagements at different events and requests for ICANN participation. So we're in the process of doing - the easy bit is that you can document the contracts and the MOUs and things, but then the next step is, from an internal staff perspective, making sure that it's clear where there are existing channels of communication and relationships with different entities in the community and making those apparent for the public, and for the community, too.

BRIAN CUTE:

Thank you. And actually we are pulling that image up on the screen in the room so everyone can take a look at it and see if it generates any questions here, and just walk through it and see from a consumer perspective how it works on our end. It's a pictorial diagram, Patrick?

PATRICK JONES:

Yes, it's page 16 of the framework.

DENISE MICHEL:

So what they're looking at Patrick – hi, this is Denise – is you know on your blog post you have the tracking for the Review Team recommendations. We're looking at that. Do you want to look at something else?

PATRICK JONES:

You know, we don't have to have them divert away from this document right now. I will just point out that it is on page 16 of the current FY 14 SSR framework.

BRIAN CUTE: Yeah, why don't we go to the diagram just so we can see it? I think it will provide some context, too, that could be helpful for the discussion.

PATRICK JONES: It's the x-plane graphic that is within the document.

BRIAN CUTE: Right. Then we can come back to the tracking document efforts. I just think that for those of us who are not close to SSR issues in ICANN, it might be useful to see the picture and gain an understanding and we might be able to have a more fruitful discussion with you, too, as well. Just bear with us.

PATRICK JONES: And while you're pulling it up, so this document is, I will say in version one status, so as part of the public comment period its – we can certainly take input on the document, but even separate from that, if any of the Review Team members or others in the community have recommendations for how better to depict the relationships and the functions of security, we'd be welcome to hear those.

BRIAN CUTE: Do you anticipate that this diagram by x-plane, once it's gone through its process, be on the front page of the website like the other diagrams, kind of front and center for the community to see or do you intend a different use for it for positioning?

PATRICK JONES: No. I think it could be. One of the nice things to see is how some of the different stakeholder groups and constituencies have asked for material like this. So at the Beijing meeting, the business constituency included this graphic in page three or four of their newsletter that they handed out to participants at the ICANN meeting. So this is the type of thing that could go in collateral that people hand out or in presentations that others in the community could use. I know our global stakeholder

engagement team asks for material like this all of the time, and so having something that people are able to draw from and even break it down into its component parts. So for example you'd be giving a talk and want to focus in on the threat awareness piece or focus in on the technical engagement piece. We're able to do that and provide more detail.

BRIAN CUTE:

Thank you. We've got it up on the screen now. If you could just, at a high level there's clearly four distinct parts to this and I can see the organizational risk management at the top and then threat awareness, coordination and technical engagement across the bottom. If you can just kind of conceptually walk us through those pieces and again focus in on SSR and ICANN and where it fits and what its role is.

PATRICK JONES:

Sure. So the top part outlines the more traditional function of security in any organization and so that we've defined as the organizational risk management piece, and that is everything from the network security, internal physical security, the traveler security, security at ICANN meetings, our work with finance and legal and making sure that as new services are introduced that there's appropriate auditing and risk management done. This would be typical for any organization. It's not unique to ICANN.

When we move into the bottom areas, our functions of security that are more outward facing. So the threat awareness component is ICANN may receive information in a variety of ways and it shows the flow of communication to the community and out to the global layer of the community. The coordination piece focuses on ICANN's coordination of the root zone operations, the IANA functions, L-root and then also

courting the parties in policy development as they work with SOs and ACs.

And the last quadrant is on the technical engagement piece, and that is explaining the function of the security team providing a service for the community, their requested trainings through the regional TLD organizations or in partnership with others like the Network Startup Resource Center or ISOC. We do quite a bit of training, and we've done this over ten years and it's one of the things that I think the community sees as a positive from the security team.

BRIAN CUTE:

I'm just asking an overarching question here not necessarily tied to this recommendation, but just in terms of accountability and transparency, in these different roles – threat awareness, coordination, technical engagement – in what way to you feel accountable to the community or communities you work with? What are the mechanisms or interactions that hold you accountable in your role?

PATRICK JONES:

So from a threat awareness standpoint, in some cases we've provided after action reports either on an after action report of exercises that we've done. The publication of that document is something that the community could see and ask questions. Another example is the publication of the reports from the annual security, stability and resiliency symposiums that have been done so that if the community has questions about the functioning of the symposia or another event, that the materials are published and we can take feedback on them.

The other way is – this is somewhat of a new thing, for individual functions that ICANN have a high-level explanation of what they are. And in some cases the security team might be ahead of other parts of

the organization in being clear, or at least as clear as they can be, of the different functions that it plays. And so maybe this is a leadership thing that other departments can see or other departments of the organization can use.

BRIAN CUTE: Thank you very much. Any questions on the diagram? Okay. Why don't we jump back to the recommendations? Thank you Patrick. That was helpful. Are we on Recommendation 4 or 5?

PATRICK JONES: We're on five now.

BRIAN CUTE: We're on five. Yes, if you would. Thanks.

PATRICK JONES: So I think four and five are closely tied together and this is one that until we get the definition of SSR, of the role and remit and off the documentation (inaudible) relationships, we're not in a position to show how this has improved things yet.

BRIAN CUTE: Fair enough. Thank you. Notes, questions? Nope? Let's move on to 6.

PATRICK JONES: Okay. So Recommendation 6. I think this is one that will require collaboration with the advisory committees that are referenced in the recommendation. So this is publishing a document that outlines the roles and responsibilities for SSAC and RSAC.

SSAC largely has this in their operating procedures, and after the Toronto meeting I presented our proposed implementation plan at the November workshop for SSAC in Los Angeles and they were largely in agreement that the language that describes the role and responsibilities of SSAC in the operational procedures met this.

There's a step that I think that needs to happen of carving that out and taking it back to them and making sure that it has their approval. For RSAC the ICANN board implemented by-law changes impacting RSAC at the Beijing meeting. Now we're at the place where once those bylaw changes are implemented we can go back to them and see if they are in agreement with the text on roles and responsibilities.

BRIAN CUTE:

Thank you. Questions? Seeing none. Can we move on to 7?

PATRICK JONES:

So this is one that over the last few years with the existing SSR frameworks. We've had a set of objectives and initiatives published. Now with the addition of the new management delivery process that Fadi and the executive team are implementing and also the development of a new strategic plan, this is one that will come in parallel with that work. The other thing that we need to do is make sure that it is done with the cost-benefit and risk analysis and that is something that groups such as the ccNSO has been very keen to make sure that we do.

BRIAN CUTE:

Do you see this implementation being kind of overtaken by the new strategic priorities being set by the CEO? Are they going to be reshaped, if you will?

PATRICK JONES:

What helps is security is part of the core mission of the organization, so unless there is a plan to change the mission and the core values for ICANN security will be there. I think this work will need to wait until there is an updated strategic plan, and also is part of the publication of the next budget and operating plan.

BRIAN CUTE:

Thanks. One of the things we've asked other staffers to provide – and the same would be asked, Patrick – if a recommendation has not been fully implemented for whatever reason, whether it was poorly designed by the review team or there are resource constraints or whatever it was, that to the extent you can, provide us with clear statements of the reasons why.

If one of these is that the new CEO has a strategic priority that is being launched, and ergo this implementation will be in a hold status for a while, that is useful to us. One of the things we want to do is to learn from the experience of implementation and also provide useful and well-designed recommendations going forward. So if you can provide specifics on that after the fact, that's very welcomed.

I'd like to ask you a question on recommendation 8. What do you mean by the phrase DNS availability? Just so I'm clear. The goal of maintaining and driving DNS availability. Is that from an operational perspective? Is that the resources that are used to provide DNS operationally? What's the exact meaning of that phrase?

PATRICK JONES:

So that is a good question. It's one that we've tried to provide a specific answer to what is meant by availability as part of the – we did put it in the FY 14 framework as part of the definition of unique ICANN identifier health and this is one that came out of the work of the Kyoto SSR symposium. I think that was from 2010. I know those more technical in the room who worked on this might also be of assistance, but this is one that we wanted to point to the technical uses of the term availability and the use of availability in the previous strategic plan was a new term

from the year before. So we want to make sure that its being used in the most accurate way reflected to ICANN's work.

BRIAN CUTE: So how do you view the meaning of the term?

PATRICK JONES: Why don't I provide that in a full response that is technically accurate in material to the review team?

BRIAN CUTE: Sure. Fair enough. Steve?

STEVE CROCKER: Hi. Steve Crocker here. Hi, Patrick. One of the things – kind of continuing along the same lines of availability, the natural thing for most of us to think about is the uptime of the DNS servers, and in the past whenever we've tried to follow this line of questioning and what is ICANN's role in this respect, the conversation usually goes very quickly to "we can't keep the L-root servers running." Well that's very nice and I know that ICANN does a stellar job of doing that, but that's a long way from the whole of the domain name system. It's a long way from the whole of the root for that matter, and the root is an infinitesimally small part of the whole domain name system.

So it makes me a little uncomfortable when we make a claim like that and we don't have the authority or the responsibility or the mechanisms to apply that in the largest sense that people might actually expect us to or think that we have something to do with. So I'd like to keep our words aligned with what our real capabilities are.

BRIAN CUTE: Go ahead, Patrick.

PATRICK JONES: One thing to keep in mind is that when the review team was doing its work, this is the language that was in the strategic plan at that time. If

the next version of the strategic plan or our future uses are going to change on where we're more specific on what we mean about DNS availability, then I think our implementation of the recommendation will take that into account.

BRIAN CUTE: Thanks very much. Any other questions? Move on to recommendation 9, please.

PATRICK JONES: So this is one where implementation will require collaboration with our IT Department in addition to making sure that there's agreement and approval of our other departments that are impacted by IT. So I think that there's existing work within the IANA team for a SysTrust audit and the requirements that the IANA functions must be met under the agreement with NTIA. So this recommendation is in process and we are assessing the options based on recognized international standards.

BRIAN CUTE: Yes, David.

DAVID CONRAD: Patrick, the recommendation I guess says ICANN should access the certification standards. So far, as I understand it, the certifications have been applied to certain portions within ICANN – for example IANA or IT or whatever. Is there a roadmap to get ICANN as the corporate entity certification or is it going to remain focused on specific components of ICANN.

PATRICK JONES: So at this stage I think it's too early to tell. I think that will depend on the function. So an example may be that there may be certification that is required in order to operate RPKI or to have ICANN operate as a certificate authority. So that is work that I think will have to depend by the departments that are impacted, but one of the things that the

Review Team did not want to do while they were developing this recommendation is specify the approach. This gave ICANN the flexibility to see where the certification was most needed.

BRIAN CUTE: Do you have a sense of when the roadmap would be published? Roughly?

PATRICK JONES: No, at this stage. Not yet.

BRIAN CUTE: Okay. Thank you. Any other questions? Okay, Recommendation 10, please.

PATRICK JONES: So in our review of this recommendation, I think it is tied closely to the implementation of the WHOIS Review Team work and the work that is already well-documented for compliance as part of the implementation of that review.

BRIAN CUTE: So implementation of this is tied to implementation of other recommendations under the WHOIS Review Team from a timing perspective?

PATRICK JONES: This recommendation is – I think this highlights one of the challenges we have with all of these recommendations is that in some cases they are rather broadly worded. In reading the words, it's that we should continue our efforts to step up contract compliance enforcement and provide adequate resources for these functions.

The compliance team has grown over the last two years and has done quite a bit of work in documenting and establishing their processes. So that is one of the things that we will be able to point to in showing how compliance has changed over time and has stepped up their work. I

think also the work that the compliance team is doing to meet the obligations in the WHOIS Review Team will be useful in completing this recommendation.

BRIAN CUTE:

You're right. The way it reads, it's very generic. And I'm looking at recommendation 11 which says ICANN should finalize and implement measures of success for new gTLDs and IDN fast track that expressly relate to its SSR-related program objectives. You don't have that SSR-related program objectives qualify in recommendation 10 so looking at it, it looks very broad. It's the subject of a recommendation from another review team. How did you receive this recommendation? How did you understand it when you received it? Does the report behind these recommendations provide you any clarify about exactly what the SSR piece of this recommendation is?

DENISE MICHEL:

Hey this is Denise. Hey, Patrick. I just wanted to add some additional background here since I was also involved in with the team and in the development of these recommendations. During the course of the SSR review, and think Patrick can expand on this, and during the course of the SSR review, the team also looked at and they wanted to make sure that they reinforced the connection between some of the compliance activities in ICANN and the WHOIS issues in security, stability and resiliency.

But they also recognized that for, especially the WHOIS component, was the purview of the WHOIS Review Team. They still wanted to call it out to acknowledge the importance of the SSR connection to that and so you have a sort of a broad recommendation and then behind that is the understanding that ICANN has a series of implementation activities

that flow from the commitments ICANN has made and the CEO has made and also flow from that WHOIS Review Team. And then similarly with 11 they recognize the in-depth metrics activities that are going to flow from the Consumer Choice Competition and Consumer Trust, which is a final review that will be coming shortly. So that's a reference to that, and again an acknowledgment that SSR is a component there. And Patrick, I don't know if you have more to add there.

PATRICK JONES: No, I do not.

BRIAN CUTE Thanks, Denise. Fiona Alexander.

FIONA ALEXANDER: So I think just as a practical matter for recommendation 10, the presentation we heard yesterday from Maguy and Margie that was sort of fulfilled with that actually. It would make sense to me, but I just want to make sure that is what you are saying.

BRIAN CUTE: Just so you have a prospective of this Review Team and improving on the structure recommendations, the focus of recommendations, I clearly understand the desire to have an express tie-in to SSR on compliance. I don't quibble with that at all. I also think of it not just from how to construct recommendations well and in an focused way, but from an organizational sense, if you've got a recommendation the WHOIS Review Team report and then a similar one in this one, in my own organization I could see that leading to a potential circumstance of someone saying, "I've got that ball, no, you've got that ball."

And just when you get down to execution against this – something for review teams to be aware of when they are writing recommendation is what I am getting at that if there is execution against a recommendation

that it is clear who owns it. And there could be benefits in other parts of the organization, but we wouldn't want to make the mistake of confusing internally who has got the responsibility of executing.

DENISE MICHEL: Yeah, and Patrick can speak more to this, but we have a pretty cross-functional cooperative team approach at the staff level and I don't believe staff has any concerns about our ability to coordinate on the programs and execute on this. And Patrick will be giving you more information as he goes forward on these.

BRIAN CUTE: Great. Thank you. Patrick, do you want to pick that up?

PATRICK JONES: Yeah. So I think that we're now down to recommendations 12 and 13.

BRIAN CUTE: I see 11. Could you pick it up there?

PATRICK JONES: I thought Denise covered 11.

BRIAN CUTE: Oh, that's dependent on the Consumer Choice and Trust....

DENISE MICHEL: Yes, and there's an IDN fast track component, too, that we'll pull out and we'll be providing more information on the activities that are occurring that will relate to the fast track that tie in here and what the deliverables are.

BRIAN CUTE: Thank you. 12, please, Patrick.

PATRICK JONES: So 12, in our implementation approach, we've linked 12 and 13 closely together because one is identifying best practices that can go into contracts, agreements, MIUs and other mechanisms. And the other is encouraging the supporting organizations, and as the registries noted

this should also include stakeholders to encourage them to develop and publish their best practices for their members.

So an example in 13 is that the ccNSO has a tech working group and that working group is looking at developing a – right now they are not using the term “best practices” but they’re using guidelines for ccTLDs to follow. It would basically include best practices but it is something that would be coming from the ccNSO. So they’re already taking a leap on developing something to meet this. What we need to do now is to go back to the SOs and stakeholder groups and explain what these two recommendations are and get some – involve them in the approach to implementation. And that’s a step that we’ll be doing between now and Durban.

BRIAN CUTE:

Thanks. So it that a series of presentations and meetings? I’m thinking about how do you implement this and then report back to your boss and the Review Team that we’ve done a good job here. The recommendations that you encourage all supporting organizations – that’s not the clearest word. How do you do that, Patrick?

PATRICK JONES:

I think we would start with either offering a webinar or some kind of presentation on the stakeholder group or their supporting organization’s regular call. I’m not sure that’s the best use of the GNSO’s time as a whole, so this is probably one that I would break down into going to the IPC and going to the business constituency, and to the registries and the registrars, and presenting what the recommendation is and working with them on what would be a set of best practices that they might want to publish for their members.

BRIAN CUTE:

David?

DAVID CONRAD: So 12 actually talks about contract, agreements MIUs and other mechanisms. Has there been any efforts in that area actually to enter into contracts that are identifying best practices and supporting them through contracts and MIUs and stuff?

PATRICK JONES: I think that this is where probably what we should do is highlight in the current Registrar Accreditation Agreement that's out for public comment as well as the recently-posted new gTLD registry agreement, that there are a set of SSR-related components in both of those new agreements and that the staff did work with, or the security agreement did participate with the new gTLD team and other staff that reviewed those documents while the negotiations with the respective parties were happening. We could point to the areas in those agreements where we think that those show up.

BRIAN CUTE: Thanks. Yeah, actually if you could provide that, just as part of this further input that would be useful. Thank you. Any other questions on 12 or 13? Okay. Let's keep moving.

UNIDENTIFIED FEMALE: Patrick, you have a hard stop at what time?

PATRICK JONES: Well, I could probably go for another 15 minutes, but it's on Eastern Time here. I should probably not go much past the next 15 minutes.

UNIDENTIFIED FEMALE: We've got – I think there's a total of 28? Is that 28 recommendations?

PATRICK JONES: Yeah. We're about halfway. I could do a few more.

UNIDENTIFIED FEMALE: Do you want to go in sequential order? And I guess it's a question for you and the team. Would you want Patrick to highlight a couple that he thinks are particularly important, and perhaps worth discussing?

BRIAN CUTE: We can do that just as long as we keep track of what he doesn't address today and we can schedule a follow-up.

UNIDENTIFIED FEMALE: Sure. We can definitely do that.

PATRICK JONES: Well, one thing I would mention is that we're going to get into a set of recommendations that are tied closely together, so we might be able to move through a few of them a bit more quickly.

BRIAN CUTE: Okay. Which ones are those?

PATRICK JONES: So near the end, the risk management recommendations – those are recommendations 25, 26, 27. That's all work that is tied to the DNS risk management framework working group effort.

BRIAN CUTE: Please.

PATRICK: Sure. So at the Beijing meeting, there was a presentation from Westlake Governance, which is the consultants that are assisting with that work, so recommendation 25 is that we should put in place mechanisms to identify both near and longer-term risks as part of risk management framework, and that recommendation 26 is that we should prioritize timely completion of a risk management framework.

So this is one that – there's a board-level working group. I don't know if there's other board members in the room on the call who would be able to talk to this effort. Bill Graham is the chair of that working group, and it does include a cross-section of some non-board members as well, (Patrick Polstrom) and (Roloff Meyer) are on the working group in addition to ICANN board members, and this is one that – we've retained Westlake they presented a draft framework in Beijing. Between Beijing

and Durban they will be finalizing a framework that can go to the working group and then also go out to the community for comment. So we are putting emphasis on a timely completing of that, and then the next step is to do a cycle of (inaudible) assessment.

BRIAN CUTE:

Thanks, Patrick. When you're undertaking these types of activities, risk management processes, procedures, mechanisms, obviously in assessing risk and mitigating risk, part of security is identifying the risk and coming up with tools to mitigate against risks, but at the same time, not – you're saying in recommendation 26, "ICANN should prioritize the time of completion of this framework and the work should follow high standards of participation and transparency," and when it comes to security, sometimes being transparent about the tools and actions you're taking to mitigate risk is not the smartest thing to do in terms of exposing to bad actors what you're doing to protect yourself.

So how do you – how are you going to walk that line in being transparent about this while being smart from a security perspective? What approaches will you take where you can't be as transparent as the recommendation might ask? How do you address that?

PATRICK JONES:

Well, so this is one where there's a difference from being transparent about the process and about the framework itself from sensitive information that might arise in doing the work of the risk management. I think we've also seen examples from the community-driven effort, the DNS security instability – now working group – came up with some approaches for handling sensitive information in the context of a DNS risk review, so there are examples that we can follow.

BRIAN CUTE: And you'll document those, and to the extent that you can identify them as part of your procedures, that'll be – that part will be transparent to the community?

PATRICK JONES: Yeah. And this specific recommendation is on the development of the framework. The board-level working group has had public sessions at the ICANN meetings in – I guess going back to Costa Rica to Prague, Toronto and in Beijing, so their work at those meetings has been open for anyone to attend. And in fact, in Beijing, it was a pretty full room. There was a lot of discussion, and so that work has definitely been participatory for those who have taken advantage of it.

BRIAN CUTE: Thank you. Questions? Okay. Seeing no questions – yeah, Fiona?

PATRICK JONES: So if I could, do you have a minute?

BRIAN CUTE: Go ahead, Patrick.

PATRICK JONES: No, Fiona.

BRIAN CUTE: Fiona Alexander.

FIONA ALEXANDER: Sure. Just recognizing Patrick's limited time. So recommendation 28 and recommendation 15 seem very similar when I read them, but I was curious what Patrick's perspective was on those two recommendations and how they were different, if I was reading it differently, and also what the plan was for the two those. Both of those remind me of the proposal several years ago for a DNS cert that received a wide variety of these amongst the ICANN community, so I'm just curious as to how that is playing out as he reads these and if he's reading them in the same way I do refer them.

PATRICK: Right. No, so I do read them differently, and earlier in the call, I talked about our handling of recommendation 15 as the publication of a responsible disclosure process so that if researchers or others in the community see the issues with either ICANN networks or systems or processes, that there's a way to report those and appropriately disclose them to ICANN.

So I see that as – this was one – recommendation 15 is either as a facilitator or where parties can responsibly disclose them so that we can route them to the right place and report them appropriately after the fact. That's not the same as functioning as a DNS cert.

Recommendation 28 – this is more in line of some of the other recommendations that talk about engagement. This is more, I think, I see as a supportive recommendation, and so for this one, I think we would need to document the different ways that we are engaging in this activity and showing in the types of efforts that are done to do the things that are covered in this recommendation.

I don't think that this is one that – it's not an easy one to show how you're implementing, other than describing the different flora that we're participating in to do this activity.

FIONA ALEXANDER: But it's clearly not a cert issue, and in fact, the FSR review team did a lot of very in-depth research and discussion about that whole phase of considering when a cert was considered, and made very strong distinctions about what they felt was appropriate and what they were asking ICANN to do in that previous activity.

BRIAN CUTE: Okay. I'm going to suggest that we break here to respect your time, Patrick. We'll schedule a follow-up with you for recommendations 14 through 24 – presentation on that – and we're going to about the business of hopefully developing some follow-on questions, too, that may come at you in the interim. So, Denise I'm sure will work with you to schedule a follow-on to finish up the presentation. Thank you very much for your time with us today.

PATRICK JONES: Yeah. Apologies that I wasn't able to complete this in the time allotted.

BRIAN CUTE: No worries. Thank you for your time today.

PATRICK JONES: Okay.

BRIAN CUTE: Thanks very much. Okay?

PATRICK JONES: Thanks.

BRIAN CUTE: Okay. What do we have? (inaudible) This is the hour that we just gained, right? So I'm going to go to the work streams and issues. Let's get that knocked out. Okay. We've got an hour that we've just found, which is good. I'm going to suggest that we put the work streams back up on the wall, that we walk through the issues, organizing the issues under the respective work streams, look at the cross-cutting issues, make sure that they are properly homed, and then have a discussion about how we're going to kick these work streams off after we walk out the door here in Los Angeles, which will entail chairs and conference calls and all the rest of it. So, Alice, could you put the – yeah, there you go. Thank you.

Okay. So where did we leave off? So the cross-cutting issues I highlighted in yellow. They appear under each of the work streams one through four. We'll look at the cross-cutting issues. They appear after work stream WS1E here, so let's walk through again WS1A, 1B, C, D and E, and this is to check that we are all in agreement with the issues that are going to be addressed and new issues that are going to be addressed by the working groups.

So we walked through WS1 this morning already. Were there any outstanding questions there? The question of organizational capture – I think that was Avri's point, correct? Did we finish on that?

AVRI DORIA: I think we did. It was both the transparency of financial matters and capture were not necessarily just board. That was the issue I had.

BRIAN CUTE: Right. So I have in my notes that we – between this conversation today and a prior call, we think that capture could fall under 9.1A, 9.1C and 9.1E. We have opinion on all of those. David?

DAVID CONRAD: So with 1A, the capture there, isn't that specifically addressing board capture?

BRIAN CUTE: Yeah.

DAVID CONRAD: So do we want to just note that in this text to distinguish it from the other potential capture?

BRIAN CUTE: Sure. We could do that. Alice, could you make that edit? And now, let's take a look at C and E on the capture issue to see that it is appropriate in each of those places, and we can ask ourselves if it belongs elsewhere

as well as we move through this, but let's go to C when you're done with that edit.

UNIDENTIFIED MALE: (inaudible) outreach?

BRIAN CUTE: internationalization or outreach?

UNIDENTIFIED MALE: Yes, (inaudible) overarching.

BRIAN CUTE: Let's check that. Okay, so 1C, again, is continually assessing and improving the processes by which ICANN receives public input, including adequate explanation of decisions taken and the rationale thereof. So there's public input and rationale of decisions. Capture applies here? Folks? Just looking for if we're putting qualifiers on capture like board capture, what's the qualifier on this type of capture that we want to address?

UNIDENTIFIED MALE: Organizational.

BRIAN CUTE: Organizational – broadly organizational capture. Okay/ Alice, could you make that modification? Thank you. Everyone comfortable with that? Okay. We also homed capture under E, which is assessing the policy development process to facilitate enhanced cross-community deliberations and effective and timely policy development. Capture – what flavor?

UNIDENTIFIED MALE: Policy development.

AVRI DORIA: Yeah. That's capture of the policy development process by one stakeholder group, one of our member. Yeah.

BRIAN CUTE: Okay. Okay. So PDP cap? I'm sorry? Uh oh.

FIONA ASONGA: Fiona Asonga.

BRIAN CUTE: Fiona Asonga.

FIONA ASONGA: (inaudible) towards everything. It also touches on how the policy development processes across the different communities within ICANN have impact to each other, something that came up during our other discussions.

BRIAN CUTE: So let's focus on the capture word. Is there a capture element on cross-community?

FIONA ASONGA: On cross-community, policy development (inaudible)

BRIAN CUTE: How would we coin that or call that? David?

DAVID CONRAD: That's just another aspect of policy development process capture, right? Yeah, so...

BRIAN CUTE: Are we okay if we use that phrase, PDP capture?

DAVID CONRAD: Yeah.

FIONA ASONGA: Let's just say policy development process capture, because Olivier has a different opinion on whether it's PDP or policy development, and maybe we need to avoid getting into that.

BRIAN CUTE: Olivier?

OLIVIER CRÉPIN-LEBLOND: It's Olivier here, and my name is being pronounced. Yeah. There's a difference between PDP and policy development, because policy development can happen outside PDP.

BRIAN CUTE: So we're talking about PDP – policy development process capture?

OLIVIER CRÉPEN-LEBLOND: No, no, no.

BRIAN CUTE: No? What are we talking about?

OLIVIER CRÉPIN-LEBLOND: We're talking about (inaudible)

STEVE CROCKER: See, we need a committee to analyze the capitalization process.

AVRI DORIA: This one is actually easier. This is Avri. In other words, the PDP is just one formal kind of policy development process, and they're just a once specific named –

BRIAN CUTE: So it's a lowercase policy development process capture. I see a lot of nodding heads. Great. Okay. Alan?

ALAN GREENBERG: We specialize in ICANN on reusing the same words and phrases over and over again. Get used to it.

BRIAN CUTE: David?

DAVID CONRAD: Just to clarify, E is talking about new issues, like the IP address, policy development implementation stuff?

BRIAN CUTE: That was where IP address policy development was homed into the –

DAVID CONRAD: Okay. Then I will volunteer for that one as well.

BRIAN CUTE: Oh, wonderful. Another volunteer. Please capture that, Alice, quickly. Quickly, quickly.

So I think we've addressed capture within 9.1A through e for the moment. Let's go back up to 9.1A, works tream 1A. Let's just make sure we're all in agreement with the new issues. Transparency in financial matters, skills and training, a closer look, focused on metrics or

measures, internationalization of outreach – Carlos has an outstanding question – and then board capture. And your question on internationalization of outreaches, should that be a cross-cutting issue?

CARLOS RAÚL GUTIERREZ: No. It jumps off B and in two more (inaudible)

BRIAN CUTE: Is it in all five?

CARLOS RAÚL GUTIERREZ: No, four. (inaudible)

BRIAN CUTE: So A is board governance, B is role and effectiveness of the GAC, C is public input, D is assessing ICANN's decisions or embracing support by the public and Internet community, and E is assessing the policy development process, lowercase, to facilitate enhanced cross-community deliberations. Is it cross-cutting across all of them? It's a good question. No, no. Alan?

ALAN GREENBERG: Even if it is, this is a one-dimensional chart that's just listed in each.

BRIAN CUTE: Okay.

ALAN GREENBERG: Otherwise, it becomes harder to represent, harder to cut and paste into individual groups.

BRIAN CUTE: Okay. Alice, could you put it into – under each work stream? Avri?

AVRI DORIA: If something's in each work stream, doesn't that put it in the cross-cutting list?

UNIDENTIFIED MALE: (inaudible)

AVRI DORIA: Okay. That's why I said it.

ALAN GREENBERG: Let's try to get back to a one-dimensional list we can work with.

BRIAN CUTE: We'll get this all sorted. We'll get it all sorted, and then – yes, Avri?

AVRI DORIA: I wanted to bring up on the financial – does the financial (inaudible) they also belong in C. And as going beyond the board financial, it's –

BRIAN CUTE: C is receiving public input.

AVRI DORIA: Well, it's not only receiving the public input. It's including adequate explanation of decisions taken and rationale thereof.

BRIAN CUTE: So adequate explanation of rational decisions could refer to any topic that was the subject of a board decision, correct?

AVRI DORIA: Any subject – what I'm looking for something is anything that's subject of an ICANN decision, so when we're looking at the financial matters, it goes beyond. It goes beyond the top level of the board. It goes to general how the money is spent around here, so that's why I was thinking that it was also a larger financial transparency issue. And as it wasn't just a financial transparency issue of the board doing its budgeting, doing its high-level financial machinations, but it was transparency in ICANN financial matters and that made me think it was C.

BRIAN CUTE: Okay. So to read C –

AVRI DORIA: Unless (inaudible) funny

BRIAN CUTE: Well, C reads, "Continually assessing and improving the processes by which ICANN receives public input – parentheses – (including adequate explanation of decisions taken and the rationale thereof)." So it's the public input process focus.

-
- AVRI DORIA: So in other words, yes, you need a public input process on – yeah.
- ALAN GREENBERG: This is a meta topic. This is a topic about the input process and how well we do it. It could be about finance, it could be about widgets. It's about everything.
- AVRI DORIA: Right, and things that we want it to focus on is the financial topics. We want it to pay attention to that particular topic. Do we have transparency in financial? Is there a continual process of – where else does it fit? Or maybe it doesn't fit.
- BRIAN CUTE: Just so you understand, the way I'm looking at it, when you say transparency, I tie that back to the public input process. That's the lead here. How well are we doing on public input? And if you want to say from a finance perspective...
- AVRI DORIA: At the moment, the only public input – the only public visibility into the financial aspects are the top-level budget. There's no visibility about the rest, so where – in my looking at it, C was the only place I could see it fitting in. And what, basically, I'm – so it's not the board.
- BRIAN CUTE: Steve?
- STEVE CROCKER: What kind of visibility are we talking about? I'm just not clear about what the issue is here. Generically, there's always a question of how fine grain every purchase of a box of paper clips. You don't want have to go through an extraordinary reporting and public visibility process.
- AVRI DORIA: No, but you may want to know that 10,000 bushels of paper clips are being used annually. So I don't know where the level of granularity is, but it's a lower level of granularity than currently exists, I would think.

At least, I think the question is – more to that – is do we have the adequate level of granularity for (inaudible)?

STEVE CROCKER: So at some level, it's an okay question, but I'm going to push back even on the 10,000 bushels of paper clips. There's mechanisms in place to deal with that, and I would say for that particular example, the right question is, "Do those mechanisms exist, and are they appropriate? Are they effective?" So that's what audit committees and audit processes and controllers and huge amount of machinery inside of any decent-sized operation, and we have it all, I can assure you.

AVRI DORIA: But is there transparency on it?

BRIAN CUTE: Well, the fact that it exists is transparent. The fact that it gets reviewed is transparent. If you're talking about should we adhere to a different standard than every other organization of our size dealing with that class of problems, then you're inventing new territory, I would say. Is that really the right thing for –

AVRI DORIA: All I'm going for is I don't even know that we get to those questions. Perhaps when it gets looked at in this review process, we go, "Yep. They got everything in place right. It's all properly transparent. It's all properly accountable." At the moment, I don't even see us answering that question, and that's what I'm really saying. you may be right. You've seen it, me to say, "Gee. It's all fine." As a review process, I don't think that anywhere in this AoC review have we taken a look at that.

STEVE CROCKER: I'm not trying to resist the – what I want is a well-formed question, and then we can get significant answers. I believe we have all the answers in

that area, anyway, that you would want, but I'm not resisting the examination, but I would counsel that we should have properly-framed questions and then we can dive in as deep as you want.

BRIAN CUTE: I'm going to come to Carlos in a moment. The team seems to agree that transparency in financial matters – a proper home for that is 1A, which is about board governance. There doesn't seem to be any disagreement there. I think you're asking a question about whether there's a second home for a different cut of this question. Carlos?

CARLOS RAÚL GUTIERREZ: Yes. The way I recall the first time we discussed this was about the eventual windfall, whatever, from the gTLD applications. It was not a general question. It was very specific. The way I recall we discussed (inaudible).

STEVE CROCKER: Ah -a, so that's a different question.

CARLOS RAÚL GUTIERREZ: But that's why I think it should be there on the board, what are the plans or are we –

STEVE CROCKER: That, too, has an answer, and more than happy to get into it.

BRIAN CUTE: I've got Alan, then Fiona Asonga. Alan?

ALAN GREENBERG: Yeah. I think we may have finished with the subject, but I was going to say is if indeed we need access to a line-item budget for the public, that's a board-type class decision, and it's a board issue whether we would want to go there or not. So yes, the other mechanisms – the public comment process and things like that – might be used to comment on it, but it's still a board-level decision, and I think it's (inaudible)

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- BRIAN CUTE: Fiona Asonga, then Lise.
- FIONA ASONGA: Fiona Asonga for the transcript. Carlos, I think I'm going to take you back to Jørgen 's comment. (inaudible) tried to look at the (inaudible) clarified that from his point of view – because this, again, came up in Beijing, whether we wanted to look at the financials in terms of the new gTLDs or whether it was the general financials, and he has clarified over and over, and if you listen to the transcripts, he clarifies that we need to look at the overall – the disclosure of the overall financials. And so that is what (homed it) in 9.1 because that is a board governance process.
- CARLOS RAÚL GUTIERREZ: I want to look into the (inaudible)
- BRIAN CUTE: Okay. For now, we're – Lise? Lise.
- LISE FUHR: We could use the financial matters as a case on analyzing what's supposed to be analyzed, a public comment, is that treated in a good way, so – but I agree. It's not a general one, but it could be a specific case.
- BRIAN CUTE: The first Accountability and Transparency Review Team did have three specific case studies done. That's how it used its independent expert. A case study could certainly be done – or more than one – that focuses on a particular aspect of these questions. So that's within the realm. We should talk about that, and we will need to talk about whether we think we need the help of an independent expert in doing the work that we're framing up.
- So let's move forward with that discussion being had, transparency in financial matters being homed in WS1A and move forward. Okay. So we finished with board capture. Yeah, before we move on to D, Alan?
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ALAN GREENBERG: I'm worried about a topic with so much substance and only having three names on it.

UNIDENTIFIED MALE: (off mic)

BRIAN CUTE: Oh, yeah. Yeah, there you go. Hey. Yes. Noted. Yes, Avri?

AVRI DORIA: Since I care about financial (inaudible) – financial transparency, and I can't move it anywhere else, please add my name to A!

BRIAN CUTE: Thank you, Avri.

UNIDENTIFIED FEMALE: We have a quick question.

BRIAN CUTE: You have to capture that quickly, Alice. That's not going anywhere.

UNIDENTIFIED FEMALE: We have a quick question here.

STEVE CROCKER: Let me propose that we modify the membership and just create a work stream that is focused on this, and assign the all-star team of Avri. Full stop.

BRIAN CUTE: Denise?

DENISE MICHEL: So I have a broader – the staff has a broader question here, of I guess sort of the steps in this process. It seems like the phase that we're in right now is that members are bringing to the table sort of new issues, things that they are concerned about, but in my mind, we're kind of missing a step. You've got some concerns, and you're then putting these concerns into the work streams. The missing step, to me, would be some due diligence, some review of what we're currently doing right now in terms of transparency in financial matters, and then the step –

and then the validation, yes, where there is still concerns in this area. It is something you want to investigate.

It seems like we're skipping the step of – and that there's some assumption – big assumptions here without review or am I missing the process you're doing?

BRIAN CUTE:

No. Denise, I think – once we finish this list of issues, the work stream – the work groups have to kick off their work, and the first phase of their work is to do research and analysis. They have to review documentation on any and all these questions to have an initial assessment of whether or not – but we have to determine whether or not this team makes a recommendation and that's an important thing, and we only make a recommendation if there's a need for a recommendation, if there is a problem that needs to be addressed, and if there isn't an ongoing work in progress that's designed to address that problem. That's something we need to think about.

If there's work, as we discussed earlier, that's designed to address a problem area, and the Review Team can make an assessment that, you know what, that's underway, that's resource, that is likely to hit its goal, we may not choose to do a recommendation. So I don't think we're putting the cart before the horse. Once the issues are identified, the research – initial research – has to be done. Preliminary conclusion, do we need a recommendation here or not, and maybe the conclusion is no, actually, and that's when we don't. But that is step two – the research. Yes?

ALAN GREENBERG:

We're desperately trying to come up with some work plan here, prior to getting any public input – for all intents and purposes – prior to meeting

with any of the stakeholder groups, constituencies, at Durban. All of those processes may well add a bunch of things here that we didn't even think about because that is what we're supposed to be driven by – not our own pet peeves – and of course, the reality of is there substance enough and high enough priority to make it one of the recommendations, and we don't want 423 of them.

So I think here we're just trying to put together a possible – I won't call it wish list; bucket list, maybe – of things that we need to be considering, which may need to be augmented, subtracted from, taken from, added to as we work through them. So, yeah, there's a lot of things we haven't done yet – some of it real critical.

(DENISE MICHEL): You guys have some big buckets here, yeah, too. No, I know it's a challenging process, but...

ALAN GREENBERG: I'd prefer to wait five months before we start the work at all, when we have all the input in a nice pile.

BRIAN CUTE: Okay. Let's move on to WS1B. So, the issues – the new issues – identified are accountability of GAC operations – and I need to make sure, actually – Fiona Asonga, you had raised some. there were some issues that we hadn't yet found a home for. Accountability of GAC operations, internationalization of outreach, visibility of the GAC register, effectiveness, relation with the board. Okay. If you would, Carlos? For the record.

CARLOS RAÚL GUTIERREZ: Yes. Relation to the board and other supporting organizations and advisory committees as per our discussion this morning.

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- BRIAN CUTE: Motion to amend this to add ACs and SOs consistent with the ongoing exploration of how the GAC might engage – does that sound like a reasonable suggestion? Any concerns over that amendment. No? Okay.
- Effectiveness relation with the board, SOs and ACs. And then the last bullet here was formal process for designing GAC advice as needed, which was part of ATRT-1 work. So I'd say right here, there's at least two pieces in the third bullet – visibility of the GAC register – that could be done in the next month or two. That issue could be resolved, and we might decide that we don't need to issue a recommendation on that. Okay, so to Denise's earlier point, and –
- (DENISE MICHEL): But really, the same holds true for all of these, right?
- BRIAN CUTE: Potentially.
- (DENISE MICHEL): Yeah. All the due diligence to do, and then a decision whether to pursue them as real work streams, I guess, and then recommendations, right?
- BRIAN CUTE: Potentially, yes. And the formal process for designing GAC advice as needed. So any questions on this? Yes, Heather?
- HEATHER DRYDEN: I just wanted to point out that I'm not identified as being in this work stream, but I'm happy to be. If it's okay to have it implied, that's fine, too, but I think we should try to surround David Conrad with as many government people as possible.
- BRIAN CUTE: [laughs] Excellent suggestion. Please add Heather to the list. Okay. Anything else on this? Yes, Alan?

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- ALAN GREENBERG: I just want to say I don't really see how the ACs and SOs fits into the part B of our charter. I'm willing to keep it there, but it seems like something that's not really included there.
- BRIAN CUTE: Well, the AoC reads, "The assessing the role and effectiveness of the GAC and its interaction with the board, and making recommendations for improvement to ensure effective consideration by ICANN of GAC input on the public policy aspects of the technical coordination of the DNS." Avri?
- AVRI DORIA: Yeah. I see it as definitely sitting – I mean, that's where one of the essential ingredients of effectiveness, is earlier interaction.
- BRIAN CUTE: Resolved? Okay. Let's look at WS1C, which is continually assessing and improving the processes by which ICANN receives public input, including adequate explanation of decisions taken and the rationale thereof.
- New issues – we didn't have any of that mapped here. Now, let me double check. I don't think we did. Yeah, Alan?
- ALAN GREENBERG: The description in C itself is the issue. I mean, we didn't reproduce it here, but it's – the public input processes, I mean...
- UNIDENTIFIED MALE: (off mic)
- ALAN GREENBERG: I think just reproducing as a bullet review of the public interest –
- BRIAN CUTE: Is it review of ATRT-1 recommendations and the implementation of those recommendations or is it beyond that? Can you articulate it for us?

ALAN GREENBERG: I think from our description – our discussion earlier today – that particular recommendation has not proved to be a stunning success. It may need to be re-thought and other alternatives looked at.

BRIAN CUTE: So what's the new issue that's going to be focus of the work stream? Avri?

AVRI DORIA: This is just a quick question. Weren't organizational capture and internationalization of outreach new issues when they were in other places?

UNIDENTIFIED MALE: Yes, they – sorry. Yep.

BRIAN CUTE: Can you cut those and drop them under the new issues heading? Thank you, Avri. So, organizational capture and internationalization of outreach. And Alan has raised a question about –

ALAN GREENBERG: I don't think it's a new issue. I think it's an core issue.

BRIAN CUTE: So is it follow-on?

ALAN GREENBERG: Maybe I'm missing something here.

(DENISE MICHEL): I think it's a new issue in that it wasn't explicitly detailed recommendation in the previous ATRT review, so that makes it a new issue in that sense, is that the previous review didn't zero in specifically on these two issues, so I think, under the methodology or framework you're developing, that would constitute the new issue.

BRIAN CUTE: So the comment and reply comment cycle is new tools? Did not address this? I'm confused. Avri?

AVRI DORIA: I don't know about that, but remember, we did talk about this whole notion of the continually assessing. So perhaps the new issue is what mechanisms are there for continual assessment?

BRIAN CUTE: That is an issue. That's something that staff has raised as a challenge. How you continually assess something that's continually improving? Okay. Why don't you put that down? That might be – thank you, Avri.

ALAN GREENBERG: Maybe I'm on a different plane. Isn't one of the issues we should be looking at and see is are there other ways, better ways, more effective ways of how ICANN should receive public input?

BRIAN CUTE: Sure.

ALAN GREENBERG: How do we – where do we capture that? I wouldn't have thought it's a new issue. I would've thought it's the core issue which we need to look at again.

BRIAN CUTE: I think the comment and reply comment cycle from ATRT-1 were focused on this aspect of public input and providing the basis for clearer rationale, fuller rationale with decisions. So that was the output of ATRT-1. We've heard how it's going. It's not going so well, but we might – the staff might continue at that.

I see what you're saying as just kind of a continuation of that analysis. Are there other tools or mechanisms that can improve? Are we in sync?

ALAN GREENBERG: I just want to make sure that the group that's going to be reviewing this remembers that's one of their core jobs.

BRIAN CUTE: Okay, so what should we write there? New tools, new methods for receipt of public input?

AVRI DORIA: Sure.

BRIAN CUTE: Yes, Steve?

STEVE CROCKER: Do we have any gold standard for whether or not the public input process is effective? We can measure all of this in tactic issues of whether or not people respond and so forth, but it goes back to the core question I was asking before. How do we know whether or not this is really working? And if we're going to talk about continual improvement, are we talking about simply incremental improvement compared to what it was before, or do we have some absolute standard in some sense of whether or not it's working as well as can be expected or well as it could be. Are we trying to get to the moon by climbing a tree and saying we're making progress, or are we almost at the top of the hill and that's as far as you're going to go?

BRIAN CUTE: It is closer – the top of the tree. So if you're hearkening back to the discussion we had earlier about quantitative analysis of how many comments are received versus qualitative inputs to the board processes, what we're identifying here are new issues that each work stream might take on.

I would see that the backward-looking review of the implementation of the comment and reply comment cycle work, would analyze and assess how well it's done, whether it's provided any concrete, positive input and could also offer recommendations about qualitative and quantitative measures. That could be one output.

STEVE CROCKER: For the person who's advice wasn't taken, all of this is not going to make them think that the process is working just right. I mean, it might,

depending upon their point of view, but they may say, “It’s broken. They didn’t take my advice.”

BRIAN CUTE: Yeah. Avri and Alan.

AVRI DORIA: I think, though – oh, did you want to go first?

BRIAN CUTE: Lise. Oopsie.

LISE FUHR: Well, Lise, for the record. Right. No, but to me, I don’t know – I’m not sure what you mean about organizational capture if that’s not new because what I think you did the first time was you gave some mechanisms for the public comment, and I would really like to assess these in order to get this (inaudible) organizational capture, and for me, that’s a new thing to look at and I think it’s very important that we now have the (analyzer) of the comments. They have to reply on the subject that has been raised in the comment, and for me, this is a big step forward.

And I think – well, we don’t need to invent new tools if it’s not needed, and I agree if your opinion is not being followed, you might be angry, but if you got the reason why, then people can’t complain, so.

BRIAN CUTE: Avri, then Alan.

AVRI DORIA: Yeah. I wanted to add to that. It was a similar point I was going to make. As someone who always gives lots of advice and it is rarely taken, I could tell you that –

UNIDENTIFIED MALE: (off mic)

AVRI DORIA: No, there is no bitterness. If you listen to the rest of this, it's the fact that if there is a process where I can see it was listened to and it was dealt with, I can accept that process. So I disavow the notion that just because you don't take people's advice, that therefore they will think the process is bad. It is quite possible to believe that the process is working even though your advice is not being taken.

BRIAN CUTE: Alan, then Carlos.

(STEVE CROCKER): Which is why you're such a valuable addition to this group.

ALAN GREENBERG I've got a comment that if you look at the number of issues that ICANN has reopened recently, that have been closed after significant public comment, whether it's trademark protection or generic gTLDs or a bunch of other things – if our process worked flawlessly, we would've made a decision which wouldn't need to be reopened two years later at the very last moment, and it's happened on a regular basis.

Now, whether that ends up being part related to capture – and capture by either of the sides – or a flawed process for getting input and analysis or not asking the right people at the right time, I don't know, but it indicates something's wrong with the way that we assess the feeling of the world and make decisions.

BRIAN CUTE: Thank you. Carlos and Steve.

CARLOS RAÚL GUTIERREZ: Yes. I think it has been very useful to look at the first Review Team. And particularly on that point this morning, we saw a lot of progress there, but I think we should – the second team – think about the third team, and I think we should at least take note of what has happened so far, and then say if we think it's sufficient or not. Okay. It's just like setting a

new baseline. I mean, we spent so much time looking at the results of number one.

We think the impact has been great, and either we accept it and say, "That's fine," or we set the bar much higher and go into the contents of the public and the impact of the public comments (inaudible). But that's the minimum we should do, thinking of the three (envelopes), so when the third team comes, they can relate to the first one (inaudible) to the second one. Thank you.

BRIAN CUTE:

Thank you, Carlos. Steve?

STEVE CROCKER:

So what Alan said actually gets my attention big time. We have – people have commented quite strongly about the phenomena of revisiting something, and there are two polar opposite views on that. One is we didn't come to the right decision the first time. We didn't run the process well. We have to go back and revisit it.

The polar opposite is the folks who didn't get what they wanted found another way to exert pressure, and so there is some degree of capture, some degree of subversion or whatever.

I won't take a position. I'm not even sure I have a position on some of these, but I think that that is a sensitive topic and would be perfectly appropriate to figure out how to approach it. I'm not sure I have a first-class idea how you would approach it in a neutral way. You may not wind up being able to tell, but I would say that that's not an unfair topic to take up if the group chooses to do that.

BRIAN CUTE:

Avri? Thank you, Steve.

AVRI DORIA: Yeah. I actually think it is a good topic to think of it being neutrally. I know a lot of organizations where sort of the idea is you only take things up when there's new information, and so there is a third way of looking at that particular dichotomy is that when there's sufficient reason. So the question, then, could come up is what is adequate reason for reviewing an already-made decision and putting it at a neutral point that sort of says it's not that you're beating on the dead horse to get it alive again, nor (inaudible).

BRIAN CUTE: Fair enough. Alan?

ALAN GREENBERG: And there are other reasons. If you look at the generic TLD issue, it was discussed before. It wasn't discussed in any great depth. It wasn't the subject of a heated discussion and a hard-won decision. It was one of the hundreds or thousands of decisions that were made along the way, and I don't think the people when they were discussing it in their various meetings really understood the kinds of situation we might see today, so it was a decision that was made.

UNIDENTIFIED MALE: Pardon me? (inaudible) by Amazon.

ALAN GREENBERG: I mean, there were examples, and I think that was actually an example that was raised, and an unknown staff person could say, "Yeah. That's okay." And we went on with it.

But is that a problem that the issues didn't have enough visibility that day to even warrant a public comment period or were not expressing our questions well enough to the public? I don't know.

ALAN GREENBERG: There is a phenomenon. I'll just pontificate momentarily. There is a phenomenon that even if all of the information is, in a sense, available,

the attention factor and the sense of understanding of the consequences changes over time.

A friend of mine gave an impassioned speech in the middle of 1980s to a very highly technical competent group about the importance of the change of date that was going to come with the change in century. He was laughed out of the place. It was painful. Two years later, we're spending billions of dollars across every organization on Y2K. What changed? I can tell you that there were no facts that changed. 2000 was coming on exactly the same time that it was going to come.

BRIAN CUTE:

Like the tree. Like the tree. Let me offer a couple thoughts here, and please do not interpret this as pushback because it's not, but let's keep new tools and methods for public comment on the board as a potential new issue, but couple of observations. There is an ICANN staff that's doing its job on a daily basis.

UNIDENTIFIED FEMALE:

And looking at new tools and methods.

BRIAN CUTE:

And looking at new tools, and this is something they should be doing, and we should be happy that they're doing it. So in our process, we need to get to a point where we feel conclusively that there's a specific problem that we're trying to address through a recommendation, and making a recommendation should be a considered thing.

Back when we made the recommendation for instituting a comment and reply/comment cycle, after research and interaction with the community, and talking to Jean-Jaques on the board who was on a committee focused on public input at the time, we concluded that there was a problem that we called the black box, that the community felt

that input came into the board, it went into a black box, a decision popped out, there wasn't good visibility there, nor was there good visibility into the inputs that went into the board.

But we came to a conclusion that there was a specific problem we were trying to address. So I think we need to go through the same process – some research and documentation that's there, some discussion with the community and some analysis about what's the specific problem. And there may be a new or persistent problem that we are trying to address through new tools and methods for public comment, but we do need to go through that process and make sure we're addressing specific and real problems. Alan?

ALAN GREENBERG:

I can look into my crystal ball and say this may be one of the issues Carlos referred to that we pass on to ATRT-3 and say there's enough in transit – in change right now that we're not prepared to make a recommendation on it, but it warrants review three years later.

BRIAN CUTE:

Certainly. Okay. Can we – yes, Larisa?

LARISA GURNICK:

Just a quick observation about the process. It seems that this is a very valuable exercise to get a listing of new topics, and as the next few weeks bring research and discussions, it would be valuable to go through and prioritize the ones that are within available resources that are not touched by work that's going on right now by staff at ICANN, and that might help move them into the next category to be considered by the next Review Team, to have some sort of a prioritization exercise before they move into substantive, detailed work.

BRIAN CUTE: Thank you. Okay. Let's move on to D – WS1D, which is “Continually assessing the extent to which ICANN’s decisions are embraced, supported and accepted by the public and the Internet community.” So the new issues we’ve identified were communication, what is accepted by the larger community and internationalization of research – of outreach, pardon me. Discussion, questions? Can the authors of this first one put a finer point on that?

Communication – what is accepted by a larger community – is there a finer point on that or is it just let's look at communications efforts? Maybe the author isn't here. Avri?

AVRI DORIA: Yeah. Hi. This is – I mean, this is the one that gets caught up in all these other organizations are looking at us, and are we conveying the right information? Are we conveying the right impression? And in a two-year period where the inspection on ICANN as well as other organizations is going to be fearsome. I think that that was essentially the approach there. Enhance cooperation, ICANN? There's a whole (CSTB) working group that's essentially going to look at ICANN.

BRIAN CUTE: So I guess one thing this team should do in trying to determine what, if any, kind of recommendation is warranted is ask from the staff and the board what is being done today to ensure that the decisions are embraced, supported and accepted, and explore that and come to a conclusion about whether there's something that can be improved through recommendation. Any other discussion on this one? No? Okay. Was that E, or – that was D. Let's move to E.

So E is assessing the policy development process to facilitate enhanced cross-community deliberations and effective and timely policy development. Alan?

ALAN GREENBERG:

The idea we missed here – we’ve referred to it in various discussions a number of ways, and I’m not quite sure I know how to phrase it, but it’s essentially volunteer involvement. ICANN depends on volunteers for its development policy. Some volunteers with a vested interest, some volunteers without, and it was alluded to by Steve the other day in should we be looking at some level of remuneration for volunteers who put heavy amounts of work into it.

We’ve talked a number of times about it – alluded to it on travel issues. Are we interacting with, greeting volunteers, in a way such that we can go ahead and do our business which depends on committed volunteers putting the time and effort into it?

BRIAN CUTE:

Is that reflected up under the new issues, Alan?

ALAN GREENBERG:

I don’t see it.

BRIAN CUTE:

No? So actually, if you can move the heading “new issues” up above “policy development process capture,” then we’ll have the full list, please.

So we’ve got policy development process capture, internationalization of outreach, review of recommendation number 6 from ATRT-1, ICANN policy development in process including cross-community interaction, IP address policy development and implementations your point captured under one of those bullets, Alan?

ALAN GREENBERG: I do not believe it's reflected at all there.

BRIAN CUTE: Avri?

AVRI DORIA: It's almost like an issue of volunteer policy worker relations. In other words, ICANN depends on volunteer policy workers. They're all over the place. The relationship of ICANN with those policy workers gets talked about in many ways. It gets talked about in that respect that Alan brought up. It gets talked about constantly here about volunteer burnout. It gets talked in a lot of places, but that whole issue of volunteer policy worker relations is sort of a not – so that is perhaps a title or a possible title of the issue.

ALAN GREENBERG: It's critical to the model that we're trying to run, but it's not talked about here.

BRIAN CUTE: Steve?

STEVE CROCKER: Maybe I asked this before, but I'm confused. What caused the IP address policy development implementation to show up here?

BRIAN CUTE: Was identified as a potential priority item on our list, and it was mapped to 9.1E, policy development processes – policy development.

STEVE CROCKER: We get lectured on the board repeatedly that that's not our business, that the ASO takes care of that and our job is to say yes. I don't know – what issue? What's the issue? I mean, how do you translate that into an issue?

BRIAN CUTE: How do you translate that? Avri? Or David? Yeah, Avri, then David.

DAVID CONRAD: So if you remember, Demi raised this issue that he wanted to bring IPv6 into the discussion within (ATRTL), the accountability and transparency of ICANN's IPv6 related efforts. As I mentioned yesterday, the way I sort of wrap my head around what I think Demi was after – and he didn't disagree – was analyzing the accountability and transparency of the global IP policies that get forwarded to ICANN's board for rubber stamping, which is what generally happens.

If you remember, there was some small amount of controversy when the IPv6 global policy went to ICANN's board, and there were some questions about the appropriateness of accepting that policy as it was written by the RIRs.

STEVEN CROCKER: I don't remember, but that could be just me, so –

DAVID CONRAD: I remember them quite well because I bore the brunt of the screams of outrage.

STEVE CROCKER: All right. So refresh me sometime offline.

BRIAN CUTE: I guess the question is: does this belong here? It was homed here. It was identified as a priority, but, David, do you have opinion? Avri, Alan.

DAVID CONRAD: If E is talking about policy development, then yes.

BRIAN CUTE: Avri, Alan, Heather.

AVRI DORIA: I'm actually looking for a message that Demi sent this morning to, I think, Steve and I and perhaps a couple others explaining what he meant.

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- ALAN GREENBERG: Certainly, we should err on the side of being inclusive of issues, and so you can take my comment in the form of, okay, so put it on the list. My expectation is we're not going to find a lot of stuff there, but that's certainly better than eliminating it ahead of time and then having questions about why we didn't deal with it.
- STEVE CROCKER: I'll say the same thing in a different way. I think it belongs there. I think, in the analysis, it's not going to end up being a high enough priority with enough substance to be left in as a recommendation, but one of our team members suggested it, and I don't think we should toss it out because he left early.
- BRIAN CUTE: Thank you. Heather?
- HEATHER DRYDEN: Thank you. So would it be helpful if we just said then global IP address policy, and in some way, referenced ICANN's role, in particular. I had the same question Steve did about what exactly is this in reference to, and the part that ICANN does in terms of policy development is global policy. Is that right or am I...?
- BRIAN CUTE: So there's an accountability and transparency tie-in here right? And it's about ICANN being accountable and transparent. It's an overarching thread. David, you want to take it from there?
- DAVID CONRAD: "Want" is the wrong word here. So if you go back to ICANN's role and what it's supposed to be doing – go all the way back and say, "So, ICANN is coordinating the unique identifiers, and those include the DNS and IP." There's no distinction made initially in how the policies are created, and one of the arguments that I received a long time ago was

ICANN has abandoned its role and even the fact of that abandonment was not accountable, was not transparent.

And I have no idea if this was where – in fact, I’m fairly certain it wasn’t – where Demi was wanting to go with his IPv6, but in terms of ATRT, if you look at the AoC, and the AoC included a little footnote that says the DNS also means IP addressing, then I’m not sure that we can ignore concerns about accountability and transparency with respect to IP addressing in general.

BRIAN CUTE: Heather?

HEATHER DRYDEN: I’m proposing an edit. Global IP address policy – does that clarify?

(DAVID CONRAD): Well, I’ll just say that I personally think it’s too constraining, but that’s just me.

BRIAN CUTE: Why is it constraining?

(DAVID CONRAD): Because there are more policies than just global policies that are (inaudible)

UNIDENTIFIED FEMALE: Don’t the RIRs develop the non-global policies?

(DAVID CONRAD): Are the RIRs part of the ICANN multi stakeholder model?

UNIDENTIFIED FEMALE: Yes. But there would be, I think, discussion around how you would articulate that relationship between the RIRs and ICANN.

(DAVID CONRAD): Right. Isn’t that part of the Accountability and Transparency Review? That elucidation of the relationships?

BRIAN CUTE: Oliver?

OLIVIER CRÉPIN-LEBLOND: Thank you very much, Brian. It's Olivier for the transcript, and I'm ready to get shot, so take your shot. This is a very touchy issue, because there is a fragile equilibrium here – a fragile relationship – that the RIRs, the NRO, the ASO, the ASO Address Council and I can have struck over the years. And with regards to policy development, it is true that today, the majority of the policy development for the addresses is done at local level by each one of the RIRs.

Now, there is a debate that is going on within and between the different RIRs, and I guess in the whole ecosystem, on how this same policy could be implemented across – and that comes in light, specifically, of the IPv6 development and, of course, the run-out of IPv4 addresses, which as we all know, has happened at different rates in the different regions of the world, and each one of the RIRs appears to have pursued slightly different policies with regards to the running out of those addresses and whether they would allow a re-delegation of addresses, whether they can allow for a secondhand market of addresses, etc., etc.

So the risk that this committee here is faced with is whether it wants to start disturbing the equilibrium at this very moment by starting to dig and finding out what it all comes down to and whether there is transparency in this or whether it shouldn't touch on that and it should just look at the global address policy, which is effectively the sort of top-level thing where you just say, well, we distribute the addresses to the different RIRs. We don't look underneath that.

I'm not sure if we want to touch on that, and this is why I'm asking the question, and I'd like to hear points of view from around the table.

BRIAN CUTE: David, Avri, Steve.

DAVID CONRAD: I should also point out that a revision of RC-2050, which is the RC that created – well, didn't create, but described the roles of the RIRs as coming out and it specifically mentions that policy development is done within the context of the RIRs and ICANN.

BRIAN CUTE: Avri?

AVRI DORIA: Okay, two things. One, on finding Demi's note, I found out that it was something he wanted to look at because it was something he felt was being done particularly well, and it should be looked at, and in that transparency – in my view, as soon as you say, "There's something to look at, but should we?" I think the obvious answer is you have to.

BRIAN CUTE: Steve?

STEVE SHENG: Right, so for raise the question, then we're sort of why should look at it, with respect to upsetting delicate balance, for what it's worth, my view is the following. The RIRs develop policies. They develop policies both for themselves and in concert with each other. They develop global policies. They hand those global policies to us to administer as a kind of clerk for them, and we don't develop any policies.

Full stop. That may be different from what people think, or it may be different from what people think is the right thing or whatever, but it feels – my understanding is that's exactly what happens. And looking at it shouldn't disturb the – there isn't any delicate balance there (inaudible). It should stand up to inspection, and I would expect you'll get that picture, and I don't want to expect that in asking that question and documenting that it will change it, so I don't see it as a delicate balance. It's just the way it is.

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- BRIAN CUTE: Olivier?
- OLIVIER CRÉPIN-LEBLOND: Thank you, Brian. It's Olivier. So in response to what Steve had just said, that effectively we now have two possible ways to word this. Either global IP address policy development and implementation or what Heather was suggesting, which was global IP address policy, wasn't it?
- HEATHER DRYDEN: I just suggested putting in the word global to emphasize the ICANN piece. And to build further on what Steve was saying, you would also build on the administering piece as well, because I think that's what Steve was trying to draw our attention to as well.
- OLIVIER CRÉPIN-LEBLOND: Oh, global, okay. Yeah, sorry. Correct, but if one looks at global, does that mean that you just look at the top layer, or do you look at the top layer plus go down each one of the RIRs?
- STEVE CROCKER: Look at whatever you want, but at the ICANN level, we don't have anything to do at all, not even administering the local ones, so if this group wants to go look at the internal policy development processes and/or their administrations within each RIR, I think maybe I won't join you, but I'll be happy to listen to the reports after you do that. That's derision.
- BRIAN CUTE: Okay. Hold on. We're going to call it because we need a minute's time.
- OLIVIER CRÉPIN-LEBLOND: Was that Demi's intention? That's my question of this.
- BRIAN CUTE: I'm sorry?
- OLIVIER CRÉPIN-LEBLOND: Was that Demi's intention to look down – all the way down – to the RIRs or just to look at the top-level stuff?
-

BRIAN CUTE: We don't know, but the good news is we can blame him no matter what happens.

ALAN GREENBERG: I think Demi's intention was not to have us ignore the N that stands for numbers.

BRIAN CUTE: Hearing two distinct, different points – and I don't think we can resolve them in this moment in time – but Heather's point that global is the distinct flavor of policy that comes up and touches ICANN; and ergo, there's a proper framing, and David saying RIRs, even though they have other policy development process, it doesn't touch up to ICANN or part of the ICANN fabric and make policy decisions that are very important to this resource that ICANN is responsible for. Is that correct, shorthand?

UNIDENTIFIED MALE: Sure.

BRIAN CUTE: Okay. We're not going to resolve it here, but I think let's take this to the next call and try to see if we can get the right moniker. Fiona?

FIONA ALEXANDER: This is Fiona Alexander. Just like PDP is a term of art in your world, global policy is a term of art in the IP adjusting world. So I think there's policies developed at the RIRs. They're not global policies that have global impact, but I don't understand why we're trying to figure out what we're going to talk about. We haven't done any of the work to even look at the issues, so I don't really understand why we're debating the term of art as opposed to saying the group wants to look at IP addressing issues, and whoever's going to look at it can figure out exactly what they want to look at as they go along.

BRIAN CUTE: Global, I thought, made Heather feel more comfortable, and David thought it was limiting, and I think that's where we are. But you're right. We could just say IP address issues or policy development issues. Let's keep moving. We've noted the different points of view on wording. Let's keep moving and come back to this. I'm sorry. I mean, is that okay?

UNIDENTIFIED MALE: Yeah.

BRIAN CUTE: Alan?

ALAN GREENBERG: We did not capture the eloquent phrase that someone came up with on volunteer. I may have been the one with the (inaudible) phrase. I don't remember.

BRIAN CUTE: Could you do that again?

ALAN GREENBERG: No.

BRIAN CUTE: A volunteer policy –

AVRI DORIA: A volunteer policy worker relation.

BRIAN CUTE: Good. That volunteer policy worker relations? And just for organization, Alice, if you can cut new issues and put it up above the first policy development process capture bullet point. Okay.

Now, let's take a look at the cross-cutting issues, and the good news is that these repeat for all four work streams, so we have to analyze them here. We'll see them in the follow-on, and it'll be a hopefully quicker assessment. Oh, there is one loose item from the issues list. There was one entry that I didn't map here. It was number 14. Organization and workload priorities and management take into account the broader

context. Is the author of that issue here? It was organization and workload priorities and management take into account the broader context. Does that ring a bell with anyone? David?

DAVID CONRAD: Is that another way of saying implementability? Is that what that was the name again?

UNIDENTIFIED MALE: You could translate it that way (inaudible).

DAVID CONRAD: I have vague recollection. I don't think I was the author of that, but I think I might have contributed to the food fight around it, because that's what I do.

BRIAN CUTE: Okay. Well, it's there. We need to find a home for it. We may or may not do work based on it, but if the author's not here, then we'll have to take this...okay.

Let's walk through the cross-cutting issues for Workstream 1. So the first one is metrics or success criteria, how processes can be verified in an accountable and transparent way. Everyone comfortable with that? Second cross-cutting issue, review methods for continual assessment. I think we've already identified that might be worthwhile work for the staff and the board. Alan?

ALAN GREENBERG: Sure. Just on the first – on metrics. We had a discussion earlier, and I think we confirmed with each other that what we meant was not necessarily that we will recommend specific metrics, but that the existence of metrics is important and that we re-emphasize that. If we happen to have a good example, we can toss it in, but it's not necessarily our job to create the specifics, but to make sure that that it gets ingrained in ICANN's DNA.

BRIAN CUTE: Okay. Everyone comfortable with that? Okay.

Next cross-cutting issue – this is the overarching accountability and transparency equals legitimacy towards government and the larger Internet community. I think that word should be there, if you don't mind adding that. How is ICANN outreach doing? Where is it going?

Let me ask, is this tied to outreach or is this an overarching statement that accountability and transparency equals legitimacy toward governments in the larger Internet community? Because we do have international outreach as an issue across all the work streams and work group 1. David?

DAVID CONRAD: Yeah. I believe this was Jørgen's, right?

UNIDENTIFIED MALE: (off mic)

BRIAN CUTE: Carlos?

CARLOS RAÚL GUTIERREZ: Yeah, so I think we should keep it broad. There is also a comment by Mike Roberts, I think, one of the candidates who says that this is a very strong tendency of insiders in ICANN, that we should consider something broader, and there is also the – in my view – the consistency of outreach. Outreach appears at different levels – I mean outreach of the CEO, outreach towards government, outreach to other people than government and so on that we should try to have a picture what outreach means at its different levels – certainly the CEO and president has an outreach strategy, but there is also a GAC outreach to government and so on.

So we should have a general picture of outreach. What is the strategy? What is the consistency at different levels? So I think we should discuss it very broadly – very broadly terms, so it will require a specific brainstorm, actually, to develop this line. Thank you.

BRIAN CUTE: So keep that construction? Okay. Next issue – efficiency, effectiveness and legitimacy. This is just pulled from the issues list that we created. Carlos?

CARLOS RAÚL GUTIERREZ: I think two things got mixed there. I remember clearly Steve’s statement, that recommendation should be efficient and effective. They should be – we should focus on recommending things that can be implemented, that staff understands. I don’t know where it did get mixed with legitimacy.

BRIAN CUTE: I think you’re right. I think this is more about implementability to Steve’s earlier points, right? Can we be efficient here and effective while trying to improve? Do we want to call this implementability? We don’t have implementability as a focus. Would that be a good modification of this phrase here, implementability, and imply it as a cross-cutting issue for all recommendations? I think it’s a filter – an analytical filter – we want to run any recommendation through. Steve?

STEVE CROCKER: Yes. If you don’t, we will.

BRIAN CUTE: And yeah. You can pay me now or you can pay me later. Right. Yeah. Okay, so can we reword that just to implementability?

STEVE CROCKER: Far better for a group to do it than –

BRIAN CUTE: Alan?

ALAN GREENBERG: Yeah. Before we reword, left alone without implementability, it's a consideration when we're looking at anything. is it efficient and effective? Not just the recommendations we make efficient and effective. so it has wider scope without that word in front of it. Efficiency, effectiveness and recommendation implementability, I could accept.

BRIAN CUTE: So efficiency, effectiveness and implementability? Is everyone comfortable with that? David?

DAVID CONRAD: And I think the legitimacy add was if ICANN is not able to implement efficiently and effectively, then it loses legitimacy. I don't have an opinion on that, but –

BRIAN CUTE: I think you're right, but we're not going to make that mistake again, so legitimacy won't be a problem. so all seriousness – kidding aside – is everyone okay with efficiency, effectiveness and implementability? Okay. (inaudible) cross-cutting issue and filter for us to run all our recommendations through. Okay. Next one – transparency is a default condition.

UNIDENTIFIED MALE: Yeah.

BRIAN CUTE: Okay. Next one – how ICANN can be effective and efficient while improving full multi-stakeholder participation, accountability and transparency. Is that a flavor of the one we just did?

UNIDENTIFIED MALE: Yeah.

BRIAN CUTE: Should we just drop that and go with efficiency, effectiveness and implementability?

UNIDENTIFIED MALE: Yep.

BRIAN CUTE: Okay. Can we drop that?

UNIDENTIFIED MALE: Yes.

BRIAN CUTE: Carlos? Oh, that's a yes. Okay. Can that be deleted when Alice gets back? Thank you. Yes, Avri?

AVRI DORIA: Yes, but you may want to just tack on to the other one – while maintaining multi-stakeholder, because we didn't have that – in other words, (inaudible) effectiveness and implementability. If you're going to put while maintaining the multi stakeholder model, because it's quite possible to make the (inaudible) run on time if you get rid of the multi stakeholder model.

UNIDENTIFIED MALE: (off mic)

AVRI DORIA: But – yeah!

BRIAN CUTE: Because of a recommendation of this group?

AVRI DORIA: No.

BRIAN CUTE: Okay. Okay. So we've gotten through Workstream 1. We need to do the same with Workstream 2, 3 and 4. Steve and I need to step away, unfortunately. I will dial back in, but it might be a good time to take a quick break, so let's walk through the rest of them with the balance of the time that we have. And the other thing that we said we would do is develop some questions and guidance for staff, and that's something that we can do in kind of a real-time context.

I also don't think we want to shortchange that exercise. We got a lot of inputs yesterday and a lot today, and I'm not sure we'll be able to capture all of the follow-up questions in a dynamic hour session at the end of today. I think it might be sufficient just to have a good discussion with staff about what expectations are going forward.

We need to hear the balance of two presentations and get those scheduled, right? Two, yeah. Christine and Patrick. Christine had a number of recommendations, and she wasn't able. And Patrick. So we have two as follow-ons.

And it is also a point, too, that as we identify these new areas, we need to turn to the staff and say, "These are issues we're considering. Can you point us to documentation? Can you point us to ongoing work streams so that the working groups can review that information, continue to collect data from staff, interact with the community and then reach a hard decision about is there a recommendation that we need to make off of one of these new issues, or should I let that one drop for whatever reason?"

So clearly needing from staff – based on the new issues identified at the end of today – pointing us toward documents, work streams, other sources of data that will allow us to assess whether or not there's really a problem associated with this issue. So that's an outstanding – Alan?

ALAN GREENBERG:

I'll remind you when we started this yesterday and we realized that virtually none of us had read those spreadsheets – the ones we've received, one of them we still haven't – we said we'll probably have to defer deciding on what the new questions are until after we've gone

home and processed it all, so my question is when is our next scheduled conference call?

BRIAN CUTE: Maybe that's the best way to address the next set of questions.

UNIDENTIFIED FEMALE: Next Thursday, actually.

BRIAN CUTE: Next Thursday? So maybe that is the better approach.

ALAN GREENBERG: I would think so.

UNIDENTIFIED FEMALE: 1:30, UTC. 1:30.

BRIAN CUTE: I think that's a better approach. Finish reading the spreadsheets, reflect on what you heard and then come back (inaudible). Yes, Larisa?

LARISA GURNICK: Brian, just a reminder, at some point you wanted us to schedule follow-up calls with the alumni review teams. That's also on the to-do list, still.

BRIAN CUTE: Yeah. I think – okay. For the next call, since this is fresh – and I think Alan's right – what we should do is everyone go home, go through the spreadsheets that were provided to us by staff, take the time to do that. Reflect on the inputs that we received yesterday and today, and come to the next conference call with follow-on questions and we can use the next conference call to compile the list of follow-on questions for staff. That's a much more thoughtful way to do it, and that's what the focus of the next call will be is follow-on questions for staff and document requests tied to the new issues. Make sense? Okay.

So then for the balance of the day – one sec – for the balance of the day after the break, get back to the work streams, the new issues, finish that exercise, make sure that's complete, and then I think we need to make

a call again for who's going to volunteer to chair. And then the work streams really need to kick off. This is where we begin to self-organize, and so the groups respectively can begin to schedule their first call and start organizing their specific work streams. Fiona Alexander?

FIONA ALEXANDER:

Yes. This is Fiona Alexander. Just one suggestion as the work starts to actually move forward in the terms of drafting and thinking about drafting. When the group puts together its final report, you're going to want each section to look the same, so you might want to give some thought (inaudible) what the template is, and so as you're collecting information, you start thinking that through so that there's not a lot of editing and rewriting later to rethink everything. But I think it's very helpful to have that template in the next – maybe on the call or in the next couple of meetings.

BRIAN CUTE:

Yeah, be hunting for some volunteers to help draft that. But yes, having a template, having a final report that has the same voice and tone is important from an editorial perspective. At the end of all this, we're going to have four different drafters, and at some point, we're going to need a single editor and a single voice, if you will. Starting off with a framework is a great place to start.

One other thing before I leave the room, just to give everyone an update, I did speak with Fadi when I stepped out earlier and raised the issue of this discussion point we've had of should the Review Team possibly engage an outreach to high-level government officials, the suggestion having been that since we have requests for public comment out on accountability and transparency, might a member of the Review Team from government put a cover letter on top of that and

communicate with senior government officials, engaging them, asking them to respond, pay attention.

I approached it as we had discussed here. I just told Fadi this is what the group felt we should do, but we wanted to talk to him in terms of coordination, because he is responsible for outreach with the organization, that we didn't want to do anything that might interfere with his good efforts. He listened. He understood. He wants to talk to Tarek Kamel who, in his staff, is really the person responsible for relationships with the governments, and get his view.

In the course of our discussion, Fadi recognized that if this type of outreach could have the effect of creating a benchmark against which going forward he and the organization could measure their interaction with senior government officials, it might have some good utility, but he wasn't signing off on it. He wanted to talk to Tarek, and I also told him that we needed to talk to Heather in her capacity as GAC chair, because the GAC has a key role here and the Review Team, again, doesn't want to do anything that would complicate any of the good workings of the organization, including the GAC.

So Fadi is off to talk to Tarek about that and, Heather, we need to speak with you a bit and get your thoughts about whether this is a useful thing to do or a complicating thing to do or – yes?

HEATHER DRYDEN:

Thank you. This is something that I really would want to reflect on, so thank you for raising it and making sure that there will be that opportunity. I certainly consider that the GAC really is the representation of governments at this organization, and so that any measures undertaken by ICANN or by the Review Team would want to

really be reinforcing and working with the GAC, so I will take this on board and give it thought and get back to you, and I guess Fadi and Tarek as well.

BRIAN CUTE: Thanks very much. Alan?

ALAN GREENBERG: Yeah. I recall the recommendation overall. I don't recall putting a cover letter on top of the existing set of questions, which I think would make little sense to a senior government person who is not in depth, familiar with ICANN, so I'm not sure that's the right document to pass on if we do it.

BRIAN CUTE: So the discussion point coming out of Beijing – and a lot of this discussion happened in Beijing and on the margins of the Beijing meeting – some of the discussion was should the chair of the review team send this to government reps, and there was a clear discussion that that probably isn't a useful thing to do.

There was discussion about if the Review Team were to engage a survey organization, for example, as part of its work, if it landed on a minister's desk from a survey organization, that that wouldn't be a good thing to do.

One of the suggestions on the margins was that since there is a minister sitting at the table as part of this Review Team, that if he, in his capacity, could sign off on that communication and forward it in his capacity, that might have the potential of getting the attention on the receiving end. That was the suggestion. No formal conclusion has been reached. It's a suggestion, and it needs some thought, and we've asked Fadi to react to it because, again, recognizing that he in his role is engaged in his own

direct outreach, and this should not be interfering with any of the good work that either he or the GAC does, so this is where we are, so.

ALAN GREENBERG: I support the concept, assuming it doesn't step in people's toes, but not with that questionnaire, is what I'm saying. I'm not quite sure what we slap the cover letter on top of, but that questionnaire, I think, is just too overwhelming.

BRIAN CUTE: Thank you. Carlos?

CARLOS RAÚL GUTIERREZ: That questionnaire has been translated to seven languages and is out there already in the hands of all the active representatives as part of the ICANN community. We're thinking about something at a high level that can be repeated every year, so that we see progress, or the opposite over the long time and not so specific questions, more general questions about the awareness on –

UNIDENTIFIED MALE: Bye-bye, everybody.

BRIAN CUTE: Thank you. All right. With that, let's take a break and Alan will reconvene to go through the rest of the work streams. Thank you.

ALAN GREENBERG: Well, I'm not here yet. Definitely. All right. Workstream 2. Is there anything we need to put on it? It is reviewing the SSR Review Team?

UNIDENTIFIED MALE: I can actually...

STEVEN CROCKER: So given the spreadsheet isn't available yet and we've already gone through about half of the recommendations with Patrick, I'm sure there are additional questions, but I don't know what they are at this stage, so I would defer this – and it's not because I want to leave.

(ALAN GREENBERG): Hearing no objections, we are as done as we can be on workstream 2 right now. Workstream 3.

That is the work stream that I said – that I foolishly volunteered to be the drafter on. We do not have a chair. We certainly do need other people.

UNIDENTIFIED MALE: (off mic)

ALAN GREENBERG: that's true. We know all the answers. Anyone around this table interested, or do we – we'll appoint people after everyone leaves. Okay. Clearly, we have an awful lot of work to do to look over the matrix, go over the notes and see if there's anything, but really, this is only a review of the recommendations and their implementation, so I don't think there's really a lot of opportunity for brand new issues. We may end up with some that come out of it, but again, I think this is as good as we're going to get today.

Workstream 4 – I don't think we're going to have as easy a time on, so let's go on to that one.

UNIDENTIFIED FEMALE: Do we have a chair for Workstream 4?

FIONA ASONGA: Fiona Asonga has volunteered.

ALAN GREENBERG: Great. Thank you, Fiona. Consider the extent to which assessments and actions undertaken by ICANN have been successful in ensuring ICANN is accountable – acting transparently, is accountable for its decision making and acts in the public interest. New issues, looking at the recommendations of the other three groups, ICANN's interpretation of—

I'm a little bit confused now. Is this one really a repeat of the other three? Looking at the recommendations of the three other groups, ICANN's interpretation of Review Team recommendations, ICANN's implementation of the recommendations, asking the – oh, sorry. All of that leading up to asking the question, does it satisfy the standard outlined in the affirmation?

Review the board processes used to review, implement and oversee recommendations for review teams. I somehow think that we're going to be addressing certainly the second issue as we do each of the reviews. Am I misreading something? Could we do any of 1, 2 and 3 without doing what that second bullet says? Carlos?

CARLOS RAÚL GUTIERREZ:

Yes. I think there is an issue about milestones. If we don't do this, we just review the first Review Team, and it is my feeling that the first three work streams are focused on the first cycle, and we should, okay, do that, but then start the second cycle or set a baseline for the second cycle. And particularly, today's discussion was very interesting, and I think it's totally new. The relationship with the bottom-up GNSO process, etc.

It's putting the board in a wider context within ICANN. The board gets feed with the policy development process, the board gets the advice from GAC. I think we could do some innovative mapping of relationships within the narrow ICANN and then with other agents down the food chain like we heard it from David Olive today. So there is a lot to be put there.

ALAN GREENBERG:

I guess we need to capture that – some of that, then – because I don't see it in what's written there.

CARLOS RAÚL GUTIERREZ: (inaudible)

ALAN GREENBERG: The second bullet is review the board process used to review, implement and oversee recommendations of the Review Teams. Certainly, each of the three previous ones are going to do it in the context of each of the respective reviews.

CARLOS RAÚL GUTIERREZ: (off mic)

ALAN GREENBERG: Sorry. You need to turn your microphone on.

CARLOS RAÚL GUTIERREZ: I agree with you. It's going to be done with the other Review Teams, but then we take a cut, and then we set new – we say either it's sufficient, keep doing it, or we set new, higher standards – new, higher objectives, new targets.

ALAN GREENBERG: Don't we need a different set of words, then, than review the process already used? I think you're volunteering to draft something for us here.

CARLOS RAÚL GUTIERREZ: Language challenge. I leave it to the native speakers, and then we can comment and try to improve.

ALAN GREENBERG: Then we need to find a native speaker who has the same concept as you do.

CARLOS RAÚL GUTIERREZ: I see (Pau)I very quietly here for the last two days.

ALAN GREENBERG: (Paul's) not allowed to talk.

CARLOS RAÚL GUTIERREZ: But to draft.

UNIDENTIFIED MALE: (inaudible) but later on, Brian was hinting at the editing role and doing it as one voice. I think that's probably going to be more appropriate, because you guys will put your stamp on it, and then it's just a logistics –

ALAN GREENBERG: Just for the record, as honorary chair, drafting a word on the work stream work is not drafting. Drafting is the final report.

CARLOS RAÚL GUTIERREZ: I probably mentioned before – and I hope I can introduce it in one of the telephone calls – there is a very interesting work by somebody at MIT on the mapping of the Internet organizations, where ICANN stands (inaudible) of the public interest or the private interest, (inaudible) – but bring it into context of other agents and so on. I hope I can bring it in over the next weeks, and that will be a good basis for developing this point, Alan. I can show you the idea, but the researcher told me he's going to send a better team position there.

ALAN GREENBERG: Thank you. I have Fiona and Lise, and I don't know which order.

FIONA ASONGA: Fiona Asonga for the transcript. I think (inaudible) can be looking at how the review process has worked. And with that in mind, that is how he came up with the points of reviewing the board process used to review, implement and oversee the recommendations of Review Teams, because it's captured – the key area is has the reviewing of the different areas worked or not? So I think bullet two, in that context, adds value to the whole process of Workstream 4.

ALAN GREENBERG: Lise?

LISE FUHR: Well, I was just thinking if Fiona and Carlos and I can look at the wording for that one, I will just force Carlos to join.

ALAN GREENBERG: I was going to suggest that English-challenged or not, e-mail over the next few days, we should be able to refine something. We do. Do people feel comfortable leaving with that work to be done electronically over the next couple of days? We have three exceedingly responsible people – certainly one of them will follow through. [laughs] We'll have a lottery on the way out the door. Brian walked away with the agenda. Does anyone have an agenda? Is there anything else left on it? I don't want to see it. Just tell me.

(FIONA ASONGA): Terms of reference, terms of reference.

ALAN GREENBERG: Terms of reference.

(FIONA ASONGA): Drafting in Beijing, and there were additional sections that you needed to review.

ALAN GREENBERG: Do you remember what sections need to be reviewed?

(FIONA ASONGA): Chair?

ALAN GREENBERG: Yes, please go ahead.

(FIONA ASONGA): I think from the agenda that the issues that Brian had suggested to look at before we call it a day, there was the issue of ensuring that you have chairs for each of those work streams. We haven't done that. We've only gotten for two. The other two are still pending.

Then I think on the follow-up questions and (inaudible) letters or you crossed it out. Yeah, that was there. I think that was (inaudible) on the document and (inaudible) move to the next.

ALAN GREENBERG: So we have the Terms of Reference that Alice is working on, and we have an opportunity to name all the people who have left so far as chairs of the work streams that we need chairs for. Heather, would you like to step out of the room for the moment? [laughs] We can only name people as chairs if they're not in the room at the moment. Congratulations, Olivier. You'll be named chair of several work streams. There we go. Brian, is that you? Alice, I'll turn it over to you. What is it we were supposed to have worked on?

ALICE JANSEN: So the first item we discussed is the DNS reference in this paragraph. It was highlighted. It's actually something that you had flagged as problematic. It was one of your comments (inaudible) added to the Terms of Reference document, and then you pre-discussed it in Beijing and decided to defer it to subsequent meetings.

ALAN GREENBERG: I'd like to say I have some recollection of that, but I don't at all. [laughs] Does anyone have any recollection of exactly what I said? It's late in the day. Just speak out. Asonga, Fiona?

FIONA ASONGA: Fiona Asonga for the transcript. Now, I think this came up when we were trying to figure out the definition of DNS, according to the AoC and we had – I think Larry suggested that this is an opportunity for us to change that wording and to be a bit more specific, because DNS generally is just the (inaudible), and then there is the IP, the numbering part of it, and we needed to make sure that that is well-captured (inaudible).

ALAN GREENBERG: I recall the discussion, but I don't really recall what the problem was we were trying to fix. Fiona?

FIONA ALEXANDER: This is Fiona Alexander. So I think there was another paragraph that sort of referred to the IANA contract that's been deleted, because that was inaccurate. And then there was a discussion about (inaudible) the DNS. I think that's been hopefully superseded by the recognitions, the footnote, and the affirmation. But I think the point that Fiona's raising, the next paragraph actually specifies all the different things that ICANN does. So I'm not sure if there's still an issue with this thing that's highlighted anymore. It may have actually been resolved, actually.

ALAN GREENBERG: I'm willing to live with that as it stands. And again, I think in the light of day after we've all actually had an opportunity to sleep, we may want to look at it and have a last effort on the next conference call. If anyone finds anything in it which they still think is offensive or incorrect, I guess it should be raised in advance over the conference call. Alice, are there any other issues you have flagged as something we're supposed to be looking at?

ALICE JANSEN: The next one was a description of ICANN's role, I believe, and (inaudible)sentence was deleted. (inaudible) you wanted to populate it with something else. Just delete it, (no?) Okay. And then the next item is the public interest definition.

ALAN GREENBERG: Public interest is served ultimately by creating an environment in which all stakeholders can be assured that the rules will be, one, debated; two, refined to reflect relevant input from the community including the community of governments participating in the ICANN process; and three, honored.

Now, remind me, was that new language we put in or is it old language that we're looking at to see if we still want it or still like what it says?

ALICE JANSEN: I think you received several requests from committee members to define public interest and you were trying to reach consensus on whether you should have a definition, first of all, and what it should entail.

ALAN GREENBERG: Oliver, then I'll put my stake in the ground.

OLIVIER CRÉPIN-LEBLOND: Thanks very much, Alan. It's Olivier for the transcript. I think that this came about when it was found that it was very difficult to define what the public interest was. But it was more of a case of when something happens, this kind of defines the public interest. So here, it (inaudible) goes if ultimately, you're craving an environment in which all stakeholders can be assured that the rules will be debated, refined and honored, then the public interest is served. And then it goes around the definition of the public interest, and basically just says the public interest is served at that point.

ALAN GREENBERG: I know Brian is online in Adobe and is typing something. Brian, are you also online in the bridge? Brian is saying that there was no existing language. There was just at the public meeting that we conserved defining it and this was an attempt. This was Brian's drafting? Alice? Okay. What do people feel? Again, this is not very representative of the whole Review Team, but what do people feel about putting something like this in? It doesn't quite define the public interest, but it sort of gives a set of conditions by which we can say whatever the public interest is, it has been served. I personally feel somewhat uncomfortable with using this, but.

BRIAN CUTE: Can you hear me?

ALAN GREENBERG:

Yes, we can.

BRIAN CUTE:

Yeah, this is Brian. I'm sorry, I wasn't sure if you could hear me. Now, if you don't mind, Alan, we had received from feedback in the session with the community in Beijing that the team should consider developing a definition for public interest. To date, the team has decided against that. This expression here is as close as we've gotten. There is no new proposed definition language on the table to consider. This was just flagging the issue. There really isn't anything to consider from any of the team members in this point in time.

ALAN GREENBERG:

So, Brian, you're saying the language that we see here not defining the public interest, but defining a set of conditions under which it is served was in the (inaudible) Terms of Conditions – Terms of Reference rather.

BRIAN CUTE:

Correct.

ALAN GREENBERG:

Okay. Avri?

AVRI DORIA:

I actually don't mind that language and could certainly live with it. The only thing I would probably do is turn three into "honored in implementation." Because where is it honored? And when you say it's honored, what does that mean? So that's why I would say honored in implementation. And then, yeah, that serves the public interest.

ALAN GREENBERG:

Okay. Since it was in the previous version and didn't have a lot of hot potatoes thrown at it, I don't have a lot of problems keeping it. As far as I'm concerned, Avri's minor modification is worth putting in. And again, when people reread the whole thing, if it's something that just doesn't parse, then let's flag it. But I don't feel comfortable in this group, and

certainly not at this time, trying to define the public interest. Carlos, with your microphone so Brian can hear you.

CARLOS RAÚL GUTIERREZ: I think it's wording out of the Affirmation of Commitments and we have to digest a little bit how we handle it, in the same way we have digested other wording of the Affirmation of Commitments. It's not unusual if we take it out or not. If it's useful for the implementation or not, we will have to work hard on that when we are fresh.

ALAN GREENBERG: Anyone else? Olivier?

OLIVIER CRÉPIN-LEBLOND: Thank you very much, Alan. It's Olivier here. Is there any objection to having this text on there?

ALAN GREENBERG: I think there was general agreement to keeping that text, perhaps adding a couple of words at the end that Avri suggested. I don't hear any strong feelings to remove it. It was used by the ATRT-1. It didn't seem to cause them any harm. I'm willing to keep it. I certainly do not feel comfortable, given that the board and a number of successive boards have chosen not to define the public interest. I'm not sure I want to – I'm not sure that I would want this group to take it on. Certainly not in our current state. Yes, Olivier.

OLIVIER CRÉPIN-LEBLOND: Thank you, Alan. It's Olivier here. I certainly believe that – I personally believe that the public is interest that is somehow undefinable because it does encompass so many different things. But the text that we have here in front of us somehow is a little bit like a state of being, says that the public interest is served by such-and-such environment as described here. And one effectively defines the other.

In other words, if you have that environment, then the public interest is served. I'm not quite sure how. It's just I don't think it's worth actually putting our finger and wasting time defining the public interest. That's all. We all know somehow what it is. Do we need to focus on what the public interest is? If we were the (inaudible) maybe we would. But we don't have another 50 years in front of us to define words of the English language or the equivalent of the Academy (inaudible). I think we should just take it that the public interest is what it is and move on with our work.

ALAN GREENBERG:

Thank you, Olivier. I think the general wisdom over the last few years have said if you try to really define it, you will find two years later that you forgot something crucial. That's not the position we want to be in. I suggested a number of times that it might be interesting to kind of come up with some examples of the public interest that don't limit but give a flavor. That hasn't had a lot of traction either. David?

DAVID CONRAD:

As probably one of the instigators of this particular aspect of the discussion, the issue that I ran into is reading the AoC and saying that ICANN and the Department of Commerce affirm to support the public interest. And then seeing the reviews attempt to define – attempt to evaluate – whether the public interest has been maintained, it just raises in my mind, from an analytical perspective, how can you say whether or not it is or is not? And I think the wording that was there that's now gone sort of characterizes in the way in which the public interest is served without actually attempting to get into the rat's nest of defining what the public interest actually is.

The other option would be for ATRT-2 to say, essentially, for the purposes of our review, we take the public interest to mean X. This is not a fully-inclusive definition, but it's what we interpret it to be for the purposes of our review. And that probably would get into complications later on. So what I'm saying is the wording that was there is okay with me.

ALAN GREENBERG: Thank you, David. When you say the wording that was there, is it now erased or did it just scroll off the screen?

DAVID CONRAD: I think it scrolled.

ALAN GREENBERG: Okay, thank you. Yes, Brian, go ahead.

BRIAN CUTE: I just want to state that the document that we're looking at as a team had been reviewed by the entire team and everybody had noted their comfort with it. So we've really been through this once already. All of the points that are made are familiar and salient, but again there was no proposal to adopt specific language. There was no suggestion, in fact, that we should adopt a definition. It really was just a notation that this issue has come up in the Beijing meeting. There certainly is time in the process if we were to change our minds and create a definition to do that. So that's my observation at this point in the discussion.

ALAN GREENBERG: Thank you, Brian. Did you catch Avri's minor change? That is to change bullet three from "honored" to "honored in implementation"?

BRIAN CUTE: Yes, I heard it. I didn't see it get thrown in the text. Okay.

ALAN GREENBERG: Thank you, Brian. Anything else, Alice? Okay. E-mail communications among members shall be archived by the ATRT e-mail list subject to the

right of any member of the ATRT to request a thread be taken off the record published as promptly as possible, but in no event – to request that a thread be taken off the record, published as promptly as possible (inaudible) later than time period following the posting of the e-mail. I'm not quite sure what that's saying. Brian, do you have any recollection? Do you know what we're talking about? This is in item IV of the Terms of Reference.

BRIAN CUTE: Yeah. I'm looking at the text. I mean, this has to be consistent with the Chatham House Rule policy that's been adopted by the Review Team. I'm trying to recall the discussion around this provision.

OLIVIER CRÉPIN-LEBLOND: It's Olivier here for the transcript. So the ATRT-2 e-mail address here is a mailing list, and there might be some things that we write on there that we decide afterwards has to be taken off the record. As you know, Google and all these search engines go through mailing list archives and so on. So we just have to define the time by which we just want – when everyone wants something to be taken off the record, we have to ask for this to be taken off the archives of the mailing list. That's how I interpret that. It would have to be taken off manually.

ALAN GREENBERG: Carlos, David, and Alan.

CARLOS RAÚL GUTIERREZ: I have a question. Do you mean a specific thread or the whole thing once the report is out?

ALAN GREENBERG: It depends. No, this is for our discussion. atrt2@icann.org is our e-mail address for the list.

CARLOS RAÚL GUTIERREZ: Do you mean just one thread or (inaudible)?

ALAN GREENBERG: Staff is able to take either a whole thread or a specific e-mail if they wish to. If you have 20 e-mails in the thread and you want 5 out of the 20 to be taken out, that should take too much staff time, and at that point, it would probably be better to scrap the whole thread – especially if people start answering the e-mails and so on. Go ahead.

(DAVID CONRAD): So if we actually read that text there, e-mail communication among us is going to go to mailing list and be archived and the bits that's relevant here, and published as promptly as possible, but in no event later than time period, like one week or two weeks or... it will be published soon, but no later than two weeks, right? That's all it's saying. And there's a parenthetical there that says that a member can ask for a subject to be taken off the record, which means staff will go in and edit the archive to remove that so it doesn't show up in the archive that's indexed and seen everywhere.

BRIAN CUTE: So it says if you sent an e-mail which in retrospect you decide really should not have gone to a public list, you can request it be removed, but only if we allow it to be added back a few weeks later. It says...Alan?

ALAN GREENBERG: Go ahead Brian.

BRIAN CUTE: I read it just as you did now, and it's a nonsensical construction. I actually believe David got it right. That really what it's saying is e-mail between us is going to be archived and published as promptly as possible, but no later than said date. That in between the commas is just a notation that we have the right to take it off the record. It's not that we take it off the record then it gets put back on. That's the only construction that makes sense. I think David got it.

What doesn't make sense to me is when we hit send on an ATRT-2 e-mail, it's publicly available and it's archived after the fact, if anything. I think this is backwards, if you will, in that respect. Am I wrong about that? I thought that it says a publicly available e-mail list that shows up on the ATRT-2 page or is there some delay? Can you help me, Alice, with how that functions?

ALAN GREENBERG: There is a delay of a certain amount, because the archive is only updated once an hour or once every half hour or something like that. The (inaudible) ICANN archives (inaudible). Olivier was making reference to moving something from the archive, and that of course is a game of Russian roulette. If Google has just indexed it, you have 24 hours or so to remove it. If Google is going to index in three minutes, you've lost.

BRIAN CUTE: Can we – sorry.

ALAN GREENBERG: Go ahead, Brian.

BRIAN CUTE: Can we back away from this rat's nest entirely and forget the language on the page for a second? What do we want here? Can we just articulate what we want as a policy? What we want to say is that we're going to archive these e-mails and they're going to be publicly available no later than X from posting.

ALAN GREENBERG: It will be archived no later than X, which is an internal parameter of the ICANN mailing lists. I don't see why this is something we're documenting in our terms of reference. We have Avri, we have Fiona, and we have Olivier.

AVRI DORIA: My understanding of reading this, especially with four probably coming after three, that talks about everything being public, that this was

actually, as Olivier was saying, a note that was saying something could be taken out and it would be taken out within a certain amount of time. That time is what's bracketed at the moment. We haven't defined that time.

And so I think the only thing we need to do is define that time unless we want to say, no, things can't be taken out of the archive – which I would be very comfortable with. Once you sent it, you sent it and you shouldn't of sent it if you didn't want to send it.

So I would be in favor of removing the whole bit there. We don't need an amount of time between in which you send an e-mail and it's archived. But I think this was about removing stuff from the archive.

ALAN GREENBERG:

Fiona?

FIONA ASONGA:

Actually, I see it a bit differently. But the common denominator here is that to the board removing a record. However, it seems to say that you should be able to give (inaudible) schedule to remove that record within a certain period of time. So that then if you don't (say it) within a certain time, then you cannot remove it. That is what I'm reading.

So at the end of the day, I think that sort of (inaudible), we are then – if something has become public already, it's already in the archive, already public information and we think on retrospect we should have removed it and the time has passed, then we can't do anything about it. That is what I read. So my suggestion is remove the whole of that number four and let us deal with issues as they arise. If we need to pull down a record, let's deal with it (inaudible) particular circumstances – if we shall have to.

ALAN GREENBERG: Olivier, then me, then David.

OLIVIER CRÉPIN-LEBLOND: Thank you very much, Alan. It's Olivier here. I think the amount of discussion this is generating shows that this paragraph is extremely ambiguous, so I was going to suggest new text to make this a lot easier and a little more straightforward, keep it simple.

The text I was going to suggest was as follows: "E-mail communications among members of the ATRT shall be archived automatically via the AT review e-mail atrt2@icann.org. Any member of the ATRT-2 has the right at any time to request that a thread be taken off the record."

Full stop. The only thing that I've changed there is the thing of having a time period. I don't understand why you have two weeks to take something off the record. You might find a month later that what you've written was libelous or whatever it is and ask for it to be taken off the record. I don't know why we would have a time period. Hey, if you want to put a time period, then we just change "any member of the ATRT-2 has the right to request that the thread be taken of the record for a period of two weeks" or X number of days after their message was posted.

ALAN GREENBERG: I would suggest we take this all under advisement. Having had a little bit of involvement in writing rules about taking things off mailing list, I believe ICANN IT will only do that in general under instructions from ICANN legal council who you actually have to make contact with quick enough before Google has indexed it. I would suggest we avoid it altogether, but if we need to do something, let's talk about it on the mailing list. I don't think this is the right forum to do that. I have David and I have – Brian, if you want to speak up, please speak up.

DAVID CONRAD: Yeah, I'm going with Avri here. This whole discussion is probably not worth the effort. I think if it's posted the mailing list, it's posted to the mailing list and it's done.

ALAN GREENBERG: Brian, are you still with us?

BRIAN CUTE: Yeah. The whole discussion makes me want to cry. I thought Olivier's point was well-targeted. I think we need to simplify this and move on. I don't have suggested language of it. Let's just simplify this and move on.

ALAN GREENBERG: Do we need it at all, Brian?

BRIAN CUTE: Sorry?

ALAN GREENBERG: Do we need this provision here that we may under some conditions remove e-mail at all?

BRIAN CUTE: To give it serious consideration, we have the Chatham House Rule statement. Does that extend to e-mail or do we need to make an explicit statement about e-mail is the way I'd analyze that question.

ALAN GREENBERG: I have Olivier in the queue and then Avri. My personal feelings is we have to use Chatham House Rules via e-mail. We either do direct e-mail or invent a new private list. I don't think we can send it to the regular e-mail (and then) quickly erase it. Olivier?

BRIAN CUTE: I guess – oh, sorry.

OLIVIER CRÉPIN-LEBLOND: No, go ahead, Brian.

BRIAN CUTE: I was just going to say we do have, as a principle, the default condition of transparency for all of our activities. So if we're going to do something that is not transparent like remove an e-mail from the list,

there's a rationale to say we should explain that on some level. And again, I go back to the Chatham House Rules statement that we have arguably cover it or not. Should we break out a separate statement? I'm sorry to interrupt, Olivier.

ALAN GREENBERG: Brian, was there any occasion in ATRT-1 where you had to do this?

BRIAN CUTE: I don't recall one.

ALAN GREENBERG: Olivier.

OLIVIER CRÉPIN-LEBLOND: Thank you, Alan. It's Olivier here. I understand the point of view with regards to Chatham House Rules. I'm not sure whether we want to have a clause in there which says that Chatham House Rules are unenforceable on the net. We can't do that. On the other hand, I do believe that we need that clause here to show the full transparency – the fact that all of our e-mail communications are archived automatically.

Now, some would say yes. But if we do end up with a position at some point where someone writes something really stupid, libelous, that might cause damage to someone's reputation or something like that, let's say. It always happens. Or it sometimes happens – not always. I think we do want to have this exit clause saying any member has the right to request this, because if we don't, then someone who is very procedural can stick to this and say, "But hang on, you just said that all of your communication is archived automatically." And the reason why I'm saying this is because we do have in the ALAC rules and procedure – we did have some text about removal of postings and things and we do have a process for it, and I've had to exercise this process a couple of

times and explain it because each time there is a question. Why was it taken off? So having the document that basically says that, it does help.

But if you want to take the paragraph out altogether, I'm not going to fight for it. Ultimately, it's just an internal thing. But I personally think it shows more transparency to be very explicit about what we are able to do.

ALAN GREENBERG:

Thank you, Olivier. I'll point out. I hadn't realized it at the time, but the first sentence of that paragraph is the only place that it says we have an archived mailing list. So the first sentence has to stand regardless. Whether we want the rules to take it out or to allow a portion taken out, Olivier if you go and look at the new rules of procedure, the wording is not the wording we had two months ago. It's complex ruling because it is an ICANN resource and only ICANN employees can ask something to be removed from it. It's a multi-step process.

Brian, given that we're not coming to closure here right now with different people having slightly different opinions – excuse me – I would suggest we take this to the (mailing list). There's too small of a sub-group available here right now to make this kind of decision, unless you disagree.

BRIAN CUTE:

That sounds sensible. No, Alan, that sounds sensible. We can certainly come back to it. I am leaning toward Olivier's approach, again, that our default condition is transparency unless otherwise – unless there's a good reason to not be transparent. And if we're specifically going to do something with respect to e-mail, better to be explicit than silent. That sounds appealing to me, but we can certainly take this up on the next call.

ALAN GREENBERG: The point I was making is if we want wording in there that says there's a provision for removing it, the wording has to be in line with ICANN legal process. We can talk about that later.

BRIAN CUTE: Point taken. Yeah, maybe time would be better spent later so that the work stream – so going to the work streams could be completed today as well.

ALAN GREENBERG: That's correct. Alice, are there any other things you want to inflict on us?

BRIAN CUTE: Was that a question for me, Alan?

ALAN GREENBERG: No, it was to Alice, but I just realized Avri had another comment on the previous discussion.

AVRI DORIA: I came to a conclusion. I was basically going to say, one, there is no Chatham House for e-mail list to talk about that. It's nonsensical. That this first sentence belongs in there and everything else should be deleted. Certainly for now it should be deleted, and if anybody can come up with something new to add that this group can agree to, fantastic. But everyone that sends e-mail knows that as soon as you push send, it's on a bulletin board.

ALAN GREENBERG: And now Olivier.

OLIVIER CRÉPIN-LEBLOND: It's Olivier here. I'm sorry, Avri, but at the moment the papers and the Internet is full of this right to be forgotten business discussion. And I know that you might not agree with it and I know that many people don't agree with it, but many people do believe that there should be the right to be forgotten out there. So it goes that far.

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- ALAN GREENBERG: Fiona.
- FIONA ALEXANDER: So we can debate privacy rules and the right to be forgotten and the (EU) Regulation and all these things, and while there's a discussion and a view that's for wanting to have a right to be forgotten, I think Avri's point is technically – it doesn't exist, if I understood you correctly.
- ALAN GREENBERG: I'm quite happy to go with what either Avri said or what Olivier said on this draft and follow – continue via e-mail. We are not unified. This is a very small subset of the working group. And Olivier wants to go back in.
- OLIVIER CRÉPIN-LEBLOND: Thank you very much, Alan. I'm already looking at the next thing. I think we should move on with your (inaudible) allowing so. There's an X here and I propose to (inaudible) five.
- ALAN GREENBERG: Telephonic meetings. All such meetings will be publicly noticed on the ATRT website – I think that needs a slight change – as far in advance as possible and agenda's for each meeting will post no fewer than five days in advance.
- I think a target of ten but no fewer than five is reasonable for me. Are you suggesting something different?
- OLIVIER CRÉPIN-LEBLOND: Thank you, Alan. It's Olivier here. I was suggesting five because if we have meetings or calls every two weeks, that's every 14 days. Having an agenda only four days after a call is probably a bit premature. Especially if there's a week in intervening as there always is after our meetings on Thursday.
- ALAN GREENBERG: Next item, III. "ATRT meetings will retain an authority to determine that an interaction will be held under Chatham House Rules. When a

meeting or a part thereof is under Chatham House Rules, participants are free to use the information received, but neither the identify nor the affiliation of the speaker, speakers, nor that of any participate may be revealed.” I think that’s just a re-echoing of what Chatham House Rules are and I’m happy with that.

Next item to be reviewed. (inaudible). Under Metrics and Indicators – “The initial recommendations for the working group are available here.”

UNIDENTIFIED MALE: (inaudible) URL.

ALAN GREENBERG: Timeline. An extensive paragraph. Alice, can you tell us the history? Is this new text that someone – that Brian – drafted?

ALICE JANSEN: No, actually, this is something I drafted. It’s a placeholder, basically, because you decided you would pick this up later (inaudible) reports.

ALAN GREENBERG: So we have a large paragraph that Alice drafted which is roughly in line, I would presume, with what we have discussed informally with when we plan to do our work. I don’t have the presence of mind right now to look at it and say, yes, it’s exactly correct. But Avri does and she says it’s fine. Are we willing to believe her for the moment?

UNIDENTIFIED MALE: We trust her implicitly.

ALAN GREENBERG: We trust her implicitly. Let’s assume it’s correct until it’s proven in error.

ALICE JANSEN: That’s the end of the document.

ALAN GREENBERG: End of document. Anything else we need to do before we leave? Carlos? Thursday, Friday before the meeting is what we decided in Beijing.

ALICE JANSEN: Friday, Saturday.

ALAN GREENBERG: Sorry. Friday, Saturday before the meeting is what we decided. Olivier wants to say something.

OLIVIER CRÉPIN-LEBLOND: Thank you very much, Alan. It's Olivier for the transcript. So on that last paragraph, we do have the solicit input from the community and stakeholders of the ICANN meeting in Buenos Aires, and we do have 17-21 of November. However, the working group will be meeting before that date since we're meeting on the Friday and Saturday before that date. So we're looking effectively at 15 and 16 as well.

ALAN GREENBERG: Except we're soliciting input from the other attendees at the meeting, which is held on those days according to the official ICANN meeting dates. I think that was the intent. I'm happy to make that two days earlier. Anything else? Going once, going twice, we are adjourned. Thank you, all. Thank you, Brian.

Meeting is readjourned. Is there anyone with any other business?

FIONA ASONGA: We still (inaudible) for the other two work streams. (inaudible) because Brian has mentioned even on the call that if we could leave knowing who is chair and (inaudible) can begin. Oh, we do that on Thursday? Okay.

ALAN GREENBERG: If we have any volunteers, I think we can record them. Short of that, I don't think we're in the position to appoint. Do we have any further volunteers? Carlos, did I hear you volunteering for something? No, he says. Mr. Jennings, would you like to volunteer? No, okay. Mr. Olivier Crépin-Leblond, would you like to volunteer? Miss Asonga, would you like to volunteer for anything else? I said for anything else.

Okay. I use my chair's prerogative to readjourn, and we do have to follow up on this via e-mail and try to twist people's arms.

BRIAN CUTE: Thank you. Thank you, all.

ALAN GREENBERG: Thank you, Brian.

BRIAN CUTE: Talk to you soon. Thank you, all.

FIONA ASONGA: Thanks, Brian. And Olivier has volunteered for Workstream 1.

OLIVIER CRÉPIN-LEBLOND: What do we have to do to end the recording?

ALICE JANSEN: I'm taking care of it.

OLIVIER CRÉPIN-LEBLOND: Thank you.

[End of Transcript]