BRIAN CUTE: Greetings, everyone. This is the Accountability and Transparency Review Team face-to-face meeting in Los Angeles on May 2 and May 3. Welcome to everyone in the room and everyone who is listening online. In terms of attendance here from the Review Team side, Larry Strickling is not here in person. Fiona Alexander, his assistant, is. Avri Doria, vice chair, will be arriving in person midday. We're also expecting Demi Getschko to be joining us shortly. Michael Yakushev is going to be joining us by phone, as is Stephen Conroy. And I'd also like to welcome Guo Feng as the assistant, and also welcome Paul Diaz from Public Interest Registry who's joining us for the first time in the role of an assistant. Welcome, Paul.

Again, welcome to everyone in the room. We are having two days of face-to-face meetings primarily to interact with and hear from ICANN staff reporting to the Review Team on implementation efforts of recommendations from the three prior Review Teams.

That being said, the better part of these two days will be spent hearing from ICANN staff on implementation efforts and we look forward – first want to thank the ICANN staff very much for the quick work that they've done to pull this meeting together. The idea for this meeting came out of our ICANN meeting in Beijing, and with very relatively little time, ICANN staff has pulled together this meeting and given us initial reports that they're going to walk us through and we very, very much

appreciate all the effort that went into that on relatively short notice. Thank you.

We also, as a Review Team, need to discuss in these two days how we initiate new work streams. We've had discussions on issues that we believe should be subject to review and recommendations. We will have some discussion here so that work streams, not just the backward looking review of how did ICANN implement the recommendations of the prior teams, but the new work streams. We will discuss and agree on how to kick off that work as well before we leave Los Angeles.

And have the opportunity at the end of the day tomorrow to address some other issues coming out of the Terms of Reference documents – the issue of public interest definition, the issue of metrics, and some administrative issues with respect to how the Review Team is communicating it's work out to the community.

So, with that, that's an overview for what we hope to accomplish in the next couple of days. We have the first ICANN staff coming in at 8:45 local time to begin presentations. Just to frame up for those listening online, the Review Team asked ICANN staff to provide it with reports on implementation efforts from the three prior Review Teams. In making that require, the Review Team and staff discussed how to best proceed at a base level from the Review Team. We are looking obviously to hear from ICANN staff its report on how implementation went.

In that regard, at a high level, what we're interested to hear is three things, basically. How did implementation go when it went well? What were the success stories? What did you learn from the success stories? Secondly, what were recommendations that were difficult to implement

whether because of the design of the recommendation? What were those challenges? Educate the Review Team on how recommendations can be better fashioned in the future. And thirdly, if implementation didn't go particularly well from an organizational standpoint, why was that? Understanding why that was and identifying areas for potential improvement.

Listening for those types of inputs from the staff, we understand also that this is a first full interaction and that we will touch base with the staff again going forward. This will provide an opportunity for the Review Team to formulate follow-on questions and have follow-on interactions with the staff which we're very much looking forward to.

Also, the Review Team did provide a list of specific questions to ICANN staff that we asked for responses to. The questions were provided for the purpose of giving ICANN staff the opportunity to provide the Review Team with some contextual based responses to give us some color around how the staff member received the recommendation, understood the recommendation, and the experience that that individual had in the process of implementing that recommendation.

The staff has put together some spreadsheet responses in response to those questions framing up answers, and that also is part of what we're expecting today and tomorrow is to have a good discussion around the answers to those specific questions in addition to the overall report on how implementation went.

So for those listening online, that's what we expect to do in the next couple of days. Before we get to the first staff member presenting at 8:45, I'd like to open it up for the Review Team members. If there's any

other points you'd like to make before we launch, the floor is open. Yes, Jørgen.

JØRGEN ANDERSEN: Jørgen Abild Andersen speaking. I understand your introduction is you are dealing with agenda (I21) and that we are about to adopt the proposed agenda. I don't know whether we reached agenda item 2. If so, I have a comment.

BRIAN CUTE: Please.

JØRGEN ANDERSEN: Well, it's only review of the preliminary reports on conference call 03 and 04, but it does stipulate to deal with the preliminary report from our Beijing meeting. I don't know whether it has been distributed, and I have a comment – or a question, rather. I think that everybody has the—

ALICE JANSEN: And the Beijing report was adopted on (inaudible) on the 25th.

BRIAN CUTE: And that's Alice speaking.

ALICE JANSEN: Yes, sorry. Alice speaking for the transcript. So the new report was adopted last Thursday.

JØRGEN ANDERSEN: Okay. I was not present. But, can I?

BRIAN CUTE: Certainly. Please Jørgen.

JØRGEN ANDERSEN: Despite the fact that I was not present – sorry for not being aware of that – I have a question related to what is written under agenda item 10 in the preliminary report where I'm quoted for having said that I stressed that more outreach work ought to be initiated in the governmental sphere.

BRIAN CUTE: Which date? There's two different reports.

JØRGEN ANDERSEN: It's face-to-face meeting 02 in Beijing.

BRIAN CUTE: This is the Beijing report?

JØRGEN ANDERSEN: The Beijing report.

BRIAN CUTE: Okay, thank you.

JØRGEN ANDERSEN: Which I hear was adopted last Thursday. I recall, as we all do, this discussion we had. It continues, the report, by saying that this triggered the discussion on the objectives potential (inaudible) impact and consequences this effort could lead to and fail.

The chair acknowledged the outreach work conducted by the ICANN leadership and staff and reminded of the scope of work of the Review Team. I think this is a fair reflection of what happened, but what I'm maybe missing a little bit – and now I turn to what my recollection of what happened is, and that is that I think that in particular I myself urged that we try to focus our outreach activities in this respect to letters to high-level people in the governments, ministers mainly.

And I also remember that we were discussing who would be the right one to send the letter to ministers. We were talking about you. There wasn't discussion about whether that would be in conflict with (inaudible) efforts. There was some discussion to and fro. In the (inaudible) of the meeting, there was a discussion about whether Stephen Conroy might be the right person to sign such a letter.

I think that many – well, Stephen, I think Olivier, it was your idea and I strongly support it myself and I understand from what you reported, Olivier, that Stephen would be prepared to sign such a letter.

From what I remember in the discussion in the (inaudible) of the meeting, there was a general positive feeling about moving forward in that direction.

What I wanted to be sure about is that the reports from the Beijing meeting will not prevent from moving forward along this track, because I think there was very broad support for the idea of doing so.

I noted, and I think you made the remark, Brian, that we should be very cautious about not extending our activities beyond the scope of the Review Team. And I think this is a fair observation. Personally, I would not see any problems in letting such a letter be sent. It would, in my view, not be in conflict with the Terms of Reference or the AoC on that particular point. I think that we should be able to interpret it quite broadly in the broad interest of the whole exercise.

But what I wanted – and maybe it could be reflected in the minutes from this meeting – I would like to have the agreement in this group that we move forward along this track, and maybe if you agreed, discuss with Stephen whether he would still be prepared to sign such a letter and maybe also agree on a process for drafting such a letter and circulate it among those present here. Thank you.

BRIAN CUTE: Thank you, Jørgen. So, a point of process and then action item moving forward. Since you weren't on the call when this report was approved – and this is your statement – if you wanted to work with Alice to propose

some language to add the clarity around your statement, certainly you're welcome to do that so that the report itself reflects accurately that you were talking about outreach to senior level ministers or government officials. I'm happy to open that door.

With respect to the suggestion – and I concur with your recollection of both what happened in the meeting and on the margins – my takeaway from that was not that this is an activity we shouldn't do or was outside scope, in fact it was something we should explore was my takeaway, and that I should speak to Fadi as a matter of courtesy and coordination.

And I had a very brief conversation with him in the hallway in Beijing, which I'm intending to follow up with tomorrow, as he will be in Los Angeles, for the simple purpose of saying, "(inaudible) in the process of doing outreach. There may be something the Review Team can do along these lines. We certainly wouldn't want to do something that either created dissonance or interfered with your activities," and as a matter of courtesy, have that discussion with him to see what his reaction is. So I intend to do that with him tomorrow to follow this forward as discussed and as suggested.

I haven't spoken to Stephen about specifically putting his name on a communication from the Review Team, but we can take that up as well. Is that consistent with…?

JØRGEN ANDERSEN: Yes, thank you. And thank you very much on opening the door on redrafting the Beijing minutes. That would not be needed. I think on the contrary. I think that it might be helpful that there are exchange – this meeting be very briefly reflected in the minutes from this meeting.

I'm very happy about your summary of your understanding on what happened. Just once more observation in relation to your discussion with Fadi. I would propose that you don't make this a question which Fadi should agree in. I think that you should listen if he has very strong objections. I think that this should be an initiative taken by this team, but let's just say, as a matter of courtesy, we want to inform him and maybe ask if he has strong objections that we move on along this line, if that would be counterproductive. I don't think that we should ask for his agreement. Thank you.

BRIAN CUTE: (inaudible). Fiona.

FIONA ALEXANDER: Yeah, thanks. This is Fiona Alexander. Just for the record, I'm not sure that Larry had the same view on the steps we probably should go forward, but (inaudible) take away from what you want to do.

I would actually suggest that maybe also consult with Heather. She's not here yet and I'm not sure when she's arriving, if it's later tonight or tomorrow, but it's not just Fadi that's doing outreach to governments, but the GAC as a whole and the GAC chair. So I wouldn't want any efforts this group would do to undermine that as well. So maybe if you, as a courtesy, because she's not here today, have that same conversation with her.

BRIAN CUTE: That seems sensible. Jørgen.

JØRGEN ANDERSEN: Jørgen speaking again. Sorry to come back. I think that we should be very cautious about having the same interpretation about outreach activities in this respect. I think that this is not an advertisement campaign for the (inaudible) and virtues of ICANN that we are starting.

This is what Fadi is doing very well, and I think that Heather is also doing some work. I think what we're doing now is, as an integral part of the work we are carrying out, submitting questionnaires to everybody in the Internet Society explicitly emphasizing in GAC that they should be aware of the questionnaire, give their reply.

On top of this, we want to attract the attention of ministers and other high-level people. This is not, as I said, an advertisement campaign. It's a question to enhance our work with respect to mapping what are the views in the Internet Society, including governments. Thank you.

BRIAN CUTE: Okay. I will take it on to speak with both Fadi and Heather, and I'm comfortable with the framing in terms of how to present the issue and listen, as you say, for strong objections or other thoughts they may have. Okay. Yes, Olivier.

OLIVIER CRÉPIN-LEBLOND: Yeah. Thank you very much, Brian. It's Olivier Crépin-Leblond for the transcript record. Just a point of process. The discussion which did take place in Beijing did take place on the fringe of the meeting in Beijing and this is, perhaps, one of the reasons why it was not reflected in the notes from Beijing.

But the inquiries I have made with Stephen Conroy, he has responded positively and is ready to do anything that could actually be helpful for us to spread the word and he would certainly be ready to act as a messenger, he has told me.

I have asked Larry with regards to this point as well, and Larry did not appear to have any immediate objections regarding this. So it's a case of just putting it on the record here so that we know this discussion has

taken place and pending the official feedback from Larry and from Heather and the discussions that you might have, or that you will have, with Fadi, I hope that we can proceed forward. Thank you.

BRIAN CUTE: Thank you, Olivier. We do have ICANN staff in here. Any other points on this discussion before we…? Yes, Carlos.

CARLOS RAÚL GUTIERREZ: Carlos Raúl Gutierrez for the record. I was not on the fringes in Beijing, but I want to add to this now that there was a very substantial meeting with GAC representatives in Beijing. I took great pleasure to listen to the recordings. The issue was discussed in the ATRT-2 meeting at the end of the first morning. As I said, I wasn't there, so I don't know what happened in the fringes.

But I think this issue was clearly stated again during the face-to-face meeting with the GAC, particularly (inaudible) representatives of Australia, Italy, and so on. So it should be added to the same issue. I think this is a focus approach to Internet policymakers, ministers, government, whatever you want that is very valuable and we have discussed it over and over again. This is the fourth time we discussed it, so we should bring it to an end and have it clearly going as part of this work. I don't know if it's going to be part of Workstream 4. It might be the initial part for Workstream 4, so I hope we have enough when we discuss Workstream 4 later today or tomorrow to get a full agreement and eventually, if necessary, Fiona ask Larry of this. Thank you.

BRIAN CUTE: Thank you, Carlos. And again, we have – thank you for that. I will speak to Fadi, hopefully tomorrow at the latest and Heather when she is available and move us all forward. We do have ICANN staff in the room.

We've got a couple of quick items to get through. Thank you very much for your patience and we want to respect your time as well.

We want to move to, first of all, adopting the proposed agenda. Everyone have the agenda for today and tomorrow in front of them. Any amendations or suggested edits? We have a motion to adopt the agenda. Motion second? Adopted. Thank you, Carlos. Okay, no objections. The agenda is adopted for today and tomorrow's work.

Item number 2, preliminary reports to review. Conference call number three from Thursday, April 18. Everyone should have had a soft copy in advance and has a hard copy in front of them now. Are there any suggested edits or changes to the preliminary report from conference call number three of April 18? I'm seeing no hands. We don't have anybody online from the Review Team, do we? Am I looking for hands on the wall or no? I don't see any hands. Okay. We agree that the report can be adopted as is. Show of hands. Okay, thank you.

Preliminary report for April 25, conference call number four. Any suggested changes, edits? Seeing none. Seeing no hands. I see a show of hands adopting preliminary report, conference call number four. Thank you all. Those reports have been adopted and will be posted to the website.

And lastly, before we get going with our interaction, does any Review Team member have an update on their Statement of Interest, with respect to our Conflict of Interest policy? Any updates or input on that front? Seeing none. Seeing none on the board. Very well.

Let's move to item three, report and update from implementation project owners of ATRT-1 recommendations. These recommendations focus on board operations, composition, and review decisions. A total of 14 recommendations. In all, we have two hours schedule for this interaction. Thank you to ICANN staff for your patience in getting to this point. I appreciate everything you've done to get us here and the floor is yours.

UNIDENTIFIED FEMALE: So we have staff queued up to address the various recommendations. Have the ATRT members read the input in the spreadsheet? Do you want to assume it's been read? Do you want staff to read it to you? Do you want to just start a discussion? What would you like? How would you like to run this?

BRIAN CUTE: Is it a safe assumption that not everyone's had a chance to go through every page of the spreadsheet? I'm seeing nodding faces. Can't assume that we've all read this. Steve?

STEVE SHEN: So I'll fess up. I didn't read it. I actually took a shot at trying to get my arms around it and it was bigger than I could grab hold of. I tried to wrestle with any shapes, I could print it and read it at length and it doesn't quite get there.

Printing it would have turned out to be 5 pages wide and 14 pages long. My sense of it is that, although I applaud the enormous amount of work that went into putting all this together, somewhere the meat of this is going to be much smaller than trying to absorb every box with equal weight. I didn't quite get to the point of figuring out which boxes were going to have the answers that we're looking for, but surely there is the aha moment of how far did it actually go as opposed to some of the

process issues. I'm just trying to help shape what's going to happen right now. It would be helpful to be guided through this in a way that gets to what's really on our minds.

And now I'm taking off my part of ICANN hat and I'm putting on my part of ATRT hat. Tell us what actually got implemented and where the discrepancies or differences are between what was recommended versus what actually happened.

BRIAN CUTE: Thank you, Steve, for that. I concur on that direction. I think at the end of the exercise, what we're really looking for is the depth and context around the implementation exercise. And there's a lot of good information here for starters, and again we gave you a short amount of time to start this. We expect this to evolve further. So this is accepted as is and very thankful for the effort.

But in terms of walking us through this, to the extent that you can focus on more of that depth, the context, the experience, many of the questions that were provided focus around how the staff understood the recommendation, what the staff felt were the challenges of implementation or not, what the staff thought the effects of the implementation were – and really that's very important substance. That's, are we making improvement on accountability and transparency within the organization?

So to focus more on those context-based answers, substance-based answers, to the extent that you can focus your remarks there, that would be very helpful. Alice.

ALICE JANSEN: Olof Nordling had his hand up first.

BRIAN CUTE: Olof.

OLOF NORDLING: Yes, thank you. From the perspective of the recommendations pertaining from NomCom, which is part of one and also recommendation three, if I could make some introductory comments, because NomCom, as many of you well know, is a particular organization in that it is independent, and also every year is reconstituted anew.

I would like to start with commending the chairs of the 2011 and the 2012 Nominating Committees for their initiative and their work in, first of all, taking care of and absorbing the essence of the recommendations very early on, entertaining the ideas on how to implement it with a full committee, and actually already before the final recommendations for adopted, I would say the chair of the 2011 NomCom started implementing the provisions that were foreseen.

So with that, of course this is, in a sense, it builds a little bit. There are a number of building blocks that have been added and a number of good ideas. And also, in that regard, we realize that each new NomCom not only builds on what has been achieved so far, but also comes up with new ideas, so the 2013 Nominating Committee has also contributed in finding new ways of increasing transparency and improving the information exchange with the board and the other supporting organizations and advisory committees that receive Nominating Committee appointees.

So I know that Adam Peake was the 2011 Nominating Committee chair and is also an associate chair for the 2013 Nominating Committee is on the call. I don't know if ICANN can hand it over to Adam for making

some introductory comments, because to a large extent, the initiatives were taken by the NomCom chair and entertained with the Nominating Committee, and of course in dialogue with the board as well.

And then staff activities were more, of course, since we're support staff, of the nature of taking care of transforming the changes that were agreed upon into the procedure of documents, the guidelines, and the codes of conduct as well as improving the visibility of NomCom on the website. Introducing a timeline, for example, which was one of the requests that were made.

So I wonder if, Adam, could you perhaps make some introductory comments since you are at the helm of the first Nominating Committee to took it on to implement the HRT recommendations.

BRIAN CUTE: Before you do, Adam, this is Brian. First of all, thank you Olof for kicking off the discussion. Very much appreciated. I've asked Alice to put up on the board the recommendations specific to NomCom so that we can see what those recommendations were as the discussion goes forward. And Adam, thank you very much for attending. Very interested to hear your perspective on the implementation efforts of these recommendations. Please.

ADAM PEAKE: Thank you very much, Brian. Thank you Olof. It's Adam Peake speaking for the transcript record. Yes, thank you Olof. Those are kind words. And thank you, Brian. You were very helpful during the 2011 process to keep us up to date on what the ATRT was thinking, so as Olof said, we could try and keep ahead.

I think one thing to remember is that Nominating Committees have always struggled, first of all, between this notion of confidentiality of candidate information while trying to be as transparent as possible.

One thing that the ATRT process has done is really encouraged us to make sure that that difference is very strictly adhered to. I think you see that in 2013 where the Chair has been very keen to make the processes as transparent as possible while just simply protecting that candidate data that has to be protected. So the ATRT has really given an impetus to the thinking of the NomCom to be a little bit braver in being more open.

There were two things. I don't really know where to begin, because a lot happened and there are a lot of questions really that could be covered. The basic outline we worked upon was trying to improve what the ATRT (inaudible) skill set required of the candidates. And we were talking primarily from the ATRT about director candidates, although the NomCom tried to apply these principles across the board to all the positions that it filled for the supporting organizations and advisory councils.

So really, it was working with the community to try and develop improved candidate profiles, and also the gaps that were missing. What did ICANN need from these candidates to fill any missing gaps and so on? And that was achieved mainly through workshops, through better dialogue with the community with specific meetings with the Board Governance Committee and the board and so on, and that has been successful. I think as participants in ICANN or (inaudible) might have looked at the Nominating Committee website, you can see a much

clearer and a much better description of what is required in a candidate with justification of why those skillsets, why that candidate profile is desirable. And that has really evolved from the ATRT process and has been successful, I think.

One thing that did not occur – Steve, it might be…well, I don't recall how. Somebody I think earlier mentioned what was not implemented from the recommendations, and that was something that would go to accountability of the Nominating Committee I think where the ATRT recommended that the Nominating Committee selections be reviewed against the initial criteria, or against those initial skillsets and the initial candidate profile.

That is very difficult to do, partly because only the Nominating Committee has the ability to see the full candidate pool. So nobody else can see what was available for the Nominating Committee to choose from. So making an assessment is difficult on that basis. And also it gets into the area of I suppose justification. And then somebody might say, "Well, I have those skillsets. Why wasn't I picked?" and so on. It's a dangerous area I think, and it's one that Nominating Committees seem to have shied away from. That would be one recommendation that wasn't adopted. I don't know how you're considering it, but you might want to look at it again.

In the questions that staff gave us, there was a question that asked were there any sort of secondary or unintended consequences from the ATRT recommendations? And I would say yes, particularly in the sense that we've worked on candidate profiles, which have been helpful for an outside recruitment agency, which is helping this year's Nominating

Committee in doing its work. So it's not just internal to ICANN these processes. It's helping with an external recruiter design a program to help us find high-level director candidates through their recruitment network and recruitment processes. I should stop. We've got a long day and I'm blabbering on. Any questions or anything I can do to help, I'd be more than happy. Thank you.

BRIAN CUTE: Thank you, Adam. Actually, if you don't mind, I'd like you to blabber a bit more. I'm going to ask you some questions, because I'm finding this very informative. Let me suggest a few things to focus your comments around.

Number one, this was a recommendation where the implementation required the interaction between ICANN and the NomCom, so it's not a recommendation where the board had to undertake implementation fully within its remit, didn't really need to interact with another body within the ICANN structure. So it's important from that perspective, that how did implementation – the process of implementation – go when NomCom and ICANN's board had to interact between each other? So I'd like some perspective on how the process went. What was good? What wasn't so good? What did you learn along the way? So the process question.

I do recall, too, that ATRT-1, one of the thoughts that was top of mind in developing this recommendation was that the NomCom process needed to be respected, that getting the right skillsets was important, that having the board, as it should, help in identifying what skillsets were necessary within its fiduciary duty to ICANN needed to be communicated to the NomCom. But throughout that process, the

NomCom's independence needed to be respected. So I'd like to hear your observations on that dynamic worked, and then anything else in terms of the overall effects of this recommendation and implementation, positive or negative. Could you hit those three points a bit more?

ADAM PEAKE: Thank you. Adam again. Yes, I'll try. On the process issues, there was no particular problems as such. I think we were all somewhat hesitant. No one was quite sure what was absolutely required. And as we are meeting at ICANN meetings during those six or seven days, it's the time when the board is at its busiest, and actually it was also the time when the Nominating Committee was at its busiest. So there was some hesitancy and it was a little bit slow.

But meetings with the Board Governance Committee were effective. They provided the information that we requested and that information has improved over time so that – it began with the initial sort of overview of skillsets that the Board Governance Committee had done as a review of the board generally, what skills were available on the board, and what they felt were missing. It included additional information about how the board worked, particularly in the subcommittees, which are important for the day-to-day operations of the board which we probably don't see as well.

We also had meetings with the whole board, and I think that was important because there's a feeling that you don't want to be directed by just a subset of the board, whether that would be the Board Governance Committee, the chair of that committee; or indeed, the chair of the board itself.

We tried to ensure that we were talking to – and the board also wished to talk to us. A little bit hesitant, but that process went well. The board has gone beyond what was required by the ATRT, I think anyway. It's now started to do 360 reviews of board performance, director performance, and those are made available on a confidential basis to the Nominating Committee chair. So I think we're seeing something that – these recommendations are generally being taken on board and implemented with a spirit that they want them to be achieved.

In terms of skillset, yes, the board, as I mentioned, was very helpful in providing what they felt were the gaps and needs, what was required. But also the Nominating Committee improved its outreach to the constituents – the advisory councils and supporting organizations. NomComs have always gone around and asked the At Large, GNSO, ccNSO, ASO, and then the GNSO constituencies what they felt the skillsets should be, what ICANN was looking for. But I think the ATRT process generally brought the importance of this to people's minds, and so the responses were much improved.

Talking about the independence of the Nominating Committee, I think by not just relying on import from the board by going out and trying to consult broadly with everybody that we could, you get a much wider view of the issues. So you're not just being directed by the board in what the board thinks it requires. It was also the community telling us what they think the board needs, and of course what ICANN needs. Does that help?

BRIAN CUTE: Thank you. Yes. A point you made prior to – if I heard you correctly, the Board Governance Committee provided some documents or

information about how the board functioned, if I heard you right, committee (instructions) and whatnot. Was that information or data that you had not seen before? Can you elaborate a little bit there on the impact of that exchange?

ADAM PEAKE:
It was more about – not written information, I don't recall. It was during meetings, and the structure of the various committees, what their function was, who led them or who the membership were, and if they felt that a particular committee might have less skills than it needed. For example, it could have been something like a risk committee or a finance committee where the skills may be less than – there might not have been enough members with background to populate those committees.

Those were the sorts of things we were hearing from them, and a little bit of what the committee did. Of course the minutes of the committee and the charters of the committee are online, but it was helpful just to hear the working model of how they actually did their work. I think that was encouraging.

BRIAN CUTE:
Thank you. Any questions from Review Team members for Adam? Olivier.

OLIVIER CRÉPIN-LEBLOND:
Thank you very much, Brian. It's Olivier Crépin-Leblond for the transcript record. I have a question with regards to conflict of interest. When asking the board for skillsets and going to the BGC for skillsets, some of the board members whose term comes up for renewal would be present or might be even part of the BGC. How would that be handled? Would those be out of the room at the time or how could this be handled?

Because what one could then do if you take it really at a certain level is to say, well, we will cater the skillsets of the board member who is actually currently in place so that we make sure we continue having that board member. Very specific skillsets that you (label) on the current board member that you might have.

This is not something that has happened, by the way. This is just hypothetical. How would this be dealt with?

ADAM PEAKE: Hi, it's Adam. Yes, that is an issue that actually came up and it was an issue in Beijing where the Nominating Committee met with the Board Governance Committee and members of the Board Governance Committee whose terms were ending this year did not join the meeting. They stepped back and recused themselves. So the issue didn't arise. They were aware of the potential optics of that, and so they stepped down, which again is a good sign.

BRIAN CUTE: Thank you. Did you want to elaborate, Amy?

AMY STATHOS: Yes. This is Amy Stathos for the record. That is what I was going to say, Olivier, is that they absolutely recognize that. And one add that I want to make in terms of the reference that Adam made to the 360 reviews, the board is now conducting 360 reviews of all members whose term is ending in a given year. So they're not waiting to determine or understand if any one particular member has put their name in again for reconsideration for another term. They're evaluating all of the members, so there isn't any issue with understanding or having confidential information about who may or may not be re-upping.

BRIAN CUTE: Thanks. Alan.

ALAN GREENBERG: Just for those in the room who are ignorant, and I put myself among them, what is a 360 review?

AMY STATHOS: This is Amy again. In this particular instance, the review is of both board members as well as staff members who work with the board members in terms of their performance in working on the board and/or committees that they serve on for the board.

BRIAN CUTE: Olivier.

OLIVIER CRÉPIN-LEBLOND: Thank you, Brian. It's Olivier here. Just to say thank you. That's certainly very assuring, Amy, to hear that 360 reviews are taking place and that board members are recusing themselves from discussions when the discussion is with regards to position (inaudible). It would be great if we could have this in the DNA itself, the process itself, so that is engrained and not just left to the individual board members to do the right thing. Thank you.

BRIAN CUTE: Amy.

AMY STATHOS: Absolutely. It actually is now in the standard operating procedures.

BRIAN CUTE: Great, thank you. And Adam, thank you for your observations again. And also, there is a board component here, too. I note that Bruce is not here or other members of the committee. But clearly any feedback from the board in terms of how do the process of implementation work, what were the effects, etc. is welcome income to the extent that we can – Steve.

STEVE CROCKER: Just to add a little tiny piece to what's been inscribed. As described, we are doing 360 reviews of the board members whose terms are ending.

We aligned the terms of the voting board members, so that the ones appointed by SOs and ACs, instead of starting and stopping in the middle of the year are now aligned to start and stop at annual general meeting. And it's all leveled out, so there's five each time.

We also are taking a look at the calendar and the piece of implementation which we are almost complete is to lay out what the selection timings are when input has to go to the various bodies, whether it's the Nomination Committee or the SOs or ALAC and get them the 360 reviews in advance – well enough in advance so they can make use of that. There's some further linkage, because for the geographic balance, the SO and ALAC selections have to be made in a timely fashion so that the NomCom knows what those are and can then do its geographic balance, which was I think the motivation for the original offset. So we've kept that from a selection point of view, but from a seating point of view, we've put everybody on the same schedule.

So we don't quite have it yet, but there will be a master calendar of all of these states, of all these interlocking pieces so you can sort of see the several pieces of this puzzle all at one. And that will be updated annually and published and be part of the bureaucratic (inaudible). Just clerical stuff, but it's bits and pieces that all have to be put together.

BRIAN CUTE: Thanks. Alan.

ALAN GREENBERG: Two further questions. In terms of the review by fellow board members, are the outgoing people being reviewed by all board members or a select subset? If it's the latter, how are they selected?

STEVE CROCKER: I can't report because I was invited to review some, but not all, and I'm quite sure that the ones who were reviewed were not reviewed by everybody on the board. So there's some subset selection process. I actually don't know what that process was. It's run through the Board Governance Committee, which is chaired by Bruce. I didn't sort of sit on that as an observer, but I don't know what that is. But it's a subset process of some sort.

ALAN GREENBERG: Clearly that has some impact on the outcomes of the review. A related question. We were told that the information would be made available to the NomCom chair. For the SOs and for the ALAC, the selection process is really done by the wider community. Is this kind of review something that we're going to be able to distribute to the people who are actually making the decisions or not? Sounds like a confidentiality issue.

STEVE CROCKER: Yeah, good question. I don't know the precise state of affairs of that. But I think that's a fair question to nail down. Listening closely to what you said, the reviews are made available to the chair of the NomCom and to the chairs of the appropriate, relevant appointing bodies – to all the appointing bodies – whether it's a NomCom or whether it's SO or whether it's ALAC.

And I'm pretty sure that the intent is that it would be distributed within those, but you're asking the next layer question of distributed beyond the small groups, whether it's a council or whether it's a NomCom or something like that. And I don't know what words have been said about all that. That's a perfectly fine question to ask and let's make sure we get it answered.

ALAN GREENBERG:	It's Alan speaking. Clearly a substantive difference, the NomCom participants have an oath of secrecy, essentially, whereas to distribute it just to the chair of an AC or SO and tell them they can't distribute it (widely) to the people who actually make a decision. Where's an interesting Catch 22.
STEVE CROCKER:	Your point is very clear. I take it and I apologize that I don't know the answer. We have a chair of ALAC here. What is your understanding?
OLIVIER CRÉPIN-LEBLOND:	Thank you, Steve. It's Olivier for the transcript. We have discussed. I can say both Steve and I have discussed this, and to this point in time, I still don't have an answer really. It might well be that I have to pull each one of the members of the ALAC aside and let them know of the advice rather than just having it sent out in the world.
	Now, I'm saying it might well be. I don't know what the best solution would be. Of course for transparency, that would be pretty deplorable. But then, at the same time, you also have privacy and if you're going to release the information in the world and that person deems that the information is not reflecting on them correctly, at that point we have a problem as well. So it's something we have to look at.
ALAN GREENBERG:	It's Alan. I understand the problem, but in our case and in the case of the GNSO, the selection actually goes all the way down to the individual members in the constituencies, in our case is to ALS, is a group we have absolutely no control over, but it's not that dissimilar in registrars or NCSG.
BRIAN CUTE:	Amy.

AMY STATHOS:	This is Amy Stathos. Yeah. And I think this is a really good point, because I don't think that the consideration of it going all the way down to all of the individuals. The discussion point, at least at the BGC, initially was that the reviews would go to the chairs until the time at which it was determined that one of the members in fact have submitted their name for reconsideration for a new term.
	At that point then, the intent was for it to be shared with the council on a confidential basis, but I don't think that there was consideration that it would go to the entire community. So I think that's something that we should take back and consider. I think that's a good point.
BRIAN CUTE:	Thank you. Alice.
ALICE JANSEN:	Yes. Olof's in the queue.
BRIAN CUTE:	Thank you. Olof.
OLOF NORDLING:	Yes, thank you. Olof Nordling for the record. Just in conjunction with what Steve mentioned about calendar and about the information and such. It can be noted that so far the information about the skillsets from the board and from the community and SOs and ACs in general has been a bit of an iterative process with meetings during our conjunction to the annual general meeting when each NomCom cycle starts. The NomCom or committee has received some initial views and thoughts, and then that has been refined later on, like for example, now at the debating meeting.
	And of course, ideally, if the NomCom could get the full information already at the outset at the start of each cycle, it would be the ideal

solution, whether that's possible or not. But I take it from – Steve mentioned that that is the direction that at least the board is going.

BRIAN CUTE: Thank you. A question for anyone who wants to weigh in. What I'm hearing in part is clearly efforts or effects of the implementation driving toward efficiencies in the sense of getting the 360 reviews to the respective chairs in a timely fashion for their piece of the process.

And so efficiencies that are resulting from the implementation which sound to be positive, I'd ask anybody here, are there any burdens that have been created by these additional steps or unintended consequences that have made the process more complicated, either from the NomCom's perspective or the board's perspective?

ADAM PEAKE: It's Adam. May I just say one last interjection on this, then? Hello?

BRIAN CUTE: Sorry, Adam. Go ahead, please.

ADAM PEAKE: Yep. It's really about the – I suppose the intended consequences. Committees like the NomCom, most of the work – or not most – a lot of the work of ICANN is done by volunteers. One of the most successful things that's come out of the 2013 Nominating Committee is monthly report cards updating people on what we do. These are only a couple of pages long, but it doesn't mean that somebody has to actually sit down and write them and they write them immediately after a teleconference or so on.

And you can't rely every year that somebody is going to be willing to do that because it takes – there's a few hours that go into these things after a (inaudible) conference and so on, you may not wish to do that.

So a lot of these things, when you make recommendations – and I hope you will do because the ATRT was obviously useful – we have to keep in mind that a lot of this is being implemented actually by volunteers, and as such – well, basically, you're volunteers as well, so you know what I'm saying. Don't expect too much sometimes I think.

Certainly in 2011 when we tried to do some blogging and we tried to do some writing and extra communication, it failed simply because the people involved didn't have enough time and you can't criticize them because they were already doing quite a lot of volunteer work for the Nominating Committee anyway. That's the point I wanted to make. Thanks.

BRIAN CUTE: Thanks, Adam. Point well taken. And thank you for setting the bar low for us. We hope to exceed that, but appreciate it.

I wanted to ask about recommendation number three, just shifting to another. Does anybody else have any questions on that line of discussion before I wanted to shift to recommendation number three? Okay, great.

So number three, just one point. And this has been a subject of discussion already in ATRT-2. Fadi raised the issue of implementability of recommendations and exploring whether or not a recommendation is designed in a way that makes it more difficult to implement for whatever reason.

Recommendation three was one where the ATRT-1 put a date on it and recommended that the board and Nominating Committee should commence this process in late 2011. And I think we had a specific – yes.

As soon as possible, but no later than the Nominating Committee process commencing in late 2011. So the question I'd like to explore is was that mark hit? If it was hit, if you have any reflections on the process of meeting that date, difficulties or ease of meeting that date. And if it wasn't hit, any observations or reflections on why it wasn't hit, and any difficulties that created that inability to hit the date. So that's an open question for anybody.

OLOF NORDLING: This is Olof Nordling. Could I take a first crack at it?

BRIAN CUTE: Yes, please.

OLOF NORDLING: I would say then that the NomCom 2011, which started in 2010, with Adam at the helm already introduced at least some of the transparency measures, like having public – reaching out to the public during ICANN meetings and telling more about what ICANN was doing and the various steps were clarified. We were instructed to put up a clear timeline, for example, and that one was up during the 2011.

So that was refined during the 2012, which is actually the NomCom that starts at the end of 2011. And further refined (beyond) the 2013 NomCom. So I would say again this is a little bit learning by doing and improving step-by-step, finding new ideas, like for example, the report card which is an excellent example of improving the transparency and also the visibility of the NomCom.

I think the visibility as such was a bit low before, and that was very much helped by the activities undertaken as a consequence of the ATRT-1 recommendations.

So I would say, yes, maybe we didn't hit the full mark according to the timeline, but a good part with at least already before the deadline that the ATRT-1 set. Adam, I don't know if you agree with me on this.

ADAM PEAKE: Adam Peake for the record. Yes, I do. Looking down the list of this year's consultations information sharing, yes, that was done. Create new procedures, guidelines, transparency guidelines, code of conduct. Yes, that was done. Most of that was already in place from previous NomComs. Board review, I don't know because I'm not on board. Nominating processes, yes, that was all done except for openly justifies the selection related to required skillsets. That was done partly by 2012, but not perhaps as explicitly as those words said for the reasons I mentioned before. And then documented imbedded operating procedures. Yes, I think that was done as well.

Probably 75-80% of that would have been done by the start of the 2012 Nominating Committee i.e. the AGM of 2011 and then the rest was done as that process got moving. So, yeah, targets were met just about.

BRIAN CUTE: Thank you very much, Olof and Adam. And just a reaction to the last two words: just about. One of the other discussions we had in terms of implementabilty with Fadi in LA was also the issue of metrics. ATRT-1 did not put forward any metrics to the organization to measure implementation. We put some "please complete by date X" but really didn't get into that business. There's been some discussion already about the utility of metrics and this Review Team perhaps exploring more than the first one did how those could be built, because first of all, very good candid observations and thank you for that. That's really

what's important here. This process is not about you fail in that one or you get a gold star in that one. It's really about learning.

So just one reaction. As it sounds listening to both of you as though some of it was done, but not all of it, and not entirely clear – not good clarity around all the pieces of the puzzle.

So one takeaway is that this is an affirmation that a bit more focused on metrics for forward-going recommendations is going to be critical. In addition to the question of implentability, are we making recommendations that can be implemented with relative ease? Any other questions on these points?

ADAM PEAKE: It's Adam. I just wanted to very quickly come back and just say that, on metrics, some of these issues – the reason I used the words "just about" to end there is because they're a continuum, if you like, of implementation. So the fact that they weren't completed was because it's very much an ongoing task of improvement, sort of iterative stuff.

So where something wasn't completed, perhaps it was because the date was difficult to fix as much as anything. Certainly the efforts were there. And some things were well-exceeded in terms of timeline and achievement and other things were just sort of rolling along. Thanks.

BRIAN CUTE: Thanks, Adam. That's a takeaway for me, too. If it was a continuum, then a Review Team making implementations needs to understand the nature of the process and that perhaps fixing a date certain for particular pieces does not make sense. That's very good feedback. Anything else on this line of discussion, Review Team or those online contributing?

Denise, we've got the two hours and we've got 14 recommendations, right? So we've just covered off three? Two. I thought that was a very good exchange. Very helpful. Certainly would like to continue down this path with the time that we have. There are other recommendations that we need to hit of the 14. Do you want to tee up another recommendation or set a recommendation at this point?

DENISE MICHEL: So we're really following the team's lead. The way this was set up was that you want staff to answer all these questions in writing and then we would have a discussion. So we don't have any specific presentations. We have the written material. You just let us know how you want to address the remaining 12 recommendations.

BRIAN CUTE: Just walk us through. There's 12 to go. Yes, Jørgen. Sorry, Amy. Jørgen, please.

JØRGEN ANDERSEN: Well, thank you. Yes. I think this is quite a challenge to sit there. Many recommendations are only limited to the time available. Also, I would like to thank you for the amount of material received. I actually printed it out, because I'm not able to read it. My PC cannot read this version of the spreadsheet, but anyway, I've been deeply impressed by reading all the material you collected within a very short time.

I think Brian touched upon it in his initial remarks. Where it's difficult is that you are being more or less overloaded with information. Where I think it's very difficult is to digest this enormous amount of information and digest it in the perspective which is a background for setting up the Review Team. Do we have on each of the recommendation concrete, tangible improvements which we're able to measure? Do we have the baseline?

There are several of the recommendations where you frankly state that there was no baseline. No criticism for that. But I think that what I would like when we go through the recommendations is very quickly to get your impression about the relevance of the recommendation. Has there been a very tangible effect of the work carried out? That is also reasonable. Has there been a tick in the box, work you have done? You have done some initiatives, but you really are not able to assess what are the tangible improvements obtained.

That would be my proposal for moving forward, because while I don't think that we will really benefit from having all this very detailed information about what has been done and what has not been done, I think that you are aware of what our needs are. That would be my proposal. Thank you.

BRIAN CUTE: I think that's a very constructive way to focus your comments on the recommendations you are about to walk us through. If you focus primarily on what has been the effect – has this had a positive effect, a neutral effect, actually it's created problems – and take it from that orientation and walk us through the rest of recommendations primarily focusing on that question. I think that's very useful. Everyone agree with that? Okay. Yes, Amy. Sorry.

AMY STATHOS: Thank you for that, because I think that was kind of where I was about to head, because I think, at least with respect to the ones relating to board – and again I'm not speaking for the board. I'm speaking as board support in terms of the BGC mainly where most of these were – about 14 of them, in fact – were delegated to the Board Governance Committee to move through the process.

Going through some of them, some of them are check the box. They're pretty easy. Post reasons for redaction. Check that box. Some of them are much more difficult. And in terms of baselines, are much more difficult to identify.

So what I was thinking about doing is at least taking through the ones that we found were difficult, that there wasn't a specific or tangible baseline to work from, and therefore it was hard to understand exactly what tasks would be appropriate to implement in order to achieve completion, because some of these will never be completed, and if you can put the recommendations, Larisa, back up on the screen – or Alice – the number 4 is quite difficult to identify specific tasks.

Now, the board has done a really good job in looking at some and creating some significant new processes, which I'm sure Steve can speak to in more detail, but building on the work of the BGC, the board should continue enhanced board performance and work practices, that's going to be an ongoing thing and hopefully will never end. So understanding some of the metrics or how you go about achieving that was a little bit difficult to gauge.

BRIAN CUTE: Thank you for that. I think it's a great direction to go for this in the rest of the time that we have in this module. If I can break that down into what were the tasks versus how do you measure whether this has been hit or not, which is two different animals. Yeah, the nature of how that's constructed "should continue to enhance board performance" it's not as black and white. That's recognized.

But with respect to the tasks – and I don't have in front of me and I don't have an immediate recollection – but was the background report

of the ATRT on this particular recommendation specific or helpful in identifying the tasks that should be taken up to implement the recommendation? Because the report is part of the deliverable from the ATRT or any Review Team to the board.

AMY STATHOS: It was, to a degree, because a lot of the things are not necessarily task-oriented. They're more culture-oriented in terms of how you manage your processes. But in terms of that, there was some helpful in the fact that the board has undertaken significant board effectiveness training programs, certainly developed ongoing and standard operating procedures that are much more effective and much more focused than they were in terms of they were less formal previously. So those are certainly things that have been implemented. And as Steve will attest to, Steve is working very, very hard to make sure that they are standard operating procedures on an ongoing and continuing to increase those operating procedures.

And as you'll see, many of them have been posted for review so you can see what processes that the board undertakes –identify and the fact that we're continuing to update those over time. And again, I think this does also connect back to the ones with respect to the NomCom, because the better that we identify the skills that are needed, certainly the better the board can be effective with the right skills.

And I think the board has also spent a lot of time undertaking the individual look at committees in terms of how they operate, making sure that they all have ongoing work plans, making sure that those work plans are being followed and that they actually flow up into the board's work plans, so that the committees are actually doing what they are

supposed to be doing, which is helping identify the work so that the board can take that work and make sure that it becomes more effective.

BRIAN CUTE: This is Brian. What's (inaudible) for me in my mind is that there's – and I know this was in the mind of the Review Team the first time around – is a bit of a balance between the Review Team making recommendations that are specific and measurable and the Review Team being prescriptive in how the organization takes on those tasks. And I think the first time around, clearly on the question of metrics, the sense of the Review Team was that the organization is in the best position to understand what the metrics should be and how to go about building those metrics. So a deference in that regard on the question.

But this is helpful, because for this Review Team and future reviews, finding that proper balance between being specific enough so that it's actionable and measurable, but also being deferential and not prescriptive with respect to the things that the organization is in the best position to know how to do is something that we have to keep our eye on. So any other comments on this number 4? Yeah, Olivier.

OLIVIER CRÉPIN-LEBLOND: Thank you very much, Brian. It's Olivier for the transcript record. I have two questions, actually, one which comes out of the process that we're dealing with at the moment. It's just a procedural question. We've spoken about the NomCom. We're speaking about the board performance. Will the ATRT-2 come back to this afterwards and come with additional recommendations, if it might need to come up with other recommendations?

I'm thinking, for example, on the NomCom side of things, the ability to recall people from the positions they've been appointed at or if the

complications associated with this for non-performing – not only, I wouldn't say just board members, but SO and AC members that were appointed by the NomCom, this sort of thing.

BRIAN CUTE: I believe that's in our remit in terms of making the recommendations. Yes. So, thank you.

OLIVIER CRÉPIN-LEBLOND: That's one question, but let's go back to the track here. I thank you very much, Amy, for this. I think that the work that the board is currently doing under the real capable shepherding of ICANN staff and also the leadership of Steve is really good. It was something that was required. I really look forward to seeing KPIs being used at some point, and being able to have a board dashboard. That sounds weird, doesn't it? Board dashboard.

But anyway, yeah, board dashboard effective, to make it easy to find out not only what the board is doing, because that's already in place, but certainly how the board is performing and how much time they're spending on process, how much time they're spending on policy, how much time they're spending just representing things or reading stuff, which they really shouldn't be dealing with. They need to be spending their time effective. These are very bright people you have, and if they just have to read through mindless documents and things, surely there is a lack of volunteer capacity use at that point. So it would be great to be able to see metrics on this in the future. Thank you.

BRIAN CUTE: Steve.

STEVE CROCKER: I've been listening closely as you might guess, and debating about – I don't want to take up a lot of airtime here and I certainly don't want to

sound defensive at all. Let me just give you snippets of what it's like inside the process that I've been very, very actively trying to do some things. And they align partially, but not exactly with, the dialogue here.

There's a lot of sort of nitty-gritty grungy stuff that is occupying my time just to get things organized so that it's possible to have the higher-level discussion. So I've been trying hard to get our procedures lined up so that everybody knows what to do, when to do it, and that all of that flows in an orderly way.

And we're not there yet. There is a draft – a very early not ready for primetime draft – of a Board Procedures Manual which is intended to be descriptive, but not prescriptive. That is, it's intended to capture how we do things but not be a set of laws. It's more for information. It's been challenging just getting the cycles because of the overwhelming workload of everything else.

Fadi has made substantial organizational changes, and one of the consequences is we had taken on things within the board that, by any reasonable analysis, didn't really belong at the board level with the board operating more as an adjunct of management and we're trying to rebalance that.

That's easy to say and it's a little harder than you might guess to actually put into practice because partly the board has habituated into getting into these things, so it got to carefully untangle almost moment by moment, is this a board level thing or are we acting as subject matter experts and dipping our hands into the management structure? Which, given the size of the board and given the enormous talent that's on the board, it's actually a big resource that invites itself to be used that way,

not only by the predilections of the board members, but also because it's useful in some cases.

So we're trying to work that out. I'd say that conversation is well along. It's not fresh, but we're not quite there. So for example, in the Board Governance Committee is an active conversation about: do we need all of the committees that we currently have and whether those committees are necessary from a board point of view or are only functioning from a management point of view or whether there's some mixture of stuff going on. So we're trying to sort all that out. Our hope is that we'll be able to make a set of changes in the fall in sync with the annual general meeting. So those are a couple of things. And then there's a bunch of procedural things.

And then with respect to how effective we are and also that relates a little bit to the skillset issues, we've tried to shape up our messages to the NomCom as to what skillsets we need. I don't see any reason why the message that we sent to the NomCom wouldn't be available if you wanted to see it. It's posted. Yes. Okay. We are transparent. We're so transparent, I don't see it all the time. Sorry. Cheap joke.

So that's what's going on in the trenches, if you will. Then getting KPIs to go with all of this would be great, and as soon as I can get around to – we're just sort of struggling to get up to the level where we have enough stability so it makes sense to try to do that.

But I'm hopeful. Things are, in fact, getting better. I'm trying to regularize the process of moving things, the time they get to board resolutions. So, here's something, and the bulk of you are going to need the – I'm looking at the two members of the legal stuff who are flanking

me here. The rationales – I'll say it frankly – it's very good that we have rationales. We didn't used to. But I think if you look closely at the rationales and ask the tough question, do they account for all the things we chose to do, that that's not really there yet. In my saying that, you are hearing that it's recognized and you guys had better hear that it's now going to change. I actually intend – we'll see whether I can hold to it – to push back and hold off moving resolutions through until we have that.

Also, if you look closely, you'll see that many of the resolutions – many of the rationales – are kind of added late in the game and they really should be part of the package that comes before the board enough times so that when we pass the resolution, we actually have read and thought through and debated whether the rationale speaks for us.

So it's all of the tactics of that. Trying to get all of that in place is – and it takes time. We're in a crush, in a real overload mode of all the different things going on. In my mind, there's no question that we're going to do all that. That's my agenda, if you will. And the ATRT process is something that I'm cognizant of, but it's not the only reason why I think these things are important.

BRIAN CUTE: Thank you, Steve, very much for those observations. I'd like to welcome Demi Getschko to the meeting. Thank you, Demi. I also want to note for the agenda that we're a little bit past our break. I think this is the beginning of some good discussions and I think there's an offer from the staff to keep this part of the agenda going after the break, which I think makes very good sense. The agenda called for one recommendation of ATRT-2 in the 11:00 to 12:00 timeframe. Let's just keep plowing forward

on this discussion if everyone's agreeable. We'll take a 15-minute break now, reconvene and continue. Thank you. We'll be back in 15 for those online.

Okay. We're back online. Thank you all for your patience. This is the ATRT-2 in Los Angeles face-to-face meeting. Brian Cute. We are going to continue on our agenda with ICANN staff, item number 3. I have to apologize. I was actually an hour ahead of myself on that break. I miscalculated. So we actually had more time than I realized. There were no cookies. I didn't have my sugar. So the good news is we have more time before we get to the noon hour here in Los Angeles. So we're going to pick up where we left it off with ICANN staff on the 14 recommendations that were on agenda item 3. If you would then just move forward through those recommendations – and again focusing primarily your reflections on what were the effects of those recommendations as implemented – positive, neutral, negative – and if you can start off the conversation with those reflections, we'll take it from there. So, Amy, if you would. Thank you.

AMY STATHOS: Sure. I think we can probably go very, very quickly over number 5, which was the compensation arrangement. We implemented it. All voting board members now currently have the opportunity to elect compensation and the compensation is based on independent compensation expert evaluation of what is reasonable, which is a necessary requirement in order to maintain the nonprofit relationship we have, because there's specific criteria that the IRS, at least for the United States, lists that we must follow in order to achieve a (inaudible) presumption that the information and the compensation levels are reasonable.

So we satisfied all those criteria. I can say that the steps that we had to take to have a board approve its own compensation took some time to make sure that we were taking all the necessary steps. So in terms of the comment about setting a specific date certain, we did not achieve that date.

Based on when the recommendation was made, there was many steps that had to go in, including the independent evaluation to make sure that we were looking at the right comparables. ICANN is not something that you can look at and it's not a typical this kind of company or a typical that kind of company. So we had to ensure that there were the right comparables, everybody was happy with the buckets that the independent experts were looking at because they were having a difficult time analyzing that.

So the effect is – and I don't know if Adam is still on the phone from the NomCom point of view. I recall being at the meeting that the BGC had with the NomCom in Beijing indicating that it does appear that the fact that there is some level of compensation has helped in seeking some of the nominees or candidates. But I can't speak to that specifically. I think that would be something that the NomCom would need to speak to directly.

The negatives – not major negatives. It costs more money for the organization to pay those who do elect the compensation, but I don't see any specific direct negatives in that regard.

BRIAN CUTE: Thank you. Adam, if you are online and want to comment, please.

OLOF NORDLING:	This is Olof Nordling for the record and I know for a fact that Adam has left. He was calling in from Tokyo, so fully understandably very late for him.
	But I can confirm that in relation with the recruitment agency that is engaged to assist in improving the number of candidates, well, this was a very welcome addition because as they are used to discuss with very high level people, and usually when they are contacted by a recruitment agency of that statute, they expect that there be a lot of compensation. Previously, where there was none, that was not perhaps a non-starter, but it made the whole exchange much more difficult for the recruitment agency.
	This compensation, albeit, it's not on par with what it usually are dealing with has certainly helped. We have seen a much better influx of candidates from that particular initiative this year since the compensation was introduced.
BRIAN CUTE:	Thank you very much, Olof. David, then Alan.
DAVID CONRAD:	Olof, do you have any sort of objective metrics to measure the change in influx from previous attempts to post compensation attempts?
OLOF NORDLING:	Whether it's due only to the compensation factor or it's better knowledge of ICANN from the recruitment agency point of view or we apply a better process, it's hard to tell, but it's four-fold increase compared to when we used the same recruitment agency two years earlier in 2011 NomCom.
BRIAN CUTE:	Thank you. Alan.

ALAN GREENBERG: Thank you. My question is for Amy. I was curious about your answer that there is no negative impacts. Certainly within the community, there's been a lot of discussion the perceived relative worth of volunteers who volunteer for the board and volunteers who work in other parts of the organization. There's a (step) function from zero to making that a large number, but a very significant number. And whether that's warranted or not, that's certainly a negative impact.

AMY STATHOS: Alan, you're absolutely right. This is Amy for the record. The impact I was focusing on – and I should've gone beyond it – was the actual procedural impact of those things. But in terms of feedback, yes, there has been some commentary. There hasn't been – we haven't received or sought formal feedback, but absolutely, there's been comment about the differences between what used to be a volunteer board now paid board, and the ongoing work of the volunteers in the community. Absolutely. I apologize for not bringing that up.

BRIAN CUTE: Thank you. Steve.

STEVE CROCKER: I watched this process of recommending compensation go forward. I have very mixed feelings about it and made a point of recusing myself from the votes. My gut feeling is that those of us who are involved in the process ought to be in a position where we can make our contribution without needing to paid for. But I noted that there was a sort of overwhelming decision against – well, in favor of having compensation.

And it was then very clear to me that we would be creating a further divide that some already existed between board positions versus everything else and my tendency sort egalitarianism was a little ruffled,

I should say. So I'm very empathetic with the point that you've made, Alan.

I'm unhappy that we have unpaid liaisons who work side by side doing essentially the same work and we have this sort of two-tier system, and then equally, stepping outside of the board itself, we have people who put in an enormous amount of work in the SOs and the ACs both in leadership positions and in unpaid (unlabeled) positions.

I would hope that we could figure out how to move through that, and it's been a bit of a – I found it a bit painful that it has not gotten the level of attention. So I'll say in a stage whisper if this Review Team made a recommendation that following up on the excellent progress we made on prior compensation (thing) and we moved through that very smartly. We had multiple steps, as Amy described, and we laid out what those steps were and we walked through them in a quite orderly way. I think that was done in an exemplary fashion once we knew what we had to do.

I would be quite warm to seeing a comparable recommendation. I'm speaking for myself, not necessarily conveying the board or anybody else's position.

BRIAN CUTE: Alan and then Carlos.

ALAN GREENBERG: I had a follow-up point I was going to make, but your comment just enlarges the scope by an order of magnitude. And the original comment was going to be it's fine to have four times as many applicants that the search agency could find. We need to try to measure the quality of them. To what extent are (inaudible) people saying, "Hey another

$50,000 a year gig, and therefore why not put my name in for it? It's good money. And I may not actually have to actually work (inaudible)."

Once you start spreading it to the rest of the organization – and I'd be delighted if I get included in that list – how do you differentiate between people who sign up for things just to get the cash as opposed to those who are willing to work anyway?

It's almost a question of if you're willing to put the volunteer time in, you deserve to get some payment. But once you get the payment, you don't have any proof that you're a good volunteer anymore. I don't know the way out of the problem. It would be nice if we could figure out an algorithm.

STEVE CROCKER: That, I think, is exactly what bothered me at the outset of all of this. But having gone partway down that path, I don't think there's any choice but to keep going down that path and just deal with it. Paid or not, we can sort out who's making contributions, who's got skills, who's got the orientation to do that and whether or not they get paid.

I don't know how well we publicize who has chosen to take the payment. Some people are in a position where the companies they work for will say, "Don't take the payment. We'll cover the time that you put in." Others are in a position where the money makes a big difference.

My own situation is yet different from those two, and I won't burden you with it, but there's a lot of different possibilities. But I think we sort out who works and who doesn't and who's got the skills and who makes contributions.

BRIAN CUTE:	Carlos.
CARLOS RAÚL GUTIERREZ:	Yes. Carlos for the record. Before we went into the break or jumped into board compensation, I wanted to make a general comment. The way you are asking the questions, Brian, to the staff, for me, we're coming to a point where we see issues that can be improved over time and issues that require a change – a substantial change, a structural change. As Steve mentioned, new guidelines, etc.

But of course the example of board compensation is very important, because I think these are the recommendations looking at symptoms. It is a recommendation that didn't look at the source. Or maybe they looked at the source of the problem in the report, as you said, but it's just solving a symptom. I think this is one very important issue about volunteering or not. When we had a phone conversation with the candidates of ATRT to Mike Roberts said, well, you have to expect that everybody who is related to ICANN is being paid to be there. The first time I thought it was a very cynical comment, but it's true.

I think the community is, as Steve just said, many people who are being paid by the companies to be here. Okay. So what happens when somebody is a real volunteer and is not being paid by a company to be here? I remember I answered to Mike Roberts I'm being paid, but I'm being paid by my government to be here. They are paying me. They are paying my time to be here. But there are some people who neither have a company nor a government paying for their time.

Steve, when you said what we should talk about, what kind of recommendation, I want to go back to an idea or a question that is put forward in every governance discussion – and I have mentioned it

already twice, and once I think you reacted strongly about that. When we look at boards and governance, we have an experience of 200 years of conflicts of interests. So over the last 30 years there was an idea to have outside directors and separate directors by directors who have a direct interest in the business, and everybody knows and it's transparent and they might be paid by the company or by their related company. Then we have to bring in people who have no such an interest and try to create a balance between outside directors and company related directors.

I think instead of discussing if it's right or egalitarian to pay or not to pay, we should go a little deeper and ask, is it necessary to have outside directors and not? And when we go to these deeper levels, then we go immediately to another level, which is the liability of the directors.

And I have said it before. I don't want to take too much time. When you said about the rationale showing up at the very end, well, that happens through regulation. That happens in public policy all the time.

And we have 100 years of experience in public regulation and we have very clear rules of liabilities of members of public commissions. And I would love if we have some time over the next few months to discuss these issues, because I think there is a lot of experience – substantive experience – of these syndromes. If we consider them, we might come to very substantial recommendations. If not, we will remain on the superficial recommendations, (inaudible) give them money and then we have a lot of issues that we cannot solve. Thank you.

STEVE CROCKER: Let me respond. There's multiple points that you touched on. Let me take the easy one. Let's arrange to sit at the same table this evening at

dinner and we can have – and anybody else who wants to have that discussion, that will be the topic. I don't think compensation is exactly related to independence that you're talking about, and so I think the independence is a separate topic that needs to be discussed. It's kind of a big subject because ICANN is constructed in its multi-stakeholders and we have people who are intimately involved in the business, whether they're on the board or whether they're in the GNSO Council or whether they're at ALAC or whatever.

And so rather than the classic clean separation – so-called clean separation – of government people versus non-government people, and you have the government people in a regulatory position, we've chosen – not just this board, but ICANN was constructed – to be a different animal with respect to the mixture of people who come into it and the conflict of interest conundrum that (inaudible) has been dealt with for better or for worse. I mean, it's just sort of repeating what the strategy is by having at least two mechanisms.

One is full disclosure and transparency and the other is a sufficient range of people so that you don't have capture by one group or another. Now, is that satisfactory when the perspective is we draw a clean line and this is the way we've done it in governments for years and that works fine? That may not feel satisfactory. On the other hand, that is also very intimately tied to governments are in charge. It's a little hard to untangle the point of view that you're suggesting from the classic things should be governed by governments as opposed to a multi-stakeholder model.

CARLOS RAÚL GUTIERREZ: I don't think – I didn't mean to go that far. The point I wanted to make is if you do get paid, you should have clear liabilities. I do want to go all the way down to the government (inaudible). It's obvious that the setup of the NomCom tends to look like, okay, NomCom selects a number of independent board members because the other ones represent directly constituencies. If I look at this (funny) chart – but then we should delve a little bit deeper.

STEVE CROCKER: It's not that clean, in fact. So, if you look – I'll just pick two examples. If you look at (inaudible) in respect to GNSO opens, if you look at a NomCom appointee like myself, because we drew the lines very, very wide, I got swept up in that so I'm viewed as conflicted. It's a little annoying and not what I would have chosen, but I'm not arguing against it. That was the safe thing to do and we did that and I said, "Okay, that's fine."

So we take that conflict very, very seriously, but it turns out to be uneven in terms of whether it's strictly NomCom versus strictly SO and ALAC. We have conflicted people who have come from the SOs and ALAC and we have non-conflicted people who have come out of (inaudible). Sorry. We have non-conflicted people out of ALAC and SOs. We have conflicted people who come from NomCom.

BRIAN CUTE: If I may, the good news is the Review Team members who are participating in Workstream 1 are going to have a lot of time to dig into this issue. And you raise very good points about the structure of the board and the skillsets and compensation, and they are all important and interrelated. But we will have time to dig into that. So let's note that as an important conversation. We need to maximize our time here

today with staff inputs, and that's why we're here is to hear from the staff. So I'd like to nudge the discussion forward. Can we move forward to recommendation number 6, which is a very important one? Any other closing thoughts on 5? Okay. Thank you for moving that up, Alice.

So let me read recommendation 6, and then I'll hand it to you, Amy. Recommendation 6 reads "The board should clarify as soon as possible, but no later than June 2011, the distinction between issues that are properly subject to ICANN's policy development processes and those matters that are properly within the executive functions performed by the ICANN staff and board and as soon as practicable, develop complementary mechanisms for consultation in appropriate circumstances with the relevant SOs and ACs on administrative and executive issues that will be addressed at the board level."

It's a mouthful, but it's important. And just for clarification, the words "executive functions" also translate into implementation. So for those on the line, when you hear recommendation 6, think policy versus implementation, if you will; or policy and implementation, if you will. That's the shorthand for what executive functions means. So with that, Amy, if you could give us your observations.

AMY STATHOS: Sure. Actually, this particular recommendation is one that, as it relates to the question, did it lead to additional discussion points? I think technically – and I'm going to turn it over to Samantha Eisner in just a moment – that the recommendation was implemented as it is technically written, but has clearly lead to a much broader and much more important discussion, which I think has been increasing over time. Sam, if you maybe can give some of the details.

SAMANTHA EISNER: Sure. This is Samantha Eisner for the record. As we started implementing this recommendation 6, I think one of the issues that we ran into and one of the reasons that the deadline that was stated in there was not met, that we really found that there was a nomenclature issue with this – and even going into the ATRT-1 report wasn't necessarily clarified. It would've been very nice if it had stated so clearly what you said today, Brian, because we spent a lot of time trying to figure out what this recommendation was saying and where it lead to and the use of the word "executive function" made it even more difficult because the executive function at ICANN is something that the president does, right? So ICANN doesn't act through its president.

So what we did is we put together a paper that's been published that identifies the different (inaudible) information is needed. I think that would be a useful approach to take.

BRIAN CUTE: Thanks very much. We will do that. Two – at least one question that I assume would come up from the community from someplace is – and I'm lawyer myself, so I think I understand what you're saying – but when you say that ICANN can only act through the board, some might say, well, what the heck does the staff do?

So when we talk about policy versus implementation for executive function, can you just add some context? What does the staff do? What's the staff's role in this recommendation 6 implementation?

SAMANTHA EISNER: Of course. So official actions of ICANN happen through resolution of the board. Staff clearly does a lot of work, and we do things all the time. We act in many ways. We facilitate work. We publish papers. We do the work. And sometimes we make decisions. It depends on the level of

where that decision is as to whether or not it's an official act by resolution of the board or if it's something that's taken – that's done by the staff. We clearly do the work, but the board gives us directives on how to strategically move forward.

(inaudible) I know the GAC had a very busy schedule in Beijing. But I have not reviewed the public comment form to see if there has been any GAC member participation in the public comment. But I think that this is something that we can help take back to the policy team that I know is working really closely with the GAC on issues of early engagement to help get this something that goes up onto the briefing papers that they're providing to the GAC to help facilitate that discussion.

BRIAN CUTE: Lise?

LISE FUHR: My question was the same as Fiona's. But I think it's very, very important that we build into the process before we solve (group) or whatever you call it. We (inaudible) that you get the clarification of what's meant by the recommendation, because I'm a bit worried that you sit and work with a recommendation that you're not absolutely sure what's meant (by it).

SAMANTHA EISNER: Again, ATRT-1 has the benefit of completely blazing a new path, inventing really in the processes and they are very tightly constrained in looking at the whole waterfront of what could be addressed in accountability and transparency and working their way through a defined scope, and this team I think, in some ways, had it a bit easier with all that work done in advance. But that's certainly I think a lesson learned on both sides that we'll certainly build in.

BRIAN CUTE:	And an observation, too, having been on ATRT-1 too. There is a final report. I haven't looked back through the final report of ATRT-1 to see what was there, but there is an opportunity moving forward if we need clarity or another approach. It's not just the recommendations that are up on the wall. There's a lot of work underneath that. They have a lot of interactions that we can take advantage of. Steve?
STEVE CROCKER:	So I'm listening closely to this and I an empathetic with sort of all sides of this. A thought occurs to me, which maybe is helpful or maybe you want to dispose it. But in writing the recommendations, would it be helpful to write kind of on two levels?
	One is "we recommend you do the following" and then add to that an example of or a suggestion for how to implement it is the following with clear idea that that does not have the same weight and isn't intended to be as directive, but it is intended to provide a flushed-out example or fill in some details. And then the people who have to deal with it and implement it, whether it's the board or whether it's staff or whether it's others, have at least some idea of what that mindset was and if they're going to do something else.
	So for example, to pick an easy one, a date certain for implementation of the compensation didn't fit because it turned out there were a lot more steps involved than was anticipated. From my point of view, that's the way it is and nobody should be concerned about that as long as it's clear that we did these and this had to be done. So getting it done was far more important than whether we got it done by a specific date. (It could) separate kind of the basic concept from helpful suggestions as opposed to overly directive suggestions that may accomplish the dual

idea of being clear about what you want and providing the latitude to get the job done.

BRIAN CUTE: That's a good suggestion. I think there's a number of things that we need to explore actively as we move forward in the process and that may be one approach and one tool among others that we can identify that make the feasibility aspect easier. Sorry, I missed Alan.

ALAN GREENBREG: Thank you. I find this conversation fascinating. The core substance is identifying the difference between policy and implementation of DNS policy, of ICANN's (inaudible) business; and yet we're having a meta discussion on how do you implement the implementation of policy versus implementation.

If you look at what GNSO has done and Fadi has done recently, he said that although staff should not be influencing the creation of policy and a PDP, they better be involved in the process because they better make sure that whatever comes out of it is implementable.

Similarly, the GNSO has said after we disband a PDP, we will create PDP implementation group to work with staff on the actual implementation to make sure that there's no misunderstanding of what the word said versus what the intent was.

And I think at the meta discussion of how do we implement the implementation, we have the exact same set of problems and I think we've learned a lot in the two years or three years since the ATRT. If you look at this discussion at two different levels, they're two exactly parallel discussions which are going on at two levels, at one strata and another. Thank you.

BRIAN CUTE: Any other questions from the Review Team members? I guess I'd ask where are thing snow. Where do things stand today on implementation on this recommendation?

SAMANTHA EISNER: In terms of the first item that I discussed, that we had a paper that we published that identified that differentiation between the policy related items, the organizational-administrative functions that require public comment, the organizational-administrative functions that don't require public comment, one of the things that we've done as part of that posting is we have committed that with each action of the board, we identify at the end of the rationale where this falls, so it makes it a little bit clearer to the community what action was taken and just to really make clear – was there a public comment on it, was there not, was public comment considered required?

So that completed the implementation as we understood 6, but that whole policy versus implementation discussion that's kind of been the tangential fallout from the work that we did on 6 is really taking off in the community. David Olive's policy team is really taking the lead on helping to steer that discussion. I know that the public comment was closed on the policy versus implementation paper that was posted. I believe that there will be some community – or there's likely to be a community working group coming together to really start focusing on that specific issue. So that work continues and we can – you might want to ask that of the policy people that you'll meet later today, because I think that they'll have further in for you.

BRIAN CUTE: Thank you. Anyone else online or in the room? I'm looking for hands. Yes, Olivier.

OLIVIER CRÉPIN-LEBLOND:	Thank you very much, Brian. It's Olivier Crépin-Leblond for the transcript. I just wanted to record my wish for this subject to be discussed by the ATRT-2. I think it's a very important subject and we certainly need to keep a close eye over it.
	Certainly one person's policy is another person's recommendation. Or is it one person's terrorist is another person's freedom fighter? Whichever. There seems to be various points of view on this, and certainly the GNSO is working on that. There are several debates going on at ICANN and I don't think we've reached the end of the rabbit hole yet, specifically because of several incidents that have taken place recently. Certainly the CEO's work on one of his working groups was seem as being implementation, but policy was addressed and also another of small incidents like this. I'm not going to go into them, but I think we all know which they are. So certainly pursuing this and keeping a close eye on that would be a recommendation I would be suggesting to the group. Thank you.
BRIAN CUTE:	Thank you. Okay. We still have I think about an hour left and we had 14 plus 1 in the agenda in item number 4. So 15 total. We're through 6. Shall we plow forward? Recommendation 7. Amy?
AMY STATHOS:	Fairly quickly, I think we can do 7 and 8 at the same time. Eight is simply the circumstances where materials would be redacted, and those are published. Moving to going back to 7 in point one, which is actually the materials that we're talking about that would be redacted.
	Sam can kind of give you the details on when these things happened. We are in the process of evaluating some metrics on this in terms of trying to determine how many people have actually reviewed the

material that we now post, along with the minutes. The click-ons in terms of whether people have actually opened up and looked at the materials that are all now being published. But we are now publishing all of the board briefing materials, and subject to some minor redaction requirements. I don't know if you have any specific details on it, Sam, in terms of timing.

SAMANTHA EISNER: Sure. So as we saw the HRT performing its work and releasing some of its initial recommendations and discussions, actually beginning with the April 2010 meeting of the board, we started posting board briefing materials. So we actually started posting the briefing materials prior to the release of the final report. We saw the value in what the ATRT was going towards.

That practice has been refined. After the ATRT recommendation was released, we saw the tie-in with recommendation 8, which asked for some specific guidelines about the redaction of the board briefing materials and so our practice of how we redact information, that we felt as an organization we needed to redact. We already have the documentary information disclosure policy, which gives some defined conditions for nondisclosure and that is the initial basis from which we perform any redactions over the board briefing materials.

We then publish those guidelines as almost a subset to the (inaudible) to provide a little bit more information about how that ties into the types of information you'd see in the board briefing materials. And now when you see the posting of the board briefing materials, we don't just say redacted. We give a reason for each redaction.

So it could be that the resolution was overtaken, so we don't want to confuse issues by putting in a resolution and board briefing materials that are substantially different from what you'd find in the actual resolution.

We also redact employment materials. We redact information that relates to (inaudible) security. We have different items that we redact. But you will see a reason for each redaction, not just the one redacted. So we try to enhance the transparency around our redaction practices through the opportunity to have the guidelines put together.

The guidelines I believe have been in place since March 2011 I think and we always provide a link to the guidelines whenever we post the briefing materials, and those briefing materials are made available along with the approved minutes of those meetings.

BRIAN CUTE: Thank you. Let me ask – Alan, please.

ALAN GREENBERG: A couple of short comments. First of all, do you believe – it's a perception issue – that we now change the DNA, so to speak, an expression that we've used often enough, to one of disclosure instead of one of redact unless we have some reason not to. Because really, there was a default position before that said redact pretty much everything. Or never mind redact, just don't make it available. So that's the first part.

SAMANTHA EISNER: The challenge – very quickly after the release of the ATRT report – and it could've even come before. I don't recall where it came in within timing. But I know that I have personally been challenged by my bosses to flip the question, and the question should be – it's not "Why should I make

this public?" But the question should be, "Why wouldn't I make it public?"

And so, when you look at things from that lens, it turns it. It turns the presumption to something should be public, and then you only take away those items that you analyze carefully should not be made public.

So we no longer come from a default position to the extent it was there before. But we no longer come from a default position of this information will not be released unless we find a reason to make it public. I think that that's something that we've really put into our DNA, at least from the portions of the organization as (inaudible) that helped perform those redactions.

ALAN GREENBERG: I'll point out that, at least one case I know about, something that was redacted perhaps with cause at the time, when an active policy working group was trying to get it unredacted, we had one hell of a time. We can talk about specifics.

The other issue I'll talk about – and you gave an interesting perception of redacting a proposed motion or briefing document because the motion had substantially changed by the time it was actually passed.

I personally would think that seeing that motion with a big black thing on top saying, "This motion was replaced," adds value because it does demonstrate the thought processes and the change in how the board and staff viewed the issue as it went through the board process.

BRIAN CUTE: I was going to ask both at the staff level – and I think you provided one answer and of board, Steve, if you're willing to respond – the effect question. What has been the effect of this recommendation, again

either positive or burdensome or neutral? Flipping the assumption, to me, sounds like that's one effect, however you judge that. Are there other effects that you've seen of the implementations of this recommendation at your level? And Steve, on your level as well.

SAMANTHA EISNER: You know, it's hard to figure out other effects. One of the things we're trying to do is to determine how much of the materials are used. We really don't have a good sense on that. I've had some discussions with our web master and the board briefing materials are provided in links to PDFs. It's harder for them to provide meaningful numbers to that as it is to provide links to numbers of hits on an HTML page.

We don't really have – we can't figure out at this time if there are really good or negative external effects regarding the publication of do people use it? Do people find it helpful? That, I don't know.

Internally, I don't know that there are many other effects. I know that once we know that board papers are going to be made public, we try to make sure that they're well-written. We always tried to make sure they were well-written, but we want to make sure that we're presenting material in a cohesive fashion, and so I hope that to the extent they are released that people find them to be helpful (inaudible).

BRIAN CUTE: Thank you. Amy.

AMY STATHOS: Just to add to your question about other effects. Now it is just standard operating procedure. At the time, it added significant revamp of the processes that we followed, additional work and resources that were required to get to that point.

But at this stage, it's just part of our operating procedures, so we don't see or consider it as an effect or an additional resource. It's just now something that we do as a matter of course.

BRIAN CUTE: Thanks. Steve.

STEVE CROCKER: Yeah. So this is another one of those cases where what things you expect from the outside versus what it looks like from the inside. So let me share with you really grungy, mundane details. One of the things that I focused a lot on was the fact that we had a repetitive syndrome of meetings that got out of control, of board meetings that ran hours and late-night drafting sessions that ran until 3:00am. And I said we're going to kill this. And not just by saying we're not going to do it, but by actually understanding the syndrome of what was causing it. So that gets to the heart of these things that change from the time that they're first prepared to the time we actually pass that.

My diagnosis – and I use first person here because it's something that I drove and I don't know whether or not everybody else shared it, but I felt very strongly about it – is that we were winding up in a situation where some board members were beginning to think about the issues during the board meeting. So there was a lack of preparation and a lack of thoughtfulness – not just thoughtfulness, but preparation and attention.

So I've tried very hard to get control of that process, and the key mechanism is to say it's perfectly okay if we have differences of opinion, and if the vote comes out to be less than unanimous or even goes down, that's fine. But get your positions organized in advance. Do not

do this in real time while we're having a board meeting. That's an abuse of our time and each other.

So I've tried to move that kind of discussion into separate venues. Typically, board discussion calls. Consequence for this discussion is that means those things are taking place in some sense off stage, and so the question of, "(inaudible) you'd like to see the documentation of the transition?" is actually less accessible, in a sense, because by the time it comes to the board, I'd like it to be packaged up, documented and so forth. But it means that some of the interplay that you wanted to see isn't there.

Is that a lack of transparency or is that a necessary piece of efficiency or whatever? You get to argue that whatever way. But I thought I would just share in the spirit of being completely forthcoming about it.

How the thought that you are putting forth actually is interacting with the other changes that are in process – I'm trying in many ways to make the board's actions uninteresting, as I think they should be. I think all of the interesting stuff should take place visibly elsewhere, and by the time it comes to the board, there really shouldn't be a whole lot of mystery or drama even though I know that people look at the board as the final determiner, and therefore they'll come and put petitions in front of us all. I think all of that is fundamentally wrong. I think what the board should be – and I think what everybody wants the board to be – is not the first court of decision-making with respect to policy or substance or anything else. All of that should be done by (inaudible), even though we on the board are absolutely the most knowledgeable people and we could make those decisions. But we shouldn't, right?

BRIAN CUTE: Thank you for that, Steve. Let me –

(PARTICIPANT):   Put for the transcript irony included, right?

BRIAN CUTE: Smiles in the room. Let me just follow your points clearly. And I think you're saying is that one of the problems – or perceived problems – that ATRT-1 focused on was this notion of a black box, that the board is a black box. Input goes in and then a decision is made in the dark and the output comes out and nobody understands what went into the decision itself.

                       So I think you're addressing that and I think I'm hearing you say that implementation of these recommendations 7 and 8 may have had the unintended consequence of affecting the board decision-making process in the flow, if you will, that created these calls that are not necessarily – am I hearing you correctly that there was an unintended consequence here?

STEVE CROCKER: Actually, I don't think there's any coupling between what I said and 7 and 8. I think that, for other reasons that I described, that I wanted to get control of this sort of (ungamely) process. The effect is, just to Alan's point of wanting to see changes, that that's no longer accessible in the same way because that's not where it's happening.

BRIAN CUTE: Thank you for that clarification.

STEVE CROCKER: (inaudible) redaction question.

BRIAN CUTE: Alan

ALAN GREENBERG: Steve, you asked a question. Is it lack of transparency or more efficiency or – I don't remember the other ones you gave. I think the answer is all

of the above. What you've described essentially has had the net effect of probably taking these recommendations and having them have far less impact than was envisioned, because it was envisioned that this would give a far better view of how the board is making these decision processes and through a completely parallel process. Some of that has gone into a black box, I think was the term you used.

And I think it's something we're going to have to (handle) with. The last thing we want is an ineffective board and poor use of time, and at the same time, we can maintain some level of transparency. It's a goo challenge.

BRIAN CUTE: Jørgen.

JØRGEN ANDERSEN: Thank you, Brian. Jørgen speaking for the transcript. I think the discussion on these recommendations raises some very interesting challenges for us, because I think it's fair to say that the processes within ICANN have improved substantially with respect to enhancing transparency. An enormous amount of information has been made available so that everybody can have a look into it.

It strikes me that this in itself might have the same disadvantages that might need to another type of black box, because the amount of information is so overwhelmingly big and comprehensive that it is completely impossible for those wanting to have an insight to get a view of what is really happening.

So you make a bombing – carpet bombing – of those interested in following the processes (inaudible) information. We have a (inaudible) expression, and I don't know whether the translation gives any meaning

to you, but we say that you cannot see the forest for the trees. And I think, to some extent, we run into this dilemma that going from one black box, you enter into a situation with another type of black box.

This is not – my comment is not directed to what you've done in the secretariat of ICANN, because you have done as the recommendation advised you to do, but I think it could be an interesting topic for this team to discuss. Are there negative side effects of implementing the recommendations as they are phrased or could you imagine that you could do something different?

When we want to have transparency, it's also a question about if we want to enhance inclusion. We want to make sure that the whole Internet society, also those parts of society which are not (inaudible) governments have a better understanding what is going on here.

When ICANN is criticized, the multi-stakeholder process is criticized, it's because – one of the arguments is lack of transparency. Could we be honest and say, "Now we have created the transparency, your complaints are not justified anymore"? I think we couldn't get away with doing that, because at the end of the day, it's not the form of transparency which is key. It's the perceived transparency. Perception is reality. Don't forget that.

This maybe applies to all the recommendations, or many of the recommendations and implementation, but I think that we should take note of this and try to see in our final report to address this one way or the other. Thank you.

BRIAN CUTE: Thank you. Denise.

DENISE MICHEL: A few quick observations. I think your comments are very insightful and very useful and we should all follow up on them in greater depth. So we see improvement of transparency. Well, transparency is undefined, so it makes it harder to measure, it makes it harder to achieve success and finality. It's a continuum, and it is indeed a perception rather than something concrete. It makes it even more challenging.

I think even before the ATRT-1 recommendations, looking at just a range of other organizations, profit and nonprofit, ICANN was really at the top of – in terms of just the sheer volume of information and the accessed if that the public had, assuming they could find it on our website.

To that point, we created myicann.org just to get to the issue of pulling out more critical salient information and delivering it to people in a way that makes it much more useful. So I'll put a plug in here. If you don't have a myicann.org account, I would encourage you to go to that site and create one and have the things that are of interest of you delivered to your inbox. So that's one way we're trying to get at the "too much information is hurting" transparency.

Then finally, something that I've observed over the years that also makes it more challenging is there's a plethora of one-off changes and recommendations and improvements in a lot of different areas and a lot of the iterative work that contributes to a massive amount of work for staff and community and a massive amount of information.

One little example is the over 1,000 different answers that this group asked for just for today and tomorrow and the massive spreadsheet – one of three – that you have. There was a significant amount of work

that's generated when small changes and improvements are made throughout the organization. Some discussion and guidance on how to get a handle on that would be useful too.

BRIAN CUTE: Thank you, Denise. Oliver?

OLIVIER CRÉPIN-LEBLOND: Thank you very much, Brian. It's Olivier Crépin-Leblond for the transcript. I have a mixed back to open up of praise and complaints at the same time and comments and suggestions. The first one, with regards to Steve mentioning that the board itself should not just suddenly open up the material and make a decision there and then, I fully support the fact that you want (certain) leads on your board and subcommittees that will be working specifically on things and going into depth into whatever needs to be discussed.

But what could happen – this is a suggestion – is for the material that they work from to be treated in the same way as the board briefing material, so that you could have the same level of transparency in your sub working groups as on the overall meeting of the board. I'm not sure where to find the – I don't think that the…they're not posted. That's one thing. And that would certainly bring the transparency all the way from the meeting of the board itself, but also meeting of the working groups, etc. And that might even lighten the load that you have on the board itself. So that's one suggestion.

With regards to a classic example of policy versus implementation, the policy was to make all the board briefing material available. The implementation is that the last briefing of material that was posted was from the 28th of February meeting. More recently, there hasn't been any briefing material, so I don't know why this is the case, whether

there's just overwork – and that might be just a…so that was one complaint.

The other thing, I noticed that the board briefing material is classed as 1, 2, and 3 and with 1 being the overall – in fact, I've just read it now so I don't know whether – 1 is the board papers and one-page overview sheet for each paper; 2 is the proposed resolutions and parts 3 is the reference materials – in-depth reference materials. I think it's an excellent thing to have them in this fashion. Is this going to be standardized? Because I've noticed a previous board meeting, there are four parts rather than three. And if it is going to be standardized, I would fully support that.

BRIAN CUTE: Sam.

SAMANTHA EISNER: Thank, Olivier. So to the point about when the materials are posted, the way that this has been implemented is that we post the board briefing materials alongside the approved minutes for that meeting. So it's not a case of delay on staff side if the minutes are not yet posted for, say, the meeting in Beijing because we haven't yet approved the minutes for that meeting. As soon as those minutes are approved, ICANN is obligated by its bylaws to post those minutes within a business day, and (inaudible) to that posting, we post the board briefing materials. So that is the expected timeframe within which those will go up.

In terms of how the information is divided, one of the things that Steve has been a big champion of is making sure that the board briefing materials as they go to the board are presented in a useful and a meaningful fashion. We've seen some evolution in the past year or so in how the materials are actually provided to the board. We had for a long

time a very standard practice of the annex papers – the high level papers and the annex papers – we're revamping (inaudible) to make it a little bit more useful presentation. We hope to get to a standardized format of that.

One of the things that you'll see if you have places where information's presented but there's 1, 2, 3, 4, sometimes there has not been the opportunity to create a formal board book in advance of the board meeting, and so we don't use that as a (inaudible) to not presenting the information to the public. Sometimes we have to just post the (singular) papers as they came in. And so it's hard to standardized based on how the information was produced to the board, but we do our best to get the community the information that was considered. So whether it has to be in the form of a separate paper so we don't actually change the board book that was presented to the board, that's how it goes out.

BRIAN CUTE: Thank you, Sam. Olivier.

OLIVIER CRÉPIN-LEBLOND: Thank you, Brian. It's Olivier here. Just as a follow up then, is there any reason why the board briefing material is not posted before the board meeting takes place? Is there a reason why it would only be posted when the minutes are approved?

SAMANTHA EISNER: One of the reasons for that is you'll find that the board's agenda changes, so you'll have – (inaudible) reposting agenda and we have a board briefing packet that aligns to that agenda. But if there are items that, for reasons of lack of a pertinence of the board or really a determination things need to go a different way or for many various reasons, items are actually not considered at the board level. It's premature to release that information because the board has actually

said, "No, we don't want that information now." And so that's why we time it with the minutes, because then it's clearly tracked for the items that were discussed at the meeting and considered. So the board briefing materials as posted go to the information that the board considers at the meeting.

BRIAN CUTE: Steve.

STEVE CROCKER: (inaudible) thinking about this. We do post the agendas, right?

SAMANTHA EISEN: Yes.

STEVE CROCKER: So I'm going to take the other side of this, just to change hats here. One could logically ask, as long as the agenda's been posted, then we owe – don't we owe the community a disposition of all of the things that were on that agenda even if they were not passed or they were sent back or they were modified just in order to provide a continuity of story, if you will? And if you take that and push it all away, one could argue - I'm sort of channeling your point that I'm sure you'd make, Alan – that with that agenda is the prepatory material and if we push back on it, then why wouldn't we be forthcoming about the fact that we pushed back and here's (inaudible), and when it comes up again, then you can see the differences and so forth. Did I get it?

ALAN GREENBERG: I was going to offer something in between. If what you're proposing is not viable for some whatever reason, then at the very least, when the motions are published, when the resolutions are published which is supposed to be within a day or two, then the briefing material associated with those resolutions could be published and if you hadn't

addressed something, then those disappear. I'd far prefer what you said, though.

STEVE CROCKER: So far as I can tell, the delay in getting the minutes out divides into two parts. One is actually producing the minutes and the other is waiting for the next board meeting to approve it, which is some arbitrary amount of time. And I really would hate to call a board meeting just to approve minutes. That's an extensive heavyweight operation. But in some sense, that's an unnecessary delay. So I don't have an immediate solution, but it got my attention on it. It's a detail.

BRIAN CUTE: Denise, and then Olivier.

DENISE MICHEL: Just to add some anecdotal points to feed into this discussion. Sometimes an agenda item is posted and then staff needs to seek more guidance and information from board members or the subject matter experts on the board – whoever is leading the discussion on the board – as to what's expected, what's needed, and what they actually want to do and what information they need and so more material is certainly not always ready when the agenda is publically posted. And we want to post the agenda as soon as possible to get the community as much heads up as possible to let them know what the board is doing in advance. But the board material is not always synched up to the agenda item. And I think for those reasons.

In addition, there are times when – and I think, for example, the WHOIS Review Team resolution and supporting board material is an example of this – the board members wanted to take additional time after their resolution passage to make sure that the rationale and the supporting material reflected the range of views and guidance that they had on the

WHOIS Review Team policy, and then they actually used the annex to the board paper to document and refine their specific guidance to staff. And that took some time after the resolution, and so there are certainly instances like that when the material is just not – is being used for more in-depth purposes and is not completed in time to post with.

BRIAN CUTE: Oliver.

OLIVIER CRÉPIN-LEBLOND: Thank you very much, Brian. It's Olivier Crépin-Leblond again. I'm sorry to be pushing and hitting the nail again, but there is a process here where you have an input for processing entity such as the board, and output. And I think you very well described the output and the fact that there could be more output that the board generates and that's certainly very helpful.

But on the matter of the input itself, I'm concerned. And we've established earlier that we're not only dealing with transparency, but also with the appearance of transparency – the overall what it looks like from an outsider's point of view. If the board resolutions are published right away, which they are, it is very difficult to make a compelling case for not releasing the input from which those resolutions where worked out. And this is why I'm asking whether it would be possible to have that input published at the same time. In the meantime, until the minutes are approved, then you end up with resolutions that have been voted, that have been decided, but with very little question – very little understanding on what basis those were made, and as you know, conspiracy theories, etc. are abound in this environment. It certainly is not something that reflects well on the process.

BRIAN CUTE: Thank you, Olivier. Sam.

SAMANTHA EISNER: (inaudible) take the point that our implementation of all these recommendations is, in some way, an evolving item and we're surely interested in hearing ideas of how things can be improved. So we'll take those back.

BRIAN CUTE: Thanks, Denise.

DENISE MICHEL: I think we wandered from assessment of the commitments and recommendations and work to problem-solving which is going to be a challenge if we keep on this road. And I think also it would be useful for the team members to think about the information you have and then think about additional information you want. It would also give staff more time to think about the process and points you raised more deeply and come back to.

BRIAN CUTE: Okay, thanks. Avri, welcome to the room. Avri Doria is here. Glad you made it. We are working our way through 14 recommendations. Staff is giving us their overview of, at a high level, the effectiveness – positive, neutral, or negative. Or the effect, I should say, of implementation of these recommendations. So we'll carry on for the next half-hour and then take a break at lunch.

Yes. Anything else before we move onto the next. Fiona Alexander.

FIONA ALEXANDER: It's Fiona Alexander. Just a (inaudible) question. Recognizing that Steve's trying to run a much more efficient board and getting people prepared for the meetings is just to be admired. I may have missed this in the discussions and the website, but these discussion calls, all the material for that, none of that is public and the records of that, are they not public in any way? Because the recommendation is the board

should probably publish all appropriate materials related to decision-making processes. And it says "including." So it doesn't say this is an exhaustive list, just to be (inaudible).

I'm just a little bit curious about your thinking. Again, what you're trying to do makes a lot of sense, but the consequence of has it lead to some lack of understanding.

SAMANTHA EISEN: The process of the board information calls wasn't really in place when we did the initial implementation of this recommendation. I know that we've started having conversations about how do we handle transparency issues surrounding the board information calls, so that is something that is already within our eyesight here.

BRIAN CUTE: Steve.

STEVE CROCKER: At the risk of perhaps an evolving discussion – but I recognize the question that you are asking when I introduce the board information calls and response and I said that might actually provide less information. But I think – I'll have to go look and see exactly how this works. But in principle, here's what goes on.

You've got a board of 20 people who are busy and of very different natures and some are very careful to do their work in advance, and others do their best work when they are in interactive discussion mode and like to have an oral discussion. It's a real mix.

So the main goal that is being addressed with these board information calls is the learning process, absorbing the material and thought processes that each of the board members goes through. There's some discussion that goes back and forth about that, and maybe on some

occasions there might be some shifting of opinions. Or much more commonly is reduction of uncertainty of somebody that doesn't understand something or they don't understand the consequences and it all gets explained.

The input to that process in (inaudible) forms of written materials are, as best I could think, perfectly reasonable to make completely public unless there is an explicit reason. We have mechanisms for (inaudible) executive privilege or compensation or a discipline or whatever, which are rare and very circumscribed.

So I don't immediately see any reason why the materials that are available to the board members for those discussion calls shouldn't be publically available. The calls themselves, one could ask, "Should those be public?" And I guess the same question has been asked (years past) about whether board calls should be public as well. We've not gone down that path. Personally, I think that it would stultify and would not be a net improvement, and in fact, what would happen is it would cause any real discussion that has to take place to go elsewhere. And that's a common problem with over amounts of transparency. I know it happens in government as well, that if everything's on the record, then you go elsewhere and have some discussion. I'm sort of meandering around.

Anyways, to the point about making the materials available, I don't see any problem with that. Maybe I will come to understand it differently after this discussion. I think it would be possible to get pretty close to the expected level of transparency. The level of transparency was expected when the recommendation was written.

BRIAN CUTE:	Thank you, Steve. Alan and then I'm going to move on so we can hit the rest of them.
ALAN GREENBERG:	Very short comment. As a first move as a prelude to that, just publish the existence of these discussions. They're not on the board agenda right now. If nothing else, it would give perspective board members a better idea of what is involved and what board members can participate in.
STEVE CROCKER:	I do need to add that we have quite a different process for the board discussion calls. They are not obligatory. They are for the purpose of being helpful to the board members as opposed to an obligation or a duty for them. So they have a somewhat different flavor. I'm not pushing back, but the expectations around them are not the same as "we're going to hold a board meeting, here's the agenda, come prepared, and this is what you are obliged to pay attention to by virtue of holding the position – despite the fact that we're paying you, but this is your job." But the other is a kind of softer mechanism.
ALAN GREENBERG:	A fair caveat to add in the disclosure.
BRIAN CUTE:	Thank you very much. Okay, let's move on. I think we're at recommendation 9. Is that right?
AMY STATHOS:	We actually skipped in terms of—
BRIAN CUTE:	Oh, right. They're not sequential.
AMY STATHOS:	There are a couple of different ones and I just want to get the sense of the group here as to which ones you want to take, because I think a couple of them might take up the rest of the time we've got.

BRIAN CUTE: What have we got left, Amy?

AMY STATHOS: So I think number 20 which talks about ensuring that all of the inputs have been received in the policy-making process are then considered by the board. And then there's 23 and 25 which discuss the review of the accountability structures. So I don't know if there's one that you would like to go through first. The other few I think could be really fast, but I thought number 7 and 8 would be fast and that took 35 minutes, so…

BRIAN CUTE: But worth the time. So there's 20?

AMY STATHOS: Number 20. And then there's 23 and 25 that are together.

BRIAN CUTE: On the review mechanisms and the review process. Okay.

AMY STATHOS: Right. And 26 can be talked about in that same vein as well.

BRIAN CUTE: Okay. I would certainly start with 20. I think that's – if we can keep that up on the board. So the board shouldn't share (inaudible) necessary inputs that have been received and the policy-making processes are accounted for and included for consideration of the board. To assist in this, the board should as soon as possible adopt and make available to the community on mechanisms such as a checklist or template to accompany documentation for board decisions that certifies when inputs have been received and are included for consideration by the board.

                        Yeah, (inaudible) hit that and then we can move on.

AMY STATHOS: So Sam will take that one.

SAMANTHA EISENE:	To implement 20, what we did is we put together a decisional checklist. We put together three versions of it. One for the GNSO, one for the ASO, and one for the ccNSO. As this one was reverting policy-making processes, we thought that it was important to tailor it to each of our policy-making organizations. And so we put together a decisional checklist, and what that does is it provides a comprehensive overview of the different public comments that were – different public comment processes that were held for each one and provides an opportunity not to necessarily redo your summary analysis of those public comments on each one, but to identify some of the key voices in support, key voices in opposition, as well as opportunities for outreach.

So we all know that within the public comment processes, public comment isn't – or (inaudible) policy processes, public comment is not necessarily the only way that voices get heard. And so we have in there how outreach was undertaken and if any groups were identified for outreach and whether or not they provided any input.

So what happens for each one of those – and we sent each version after it was developed to the relevant SO so that they could look at it and see if it actually was reflective and could be useful for their processes. So it's not necessarily for the SO to use, but we wanted them to vet the outcome of that as what would be provided to the board is kind of the summary over all of the documentation that you give to the board.

And so we have just recently, after a period of time, we've just received some refinements from the ccNSO that we'll be taking into account and putting into practice, but we have had the opportunity to actually use this because policy decisions – recommendations from the GNSO or

from the other SOs on actual policies don't come to the board that much. And so we've had recently a GNSO consensus policy recommendation that came to the board and we had the opportunity to use this decisional checklist for the first time. So that's in place now.

BRIAN CUTE: So let me ask a question this way. In terms of the effect – positive, negative, neutral?

SAMANTHA EISNER: I think that there hasn't been enough opportunity to weigh the effect. I think there really is not a possibility for a negative effect on this one. I think that there is, in some ways, a very positive effect in the ability for someone to quickly look and say, "Okay, here in one place I see all the different opportunities that we had." And it's another way to help vet the process. Did the process happen the way it was supposed to?

While it doesn't create new processes in and of itself, I think it's positive in the fact that it gives a really quick opportunity for anyone, including the board, to see how this has happened, because sometimes these processes go on for years and so it really is the compilation of how that happened.

BRIAN CUTE: And it really is accounting oriented, if you read the languages. Are you accounting for all the inputs and the necessary inputs from the processes? So that's clear.

But stepping back from that and looking at the processes themselves, since you've begun to focus on them through this task, have you seen improvement in the processes themselves in terms of inputs getting in in a timely fashion, community perception about the processes being fully accounted for?

SAMANTHA EISNER: That's a little bit more difficult of a discussion to have I think. In terms of the ASO, they have a very well-vetted process. They have the (RARs) that have public comment opportunities. They've already – within the RAR and ASO world, they already kind of have this matrix that they present to you when they have a global policy recommendation. And we haven't gone in and evaluated whether or not that's (inaudible) or not. We know, because of our relationship with the ASO, that's how they do it.

I think the one big place for opportunity for improvement and that improvement has started happening is within the GNSO. The checklist reflects the new policy development process that is in place within the GNSO and I think that partially, because of the ATRT recommendations and the discussion that's been happening, particularly with the GAC, there has been a focus on making sure that the inputs are there and the inputs are there in a timely fashion. There's a lot of room for improvement, but I think that that also goes to the work of the Structural Improvements Committee and performing the structural reviews that come out.

There are many different places for that effect to be measured, and I'm not sure that by review of this decisional checklist we can give you the best (measure) of that.

BRIAN CUTE: Thanks very much for that. Jørgen.

JØRGEN ANDERSEN: Yes. Thank you, Brian. Jørgen speaking. (inaudible) to follow up on the question you raised, Brian, about what are the contents actually of this particular recommendation 20. Is that a recommendation only related to procedure? Is it a checklist about you should make available the

contents of the inputs made? You should make sure that if it is transparent which inputs have been received by the board and which inputs are included for consideration.

This is the input side. It is evident that the board's decisions are available, but the calculation in between on the basis of the inputs received, what are the contents of the considerations? Is that particular item covered by that recommendation – do you consider that to be covered there or is it done elsewhere?

SAMANTHA EISNER: The outcomes in the board decision-making and how the board considers those inputs really are part of the rationales that are provided. This ties very closely into the provision of rationales, and so where you'd look for whether or not inputs were considered, that would be there.

BRIAN CUTE: Jørgen. Thank you, Sam.

JØRGEN ANDERSEN: Maybe to be more precise, while I appreciate that the rationale behind the board's decisions are made available – publically available – but comments on each individual inputs which is received, is that available? Is there a process where you can see – you've given input to the process and you don't see that reflected in the final decision made by the board and you cannot see it in the rationale why your input was not taken into account. Can you see (there)? Is any input reflected or addressed on the material received? Thank you.

SAMANTHA EISNER: So this is really a matter of how things roll up to the board. We have a policy – we have the policy development processes, and as part of the public comment requirement of those processes, ICANN staff, when we

review the comments received – if you take a look, for example, at a GNSO preliminary report, a final report, on an issue, within there they incorporate the summary and analysis of public comment. We have for every public comment a required item before it closes as a summary analysis tool, and our summary and analysis template that we put in place because of the ATRT-1 now requires us to identify every single input that was received. We don't have to necessarily provide substantive response to each one. You can group them logically. Sometimes you'll find (strings). But it's within those summary and analyses that you'll see those comments coming in.

And so when something is done through the policy development processes, in the first instance, the responsibility is with the group that's developing the processes to take those items into consideration and to develop their policy recommendations based upon that.

They fail to account for all of those in the different reporting that they receive, but they view the weighing of that in the first instance. ICANN then, before the board takes action on items, puts it out for public comment. So if there are further public comment that has specific items to respond to, we would have that again accounted for in a summary and analysis of the public comment, which would be provided to the board.

But because of how things roll up through the board, I can't think of an appropriate instance where the board would say, "Because X person said this in one of the initial stages of the policy development process, that's why we did it," because the board gets it at a much different level. The board gets it after the policy recommendation has already

been vetted. So the board has to rely on the fact that the supporting organization itself has taken those into account. So it really is a dual level issue.

BRIAN CUTE: Thank you. Steve, did you want to?

STEVE CROCKER: Yeah. So everything that Sam said matches what I would say. I want to add just a tiny bit about the tail-end of the process and what it looks like in the sort of real-time aspects of what do board members do.

So there are two things. We do not individually write opinion papers as if we were Supreme Court Justices in writing extended fresh things. We do have a presentation of the resolution and an opportunity for discussion. Sometimes there is no discussion. Sometimes there is some general discussion and it could be whatever it is. As I indicated earlier, my orientation is that it should not be the first opportunity to have a fresh discussion. If there has to be that kind of discussion, it should take place at a time and place where we've got the time for it.

Then we vote, and in the voting, it is standard practice to ask anybody who abstains or who votes no – although those have exactly the same effect from a (inaudible) point of view, people choose to sometimes abstain and sometimes vote no depending on circumstance.

But we make a practice asking if they want to add anything to the record, and on some number of occasions, people will explain why they've taken that position and that goes into the record and that's a very important and valued part of our process. And on rare occasions, there will be an impassioned speech, if there's a closely divided thing. But that's not the most common thing.

But somebody will say, "No, I think this is really wrong and I've thought about it and here's why," and they'll put that on the record. It's certainly logically possible that somebody would make a speech about why they voted yes. We may have one or two instances, but that would be extremely rare, because basically it's all laid out in the rationale and they're agreeing with it, so there's not really as much motivation to say I have to give my own speeches to why I agree with everything that's been said. Last comment I think.

So those are the elements of that. But as Sam said, by the time it comes to the board, there is not a dissection of "this input caused me to think this way and that input caused me to…" All of that is supposed to have been well worked out and the board really is not trying to function as a fresh decision process or value judgment process. It's really much more in terms of is the process complete, do we understand it, does all that make sense? Once in a while, there is some big issue that causes deeper (iteration).

BRIAN CUTE: Thank you. Jørgen

JØRGEN ANDERSEN: This is Jørgen speaking again. Just to be sure that I understand you clearly and correctly, from what I heard Sam say, she said that each individual submission of comments is addressed in the – I forgot what you called it. Yeah, summary analysis. And this summary analysis is part of the material submitted to the board. That means, if understand it correctly, that if board disagrees to what you have written in the summary analysis, there is a possibility to object and say, "Well, we don't agree with this summary analysis, so we want to come to a different result than what you said." That's important to me that the

whole process is transparent and it's of use to everybody what's behind (inaudible). Thank you.

BRIAN CUTE: Thank you. Lise.

LISE FURH: I just have a question for the summary analysis. Is that just a summary of the remarks made by the different people or do you analyze it and make your advice on to follow this comment or not?

SAMANTHA EISNER: So it is two parts. It's a summarization of the comments received as well as an analysis and that analysis includes next steps and includes recommendations of how to proceed.

And so particularly within the policy and development processes, you'll see this reflected in two places. You'll see it reflected in both the summary and analysis report of the public comment – and I'm speaking about the GNSO process here. It's the one I have the most experience with. You'll then also see it reflected in the reports that come out of the PDP working groups, because in there, they really do dig in and say, "These portions of commenters disagree with this part because…" And they'll really weight that, and then the working group itself comes out with recommendations based on that. So you'll find both portions of both summary and a substantive analysis of what was said and how that might lead to your recommendation to move forward.

BRIAN CUTE: Yeah. Lise.

LISE FUHR: I just have a follow-up question, because I know this is according to the board, but when you have other comment periods, do you do the summary then also and do you do the analysis too and publish that?

SAMANTHA EISNER: If you look on the ICANN public comment page, which you can find easily off the News and Press section, a public comment forum cannot be closed, cannot be considered closed until it has the summary and analysis report put in. So it is a standard part of our process.

BRIAN CUTE: Thank you. Amy.

AMY STATHOS: This is Amy Stathos. Just to add a little bit to that is that there are different levels of depth that the analysis goes into, depending on the public comments that aren't necessarily (inaudible) to a PDP itself.

So for example, the summary and analysis of the comments related to each stage of the Applicant Guidebook for the new gTLD program were hundreds of pages long, and you will find others that are not as in-depth and as detailed because each subject matter has a different level of calling for detail.

BRIAN CUTE: Thank you. We have a few minutes left and I don't mind going a few minutes over past the noon hour here. But, sorry. Fiona Alexander.

FIONA ALEXANDER: I just have one question about the checklist, which I haven't seen so I apologize. I haven't paid attention to that. When you describe the checklist, you described just the checklist for the SOs, right? There's nothing for any advisory committees or anything like that? And I'm sort of wondering why. The wording again says policy making, but it could have been policy development. I don't remember the wording (inaudible) drafting. But just your understanding as to why it was just the SOs (inaudible) understood you correctly.

SAMANTHA EISNER: Sure. And we can get a draft checklist or one of the checklists circulated to you guys and we can get all three of them. Understand the (CPNSN)

one will change. So they are specific to the SOs because it's the SO that creates the policy recommendation. But there is a section in there specifically asking for each of the ACs as well as the other SOs. Did they have input?

So you will find that there's a calling out of, did you consider inputs from ALAC, from the GAC, from RSEP, from (inaudible). So we didn't have one specific for the ACs because we tailored this to the organizations that actually create policy recommendations that go to the board, but we tried to make sure that the checklist itself called for opportunities to put in information related to each of the recognized ACs and SOs, as well as any other separate entity or collection of people that was either identified as necessary to provide an input or that selected themselves to provide an input.

FIONA ALEXANDER: I think this really gets to the bigger issue that's not specific to the recommendation, but it's the bigger problem of the role of the GAC and the fact that the GAC gives advice to the board, not to the GNSO. We (inaudible) within the GAC and the Board Committee as well. But I think the drafting of this recommendation, one of the motivations of it was to deal with the new gTLD process and the fact that the GAC had given these new gTLD principles to the board in 2007 and they weren't actually taken into account in the gTLD process that came forward. Historically, that was one of the case studies I think the group looked at. But I'll be curious to take a look at the checklist. (inaudible)

BRIAN CUTE: Thank you. Olivier.

EN

OLIVIER CRÉPIN-LEBLOND: Thank you very much, Brian. . It's Olivier Crépin-Leblond for the transcript record. Just a small point of detail. Not all public comment periods do have a report. Some of them don't for specific reasons.

For example, the FY14 or FY13 travel guidelines don't have that. Recent public comment that was done by the At Large Advisory Committee did not have that either. So yes, for the most, they have a report of public comments, but some can be closed without needing to have the report. That's all. Thank you.

BRIAN CUTE: Thank you. So in a few minutes, we have Amy. If you could take your best shot at combining those few and giving those, again, at this stage, your observations.

AMY STATHOS: Sure. In short, recommendations 23, 24, and 25 talk about ICANN's accountability structures, which include the ombudsman, the reconsideration request, and the independent review process. All three of those structures are imbedded into ICANN's bylaws.

The main recommendation, which is 23, about implementing the recommendation from the Improving Institutional Confidence report that was done in 2009 was the focus of gathering the necessary expertise of group of experts to actually look at the accountability structures and to make a determination as to whether or not they needed revision, they should be completely thrown out and start over again, or whether they could be improved as they are written but if not in an interim step, in a complete step, to make improvements so that it provides more certainty to the community and to ICANN, it provides more clarity so that people know exactly what it is that they're asking for and how the process will result in some type of determination.

The timing on here was not met and it was not met I think probably by quite a long margin. The first difficulty that we had was trying to identify the right people to be on the expert committee to evaluate, because we looked for people who had not only board governance expertise, but also dispute resolution expertise, and we also wanted to have a global vision of who those people were because we didn't want it to just be US-centric. Of course ICANN has some requirements that it must follow in terms of where our accountability must lie, but we also recognize that the global vision of what our accountability structure should be was very, very important.

At this same time, just as a complicating factor in terms of the recommendation itself, before I go into exactly what happened, the conflicts and interests and ethics issues arose. And so we empaneled a whole other set of experts for that. So that was a complicating factor in terms of the implementability of this in the time that was identified by the recommendation.

We subsequently did find a group of three individuals to really work hard and look at the mechanisms that we had in place. The ombudsman they determined was new and wanted to separate the ombudsman structure out so that the ombudsman could evaluate what was going on at the time and look at the ombudsman framework under which he operates, and that is something that has gone on as well.

In terms of the reconsideration and the independent review process, the experts created a draft report after talking to members of the community, talking to members of the board, and doing their own

independent evaluation of the structures that were in place as well as what the IIC report indicated should be done.

They then took – we took public comment as well as had an open session in – I can't remember what city we were in at the time. Then issued a final report and made some recommendations.

At the same time that the report was posted for public comment, there was also draft bylaws that were posted. So all of that work all happened simultaneously so that the recommendations, if adopted, could either be put in place right away since we'd already completed the bylaws commentary or made simple changes to reflect the comments that were received.

Those were all put into place on December 20 of 2011 with a holding off of the effective date, which was just made effective on April 11 because there were still some questions based on public comment as well as implementation of the one main factor in terms of changing the way that the independent review process heard, which is having a standing panel rather than just empanel people as requests come in.

This is something that had been tried before and we were unable to locate the sufficient number of people to have the level of expertise and breadth of understanding of ICANN to be on a standing panel that we could then pull from, depending on what the issue was that was being asked to be reviewed.

The experts said, "Let's try again because it's important, because we think for consistency's sake that you should try to get and identify those people who can be on call," and they looked at a group of about 9

different people. That is currently being worked on – trying to locate those 9 people. We're working with the identified provider, which is the ICDR, to help us identify those folks. But because it has been difficult to find the necessary folks with the necessary skillset, there was, as part of the public comment suggested, we made a caveat that if there is an independent review process that comes into play before the standing panel is in place or if the standing panel is placed and the right expertise isn't on it, that we can go ahead and go outside of the standing panel to empanel the folks who are appropriate for that particular issue.

So that's where we are now, and so we're in the process of finalizing trying to find the standing panel. No reconsideration requests or independent review have been set forth yet under the new rules, because they were just made effective on April 11, so we suspect as more reconsideration requests come in, we will be able to learn what the effective are on the changes.

And as you've probably seen if you're following it, the reconsideration requests are coming in a little bit more frequently now that the new gTLD program decisions and results are being launched.

So I think in the next several months we'll be able to assess the effectiveness of the implementation of these recommendations.

BRIAN CUTE: Great. Thanks very much for that, Amy. Any questions? We'll take a few minutes here and then break shortly. Any questions to follow up on Amy's overview and observations? Oliver.

OLIVIER CRÉPIN-LEBLOND: Thank you very much, Brian. t's Olivier Crépin-Leblond for the transcript. With regards to reconsideration requests, you mentioned

	that the new system has started on the 11th of April. What happens to those that have started before the 11th? Are they changing the type of (treatment) or are they going under the old regime?
AMY STATHOS:	No. They will go under the regime in which they were filed, so they knew what they were looking at. Absolutely.
BRIAN CUTE:	Thank you. Any other questions? I see no hands online. Okay. I'd like to recognize and welcome Stephen Conroy, Review Team member, to the meeting. Seeing no questions, I'm going to say that we should break for lunch. We're going to take an hour. Everybody online, be patient. We'll be back in an hour. Thank you very much. Thanks all.

Thank you for your patience online. We're back. We're going to take (inaudible) agenda item number 5, which is a report and update from implementation project owners of the WHOIS Review Team recommendations followed by Q&A and we have two hours allotted for this, and for the benefit of the ICANN staffers who joined us, thank you for being here and thank you for the quick work pulling this together on a relatively short period of time. We really appreciate the efforts you've put in since Beijing.

And to reiterate, this is a first step. This is a best efforts between Beijing and now. We certainly will listen carefully, come back to you with some follow-on questions and follow up requests and have another touch base. So this will iterate going forward. But thank you again for all the effort pulling together what you have in very short notice.

The guidance that we gave for the first set of (inaudible) as we talked about ATRT-1 recommendations was we've given you a lot of questions

here. You provided some inputs and we want to hear from you now about implementation. And what we're really looking for is depth, context, reflections. So getting beyond the words on the page in terms of how you felt the process went from your point of view.

And to frame your inputs, what we ask you to do is focus on when you're talking about a specific recommendation under the WHOIS Review Team, the effectiveness or the effect of the recommendation. Speak to us about what you think the effect of the implementation of a given recommendation was for the positive, neutral, or negative. And we are open to hear why a recommendation was a great success, how it was easy to implement and, oh, by the way, we made three new improvements as a result of that that weren't contemplated. We are open to hearing the recommendation as it was designed was nearly unworkable, presented difficulties and challenges that we had a hard time overcoming and it affected the ability to implement it.

And we are open to hearing we stumbled in our efforts to implement this recommendation, here's where we missed the market, here's why and here's what we've learned going forward so that we can improve the implementation process going forward.

So if you would focus on the effect of recommendations, and the floor is open to you to proceed. Thank you.

UNIDENTIFIED FEMALE: So do we want to go recommendation by recommendation?

BRIAN CUTE: Sure.

UNIDENTIFIED FEMALE: And do you want to hear from various members of staff? So I guess you probably need Maguy at the mic.

BRIAN CUTE: Take them recommendation by recommendation. Walk us through. We can get them up on the screen. Alice will put them on the screen so we can follow along. And certainly, whoever had a primary role in the implementation, but where there was more than one staff or that played a role in implementation. Let's here from all of you.

MARGIE MILAM: Okay. Well, essentially, you know from my responses that we're just in the initiation stage of some of the implementation work on the (inaudible) Review Team recommendation. So the status is probably different than maybe what you heard this morning with regard to some of the ATRT recommendations. I'm sorry. I'm Margie Milam for those of you who don't know me. I'm in the Strategic Initiatives Department. I work for Denise Michel. And the Strategic Initiatives Department is sort of coordinating the effort internally to implement the recommendations. Alan.

ALAN GREENBERG: Just for clarity, you missed this morning where many of us around the table said these documents arrived too late for us to actually look at them. So you can't presume we've actually read all the spreadsheets.

MARGIE MILAM: And there's a lot of information there, too. It took us quite a bit of time just internally to answer those questions. I hope you can see in the answers that we've really put a lot of analysis and thought into them and went through several iterations. We apologize for not giving you more time to look at it.

In terms of the main recommendation number 1, I guess, strategic priority, I think it was a good recommendation to make to WHOIS strategic priority. I think you see in the response from staff that we really took this one to heart. It's certainly one where Fadi Chehadé as he

came on board embraced the idea that he was needed to be enhanced and to really take a holistic effort to try to fix the problem. So I think that was one. To have a high level goal like that is certainly one that's good as a framework for the other more specific recommendations.

And you've heard this before. One of the, I guess, difficulties with this particular review was that it was limited to the review of the existing policy. And in terms of fixing the problem, as you can see what happened with the board resolution, for example, board resolution took a different approach in the sense that it recommended this new approach – a clean slate approach – to fixing the problem of data directory services and not be limited to what's in the current WHOIS recommendations.

And so I think as part of what we learned and was processed, we learned that some of the issues that the WHOIS Review Team raised, like "how do you improve accuracy?" for example, those sorts of things were more difficult because of the constraints of the current policy. And then the way we approach the issue from – to really get out the main theme, which is fix WHOIS, fix accuracy, is the establishment of this expert working group that you've heard about and you saw in our responses that really is trying to take a clean slate approach to fixing the problem and not necessarily be tied to all the current limitations of the contracts and the policies as they exist today. Does that make sense?

BRIAN CUTE: Thank you, yeah. One of the questions that have become a normal course is: how can you measure the fact that it became a strategic priority for the organization? You do have some answers in here in terms of tying bonus for employees and Fadi's compensation. So are

	there other ways in which this is clearly, in a measurable way, become a strategic priority for the organization above other work items or workstreams?
MARGIE MILAM:	Well, I think certainly having the CEO's attention to this – and Fadi's made it one of his main goals as he came on as the new CEO. Elevating Maguy to the vice president position and really having Denise's team and our strategic initiatives team focus on this as a priority. I hope you've seen a concerted effort across all these departments internally within ICANN to really embrace these recommendations and deliver on what the community expects. Maguy, do you want to add in something about that?
BRIAN CUTE:	Okay. Take a breath. Any questions from the Review Team recommendation 1, strategic priority? Anything online? I don't see any hands. No. Okay. If you'd like to move us to recommendation 2.
MARGIE MILAM:	One more thing before we move on. I think one of the recommendations was to have a committee of the board address this, and in our responses, you'll see that the board felt that this was such a high priority that they wanted to be involved, all of them collectively as opposed to an individual committee. So that was another example of where this is really a strategic priority at board workshops. There's questions often asked about what's going on with WHOIS and it's an important topic that the board continues to monitor carefully. So I just wanted to also highlight that.
BRIAN CUTE:	Thank you. Very useful. Avri.

AVRI DORIA: Hi. Avri speaking. I just wanted to ask, in terms of in all its aspects, I wonder to what degree, how have you sort of dealt with – maybe you answered this in the questionnaire – dealt with making sure that you've got all of its aspects and such? I'm wondering, has there been an exercise to collect all the aspects?

MARGIE MILAM: I guess I look at aspects as – WHOIS and one of the issues that was raised in the report was that the policy itself is not centrally located – it's not a central. It's not like it's one policy everyone looks at and we all understand what it is. WHOIS, as it's enforced today, it's basically a compilation of obligations in different places. So you have the WHOIS policies that the GNSO, for example, has addressed. You've got the contracts. Not just the registries, but the registrar contracts as well.

                        And so when you look at it from all aspects, we're looking at it that, yes, we're looking at it from a contractual perspective; we're looking at it from a policy perspective to make sure we'll get them from a compliance perspective; to make sure the various—

                        And actually from a technological perspective. Chris will talk to you about the work that he's doing relating to the portal and some of the accuracy testing that he's developing tools for. Yeah, we're looking at it from multifaceted.

BRIAN CUTE: Avri.

AVRI DORIA: Yeah. I guess what I'm also looking for is those are sort of very much the internal aspects. Are you looking broader aspects – global, legal issue aspects, various human rights laws aspects? Are you also looking at it in terms of aspects of ccNSO and GNSO even though there's no obligation?

And that's what I mean by how expansive are you treating all? I've just come up with a couple of my favorite things within all.

MARGIE MILAM: Very good question, Avri. So from the external perspective – so yes, I answered internally – we have a couple things. We've got the Expert Working Group that's working on the new system that hopefully addresses a lot of the current issues that we see in the current policy. The members of that Expert Working Group reflect a broad range of perspective. They're not just members from the ICANN community. We really went out to try to choose people outside of the community to get their perspective on this. And one of the members on that Expert Working Group is someone with an expertise in privacy, and that is certainly something that we're looking into in the Expert Working Group.

And in the Expert Working Group, we have several members from the CC community and they're sharing their perspective on how they deal with privacy issues, how they deal with accuracy and verification. So we're looking at them because they looked at it from different perspectives and inviting them into the conversation as well. So we are also – and we recognize that there's a lot of expertise in the CC community that can help address this issue.

And then in the GNSO there's the PDP process that's going to be kicked off when the Expert Working Group concludes its work, so the community will continue to be involved in this as the process continues. And also the law enforcement community, for example, was also very actively involved in the RAA negotiations on the contract aspect to make sure that some of the WHOIS issues from the law enforcement

perspective were taken into account. So, yes, we are looking at it even beyond the ICANN community itself.

BRIAN CUTE: Thank you, Margie. Steve?

STEVE CROCKER: So everything that Margie has described is in fact getting a lot of attention. But there's maybe a blurring of a line that we tried at the board level to maintain, which is this. We took the recommendations from the WHOIS Review Team and we said we want to do two things, and they're sort of different and we want to do both of them. One is we want it – as you've heard very clearly – we wanted to step outside of the structure that was imbedded in the words of the Affirmation of Commitments and say we know that the whole framework of WHOIS has been deeply flawed. It's developed over a long period of time and it's not unreasonable that – it's time to finally take a look at that.

And so we set out this new track – Expert Working Group (ensuing). But we did not intend that that should be the only response or that should be the primary response to the WHOIS Review Team recommendations. We said – I don't think we made this clear enough. But I was intimately involved in the process, not just from supervising the board but in terms of actually thinking through this. We cannot predict how long it will take or what the outcome will be, so we cannot put full weight on that and say that is our response. So instead, we said that is our strategic researched – think of it as skunk work almost.

And with respect to the recommendations that have come in from the Review Team, we need to give a direct response to that, and our direct response is yes we will implement all of those recommendations. Never mind this Expert Working Group. So we have this dual track approach of

a strong response to the WHOIS Review Team's recommendations in a timely and forceful fashion, and we have a separate activity which presumably, we'll come up with something positive and we'll run it through the process. But there's risk involved in that we haven't seen the results yet and I'm sitting on that Expert Working Group and I can't tell you whether or not we're going to come up with something that is going to be packaged up in a way that says this is a brand new fresh start on WHOIS and it's going to work.

So there's really these two separate things. Although everything Margie said is right, I think it underplays in some sense our response to the WHOIS Review Team's report and recommendations to focus too much energy on the Expert Working Group because that is not the totality, or even in some sense, the main response. The main response is yes we implement each of these recommendations. Then separately we have the strategic activity which may or may not succeed. One hopes it does.

BRIAN CUTE: Thank you. Questions to the Review Team? Online? Seeing none. Okay, Margie, you can move on to number 2.

UNIDENTIFIED FEMALE: Yeah. Let's move on to number 2. Yeah, we'll have Dan answer this question.

DAN HALLORAN: Good afternoon. This is Dan Halloran on the ICANN staff. Welcome to everybody here. It's good to appear before you. I'm on the legal team and I took the lead on implementing this recommendation number 2. It was a pretty straightforward recommendation as these things go and it's now been implemented we can say, so it's the (inaudible) was straightforward.

The job was to create a single document, a single place, collecting all the – it turns out, the gTLD WHOIS requirements. So we have now a page and we did a blog post a week or two ago linking to the page and we can circulate and make sure the committee has access to the page we're talking about on the ICANN website where you can find all of the gTLD registry agreements, registrar agreements, consensus policies, ICANN procedures, etc. that form the working material that ICANN used, day-to-day registries and registrars use and ICANN use to go about following ICANN WHOIS requirements.

The spreadsheet goes into detail answering all the questions. We understood the genesis of it was – I wasn't on the WHOIS Review Team and didn't directly support them, but I imagine they were tasked with the job of reviewing ICANN WHOIS policy, and if I were on that group, the first thing I would do is say, "Okay, show me the WHOIS policy and I'll review it," and the answer would have been, "Well, we don't have a WHOIS policy to show you. It's not written down in any one place." That was prominent in the recommendations – let's get it all written down in one place.

There was a draft that got circulated to the WHOIS Review Team that did a starting job on that. It wasn't too much work. It was pretty straightforward. Collect that, update it, make sure it was complete, picked up some more stuff. There were some judgment calls like, "Should escrow be included, yes or no? Should publication be included?" I think if you go into – we're using WHOIS…now here I'm talking about it and it was the WHOIS Review Team that's actually sort of outdated language. In ICANN lingo, we have the (inaudible) report. (inaudible) talk about this. It's Domain Registration Data and we should

be careful when we're talking about the data itself and the protocols, etc.

So this one page collects it all. So this recommendation is implemented. We talked in the spreadsheet about what we learned. There wasn't a whole lot to this one. I think we took the point that there might be other areas in ICANN policy and other issue and topic areas where it would benefit to try to look across the ICANN pages and different SO and AC pages and agreements and policies and try to make topic or issue papers bringing together resources on a particular subject.

That's about what was the usefulness of it. I guess that remains to be seen. I had the web team pull the stats from the server logs and we've had like 200-something hits in the first couple weeks on this particular page. That means somebody's using it. There will be some work involved. We'll endeavor to keep it updates so as new agreements get entered and new policies get approved, we'll keep that page updated, so hopefully it will be a good resource for people.

BRIAN CUTE: Thanks. Any questions from the Review Team? Just out of curiosity, this is a policy or the result of a PDP process when you finally tracked it all down?

DAN HALLORAN: So the page itself collects. There's literally sections for consensus policies. There's a section for registry units. There's a section for registrar agreements. There's a section for ICANN procedures. So it was a process of collecting all these different pieces, which are the WHOIS requirements. Like the WHOIS Review Team (inaudible) on right away, there is no one paper page anywhere still that says, "This is ICANN's

	WHOIS policy," written down just like so. You have to kind of find it in all these different implementations.
BRIAN CUTE:	Thanks. Any other questions? Alan.
ALAN GREENBERG:	Dan, you answered my question before I asked it, but I'll raise it again. We have a really good habit in ICANN of doing monumental work like this and then forgetting it, and not keeping it up to date as the world changes. Please put in someone's (tickler) file that when other things change, this must be kept up to date or it becomes worse than useless because it's inaccurate. Thank you.
DAN HALLORAN:	I'm adding a reminder in my calendar as we speak.
BRIAN CUTE:	Thank You. Anybody else? Questions online? I don't see any. Thank you, Dan. Can we move forward? How many total recommendations are we walking through? 22. And we have 2 hours. 16. So this is a good pace. Margie or whoever's next.
LYNN LIPINSKI:	Hi. This is Lynn Lipinski. I'm in the communications team here at ICANN. Glad to be here to talk about outreach issues regarding WHOIS. This is ongoing. In fact, we're really in the early planning and early implementation stages on this, so I'm not going to have a lot of learnings to share about it from that point of view. But I think that one of the things that is stressed here and was important to us is to see that this – you're talking about the need for outreach that is very proactive and beyond what ICANN normally does, and I think that that is a very good thing to flag for us.

ICANN has a lot of different methods of communicating information. I think that we post a lot of stuff on our website. We make a lot of |

information available. But what was flagged for me here was the idea that these are people who maybe don't want to be as engaged in tracking the ICANN website every day or every week such as it is looking for updates, but they want things more spoon-fed to them. So that's kind of what we're looking at as we're getting ready to implement this part is how can we get them information that these particular audiences – the law enforcement, the data protection, commissioners – how can we get them the information in a way that they want it? Which may not be the way that ICANN usually presents it.

BRIAN CUTE: And what did you experience in terms of the feedback loop in terms of the effect of the outreach that you undertook?

LYNN LIPINSKI: We have not begun much outreach yet. We're in the process of gathering that audience – how to reach that audience. So that's kind of the extent of our learnings. We'll know more as we move forward.

BRIAN CUTE: My apologies for the question. In terms of outreach – and if you read the recommendation, there's clearly an inside ICANN community audience and potentially a broader outside audience. Any initial thoughts on how you can effectively hit both audiences? Are there differences in approaching the different audiences that are important in terms of communications, practices, and approach?

LYNN LIPINSKI: In terms of the ICANN audience, it's actually probably easier for us because we know our community very well. We just had this webinar on the WHOIS Review Team recommendations just to give an overview to the community on what we were doing.

If you look at the amendments to the Registrar Accreditation Agreement that's just been published, we've also taken a different approach on outreach as that's one aspect that's included now in the amendment process. We have a new specification, which is this Registrant Rights and Responsibilities document, for example, and it's a really simple I think one-page document that explains to registrants what their obligations are with respect to keeping – maintaining the accuracy of WHOIS and their obligation to do that.

And so we're trying to find different ways of reaching those audiences and, like I said, (inaudible) the contracts we're trying to find ways to do that and then obligations to link to information and that sort of thing. It's going to be an ongoing process. We're just at the very beginning, but that is certainly one aspect I wanted to share.

BRIAN CUTE: Thank you. And another area that we've been focused on, the Review Team, is metrics, implementability. Looking at this recommendation, there's a conclusion that the current implementation of WHOIS services does not help build consumer trust and more could be done to raise awareness and improve its user-friendliness. From your task-oriented perspective, from a communications perspective, how are you going to measure going forward whether or not the communications program has been effective, whether consumer trust has been elevated, whether user-friendliness has improved? Do you have any specific thoughts on how, after you've implemented this thing, you're going to be able to measure the effect of this recommendation?

LYNN LIPINSKI: Chris, do you want to comment on some of the – because what you're doing as well has outreach implications. And then the other thing I

wanted to share – it was just even further – very premature at the moment – but there's been work on the GNSO side to identify consumer metrics, define consumer metrics and define how you could evaluate consumer trust and we're still at the outset of understanding those recommendations. We understand that ALAC had also provided some clarification on that and we're working on developing the staff recommendations to the board with respect to that. But that certainly touches upon some of the metric work that would also address this issue.

BRIAN CUTE: Olivier.

OLIVIER CRÉPIN-LEBLOND: Thank you very much, Brian. It's Olivier Crépin-Leblond for the transcript. I'm a little concerned about the use of the word outreach here where we started out with outreach to communities outside of ICANN and then we speak of outreach within ICANN. I would've thought this would've been called inreach.

Specifically, when you look at recommendation 3, which is all outreach, the start of the recommendation specifically speaks about finding great interest in the WHOIS policy among a number of groups that did not traditionally participate in ICANN's more technical proceedings. And yet, the recommendation is ICANN should ensure that WHOIS policy issues are accompanied by cross-community outreach. And usually when one speaks about cross-community, it's cross-ICANN communities. There's a bit of a – it doesn't fit very well. And it says, "Including outreach to the communities outside of ICANN." Well, I would've thought that's the primary communities to outreach to.

DENISE MICHEL:	This is Denise Michel. So during the course of the long year and a (inaudible) discussions with the WHOIS Review Team, in particular they highlighted communities like law enforcement that they identified as an important community, if you will, that should provide input on some of the policies and activities occurring in WHOIS but for which there was no official advisory committee or formal place at the table.
	And so they very much noted that as an example in addition to perhaps a strong focus on consumers, although they know that they get some of that certainly true through the At Large. They very much sort of encouraged us to look more deeply and consider more deeply those entities that were not represented within the ICANN community like law enforcement and others and make sure that they are brought to the table. Law enforcement is an easy target, but the others is taking more due diligence and thought.
BRIAN CUTE:	Thank you, Denise. Olivier with a follow up, and then Fiona and Fiona.
OLIVIER CRÉPIN-LEBLOND:	Thank you very much, Brian. It's Olivier for the transcript. This I think is fully-supported, but it's just in the recommendation itself. It doesn't actually show that the emphasis is on those communities that are not represented within the ICANN model. Thank you.
BRIAN CUTE:	Thank you. Fiona Alexander.
FIONA ALEXANDER:	Yes. Maybe it's just a question because this is still early for you all in how you're doing this. But I'm looking at the people that are sort of not part of the normal process even within ICANN and outside of ICANN, law enforcement data protection, these are all parts of government. So law enforcement is very much involved in GAC and involved in the GAC

process. That's how they got the law enforcement recommendations for the RAA.

So as you guys are looking at how to important this and speak to stakeholders, they're not (inaudible) or often involved in ICANN through the GAC or further parts of the ICANN model. I'm actually going to talk to the GAC about getting input from governments about how to reach their counterparts and colleagues, because it seems to me, that's what some of these recommendations are getting at.

LYNN LIPINSKI: Yeah, absolutely. That's a great idea. Did I cut you off, Chris?

CHRIS GIFT: No.

LYNN LIPINSKI: It's a great idea for – well, of course we'll be working with the GAC and we also want to make use of our Global Outreach Team that we have in place as well to reach out regionally to people who may not know who the GAC representative is for their country, but we can bring them in in another way if their country's not involved in the GAC.

BRIAN CUTE: Thank you. Fiona.

FIONA ASONGA: In that case, we would look at the spreadsheet (inaudible) on the implementation of the WHOIS Review recommendations. The question we ask on whether or not the review of everything (inaudible) recommendation has been implemented and I think the answer there should be not yet, because you're still (inaudible) all the issues that you have (inaudible) to reach out to all the different (inaudible) and to get them involved.

So then I would like that, for purposes of the record, to change so that then when come back to the (cover) spreadsheet, we are looking at accurate information. (inaudible) you have implemented it and there's not (inaudible) that has not been implemented. However, in the explanation, you have (inaudible). So can we correct the spreadsheet?

BRIAN CUTE: Denise, did you want to? Okay, Chris.

CHRIS GIFT: Sure. Thank you very much. This is Chris Gift, ICANN staff. I wanted to address a few points – some earlier ones. So first off, I thank you very much about the recommendation of talking to data protection as well as GAC. We actually heard that at the WHOIS webinar as well when we talked about some of these tools that I'm specifically working on and to certainly reach out to that community and those individuals to show them the work in progress and where we stood and get feedback. So we're definitely doing that, but thank you again for pointing that out.

Back to the questions about consumer trust and awareness. They're good questions. Some of those will be dealt with by recommendation number 11 in that we are building another portal – or a portal – to replace much of the work that's out there today.

So I think that will (inaudible) address the user-friendliness. We need to test that, and the way we develop and deploy, we'll continuously test user-friendliness around that to make sure that that's usable. We do have some benchmarks. I'm gathering benchmarks, I should say, from commercial providers of WHOIS lookups, about how many lookups they do on a daily basis, monthly basis, and comparing it to what we have. So I want to make sure that is that a fair comparison and how do we do that? So we're looking at that.

But to the question of consumer trust, offhand the only way we can do that is to test beforehand. We have to test now and we have to test after. So we have to think about how do we do that.

BRIAN CUTE: Thank you. Avri.

AVRI DORIA: Thanks. I wanted to return to the subject of the data privacy commissioners and all those folks and sort of encourage you to keep going in the direction of certainly address the GAC if they happen to know of them, but I know of the ones that we mostly know of, they don't know what ICANN is, they don't know what the GAC is. They recognize the problem as soon as it's been explained, so I don't think it's necessarily a spoon feeding, but it's sort of giving them a context for this.

So various people reach out to them, but as I say, they don't know what ICANN is, they don't know what GAC is, they have no relationship even within some of their governments of knowing. And sometimes it's such an extended link of relationships to get to a GAC representative from one ministry to the data privacy commissioner. So I encourage you to keep the wider. I'm not saying don't go to the GAC. I'm just saying you're not going to find them in the GAC for the most part.

LYNN LIPINSKI: So every government is organized differently. I know our (inaudible)

BRIAN CUTE: Any other questions on this one? Seeing none online, let's move on to recommendation 4. I'm sorry – Olivier.

OLIVIER CRÉPIN-LEBLOND: Thank you very much, Brian. It's Olivier for the transcript record. I was just going to make one small point with regards to the use of the word consumer. Chris Gift himself mentioned consumer and then said user

accessibility and user usefulness and so on. We really have to think about whether we want to use the consumer or user – one or the other. User actually is a wider catchment than a consumer, and it's a bit unfortunate, historically we started with consumer, that maybe user would be the future. Thank you.

BRIAN CUTE: Thank you. Recommendation 4. Maguy.

MAGUY SERAD: Good afternoon, everyone. This is Maguy Serad. I'm ICANN staff Contractual Compliance. So recommendation 4 from the WHOIS Review Team's perspective relates to the overall Contractual Compliance department. As stated in the recommendation and the board resolution, there was a huge gap identified as it relates to the transparency and accountability of the Contractual Compliance Department and the recognition to really implement a more robust scalable and manageable team.

So since my arrival was right before the Singapore meeting, it was one of the few reports I reviewed and started interacting with the WHOIS Review Team before the report was published officially. It was still in draft mode.

But since then, we have put a three-year plan as it relates to the department. Again, recommendation 4 is about the contractual compliance function. The three-year plan spoke to how we are going to take this department and this function to the next level. We were lacking processes. We were lacking solid systems. We were short on resources. So we put a plan to implement it, so the depth and the content of this plan has been reported. The progress has been reported (all) ICANN meetings and at the last meeting I was here.

I think the best reflection that one can take from this recommendation is the progress made from then until now. From a resource perspective, the staffing is much more robust than we had when we started, but the staffing is not only about head count; it's also about skill sets. We have since then not only increased in head count, but also are doing what we call cross-functional training of our staff so we can be scalable in addressing whatever demands come our way.

The focus specifically on that aspect was relating also through our focus on WHOIS training, knowledge, reviews, and getting involved in that aspect.

So from a resource perspective, that's ongoing. You never stop looking. You always continue to look at resources. We've got new gTLD and anticipation for new gTLD. We also have a plan and a recommendation that we're working internally. I'm working directly with the CO and the senior executives on what are those needed resources and how we can ramp up for those resources globally.

Those decisions on resources are made based on the metrics that we have today which we did not have in the past, metrics relating not only to volume of complaints. In the past, people used to only see volume of complaints. Now, volume is important because it tells you the breadth of issues across the globe, but now we can slice and dice those metrics to a region level, to a country, to a registrar, even down to a reporter level. So we are able to track and manage and deliver and be more proactive in our approach. So resource planning is also tied into how do we plan those resources to support the regions.

From that respect, move on to the next level which was processes. There was a flow chart, and the depth of that involvement or improvement in that space is that now the entire ICANN community, not only the contracted parties – even the board knows the process. I presented updates at the board meeting. Not only on the three-year plan. They're tracking to see how well we're doing and where we need their guidance and support.

But we even presented the process. The process is very important to be able to deliver an effective and efficient function specifically in contractual compliance. So process ensures consistency in an approach and in tracking.

So now to the systems, the depth and effect of the systems. We're starting to see that if you are keeping up through our monthly updates, we are implementing much more robust tools. We are consolidating all the fragmented systems and Excel sheets and all this stuff into a robust tool, which is going to really – the effect of that recommendation alone – people say, "Well, you need ten times more people in new gTLD." It's not only about people. The tools are critical foundation to be able to manage this upcoming volume (by) any organization.

So from that respect, it's still tracking on schedule. It does take time and I think we all realize the ICANN community is impatient when it comes to results. It takes time to roll out, because you have to collect requirements. You have to confirm them. In our ICANN community, a bottom-up approach, we have gone to every stakeholder meeting for review. Not necessarily approval, but consulting on what is the next

step we're working towards and if they have an input to us. Not just the contracted part.

The (inaudible) something that everybody's going to be able to support and be on board. The last thing you want to do is say, "Surprise! Here's a process," and everybody says, "I don't understand it." It will create more mess for us.

So from system, from people, from tools, from processes now communication. The best reflection on communication is when people stop you at ICANN meetings and say, "Thank you for writing to us in English simple, clear languages." I always pick on Olivier – and I'm not going to change that habit, Olivier. Sorry. He always – we call him Father Christmas. We look for information on our website. First of all, if you find it, you're lucky to understand what we're telling you. We have simplified the communication and we have made it more direct to the activities, to the real-time information. We're providing monthly updates. We are providing – restructured. There used to be a semi-annual report, which now we publish an annual report totally. Totally revamped it from a point of view update based on the community's expectations, based on the expectations you wanted to see. Budget information. You wanted transparency. So all that, the effect of that, is clear.

The last thing I want to say is the effect of this recommendation is the best thing that I am so happy to see it disappeared from the ICANN meetings. When I first got here, there used to be a forum called "Let's get up on the mic and complain about compliance." I sat through it in Singapore with tears in my eyes. It was a lot of complaints and

disappointments. We get through (inaudible). Yeah, not just you. I'm looking at Alice. I'm looking at Alan too.

But no, these were good because – and again, it's not disappointment. It's about expectations not being met. That was Singapore. (inaudible), the same 45 minutes was used only about 15 minutes of it. So the effect of the progress compliance has made is that this forum does not exist anymore because by Costa Rica, people stood on the mic and commented the recognition of the improvements. Are we finished? No. Will we ever be done? No. That's part of continuous improvement. So I'll take questions on that, Brian.

(DENISE MICHEL):   Just to add one more thing quickly. I'm going to put in another plug for myicann.org because Maguy forgot to mention that there is a tab at the top of myicann.org now. You click on it and you get a great visual with the most recent data.

MAGUY SERAD: Yeah. Thank you, Denise. With that, I can sit here all day and tell you what was done but what we've got coming. But this was announced by Fadi at – where were we last? Beijing. About the metrics. It's one thing to say we're developing them. It's another to provide that access. It's still static and the reason it's static is because we have not really truly consolidated our tools into one. We're working towards that.

What we're working towards for the upcoming months until we complete our system migration is to provide a monthly refresh of that data. We're also going to provide it 13 months back because everybody's interested in statistics and history data. So thanks, Michel, for reminding.

BRIAN CUTE: Thank you, Maguy. Alan?

ALAN GREENBERG: Thank you. I'll take off my ATRT hat for a moment, and as one of the
                              people who made Maguy cry – no, I'm not proud of myself. I didn't
                              think I actually did that. Nevertheless, I think some of the best work that
                              has been done and is part of it are the pages that don't show up on
                              myicann. That is the views that compliance has to monitor what
                              organizations are doing and be able to take proactive action before the
                              complaints come in, or to recognize complaints are coming in. I'm
                              hopeful that that's the kind of thing which will end up reducing the
                              complaints about compliance even more. I'll put my hat back on.

BRIAN CUTE: Thanks, Alan. So just to underscore – and we would definitely welcome
                              additional inputs from you on this process – things that the Review
                              Team is interested in hearing is where things took longer or things were
                              more resource intensive or things were harder than you anticipated in
                              terms of implementation. I think you alluded to that to some degree,
                              but it took longer to get some of these things in place.

                              We would like some input on that, because as a Review Team forming
                              recommendations, they need to be implementable. They need to tie to
                              reality and resources and that's an ongoing conversation we're going to
                              have. So those types of inputs would be very helpful to us going forward
                              and crafting better recommendations.

                              Also, unintended consequences – positive or negative. If you had any
                              additional thoughts on that. And the one specific question, if you could
                              weigh in on, this is clearly a broad sweeping activity in terms of
                              compliance. It was within the context of the WHOIS Review Team's

recommendations. Can you put a little color on, specifically with respect to WHOIS and compliance, what the focus is there?

FIONA ASONGA: Sure. (inaudible) go back, Brian, and address the longer and harder and I think this will relate more to the reflection aspect. Because at the beginning, you said you wanted (inaudible) content reflection. So, let's reflect.

From an ATRT recommendation, the difficulty as we know, it's difficult enough to understand what one wants to do, then add the diversity and the input into a recommendation. The (inaudible) definition of the expectation or the outcome would be helpful. It's all about meeting expectations. That's the first thing I did when I got here in Singapore. Everybody, not just ALAC, how can we help you? We're here to help you. It's like, I really appreciate the intent, but tell me what are your expectations? And I ask that same request of working groups in anything that comes forward to ICANN staff for recommendations, for ideas. It's not a criticism, but it's about, what is the issue at hand? The more defined and described, the better it is for us to dissect it and address it. So the clear definition of expectations and outcomes will be helpful.

Now, if we take reflection more from an ICANN staff perspective, as I said, you just referenced it, it's patience. We put a three-year plan together. I even had people say, "Oh, not again, that slide." It's like, yes, we will show you the three-year plan because we committed to it. If we do not show you and report on it, how will you know how we are progressing? We laid out the foundation of what we're going to do and we reported on it. It is a longer process. That's why we laid it over a

three-year plan. Getting business requirements. It's the analogy I gave to my staff. If we can survive this three-year plan, we can really survive anything that comes our way.

Think of it. If I put in a very simple example that everyone can relate to it, if you have ever remodeled your house and lived in it while you are remodeling, that's a success story. We have not divorced each other yet on the team. We can't. It's difficult to keep the lights on and work. So that's a reflection. Because it would be ideal to say, "Shop is closed. Call me in a year when I finish building that house." But we could not do that.

That's why it took longer, because we still have to deliver and do our job while it's the same team. It's true it's not the same time who is programming, but it's the same team who is quantifying the requirements, validating them. It's the same team who is going to be testing, who's going to be doing the documentation that's going to be customer-facing or user-facing or ICANN-facing. So that's why the difficulty of recommendations. (inaudible) that will be taken into account when recommendations are made. The account needs to be taken into (inaudible) of the task.

So in relation to WHOIS activities, Brian – you asked in last point – we've got a couple of more recommendations that speak to it. But we all know WHOIS has been a very interesting topic. I don't want to use any other adjectives or descriptions. It has got so many different interpretations across the different community members. We just heard different people look at it from a different angle.

But people, what I realized or from a contractual compliance perspective, when we join the WHOIS Review Team, we got invited on multiple occasions for them to bounce off ideas, to discuss, to clarify certain things they were working towards. And since the first meeting, it became very apparent that the scope of compliance was not clearly-defined in many people's minds. So they say, "We need you to do this with WHOIS." We listened to what was their expectation, but up front, we made it clear that sorry we cannot meet your – compliance, specifically. I don't want to speak on behalf of ICANN. On behalf of ICANN Contractual Compliance, could not meet a specific WHOIS request because compliance has a very well-defined code. It's a black and white scope. We have the contract and the consensus policies that drive what we do.

We did encourage them, since it's bottom-up, to take it through a different venue which was the different working groups and recommendations and RAAs and all of those venues. That was one thing.

From a WHOIS Review recommendation another aspect that it was a challenge to clarify. Again, it's about the clarity of a recommendation, but also the definition of it – I'm skipping to recommendation I think 9. I've got those recommendations memorized. That's sick.

So recommendation 9 was reduce WHOIS inaccuracy based on the NORC study. Well, I have read that NORC study back and forward many times and it was a sample size of 1,200 and it was a very well-defined study narrow in space. But when we went back to the WHOIS Review Team to just discuss that recommendation on many occasions, we

clearly – ICANN clearly stated unless you do a different approach to the contract of a policy, there is a different scope for us.

So, clarity on the recommendation, but also understanding the background of the recommendation they're making. Does it exist today? Do we have a foundation to make a difference? Recommendations are valuable if we can meet those expectations of the recommendation. So that would be my feedback, please, to take back to working groups on recommendations. Does that answer your question?

BRIAN CUTE: Yes. Thank you very much. And having a recommendation memorized is not what some would say sick. Some would say that's the point.

MAGUY SERAD: You know, that's (inaudible) work for awesome these days. I'm sorry.

BRIAN CUTE: Something more like that. Sick like awesome.

MAGUY SERAD: They looked at me like, "Man, you're sick." It's like, no, I'm (inaudible). But if I may, one last comment on WHOIS inaccuracy is we didn't stop there. I don't want to say we don't or we can't. We don't do that. No. there is always a way to address an issue.

We looked at the contract and the contract specifically states for WHOIS inaccuracies certain guidelines. Now, of course there are advisories. There are different things that got interpreted so many different ways. You look at the black and white of the contract. There is an obligation. There is a provision that clearly states you have to take – investigate and correct.

So if you just take those two action verbs, for contractual compliance, we rolled out in the process how can we address to take the steps to

investigate and correct, again, to be able to address WHOIS inaccuracies. Because we can't just say, "Yes, it's done." We cannot validate if it's accurate, but we can definitely validate if they took steps to investigate and correct.

So we communicated to the registrar to contracted parties. We also published it in our monthly update, and part of the WHOIS follow-up process for complaints, we request documentation to help us really know that it was followed up (inaudible) time – like the 15 days. It was followed up for process. We've got traceabilty of those.

And if those items are not provided and there's not been a change to the WHOIS data, we follow to enforcement. So people always ask for WHOIS for compliance. It's like, why aren't they in the enforcement? (Why haven't) you breached? Because there's been a lot of heavy lifting and work up front. We only breach when there's no collaboration.

BRIAN CUTE: Thank you. Any other questions? Olivier?

OLIVIER CRÉPIN-LEBLOND: Thank you very much. This is Father Christmas. I'm here to make Maguy cry. Thank you, Brian. It's Olivier. I'm looking at the moment at the responses you gave on the consolidated responses document. One question. You mentioned internal ICANN stakeholders and external ICANN stakeholders. Would you care to explain which ones is which or who is what?

MAGUY SERAD: Yes, absolutely. Contractual Compliance does not function in a silo. Internal stakeholders will be the different decision-makers or consultation or – part of a process map. You have to identify who are the different roles and responsibilities.

So this was specifically related to process building. So when we put together the process map – the high level – the process map of how does the compliance approach work and then we took it a step further to the informal process and the enforcement process, we identified different roles and responsibilities. And the roles and responsibilities were split internal and external stakeholders. Internal stakeholders are internal ICANN departments. Something as simple as finance because today they manage the financial obligations, but they escalate to us when they cannot.

We have our liaison team – the registrar and registry liaison team. So they manage the relationship with the contracted party. We sometimes – not sometimes. In the process map, there are different touch points to inform them as internal stakeholders or consult. Same thing with our legal staff. We inform them or consult.

And those internal and external are defined in (inaudible) ICANN staff or registrar, registry or the complainant. Does that answer your question?

OLIVIER CRÉPIN-LEBLOND: Yes, thank you, Maguy. It's Olivier again. Next question, then, is with regards to your answers with regards to how far you've gone for each one of the points which were raised – and I noticed a lot of 100 percents, which is great. But then I also looked at myicann.org and the compliance report. And note that these are not in real-time. These are put together, I gather, by hand somehow or are these automated? These are automated, yeah.

Is there any barrier to having those in real time? Because this one goes up to from October 2012 to February 2013. I'm of the now generation. I want it now.

MAGUY SERAD:	So to add to your point, Olivier, the status that I reflected – compliance reflected – in this Excel sheet is in relation to the three-year plan and to the Review Team recommendation. So let's please make sure that's clear.
	As I said, the third year in our plan is continuous improvement and continuous improvement is bringing on the real time. As I mentioned earlier, the metrics and I think I also spoke about it in Beijing. Something else we also continually bring on is additional outreach activities to the ICANN meetings and by region. So all of these activities are happening. Again, the metrics will be real time. What we put together here was a first test and the team – what staff is working now on is to bring data from January up to April, and that's going to be the next update. I already gave Chris a head's up. Like I said, until we have the consolidated tools, then it will be an interface handshake between the tool and the reporting for real time.
	And again, we provided those updates at the Beijing meetings. By ICANN 47, we have specific milestones we will get to, and no later than ICANN 48, we are working targeting to have the real-time reporting.
BRIAN CUTE:	Thank you. Any other questions? We need to keep moving to get through all the recommendations. Thank you very much, Maguy. I see nothing online. Let's move to recommendation 5. We have just under an hour left, so we should have ample time if we move smartly. Recommendation number 5. Who would own that in terms of reporting?
LYNN LIPINSKI:	Sorry. It's me, Lynn Lipinski--

BRIAN CUTE: Okay. Thanks, Lynn.

LYNN LIPINSKI: With ICANN Communications. I was just taking a quick look at what was up on the screen. So this is recommendation 5, the idea that we are – that ICANN – is widely and proactively communicating accurate – the requirements for accurate WHOIS data, including to current and prospective registrants, and that we want to use all means available to progress WHOIS accuracy, including any international WHOIS data as an organizational objective.

And so, obviously, parts of this we want to roll out as the consolidated tools are made available when we are able to show people more information about WHOIS data and consolidated accuracy.

Really, with this one, we felt like the baseline for this recommendation was the fact that ICANN hadn't expressed the need to put forth outreach on WHOIS accuracy. It hadn't been something we had been proactively doing. Now we are looking at it as part of what we do every year as part of communications, as part of our regular outreach, that this is part of our responsibility to talk about the importance of this.

Let's see. We have the plan in place to the point of implementation. We're still in the start of it. We believe that we have a lot of work to do in terms of talking to people about WHOIS data and what the rights and responsibilities are. It just goes back to what I was saying earlier about our need also to engage people who are outside of the normal ICANN community and get them involved in the conversation.

BRIAN CUTE: Thank you. Questions? Fiona.

FIONA ALEXANDER: Do you think this new Registrant's Bill of Rights exercise helps in this regard or do you (inaudible) divorced or separate in some way?

LYNN LIPINSKI: I believe so. I mean, I'm probably the most familiar with it. It was designed to make the WHOIS obligations understandable at its very basic level. Once the RAA is finalized and is the new agreement, then we anticipated that there would be a communications effort that goes along with that. I mean, I know that was something that Fadi made very clearly when we came up with that concept that it was something we wanted to share beyond just within the ICANN community. So yeah, I do see that as being a good avenue to reach out to people that we traditionally haven't reached out to.

BRIAN CUTE: Other questions? Seeing none online, let's move to recommendation number 6. This is Olivier.

OLIVIER CRÉPIN-LEBLOND: Brian, I'm very sorry. It's Olivier for the transcript. Can we go back to number 4? I forgot one question on 4.

BRIAN CUTE: Certainly.

OLIVIER CRÉPIN-LEBLOND: Just a quick one. sorry for this Maguy. I was looking at the document again and it mentioned in there the compliance function not having clear reporting and accountability with regards to the finance side of things and budgets. I have to read the report. Here we go.

Consolidated responses to ATRT-2 question WHOIS recommendations implementations final. Quote from the WRT Report on Recommendation 4: "Despite substantial efforts made, and dedicated staff, the Compliance function has suffered from lack of resources," etc. etc. And "We find that basic information, for example on staffing,

budget vs. actual spend, and key performance metrics, remain difficult to obtain."

With regards to the budget, I see that all of your operational stuff is out there in myicann.org. With regards to the budget and your internals, is this also made available one way or another?

MAGUY SERAD: Thank you, Olivier. This is Maguy. The budget has been made available through the annual report. So what we're doing is, on an annual basis, we put the budget and the spending and the different categories. And it's an effort where I've aligned with Xavier, our CFO, to ensure that the communication on the budget is aligned with what is reporting to the board and through the finance committee.

So if you would please, if you're interested, take a look at it in the annual report, the intent is to provide it on an annual basis like many organizations do. So if there's a specific interest or question, let me know.

BRIAN CUTE: Thank you. Okay, recommendation 6.

CHRIS GIFT: This is Chris Gift with ICANN staff. I'll take lead on this to start. Principally, because I have a question, and need some further guidance from this group around because of the effect of the recommendation. So specifically, it's related to both 6 and 7 and it refers to the NORC data accuracy study that we really need to reduce – report on, in terms of number 7. But the goal I think is still number 6, which is to reduce the number of WHOIS records that have substantial failures – (full) failure as defined by that report.

So originally, I was looking at automated tools to do that, but as I reread the NORC report and see how they've defined those two failures, it requires a telephone call. I have to call them. Which is fine. We can do that and I can outsource that and have that done on a quarterly basis or whatever. I just see several implementation issues. I can't really do that on a real-time basis or it will probably start to get expensive. I just start to see these tradeoffs around cost.

So I just wanted to bring this to the table about this recommendation. I'm still thinking it through. And also I wanted to know if it would be possible to come back with alternative with either alternative definitions around what is accuracy. Either that or come back with a proposal saying, "Here's how we can implement it and here are the cost implications of keeping to that accuracy statement." Is that appropriate? Why don't we have a dialogue about it.

BRIAN CUTE: Carlos.

CARLOS RAÚL GUTIERREZ: Just a comment. I think the people who are dealing with this on a real-time basis, they're worried about timeliness, not about cost, afterwards. If I get the feedback right that we get in GAC from the law enforcement administration (inaudible) death or life situation that has to be solved immediately. If we, by the end of the year or by the end of your report, make the call or not, it's a totally different story. So I don't know if we can limit it to cost or if the cost should be incurred at the ICANN level or at a different level, but we should go back to effectiveness of the measure.

And if I listen to you – and I think the responsibility at the ICANN level is pretty high, it's not immediately – then I would answer to you, yes, of

course not. Maybe the cost is not reasonable. But that doesn't solve the question. We have to go a little bit deeper.

BRIAN CUTE: Steve and then Alan.

STEVE CROCKER: So a series of short comments. First of all, I think this is an excellent example of a kind of advice with a generic set of questions that I have been socializing. Is the advice clear? How much will it cost and is it feasible to implement; and what resources takes us to the second question. Then, is it appropriate advice and is it in scope and so forth? This resonates very strongly on the cost question and what resources it takes to do that.

Second point is I think it makes – I can feel that it makes perfect sense from Chris's point of view to be asking for further guidance, but I think you're off by one. This is the Accountability and Transparency Review Team. It's the WHOIS Review Team that provided (inaudible). So these guys get to say, "Oh. Well, we didn't write this."

BRIAN CUTE: You beat me to the punch, Steve.

STEVE CROCKER: Yeah. (inaudible) "How many things are wrong with this picture?" kind of model in my head. So I was (inaudible). With respect to this life or death question, how urgent is it and so forth, it's actually part of a bigger, more sensible question. How effective is the things that say law enforcement asking for? Will it really make a difference in the job that they do? And if they got everything they asked for, would that be an important difference or not?

So I've tried to have that conversation a bit with principally Bobby Flaim, but others. And the state of affairs is an acknowledgement that that's a

reasonable question. But there isn't any machinery in place to actually go pursue that. There isn't an institute or set of people who know how to do that who are tied into law enforcement but were not on the front lines of either chasing criminals or bugging us to go and improve our WHOIS system.

And I really think that in the larger picture, that's the kind of question that has to be asked. To draw a little bit of an analogy, when the police department comes to the City Council and says, "We want a bigger budget so we can put more cops on the beat," City Council gets to ask, "And what will that do in terms of reducing crime?" and there better be an answer and it better be verifiable. So if the crime statistics go down and there are fewer muggings and more business and tourists are happy, then that's good. And if, on the other hand, it's just a big expense and it's not doing anything, well then it's a harder case to sustain.

I don't think that we've got the framework in place to approach the overall problem from that perspective. And just speaking personally, I would like to sort of nudge things in the direction where we enlarge that and do it in an effective way. So it won't be just can we enforce the contracts as is, but can we take a look at the real problem out there. What is it that's trying to be solved?

BRIAN CUTE: Thanks, Steve. Let me echo what you said earlier, which is that this Review Team has its own mandate and did not write this recommendation. That being said, a couple of thoughts occur as I'm listening to both you and Chris. Clearly, it's the WHOIS Review Team who had a specific objective in mind here when they crafted this. So to

your question of "Is there some other way to attack the problem?" they may sit across the table from you and say, "Yeah, you're right. There's a better way and we encourage you to go do that." But we're not in a position to make that judgment.

And it does also get to the question of: have you been given a recommendation that is truly unworkable or too difficult to implement or not? And I think, from our perspective, what would be helpful to us in our process which leads to an assessment and recommendations at the end of the day is your direct thinking on all those points. And if your research and assessment and conclusions are this is not workable, then tell us why and lay it out and provide the rationale, and we take that on board in our workstream and assess that and come back to you with our follow-on thoughts or recommendations. Alan?

ALAN GREENBERG: You covered the gist of what I was saying, but with a different ending. It's clearly not our scope to fix the recommendation and the right people may not be in this room to answer this question. I suspect they're not. But I think we need an answer to how did the WHOIS Review Team get to the point where that was in the final report, without any checks and balances and discussions with ICANN staff along the way?

As I said, I don't think the right people are in the room today, but I think that's a really important question for us to understand. Thank you.

BRIAN CUTE: Steve, go ahead. Then Avri.

STEVE CROCKER: So the question that you just asked, Alan, actually obviously applies to the particular thing, but you could take that same question and say,

gosh, that is a potential issue for every one of the review processes, so what is the process for these reviews and can any of them – it could be the ATRT or it could be the SSR or it could be whatever gets into that mode.

So there's a question that really is overarching and is one that's very much on my mind, and as I've said, my response to that is to steer us toward a little check and balance on all advice no matter what quarter it comes from based upon those kinds of questions. But it would be good I think just thinking about the AoC framework and the whole (inaudible) of the AoC that there be some reality checks or some at least resource checks built into that process.

BRIAN CUTE: Avri, then Alan.

AVRI DORIA: Thanks. Steve, I'll avoid quibbling about the word "all advice" at the moment for AoC advice versus other advices. But one of the things that I think also fits in is what we have at the moment is you only have a feedback loop on the recommendations from the Review Teams on a multi-year basis. In other words, if the Review Team puts in something there that when you get it is totally incomprehensible or you feel is totally workable, do we have mechanisms that allow a post discussion that can help resolve that?

And so what I'm asking is, is there a sort of secondary level? Second level issue that this group needs to look at is not presumed that they're going to get it wrong or presume that they're going to off the rails or not take something into account, but presume that they could come out with a set of recommendations that, for want of more neutral terms,

aren't well understood and therefore need something. But the group is already broken up, etc.

STEVE CROCKER: Right. Well, there are two possibilities that come quickly to mind. One is that there is in this iteration – the next Review Team could say, "Gee, would could get into this problem. Let's go do a dry run or let's check. Let's get input before we write our final recommendation." They do that work. I think at least – well, we'll say it this way. The SSR Review Team said that that's what they were going to do because they wanted to avoid that, so they tried to—

The other possibility would be to adjust the process a bit so that when a Review Team delivers its final report, it does not disband and that process then continues from there.

BRIAN CUTE: Alan, then Olivier.

ALAN GREENBERG: That discussion we already had this morning, for some of you who weren't here, on the implementation policy (inaudible) of how do we follow through. Steve, your comment is correct on what happens if a recommendation gets to the board that isn't implementable. I was more concerned about how it gets to that stage, because I think part of our responsibility is to make sure that the review process can work and can function. That seems to be a whole. I raised it now because this is the first recommendation we've seen today that really fell through the cracks that badly. So I think it's a good model that we could use to try to understand.

STEVE CROCKER: Is it really the case? I don't know the answer to this question. Is it within scope of where the Accountability and Transparency Review Team to address the process of doing reviews?

BRIAN CUTE: Yes, it is. Absolutely. That's part of what we have to do. And I have to suggest, just for myself, too, I was only in ATRT-1. There were two other review teams and what I'm struggling with is the fact that – and I don't say this in a critical way; I say this in a neutral way – the fact that the chair of ICANN and ICANN staff has been at the table in all Review Team processes – in ATRT-1, Denise, you were with us every step of the way. I need to put some thought to was there something about the structure of the interaction or the dynamic of the interaction that didn't allow for or invite staff in or the chair in in that manner so that along the way as we were around the table developing these recommendations, somehow is that implementable, that might be a resource issue, didn't come to the floor.

STEVE CROCKER: In the time-honored method of getting two or three envelopes when you step into an organization, I'll simply blame my predecessor.

[laughter]

BRIAN CUTE: Thank you. Denise.

DENISE MICHEL: There's I think a few questions I'll try and unpack here. With regards to WHOIS Review Team, there was a sort of formal staff response on draft recommendations and there were instances – this being one of them – where the team chose to go in a different direction and not completely take on board staff's advice and issues. So they're an independent team.

Of course that's their right. So we're still left with – and I wouldn't say falling through the cracks. I would say that's an over statement.

But we are working through some scenarios and doing some research and due diligence and talking broadly about the best way to meet this over-arching objective here. So that's one thing.

I guess on the ATRT-1 certainly a different CEO, a different approach to the brand new teams. And we learned a lot from it as well. So in the subsequent teams, we had that ongoing, you know. And with each team, we got better at it. We had more staff, more interaction, a lot more back and forth and checks and that type of things. Much more collaboration.

BRIAN CUTE: Clearly a point we need to focus and build on. Any other questions for anyone? Fiona.

FIONA ALEXANDER: Yeah. I think – to make sure Steve doesn't get let off the hook too easily. My recollection on all of these Review Teams – and I could be wrong – is that each Review Team has gone out for stakeholder input and had sessions at ICANN public meetings, has put their recommendations out for draft feedback from different constituency groups, has met with the board and had board exchanges.

So if there's, I guess, a thought to be shared, it's not the Review Team or the staff. It's everyone's in this example. But, I don't know, maybe you can correct me if maybe the board didn't meet with this team or go back and forth some. I know the GAC provided advice on the recommendations. But I'm assuming that all those different constituency groups took advantage of providing comments in the

	public comment process and engaging with each of these Review Teams in the ICANN public meetings on these things. If that tactic doesn't work, then that's something that we should take a look at.
BRIAN CUTE:	You raise that point, Fiona. Just one example. If I recall correctly in ATRT-1, the team met with the board in Brussels, which was in the data collection phase of the work. I don't think the team met with the board after we published our recommendations – we did? Where? Okay. Okay, then the point stands. We need to take a careful look at the process and how it's worked and understand why that dynamic of exchange about implementability (inaudible) take place.
STEVE CROCKER:	I remember sitting through a presentation of the recommendations, but it seemed to me that – what I recall – was that they were basically done and there wasn't as much room to fix them and it was in a public setting so that it was a (inaudible). You could take questions, but it wasn't a kind of forum where you could get in and say, "Well, look, if you do this, it will have this consequence," and then try to untangle something like that.
	But irrespective of whatever it's been in the past, we now have some accumulative experience about this. And my feeling is that part of it is specific to the AoC review process, but some of it is actually more generic and I've seen a similar syndrome in advice from other kinds of bodies. And it's all perfectly natural. There's nothing sinister about it all. It's kind of just an emergent property of you get a bunch of people together, think about something very hard, they think that they've got it and they write recommendations and then there's a surprise when that

doesn't actually match what the people who have to deal with it think when they see it.

BRIAN CUTE: And if I can add one more thought – sorry, Chris – I know that there was certainly an awareness in ATRT-1 in terms of working with staff on the board that we needed to be objective, we needed to be independent, and it can't be viewed or perceived by the community that somehow ICANN and the organization has influenced its own review. And that's understood. I think that's understood by everyone. And I also believe that if we're thoughtful, clear, and transparent about the way we go about our interaction, then we will show that that's not the case at the end of the process and that we can all shoot for. Chris and then Margie.

CHRIS GIFT: Sorry, Margie. This is Chris Gift. I apologize. I haven't failed on this one yet. I just want to be clear. I'm still working on it and I still want to achieve the goal. Anyway, I just want to be clear on that.

BRIAN CUTE: Thank you. Margie.

MARGIE MILAM: I think that – expand upon what Fiona said. One of the difficulties with this particular report was that it wasn't embraced by the GNSO Council. Alan can probably remember the discussions that took place. The report was sent to the GNSO Council and the GNSO Council refused to endorse it. All they did inevitably was just to come up with a statement about whether they thought it required a PDP or not, but they wouldn't even look at the recommendations and there wasn't support for the recommendations in the GNSO Council.

So as you do your work, you might want to think about what happens in an ICANN scenario where there is a report with all these

recommendations and it's not embraced by some of the important SOs and ACs that have influence – theoretically should have influence –on it because it is a gTLD issue, certainly within the scope of the GNSO PDP process, and yet the council did not embrace these recommendations and that left staff with a difficult situation in looking at that.

BRIAN CUTE: That's a good point. Interesting question. Olivier.

OLIVIER CRÉPIN-LEBLOND: Thank you, Brian. I wasn't actually going to answer that. I think others might answer this first, and then I'll.

BRIAN CUTE: Alan.

ALAN GREENBERG: I think Margie raises an interesting question. I think this is one of the first items that went to the GNSO asking for GNSO blessing and the GNSO did not know how to handle it and the GNSO—

If all parts of the GNSO agree it's easy, if some parts disagree, there is no established process. And with the double-housed GNSO, it's very hard to say the majority of or two-thirds of because the definitions are somewhat arcane. I think we – ICANN – and I don't think this is the group right now – need to address that kind of thing because there was a very strong feeling about much of the WHOIS report in the GNSO. It wasn't unanimous, and not being unanimous made it difficult to (head) a process.

And I will personally add there was, perhaps, a little bit of ineptness in handling it because of new people being involved at that very time.

EN

BRIAN CUTE: So just for clarity, the WHOIS Review Teams explicitly requested GNSO support for their recommendations. I don't think ATRT-1 did that. How did that happen?

UNIDENTIFIED FEMALE: Actually, the Affirmation of Commitments requires that every Review Team report is posted for public comment, and of course the boards solicits and specifically asks all the SOs and ACs to respond as part of the board's consideration before the board takes action.

BRIAN CUTE: Right. So, for comment, but not asking specifically for the support of an SO or AC. It's a different question.

UNIDENTIFIED FEMALE: Right. The board didn't ask for support. The board posted for public comment and specifically asked the SOs and ACs to provide their input to the board on the reports and recommendations. And what we got from the GNSO was a deferral that the GNSO was not going to provide input, but that constituencies and stakeholder groups would. I can run through who submitted what, and who opposed and who supported, but it was a mixed bag.

BRIAN CUTE: Thank you. Olivier.

OLIVIER CRÉPIN-LEBLOND: Thank you very much, Brian. It's Olivier Crépin-Leblond for the transcript record. I'm a bit concerned that we're going back to the source of how pie was invented. I wanted to go back to item number 6, where Chris started this whole dialogue by letting us know that the recommendation was not pursued so far. We seem to have a stumbling block in the potential cost of the implementation of number 6.

So the question I have for Chris is, have you found out what the cost might be? Because at the moment, I'm not sure whether we know. Do we?

CHRIS GIFT: No. We have bids that are outstanding, just from the indication from two organizations. Just indications I received, you know. Depending on how we implement whether it's monthly, quarterly or annual. I can provide those figures later if you'd like. I don't have them in front of me.

OLIVIER CRÉPIN-LEBLOND: Thank you, Chris. It's Olivier again. The question – I'm asking this question not to get an actual number, but to actually find out whether you are looking at these costs and looking at the cost of not doing, not performing this. Because obviously there is also a tradeoff and a potential cost or potential risk for ICANN as a whole if this doesn't get implemented. I would've thought that the decision on whether to go forward or not is not a question of the number, but a question of the risk involved.

CHRIS GIFT: Thank you. That's a very good point. We're not going to not implement this. It's just a matter of how we do it. Do we do it to the full substantial as it mentions there, which requires phone calls and setting up? Which we can do and I'm pursuing that path and I'll definitely get back to everybody about that. The alternative is to do something slightly less, do the automated checking without a phone call. We can go a long ways just with that alone. So at the very minimum we'll do that. I'll implement that path, and give further feedback if that is not sufficient and keep going forward and try the phone calls if necessary or wait for guidance and do it all. But keep moving forward, regardless.

OLIVIER CRÉPIN-LEBLOND: Thank you, Chris. It's Olivier again. Is there anything that today blocks you from moving forward?

CHRIS GIFT: No. No, I don't see anything that blocks me from moving forward.

OLIVIER CRÉPIN-LEBLOND: So this is just a snapshot. What we're seeing now is just a snapshot, which I guess is incomplete but it's not your final say. We can't go any further. You can't, okay. Thank you.

BRIAN CUTE: And again, from this Review Team's perspective, understanding your process, understanding your analysis, understanding the challenges or obstacles and if there's a decision to not fully implement or not implement at all, a rationale and an explanation as to why. That would be useful input to us. Thank you. Anything else on this one? Yes, Olivier.

OLIVIER CRÉPIN-LEBLOND: Thank you, Brian. It's Olivier again. And sorry for coming back to you. It just came back to my head. Do you have any timetable of when you believe this might be implemented forecast?

BRIAN CUTE: I was afraid you were going to ask that.

OLIVIER CRÉPIN-LEBLOND: (inaudible) Chris.

CHRIS GIFT: Close. Very close. Yes, I have a timetable of late August. I'm skeptical about it right now, but I'm not backing off until I know more.

BRIAN CUTE: Thank you. Okay, we have 20 minutes left in this session. That was a very important conversation that we just had. We're certainly going to follow up on that in the course of our work. But let's move forward and try to make our way through the balance of the recommendations with 20 minutes to go. So, number 8. Well, 7 is the output of 6, correct? So let's go to 8.

MARGIE MILAM:	This is Margie. Eight addresses the contractual issues. Essentially, implementing this recommendation, you have to acknowledge or take into account that what we've introduced – and the negotiations may not necessarily be accepted by the contracted parties. In the documents that are posted for public comment, the proposed final 2013 RAA, we do have some language that tries to tighten some of this up.

But things that maybe could've made it a little better that may not have been fully agreed to by the contracted parties. So it's just something to take into account as well when you're looking at recommendations that when it requires either a change in policy or a change in contract, that it's not something that ICANN alone can dictate and that you have to take into account that, as a dependency, will it make it through the GNSO? Will it get consensus from the GNSO if it's a policy issue? Or if it's a contract issue, would the contracted parties agree to this as part of the terms?

So that's part of the dynamics of what goes on with some of these recommendations that relate to contracts, because we certainly did take them into account in our requests for amendment changes and we were vigorous in our advocacy forum. But at the end of the day, if we're trying to produce a document that's accepted by the contracted parties, we may not be able to get everything that the Review Team asked for.

An example is even the issue we just talked about a little while ago about calling someone on a telephone. One of the RAA amendment topics relates to validation and verification of WHOIS records. Well, as part of the law enforcement recommendations, there was a request to have all the phone numbers verified. In other words, that there would

be some sort of verification number for telephone numbers. We got tremendous pushback from the contracted parties on that because of the cost of doing that all over the world. So we ended up backing down from that amendment proposal and left it the current situation where you can verify either the phone number or the e-mail. But that's clearly an example of where sometimes the recommendation, if it requires a contract change, may not get the support of the contracted parties.

CHRIS GIFT: Margie, the recommendation seems to allow for what you just described, because there's an "if else" clause in it saying if it's not feasible – and I'll quote the words, because it's important. "The board should ensure that an alternate effective policy is developed." I guess I'm addressing the question to Steve. Does the board really have the mechanism to be able to do that?

STEVE CROCKER: Yeah, so that's one part of the potential problem. And the other is the form of advice like that presumes that there is some sort of solution, and what happens if there isn't? It's supposedly beyond the power of the board no matter what we would do to actually create a solution to something that doesn't have a solution. There's a reality check that has to be in there somewhere.

Many of the times that I'm involved in discussions like this, people come at me and say, "The board should do X." And of course the board, per se, doesn't do anything except pass resolutions and move paper around and give directions to the executive. The execution is all done by staff. I think there's a general understanding of that. But sometimes I'm in the position where people say, "No, no, we want the board to do it." That's a non-starter. In fact, to the extent that the board actually tries to do

something and sends people out or goes and talks to people or whatever, that's actually a breach of the proper role of the board. So we get into those kind of conundrums.

I don't know. That's kind of a meandering answer to your question. But I think, on the balance, the answer is no.

CHRIS GIFT: There's an expression in English which I've never understood and the expression is "the proof is in the pudding." It very much – the board can require a policy be developed. They may even get that done. It's not going to be proven to be effective or not until after it's implemented.

I think this is an interesting lesson in writing recommendations. I don't know how we embody it in our report our in our recommendations, but I think there's some interesting lessons in just the raw wording of this kind of recommendations. Thank you.

BRIAN CUTE: Any other questions? I don't see any hands online. Yes, Olivier.

OLIVIER CRÉPIN-LEBLOND: Thank you very much, Brian. It's Olivier Crépin-Leblond for the transcript record. Question on the percentage completion. It says 50% as the RAA is under discussion, etc. etc. The question being, is the WHOIS recommendation that we're looking at here one of the really contested – hotly contested – ones or is that not something that is currently contested?

MARGIE MILAM: I guess there's aspects of it that are fine. We have commitments in language in the new RAA that basically tries to beef up the enforceable part of it – (inaudible) chain of contractual agreements. That language seems to be fine.

EN

The graduated sanctions, that's where we got into a lot of pushback when we tried to really get a more vigorous compliance obligations. And we do have some in the agreement that's posted. It may not quite be as detailed as the recommendation. So 50% meaning that we've got a long way. We've got agreement from the registrars on the formative agreement that's being published. It's now part of the new gTLD program. All of that is why I picked 50%.

OLIVIER CRÉPIN-LEBLOND: It's Olivier again. For something like this, is ICANN in a position where it can just push this through?

MARGIE MILAM: I don't think that ICANN – if you look at Fadi's approach to a contract, he's trying to very much have it be a collaborative approach to the contract, so it's just not consistent with the way we've approached contracts to basically say, "This is how it has to be and we will not accept any other version of it." That's just not the role that we've taken in with respect to the registry agreement and the registrar agreement. I don't know, Dan, if you want to comment on that issue.

STEVE CROCKER: Let me just comment on a small point of craft. This 50% completion resonated very strongly with me, because Denise, I'm sure, will remember vividly when the first set of recommendations for ATRT-1 came out, my attitude was this is very important. We're going to implement these and we're going to know where we are with them. And the first version had 25, 50, 75% and 100% (marker) points on that.

I said, "How do you know? What do those mean? What is the difference?" I said, "Let's get rid of that way of talking about it and let's tie them to very specific measurable mark points along the way, milestones (inaudible)."

And so for each recommendation, Denise put a lot of work in and created intermediate milestones that were specific things, the last of which was this is now imbedded in our processes and it's part of our standard operating processes.

Oh. And then when Fadi came in, he said, "This is really important stuff. I will go make this happen." So I stepped back away from overseeing the process on a fine-grain basis and Fadi took it on.

With some (inaudible), I have to say I'm quite surprised that this business of 50% completion has crept back into the process. I don't know where it came from. I tried to drive a stake through it and it didn't (inaudible).

BRIAN CUTE: Thank you. Olivier?

OLIVIER CRÉPIN-LEBLOND: Thank you, Brian. So it seems to me that ICANN has to act in the public interest. It's a line which I think has been taken recently more more-so than ever before. Carlos just mentioned there – it sounds like what I'm advocating is top-down. It's not at all top-down. The recommendation was put together by the WHOIS Review Team. It was a multi-stakeholder set of people. It went through the whole process. There was a review process, etc. and it was judged that it was in the public interest that this recommendation gets put forward.

So I don't understand how just one part of the community – the contracted parties who are discussing and who are negotiating this agreement – are able to block this in a way for whatever reason it is.

BRIAN CUTE: Carlos.

EN

CARLOS RAÚL GUTIERREZ: I'm sorry. I just had time now to look at your statistics. I think they're wonderful. I think there is a clear separation between prevention and enforcement (inaudible) month by month. They are separated geographically, so if you can improve the WHOIS results with these soft tools, why do you need to go into such a deep discussion, like changing the whole contract system?

Or to go back to your initial question, if you make calls and you will be able to show improvements on a month by month basis, well, it might be interesting to spend quite some money. But if not, then just continue the way you are doing it.

And I'm bringing, in relation to this, to the other one I'm in. If staff is able to show that there is an improvement just by following and making statistics transparent and available, I think that might be pretty efficient in terms of (inaudible) worry about the efficiency of the recommendations. It might be a pretty efficient result and the other one might be interesting, but very difficult to reach.

BRIAN CUTE: Thank you, Carlos. Olivier, and then we'll move onto the next.

OLIVIER CRÉPIN-LEBLOND: Thank you, Brian. I'll be very quick. The problem here comes with the enforcement part. There doesn't seem to be – or there doesn't appear to be – on the previous (RA) any way to enforce the WHOIS. And without enforcement, there is therefore no accountability. That's the only concern. This is why there is this hole.

CARLOS RAÚL GUTIERREZ: Yes, but I listened from you – I'm sorry – that enforcement is the last resort, and we should go back to that statement. At what point do you go into the enforcement (inaudible)?

BRIAN CUTE: Okay. We're going to need to move on, just as a matter of time. Good conversation. We'll pick it up again. Number 9 is where we are, correct? Who's got this one on staff? Maguy?

MAGUY SERAD: This is a combination of you and I. Margie already spoke to that, but if I may point out to something I pointed earlier. When we receive recommendations, to Avri's point and everyone else's, we did come back and clarify that the annual WHOIS data reminder policy does not track effectiveness. It's only about reminding the registrars to remind the registrant to update the data based on the contract date.

What we do in the audit for that specific policy is to ensure that they did send a reminder policy and they sent it based on the language and the contract as they have agreed to with the registrant. So we had made that very clear point to the WHOIS Review Team. To date, it is not tracked and there is no baseline and we cannot execute to it.

BRIAN CUTE: Just a question. When you say not tracked, though – I heard everything you said. What I zeroed in on was metrics to track the impact. So where is that specifically problematic – tracking the impact? Is it a matter of seeing changes in the WHOIS data that we're subject to the notices and tracking that as a possible impossible?

MAGUY SERAD: It's yes to both. Like I said, the policy only states the obligation to send the reminder, and the registrars do not document the impact of it and we are not – we don't have the visibility to the impact of that policy. It's only was the policy – did they send a reminder per contract? So the metric of the impact of the policy does not exist. It's not tracked. It's not measured by anyone.

BRIAN CUTE: Could it be?

MAGUY SERAD: Everything is possible. You have to start at the source. You have to start at the source where it's tracked recent policy – reminder A, has it changed or not? Then that has to come (inaudible) towards us to be able to manage it. Because the changes are happening at the source when the reminder is sent.

BRIAN CUTE: In consulting with the registrars, was there concern? Was there a willingness to try to develop this type of metric or tracking mechanism, or did the registrars suggest that this was unworkable?

MAGUY SERAD: So the compliance team did not consult with the registrars on this, but in a dialogue, we did speak about, "Do you track this information?" when we're talking and engaging about areas of improvement, and many had stated it's not. But again, we cannot enforce it. The only enforcement here is: are you sending the reminders? Are you sending them per contract? There's nothing in the policy, and that was the response that was provided that states you must track each reminder. You must track the changes based on the reminder and track the accuracy of those changes. There is nothing in there that (inaudible).

BRIAN CUTE: Thank you. Avri, then Alan.

AVRI DORIA: And this may just be a silly question, but it's possible for you to tell when the contract dates are and when those notices should have come out. And it's possible for you to tell whether people did make changes in their information in some proximate time to the contract anniversaries.

Because also looking at the part there that says if it's unfeasible with current system. But I'm just wondering, if there was even a way to

correlate that those messages went out and it correlated with – at the same time, we notice that there's a blip up in people correcting or, "Nope, you sent the messages out. Nothing ever changes." Is that something you could've done without registrars? I'm just curious.

MAGUY SERAD: So we do – (inaudible) was run as an annual audit on itself. Now, this audit of the policy itself – an annual reminder is sent – is incorporated in our three-year plan. So if I may address, the first point you made, do I have visibility to the contract? The contract is between the registrar and the registrant.

So when we audit the specific policy, we request a sample size of domain names. We ask them to send us the agreement and we set (inaudible) to send us the reminder that was send and we validate the date. So we do not have direct visibility to that contract, and the way we ran the audit, like I stated, is based on a sample side. We do not look at every agreement. Sample size of the domain names, look at their contract date, look at the reminder policy. Was it sent according to the policy? And we do not have visibility to the (blimp) you mentioned. It is between the registrar and the registrant. We look at that date. So the policy is the registrar sending it to a registrant who owns the domain name reminding them.

AVRI DORIA: All right. But the date on which they're supposed to send that is the date you would know of without consulting with the registrar. The contract date is in the information, correct?

UNIDENTIFIED MALE: (inaudible) WHOIS Data Reminder Policy says at least annually, and I think it's up to the registrars to decide they could send them all out on January 1, they could send them out a week before. So I think what

you're getting at is, theoretically, if you had all the compiled data of all the registrars, you could do some kind of big data scanning on blips and when (inaudible) were sent and cross-correlate, but no one at ICANN has that data and we take a lot of coordination and planning to figure out how registrars do it.

And I think in some of the talk with the WHOIS Review Team, we talked about just the difficulty of matching this little – I don't want to say little – but this rule that says annually send this notice. Trying to match that up with WHOIS accuracy, which is hard to measure anyway, and then (inaudible). So it's more complicated.

ALAN GREENBERG: Thank you. I'm of very mixed emotions on this one, because I'm not at all convinced it's a practical thing that would be affected if we did it. Given that, with the understanding that registrars can send their notices at different times, but certainly for the largest registrars, you could probably find out what the pattern is. The data is all available through commercial services for the renewal date and when WHOIS data changes. It's tracked, and for enough money, you can get it all.

So it's something that could be done. Again, it comes down to let's do an analysis of whether this would be effective, and again, I find a – it's another one of those recommendations, by the way, which has a second sentence saying, "And if this is infeasible, then here's another way to go about it."

Again, it's another one of these recommendations that makes me feel uneasy because it was perhaps not un-implementable but difficult certainly in the general case. And it's not clear that the resources it would take would generate enough benefit from it. Again, it's

identifying to me a process in the review process and formulation of recommendations and the interactions getting close to the end that I find very bothersome. Thank you.

BRIAN CUTE: Thank you, Alan. Denise. Then we'll move on.

DENISE MICHEL: Just quickly. Throughout the whole discussion and the work of the WHOIS Review Team on this issue, the background and the feedback they got from staff is that the WDRP was not currently the right tool to get (inaudible) the same quality of data. And so, yes, the message that they got from staff was what you're asking me for, what you want to do with WDRP, is not feasible.

And so, ultimately, at the end, they tacked on if it's not feasible, come up with a new policy. So that takes us into the work that's occurred with the RAA, and of course the Expert Working Group which is (inaudible), and the board's direction to launch a new GNSO policy development process and the draft issue paper and all that.

BRIAN CUTE: Thank you. Let's move on, because we're at the hour, as quickly as we can skip through the rest of the recommendations and at least get your initial inputs, please. Recommendation 10, privacy and proxy services. Who's this?

MARGIE MILAM: Margie. So essentially – listen, we're definitely implementing in the RAA documents that have been posted, there is an interim specification on privacy proxy services to be followed by community dialogue to develop a policy with regard to privacy proxy. So I think that one is pretty self-explanatory.

BRIAN CUTE: And status is in process.

MARGIE MILAM: Yes. In the process.

BRIAN CUTE: Okay. Any questions with respect to recommendation 10?

MARGIE MILAM: There's one thing I would point out. The report actually specified what the Privacy and Proxy Program should address, but it didn't say how. For example, it would say you need to have a standard for reveal – you know, a standard reveal process. Well, as staff, if you're in negotiations, how do you put that into a contract? We have no idea what the reveal rules should be; hence the (inaudible). That's why it's getting sent to a PDP process, to get community input.

                          So from your perspective, as you're guiding future Review Teams, I think recommendations like that where they give some broad statement, but there's not real clarity on how to implement it would be helpful. They gave a laundry list of things the Privacy Proxy Program should address, but it wasn't really clear how.

BRIAN CUTE: So that specific question is part of a PDP. That's how you decided to manage—

MARGIE MILAM: Essentially, yes. So the way we ended up was coming up with a shell – a basic framework – of minimal obligations that we felt we had a good understanding of what the obligations should be. But anything related to reveal or relay, that just brings in so many policy issues that essentially were not included in the RAA.

BRIAN CUTE: Thank you. Fiona.

FIONA ALEXANDER: I think the way you guys are handling this one is quite good, but just to keep in mind these Review Teams, whether it's this one or the WHOIS

one aren't just a substitute for an ICANN policy process. That's probably why they didn't tell you how to do it and what you're doing sounds like the right thing, actually.

BRIAN CUTE: Thank you. Anything else on recommendation 10? Online? No hands. Can we go to 11? Sure. Is that Chris Gift?

CHRIS GIFT: Eleven is fairly straightforward. I thought the recommendation was clear. It's in progress, in status. I see no roadblocks to implanting it. Pretty straightforward.

BRIAN CUTE: Olivier.

OLIVIER CRÉPIN-LEBLOND: Thank you, Brian. It's Olivier for the transcript. Chris, in progress, do you have a percentage for this?

CHRIS GIFT: Yeah, it's probably around – it's very low, but it's going to move rapidly. So right now it is scheduled for end of July.

BRIAN CUTE: Thank you for not answering with a number and making Steve shake his head harder. Any other questions on recommendation 11? No, okay. Let's move to 12-14 which cover IDNs, Internationalized Domain Names.

UNIDENTIFIED FEMALE: And we have Steve Sheng on the phone to address these. Steve, do you want to address them grouped or one by one?

STEVE SHENG: Sure. I think as a group is better. So recognition 12-3 deals with internationalized registrations data. That is (inaudible) registration data that is represented in language and scripts other than English or Latin. So the WHOIS Review Team asked us to form a working group to determine the requirements for internationalization and we are doing

that right now. So both 12 and 13 are in progress and are scheduled to be completed early next year. No roadblocks identified so far.

BRIAN CUTE: Were those comments with respect to 12, or 12, 13, and 14 in terms of status and completion? Did you hear the question, Steve?

STEVE SHENG: Sorry, I didn't hear it. What's the question?

BRIAN CUTE: I said were your summary comments in terms of the status and projected completion date with respect to recommendation 12 only or 12, 13, and 14, all of the tasks?

STEVE SHENG: That's 12 and 13 completion date, estimated completion date. In terms of the implementation, 12 would need to go first. That is to define a requirement and a data model. Then the following (inaudible) is recommendation 13. With respect to 13, we had already built some placeholder language, for example, in the proposed 2013 RAA, and in the (inaudible) registry agreement, there are also some placeholder language asking registries to implement new protocol that can support internationalized registration data. So those are already in progress.

BRIAN CUTE: Thank you very much. Any questions in the Review Team for Steve – 12, 13, or 14? I don't see any questions. No hands online. Okay. Steve, thank you. Recommendation 15. Who's got this one?

UNIDENTIFIED FEMALE: The issue related to 15, providing a detailed comprehensive plan regarding implementation three months after the report is submitted, part of the challenge with that is the board – as is required by the AoC, the board took action on the WHOIS Review Team report six months after it was submitted, which is the deadline, in November.

So there was a disconnect there with the requested implementation plans and the reality of when the board approved the team report and then staff started working on ways to implement it.

So subsequently, we've used various mechanisms to interact with the community and provide information on the implementation direction (inaudible) to the recommendation an extensive blog posting laying out the completion key task completed, helping serving tackles and a grid that lays out the recommendations and actions. We also did a webinar that was well-attended and we posted extensive information about all the recommendations and the implementation work there, and we will be following that up with additional various types of mechanisms to continue to provide this information in various ways to the community and interested members of the public and also build in some reporting and tracking on each of the recommendations.

We'd like to use our (At Task) System that we recently launched and are providing to the public. So we're looking at a way, hopefully, to make this information accessible using that so we're not recreating the planning and tracking that we're already doing internally on these various recommendations.

Then since I've got the mic, the last recommendation is the annual report, which of course we'll be providing at the appropriate time.

BRIAN CUTE: Thank you. Any questions on 15 or 16? No. looking around, looking online, seeing none. Olivier.

OLIVIER CRÉPIN-LEBLOND: Thank you, Brian. It's Olivier for the transcript. I just had a comment on 14 earlier, the IDN. It says, in one of the boxes, more information will be

known in August 2013. I whether we could put a placeholder for us to receive that more information in August. I know it will be late in our process, but it will be interesting to be aware of what progress is being achieved.

BRIAN CUTE: Thank you. Chris?

CHRIS GIFT: Yeah. We should probably do that, but at the same time, I think I need to regroup with Steve, because whilst he's answered 14, I'm also part of that and I think that date came from me, because I thought Steve was going to be done in late July or August, but I'm now hearing there's a date shift. So I need to regroup with him and let me get back to you guys about the—

BRIAN CUTE: Okay. With that caveat, that's an outstanding request to the extent that you have data for us in that timeframe, or when you do. Thank you. Okay, nothing else on 15 or 16? Okay, thank you all very much. We are going to take our break of 15 minutes now and then reassemble for the remainder of the agenda. Thank you very much to staff for your inputs, for your reflections, for your candor. Very much appreciated. It was a very good first step. Again, the short timeframe, we understand that and best efforts were given. So thank you very much. We'll come back to you in the coming days and weeks and probably have some more iterating questions for you. I'm looking forward to seeing you again. Thank you all online.

Okay. We're going to get started, folks. Okay, folks, we're going to start. Are we online? Alice, are we online? Okay, we're on. Thank you all. Last session of the day. For those of you online, we've got about an hour, hour and a half of work to do after interactions with the staff.

So for the next hour and a half or so we have item number 6, which is Debriefing and Synchronizing; A: Takeaway from Session, B: Define Action Items. And I would like to take it in that order. I think we can have a relatively brief discussion or observations about the staff interaction and understand from our Review Team members what their impressions are and follow-on thoughts.

In terms of B, Defining Action Items, we do have staff here with us. And I think it's a good opportunity for the Review Team to provide staff with additional guidance, because we're going to have follow-on questions. We're going to have, likely, follow-on requests for documentation. And also, we're going to break into four distinct work streams. And once that work kicks off, each of those work streams, or members of the work streams, will themselves have, potentially, questions for ICANN staff, document requests for ICANN staff. So let's take some time now with staff to talk about how we want their inputs and provide some guidance along those lines.

And then, tying into the work stream effort, I think before the day is out today we should have a discussion about kicking off work on the new issues. We've been looking at the historical implementation of prior Review Team's recommendations. We have identified issues that we believe need the focus of this Review Team. And I'd like to have a discussion on how to kick off the specific work streams and get that work going in a coordinated fashion.

So if everyone is okay with proceeding, I'd like to just open the floor for a few minutes or so for any takeaways from the international staff

today, any observations, any reflections, any suggestions from our review team members about that interaction and how to move forward from here. Any thoughts? Olivier?

OLIVIER CRÉPIN-LEBLOND: Thank you very much, Brian. It's Olivier Crépin-Leblond for the transcript. I just wanted to note the amount of work that has been done, actually, by staff in implementing those. I wanted to – I mean we might be hard on them, but it really is quite significant. So I'm quite pleased with the amount of work that's been done so far, including what's still outstanding. I'm glad that we are given target dates, etc., so as to know where we can expect the majority of the work to be undertaken.

BRIAN CUTE: Thank you, Olivier. David?

DAVID CONRAD: Yeah, I'd like to reiterate what Olivier had just said. I think there's a tremendous amount of work done. Personally, I want to spend a good amount of time to actually go through the actual spreadsheets to understand. And I'm sure as I do that I'm going to have a series of questions that I'm sure everyone will be overjoyed to answer.

But, at this stage, I sort of saw this as more of an introduction. I'm afraid some of the staff time, those who spoke, that time might have not been as productive, simply because they didn't have enough background into the information that they had provided within the spreadsheet to be able to comment effectively. So maybe next year there will be more time between the generation of the stuff to read and then asking staff questions based on that stuff.

BRIAN CUTE: Thank you. Jørgen?

JØRGEN ABILD ANDERSEN: Yes. Thank you. I would also like to join in thanking the staff for the tremendous amount of work which has been carried out. My takeaways from this session, I have already mentioned a couple of points and I would like to repeat them.

I think one observation is that a lot of work has been done to implement the recommendations, and very good work has been done. But when we have asked the question, "Do you know if it actually works?" I think that we got the reply a couple of times that, "We don't know," which I think is a very important observation. I don't have the answer to how that should be dealt with. But I think that it's worthwhile noting, at least this is my impression, that there is no clear knowledge about whether the implementation of these recommendations has actually led to the result which was the background for the recommendation.

That is one observation. The second observation I want to share with you is that, at least to me, the enormous amount of information given leads me to conclude that we have come a very long way in establishing what you could call quantitative transparency. But with respect to qualitative transparency, if you could use that expression, I think that there is a challenge. And I don't have the answer of how to address this, but you can end up in a situation where those who should benefit from transparency get so much information that they simply are not able – use the expression you are not able to see the forest for the trees.

This is, in my view, a very important observation and a real challenge to discuss what can be done in that respect, what should be done. Repeating myself, establishing this quantitative transparency of course

is good, but if it's not accompanied by qualitative transparency, I think we are far away from reaching the goals established. Thank you.

BRIAN CUTE: Denise?

DENISE MICHEL: Yeah. Our measurements and metrics efforts are evolving. We took sort of the low-hanging fruit and they are tracking the obvious metrics in terms of the new processes that are occurring as a result of ATRT-1. Now that we've got some time under our belt, we're looking at developing much more rich and, I think, qualitative, trying to get to the harder question of: is this making a difference and how do we benchmark this and track progress?

I'll keep you apprised of efforts as that evolves. And, of course, Steve has launched an effort sort of at the board level also. So we're working on that to put in place annual assessments that speak to, in particular, the board related ATRT-1 activities so we can get annual feedback on that as well.

And then, in general, we're looking at some new ways to benchmark overall – benchmark the organization's transparency. And, again, as our due diligence, and research, and work there continues, I'll keep you apprised on that. And, of course, I think we talked about this at the beginning of this group, metrics and benchmarks guidance from this group would be really helpful.

BRIAN CUTE: You can rest assured we're going to take that onboard for certain. Avri?

AVRI DORIA: Thanks. I just wanted to pick up on something that Jørgen said. I think one of the most important words was "accompanying", because one of the things that I hope to never see disappear is the ability for there to

be complete data dumps; that other people that are interested in taking the transparency.

So when you say the deluge, the forest for the trees, the drinking from a fire hose – any number of illusions –that that data, as much as possible, always needs to be produced for transparency. And then, yes, it's good also to provide an abstraction on that so that people do get what you are calling the qualitative information, as long as the body of information is there for somebody else to, for example, reproduce the experiment, somebody that is into managing big data to be able to play with it, to be able to find their own correlations, their own things.

So I just really wanted to pick up on that accompanying word, because so often people say, "You're giving me too much data and I don't understand it." And agreeing with you, but just sort of talking about the importance to keep the big data available.

BRIAN CUTE: Thank you, Avri. Demi?

DEMI GETSCHKO: I have some short comments. First of all, thanks for the very good information we got from the stuff and a lot of useable information we got this morning. I suppose we will continue to have this exchange of ideas.

I have a comment about a question that (Dan) posed this morning and also the answer Steve gave to us. Of course this committee has a very heavy burden to try to build (over action) in many issues. Of course what's (inaudible) sees in one thing can be different than what WHOIS sees in the same thing and can be different what the first version of this group has found in the (same thing).

And of course, all the deliverable are sent to ICANN to be implemented. And we were asking how is the percentage of implementation of each of these recommendations, of these advices? But, in my mind, I think, in many cases, there would be no known coherent, no known congruent, no mutually exclusive recommendations that can pass a confused message to the board.

I suppose this group has the unique opportunity to try to make some kind of leverage, some kind of (inaudible) these different issues. I'm not sure if we can accomplish that or proceed on that. But, anyway, I just want to arrive at this point that it is important to have in mind that, in many cases, what you see in a view of privacy may be different from what you see if you are being from transparency, or security, or stability, or…

BRIAN CUTE: Thank you very much, Demi. Other reflections? And for my part I would like to thank the staff again for the great amount of work in the short period of time. Very much appreciated. And the observation I have is from a process standpoint. I think we're working toward one potential solution. And we need to talk about this on the next agenda item, but Denise and staff have been asking us: what do you want from us? How should we provide you information?

And while we developed a list of questions, at the same time, I think from the Review Team's side, at a basic level what we want is to hear from the staff "Here's what we did and here's how it went," and not try to shape in any way what you provide to us. It needs to be organic. It needs to show and tell the story of how implementation went from your point of view.

And looking at the process and seeing that we are in the beginning of May and we are just as far along on the information exchange says to me that we're not where we need to be in term of the understanding between staff and the Review Teams.

Hopefully, maybe one thing we can leave behind as a Review Team is something of a template or a process that can be repeatable so that the staff is in a position when a review process begins to bring to the Review Team at the outset, "Here's our report," and initiate the information flow at that stage of the game.

And I say this without judgment. I say this neutrally. I think both staff and review team are finding their way forward on this. But I think if we put some focus on that we might do the organization and future review teams a favor by establishing something of a baseline in terms of how staff can report in at the outset of a process to begin the review in earnest.

So with that in mind, let's turn to the discussion of follow-on questions and document requests. And moving from the document that you presented us with the spreadsheet of all this information, how do we move forward from here in terms of structuring requests for information, providing guidance to the staff in terms of what you are going to provide us as follow-on information in an organized sense?

And that's an open question. I'd love to hear, Denise, from your side. What would be specifically helpful? How do we provide good guidance here?

(DENISE MICHEL): Thanks, Brian. From staff perspective, certainly what I think would be helpful is a centralized sort of standardized approach to how questions and requests for information would come our way so that we have the opportunity as a staff to look at the information, make sure that we understand the substantive part of what's being asked of us, perhaps give some thoughts with our team as our support as to what kind of information we could provide, what the timeframe would be, what the work effort would be required, and do that pretty quickly, turn it around to you so that we could make sure before a lot of time and effort goes in that we're hitting on the mark for what you are looking to get from us substantively.

We'd be happy to draft something up. In terms of being central it could live on the wiki. The format could be really straightforward. This is about keeping it simple, not creating a complex form. But it would hit on some of these key issues. What's the objective? What kind of information? What's the expectation so that the staff could respond with something thoughtful after we go back to our teams?

BRIAN CUTE: Thank you. Let me ask a question. I'd just love your reactions, whatever they are. You've heard me say what we want is depth. What we want is context. What does that mean when we say it? And how do we translate that into information requests that you can manage and come back to us with?

UNIDENTIFIED FEMALE: When you said depth and context, I think a number of you also said information to be provided in written form would be helpful. As we went through this exercise, obviously we weren't sure, from a depth

perspective, how much information, how much detail, how much substance. So we look at in terms of the written portion will provide a lot of data, and then the verbal exchange, the discussion, would fill in the blanks and provide the story. At least that's how we were looking at it.

So it would be helpful to know what we could have done better from that perspective. Less data? More high level information? We had discussions about PowerPoints would not necessarily be the way to go, so we tried to stay away from that. So we're looking at all these different elements and looking at how could we construct all of this better to give you more substance than we did so far?

BRIAN CUTE: Thank you. Denise?

DENISE MICHEL: Yeah, just to follow on that. I think it was useful that we were able to have a conversation with the team that allowed the team members to expand on their expectations and their understanding of the questions and what they wanted for, ultimately, the spreadsheets that you go on the 15, 18 questions for all of the review recommendations.

So I think having a dialogue towards the beginning of an important information or data gathering effort is a nice way to start, and then always keeping in mind that there's often a number of staff that Larissa needs to coordinate with, so giving staff some time to consider the requests, coordinate with other staff, and come back for clarifications or have that type of discussion is a very useful thing to do.

BRIAN CUTE: Thanks, Denise. Carlos, did you want to weigh in?

CARLOS RAÚL GUTIERREZ: Yes. I've been thinking since this morning about this discussion, and what I expect from this conversation with staff is different because – not different. It should be differentiated. I think there are things that staff can improve if they get better guidance, if they get clearer objectives and they can produce data on improvements. But there are other things that I have heard that Steve is pursuing, that Fadi is pursuing, that require change. I would assume that these changes, changes in procedures, changes in the organization, are about the decisions that staff can make.

So we should look at the different levels. I mean staff can do a lot in terms of, "Okay. Here we have a clear guidance. We can improve here or there giving money or whatever." And then there are other issues that staff can only take note—"Okay, we are in the discussion of the policy versus implementation and we have gotten this feedback and that's it." I wouldn't expect much more there because that requires another level of discussion.

And then there are other issues that we have brought into the discussion that are well beyond that, like enlarging the perimeter of feedback to government or the larger ecosystem. I wouldn't like staff to lose too much time on the Level 2 and Level 3. I would like them to stay focused on just incremental improvements through clear instructions or resources, requirements, period. And then we should go on with Steve and Fadi on a more high level. And then we should spend a lot of time thinking of the new ideas that we have to produce. So I would make this a clear separation. I think staff should support us in incremental improvement, but they shouldn't be losing too much time on the other part. There I think we have to put more on the table.

BRIAN CUTE: Thank you, Carlos. Jørgen first and then Lise. Jorgen?

JØRGEN ABILD ANDERSEN: Thank you, Brian. Jørgen speaking. I think when answering your question, I think we should remind ourselves what is the final outcome of our work supposed to be? It's a report. A basis for the report is work to be carried out under four work streams. One of the work streams is the review – that's work stream one – review of implementation of ATRT-1 Review Team recommendations plus any new recommendations. I would assume that an important part of this work stream is to learn what are the observations made by ICANN staff themselves about how far they have come in implementing the recommendations from ATRT-1.

So I think that the further work which I would like to see carried out is to use the spreadsheet as a basis for a written contribution maybe in a format which can be included as an appendix to the report of the ATRT-2 and supplemented with some remarks which have been made by Denise on a couple of occasions concerning benchmark, concerning metrics, baseline, and so on. Because where I think at our first meeting here in this room, I heard clearly Fadi stating that it was obvious to him that listening to the views from this group he would certainly pick up on this and do some work on this. Why not let that be the contribution of ICANN staff themselves to the report that we are going to finalize before the end of this year?

So my proposal would be, in short, to translate the spreadsheet into an ordinary text. That would be quite many pages; I'm aware of that. But it shouldn't be finalized before the end of this week. And then adding

something on top of this where you say, "This is our report regarding status of the work in implementing the recommendations. What our observations have been in implementing the recommendations has been A, B, C, D, E, and we consider that there is a need of developing metrics. There is a need to be more cautious about establishing baseline and so on and so forth." I don't know whether that could be a model to pursue, but that would be my proposal, at least. Thank you.

BRIAN CUTE: Thank you, Jørgen. I think before I come to Lise, Fadi did make that commitment in the first meeting here that metrics would be developed by the staff. So I think that's very consistent with his statement. And at the same time, I would reiterate that I think this team can make some contribution on that point as well. Part of it which we started to get at today, in my view, was an understanding of how recommendations as designed might create problems from a metrics perspective. So, an understanding and an analysis by this Review Team, and perhaps some suggestions on metrics would be a useful contribution as well. Lise?

LISE FUHR: Well, this is a bit in line with Jørgen's remarks. But I think there are two questions. We have one regarding the procedure, and that is how can we get the questions to you in an easy and manageable way for you so you can have it and work with it and you can distribute it to the right persons within ICANN. I think that's the easy part.

And then there's the content that Jørgen touched upon. To me, I agree it's very important that your assessment of how a thing has developed and analysis…analysis is such a strong word, but what you think has been reached.

We have the other questions coming that weren't straightforward that might be new questions. But it's still important to have the objective information, but also your subjective opinion on what's good and bad.

BRIAN CUTE: Denise, just out of curiosity, on the SSR for tomorrow, that session's not happening, right? So we have that time on the agenda?

DENISE MICHEL: I think we're still expecting the spreadsheet tomorrow morning.

BRIAN CUTE: Oh, we are. Okay. I was just trying to manage time. It might be good for us as a team tomorrow to take a block of time to develop the follow-on questions that we want to provide to staff as part of tomorrow's output. So we'll find the time to do that, Denise, develop some questions from the team as follow-up questions to provide to you? And we'll just find the block of time to do that.

Another thought that I had in terms of just the arc of our work, I believe right now it would probably be very useful to the review team to have as much as the inputs from ICANN staff on implementation prior to Durbin. In fact, a good bit ahead of Durbin so that we've had a chance to review staff's inputs on how implementation of recommendations went before we do our structured outreach and interaction with each of the organs across the ICANN community. So that's not a precise deadline, but somewhere in June it would be good to have the lion's share of staff's input, and let's work with them to facilitate that.

Any other thoughts there? Denise? Okay. So that's 6A. Let's move to 6B: Defining Action Items. Tomorrow we'll take some time to develop follow-on questions to provide to staff coming out of today's interaction. Let's look at two items – initiating the work streams, the

working groups, and focusing on the new issues; not the backward looking issues, but the new issues.

We have four work streams. We have volunteers coming out of the last call, I believe. Alice, if you can throw that up on the board, the work streams and the volunteers. And then we have already agreed to a list of issues that could become the subject of analysis, assessment, and recommendations coming out of this team. I think, Alan, you raised an open question to ICANN staff, too, in terms of making contributions on issues they might think. Feel free to—

ALAN GREENBERG: I'm not sure I can speak. My suggestion was that there are a number of issues that we need to look at going forward that were not reviewed by the first ATRT and to the extent has any input, insight, history, whatever that they can contribute to the process prior to us asking explicit questions that would be useful. That refers to, among other things, is the policy development process working? And that's lower policy development, not necessarily PDP. And across the various SO organizations, how do we get the organization to truly work as an organization as opposed to silos?

So any of those issues that are being addressed in the last sections of the ATRT scope, to whatever extent – we're not looking for huge histories – but to whatever extent staff can provide any insight or background that will be useful as we start our work. Thank you.

BRIAN CUTE: Thank you, Alan. So to the extent that staff came back with some specific areas that fall within 9.1 of the AOC that are areas of, as I said, weakness or something that's not working that a recommendation from this team would be useful, we would certainly welcome those

suggestions. We would add that to our list of issues that we've identified as potential areas of work and focus. And that stands as an open invitation.

That being said, I think it's going to be important to kick off the individual work streams in relatively short order. These working groups can self-organize at any time, have their own conference calls to begin scoping out the work and the issues they want to focus on.

I'll just make an observation that I'm very happy to see the level of volunteerism across the work streams, but noting that Workstream 2 and Workstream 3 still only have three people who have volunteered. And in terms of the amount of work and focus, certainly an extra hand or two on those would be welcome. So if anybody feels – and Workstream 4, for that matter. Avri?

AVRI DORIA: Remember on 2 we volunteered each of the vice chairs onto 1, so I'm actually on two also, even though my name doesn't show.

UNIDENTIFIED MALE: (off mic)

AVRI DORIA: I don't know if you ever sent out a…

BRIAN CUTE: No. We had our secret breakfast.

ALAN GREENBERG: I don't remember that.

BRIAN CUTE: You got the short straw, Alan. No, the chair and the vice chairs decided to, I guess, ceremonially raise their hands to shepherd each of the work streams. How did we land? To assist and facilitate the chairs…

AVRI DORIA: To assist and then trying to twist somebody else's arm to be chair of the group. And I've certainly been working on somebody's arm on Workstream 2. But, yeah, I guess the whole idea was that we each volunteered to be on one of them, to coordinate the groups by talking to each other, to help and be the workers, the shepherd, but to get somebody else to chair them.

BRIAN CUTE: So remind me which ones we assigned ourselves. [laughs]

AVRI DORIA: I have two. I remember mine.

BRIAN CUTE: You have two? Lise? Lise has four. Alan, you've got three?

ALAN GREENBERG: I have three. I think the number three is perfect. That's one to coordinate, one to chair, and one to draft. All we're missing is people to do the work!

BRIAN CUTE: Okay. And I've got number one. You know, while we're here we could just open it up to the group. So the chair and the vice chairs will act as facilitators, shepherds, for each of these work streams along the way. We are going to need a chair, so someone who will drive the work, organize, coordinate, and drive the work. And we're going to need someone to pick up the pen. That's not always the same person. That's very often two different people.

Do I have any volunteers to chair the specific work streams from the Review Team? Who would like to chair one of these work streams? David?

DAVID CONRAD: So, after I've put my arm back into socket I believe I volunteered to chair the Work Stream 2.

BRIAN CUTE: Work Stream 2. Thank you very much, David. That's wonderful. One down, three to go. Alan?

ALAN GREENBERG: I believe I volunteered to draft on 3, but I'd prefer not to chair if I'm going to do that.

BRIAN CUTE: Okay. That's good. Let's stick with chairs. Let's see if we can knock down those ducks. Fiona, please?

UNIDENTIFIED FEMALE: (inaudible)

BRIAN CUTE: Oh, sure. Absolutely. We will. Let's modify this to add the chair designation and we'll get to the drafters. Okay. One down, three to go. Who would like to be chair of a work stream? Don't be shy. It's not as much work as drafting. It's far less work than drafting.

UNIDENTIFIED MALE: In drafting there are a few who are language challenged.

BRIAN CUTE: This is true, too. No, no, we have to consider that. Of course, if anyone wants to be the chair and draft it's an open invitation.

[Miscellaneous talking and laughter]

BRIAN CUTE: So, what you're saying is I need to wait until the wine is flowing tonight and then I'll get the victims. Is that it? Okay. We'll wait until the wine is flowing. Then we'll get the victims. Avri?

AVRI DORIA: If I can remind you, we had also assigned –that's why I was pulling somebody's arm out of the socket. But we had assigned the shepherds, sort or the recruitment of volunteer tasks.

BRIAN CUTE: Right. Thank you. And one other item. We will need people to draft. I think at least four people who can draft is going to be the requirement.

I'm not going to ask for hands right now, but I'm sure everyone knows it's a big task. It's an important task. It will begin in earnest the end of August, beginning of September. It requires quite a bit right up until the end. So whoever makes that commitment, thank you very much in advance for that. It's a very important role.

With respect to that, I'm jumping around a little bit, but I want to have a discussion on this. We talked about our meetings in Australia. The way those are structured, I think last communicated was we were going to go for two days at the end of August, a Thursday, a Friday, and then have a Saturday where the people who have volunteered to draft would stay. The rest of the team members could depart. But the drafters would take that next work day to begin, in earnest, the first drafts. That would follow on two days of substantive discussions with a lot of inputs in front of the Review Team. Those two days could also accommodate a breakout day where the work stream groups could assemble separately and focus in on their analysis and their assessment of the inputs and begin formulating the outlines of recommendations.

But in talking it through today, too, given the distance of travel for some, and basically that, a question of whether we should have that as three full work days – a Wednesday, Thursday, Friday – with a Saturday, again, for the drafters to stay on and begin the first draft process. That was a suggestion. Does that make sense to folks? I'm seeing a lot of nodding heads. Any stringent objections to making it three full work days?

It does come at that point in our work where we have most of our inputs. We do have to do a fair amount of reading and analysis. There's

a lot to do. So an extra day would make sense. No objections? Okay. Larisa, there's your answer. So let's go for Wednesday, Thursday, Friday. And the dates on that again were 21st, 22nd, and 23rd? That's a Wednesday, Thursday, Friday? And on the 24th for the volunteer drafters to stay on. Okay. Of August. Thank you.

UNIDENTIFIED MALE: Will that be in Sydney?

BRIAN CUTE: I think Canberra was the suggestion. And Stephen will be the host. Melbourne?

STEPHEN CONROY: Yeah. It can be flexible depending on what people would prefer.

BRIAN CUTE: Could it be at a resort on the Great Barrier?

[laughter]

STEPHEN CONROY: I'm not quite sure we could get away with that one! But I do recommend that you come and go through there.

BRIAN CUTE: You're from the neighborhood, Stephen. We'll leave it in your trusted hands to make a sound recommendation. How's that?

STEPHEN CONROY: Okay. Thanks very much.

BRIAN CUTE: Okay. Thank you. Okay. Give me a moment, please. We've got a little bit of time. The suggestion is – David, please.

DAVID CONRAD: Just to try to minimize the amount of challenges with regards to travel arrangements associated with Canberra, can we encourage staff to facilitate the travel arrangements as early as possible?

BRIAN CUTE: Yes, please. Would you help with that Larisa?

LARISA GURNICK:	Yes, absolutely. And we actually have some recommendations that we'll bring back to the group in terms of formulating, once again, on the wiki in a private space so that everybody can express their availability and preferences in terms of dates and we'll go from there.
BRIAN CUTE:	Terrific. We have the dates. Travel dates for individuals' travel is what you mean, Larisa, when Joe or Jill can travel.
LARISA GURNICK:	Yes. So those of you that will be joining remotely, an indication of that so we know who to make travel arrangements for and who will be making other plans.
BRIAN CUTE:	Fiona?
FIONA ASONGA:	Actually, I think David might have also mentioned the VISA applications, because, like, Kenya to Australia, VISA application is 30 days. So I should be getting my invitation now to begin that process.
BRIAN CUTE:	Alice, could you throw the issues list up on the wall? We've got a few minutes. We don't have to come to hard conclusions, but it might be worth taking a little time. This is the point where the given work streams that have their own specific focus can begin to sort through and say, "You know what? This is the one or these are the three issues that we really need to focus on that are the new issues, not the backward looking historical implementation." I think we might have a little bit of discussion here. I'll do it work stream by work stream.

Remind me again, the mustard and the plum? Avri? Come on. One was crosscutting, right? The plum was crosscutting? |

[Miscellaneous off mic talking and laughter]

BRIAN CUTE: Oh, that's right. Did you map these out according to 9.1, the sub paragraphs?

AVRI DORIA: Yes.

BRIAN CUTE: Oh. We need your diagram. Do you have that, Alice?

[Miscellaneous off mic talking and laughter]

BRIAN CUTE: I also have no problem with ending this session early, too, if we don't have other work to do. I think it's worth having this discussion now and try to sort what the priority issues are going to be going forward. Let's at least take some time to do that. Carlos, we're up on the screen now.

CARLOS RÁUL GUTIERREZ: I kept the numbering of the list. I think this numbering is from the first LA meeting. And there is a new concept that I considered goes through all of them. We also mentioned about budgeting monies and so on, and somebody said, "Okay, this is not 9.1." But still, I mentioned this is 0.7 of the Affirmation of Commitments that talks about transparent and accountable budgeting processes and decision making, and fact based policy development and public consultation. So I mentioned that, and the mission and the other Review Teams, okay.

If we speak to 9.1, 9.1 has five elements, and I just took the list and tried to relate the points to the different elements. There is a grouping of the board and the GAC, and 18 was the skills of the board members, the financials, the outreach, the GAC accountability, ATRT-1 recommendations. I think these belong to this too.

UNIDENTIFIED MALE: Are those all the issues that came off the issue list or just the yellow…?

CARLOS RÁUL GUTIERREZ: I got rid of the yellow and pink and white. This is the complete list of the issues. There are 19 issues. If we go back to the list I think there should be 19 points. I think these three, without ranking the importance, these five issues belong here. Then there are two issues that I think relate of the interface between the two formal bodies and the policy making process, which are the Recommendation 6 that we started to discuss today and that you said we should take it over to the second Review Team.

I will never forget that Steve mentioned at the very beginning about the effectiveness of the recommendation. Does it make sense to make a recommendation that cannot be implemented? It should be realistic.

And then, when I analyzed this I thought we were very weak here; very, very weak. I mean we produce a lot of things here. I will mention those later on. But if I look here, those are the three sides of the coin of the policy development process and we didn't produce anything. We didn't produce anything related to public input.

UNIDENTIFIED MALE: (inaudible)

CARLOS RÁUL GUTIERREZ: Okay. Yes. So this is a rhetorical question. Can we forget about this because we didn't produce any question here? We had very weak…those are white. Those are not very important comments. So I think we should, when we analyze, we should go back to these three elements and really discuss them again separately and try to produce smarter questions.

And then there are questions which are not related to 9.1 which are the questions related to the analytics, and metrics, and so on. I think the

metrics are very clear, and the technical issue, I think here we have to be not as strict in terms of metrics. We have to discuss a little bit what kind of follow-up we can have; not only metrics on this year.

Can we propose something that will report automatically or staff will produce over the next few years, or when the next team comes they will have it already and not spend the first three months asking, "Give me metrics. Give me metrics"? I mean we should set a process that will produce data for future Review teams. So this is just the way I—

BRIAN CUTE: Let me ask you a clarifying question. When you say "develop questions", do you mean questions asking for additional information to give to the staff or do you mean refine the issues here that are going to be the focus, the questions that are going to be the focus of…

UNIDENTIFIED MALE: (inaudible)

BRIAN CUTE: Okay. So refining the new issues, if you will, in shorthand. Okay.

CARLOS RÁUL GUTIERREZ: Yes. So to review, there is the big new one, cross sectional, is very weak here. This is a proposal, just an interface. Here we are pretty clear. And those, I don't know. They are not very well focused.

BRIAN CUTE: Thank you. Alan?

ALAN GREENBERG: I don't think we're weak on the last two. I think we're nonexistent in terms of clarification. 15 is just really a restatement of D, and 17 happens to be something that was brought up by the community which applies to E, but it was not really an attempt to elaborate on the full impact of E. So it's something we can tag on and say don't forget. But I

don't think in either of these did we really try to examine in depth what does it mean and what should the group be doing about it?

BRIAN CUTE: Other thoughts, discussion? Again, the objective here is to identify new issues of focus and recommendations from the Review Team. Lise?

LISE FUHR: I was just thinking from the conference call we had yesterday –not yesterday, last week or whenever it was. We got some ideas from some of the other applicants for this Review Team. Are they covered by the…?

BRIAN CUTE: No. We have not gone through that transcript and taken specific suggestions and put it up on the board. We should do that. We will do that. Jørgen?

JØRGEN ABILD ANDERSEN: I think that at our meeting in Beijing, Avri made a good point, from my perspective, that dealing with financials should not be limited to gTLD. I think I was causing the confusion about this issue. I said that on the background that gTLDs will generate a lot of money into the accounts of ICANN. It would be worthwhile looking at the financial issues in general to ensure that there is sufficient accountability and transparency on this. I think that was your point and I agree with that. So I think it should be changed to reflect this.

BRIAN CUTE: Broader financials, not new gTLD focused financials. Okay. Demi?

DEMI GETSCHKO: Demi speaking. I see two or three references to DNS and to (inaudible) on new domains; no reference to IP numbers, just to ask if we will deal with this, how ICANN is doing in keeping the service of (inaudible) and I explained this in (inaudible)

BRIAN CUTE:	That was on the list of issues. It's not on the diagram. Where did you see that fitting? Is that just because this is Workstream 1, effectively, right? This is 9.1 A-E?
UNIDENTIFIED MALE:	(inaudible)
BRIAN CUTE:	Yeah. Back to the list? Good catch. So just from the standpoint of organizing the work, this ties to Workstream 1, correct? Which maps to 9.1 A-E which is ATRT-1's recommendations plus new issues, right?
UNIDENTIFIED MALE:	Yeah. But the numbers apply to both D and E, if the policy does develop the process and accepts (inaudible) public.
BRIAN CUTE:	But that doesn't fall under Workstream 2. I'm talking in terms of work streams. So in terms of organizing this, this all falls under Workstream 1 potentially. Then we have Workstream 4 where we can make recommendations. Can you (inaudible) the definition of Workstream 4 up on the wall, Alice? Just trying to find out where we can home all these things and what 4 provides for us. So this is the over-arching. This captures (inaudible) process working? Is it improving? Accountability and transparency in ICANN. Avri?
AVRI DORIA:	I mean, I guess if we were looking at the IPv6 decisions that ICANN is making, has made, etc., and how they – their transparency and accountability. That would certainly sit there. I'm not sure what other aspects of IPv6 would fit there. But then again, you start moving into content issues, you know. But certainly, how ICANN is treating IPv6 becomes an accountability and transparency. How does it make the decisions it made? You know, how's it doing what it's doing? That might fit there.

(CHRIS GIFT):	A question. The wording says "consider the extent to which assessments and actions undertaken by ICANN." Does that mean assessments and the resultant actions or are they two disjunct things? The actions has a far wider implication than just because of the assessments. I'm not sure what the intent—
BRIAN CUTE:	Who's the author? Who's the author of this? That's a good question. It can be interpreted in either direction, Alan. I'm not quite sure what the answer is to your question. I would read it in the conjunctive, but you're right, they can be split apart.
(ALAN GREENBERG):	Since this is an overall accountability and transparency, why should we just limit it to the actions taken because of a review that happened three years ago? I would think it's a wider question. Are we capturing the hearts and minds or not? To use an analogy I shouldn't have used.
BRIAN CUTE:	Okay. So the author is the AoC. This comes directly from the AoC. This is a direct quote. This is kind of that additional work stream that the second ATRT gets to take on. And unless we talk to – get Fiona back in the room here or Paul Levins who might be able to provide some context around those words, that's what we have to work with.
UNIDENTIFIED MALE:	(inaudible)
BRIAN CUTE:	Workstream 4 comes from the AoC. Well, so after 9.1 A-E, it reads, "ICANN will organize a review of its execution of the above commitments no less frequently than every three years, with the first such review concluding no later than December 31, 2010." That's ATRT-1. "Each of the foregoing reviews shall consider the extent to which the assessments and actions undertaken by ICANN have been successful in

	ensuring that ICANN is acting transparently and accountable for its decision-making."
UNIDENTIFIED MALE:	It's the associated actions.
BRIAN CUTE:	Yeah. So it does tie them, I think. It's not the broader. Yeah. So it's tied to the review processes. It's tied to the assessments and then the follow-on actions from the assessments and reviews.
(CHRIS GIFT):	That's essentially asking, has the ATRT worked?
BRIAN CUTE:	Has the review process worked?
(CHRIS GIFT):	Yes. Correct to all of them.
BRIAN CUTE:	Has the overall review process worked?
UNIDENTIFIED MALE:	What if we say no?
BRIAN CUTE:	We might.
UNIDENTIFIED MALE:	We still have to do them every three years.
BRIAN CUTE:	Steve.
STEVE CROCKER:	Suppose that the review recommends something and that thing happens. What about the difference between because it was recommended or it would've happened anyway? It's okay with me if you say, "I don't care, we get credit for it."
BRIAN CUTE:	I was thinking in terms of relevance. I'm not sure. Is it relevant?
STEVE CROCKER:	If the question is, "Is this review process effective?"
BRIAN CUTE:	Oh, I see. How do we know it would've happened anyway?

STEVE CROCKER: That's a more subtle question. It depends on what the details are, and maybe there's evidence and maybe there's no evidence. But it's a logical question to ask if you're going to ask, "Is this process effective?" You have hard data if you recommend something and it doesn't happen, but you don't have the same certainty that when you recommend something and it happens, therefore it was due to this.

BRIAN CUTE: True.

STEVE CROCKER: I recommend the sun come up.

BRIAN CUTE: True. It might be cloudy, said the Irishman. Go ahead. Fiona.

FIONA ASONGA: Fiona Asonga. I think in response to your question, it would depend on whether or not the action – the issue is addressed before the recommendations are out or after. If it's done before the recommendations, then it's just one of those things that are bound to happen and therefore have happened. If it comes in – if an addition comes in after the recommendations, then I think that would give credit to the review process.

STEVE CROCKER: I don't want to pick a fight about it. But I know from living inside of this that there are plenty of forces at work, some of which have been in process for a while, that will result in things that are similar to what's being recommended. I'm not suggesting that this process is always irrelevant. It's just that if you really want to untangle it from a purely scientific point of view, it's a little bit tricky.

BRIAN CUTE: And one suggestion I'd have is if there are forces at work that are driving toward outcomes, that as this team is looking at new issues to take on, flag it for us. You don't have to do that because that's in

process and that's going to happen 12 months from now unless something breaks out. That would be helpful. Make the process more efficient. Avri?

AVRI DORIA:

I wanted to get back to where the IPv6 gets honed. If anything, it looks like it's an example – now, I'm not sure that it needs to be – of D. It's an extent to which ICANN's decisions are embraced, supported, and accepted by the public and the Internet community. It's a case example in D. I don't know that we want to do it. It's not a topic like WHOIS. Maybe it's a topic in stability, but I'm not quite sure I understand that. But it's definitely a case in (B6). They made a decision. Was it embraced? In what way was it embraced? Was it transparent? Was it this? Was it that? If it belongs being studied, then I think that might be a context it would work in.

BRIAN CUTE:

Thank you. That sounds logical. I think what we've identified – correct me if I'm wrong here – but we've really, for new issues, we've got two work streams that we can home them in; either Workstream 1 or Workstream 4. We can't do this now, but I think that's what we've clarified. It's two places that they can go. We've got a long list of issues. To the extent that Workstream 1 or Workstream 4 get loaded up with no issues, it's just a recognition that having more bodies working those two work streams is important and let us – if we can get to it tomorrow, maybe we should sort out what issues we think should fall in those two different work streams and then have a clear sense of how much work that entails and what we need to do going forward. Alan?

ALAN GREENBERG:

Sorry. It's off the screen, but wasn't Workstream 4 the one we determined was to assess how well the review process is working? I'm

not sure how easily new issues fit into that, unless we want to identify something which the review process in our wisdom should've brought up and it didn't.

BRIAN CUTE: I see your point.

ALAN GREENBERG: I'm not quite sure (inaudible) fits there, other than their negative.

BRIAN CUTE: (David?)

(DAVID CONRAD):   In regard to IPv6, I think that's almost something in the realm that Steve was referring to, which either will happen tomorrow or won't happen tomorrow and I'm not sure ICANN's decisions have an awful lot of impact on it – perhaps sadly, perhaps not.

BRIAN CUTE: Thank you. David?

(DAVID CONRAD):   Yeah. When we discussed this last time, the way I had sort of got my head around the v6 issue was ICANN – a set of policies related to v6 were propagated up to the board via the ASO Global Policy Process stuff. And the decision that that process, the decisions made by the board by how – I happen to have some background in this particular aspect – that how the board requested input from technical experts on staff, whether or not that was done – whether or not the acceptance of the policy was transparent or accountable is probably a question, a useful question, to ask. It's not specific to v6. It's a question related to how policy gets propagated up through any of the various mechanisms within ICANN up to the board and whether it's been followed in a transparent accountable way.

	In the particular case of v6, I actually agree with Avri that this is sort of a case study of a particular policy that went through a policy development process that's not the normal policy development process that everyone usually talks about in GNSO and all that sort of stuff, but it was something different that could provide a nice counterpoint to the other case studies that might have been done in the past, if there ever have been any done, ever.
BRIAN CUTE:	It sounds like a good approach, if we take it. Alan? No? Okay. I'm just trying to pull all these thoughts together and look at tomorrow's – yeah, David?
DAVID CONRAD:	Yeah. And I'm really hesitant to this because I'm sure there is ATRT lore that I really should be aware of that I'm not. But one of the things – and actually sort of emphasized in the context of what Alice had put up here – is AoC is focused on the board. It explicitly mentions the GAC. But there are a whole series of other advisory bodies. Are they subject to AoC review? RSSAC, FSAC, ALAC, MOUFAC - no, sorry. The GAC has been singled out. The board has been singled out. And I understand why. I'm just wondering, are there accountable and transparency issues associated with the other ACs? That's all.
BRIAN CUTE:	Not explicitly. I think you could extrapolate down from some of the elements of 9.1. Continuous assessing to the extent to which ICANN's decisions are embraced, supported, and accepted by the public and the Internet community. Well, if ICANN makes a decision, it's making a decision based on something or some process and one could continue to peel away at that onion and say, "Well, how was that process –how did it work? Did it perform or didn't it perform?" I suppose you could

EN

logically drill all the way down to the center of that and tie it back up to 9.1C. "Should we do that?" is a different question. Carlos?

CARLOS RAÚL GUTIERREZ: That could be a recommendation. I don't think I'm ready to pick up a fight with Steve, but I would love to. Going back to his comments, when I draw the map, I put a box (inaudible) Affirmation of Commitments and I think these are a very important issue. Somehow, four years ago or five years ago, there was a new charter. There was a new agreement or there was a new step in terms of the functioning of the process of ICANN and it was signed by two people. One is not here anymore and the other one is still here. And I think that the document is fascinating.

Avri asked some time ago, "Shouldn't we have a constitution?" Well, for me, that's the constitution (inaudible). The framework for analyzing ICANN was revised three times since it was created. This is the third revision. I guess this is a reaction. This is kind of recommendation to have a new charter to Affirmation of Commitments.

And then the Affirmation of Commitments has a very, very clear definition of the role of ICANN, which is great. (inaudible) have such a clear, specific definition, which I put there. Then it goes into four Review Teams, one which has not taken place so far. I think this is a big issue. Why hasn't there been any revision of promoting (inaudible) consumer trust and consumer choice?

(STEVE SHENG):   (inaudible) a year after (inaudible)

CARLOS RAÚL GUTIERREZ: Okay. Now we get to the external elements that you mentioned – the change elements. Of course there has been big changes. The first one is the change in leadership or the board and at the president level, which

of course without this change in leadership, probably half of the changes wouldn't have happened. Okay. Well, let's say. We get the feeling that a lot of the changes that are happening are because of the change of leadership, not because of the recommendations of the first team.

And then we have this second external element that we should take into account. The teams have changed since there was introduction of the new gTLD project, and because of that reason, we should take a fresh look about the perimeter that we should be analyzing. This is another external element that really has nothing to do with the recommendations. But I think that frames the discussion of this team very differently than the team before. Those are elements that are really totally new, and that sets the list of the new issues. The first team acted before the WHOIS came out, before the SSR came out, before the change in leadership, before the gTLDs and before these requests after Dubai that we should take a broader look. I mean, those are the new issues. And I fully agree with you. Probably the recommendations were very small in terms of all these other external elements. So it's not (a fact). It's just expanding.

BRIAN CUTE: Denise.

DENISE MICHEL: Yeah. Just to follow up on a couple of statements. In answer to your question, David, the answer would be no to the question of accountability and transparency review of the other supporting organizations and advisory committees. However, structural reviews are required of those organizations and the board (folds) accountability and transparency type of questions and assessments into that.

And so, although it's not overt, you'll find a number of things that contribute to the accountability and transparency of those organizations being addressed in structural reviews, but it's not as overt and specific and required as this is for the GAC and the board.

Second, so the ATRT-1 recommendations were close to done by the time Fadi took over, and the previous CEO, I think there were four outstanding when Fadi became CEO and those remaining four projects were closed in December.

BRIAN CUTE: Thank you. Fiona, then Avri.

FIONA ALEXANDER: Yeah. I think maybe just to provide some context in this degree just slightly. So the (wiki) discussions on what happened in Dubai, unfortunate as they were, weren't all that unexpected, and in drafting the affirmation, the reason there's such an emphasis (inaudible) about the role and effectiveness of the GAC was because of this ongoing debate and discussions in the international community. So the wiki was not a single event, but sort of a series in the ten years of the WSIS Process.

But, I think, to David's question, I don't see why you couldn't look at the other parts of ICANN through D. And the last Review Team, as I recall, never got to E just because they were (inaudible) time. Right?

BRIAN CUTE: Avri.

AVRI DORIA: I don't have much to add. I just saw the development process as indeed including a look at the rest of the SOs and the ACs. Not necessarily their structure, but certainly their ability to deliver on a development – policy development process, processes.

BRIAN CUTE:

So, yeah, to that point, I'm running out of time and resources. That's really why I'm trying to guide us through this decision-making about what new issues we're going to take on. I fully support new issues. We need to do more if we can. That's constructive. But we have resource constraints.

So I think what I see for tomorrow, discreet exercises for us and we will find time on the agenda to get all of these done. We need to develop a list of requests for the staff, follow-on questions from today's interaction, and any guidance we want to provide them in terms of how to present us more information. We will do that tomorrow.

I think we need to make decisions on which issues we're going to work into the forward going work. New issues. Which ones are we going to take on?

And I hear you, Carlos, with respect to external dynamic and that's slightly different. It's new, but not on the list here, per se. We need to make decisions. We don't have to close the door, but let's get a first cut of what we think we can do realistically for new recommendations. Alan?

ALAN GREENBERG:

Thank you. I just wanted to follow (inaudible) on the comments that were made on the ACs. I don't think our job is to review the ACs explicitly, but on both D and E, ACs have a role to play. And to the extent that we believe they are not playing them well enough or should be doing it in different modes, I think they are fully within our purview. And if that requires a structural change in them or whatever, then so be it. But we can't be effective in either communicating with the world in general at all its levels or in developed policy, which has buy-in from the

wider community without the ACs. So I don't think we can ignore them. I think they're within our domain to the extent that they are involved in those issues.

BRIAN CUTE: Avri, then Olivier.

AVRI DORIA: Just a quick thing after a discussion. Back to IPv6 again. It seems that I was misreading, and whenever the AoC (chose) DNS, it means names and addresses. And I wasn't thinking. So, therefore, we have to look at IPv6 within SSR. We have to look at IPv6 within WHOIS as well as the other place that have pointed it out. And "Did those reviews take sufficient account of v6 and WHOIS?" may be a question we want to ask.

OLIVIER CRÉPIN-LEBLOND: Thank you, Brian. It's Olivier for the transcript. You mentioned that the external issues which Carlos were mentioning were not listed. The over-arching issue is, if you scroll up—

BRIAN CUTE: Perhaps they are. Can you hit the list of issues? Is it number 4?

OLIVIER CRÉPIN-LEBLOND: On the main diagram. Further down. There we go. (LL4) Accountability, transparency, (inaudible) covered in At Large or Internet communities. So I thought that was the external.

BRIAN CUTE: So let me clarify. When I said external, what I meant was the suggestion that the Review Team could be doing something in terms of external outreach. That's what I was referring to, which is not explicitly on the list. But thank you. David?

DAVID CONRAD: Back to the v6 thing. The wording within the AoC actually doesn't specify – I mean, it specifies IP addresses, so it's not simply v6. It's v6,

	v4. And that has some really fascinating implications in the WHOIS world, but I'll stop there.
BRIAN CUTE:	Okay. Yes, Alan?
ALAN GREENBERG:	I'm looking at these again. Can someone explain to me why Stream 4 and sub-part D are really different? (inaudible). Is ICANN treated as legitimate? Are we accepted – are our decisions accepted by the larger community? They sound pretty congruent. They're using different words.
BRIAN CUTE:	I think they're congruent, but you could have your decisions rejected and still be viewed as legitimate. People disagree with court decisions.

[End of Transcript]