

ICANN

Moderator: Maryam Bakoshi
May 16, 2017
8:00 am CT

Coordinator: Your recordings have started.

Maryam Bakoshi: Thank you very much Mia. Good morning, good afternoon, good evening. This is the NCSG PC - my apologies. I was on mute. Good morning, good afternoon, good evening. This is the NCSG-PC call on Tuesday, 16th of May 2017 at 1300 UTC.

On the call today we have Avri Doria, Bruna Santos, Claudio Lucena, David Cake, Edward Morris, Joan Carr, Rafik Dammak, Stefania Milan, Tapani Tarvainen, Vivian Vanagrey, Malisa Richards, Akinremi Peter Taiwo.

We have apologies from Maria Moll. And from staff we have myself, Maryam Bakoshi. I'd like to remind all participants to please state your name before speaking for transcription purposes. Thank you very much. Over to you Rafik.

Rafik Dammak: Thanks Maryam. Thanks everyone for joining today the NCSG Policy Call, which as usual it's held prior to the GNSO Council meeting scheduled this Thursday.

And for that we go first to the GNSO Council agenda to discuss the motion and the items there to give a briefing to NCSG members but also to see how we should vote for the motion if there is. And then we'll go through the open public comment to give some updates and to see if we - anyone wants to volunteer to draft a NSCG comment.

So let's start first with the GNSO Council agenda. And the first item is the Council agenda we have two topic there; first (announcement of the) selection of Matthew Shears for the Seat 14 of the ICANN Board and then the GNSO validation of the CCWG Accountability Work Stream 2 for extension of mandate and funding for fiscal year 2018.

So I think for the first item it's quite straightforward and they would like to congratulate again Matthew for being elected to the ICANN Board. So this is just a part of the process to (confirm) the selection done by the Non-Contracted Party House and then informing I think the (empowered) community administration about the selection.

So this is just kind of procedure matter. But just giving you some update about that process. And I think one element related to that is to document the process from our side and to - maybe to share more information with membership. And any comment about this item? Just if you want to throw out something. Otherwise we can move to the next one. Okay.

So the next one about the extension of mandate for the Work Stream 2. So the Cross Community Working Group Accountability (with) the different chartering organizations asking them for extending the mandate till next year so to be able to work on the different (forming) in the different subgroup and to deliver the report.

And this is needed in order to get the budget and to get that for the next fiscal year, which will start next July. So I think the different chartering organization approve that extension and I think that will be only one. So I'll say the working group has to deliver its report by - recommendation by June next year.

And so the different subgroup - this would provide also their recommendation prior to that. And I think that should be by the meeting in - I forget where but it should be the ICANN Meeting 61.

So this is also I think straightforward ICANN and that's why we put this - we put this in the consent agenda so if there is no objection, there just will be a quick vote on that.

Okay. I see that - so people are having problem with audio. Okay. So can you hear me correctly or - okay. Thanks. Sorry. Okay. So if - do you have any question or inquiries about what - just tried to present quickly? Okay.

So I guess we can move to the next agenda item, which is the approval of the GNSO Council issue of the GAC communique from Copenhagen. And I think that the only motion approval for (com).

So usually the GNSO Council try to review the GAC communique that it's published at each ICANN meeting and to go through what - through that communique and to comment it as kind of response to the GAC but also as input for the ICANN Board since the ICANN Board will (refuse) a communique too.

And so the GNSO Council focus in all the matters related to generic top-level domain policy. And several elements were highlighted in that communique; in particular related to the IGO and NGO protection and also the - the two letters at the second level.

So I think you can see - you can find the draft response link in the agenda. So I think also this motion is quite straightforward. And the GNSO sent I think a letter prior to this to the Board so to be able to give input to the Board for their review of the communique because we could then do that - could then I think approve a final version by - as in the previous Council meeting, which happened last month.

And I would like to ask here the other GNSO Councilor if they want to jump in or add anything on this topic. Okay. Okay. So I think (in term of vote) as I said, I think it's quite straightforward. I don't see any issue particular here. Just kind of well, let's say finishing the work that we started previously in the last GNSO Council call.

But I would advise - I mean everyone just to go through the response because I think (it raise) interesting points with regard to the process because like for the IGO NGO and the Red Cross these are kind of - this is kind of topic we discussed for a long time. And we had strong position as NCSG in term of process.

So I kind of really encourage everyone to go there. I will try to find the link so it's more easy to read. Okay. Thanks (Milton). I cannot recall what the GAC link is at exactly but it just kind of highlighted the topic that were (raised) there; the Red Cross and that's in relation there too using the process to add (unintelligible).

Okay. I am there and summarize this kind of more briefly. And I think also about IGO NGO and this is the kind of (unintelligible) issues the GAC for a while and also the two letters in the second (app). So those are the kind of main area that the GNSO Council responded to. Okay. Okay. If there is not any further comment on this, I guess we can move to the next one.

And this is with relation to the updates regarding the CCWG Accountability Work Stream to status (unintelligible) and expected timeline. So as you can see previously in the Council agenda, we are going to approve the extension of the GNSO as one of the chartering organizations to extend for one year for the Work Stream 2 work.

And so I think we'll get an update from Thomas Rickert as the co-Chair from the GNSO with regard to the adjusted timeline and how the subgroups we deliver their recommendation and how this recommendation will be (consolidated) in the final report.

My understanding is that last week the co-Rapporteurs had calls with the co-Chairs to present the draft timeline but I think it's the other discussion that's not finalized (at all). But basically it's one - I'd say there are the two options for the subgroups is to have depending on when they can deliver their initial report if they can have one or two public comment.

And then either they can deliver their final - I think final report by the meeting in Abu Dhabi. Otherwise their last chance is to deliver in the ICANN Meeting 61.

So that's the basic and then after it's more like kind of (consolidation) for the final report. But if those (unintelligible) in particular the co-Rapporteurs and the different subgroups if you want to jump in and add anything or a comment

about you understanding. Oh, I see that Ed is in the queue. Yes Ed. Please go ahead.

Edward Morris: Yes. Thanks Rafik. Yes. What I thought was interesting about the call is that they're trying to light the fire amongst us in the small subgroups. And one of the problems with that is one of the reasons things have been so slow is some of our groups have no volunteers or one or two volunteers.

I'm a little bit concerned, and actually I'll raise this with Thomas. (I was going to raise it) at the Council meeting. But one of the incentives that was given to us at the report to our meeting was that if you don't get it done in time, we're simply going to drop you from Work Stream 2.

And I'm not sure that, for example, if - I see (Milton)'s here and he's been involved in jurisdiction. If jurisdiction can't get their act together and produce the final report by either South Africa or Abu Dhabi, do we just drop it? I'm not sure that's an approach I would agree with. So I'd like to get some clarification from Thomas on that at the meeting. Thanks Rafik.

Rafik Dammak: Yes. Thanks Ed. I think the problem of having the no volunteer it's a reality in many subgroups. I think we have fewer people involved compared to Work Stream 1. Just maybe people are all tired or just they're moving on. But yes. I think that's a good question for Thomas to see how that will be done. I think it's kind of extreme cases. Okay. Any other comment on this? Okay. Thanks.

So - okay. So since this is just an update and discussion, I think we can think back to the membership list or the NCSG list - mailing list. Maybe a summary for to us discuss in there and anything of interest for the group.

So the next discussion item, which is about the updated charter for the Cross Community Working Group on Internet Governance. That's I think it was kind of the discussion was postponed I think for the third time.

And as (unintelligible) in Hyderabad meeting, the GNSO Council asked the working group to deliver a report to review it's current charter and to propose any amendments and/or propose any new structure that can - to respond more to the needs of the Cross Community Working Group on Internet Governance.

So the working group took the task and delivered an amended charter by (taking) as a template the one from the (uniform from work) on - (for more principles) for Cross Community Working Group and using that template to (maintain) a comparison and see the area or where there is gap.

And we made several amendments and we tried in particular to clarify about this call from (mission) and the objectives for the working group understanding that there were some concerns within the GNSO Council about the relevance to have such working group and what we are doing because there is kind of understanding that any working group has start and an ending.

But for working group that it's taking - covering the issue like Internet governance and there is no really start or end but it's something going. So and for that we made a kind of proposal that we - the working group to be reviewed every two years to go through the deliverable and to see what was achieved.

So the GNSO Council - I mean or the Council they don't really give yet any specific comments or suggestion with regard to amend the charter. So it's still unclear how we will move from there either. There will be several suggestion for changes and sending back the draft to the working group or we will get at

least a question to clarify where there has been some area to elaborate for I think like the mission.

So we are kind of still waiting for the GNSO Council position on this matter. And what I'm saying I'm using the (we) because I'm the co-Chair of that working group and I lead - (led) for amending the charter.

So kind of really looking forward comments or input from the Council so we can really move forward because this now - this is in the GNSO Council backlog since Copenhagen meeting. That's almost now I think two months or three. Nothing really happened since then, so. Okay. Any comment on this or any question? Okay.

I can also assume that we will have support from NCSG to continue and to maybe to approve amend the charter if it goes forward, so. So kind of assumption for now. Okay.

Moving to the next agenda item. This is another discussion. A confirmation of voting on initiating a GNSO (Section 16), a process for amending approve a GNSO policy recommendation relating to certain Red Cross movement (things).

So in the last GNSO call we had the motion about amending approve recommendation for the Red Cross movement. And that will add at least of names (following) kind of - at least to be provided. And I think also that we are accepting some brands.

And we could (then) really - I think we could then vote in that time - in the time of the Council for that motion because we had discussion and we did sort of amendments to the motion. But then use another process is to have

electronic voting. And that's what happened. And we had that voting a few days ago. And that motion was approved.

So as far as I recall for the motion is we asked for - that the working group that handled that topic year ago to kind of to - I think to be resumed. And that's why I think we are inviting maybe Thomas to discuss about that. And also there will be a public comment on that topic.

And I think from (NCSG) standpoint we should comment on that when the public consultation start. So this is more like kind of - how say - just we had the electronic voting just kind of really to discuss the outcome and to see how to discuss about the next steps.

So in term of process, we use it to (understand) kind of - I think it was for the first time that the section to amend and approved GNSO recommendation. I'm not sure if it was used before. So in term of procedure or process that - there is nothing to - kind of to write there.

But I think one of the concern is if that can be used, it will be used a lot to future in particular from the GAC. I think every time they don't like the recommendation, they will use that to push for amendment as we know that they use it a lot their communique and also their advisory community to press the Board.

We have this also now. It's an existing provision that can also press us - I mean the GNSO to amend the recommendation. So I'm just here. That's kind of my understanding. But if anyone else want to add anything here in particular Councilors. Okay.

So let's say it's - let's say it's something we have to have in our radar and to intervene when times come. In particular for the member of the working group having it quite all - I'm not sure how many will participate again but also when there is a public comment, so, have that in our kind of (I said) radar. Okay.

So the next agenda item that's an update about I think - yes. They're from the multi stakeholder strategy and strategic (image) I think. Okay. Only specific review. And yes. So I think this is like more in kind of updates about in going review teams like for the one for Consumer Choice and Competition.

And we have already initial report and public comment. We have the ideas, the - and last I had Council meeting - the GNSO Council nominated four representatives.

And we also have the (unintelligible) new team that's also start - I think start working in maybe around Copenhagen meeting. So probably we will get more update (about those then) going.

But also we have like for accountability and transparency review. I'm not sure but I think there's a call for a candidate is still open. And so for us we will - I think it's on GNSO and this (approved) selection committee for the SSD. We have to appoint a representative from GNSO to that review team.

So I guess we will get more update about the ongoing work and also hopefully about the timelines because there are other review, in particular the (structure one) and so. Okay.

So I guess on this one we'll wait about the update and we share information with the NCSG mailing list and see what kind of action we should take in that matter. Any question or comment on this? Yes Ed. Please go ahead.

Edward Morris: Yes. Thanks Rafik. I think the one thing we may want to impress upon the MSSSI Team is that we're operating in a new environment. And I see some pushback from staff and some from the community that the rules and the definitions we placed in the bylaws concerning (drafting) of the review teams.

We're trying to more or less get around what's in the bylaws. For example, there was an effort earlier, which actually our - we had a major ruling in fighting back on this if I recall correctly in trying to limit the ATRT review before it started rather than have the team do it itself.

There's also the fact that, you know, the fight back on the RDS from folks not really understanding how to staff it or what's involved. I think it's the ccNSO who has refused to appoint anybody.

So I think we need to speak to them. Try to understand what the problems are and why with every review that seems to come up people are trying to short circuit the process in the bylaws. And just try to understand what's going on here a little bit better.

I'm always concerned when you try to short circuit bylaws or established rules for matters of convenience. And I think some of that's been going on since we've had the transition. Thanks.

Rafik Dammak: Okay. Thanks Ed. I think with regard to the ATRT limited scope my understanding that there was no support from all SO and AC. So I guess at

the end it will be up to the review team to decide what is the scope of their work. That's my understanding or maybe I am missing something here.

Yes. So also I think the challenge is that (we call this) review team and we (unintelligible) that the bylaws change and the transition is that the committee is more like the steering (unintelligible) here and we are finding it's how the challenge to manage all those review and get candidates and the people to participate in the review team.

So let's see how it goes. Okay. Any further comment on this or any question that you would like that we carry for the MSSSI Team on your behalf? Okay. Anyway if you want, you can send later to the mailing list any question you would like that we ask there.

Okay. And the next agenda item it's about the planning for ICANN 59 (transport). So the meeting is I think it's around one month and a half. And it's basically around four days. It's called Policy Forum.

And given that refers to from the start to working group session or a PDP. And so we have a lot of I think around the morning several (unintelligible) working group session. And then I think that late afternoon we have the cross community session in several topics. I think you can see that in the draft schedule.

And also for the GNSO with the Council we have some meetings - joint meetings and also our public meeting. I'm not sure about a decision we get from - for NCSG and also for NSCG and NPOC. I think that maybe Tapani can provide more update on that one matter since he is in the planning group for (transport) meeting.

Tapani Tarvainen: So you want me to speak about (Joberg) planning?

Rafik Dammak: Yes. If - I mean what - yes. What for example you have as session for NCSG and (swan). And I think that maybe I'm not in the two...

Tapani Tarvainen: Yes.

Rafik Dammak: ...(unintelligible).

Tapani Tarvainen: Yes they would - particularly we'll just have the policy committee meeting which I hope not everybody will be (around) but will have a executive committee will meet and the finance committee may be just those three meetings post outreach sessions in the morning. That's all NCSG sessions we are requesting. And even with those we will and because they overlap somewhat with some Cross Community Working Groups because the schedule is totally chock-full as you already know. But we're trying to work around this sort of thing, really nothing really critical for us.

And particular I carefully avoided opening up with a GDPR session. And with those have it scheduled (unintelligible) at the moment. It's not been confirmed anyway so nothing particularly urgent or important perhaps in that. Somebody has...

((Crosstalk))

Rafik Dammak: Thanks Tapani.

Tapani Tarvainen: ... question just Let me know.

Rafik Dammak: Okay thanks Tapani. I think depending when we will have the policy committee meeting it can be kind of either preparing for and the policy topic that will be discussed in that week or if it's at the end it's kind of maybe (unintelligible) to see how we should follow-up. I mean in the policy forum is really designed around policy discussions. So for those who are going to attend be there in Johannesburg are also pretty much manage you'll find that it's all about most PDP sessions so it's with the opportunity to jump in and see what's going on. And also we have those community topics like I said you mentioned the GDPR because this is kind of continuation. And I think interest from different groups with decision on data protection that happened in the Copenhagen meeting.

And also I think there are some session about kind of new maybe about the new ICANN because I think it's related to that it's happened with the accountability and so on and see how the community will act. I think also we will have involved community forum or something like that and I think there's something scheduled but also for Johannesburg. So there are several new kind of interesting topping and session. For JAS work it's just four days but yes I think it's what I call it's going to be quite interesting.

Okay. With that I think we covered all the agenda items for today that I mean as you can see there is nothing really controversial. Even the motions mostly kind of follow-up that we'll try to share any briefing or updates after the calls or we can inform you what's going on on those topics. Okay I guess we can move now to the public comments. Okay. So Maryam can you load the page for the public comments?

Okay so it's - we recently have several public comments that we are trying to cover. The first the Competition Consumer Trust and Consumer Choice Review Team. Poncelet kindly drafted a comment from for (unintelligible)

and then he showed me a few days ago and it's currently under review and comment and I think are several members provided their comment. So if it's possible please add your comment directly in the document because we have a really short time to issue and endorse since dateline for submission is this - for Friday. So this is one of I think comment in our pipeline.

The second one, the deferral of country code names supporting organization my understanding one member already drafted a short comment and he will share that as soon as possible for review. And also we have to if we want to submit we have to issue and endorse this comment by this Friday. So we have two kind of urgent task in this week for the policy committee. So for members please review the Google Docs that you will - that were shared in the mailing list put your comment or I should say answer the question. And also I'm asking the policy committee members to review and to endorse those comments. Okay.

Okay so the next public comments is the GNSO community comment new gTLD subsequent procedure policy development process. I think this is one of really (under risk). I know that some members volunteer to draft but since it's also is kind of questionnaire so it's a little bit hard to respond. There are a lot of questions I understand from Avri. So she's a good share of that working group that we don't - I mean we need to respond to all the questions. But I think maybe if anyone wants to join and to help the volunteers on that matter in particular to highlight which area or question we should respond from NCSG standpoint. And I think for depending for some I think that we're kind of we had strong position on that so any help would be really great here.

So we have to submit by 22 May which is around one week so any help I think it's really welcome. And I think (Bruna) if she is in the call took the lead here. And I want to thank her for volunteering and trying for as I mean you're

comment to respond to that. I need to draft a comment so everyone in particular for those who were involved in the new gTLD discussion previously please join and help.

Okay the next public comment it's a recommendation to improve SO and AC accountability. And I think Matt volunteered for this. And my understanding that we will get hopefully a draft within this week. So we are getting it out by (it's on) several public I'll say statement to review and endorse but that's what we should do anyway. Anyone else want to join Matt on this or just you should wait for when he shared the draft and I mean add comment there?

Okay. And the next one is the proposed (unintelligible) of .net registry agreement. You didn't check that yet. But I'm wondering if it's something similar to previous renewal agreement and the issue that we found before. Stephanie yes Matt is working on the recommendation to improve SO and AC accountability. So I'm not sure about the one related to renewal that we used the agreement if it's somethings that we should cover and it's maybe related to previous comment we made on other agreements with regard to GDD adding our kind of - some provision that we disagree with. I think for previous agreement registry agreement some comments were drafted by Ed previously. Ed did you have a chance to check that public comment or no?

Edward Morris: Sorry Rafik, we're having phone problems. Yes I mean if we want to go forward I'd be happy to do the initial draft. The.net agreement is substantially improved from the .pro .cad, .travel sect agreement in that there is no attempts to throw URS and new gTLDs in as the rights protection mechanisms whether it's because VeriSign stood up and said no we're not playing the game or ICANN responded to the community objection to what they were doing I don't know. So I'm not sure we need to file a comment because I don't see

anything wrong with the agreement. And I'd be hesitant to encourage ICANN and say good job for not violating bylaws for example.

I'm not sure that's appropriate. I'm not even sure we need to file anything here. I don't have anything substantial to say other than you didn't screw up like last time. I am not sure whether that's an appropriate public comment. But if folks want to do something there I am happy to write something very quickly. Thanks.

Rafik Dammak: Okay thanks Ed. If there is no anything to worry about I mean we can just really put that as priorities. So if someone had the chance to review and he find or she finds something we may comment. Otherwise I think we can just put that aside for now.

Okay all right. Sorry, so the next is the revised ICANN procedure for handling inquires, conflicts through the privacy or process and next steps. And for these we have already draft comments made by (Aiden). I think he's not in the call unfortunately. So we have a chance to review and comment at the early stage here. Even if we still have time around the month it's better for our members to review and comment.

And with relation to this topic we'll have ad hoc calls on the matter to give a briefing and also discuss that I think it will be then less than within two weeks. So we have discovered so we just like to ask everyone to review the comments. And that was shared already in the NCSG mailing list.

The next public comment is the draft framework of interpretation for human rights. For this I know that in the some group Workstream 2 subgroup we have several NCSG member involved. But we don't have yet a volunteer or volunteers who want to work on drafting and an NCSG comment and

reviewing your report. So it's here the chance for anyone to jump in and to volunteer. So not just one person but it can be a group of people to work on this comment. So any volunteers for this one?

Okay no I mean it's a good chance to start for those who are interested in human rights issues in general. So you can get it's interesting and it's also related to the work done at ICANN accountability so. Okay we have (Claudio). Thanks (Claudio). Okay thanks Poncelet.

Okay I think we've got at least now for our two volunteers. Thanks guys. So yes this read report which you can see if there's any area we should comment on that. Okay.

The last public comment it's about the reviews of country and territory names within .pioneer, .(unintelligible). ob. .sharp, (.ten), .lexus. It's quite interesting that all our Japanese brands. I don't recall that we commented previously on this kind of public consultations in relation to the use of country and territory names so if someone is interested want to review and see if there is any kind of anything arising alarm or something that we should cover please do so. Okay. And I think we covered all the public comment.

On the other hand we have some questionnaire. One was sent by the Diversity subgroup about the group questionnaire to the supporting organization advisory committee and only the groups within ICANN. And we still need people to volunteer from NCSG to respond to the questionnaire. Since I am the (call up) or sort of that sub group I cannot really volunteer for drafting but I will be happy to help anyone who wants to volunteer. So I mean I think it's a good opportunity because that's – there are some a few questions and it's really about collecting information from NCSG charter and so on so just trying to find those kinds of informations.

Okay, the deadline is 1st June so we have (kind of) for two weeks to work on that so okay. Any comment on this or any question? Okay look - yes Stephanie please go ahead. Yes Stephanie can you speak?

Stephanie Perrin: Can you hear me now?

Rafik Dammak: Yes.

Stephanie Perrin: No?

Rafik Dammak: I can hear you. Yes we can hear you Stephanie.

Stephanie Perrin: Which one do you think – good. There seems to be a bit of a delay. Which – what are the priorities here? This is a huge list. Am I right in thinking that we still need a bit of work on the consumer trust one? I mean some of these comments are less central to our mandate than others it must be said and there's a slew of them. But the consumer trust one is really important. And the last time I checked I feel guilty. That's a big report to I haven't digested. And so I haven't really given some standup comments to that one and we've got like two days left.

And the Whois conflict I – that'll take me a bit of time. I've already written on that. It should be easy. But and the human rights one we absolutely have to have substantial comments. But we kind of almost need a SWAT team approach on these there's so many of them Rafik don't you think?

((Crosstalk))

Stephanie Perrin: And the gender doesn't (unintelligible) same thing.

Rafik Dammak: Thanks Stephanie. I think for some or we have already draft and it's more like about getting comments and their review examine and everything like sorry Maryam can you please scroll up? So like for example like there are some in the pipeline or are coming so I won't - I'm not worried about them but the only issue that we will have short time to review and to edits.

For their competition consumer trust I saw several comments in the mailing list but they need to be included in the document and that's where I would really ask that's what I will do at later in the mailing list for those who are making comments please do and also in the Google Doc so they are to be reflected. If you are suggesting big changes or I mean something different it's better to do in the Google Doc because just in the mailing list it's really hard for everyone to work on that.

So yes I think we are getting volunteers and I am following-up with them just to ensure that we will get something soon. So for example for ccNSO that a volunteer already drafted and he asked if he can share. So he will do so hopefully soon so that for example it's already covered. For committee comment initiative (D Bruno) is volunteering and Avri she helped to clarify and so on. So that's we – and that's one for example it needs kind of emergency here. So Stephanie if you want to jump in and to help that's the one to really focus on.

For the SO and the AC accountability we should get draft this week from that. Other than that I think we still have time for the rest. I mean like for these we already have the draft but we still have enough time I think for review and so on so for now we are trying to get volunteers and that's for example what we like for (unintelligible) interpretation for human rights. Even when I shared in the mailing list there was no volunteers but hopefully now we got one so looks

okay for now but the thing is that we will have several comments to be reviewed by the policy committee and really here I ask board policy committee members to be diligent and to review those comment and to respond in a timely manner so we can submit by the dateline. Okay.

Okay yes Stephanie it's going to be a busy week. And we have a Johannesburg meeting coming so it's not just a busy week but busy weeks. Okay we kind of we covered all the public comments and input. We have request for input and hope I will send later to do some voluntary just to follow-up and to see if they need any help. Other than that there is any other topic that you would like to discuss or to talk? Yes Ed please go ahead.

Edward Morris: Thanks Rafik. Yes I just want to give everyone a heads up about something I may be coming to the PC with next month or perhaps the month after. As a way of introduction as many of you know when the new bylaws something that particularly I worked hard on this is the principal thing I did during the Workstream 1 or thing I've pushed for hardest was to get the community in inspection right. And that means we can look at ICANN's book and seeing what they're doing moneywise.

It's come to my attention by a member of a outside the GNSO has come to me with information that ICANN has recently thrown out some no-bid contracts for legal work that miraculously was awarded to the same outside law firm they've been using forever in Jones Day. And the rumor is that these contracts were for far above market rate. And the deal is these are all rumor so I have no idea what's true, what's not true. And so I'm trying to track it down. I'm actually thinking about doing a DIDP to see if we can find out if the contract exists. But one of the things that I know we've always complained about here at the NCSG is that and the word (Robin) actually has been the one that is

often impressed upon that in some ways ICANN at times is almost seems like a subsidiary of Jones Day.

And one of the things that concerned me during the CCWG process was that the quality of legal work we got from Jones Day was absolutely inferior to the quality of legal work we get from the independent counsel we retained. So on the back of my mind I'm thinking gee whiz there's been, you know, if the rumor is true and they are actually sending out no-bid contracts for the new gTLD program they're just giving it to Jones Day that may be this is a good use of the inspection right to try to find out what the specifics of the contracts are and attempt to use that as a way to cause ICANN to actually openly send out bids for legal work that are open to other firms to try to open up a bit more to try to increase the quality of the legal work that we get here for the corporation.

So it's not something that I am proposing today because the facts still a little bit sketchy. But I just want to prepare folks that I may be coming to the PC in suggesting that we do this. Now because we don't have the drafting team rules in place we would have to approve it here at the PC, go to counsel and then by simple majority in both houses prove the inspection request itself. So it's a lot of work and it goes – it's going to take time.

And again I'm not sure that I actually even want to do this but I only thought it fair to let folks know that I'm at least inquiring as to wherever these contracts actually exist and may be coming to you next month and saying hey this may be something we want to do discussion going at that time. But the – this is so complex because nobody's ever used the inception right before I thought I should give everyone a heads up. Thanks.

Rafik Dammak: Thanks Ed. So it's kind of and understand correctly is that in relation to kind of contract but Jones Day and the thing that's above the market I mean internal they're talking here about finance just basically. So if you are going to do DIDP which is about getting more information here so and then afterwards you will see what will be the next steps.

Edward Morris: Yes well you mean for - do the DIDP it may just be a case of asking legal hey did you guys just issue contract? You can at least tell us that does the contract exist? And if they do, you know, why do we have the inspection right? It's to make sure that everything done financially is done with full accountability.

So if you look at the request for proposals which I did last week I'm not seeing any RFPs for legal work pretty much ever. It just sort of they give the contracts to Jones Day. And so if we can ascertain that these contracts were given and given the fact that it's the long-standing principle here in the NCSG that the legal department's relationship with Jones Day isn't exactly what we'd like it to be that this might be an opportunity to use the inspection right to take a look at the contracts, see if they are at market rate or above market rate and hopefully they're at market rate.

Hopefully everything is completely aboveboard is being done the way we want it but at least take a look and at the very least dispel the rumors that are out there. And at the most if these contracts are being awarded on a no-bid basis and above market rate just exposing it hopefully would cause ICANN legal to open up their contracts to multiple bidders which I think would be something that from our perspective would be good. And again one of the things that does deeply concerned me is during the CCWG we had a number of opinions coming from Jones Day. And at times we would also get opinion coming from Adler or Sidley which were the independent counsel retained by the CCWG. And forget the content or everyone agrees or disagrees with the

legal work. The work itself coming from Jones Day in my opinion was really poor even at so far at the beginning of the entire CCWG process where we were talking things like membership models, delegate models Jones Day came out and said, "Oh you could an independent delegate model under California law." And you can't. And that's not up for dispute. It's factual, you can't.

So when I saw that and I kept seeing other legal work I started thinking hey, this firm has a great reputation but the work they're doing for ICANN isn't all that great in my view. And again others may have different views. But now that I'm hearing that gee whiz the contracts automatically go to Jones Day and there's at least a rumor out there they're being reimbursed above market rate. And again I want to make it very clear that's a rumor. I have no idea if it's true and I certainly don't want to disparage anybody. But that's why we have the inspection right.

So if there is sort of the sense that something wrong is going on here we as a community can actually take a look at the contracts. We can see the money being paid. So again this has a little bit of work to do and if we can't do it by saying hey is this contract out there how are you drafting these new gTLDs (loose legally)? If there's nothing out there that suggests there's been something going on we can use the DIDP but I'd come back to the PC first.

Then maybe what I'd come back to you guys (unintelligible). If we can determine without having to do a DIDP that's the contracts exist I may come back and say, "Hey why don't we take a look at what's in these contracts because there's no RFP, there's no public bidding yet we know these contracts exist. I think as a community we need to take a look at what ICANN is doing this way." So basically next month you may have me come back and say, "Hey there's no contract. The rumors are wrong or that there appears to be

something here. We need more information. Can we do a DIDP? Or yes we get confirmation contracts are out there. We don't know what's in there. Should we try to find out what goes on when ICANN legal actually submits no-bid contracts?"

And so I just wanted the folks to be aware. First of all many of you may not be aware of the inspection right. And I believe it's Section 22.7 if I'm not mistaken of the new bylaws. You can take a look at that to understand what it would be I'd be coming back here for. And secondly is the - just to get around the concepts should these types of contracts be no-bid contracts? Should they just be awarded without any scrutiny? And that may a discussion we want to have. But if I just showed up at the next meeting PC meeting and say, "Hey I want to do" – I don't think it'll be fair to everybody because you wouldn't of had a chance to think about it. So that's all I wanted to give a bit of heads up on what I may be coming back with. Thanks Rafik.

Rafik Dammak: Okay thanks Ed for sharing this. So we'll see how things will go. Other than that any comments or questions?

Okay that's an old hand and Ed right yes. So if there is nothing - anything else to add I guess we can adjourn the call but prior to that I want to thank everyone for attending. Oh I see that Renata is in queue. Yes Renata please go ahead.

Renata Aquino: Hi Rafik. I would just - and everyone I would just like to thank NCUC (LAC) members who have been here around for two hours now for double duty. They did the regional call and followed-up on the PC call added on the regional call to have focus thematic calls. So bring the first hour members who come forward those (unintelligible) to do a thematic call on human rights. And I

would just say that they are really willing to cooperate with PC and very thankful and I hope we can help. Thanks.

Rafik Dammak: Okay thanks Renata. And thanks for everyone from at American to join this call. Okay so thanks everyone and it was a shorter call today. And I'm sorry but I had to make most of the talk but it should be more interactive and I welcome all your questions or any inquires. So please feel free to contact me later on if you want to ask anything or just I mean about whatever. I will be happy to respond. And thanks for doing so voluntary that I mean, don't seem to press it. We follow-up with you guys and hopefully we can get draft as soon as possible. Okay thanks all and see you soon.

Maryam Bakoshi: Thank you all for attending the call. Mia you may stop the recording and disconnect all lines. Thank you very much for your time today.
(Unintelligible).

END