ICANN

Moderator: Gisella Gruber-White
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8:00 am CT

Greg Shatan: Thank you operator. Good morning, good afternoon, good evening. This is the call of the RFP3 Subgroup of the Cross Community Working group on IANA stewardship transition on January 16, 2015 at least for most of us. And I would like to begin with a roll call in our usual fashion.

Grace Abuhamad: Great. Thank you Greg. As per usual we'll do roll call based on the Adobe Connect room. If anyone is on the audio line only and hasn't connected to Adobe Connect yet, can you please just say your name now and we'll record that in the notes. Okay. Seeing as there's no one, it seems like we'll go with the 21 participants we currently have in the Adobe Connect room.

Olivier Crepin-LeBlond: Olivier Crepin-LeBlond as well. And I'll be in the Adobe Connect in a moment. Thank you.

Grace Abuhamad: Thank you Olivier.

Greg Shatan: Okay then. Why don't we get started? As you'll see from my note last night, I looked at the three potential documents at which to start this call. There are at

this point quite a number of alternative paths that can be taken just logistically.

And it occurred to me that what we should do is at this point I'd - what I'd like to do is use all three of those documents, not simultaneously, but use all three of those documents to try to drill down on the concept of a customer standing committee.

And by using all three documents what I'd like to do is to go through this document in front of you and then move to the CSC portions of the other two documents looking at the areas of divergence from the survey and especially what one of our more statistically inclined colleagues identified as bimodal divergence where there seemed to be a couple of convergences forming but not a single convergence.

See what we can do to try to resolve some of those differences. So let's try to start quickly on the top of this document. I know we have been to this document somewhat before. But if we can start on this and see what we can do to identify areas where there may be changes that could be supported more broadly and also any tweaks that could be made to try to drive forward on this.

And also we can use this time to focus on any issues that anyone would like to bring up at this time about each of these elements of the CSC structure. Alan Greenberg, I see your hand is up.

Alan Greenberg: My hand is up in error because I'm trying to make the rest of my computer work, sorry.

Greg Shatan: No problem. Well, why don't we begin with the entity status? I somewhat regret actually using or having put into this document the term working group

in the sense that is - has a lot of particular meaning within ICANN and may even have, you know, variant meanings in different parts of ICANN.

But I think the point is that it's not a legal entity or an incorporated association. It's essentially a form of a committee. So I'll open the floor. Is there any comments on this issue or questions? Anybody who finds this wonderful or absurd or objectionable? Or Alan Greenberg, your hand is up.

Alan Greenberg: This time it's up for real. Typically the word committee is used as a committee of something. I'm sure that's not in the formal definition. But nevertheless, when you're referring - let's pretend we're referring to it in a document.

If we just call it the CSC, you know, or the Customer Standing Committee, what's to prevent, you know, Greg from creating his own Customer Standing Committee and saying I'm the CSC you're referring to? You know, normally there's some context in which a group exists.

And I have a bit of a problem with this one and later on with the MRT in a similar sense of definitively identifying it and coming to an agreement with it that it does what we want when it is not something that exists in a legal sense.

Greg Shatan: Right. Well I think that's a good point Alan. And I think that some extent we might begin to look for answers to that questions when we look at the organizational documentation and the concept of a charter, which maybe gets us the question of chartered by whom.

Alan Greenberg: Yes.

Greg Shatan: So it may be that this is a committee that is chartered by all of the various entities that are represented on this call and maybe additional entities also

charter it or subscribe to the charter in some fashion so that it gains its legitimacy - internal legitimacy, if you will, from essentially the agreement of the various stakeholder groups, ACs and perhaps expert groups and other entities that may exist outside of ICANN per se, such as RAR.

And as I see (Robert) mentioned the - there's several ccTLDs that aren't in the ccNSO. So there would need to be some vehicle. But whether as a unit or singularly they sign on to in essence recognize the Customer Standing Committee.

And then on the other side there would need to be elements by which they're linked to doing the job they do with regarding to ICANN. So ICANN would need to recognize them and that would at least under say the Frankfurt proposal be something that's set forth in the contract.

Alan Greenberg: Yes. Just one further on and then I'll put my hand down. I think we still have some problem here because we spent a lot of time the other day talking about credentials for CSC members for instance. Who does the vetting? Is this a group that simply self-vet in which case it's, you know, composition becomes self-determining and can change what it's doing and what it decides as it goes along. So I - I'm still uncomfortable but I'll be quite now.

Greg Shatan: Oh, no. I think these - the issue of credentials I think to some extent gets - would get resolved in the charter in the sense that, you know, certain qualifications or an expectation could be set forth in there the question of who meets those qualifications and who decides whether they are met or not is a...

Alan Greenberg: (It's all right) if the charter is being followed.

Greg Shatan: Yes. Exactly. You know, is that the CSC itself? Is it the MRT; and if so, are - don't you have the same issues with the MRT; and if so, who decides that; are all legitimate questions.

And if you get somewhat closer through the use of a agreed upon charter and some form of a credentialing process, to some extent, you know, in the multi stakeholder model there is a certain level of an honor system and also statements of interest and the like.

But ultimately we're all to some extent relying on each other to act reasonably in accordance with the process. Staffan, I see your hand is up.

Staffan Jonson: Thank you Greg. Yes. In order to further emphasis this role of CSC as an operational organization we might - and also emphasize its role as limited to technical management, we could use Avri's idea from before Christmas and looking further into the idea of having a IETF ISOC relation so it's core operational whereas some other organization there, MRT for example would be more in a legal sense responsible for the business. So is that something to put into the legal advice maybe?

Greg Shatan: Yes. And I think that keeping the CSC limited to - I would call it technical and operational oversight certainly, you know, makes sense and makes it more kind of self-evident what people should be doing and what kinds of people maybe should be doing it.

But I think there's - I'm not sure - what were you - maybe you or even Avri could kind of flesh out what you were thinking about with IETF and ISOC.

Staffan Jonson: Sorry. I was on mute there. Well, the relation between IETF and the ISOC that is interesting. IETF is a process. It's not an organization per se. Where as

ISOC is the legal home of the IETF. Maybe this idea could be used also in the relation between CSC and the MRT. And that's what the legal advice could maybe satisfy for us if it's possible. It's a (big success) as well.

Greg Shatan: Right. I see what you're saying to kind of replicate that relationship with either ISOC or perhaps another entity that is legal, you know, legally recognized.

Staffan Jonson: (Yes). Yes. Exactly.

Greg Shatan: Yes. I don't know an awful lot about the relationship between the IETF and ISOC. On the IETF Web site it says it's an organization activity of ISOC, which from a legal point of view, which is by far not the only point of view, is kind of meaningless.

I guess it means it's kind of of it but not in it. Not quite sure. Although certainly if the Internet community has been comfortable with that for a long time, there is something to be said for that that I think as one of our commentators said. I'll paraphrase it slightly.

You know, looking at this solely from kind of a view of law and policy is not the - doesn't get us to the end result any more than looking at it solely from the - from let's say a technical engineering point of view...

Staffan Jonson: Well...

Greg Shatan: ...will get us the right result and kind of the essence of the multi stakeholder. Model is different points of view trying to coalesce around common goals and - Avri, your hand is up.

Staffan Jonson: Well isn't that...

((Crosstalk))

Greg Shatan: Staffan, is that a new hand ahead of Avri?

Staffan Jonson: No.

Avri Doria: Staffan, please continue. I'll come in later if you want.

Staffan Jonson: Well my point was...

Avri Doria: Okay.

Staffan Jonson: ...(isn't that the elegance) of it that the IETF is in legal terms defined away from the operational or legal dimensions of it. And that's what I thought we might consider as a solution because the work of the ETF isn't - I think it's quite significant when you talk about technical terms. So maybe this is the bridge that we might use.

Greg Shatan: Right.

Avri Doria: Yes. This is Avri. If I can continue and build on that and hopefully I'm a little easier to hear than I was before. If not, let me know and I'll play with the gain some more.

Greg Shatan: Avri, you sound great.

Avri Doria: Okay. Thank you. The IETF is completely independent in regards to the work it does. ISOC has no input, no mechanism other than as individuals participating to say anything about what happens at the IETF.

It has all its internal mechanisms, it's people, you know, it has strict definitions of how to select its leadership, how to eliminate its leadership. So it's totally self-contained. And I'm not saying we need all that in the CSC but we would need some sort of these are the rules by which members are vetted; these are the rules by which they are replaced; these are the methods that they use to work.

Those would be internal to the CSC. And whatever organizations served as an umbrella would have no authority to basically command what happens in that bubble.

Now the IETF relationship to the Internet (society) does include the fourth step in their appeals chain being to appeal a process decision to the ISOC or, et cetera. Kind of the only thing we can do with the ICANN Board.

So I think there were ideas that looked at this and even looked at the notion of yes it needs to be independent for example of ICANN. But if such an idea could be crafted at ICANN of ICANN serving as an organizational umbrella for a strictly defined independent activity, perhaps yes it could possibly hang under ISOC but there might be other complications in that doing.

And of course we have no idea whether ISOC would be willing to take something like this. You know, others have suggested it could hang under ISTAR. That's more difficult because they aren't a corporate entity that can provide that umbrella.

But in my view it could possibly even hang under ICANN as long as it has that very, very strict separate of authority for the operational tasks. Thank you.

Greg Shatan: Thank you Avri. Let me throw out a question to you in the first instance but others as well. Given the independence that is inherent in the relationship of ISOC and the IETF, could CSC to use your term hang under ICANN and be independent of it and yet support by it in kind of ministerial terms? That might also solve some of the funding issues while...

Avri Doria: Yes. That...

Greg Shatan: ...I'll let you go. Thanks.

Avri Doria: Sorry. That was the point exactly that I was making. But yes. If one it's strictly enough and if the relationship with ICANN could be defined strictly enough, I mean yes. Then yes. I see that as one of the possibilities.

Greg Shatan: Thank you Avri. I think that's something worth exploring because one of the things - as we all evolve trying to become comfortable with structures that aren't - that are well understood or reasonably well understood in the Internet community that may not make a lawyer just wandering in from the outside and I didn't wander in from the outside. I've been at this for about seven to ten years depending upon how you count my ICANN relationship.

But trying to impose kind of lawyerly ideas on everything, you know, doesn't work. When the law has to be involved, that may make sense. But it could be that borrowing form an idea that is well regarded, you know, could actually work. Martin Boyle.

Martin Boyle: Thanks Greg. Martin Boyle here. I'm feeling a little bit lost. So I've got one question as well as then some comments. My question is for the purpose of this exercise are we assuming that the role which I think really has to come first before we start looking at the status and relationships of the organization

- is the role we're assuming that which is - was based in the document that you circulated this morning?

My second point was that it seemed to me on looking at these various papers that the role of the CSC was primarily to represent or to provide a vehicle for representation between the registries and the IANA functions operator because it's when that relationship breaks down that you're going to need to start looking about how do you repair that relationship.

Now in that case I wouldn't particularly see the CSC necessarily as having to have any form of legal status. It's just an organizationally recognized body, which I think would (sort) the argument of an organized activity of. The other thing was that it could be just treated like any other committee within ICANN where in fact the committees are themselves independent of ICANN or the Board of ICANN.

But more specifically it occurs to me that it could usefully be a committee of the IANA functions operator and move with the IANA functions operator if the IANA functions operator needs to be changed. But that way it has very specific and close entity with the IANA functions operator and therefore becomes better placed to address issues with the IANA function operator.

Anyway, it's just a thought. But it still seems to me that better to know what the thing is going to do and then decide how to design it so that you can do that to the best rather than design it and then force it into being able to resolve the problems that put its way. Thank you.

Greg Shatan: Thank you Martin. Points well taken. Try to take those points briefly. First I would say that for the sake of - with this discussion that the role of the CSC as set forth in the draft proposal would be the starting assumption.

You know, we can - we have done functional analyses before, not in depth of the CSC but we've often, as we said on numerous calls in different ways, form follows function and structure follows function. But I think we do have at least some idea of the - any reasonable idea of the function of the CSC.

I would take some issue or point of difference on it being essentially a conduit for the registry operators to deal with the IANA functions operator. I think it needs to be more than that. We did have support - strong support for it being predominantly registry operators instead of a customer committee.

But that's support tended to diminish sharply when the idea of it being exclusively registry operators came to the floor. And then due to some of the survey mechanics was unclear - if you added so called experts say from IETF or RIRs or some other technical group but not other stakeholder. I think general conclusion I had - well it was not entirely clear so that also created significant differences of opinion.

So doing it merely as kind of a mouthpiece for the customers is I think a little bit reductive. The more that it's solely about technical discussions, I think the more comfortable people get with it being predominantly registries and not multi stakeholder or in a valid fashion but it's - in this case somehow we have to balance structure and function.

I think there's - I for one am uncomfortable with an organization structure that has the CSC leaving other stakeholders aside from registries with their nose pressed against the glass of the CSC. So I'll call on Alan Greenberg.

Alan Greenberg: Thank you very much. Couple of things. If memory serves me correctly, the IETF existed before it came under the auspices of ISOC. And there's a large

difference in having a mature organization which rules sort of taken in - you know, and given that - into the relationship it has with ISOC than something being created.

There's a culture. There's a whole background that forces it to stay on the same path. A huge number of people involved. And that's not going to be here. So I think we have to be really careful about that.

The issue of being within - either within ICANN or within the IANA operator or under the auspices is really problematic if you're looking at separability. I mean at the very time when you're considering separation from either the original one if it's ICANN or the next one, the group that's effectively pushing and making the decision and identifying the problem is a part of the organization that you've now pretty well are deciding you don't trust any more. And that's really problematic.

If we're doing this whole thing because we don't in the first instance trust the ICANN Board, then how do you know the CSC is going to remain true to its origins if it's essentially being managed by the ICANN Board that you don't trust?

So, you know, we've - we're going into an awful lot of this because we - we're starting off in the premise of under certain times there are certain entities we cannot trust. And then you're saying let's just make it a gentleman's agreement that they'll do it properly. And I think really talking about bifurcation I think that that's almost - that's an issue. Thank you.

Greg Shatan: Thanks Alan. To respond briefly and I'll go back to Martin and then Avri. I think there's some useful distinctions that have been made in the conversation

in the last few minutes that I think to my mind allays some of the concerns that you raised.

First, you know, talking about the independence of IETF and its relationship with ISCO, I think that saying that a CSC that had that relationship to ICANN would be managed by the ICANN Board, I don't come to that conclusion in any way, shape or form.

Sometime - and I - for instance, I don't think we're being managed by the ICANN Board in spite of some appearances that I will - the contact we have with the Board is let's just say not a management structure. And I think the open structure of this organization CWG probably allows the ICANN Board more entree into our discussions than a CSC structure would.

But in any case I think another distinction I thought that was even Martin or Staffan made was that having it be a committee of the IFO, the IANA functions operator, whoever that is; so I think that actually is consistent with the idea of separability. If ICANN was no longer the IANA functions operator, the CSC would no longer be an organized activity of ICANN to use the team the ISOC uses with IETF or vice versa.

It would move along with everything else that would specified in the contract - either the contract that exists now or some elements that would be created at the point of separability depending upon that part of the model works.

So I don't think we would end up with a situation where the IANA functions operation moved to a new operator and yet the CFCs somehow remained a committee of ICANN.

I think at that point that would be peculiar since I think what we're looking at here is a relationship between the CSC and the IANA functions operator.

And I see (Robert) saying something similar that tying definitions to the IANA functions operator as opposed to ICANN per se is more future proof and probably something to look out for as we talk if we - to talk about the IANA functions operator unless they're talking about something that ICANN would do whether or not it is the IANA functions operator.

Martin Boyle?

Martin Boyle: Thanks Greg, Martin Boyle here. I actually go back to what you said about this not being exclusively a registry group.

And that wasn't assuming one thing or another here. What I was trying to do was to reflect back to what the role of what is actually still called the customer standing committee has in the ecosystem of the IANA organizations that were putting in place.

And it seems to me that the whole drive of its role is very much into making sure that the services are being performed technically correctly and according to contract a whole lot of stuff that actually will not be more widely particularly appreciated or even noticed by other stakeholders.

But even leaving that aside, you know, it seems to me that this is the first line of interaction between our new ecosystem and the IANA functions operator and something that we do need to make sure is effective and works well.

And having it as a committee that is within the IANA functions operator seems to me not to be unreasonable -- so picking up on Alan's point --

because in fact the CSC if it decides it needs to escalate a problem doesn't do it in itself. It actually goes to the MRT and NRC sorry. And therefore, you know, there isn't that conflict within the organization at that stage.

However I go back to say well actually what all this works on is exactly what is the role of this entity? Who is it liaising with? Who is it working with? What are its key relationships?

And is that key relationship needs to be the structure needs to be designed so that it is as close as possible with the organizations that it is working with. Thank you.

Greg Shatan: Thank you Martin. Just briefly I would say that when you phrase it in terms of the role as you did this time I have more comfort.

But I think role and composition are not exactly the same thing. I think that the role can be as you stated and yet the composition could be somewhat more diverse as long as the role or the mission remains focused.

And I think that is one of the things that we were discussing over the weekend was, you know, to what extent you could have some form of a multi-stakeholder seat or seats within the CSC while having it predominantly customer driven and have its mission be narrow enough that there was limits to the - any concern that it would somehow have power that would allow it to go rogue or to do things that wouldn't ultimately be in the interest of the technical ecosystem but only in the interest of registries.

That's all the elements of checks and balances. And if you say, you know, having to escalate anything of significance that can't be resolved, you know, rapidly to the MRT give us that as well.

So I think that's all very helpful. Avri?

Avri Doria: Yes thank you, Avri speaking. I want to support the - and this is personal support -- the view that's being taken that this independent CSC that under the umbrella of an organization be something that does move with the function if the function does indeed move.

In terms of how this can be completely independent and under an umbrella I would suggest that perhaps we invite and - I mean I've lived within it for over 20 years so I believe that it works.

But perhaps we should get someone authoritative the really understands it like (Russ) or (Yari) or even (Yana) who's, you know, an IETF liaison to ICANN to actually come and explain how that independence really is real and does work as something so that from there we can go and decide whether indeed this was workable.

But to speculate that it would still be subject to the ICANN board where within the ISOC IETF IETF model it is most definitely not except for an appeal mechanism to make sure that there's an external that looks at it yes did you follow your processes?

You did, fine. We have nothing more to say type of thing. But the ISCO board does not determine how it picks its leadership. It does not decide how it does its work.

That is totally self-contained within the IETF or in this case in the CSC can be totally contained within the rules that were written for how it works.

So I think it's a model that is explorable. And we should go to the experts who have - who manage that model to perhaps give us a better picture of how that works. Thanks.

Greg Shatan: Thanks Avri. I think that's an excellent suggestion. And I think that I think it is a model that we can, you know, strongly consider replicating.

And without - and given that we have experts relatively close at hand we should figure out how to get them onto a call and/or to supply some written explanation or whatever they're more comfortable with to look at that relationship which is I think that may define how we can have an organization that has some existence, you know, tied by a string but not the by a hand making it move, not a puppet string to speak.

And given that it's worked for IETF it could well work here.

Anything further on this point? I think we've to some extent covered a few of these topics but we'll get off of at least the first one (eventity) status unless there are further comments on this?

Hearing none I'll move on to the second point relationship to ICANN which I think we've actually now refined as well it's really the relationship to the IFO whoever that may be.

And again, you know, the proposed response may be that is similar to the IETF relationship to ISOC subject to further clarification.

So then brings us I think to the next question or point which is the relationship to the MRT. And we said here that the CSC will take direction from the MRT, report to the MRT and escalate matters to the MRT.

Looking back on this language which was probably written a little while ago I feel comfortable with the escalate matters and the report but not quite as comfortable with the take direction from the MRT point. Any thoughts on that? Martin Boyle.

Martin Boyle: Thanks Greg, Martin Boyle here. You know, I'd actually take exception to two things. The one the direction from I think actually it should be taking direction from predominantly the customers but also from other input it receives from the wider community.

And it should be reporting back to them its relationship with the MRT is to escalate matters back to the MRT. And the other relationship it's got is actually with the IANA functions operator where it should be essentially a formulated area where raising issues with the IANA functions operator as a group, you know, is a preferred venue. It wouldn't be the only venue but I would actually see one of the key roles of the customer standing committee should be to raise issues to discuss performance with the IANA functions operator.

And that's way, way, way before it should be taking anything up to the MRT. But it should be going out to its customers, the customers and to the wider community with all the information that it so painstakingly collects and examines. Thank you.

Greg Shatan: Thank you Martin. I think those are very good points. And I think that, you know, it should be taking direction from the, you know, primarily from the customers and then from the rest of the multi-stakeholder community the - and I think rather than reporting.

And, you know, reporting back to them as well I think there probably is also a informational reporting function perhaps between the CSC and the MRT although perhaps not because that assumes that the MRT is going to be there to receive those reports as a body.

And while the - I prefer to think that the MRT perhaps is more of a sleeper of an organization that only awakes when one of its specific tasks is needed to be performed and that if that were given monthly reports by the CSC that it would somehow find a reason that it needed to convene monthly to discuss them.

And that I think is against the idea of the MRT being periodic as well as ad hoc when escalations occur.

So I think if the reports are open and transparent and available to the community as a whole I don't think there's any special reporting function to the MRT even informationally in terms of kind of the monthly good of the order type of report.

At least those are my views, you know, personally. I think they are by and large consistent with what you've said Martin.

One thing that raises a little bit of concern in my mind is the issue of raising concerns as a group or using this as the primary vehicle for the customers.

And that raises to my mind two different concerns. One is who's - one of the things that we established and converged on I think over the weekend was that individual customers have the same right and ability that they have now to deal one-on-one with the IANA functions operator and that there wouldn't be a gatekeeper function with regard to an individual concern.

And maybe that is entirely consistent with what you were saying Martin but I just wanted, you know, kind of tease that issue out and see if it is consistent. I'll get to the second concern but Martin I'll come back to you now.

Martin Boyle: Thanks Greg, Martin Boyle here. Yes it is entirely consistent. As I said that, you know, I would see the CSC as being a forum whereby and particular issues could be addressed collectively.

But for example individual registries if they're having specific problems whether technical or performance level should as they now have the right to go direct and to sort those problems out immediately.

Fundamentally what I'm actually seeing for the CSC which is where I think it's having a position as a committee to the IANA functions operator is that it now makes it very close and very easy for it to raise those issues and discuss those issues in detail bearing in mind that, you know, some of those issues are going to be associated with service levels.

And, you know, increase the service levels then you increase the cost of the business almost invariably and therefore having people fairly close to it recognizing what the trade-off.

You know, that is by far the most sensible place to it rather than waiting till things get out of hand and it's now been referred up to the MRT for escalatory action. Thank you.

Greg Shatan: Thank you Martin. I'll go to Stephanie next.

Stephanie Duchesneau: Thanks Greg. This is Stephanie. I think I'd agree generally with Martin but I wonder if that may be worthwhile clarifying the language take direction from.

My sense is that the CSC could have some responsibilities that are both regular sort of monitoring and as well as addressing individual issues that were flagged by customers.

And that full range of responsibilities would have to be set forth in a charter or some other governing document and that that is what it should be taking its basic instructions from which would presumably include the possibility of investigating issues that were flagged by customers. And I think I agree but just a bit of a clarification.

Grace Abuhamad: Hi everyone. Greg are you still on the line?

Greg Shatan: Yes. Sorry about that. I see Martin Boyle's hand is backup.

Grace Abuhamad: Okay.

Martin Boyle: I'm not sure how that happened. It is an error.

Greg Shatan: Great. Stephanie I don't know it might be helpful if you could I saw some agree to what you had said. It might be helpful if you could, you know, put that into the chat as well.

I had a little bit of trouble understanding you from an audio perspective. So if you could put some of that in the chat that would be helpful. From what I did understand sounded good.

Thank you. And I see a will do from Stephanie. Let me come to my second concern which is a little bit more nebulous and I think another reason why the CSC while it is predominantly customer driven shouldn't be exclusively is that the somewhat retired antitrust lawyer in me worries a little bit about the CSC being turned into a union or to use a more loaded word, cartel of customers that somehow is able to exercise powers over the IANA functions operator that are kind of monopolistic in nature or to use the more technically correct term when buyers are exercising such powers monopsonistic in nature.

And that I think is part of the check and balance that has to occur here concerned with, you know, registries kind of using this as a way to get things done in a way that is kind of not multi-stakeholder.

To some extent, you know, the narrowness of the remit as (Olivier) is noting in that chat if it's limited to operational and technical concerns and just whether the job is doing as well as it should be done by the standards that everyone had already agreed to there should be little if any opportunity for anything that might be an exercise of monopsony power.

But, you know, nonetheless is something that hangs in the back of my mind. We'll also note that it was a question asked or inferred from some of the comments from Christopher Wilkinson on the email list with regard to such concerns.

And I don't think they are entirely unfounded. I think it can be controlled for if the remit is controlled for and if there is enough of a check and balance from the rest of the stakeholder community. And of course transparency and accountability go a long way toward that.

Cartels don't work well in the sunlight. They work well in the shadows so the fewer shadows the better. Nothing of course is perfect but that is part of what we need to control for. And I think I've, you know, stated a few ways in which I think we are in fact controlling for it.

But if we let it get away from those tethers of transparency, accountability, narrowness of scope there are dangers there and including dangers that would bring in outside would just, you know, make things more difficult for all of us to function.

I said my piece on that point. Martin Boyle?

Martin Boyle: Thanks Greg, Martin Boyle here. Yes I must admit I haven't specifically thought of there being that sort of considerations in committee that is essentially, you know, sort of the equivalent to or no, the sort of passenger user group or the telecoms user group committee which tries to represent the customer interest with relationship to monopoly supplier.

And I am struggling a little bit to know how we would be able to avoid such accusations and yet have this group perform its job because wherever it is located and no matter what other organizations it brought in with it essentially what we're looking for here is an opportunity to raise issues of concern to the supplier, help the supplier address those levels of concern. But obviously where the cartel type nature of the relationship comes in that if we don't like what they're doing we're going to sack them.

And, you know, it's that relationship and so okay can we sort of try and position this in such a way that we understand what is the correct side of the line and what is the incorrect side of the line. Thanks.

Greg Shatan: Thank you Martin. I think, you know, to some extent we avoid those by having a narrow function and having transparency and accountability having, you know, issues that might be more transformative escalated up to the MRT.

I think that should allow it to do it's - the CSC to do its job without undue concern but I think it's a concern that even should be kept in mind by those participating themselves that they are, you know, are they using kind of group power to achieve something beyond what is, you know, reasonable and even potentially legal? Alan Greenberg.

Alan Greenberg: Thank you Greg. The issue that you just alluded to I think is effected in a significant way by the fact that certainly for gTLDs and to a lesser extent for ccTLDs or some ccTLDs there is a completely separate relationship with the current IANA functions operator and the one that where the intent is to stay. And you cannot ignore that.

You know, it's not only do the registries have some quote ulterior motive in with regard to the IANA functions operator to IANA but is there some ulterior motive with respect to their relationship with ICANN, the current functions operator over whom they will have some sway in recommending or raising flags that may cause a transfer in functions operator?

You know, that, you know, we talk about it in the accountability group we're talking about leverage. This is leverage.

This is potentially in the worst case attempting to effect the relationship that they have with ICANN which is often a not necessarily a fully cooperative one.

There's lawsuits, there's contract negotiations and the ability to try to impact that relationship by using the IANA tool as leverage is something I think has to be looked at carefully. Thank you.

Greg Shatan: Thank you Alan. I think, you know, part of that hopefully goes back to both narrowing its function and its power and what you can do before it escalates to the MRT which would be more fully multi-stakeholder. But it is, you know, a part of, you know, it's consistent with my concern as well. Avri?

Avri Doria: Avri speaking. I think that the concern is I think that's one of the reasons why some suggest that the inclusion of experts, you know, lessons that particular -- and I don't know the word -- you know, that cartel type of power.

And that is one reason why within the expert category I tend to personally also argue for an expert at the implementation of policy because they're the ones that can watch and can look out for those areas where you find that, you know, the registries find advantage in not following a policy that has been established by the greater multi-stakeholder, you know, ICANN supporting organizations and in cooperation with the IANA functions operator don't follow the policy.

And if it is just the customers they may have an advantage in not seeing a particular policy followed. And that's why they're needing to be someone they can also look at that particular thing within the group becomes one more piece of the puzzle that sort of says they're not that power that can corrupt, you know, the function because there are other experts within the group the can raise alarms. Thank you.

Greg Shatan: Thank you, Avri. I think one of the things that you said when you started talking about policy, I guess the question is to what extent does this

organization really get into - I know it doesn't get into examining policy per se, but what - does it even get into necessarily examining or implementation of policy beyond a set of defined operational standards, SLAs and the like.

I'm not sure that it gets into larger issues than that, although that is a question that goes back to Martin's point that we need to look at function before structure. At the same time we need to some extent need to look a structure before functions. This is an iterative process. You know, one of the issues, for instance to give an example of, if this focused - if this organization's focused solely on SLAs, how is there any pressure or concern or voice or eye on innovation?

Unless, you know, one answer to that to may be that innovation requirements for a certain amount of innovation and, for instance, at the most concrete level the automation issues are baked into the contract and therefore are to some extent looked at by the CSC. Or maybe it's the MRT that is more based through any overviews and longer arched processes at looking at things that are a little bit more than technical and operational meeting of standards. So.

But I still think that there may not be an issue here. If this organization is only looking at kind of clear cut, you know, did you get this done in six days consistently or not type of standards, there may be less room for the kind of mischief. I don't know, Avri, if there's a particular example you might have, and I'm not expected necessarily you have one or that anyone has one, where there is an agreed upon standard or level of functioning that would actually benefit the registries if it weren't followed and therefore, you know, if weren't enforced in essence by the customer.

Avri Doria: I don't have a specific example. Though, you know, perhaps -- this is Avri speaking again, answering the question directly -- but it is unimaginable to me

that such couldn't exist. In other words, we make policy on just about every aspect of the -- you know, and I'm speaking from the gTLD side -- of just about every aspect of the relationship of registries and contracts and such.

So - and given the whole picket fence nature of the contracts that ICANN has with the registries and the mutability of the relationships and of the SLAs, I just can't conceive of there not being a policy action that could be taken that the registries would not favor and that that would be where the opportunity - so I'm really just trying to - and I'm not talking about the broader sense of policy and all policies and then talking in no sense of making policy, but observing the implementation of it and whether there are any issues. Thanks.

Grace Abuhamad: Greg, this is Grace Abuhamad, Stephanie Duchesneau has her hand up.

Greg Shatan: Thanks. Let me get to Stephanie in a second. Just to respond directly to Avri. I agree with you that there is a - there are definitely policies or implementations of policy that the registries might chafe under, and that's probably true of any stakeholder group. I guess what I'm getting at more specifically is that they're wondering which ones of those might be - which implementations might be within in the remit of the CSC if its focus is on operational and technical functionality.

That may be enough if it's - unless there's scope creep. That may not have anything that it could kind of not enforce that wouldn't be clearly kind of aggregation of its duties if we're just talking about hitting standards. Stephanie?

Stephanie Duchesneau: Yes I'm having - I'm trying really hard to understand this concern, but I'm having a hard time seeing given that IANA is not going to be taking directions from the CSC, given that this is an operational monitoring role,

given that the CSC isn't empowered to undertake any sort of remedial activity without escalating it or also getting support from the MRT, which is a multi-stakeholder body, I'm having a really hard time seeing what the something that everyone keeps referring to is, what registries would not only be potentially interested in changing by way of a CSC but empowered to. To me it's completely unclear.

Greg Shatan: Thanks, Stephanie. I think you've stated the role of the CSC a little narrowly than it's been generally understood in that it would have certain powers to resolve issues. I think early on the analogy of the kind of level one help desk was used, and it's not a monitoring function, that it is the solution, the solver of first resort, if you will, that if an issue has gone off the - if the IANA functions operator is not performing up to the agreed upon standards that the first attempt to resolve that problem would be made by the CSC.

And while -- I see Bernie commenting in the chat that level one is not much power, it's simply the power to be able to talk to IANA. I would disagree with that to some extent. It's the power that is ultimately backed up by the contract that is being used by the CSC. You know, it is the power in essence any contractor has with its vendor to say you're not doing your job and if we can't solve it kind of between you and me, I'm going to have to bring in the next level.

And, you know, maybe you just do get the next level because you can't resolve it. That's not some threat. The next level is not, you know, coming in with, you know, machine guns. But the idea I think is to try to resolve operational shortfalls at the CSC level if they can be resolved. And if they can't, then it gets escalated to the MRT. So there is this power and it is a power that is, you know, backed by being the contractor. I don't think this is -

the CSC is starting to wield more power, I think this is the power we've had on its list since day one. So, just responding to something I see in the chat.

Having the CSC be purely a monitoring function that has kind of - that can't communicate concerns back to the IANA functions operator was never really contemplated, or if it was contemplated as not one around which there was any convergence. I think the ability to react and respond to what it sees is a reasonable power and I think always has been pretty much on the list since day one as a power of the CSC but not one that exists in isolation from the MRT or from the contract. Avri?

Avri Doria: Yes, Avri speaking again. One of the things I'd also like to put into the mix is not only the power to act, and I tend to agree with Stephanie that it is unlikely that the CSC would have, you know, the power to affect change in what's being done. But a power that is not being looked at is the power to not act. And if there are policies that are not favored and those policies are not being followed, it can easily decide to just leave it alone, let it go.

We have seen how often the - a power can be expressed in the refusal to act, and so I think that has to be taken as much into account as an overt activity that we say no, we can bar against that activity. What's harder to guard against is the sort of turning the blind eye aspect of not doing what needs to be done. Thanks.

Grace Abuhamad: Greg, this is Grace Abuhamad. Stephanie Duchesneau has her hand up in the queue. Everyone, this is Grace. Just Greg has lost his dial in so he says Stephanie can go ahead. And he's dialing back in. Go ahead, Stephanie.

Stephanie Duchesneau: This is Stephanie. I see what's being raised by Avri, but I still thing that registries have the strongest incentive here to make sure that that type of

monitoring and that type of performance is taking place. But I think what we're looking at is both how we're setting forth the requirements and also the scope limitations of all groups involved. So.

Grace Abuhamad: Hi, everyone. Just to remind you of what Greg wrote in the chat. He lost his audio and he's dialing back in. If there's anyone who...

Greg Shatan: I'm back on.

Grace Abuhamad: Oh. Donna is in the queue, Greg.

Greg Shatan: Let me turn off my secondary speaker. Donna Austin?

Donna Austin: Thanks, Greg. So apologies to everyone because I joined this call late so this may have come up already. So okay, so we need checks and balances. We need to find a way to do that, but what I'd really be interested to understand is that the ccTLDs has had a long relationship with IANA and dealing with issues of performance and they have set out - my understanding is the regional process monitoring the IANA performance. So if there's any CCs on the call could give us some, you know, direction or instruction as to how that has done and what processes they had in place, maybe that could be instructive for us in terms of what the CSC could do.

In terms of setting up checks and balances, I guess if you want somebody from ALAC or a secondary person to be sitting on the CSC to monitor what the CSC is actually doing and if there's a flag that comes up that is of concern then, you know, maybe they take that to the MRT or they try to discuss it with the CSC. But I really think that the CSC is about monitoring performance. I don't - I understand that maybe, you know, gTLD registries could get carried

away with themselves and, you know, in order to get a reduction in phase - threaten to take IANA out of ICANN but that really isn't the case.

But I just wanted to - we seem to be making this more complicated than it needs to be. So can we get some instruction from how CCs have dealt with IANA over the years and maybe take some direction or instruction from that. Thanks.

Greg Shatan: Thank you, Donna. Speaking of CCs, I see that Staffan has his hand up.

Staffan Jonson: Thank you. And, Donna, I can't answer for all the business around that level but I'll give it a try. And what is sure we had the survey within the CC community noticing that there is a huge trust in the IANA operation functions today. So this is of course the main issue for the interest. I've been arguing a bit here now to isolate purely operations oversight of the IANA functions just to not have it be captured by policy decisions, et cetera. So.

Because - and this was up in the Frankfurt meeting as well, it was quite clear I hope that the aim of this is to define the CSC as a purely technical oversight of the IANA functions, avoiding policy altogether. And in my view at least, that's the reason why we need an MRT. I'm not sure if I answered to your expectations, Donna, but this is the main line all along. We need to make it very minimalistic and in combination with the automation of the update of root zone, you may decentralize policy decisions to each and every TLD making it less vulnerable for takeover or capture. Thank you.

Greg Shatan: Thank you, Staffan. Bernie?

Bernie Turcotte: Thank you, Greg. I think I was the original leader from the ccTLDs at the time when we started working with IANA about performance quite a few years

ago. And I can speak to that for a few seconds in relation to Donna's question. I think that initially there were some reticence from IANA and eventually as we started working together and I guess with support from management and the board as to just the concept of us doing that with IANA, I think we ended up with a very productive environment.

The IANA folk were extremely practical. They were extremely clear in their limits of what they could discuss, what they couldn't discuss, how it might be reasonable to look at some things. And I guess overall I can just call it a really elaborative and effective collaboration with IANA. And I think the question that Donna was asking is that I'm hoping that what we're talking about from a CSC point of view would be that same kind of thing. I don't know if that helps. Thank you.

Greg Shatan: Thank you, Bernie. Martin Boyle.

Martin Boyle: Thanks, Greg. Martin Boyle here. Yes I'd sort of certainly echo a lot of what Bernie's just said. I put my hand up because I thought it was also perhaps useful to flag that censor which you see European ccTLDs association regularly has meetings with people from the IANA team. It's not every meeting, every one of our main meetings, at least. It's probably two out of three, and that does provide quite a good forum for airing issues and concerns.

But I'd actually go back and say several years ago and certainly before I joined (Nominet), the quality of performance from the IANA functions operator was pretty bad. And I certainly attended at least once meeting between a representative from the IANA functions operator and censor where it was very, very clearly put over that there were issues and what those issues were.

Now I think that sort of goes back to that sort of earlier point that the CSC should not be the only route in to registering concerns on performance, but it is just one and that these issues can be raised through multiple sets of routes, of directions.

And that sort of led me then to think that certainly the censor discussions that we had with the IANA functions operator appear in publically available minutes. I go back to one of the key roles that CSC is to be a bridge into the IANA functions operation and the committee itself should not be seeing itself as having a role, an identity, independent of everything else but should be communicating with the outside world and with the IANA functions operator and documenting what it is doing.

So I think that might actually to some extent respond to Avri's concern about the policy or rather ignoring things as they're inconvenient. There might be very good reasons for doing it, but if you're going to do it, you ought to at least document why you're going to ignore a particular concern or a particular things appear apparently going wrong.

And then my last point is my point about policy and changes in policy. I think this is the most dangerous area of the whole of our monitoring of the IANA functions operation. We need to have clear separation between the organization as a defining the policy and the operation of the policy. And if the IANA functions operator is deviating from the policy, that is a complaint. However, the CSC or any other of the structures here should not be taken on themselves the role of writing policy or developing policy or applying policy that hasn't been agreed through its due process. Thank you.

Grace Abuhamad: Donna Austin has her hand up in the queue.

Greg Shatan: Thanks. Before I get to Donna, Martin, I think that was very well stated and consistent. It looks like Donna took her hand down. I think that'd been an old hand since I've been kind of operating around it. So I see a comment in the chat from Seun.

"All I expect CSC will be doing is monitoring performance based on specific indicators as defined in the SLA. So I will expect that CSC would discuss with IANA only when they observe that IANA's below the agree level of performance, and when and if the IANA operator refuses to comply, after a specific timeline or am I under a notice or some form of period of resolution, then they would escalate to the MRT."

That seems consistent with what we're discussing here as well. Alan Greenberg?

Alan Greenberg: Thank you. With regard to Seun's comment just not, I think we also previously said that the CSC might be the body that discusses with IANA the potential for new service levels or changes or new things being monitored. I'm not sure that makes a substantive change but I believe that we did discuss that as well.

Greg Shatan: Right, Alan. I think that's a good point. That was, you know, the point I was trying to get at also with, you know, who is pushing for innovation and is innovation in essence a service level if you bake it into the contract. Not so much a service level but, you know, you should - I think the current contract does require IANA to continue to look for ways to improve and not to just stand pat.

I don't think I have problems with that role as long as it aimed toward technical functional operational improvements. There's always the concern of

scope creep and using that to achieve broader end. Martin, I saw a hand up and then it went down. I don't know if...

Alan Greenberg: Greg, it's Alan. I didn't raise the issue to say there was a conflict, I was just making sure that Seun's comment did not get captured as the sole purpose.

Greg Shatan: Yes, and I agree. I'm not trying to seek conflict where there is none but just stating that the more - the power, any power you give the CSC to act kind of of its own initiative as opposed to react to a performance problem does give it a little bit more responsibility, I would say. Alan, is that a new hand?

Alan Greenberg: Yes. It is a new hand. I guess I don't quite agree with what you just said. I think it has to be part of the responsibility because part of the monitoring job is recognizing that there is a problem but it's not being reflected in the current service levels that are being reported. So I would...

Greg Shatan: Right. I would actually agree with you and I think that...

Alan Greenberg: (Unintelligible) that part of its job.

Greg Shatan: Yes. Thanks, Alan. I would agree. And I think that is an appropriate area for the CSC to be active in, just raising, you know, maybe it's, you know, lawyers are just always, you know, peeling onions and making everybody else cry somehow without crying themselves. I apologize for that. I think we seem to be violent agreement more or less. Martin Boyle?

Martin Boyle: Thanks, Greg. Martin Boyle here. Yes, I'd just like to very firmly underline that because - and going back to the concept that perhaps the CSC's best place is as a committee within the IANA functions operator, that it wouldn't necessarily be just purely for where things go wrong but also perhaps looking

out for potential difficulties coming up. And for example in the case of new actions, new activities coming on stream, as for example, DNS a few years ago, talking with them about the implications that rolling out a service like that might have on the total delivery package.

So let us try and step back a little bit from it only being things going wrong but actually be a way of making sure that everybody understands the way that this service is going, how it might evolve and in particular that we are all making it very clear to the wider world the things that are happening. And with that I think it puts the CSC into a very, very much better position as a communicator rather than the - an ultimate decision maker whose only tool is a stick.

Greg Shatan: Thank you, Martin, very well said. And I think I see some agreement in the chat as well. I personally agree with that, that a very good kind of summary on both a functional level and kind of a conceptual level of where - how CSC's role should be viewed. Anybody disagree or want to comment further on this point before we move along?

Okay great. It looks like we can move along to the organizational documentation question which we answered before, that there would be a charter with clear and limited mission statement, principals and limitations for the CSC's performance. Any further comments on that?

I see we're now collecting humorous/good lines in the notes. Hopefully we'll compile that at the end -- the wit and wisdom of the CWG. Any comments? Martin Boyle?

Martin Boyle: Yes well it's good to know that after several months we have one humorous (unintelligible) good line. Perhaps we'll have a few more by the time we're

finished. I put my hand up because you said, well, you know, we decided on a charter some time ago.

And obviously I missed that because I'm not quite sure I know and understand why specifically a charter and would have thought that the sort of framework in which the committee is going to be working will depend on the - whether it be a charter, whether it be terms of reference. Essentially I think - so this is just a question to you Greg. By charter do you just means terms of reference and modus operandi?

Greg Shatan: Thanks Martin. Yes I think it's closer to terms of reference. It's, I guess, not a term that I tend to use in my day job but kind of looking quickly at how one would define terms of reference which the (unintelligible) tell me or describe, "the purpose or structure of a project committee meeting, negotiation or any similar collection of people who have agreed to work together to accomplish a shared goal." Thank you Wikipedia.

I would say yes and if a charter is intended to distinguish - I guess I'd come back to you Martin and ask how you would distinguish that from a charter? I'm not saying it's not distinguished but I'm just trying to - if we kind of clarify the difference it may help us understand something more about how we're looking at this organization. And then I'll get to (Staffan) after Martin.

Martin Boyle: Okay Greg, Martin Boyle here. Yes it's because I'm not quite sure I understand the scope of a charter that I asked my question. If you say a charter is quite simply it's terms of reference that's something I feel quite comfortable with as the basis on which a committee works.

Because I'm seeing this as a committee still but it's what extra might a charter be bringing to it? If nothing then I'm quite happy just noting that it means the same thing.

Greg Shatan: Thank you Martin. I'll note that the next sentence of Wikipedia. I'm not looking to Wikipedia as the answer to all things but actually it's quite helpful. The next sentence says, "The terms of reference of a project are often referred to as the project charter." So I think there is kind of a convergence there of terms.

And I guess when I think of charter I think of it as kind of a founding or foundational document for the creation and setting of in essence terms of reference. So there is kind of a creational aspect to a charter and maybe that's why I've tended toward that word. But I think we're probably beating that point to death. Staffan Jonson?

Staffan Jonson: Thank you Greg. Well being not a native English speaker I'm too ignorant to know the nuanced difference between charter and terms of reference in English. However the importance is of course define the role of the CSC as we've been talking about it today so maybe there should be an addendum, something explaining what we actually mean with charter or terms of reference if that's the case. Maybe we need to have a written definition. Thank you.

Greg Shatan: Thank you Staffan. I'm conscious of that. That those English speakers and especially those for whom examining pieces of language as a part of their day job might get further down in the weeds on these sorts of things.

I think whether it's a charter or terms of reference kind of converging on the similarity between those two which is basically something that sets up this

committee and gives it its marching orders -- to put it in more colloquial terms. Seun?

Seun Ojedeji: Yes this is Seun. Thank you Greg. I just want to clarify on the process that's involved in reviewing the SLA.

Would it be the sole role of CSC to try to negotiate the SLA with (unintelligible)? For instance I'm just using the scenario of the current numbers proposal for instance (unintelligible) review committee for SLA. However the review committee is going to be advising the NROEC any (unintelligible) requirements.

So I want to be clear about the role of CSC in any updates of SLA. Are they going to be the ones to be negotiating that with IANA (unintelligible) just like for instance also another example is the one of the (unintelligible) which is normally annually negotiated by the IOC, administration (unintelligible)?

So if that's also going to be part of the role of the CSC apart from just identifying (unintelligible) from my understanding I thought identifying needs for improvement and then recommending getting (unintelligible) to actually do the job of negotiating that with IANA (unintelligible) was one of the things I thought was the nature of the process. That was the case before. So thank you.

Greg Shatan: Thanks Seun. That's a good question. I don't think it's one that we've come to and certainly not in this discussion today.

We've been looking at the CSC as more the body that would take the SLAs once they are agreed to and monitor through reports and other things. The

adherence, the quality of performance against the SLAs. I think when it comes to negotiating the SLAs maybe it's a different question.

Seun Ojedeji: Okay, so that means that what I'm trying to clarify - I made a point before that the initial role of CSC in this context is either going to be monitoring performance and (unintelligible) issues so there was the other role that (unintelligible) which I thought was actually related to negotiating SLA improvements so if I guess you'd...

Coordinator: Hi everyone this is Grace. This is probably Seun's audio that's dropped. We will redial him immediately but I would suggest moving on to the next person just in case it takes a few minutes to dial him back.

Greg Shatan: Yes he's indicating he lost audio now. Could we lose the lost audio sound as well? Thank you.

                  We'll wait for Seun to get back in. Any other comments on this point? I guess I would look at it this way which is that if the CSC is not just responding to performance issues but is also raising potential improvements --which could also lead to changes in SLAs and the like -- is that something that's accomplished solely by the CSC or does that get referred up to the MRT which is responsible -- at least in the Frankfurt model -- for any amendments to the contract?

                  And the SLAs are really ancillary to the contract. It would seem to me that it may make sense for that to go back up to the MRT if there's going to be a change in SLAs or in the way that the performance is actually carried out. You know, say automation or something we can't even imagine yet because the technology is not there yet. Maybe something related to the Internet of things and - or whether that should be just dealt with by the CSC.

Any thoughts on that? Seun has just typed in that his point is a similar understanding, "I'd like to clarify Alan's point about CSC doing beyond just monitoring performance." Seun we have you back in audio. Do you want to continue? I don't know if you heard my question to the group.

Seun Ojedeji: Yes I didn't hear your question. So what I was trying to clarify is (unintelligible) and SLA I expected that CSC would only take note of that, of that (unintelligible) improvement and after a certain period of time, maybe (unintelligible) ITF they recommend that to the MLT (unintelligible) then negotiate with the (unintelligible) on how to improve on that.

That is how I understood this but I would like to be clarified on whether CSC is not actually going to be doing such recommendations (unintelligible) such improvements which I (unintelligible) directly. That's what I need to get clarification on. Thank you.

Greg Shatan: I don't think that's entirely a settled point. You know, (Steve) was saying that neutral observations (unintelligible) technical efficiency could be implemented without procedural bottlenecks. And (Donna's) saying that primary customers should be able to identify new service levels that are considered necessary.

I agree with both of those then I guess the question is whether those should actually become - whether those changes should actually take place without any - which in essence are amendments to the contract or to the service levels agreement which is ancillary to the contract without the MRT being involved. I guess my assumption going in would be that the MRT would take care, that that would have to go up to the MRT to actually be taken care of. But that's a -

that's an assumption, a rebuttable assumption. Seun I don't know if that's a new hand. If not let's go to Alan Greenberg.

Alan Greenberg: Thank you. In my mind the change to a service level would have to come at a contractual level and that would go through the MRT. There's no question about that in my mind. But to evolve to the point where we've identified what the new change will be and the recommendation will be it only -- in my mind -- it makes sense that the CSC and people from the CSC should be taking to IANA.

The alternative is the equivalent of a management structure where you can't talk to a peer. You have to talk to your boss and your boss will talk to their boss and then it will go back down the level there.

And it makes no sense not to have a direct discussion between the IANA and the CSC to try to come up with a recommendation that would both be what the registry operators want or need and what IANA can produce. So that kind of interaction, I think, has to be there although they don't have the legislative ability to put it in place. I think we're talking about halfway between the two discussions.

Greg Shatan: Alan Thank you. I find myself in complete agreement with what you just said in terms of, you know, process versus kind of contractual/legislative ability to implement a change in the contract. Any other comments, questions on this point?

Seun is that a new hand? It's not. Okay. Moving along. Any other comments on kind of organization documentation whether we call it charter, terms of reference or whatever?

I think fairly straightforward at this point. We have 10 to the hour so just looking at the next point, transparency seems to be one everyone pretty much, you know, agrees on subject to issues of confidential information and things that just can't be published. Martin Boyle?

Martin Boyle: Thanks Greg. Martin Boyle here. Yes it actually goes to (unintelligible) in square brackets in the previous section and it then reappears here on transparency. And it's' a simple question it goes back to your earlier comment about close relationships.

Would there not be some of course, concern for the IANA functions operator sharing confidential information on a confidential basis with this particular committee? You know, it seems to me that as soon as you've moved into the nobody knows what you're getting up to that you start getting questions of propriety. So I'd like your views on that in the light of your earlier comments about cozy relationships. Thank you.

Greg Shatan: Thank you Martin. Good point and I think it does come up in relation to confidential information and the like. And this is why I think having some multistakeholder component and neutral expert component within the CSC gives a lot of comfort that things won't get too cozy and that things won't get done in the shadows that shouldn't be done.

I think, you know, clearly there is certain information that is confidential that you wouldn't want published all over the place about IANA functionality and the like. I understand there's at least one nonpublic report. There are other nonpublic aspects such as, you know, the disaster recovery plan that you don't just necessarily want published.

You know, anything that was say an analysis of the weaknesses of the infrastructure and the ability for it to be hacked. You wouldn't, you know, publish that necessarily. No road maps.

So that's kind of my thinking and part of it, you know, one of the things you often try to avoid is not just - is the appearance of impropriety. And so by being transparent and by having some multistakeholder component where, kind of, publishing type transparency isn't available I think goes a long way toward avoiding appearances of impropriety. Alan?

Alan Greenberg: Thank you. I of course am not at all privy to what the confidential parts include. There was allusion to - that they include certain problem reports and identify the registry.

If that is indeed the case then we have a significant problem that even obfuscating who the registry is you may well be able to tell who it is based on the details of the problem. And that may be releasing competitive information or information about registries to their competitors and that would be a significant problem that isn't fixed by keeping it open or having other people watch. But I may be completely off track but not knowing what these reports are about.

Greg Shatan: Thanks Alan. I don't know if anybody else has any kind of point of information on what the confidential report that's produced by IANA is.

Man: By the way Greg, can I ask, why we don't have an IANA person in this group who can actually answer questions about IANA?

Greg Shatan: You know, that's actually a hell of a good question. Or sorry heck of a good question. I was thinking that at some point along the way myself is that we

should have some sort of a expert (unintelligible). But let's put that in the notes and I think it would be helpful to have somebody, you know, on these calls from IANA or at least on tap. I guess maybe there is...

Alan Greenberg: Prefer to have a comment in the (unintelligible) might want to read out.

Greg Shatan: ...some of the real issues that happened in the last month. Oh Alan (Chuck) did mention the conflict of interest requirements this last weekend and apparently there's real issues that happened in the last month. Allan with two Ls says to Alan with one L, "An excellent suggestion."

(Conrad), (David Conrad) is always reading the notes and (Yoav) has done that in the past, knows IANA, not from it but knows it well. So in any case, the more resources we have here - because there are some times when we need more or less information about, kind of, IANA from the inside or form those who are more inside.

But I think bottom line point -- now we're five before the hour -- is that nothing that should be done here should, kind of, undermine the actual operations or there shouldn't be anything written in here that kind of forces things out into the open in a way that's cavalier or that's against, kind of, just good operational process for IANA. I think these things can be dealt with along the way just by people being some level of sensibility and flexibility. Grace I see your hand is up.

Grace Abuhamad: Thank you Greg. This is Grace Abuhamad for the record. I'm just wondering if you're ask is if you want staff to go and ask for someone from the IANA team to join RSP3 calls or if you're just looking for an observer. I mean is there an action associated with the item or not? I'm just trying to figure out how exactly you want to take that forward related to the IANA.

Greg Shatan: Yes I think that's a good question. I'm not exactly sure whether we'd want an IANA person listening to every - all of these calls. On the other hand these are open calls so they're perfectly capable of doing that whether we ask them to or not.

So I guess the answer would be ideally yes, to have them, kind of, here to provide expert guidance. If there's anybody who thinks that they - again we can't stop them from being on even if we say we're not particularly interested in that. Any thoughts on that? I think, you know, ideally I would say, "Yes let's have them on." Robert Guerra or Guerra?

Robert Guerra: I just think - I think it would be particularly helpful but I think we just need to be - do it in a proper way. And so we had I think an RP4, maybe earlier RP3 conversations I see that it's almost as asking for legal advice. We should define the questions that we have.

If there's a scenario or a description that we want we should articulate and phrase that and develop that in advance. First pose it to, you know, those on the group, yes from (unintelligible) is more knowledgeable about that than I am and any of the others. And then whether ICANN staff or IANA itself or, you know, (unintelligible) if we want them but I think we just need to - we are talking about their roles and so I think there needs to be some separation and independence.

I would refer questions to them but having them engage in the conversation, I think it might - would not necessarily in my view be the best thing to do.

Greg Shatan: Thanks Robert. So I guess there's basically two different approaches here and I think maybe we need to think about them. It's Friday. We actually have

another call Monday later in the day so we have a little time to think about this.

I note that for (unintelligible) and others on the West Coast of the U.S. we'll have a better time for this call. Unfortunately I also note that for those in the U.S. it's a Federal Holiday so not normally a workday. So that's a double edged sword. But let's take these two kind of thoughts offline which is on the call involvement versus bringing questions back.

I think at a very minimum we should have a more open line or point of contact to IANA and the IANA functions operator within ICANN to get questions. And we should think about as we go through the course of this trying to make sure that we collect those points of information to get them answered. And at most we can think about whether we would want to have them on RFP3 calls or on certain designated RFP3 calls.

So let's just kind of take the question. It's to some extent similar in a way, some people want to work with lawyers by having them on every call -- which gets very expensive and sometimes boring for the lawyers -- or come back to the lawyers afterwards which sometimes leaves the lawyers kind of wondering what really was discussed because the repot back is not the same as being able to respond in real time in the back and forth of a animated discussion. So that's to some extent open question. Let's think about that. Grace's hand is up again. Probably because it's 11:00.

Grace Abuhamad: Sorry Greg that was an old hand.

Greg Shatan: It's an old hand but a good reminder nonetheless that we are at the top of the hour, the end of the call. So I think although it may not seem entirely that way

but I think we've made a lot of good progress on this call. We have our next call on Monday and the exact time Grace is?

Grace Abuhamad: It's 2100 UTC to 2300 UTC.

Greg Shatan: Right and we've moved that later and I think we are going to be having the Monday RFP3 calls in that slot to allow for a little bit more time zone diversity. And I think if there's nothing further right at the moment we'll look to continue along these lines on Monday's call. The CSC structural analysis document continues to be posted in Google Docs of course, and I would ask that those on this call or reading these notes afterwards go to that document and make any comments on the remainder of the document that, you know, would be helpful in Monday's call as we roll through on these points.

And as well we'll try to capture everything that went on in this call and bring it back into that document as well. So with that, I will bring this call to a close and ask that the operator stop the recording.

END