

ICANN

**Moderator: Grace Abuhamad
January 29, 2015
10:00 am CT**

Grace Abuhamad: This meeting of the CWG - it is now 1603 UTC. We'll proceed with the roll call through the Adobe Connect room but if anyone is on the audio-only please speak up now.

Coordinator: Excuse me, the recordings have started.

Grace Abuhamad: Thank you, Operator. Is there anyone on the audio-only line? Okay, everyone is in Adobe Connect. I will turn it over to the chairs now. Thank you.

Lise Fuhr: Thank you, Grace. Welcome everyone. My name is Lise Fuhr. I'm the co-chair of the CWG together with Jonathan Robinson.

Today at this meeting will discuss the progress to date on the different workgroups and more importantly we will also discuss a revised timeline and a plan for the upcoming Singapore meeting.

And as you see at the screen there have been a lot of meetings going on. And I think we should start with the status updates from these meetings. And one of

the first is the RFP 3 group and Greg Shatan is the coordinator of this. Greg, can you give us an update please?

Greg Shatan: Yes. Thank you, Lise. It's Greg Shatan for the record. We have had further calls and much work on the list with regard to RFP 3. I'll put aside obviously RFP 3b which is separated for the moment from RFP 3.

On the most recent RFP 3 call, we examined - try to come to some convergence on a number of the details of Contract Co.

((Crosstalk))

Greg Shatan: ...successful in doing that and I'll be circulating an updated version of the Contract Co structural analysis. We also touched on the assumptions, although, you know, not entirely in a separate document on Contract Co as well.

And there are - we haven't touched so much, and need to touch on kind of trying to highlight now some of the more specific divergences and controversial topics within the entire Contract Co model and also to look more specifically at the IAP, the Independent Appeals Panel, and also at the contract itself, which is really kind of the unbilled fifth player in the structure here which, you know, needs to be - we haven't really gone back to much as we should and it really does answer, I think, you know, a number of the questions and concerns about the relationship between the pieces of the puzzle since that kind of establishes the relationship between Contract Co and ICANN under that model.

I think we also need to, you know, continue to look at alternatives and refinements to the present model. In particular on tomorrow's call I want to go

back and look at an alternative proposal that had been raised and just kind of re-bumped to the - kind of the top of mind by John Poole which is - I'll call it an alternative trust solution.

Which it does not mean it's necessarily an alternative or a less robust or practical than the other solution we're looking at but rather it does involve a trust but it's not the internal to ICANN, ICANN as trustee model that is being discussed on RFP 3b.

So we'll make sure to - when we kind of put together the agenda, introductory email for tomorrow's call today, make sure to highlight the trust model that John has put together and see how that could work, what its alternatives are and see if it, you know, solves some of the issues, what issues it raises as well.

But I think that, you know, as we head into Singapore both, you know, kind of a challenge of trying to see what more we can resolve or, you know, highlight at least crystallize the points of divergence and then, you know, focus on our next pushes in the group and, you know, figure out how best to approach the were going forward now that we've kind of, you know, will have made nearly a full circuit through the aspect of the Contract Co model but not having necessarily developed, in many ways, a full set of convergences on how a Contract Co model would work or necessarily how, you know, why we would need to discard it other than, you know, lack of understanding.

And I think we've dealt with a lot of that, you know, on the calls and the issue is making sure that we socialize that to the larger group and the community as we move forward. So that's what we look forward doing on tomorrow's call and trying to focus on, you know, the issues where there may be particular tensions or unresolved issues.

Almost sounds like a group therapy session. But it won't be. As we try to see what we can highlight and either solve or indicate how and why it's unresolved as we move forward and try to close off issues. That's a summary of where I think we are with the RFP 3. Thanks, Lise.

Lise Fuhr: Thank you very much, Greg. That was very helpful. Next we have RFP 3b, Allan MacGillivray, can you please give an update?

Allan MacGillivray: Yes. Thank you, Lise. It's Allan MacGillivray here for the record. So RFP 3b is focusing on looking at so-called internal to ICANN options. We have had two meetings since we met in plenary; 3b met on last part of the 24th and again on the 27th which was this week.

So at our...

Lise Fuhr: Allan, you're very - you're very difficult to hear. Is there any way you can be more clear?

Allan MacGillivray: All right...

((Crosstalk))

Lise Fuhr: Speak up louder.

Allan MacGillivray: How is this? Better? Any better?

Lise Fuhr: That's better.

Allan MacGillivray: Well, I can always dial in. You can move and I can dial in or I can just keep going. So perhaps I'll repeat myself. RFP 3b is focusing on internal to

ICANN options, alternative options to the (unintelligible) option. We have met twice since the full CWG meeting last Thursday, is to say we met on Friday the 24th and again on the 27th, this Tuesday.

The meeting on the 24th we dealt with a proposal that came from auDA the ccTLD registry in Australia which proposed an arrangement with a trust and a so-called guardian. So we had a discussion of that.

And we decided that our focus would be to include these options in the so-called discussion document that Bernie Turcotte is drafting. So we had a good discussion on Friday.

On Tuesday we turned our minds to looking at internal options that did not include the trust. And Bernie Turcotte outlined an approach which would rely on effectively bylaw changes to ICANN which would effectively create and guarantee a structure. We're giving this approach the short form term "golden bylaw" approach.

Unlike, I think, the Contract Co model, many of us have been involved in contracts so we can get around that and play lawyer a little bit. But when it comes to things like corporate governance, establishing and managing trusts, few of us have any experience with that. So 3b is very heavily dependent on the legal advice that we are seeking.

So we have decided to focus our energies on the discussions in Singapore and we, like many people, are waiting some feedback from outside counsel on such matters as what can the Board of a California corporation guarantee or what undertakings can it make not to change bylaws, etcetera, or what other trust arrangements that are possibly in California or the United States.

So that's where we are. We're - I know that Bernie will talk to his so-called discussion document later. But I think that summarizes what we did in 3b. Thank you, Lise.

Lise Fuhr: Thank you, Allan. And I think you touch upon a very important point that we need the legal advice to advance on some of the issues that are in both RFP 3 and RFP 3b. And I know that Greg will tell later about the client committee that's going to get this legal advice.

So but anyway we have RFP 4 and RFP 5. I don't know, Robert, you're on RFP 4. Is there any news on this?

Robert Guerra: Sure, happy to give a quick update. We had not met the previous week or two but we did meet earlier this week. And I'll just give a very short update in terms of the items that we discussed.

We received an update from RFP 3 and RFP 3b. We talked about ongoing work that the RFP 4 group had done in regards to timeline, trust and I introduced a new topic in terms of ways that we can improve our working method and become more productive going forward.

We spent some time in terms of ways that we could better integrate the discussions and text that's being developed in the RFP 4 group and make sure that that is streamlined into the RFP 3 conversations.

In regards to stress test, which has been an item that has come up in the RFP 4 group we talked about the existing list that we have, how that could be better categorized and how that could be trimmed so it would be more appropriate for the IANA.

We talked about the - or I presented some of the work that the accountability group had done in regards to stress test and contingency and their approach to try to enumerate a list and then trim it down and categorize it.

And we discussed some initial thoughts in regards to possibly the RFP 4 group meet in Singapore and some key individuals that would be good to meet and have a conversation with in Singapore to try to advance RFP 4's group.

It was also stressed that it's important that even though the RFP 3 and RFP 3b group's work is not completed that RFP 4 work and tasks needs to go ahead almost in parallel. It may not be the most efficient way but that way it might save us some time later on.

So that's a very quick summary of the conversations that took place earlier this week.

Lise Fuhr: Thank you so much, Robert. Cheryl, as far as I know there weren't any meeting on RFP 5, is that correct?

Cheryl Langdon-Orr: That's correct. It's on hold and we'll get back to it shortly.

Lise Fuhr: Yes, I know you will. So thank you. Okay well thank you for that from the RFP subgroups. Then we have the CCWG Accountability group update. And Avri is going to - has volunteered on doing this as the liaison to the group.

But before that I just want to note that we were - the chairs of the CWG and the CCWG has sent out a statement earlier this week. And I don't know if there is any comments or questions regarding this statement. I don't see anyone, any handset for anyone in the chat. Okay.

I think we will go on to Avri then giving her update on the work. Thank you.

Avri Doria: Okay thank you. Avri speaking. Hopefully I can be heard. There is not much to add I think beyond that particular answer and statement so if there was nothing to be covered. But I did mostly speak to that at our last meeting. And the statement from them is more official but I don't think it's extremely different.

In terms of what's been happening in the group basically at the last meeting there was essentially the second reading of the Work Stream 1 items, and that's gotten fairly stable at this point. Schedules are being worked and, you know, starting to actually talk about some of the elements of the solutions.

And some of the discussions that we had to were three of us that were in both of these groups have remarked on how similar some of the discussions are in terms of looking at, you know, what it means to be members, what it means to have members and so on and so forth.

So I think at this point it is, you know, moving in parallel. It's moving at a good clip and they're certainly paying attention to what's happening here and the whole effort to coordinate. And I don't have much to add at this point beyond that.

Lise Fuhr: Well thank you, Avri. That was helpful. Then we have a new group that will give an update and that's the client committee. And I think - well, I hope Greg will explain the objectives and the purpose of this client committee and give an update on the group's work. Please, Greg.

Greg Shatan: Thank you, Lise. It's Greg Shatan again. Yes, the client committee, which is intended to act as kind of the client point of contact to procure and engage a

lawyer or more accurately a law firm with one or more lawyers that will be able to give advice on the various aspects of work where we need legal advice.

The client committee consists of myself, Martin Simon, Jonathan and Lise with staff support. And we're working closely with ICANN Legal on a process basis while making sure to retain independence from ICANN Legal in terms of the advice we ultimately get.

We're meeting again tomorrow to try to move forward on procuring legal. We have been able to - we've moved forward and gotten already from a meeting that we had I think it was the day before yesterday, answers to a number of questions or at least, you know, questions of how, you know, we'll be, you know, supported.

It's clear that this will be financially supported by ICANN; it's not a blank check but, you know, will need to manage outside counsel appropriately. So I'll have to think about the ways in which people have successfully managed me over the years and turn it back around whether I like it or not when it was done to me.

And we have, as you know, now gone to up to a third version of the legal scoping document. And I'll underline, again that this is not intended to be exhaustive or limiting in the questions and issues we actually get responses to but is intended to be both educational for whichever law firm we retain, because, you know, it's highly unlikely we'll get somebody who is as intimately involved in ICANN as any of us are.

Hopefully they'll be quick studies and have some (unintelligible) knowledge of what's going on but they certainly will need to be brought up to speed. And

then the questions are intended to kind of show the types of questions and concerns that have been raised over time.

But ultimately the goal that we have with counsel is to get advice on all of the propositions or proposals or options that we have on the table before us and at least as importantly having told them what it is that we're trying to accomplish at the highest - at the 10,000 foot level. They may have ideas and contributions of their own that we, due to our, limitations of our own experience and expertise have been unable to even access.

You know, as a small example I only learned in the last couple of days that nonprofit corporations in California can have delegates which can serve many of the functions of members without creating a membership organization and obligations to members that are perhaps beyond those that we would want to have, but that could create a layer of accountability above a board. This is something that somebody who deals with nonprofits in California probably would know off the top of their head. I discovered it, you know, by accident.

So, you know, we'll look to bring the lawyers and as councilors. The idea is not to get just answers to our questions in some sort of written brief but rather to engage them in our process to, you know, help us sort out what's viable, what's not viable, but risks there are, what solutions there are and how we can bring, you know, any of these proposals to it's kind of best viable point.

There are probably, you know, broad questions of law and philosophy that we are not going to put in front of them but the idea is to get, you know, some real advice, not just a Q&A from counsel.

I'll invite, again, any and all recommendations for counsel that might be known to any of you. We have a short list but it's still shorter than I would

like. We've asked ICANN which counsel they may have already worked with to some extent but that, you know, to put it bluntly, not Jones Day because Jones Day is just identified with a particular, you know, long-standing set of advice or - to - on corporate governance issues. But there may be counsel that have been through their procurement process but that are not kind of tainted in that way.

And that's, you know, no knock on Jones Day; it's a fantastic law firm but, you know, clearly we're looking to - for a fresh approach here. And we're all trying to be, you know, creative and being creative and yet legal is something that will require some fresh advice.

So, again, we're going back tomorrow for another meeting with the client committee and Samantha Eisner from ICANN Legal who's our kind of point person to try to add to that list and move forward on a procurement process so that we will get counsel lined up as rapidly as possible.

And everybody involved recognizes that this is probably our most critical dependency for moving forward and that until we get legal advice there's only so much any of us can do to try to sort out the open points on any of these models that we have.

So we'll definitely keep you advised of our progress. And, you know, hope that we'll have, you know, substantial progress to report but it's still - it's still a process that we have to go through and definitely a midstream point at this point. Thanks.

Lise Fuhr: Thank you, Greg. And well I didn't ask if there are questions for the updates for I certainly will open the floor if there's any questions for this update. And I see Chuck has his hand up. Chuck, please.

Chuck Gomes: Thanks, Lise. And thanks, Greg. Do we have an idea of how much longer the procurement process within ICANN would take if we use a law firm or attorneys that they have not dealt with previously?

Greg Shatan: Chuck, this is Greg. I'll try to answer that. We should have a much better idea of that tomorrow. We did ask that question of Samantha on Tuesday. She did believe that, you know, might be I a position to shortcut their full procurement process in order to get counsel if, you know, if it's new counsel that has never been, quote unquote, procured by ICANN before.

And - but that we should be able to shorten that process; that it shouldn't involve anything like an RFP or anything like that. You know, that said, I'll have a much better idea end of day tomorrow or late, you know, late in the New York day tomorrow of the answer to that question.

Because that is definitely one of the questions that has been put, you know, put in front of ICANN. We don't - and I sincerely believe that they are as, you know, desirous and focused on getting legal counsel and quickly as we are. And, you know, hope to have, you know, a good answer to that. You know, I don't think it'll be 48 hours; I don't think it'll be a month. I'm hopeful it'll be closer to 48 hours than a month.

But, you know, I think that, you know, the key, frankly, to my mind it's not the timing of the procurement process, it's identifying and getting a call together with prospective counsel that is really our biggest issue. As I said, we've only got really a couple, two, three firms that are on the short list and that's not a short list that's been cut down from a long list; that is the long list.

So we need a long list to get a short list to get to a counsel. And that's really the key is finding, you know, the right lawyer or law firm that has the skills and the kind of the geographic, you know, has California skills as well as the substantive skills that we have. So that's where I'm - my biggest focus is on trying to get there.

I think the process issues around that main thrust I think will work - we'll get to those to work out. But it doesn't matter how quick their process is, if we don't have the right law firm to try to say, okay, we know you've never worked with Latham and Watkins before, that's who we want, you know, go procure them.

And, you know, we've all been on a call and we hear that they're ready, responsive experts, engaged in the philosophical sense, not the economic sense, with us. And that's where the rubber hits the road. Everything after that is just, you know, second level shit that we will be able to deal with rapidly I believe. Thank you.

Lise Fuhr: Thank you, Greg. Any other questions? If not we will move on to Item 4 which is one of our very important items today, it's the timeline. And Jonathan, my co-chair has promised that he will walk you through a revised draft of the timeline. Jonathan, please.

Jonathan Robinson: Thanks, Lise. As you know, we came to our original timeline by virtue of having a response to the ICG RFP and that that had a deadline or a target date built into it which we worked very hard to meet.

Everyone who we've spoken to since our recognition that particular target was going to be difficult to (unintelligible). We have consideration that's had to be undertaken, has been very sympathetic and that includes very reasonable

response from the ICG chairs who I've interacted with mostly themselves but I can reasonably assume that that's representative of the ICG more broadly.

So that's left an interesting situation though because having missed the deadline or target that we were responding to on the back of the ICG's RFP it left us with, in some senses, a rather open position that we needed to do our own work to do.

What we've done is we've attempted to craft a new timeline with our now best understanding of what is required and how the different work streams will work. As we've done that we've attempted to be particularly aware of one of the key dependencies and that's the related work of the CCWG but in particular also some very specific dependencies that relate to our work.

We've also tried to be sensitive to the currently-published timeline of the ICG. And so what you see in front of you now - and I apologize, it's not best to see this kind of document published in Adobe Connect. But nevertheless it should give you an overall representation of a revised timeline as has been worked on by myself, coordinators of the RFP groups. And that timeline is reflected against our best understanding of the CCWG's timelines and the ICG's timeline.

We are supported from staff, supported by staff with this from Berry Cobb who is responsible for doing a similar job with the CCWG. So we can be reasonable confident that this is an accurate representation not only of what we've discussed but with what's going on in the CCWG and we intend to talk about this in our weekly meeting with the CCWG chairs tomorrow.

What you see in the timeline at the top, which is really the area I would encourage you to focus on, is a composite scenario which describes - well

actually historically where we are as well as currently where we've got to and where we see this heading out to.

You've got various tracks of activity, typically the different subgroups, RFP 3, 4, 5 and 6. We have - and those are in green, sort of a peach color, orange and blue as we move down from the top. We've got the legal advice in gray deliberately split out into two components although to some extent that's likely to be continuous activity.

I don't think we expect it to be necessarily completely discrete. It may require ongoing iteration both in terms of the advice we receive and the consultation as the solutions are developed.

But in particular it's split up here to reflect advice in and around developing the next significant draft proposal and thereafter additional advice in developing what this timeline envisages is a final draft based on a second public comment period.

So as you walk - as you cast your eyes down over the timeline you see the legal advice in gray, the development of draft proposals in a light blue and the inclusion of a public comment period in a purplish color.

We've also included some dots on there. And those dots represent in red, blue and green, three key areas. One, as covered by the legend, in red we have the ICANN meetings; in green we have a prospective face to face meeting; and in blue we have prospective high intensity sessions along the lines of the weekend session we carried out in January.

So overall in developing this we - this is what we would call an aggressive or best case scenario. It's very important to highlight that both for the purposes of this group and for the purposes of communicating this more broadly.

Why is it best case? Well, a couple of reasons but significantly we, in assessing it, we've picked up on a number of potential areas of risk. And those are highlighted by the triangles you see on the diagram.

There are other issues as well as those areas of risk and that is, for example, there is a presumption in here that we can work with a 21-day public comment period. Now given the time pressures that we have been under and that others amongst us - well that we might believe remain, it's worth recognizing that a 21-day may be the most reasonable balance between trying to get the work done but providing sufficient time for consideration of proposal.

And that may be enough said for the moment. But I really want to highlight as strongly as possible that in many ways this represents a best case scenario with effective working amongst us, with a fair wind and various factors and with an overall drive to produce a consensus, it may well be that we could do this.

But there's no (fat) in here as far as we are concerned, so - and we deliberated whether to put scenarios out that were not as optimistic or favorable as this. On balance we felt, in particular, the co-chairs that it was best to work with this best case scenario and work to this as a target.

But in talking with anyone in your respective communities or in any other way, we feel it's very important to understand that this will require a continuing high intensity effort, creative methods of working and perhaps different methods of working, a collective will to ultimately (unintelligible)

this proposal and some elements like tolerance of shorter public comment period, and tolerance perhaps of relatively short turnaround times by the chartering organizations. So there are a number of factors in there that make this an optimistic or best case scenario.

Let me pause there and see if there are questions or discussion points in and around this timetable and the issues or thoughts that it throws up. Just to make it clear in case it wasn't obvious because I've had the chance to see this diagram a couple of times, the meeting legend is highlighted at the right, that's the description of the dots, that isn't on the chart itself.

And in addition, the risk factors are highlighted according to the nomenclature underneath each of the triangles. So for example, Risk 1 deals with that which we were talking about immediately prior to this item on the agenda and that's the timely acquisition of appropriate legal advice.

Risk 2 deals with the requirement for the chartering organizations to approve the proposal and the possibility or some might say the probability of at least the GAC as one of our chartering organizations perhaps requiring face to face meeting in order to approve the draft.

I guess the one option here is of course that the timeline slips according to this risk factor and the GAC requires the Buenos Aires meeting to approve the draft. Alternatively, maybe a possibility of planning an intercessional meeting of the GAC to approve this.

I think these are the kind of things that we might need to try and flush out in Singapore as we socialize this draft and as people buy into it or not as the case may be, and advocate for trying to meet this or recognize where some of these risk factors might come into play and force an extension from this scenario.

Thank you, Berry. I noticed in the chat that you have said that people have (unintelligible) assumed that from the outset so apologies if you were unable to move around and zoom the document.

I notice Matthew Shears' comment in the chat about the widening of the timeline between the CWG and ICG and should we be keeping them abreast of the development of the proposal. I think what you mean by that, Matthew, is perhaps some form of iterative appraisal of the proposal. Of course I see Elise is typing perhaps or is in any event on the call and we have active liaison with the ICG and to keep them up to date with both our thinking on timeline and the substance of the proposal.

Thank you, Elise. I note your comment there that you are following this closely and we will endeavor to keep you and your ICG colleagues apprised, as I say, of both the substance of any discussions, any converging developments and trends towards consensus as well as our thinking about the timelines for achieving that.

Does this surprise people? Does this seem consistent with what you might have thought? Is anyone unduly worried by this? Does it make sense? Any thoughts or comments are welcome because this is going to find its way out into the community, the world at large, and, you know, people will - our groups will want to know and understand this, understand our thinking behind it, understand why we think this is a best case and what scenarios around it.

Donna, I see your hand is up. Go ahead.

Donna Austin: Thanks, Jonathan. Donna Austin. (Unintelligible). So the timeframe, to me, appears to be sensible. And I kind of appreciate that we're not trying to jam too much in and compress what we're doing to paint a rosier picture.

What I would like to understand is Larry Strickling, in a speech that he made this week, asked four pointed questions relating to the work of our group. And I'm just wondering - my feeling on those questions is that perhaps they can be picked up by RFP 4 because I think they relate to any proposal that we come up with.

But I wondered to the extent that we should, as a group, have a conversation around those questions that were raised in the speech and how we intend to deal with them because I think that could potentially impact the work that we're doing as well. Thanks.

Jonathan Robinson: Thanks, Donna. I like that question. I think it's a good point. It's sort of hot off the press. And actually it's something we could possibly have included in the agenda for this meeting. So why don't we come back to that? I mean, I take your point how it potentially impacts on the timeline so it's a good prompt to raise this here.

But let's - let me refer to Lise and see if we can't bring that back in under AOB and focus specifically on issues around the timeline, although I say I'm not - I accept the link there. But let's talk about Larry's comments and how we might, you know, what impact those might have on our work as a particular item. Feels like a good idea to me.

Elise, go ahead.

Elise Lindeberg: Can you hear me? Hello?

Jonathan Robinson: We hear you, Elise. Go ahead.

Elise Lindeberg: Yeah, okay. Now just a very short question about the timeline. (Unintelligible) the main questions for the GAC because we work in a special way, you know, we have to have a face to face meeting and so on. So they will ask for sure about the timeline. And so is it okay if we post this timeline then to the GAC or to our constituencies with explanation that we have been discussing now that this is an aggressive timeline and so it's okay that this is going out for the list as of now?

Jonathan Robinson: Thank you for that question and for the consideration that this might be within the group. My view is once we've shared with the group as we have I think we should share this more widely. I think it would be - the key point is to try and get feedback on this and (unintelligible) the impact or not it might have on other groups.

So yes I think this is our current best case scenario and so I think we should - it should probably be dated actually, Berry, now that I think about it. It should say best case at 29th of Jan 2015 so it's quite clear that this has a specific date. Thank you. But, yes, Elise, good point. And personally I think we should be prepared to share it.

Elise Lindeberg: Okay, so you'll send it to the mailing list then after this meeting? Okay, thank you.

Jonathan Robinson: Yes. In fact we specifically didn't send it to the mailing list before the meeting because we wanted to talk it through with the group first and make sure there were no serious concerns or problems or issues arising or to

(unintelligible) with respect to input from the group prior to sending but it can be distributed after that.

Alan Greenberg, you're next.

Alan Greenberg: Thank you. My comment is similar to how Elise started off. And I'll just note that a two-week turnaround for the chartering organizations and for the Board is perhaps - makes aggressive an understatement. It's hard to imagine even ignoring the issue of the GAC's working methods seven with other groups it's hard to imagine that that kind of turnaround - but I guess I'm happy to have it have it there as a target. Thank you.

Jonathan Robinson: Well yes, Alan, that's a good point. And let me give you some, I mean, just some insight specifically in respect of the GNSO for example. We had a GNSO meeting today, a Council meeting, and we utilized that Council meeting to really emphasize to the councilors the requirement to continuously appraise their groups of the developments.

And so I take your point. In one sense this is too fast and not believable that it could be turned around in that - at that speed. On another, you know, there are many unique challenges with this particular piece of work which you could say are going to be challenging to impossible to meet. And clearly we aren't all here with that belief.

So I'd just - I take your point. It is very challenging. But to some extent it depends in the particular example how closely the groups follow it and during the course of its evolution as opposed to trying to understand it from scratch at the end point.

Robert, your hand is next.

Robert Guerra: Just wanted to follow up, this is Robert Guerra for the record, of your comments, Jonathan. I think it's really key that all the different groups that are participating in this process that they not wait for the final proposal; that update them as needed going forward, in a sense doing it in parallel and hopefully it's not that we'll reach the end and then we have to get a series of comments.

Hopefully the comments, the criticisms and constructive feedback will happen throughout the process, I would say, in the lead up to Singapore and during Singapore. These are much required and hopefully by the timeline that we've indicated we will have reached a level of consensus that all the groups will know and we'll be able to get as quick an approval as possible.

Point Number 2, I think it's very (unintelligible) one thinks that one's - more of the chartering organizations involved require less time or more time that they'd please flag that to Jonathan and others so we can incorporate that in the timeline. Thank you.

Jonathan Robinson: Thanks, Robert. Greg, you're next.

Greg Shatan: Greg Shatan. I think and maybe a couple of us have pointed this out in the chat and it needs to be worked out a bit. I think that the timeline indicates that it'd be 21 days or three days - three weeks - for the chartering organizations to consider that; not two.

More importantly, more substantively, I think one of the things that has been added to this timeline that was not in our initial timeline is the second public comment period which I think should be used by the members and participants to try to socialize and get some warm up, if you will, of their

respective chartering organizations, SO, AC, whatever it may be so that it's not a surprise on Day 1 of the 21 days.

While I think that our, you know, next draft proposal may vary significantly from the first one that was produced post-Frankfurt, I'm optimistic that the third proposal won't vary so much from the second one.

So I think it's - this is, you know, it's one of the ways in which, you know, it's incumbent on all of us maybe to a greater extent than we have done before to keep not only to keep our organizations that were here, you know, as a representative of or just as a member of the participating and a non, you know, representative capacity - to not only keep those organizations up to speed but to try to keep them thinking and moving along with our thinking to the best extent possible.

And as we, you know, hopefully get toward a convergence and even consensus it'll be easier to do that since, you know, obviously we can't, you know, bring our organizations through every twist and turn of this process. It's more pain than you can visit on an entire organization.

So but I think that this is hopefully by the time it gets to the COs at the end of the process there won't be too many surprises, not only with regard to what the proposal is but with regard to what the opinion or outcome that the group will have on that proposal will be. Thanks.

Jonathan Robinson: Thanks, Greg. Back to you, Elise.

Elise Lindeberg: Thank you. I just wanted to make a comment on not wasting the community discussions before the final draft is there. Just wanted to inform you about the GAC procedures on the (CVG). The (CVG) members - the GAC members in

the (CVG) have them - we will try - or we're working on an update to the GAC proposal for the Singapore meeting.

And we will try to single out some key questions and some topics and basic discussions that we need to have even if we don't have a final draft yet. And that is so we can have something to bring back to the (CVG) after the Singapore meeting that could - that is sold on what the GAC means like (unintelligible) directions on key questions.

So just so you know we try to work within the GAC methods and working methods to keep up with the (CVG) moving on. Yes, thank you.

Jonathan Robinson: Thank you, Elise. And we, as co-chairs at least will work closely with you as well as one of the chartering organizations and one with particular requirements. Lise and I plan to be with you on Sunday morning I think.

And we will do our best to coordinate and work with you and your GAC colleagues as best as possible to both ensure you are informed and that we work effectively with you in dealing with questions, issues and all of the challenges that processing and making your collective contributions to this work require.

((Crosstalk))

Jonathan Robinson: Hand up again, Elise if - yeah, go ahead.

Elise Lindeberg: No. No, I just want to say it is very appreciated that you join us on Sunday. And I think it's also - it's actually needed so they see - so we give some sort of a collective pressure on the GAC to dive into this. And it's only half a day we

have on this but in the GAC agenda that's quite some time compared to what we usually have on each topic. So looking forward to that. Thank you.

Jonathan Robinson: Good. Thank you. Are there any more questions or comments at this stage about the timeline? And I do want to just make sure that we note Donna's point and we don't lose that opportunity to come back a little later to the comments made by Larry Strickling. But I think the suggestion is we go - we deal with Singapore next and then come back to that item.

So providing there are no more comments on - or questions in and around the timeline I'll hand the chair back to Lise.

Lise Fuhr: Thank you, Jonathan. And, yes, I have noted Larry Strickling's question that we'll deal with under any other business. I think that's a very good idea. Well, having talked about the timeline we have also touched upon a lot of the - well the work that needs to be done during the Singapore meeting since the Singapore meeting is going to be a unique opportunity to actually get involved and have interaction with the communities regarding our models and try to get a broader involvement outside this group.

And as you see the plan is actually first to have - we have a discussion document in the slide set and furthermore we're also planning on having two webinars which will link directly into the Singapore meeting. And on these webinars we'll try and introduce some of the models and questions and the document that we're going to discuss in a minute.

Because we think it's very important that we have all the tools and we are prepared for the Singapore meeting. And as you saw in the timeline presentation Jonathan did, we have a very tight timeline still. And we need to proceed on this work.

And one of the ways we think we could do this is actually presenting a discussion document where the highlights from the different models, where they converge, diverge and where there's disagreement is actually shown.

And this document is not planned to be a very long one. But and it doesn't really contain any new issues; it's merely a reference document to a prior work done by the CWG.

But we also like this to contain some questions that we'd like to discuss with the communities in order to get the feeling of where the different communities are and have input from the communities about the different models.

I know, and we're all aware that this is a very early stage compared to well the timing of the legal advice. But as I said before, this is an ideal opportunity to actually get feedback and to have the different models discussed and get a face to face interaction with the community.

And I'll make a short pause and ask Bernie, will you give a very, very short oversight of the document and then I'll get back to how to proceed with it.
Bernie.

Bernard Turcotte: Yes, ma'am. We're talking about the progress report?

Lise Fuhr: Yes, well the discussion document progress report, the one you've been working on.

Bernard Turcotte: Yes. Well basically in a nutshell it's a summary of what we've done. There is nothing new in there. Followed by a description of the three models we're considering currently. The first one being Contract Co; the second one being a

bylaw related option. Some people only refer to it as the auDA model. Let's remember that the ALAC put it on the table first. And third, the auDA trust option.

So basically in the 17 weeks since October 6 we talk about the major realizations - not sure that's the right word in English - the major deliverables we've gotten which unfortunately doesn't include a transition proposal but have done a lot of work - we have had a lot of meetings - underlines the fact that it is a complex issue which touches onto the foundations of the stability and security of the Internet.

So we're trying to pack that into 10 or 12 pages so that it's accessible to everyone versus our original draft proposal where the proposal itself was about 100 pages. So the objective, I think, is to cram everything I've just spoken about into about a dozen pages so that we can get a huge readership. It can inform people. And hopefully we can use it to get some feedback and answer some questions.

Is that adequate, ma'am?

Lise Fuhr:

It is. Thank you. Thank you, Bernie. Well, our plan is to send the document out to the list tomorrow by midday UTC and have your input on what questions you think we should ask the community so we can put this in the document. Because the purpose of the document is actually to create a basis of the different models and then to ask questions in order to give us a direction or an idea of where we should put in our effort and where the community is regarding this document or the models.

And we'd like to take, if you have any questions you think we should ask now, we'll take them on this meeting. But we also think we'll give you time to

consider what questions when you've seen the actual document and we would ask you to provide us with those no later than Saturday midday UTC because we aim for having the document published and sent out for the different communities by Monday.

So we know it's a tight - another tight deadline but we think it's very important to have this out for the communities and at the same time we thought we needed the latest progress on our work included in the document. So it has been a struggle including as much as possible and get a document that's detailed enough so people can actually understand what it's about without having too many details.

And I think, Elise, your hand is up? Elise.

Elise Lindeberg: Yes, Lise. I just thought that maybe we should look into the Larry Strickling comments on the (CVG) work that was posted I think a few days ago where he has put some questions forward to the (CVG) and look into that, that something we need to get out and discuss.

Lise Fuhr: Yes, that's a very good suggestion. I think we shall discuss - we will discuss his questions later. And from what I recall, I'm - I think his questions are very broad. And I actually think most of his questions are involved in the conditions that were set by the NTIA before starting this work. They had five conditions where it was to ensure a stable and secure Internet and open and so forth. But it's not that it's not going to be there so this was my personal opinion.

Jonathan, you're next.

Jonathan Robinson: Thanks, Lise. I think we - my understanding is we're going to come back to that and have a - if you look in the right hand side of the - the lower right of the screen we're going to come back and discuss that a little and get some initial reflections on those remarks and the impact on the work of this group. So I'd very much like to get those initial reactions and thoughts to the remarks made by Larry Strickling earlier this week.

My point here was I guess twofold; one, I just wanted to be - to sort of reiterate the purpose of this discussion document and the slides for Singapore will be to inform, educate and solicit broad community input.

And in order to do that we feel that we need to ask pointed questions in the discussion document. And that's what we're really after from the group. So in the review of the discussion document we hope that you will see it as largely a factual representation of our efforts and work to date.

And what we really want is help in crafting key questions that we want broad community input on and to stimulate the relevant discussion in the community during the Singapore meeting and acknowledging Paul Kane's point that not everyone will be at the Singapore meeting but hopefully we can circulate the document widely enough such that others can participate in either formulating those questions and/or providing their views on the answers to them through other methods other than the obviously desirable use of the face to face time in Singapore.

Lise Fuhr: Thank you, Jonathan. And thank you for that clarification, Jonathan. And I must say I'm sorry if I didn't mean to cut out any discussion regarding the Larry Strickling comment and I think it's very important to discuss them under any other business. I was more referring to including them to much within the discussion document. I see Elise's hand is up. Elise, thank you.

Elise Lindeberg: Thank you. No, I'm not sure that it's going to be right or not to include them in this document. But my (unintelligible) is that yes some of the questions be asked is very - on a very high level and also based on, as I said, the criteria that was put out for commentary that was in the first place.

But at the same time I think it shows that we have a challenge with the role of the different communities that (unintelligible) because one is very specific and it goes to before this group that we have been establishing as a model if they will delay or in any way hinder the daily work and of course probably is to foresee the actions from the - for the IANA function.

Lise Fuhr: Okay.

((Crosstalk))

Elise Lindeberg: ...of the ICANN (unintelligible) IANA functions. So I think it just shows that we will have questions about the different communities and the roles for those (unintelligible) more specific thing that it points to other than the high level ones.

Lise Fuhr: Okay, thank you. Thank you, Elise. Some of it was very faint but as I understood you're saying it's a question that we might get from other communities or...

Elise Lindeberg: Well, (unintelligible).

Lise Fuhr: Yeah, yeah.

((Crosstalk))

Elise Lindeberg: No, I'm just saying that some of these questions (unintelligible) the role of the different committees and if the - if having all these committees or having them will delay or in any disturb the work that ICANN is doing on the daily IANA function.

So I think some of these questions are specific to the work or the model we have put forward and some are on a more high level. So we definitely need to dig into them. And they will be on the GAC agenda whether we like it or not. And (unintelligible) will be put forward also from the US government in the GAC of course. Thank you.

Lise Fuhr: Yeah, I - yeah, thank you. I certainly agree that they vary in their detail. And I also think it's very important that we try to answer these questions as a group as the CWG. But I think we should - we'll talk about the actual questions under AOB. But I see Jonathan, your hand is up, Jonathan.

Jonathan Robinson: Thanks, Lise. It feels timely to me that we maybe move onto that now. I mean, Elise's raised a couple of points there and, you know, personally I'm happy to continue the discussion. It certainly struck me that there were two - I took at a very very high level two points.

One was that there was a point made about the timeline and a recognition of the time that the work will take and it may not quite dovetail into the original intended overarching timeline; and, two, that there was some of the substance of our work that was causing concern as well as the high level points. And I think, Elise, it was helpful that she teased those two items out.

And I suppose the issue for this group, and my sense is here we want some high level, you know, some initial reactions to what those comments meant.

But it's - we need to be mindful, I suppose, of what the impact of those comments are on this work and whether that in some way modifies our thinking.

And so that's the kind of conversation we could usefully start is, you know, both on the content and impact of those. And, you know, we could here all day talking about it but it would be just good to have initial reactions under that subject. Thanks.

Lise Fuhr: Well thank you, Jonathan. I don't know if Grace, if you could just put up the questions just the question he asked - Larry - on the screen. I don't know if everyone has seen them. So I'm not thinking that everyone has read them or heard them. I think if we can put them on the screen.

And I'll take reactions. Elise, you're next or is that an old hand?

Elise Lindeberg: No, it's a new one. So I think what would be very helpful for us is to (unintelligible) of course what we try to do on the (unintelligible) but the scope and mandates of the different committees that we have within this model, the CSC and the MRT and that this is in no way going to hinder or to stop the daily day to day business or the - of the IANA function.

I think this is something we need to underline. This is something we need to hammer out and to be very clear on the mandate and the processes around - to work more on that on the CSC and the MRT. So this is not seen as some short (unintelligible) that we have put into something that actually works quite okay today.

So I think maybe some of the questions from Strickling is - is because we haven't seen or we haven't had clearance on that yet. And I think, you know,

maybe discussions in the Singapore meeting will clear some of it. But it goes to the role of the committees, I think, is the course we have to be aware of when we discuss the Strickling case.

Lise Fuhr: Thank you, Elise. Jonathan.

Jonathan Robinson: Yeah, thank you, Lise and Elise. I tend to agree. I think in some ways these questions seek to clarify and understand what's proposed and to ensure that in what is being proposed doesn't undermine the efficiency or stability of the service provider to date.

So in a way they help guide us. And maybe our examples of some of the kind of questions we should be asking ourselves. So it's potentially very useful input. And so I think I'm similar to Elise, this requires of us to produce clearer and confident messages about those things that we are clear and confident on, to the extent that we are, and describe those well and effectively. And if not to flush out where we're not so that we can be clearer on them and allay relevant (terms). Thanks.

Lise Fuhr: Thank you, Jonathan. It is actually a mixture of different levels of questions; some are very to the point and some are very high level. And actually one is also questioning the process. Has it been considered in a manner that's fair and transparent. It's interesting to read and I agree we need to discuss this. Donna, you're next. Donna, are you on mute? Can't hear you.

Donna Austin: Yes I was on mute, sorry. Donna Austin. So I think notwithstanding the questions that have been raised in his speech, I think we should understand the significance of the fact that they were raised at all.

I think this far down the road of what we're doing obviously NTIA has been paying attention. And my - the message that I take for this is that perhaps NTIA isn't comfortable with the road that we're traveling down and that's why they've raised these questions. And whether we agree with that or not, we need to be mindful that they ultimately will be the ones that decide whether the transition proposal is acceptable or not.

So I think we have to be, you know, as I say, notwithstanding the questions per se but I think we need to recognize that NTIA is concerned enough about what they've read that they've raised these questions to our group. So I think we have to keep that in the back of our mind.

And then in terms of addressing the questions, that is something that I think - while I suggested that perhaps it's RFP 4 that we could have that conversation in, I think this is significant enough that we should have a discussion of the whole on these questions.

Given that this has only come out in the last couple of days I understand people haven't had a chance to read through it and consider what they think the implications might be or what it's getting to. So it may be that we need to have a more full discussion about the questions and what they mean. Thanks.

Lise Fuhr: Thank you, Donna. And I agree, we need a discussion about this and I also think it's - we need to have another one apart from this. I think it's very good to have this initial discussion and then we will find a time to have a further discussion I think.

Greg, you're next.

Greg Shatan: Thank you, Lise. Greg Shatan again. I take a slightly different message than Donna does though I don't think the two messages are mutually exclusive. I think that some of these questions are being raised to a certain extent by stakeholders or on behalf of certain stakeholders who have had their own discussions with the NTIA.

Not that the NTIA is incapable of independent thinking, or that this reflects a lack of independent thinking. But I think that some of these questions seem to be echoes of questions that have been raised by certain stakeholders at certain points. That's not to devalue them and clearly the fact that they're coming from the NTIA which is the ultimate arbiter of the success of our work should not be belittled.

But I think we need to kind of read them not so much with a grain of salt but with the sense that they have been to some extent placed here. And nonetheless these are concerns that need to be dealt with but they're not entirely objective concerns. Thanks.

Lise Fuhr: Thank you, Greg. Chuck, you're next. And Donna and Greg, please lower your hands. Sorry. Go ahead, Chuck.

Chuck Gomes: Thanks, Lise. First of all, I think all of us recognize these are all good questions. And some of them we're already dealing with. And ultimately we need to answer all four of them once we have close to a final proposal and make - and test our proposal against the concerns here.

If you look at the first one we got the same message out of the public comment period and in fact we have reacted and, you know, kind of added some new directions and similarly with regard to the third one very similarly

we're trying to consider all suggestions right now. So I think we're on the right path in doing that.

With regard to the second one, I think you've heard us as registry operators being very concerned about that and we need to continue to be; not just registry operators but all of us.

And the last question is one that I think we're going to get a lot of insight in the legal advice that we get. So I guess my message is - I don't think we can definitively answer the questions until we get close to a final proposal but we should keep them in mind and work towards having good answers to those. And make sure that we have answers when we finalize a proposal that the majority of us can support. Thanks.

Lise Fuhr: Thank you so much, Chuck. I think it's, yeah, that was some good points you made about where we're actually doing a lot of what's being questioned here. But I also like the idea of having us revisiting the questions again and try and answer them. But Alan Greenberg, you're next.

Alan Greenberg: Thank you very much. The - what Greg's comment about these questions not being objective has already been addressed a little bit in the chat but I would agree completely, they're completely not objective but given the source they are not something that we can ignore.

I think we're doing much better on addressing the issues raised in the questions than we were a few weeks ago. A few weeks ago I think if those same questions would have been asked we would have been in a significantly more embarrassing position than we are right now.

But I think we need to be cognizant of what they're addressing. And we have so little time and the timeline demonstrated that we're going to have a hard time doing things in any timeline that is semi-reasonable.

And clearly we're not meeting the original ICG targets. I think we need to make sure we're focusing our efforts on things that are productive at this point. And I'm not quite convinced that much of our time is being productive. Thank you.

Lise Fuhr: Thank you so much, Alan. And I see Jonathan, your hand is up.

Jonathan Robinson: Yeah, two quick comments. One, I guess recognizing what Greg has said in the chat, there's no intention to ignore or not answer the questions but, you know, his personal opinion was in and around source. I won't speak anymore for him.

But much more significantly I want to respond to Alan and pick up - I agree, I think, you know, we've had a lot of opportunity to go over many issues and we still have work to do.

But to the extent that we can focus all of our collective attention as we move forward on being as productive as we possibly can - and these are easy words; I'm not giving constructive suggestions on practically how we do that but it would be very good if we could try and work as effectively and efficiently and productively as we can while still respecting the need to hear and understand the diversity of views that's come through this.

So I'm of a mind to find ways to do that. Some of that will be about intensity but it's not going to be all about working harder. We will have to think of creative methods. And we've done some good work on that, as you know,

using things like surveys and polls, we may want to resort to those techniques or some others in the not too distant future. But I hear you, Alan, and happen to have sympathy with that point of view.

Thanks, Lise. I feel like we've aired the initial airing of the Strickling comments so from my point of view that was great that we were able to do that and thanks to Donna and Elise for bringing those up and ensuring that we did have at least initial airing.

Lise Fuhr: Well thank you, Jonathan. As I don't - any other questions? I don't see any other in the chat. There's discussions about reading between the lines. But I just want to make a short revisit of the plan for the ICANN meeting if there's not any more to the Larry Strickling questions.

And that is that just to very briefly flesh out what we're going to do is we're going to have - Jonathan and I are going to have a session with the GAC on Sunday. And we're going to have participate in the ICG session on Monday afternoon.

And also we will have our own session - working session on Wednesday. And as Jonathan said earlier, we aim to, well, educate and have adequate interaction with the community.

So just to wrap up this meeting, and before we wrap up the items before we review the action items, I'd like to just make a short question is there any other expectations from the group on how we should try and have the interaction and try and spread the discussion document and what is your expectations to the actual outcome? Any thoughts on this?

I know it's a very broad question and you might have more ideas when you see the discussion document. So it's not that we just want to make sure -
Chuck, your hand is up.

Chuck Gomes: Yes, Lise. Let me give you my response at least in answering your question partly and that is it seems to me that we ought to encourage all people and groups to bring their questions or even submit them in advance for our Q&A session that happens I think Thursday morning so that we know we're looking forward to the questions and that we want that to be an interactive session where we do our best to respond to their questions.

Lise Fuhr: That's a very good idea, Chuck. Thank you. Okay. Any other - doesn't seem like it. Okay. Grace, could you read out the action items and...

Grace Abuhamad: Sure, Lise. This is Grace Abuhamad for the record. Oh, Elise has her hand up...

Lise Fuhr: Yeah, Elise's hand is up, sorry. Elise. Elise? We can't hear you.

Elise Lindeberg: Yes, can you hear me?

Lise Fuhr: Yes, very faint.

Elise Lindeberg: Can you hear me now?

Lise Fuhr: Yes, better thank you.

Elise Lindeberg: Now? Better.

Lise Fuhr: Yeah.

Elise Lindeberg: Just I guess you already made this document (unintelligible) distribute it tomorrow, is that so? And this document with the question for the community and so on you will send it out tomorrow?

Lise Fuhr: Yes, we will try and send out the - a first draft for tomorrow. But that's going to be the draft where we don't have included questions. What we're asking you to do is actually to try and help us, you know, getting some good questions to the document. So...

((Crosstalk))

Lise Fuhr: And we will have these questions hopefully from as many as possible by no later than Saturday by midday UTC.

Elise Lindeberg: Okay. Thank you.

Lise Fuhr: Okay. So if there is no more questions please go ahead, Grace.

Grace Abuhamad: Hi. Thank you, this is Grace Abuhamad for the record. So I will go through the action items that were discussed on today's call. Berry will add a date to the timelines and he will circulate that to the group.

The document - the draft progress report will be sent to the list tomorrow for feedback by Saturday at 12 UTC. During, you know, part of this feedback would include pointed questions for feedback from the community that the group can think of and then suggest for the draft.

Once the draft - the draft will be circulated on Monday after having been reviewed based on the Saturday deadline. And then there - the draft will also

include an encouragement to the community to bring questions to the Q&A session in Singapore.

I'd just like to remind everyone that the Q&A session in Singapore as for the working meeting in Singapore will have remote participation and for this case specifically live interpretation. So it's a good opportunity to encourage many to join even if they are remote or not native English speakers.

And finally I will ensure that there is translation of the progress report so that we can circulate that to a broader community as well. And just to conclude, the next meeting will be on Wednesday the 11th of February at 915 UTC. It's a two-hour session just like our regular meetings but it'll take place in Singapore for those who are there in person and will include remote participation for those who are not.

That's all. Back to you, Lise.

Lise Fuhr: Okay. Thank you very much. Do anyone think we missed anything on the action items? No, it doesn't look like. Okay then I will - we will end this meeting and I'd like to thank you all for some very good and constructive discussions regarding the timeline, regarding the plan and also very importantly the Larry Strickling questions.

So thank you again for participating and I hope to see as many of you as possible in Singapore. Safe travels to all and have a nice evening, morning, afternoon wherever you are. Thank you. Bye.

END