ICANN

Moderator: Grace Abuhamad
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9:44 am CT

Coordinator: The recordings have started.

((Crosstalk))

Allan MacGillivray: Good morning, good afternoon, good evening one and all. This is Allan McGillivray. This is a meeting of the Cross Community Working Group on IANA Transition RFP 3b working group.

We are going to deal with roll call in the traditional fashion, that is to say everyone that is in the Adobe Connect will be recorded as having been here. Is there anyone that is on audio only and not in the Adobe Connect? So we'll pause for a moment for you to identify yourself. Thank you.

Eduardo Diaz: This is Eduardo Diaz, on audio only.

Allan MacGillivray: Thank you, Eduardo. Excuse me. All right, well without further ado let's see if we can start. Last time we heard from Paul Szyndler from auDA who walked through a proposal that they had recently made. There were a number of questions on that proposal and recognizing there was a larger issue of

getting legal advice on many of the options which would include the option that auDA that has proposed.

We nevertheless asked Paul to see if there was anything he could do to clarify their proposal in a couple of respects recognizing that that might be difficult. He nevertheless undertook to do that.

At the same time I, and largely Bernie Turcotte, who is staff support to here, undertook to try and develop or outline what an internal ICANN option that did not include a trust arrangement might look like. And I believe that Bernie has written something that he is prepared to walk us through this morning, or right now. So we have really those two things to deal with.

So I'll pause here and maybe ask Paul and Chris do you want to speak a bit more to the trust approach or do you want to wait for Bernie to go through his piece? I'll leave it up to you; I'll give you first opportunity. Paul or Chris?

Paul Szyndler: Well either or. It's Paul here. At this stage, as I'd made clear in the email that I sent to the broader RFP 3 list there wasn't too much progress that we'd made on the trust proposal.

There's a couple of reasons for that the primary one being we're waiting to seek legal advice on the utility of that proposal. I don't think, given that the participants on this call pretty much mirror those that were on the previous call, that there's any point in reiterating our proposal but I'd be - I'd look forward to hear what Bernie's got to go through and then we might provide some commentary a little bit later on.

Allan MacGillivray: Okay. Thank you, Paul. Yes, and thank you for the email from yesterday. I would just - before turning it over to Bernie and I'm going to make sure that

Bernie is back now - oh yes, he is. Are there any questions to Paul regarding his email because otherwise we'll turn it over to Bernie. All right, I'm not seeing any. Grace, can we put Bernie's piece in the Adobe Connect? Bernie, is that how you want to proceed?

Bernard Turcotte: Yes, that's fine, Allan.

Allan MacGillivray: Alan Greenberg, I saw your hand was up. Was I moving too quickly?

Grace Abuhamad: Bernie...

Alan Greenberg: My hand never went up from my side.

Allan MacGillivray: Oh okay, all right. I guess I'm just still sleepy. Okay so let's turn things over to Bernie Turcotte to walk us through some - just an outline of how something might work that would not necessarily include a trust arrangement. Thank you. Bernie.

Bernard Turcotte: Thank you. Morning, all. Just a caveat, really this is more of a generic approach, I guess you could bolt on a variety of mechanisms for handling the separation of IANA.

I approached this from the point of view of if it's an ICANN internal proposal probably 99% of the day to day year to year work will be about managing the IANA function properly, getting the input from the community, making sure things are done in the way that the community wants them to be done and monitoring that effectively. So that is my first caveat.

The second caveat is there are a lot of - the approach we've taken here is to sort of not dissect - pick on a specific element and try to dissect it to its

simplest components rather we've tried to create a semi-complete, at a certain high level, framework which would allow people to understand how the core mechanics of an ICANN-only proposal could work.

So - and please don't shoot the messenger, this is trying to capture most of the input we've got. It's a first crack at it. And it's just trying to paint a general picture. Everything is on the table to be changed but I thought it would be an interesting exercise to have a look at how it could work.

So before I proceed, are there any questions? Olivier. You - oh the hand went away so I guess the question went away.

All right so let's move on. The general considerations for an ICANN-internal solution are creating an entity inside ICANN that replaces the need for Contract Co. Essentially in this model we're talking about the equivalent of the MRT being inside ICANN and taking on those responsibilities, if you will.

Also, before I go a lot further, I did not write this document for this type of a presentation so I'm sorry that it's not in slide format; this was really trying to work out the details so we could get there and we agreed to show this a little late so it's in document format instead of actually being in presentation format.

I see Olivier's hand is back up and maybe given he had it up - it's gone again. All right, Olivier, maybe you can type in the chat if you want - if you have a question.

So, why are we talking about the creation? What we're talking about here is the creation, the - an ICANN bylaw change of an SO-type body within ICANN to replace the NTIA oversight of the IANA function. That's the core of the premise here.

Why? Well, because there's no Contract Co; there's no one to sign a contract with. If this is the case there should be a method to establishing a formal relationship with ICANN, to codify the requirements of the community with respect to the IANA function in an official manner.

So basically it's the formal communications and ensuring that the community has a formal channel to inform ICANN of what it expects from the IANA function if ICANN is operating it so essentially replacing the current NTIA contract that the NTIA has for IANA functions with ICANN.

How would this work? Well, obviously we don't have anything like that within the ICANN world right now. I've called it a hybrid of a cross community working group and an SO type structure that could provide such a mechanism.

This has not been discussed with ICANN. Is just a top of the head proposal, which given my experience with ICANN, seems like it could make sense and is up for discussion.

As such in this version of the proposal we'll assume the creation of such a hybrid to take on these responsibilities. That would require the ICANN Board to approve a bylaw change to create this body. The bylaws associated with the creation of this body would enshrine the structure, responsibilities, methods of operation and relationship with IANA, ICANN and its Board.

So the overall structure here is - it's an ICANN internal option. We've got everything inside ICANN. One of the key components to making that happen is having an official element inside ICANN that can represent the needs of the community relative to IANA.

Is this the only way to do it? Probably not. Is this a realistic way to do it? I believe so in that we've got some pretty good examples, I think, with the GNSO and the ccNSO about how this can work.

So before I get too far, given this is the first time we're taking a significant crack at it, I'll be glad to take questions if there are. Before I do I'll say we're going to drill down a little bit deeper into what this type of an approach would mean in the coming sections. So if you want to wait until you see the general lay of the land relative to how this would work then that will be fine also.

I'm not seeing any hands right now so I'll presume it's okay to proceed. In approaching it this way I guess it brings about a few questions relative to the MRT and CSC in how they fit in this model. Here I've got a little bit of a text.

Really in the approach I'm taking here the simple view of the thing is there are still two bodies, the MRT and the CSC. However, just to keep it simple as it were, I'm proposing in this document that the CSC be inside the MRT so we don't start creating administrative bodies for no reason.

This seems effective in that they are linked bodies and that there is an escalation path from the CSC to the MRT if there are significant issues the CSC cannot resolve directly with IANA. The key questions around this is does this mean that the CSC would only be made up of people from the MRT? I don't think so at all and we've got great examples of that.

So really I think both bodies could retain their key characteristics as we've been having the discussions and as per the results of the survey. The only reason for placing the CSC inside the MRT is really from an administrative

point of view. And I personally don't think it actually changes the responsibilities in any way.

And in defining the operational parameters of the MRT inside the bylaw change we could specify the characteristics of the CSC, including that the people who are named as members of the CSC, you know, most go through a specific process to be named and do not need to be members of the CSC - of the MRT, sorry.

So part of the questions also, with the MRT component, this body have permanent members. If I go back to the survey questions to the CWG internal survey there was clear support for that. I believe that in this kind of a structure where we're proposing this hybrid cross community working group SO type thing and versus the functions we'll describe later really wouldn't be much of a choice than having permanent members of that - that have regular meetings.

Now those regular meetings could maybe just be a few times a year at ICANN meetings. But I think that would be required. The tradeoff here is that if the MRT is a standing body and it meets on a semi-regular basis that the individuals that comprise the MRT get used to how to work together and getting things done.

I guess the final question that would come up on this is could members of the multistakeholder community, which are not members or associated with the ICANN community, participate in this body? Yes, I personally do not see any problem in that. The ccNSO is a good example of an SO structure that has multistakeholder participation from outside the ranks and the other regional organizations.

So I think it's just a question of deciding what is the proper mechanism. But I think in this approach we are presuming that there is a large portion of the multistakeholder universe that is interested in the DNS that is present in the ICANN ecosystem one way or another.

However, we're not presuming that they're all there and that we will have to ensure that there's a possibility that some of these other resources can access this proposal and participate in it. And I think that's what we're trying to say here.

Continuing, we've got a few other short sections and then I will take questions on the model. How would this work versus having contract - having a contract in the Contract Co-option?

So really, I mean, the one thing we all understand is the attractiveness of the Contract Co-option is that it clearly sets out how the mechanics for the administration of a contract would work with ICANN. And I think that's part of the challenge of an ICANN internal solution is to look at how that would work in this case.

The bylaws creating the MRT internal to ICANN would also stipulate that it would have four main functions with respect to IANA. The MRT would prepare the IANA function statement of work which would document the community's expectations versus the IANA functions essentially replacing the NTIA functions contract.

The MRT would prepare such an FSOW every three to five years, according to specified open and cross community process. Once the FSOW is completed it would be transmitted to the ICANN Board for approval.

The bylaws would include mechanisms that would make it difficult for the ICANN Board to refuse the FSOW. If there was a major disagreement between the MRT and the ICANN Board approval of the FSOW this could be referred to an accountability mechanism or considered a serious breach of the understanding.

Now, in each of the years where the MRT is not presenting an FSOW to the ICANN Board it would prepare an evaluation of the IANA function versus the FSOW. Basically annual evaluation; are we doing good? The premise here is that if we're monitoring - if we're creating something to monitor the good performance of the IANA functions operator it would not seem to make sense, in my mind, that we only do so every three to five years. I think everyone's in agreement to that.

I'm also uncertain that it would be left only to the CSC if the CSC is only focused on purely performance issues and trying to resolve them in a more narrow context. So what I've built in here as a proposal is that there is an annual report card which would be developed in an open fashion through a documented process which would include community input and of course the input from the CSC to create a status report of how IANA has done in the last year.

This report could include recommendations from the MRT for the ICANN Board if there is or are issues with respect to what is stated in the FSOW versus what has been found in the annual report. And then there's the same type of mechanics that go on relative to the Board receiving these things and dealing with them.

In the case of a significant issue which was a breach of the FSOW which the MRT could not resolve with IANA or ICANN, it could write to the Board to

request that it address the situation within a certain timeframe as per what is documented in the FSOW.

So if you will, we haven't completely described all the mechanisms here but in a - in trying to resolve things internally if there is a major issue the job the MRT would be to advise the Board that it thinks it's in breach of the FSOW given the specific issue and would ask the Board to deal with that.

Finally, a separation of IANA, which is, you know, has always been a key component, if you will, even in the surveys people were willing to go for an ICANN internal option as long as there was the possibility to separate the IANA function from ICANN. There's no other option, the MRT under very specific conditions, could initiate separation procedures taking the IANA function out of ICANN.

Now, I've not described this part in any further detail because this is where we have several options. It could go from how does initial suggestion of a golden bylaw or several other things.

So...

Allan MacGillivray: Bernie...

Bernard Turcotte: Yes.

Allan MacGillivray: Chris has his hand up...

Bernard Turcotte: Yes.

Allan MacGillivray: ...so maybe we could ask Chris, can you go ahead, please?

Chris Disspain: I don't want to interrupt. I didn't want to interrupt Bernie's flow, I just wanted to make sure that when he finished I could (unintelligible) a couple of...

((Crosstalk))

Bernard Turcotte: Okay. Just one more minor section and then we'll be glad to take questions. How do we prevent ICANN Board from changing the bylaws regarding the MRT requirement mechanism?

Well, we don't want to prevent anyone from changing the bylaws from the MRT; we just want to make sure that it's done with the agreement of everyone because as these things go and as we've seen historically, you draft these things with the best intentions in the world on all sides and everyone agrees to them but then when operation comes along there can be some tweaks which are needed. So it's not a question of locking these in so they can never be touched because that might be as damaging as anything else.

So changing the MRT portion of the bylaws would require a super majority of the Board and support of the MRT could be one of the options going for that. So that concludes this generic option and as I said, this is really just what we call in French a (unintelligible) and we've tried to capture some of the ideas.

We'll go over to questions now and first one in the queue is Chris. If you're speaking we're not hearing you, Chris.

Chris Disspain: Sorry. Can you hear me now?

Bernard Turcotte: Yes we can.

Chris Disspain: Okay. So, Bernie, thanks. I'm fine with most of that. I wanted to make a couple of points on a meta level. I've had a number of people, you know, push back on auDA's proposals of (unintelligible) bylaw of the trust. And I wanted to make a couple of points that I think are really sort of critically important to understanding how, I think the best way to move forward with an alternative proposal is, acknowledging that it is an alternative proposal, that there are - there is a proposal on the table for Contract Co.

And I think it's - simply put, it's this - any pushing of the button be it through a trust or through the golden bylaw or some other proposal, I believe, must be endorsed by, at the very least, the ccNSO and the GNSO. I'm more than happy to accept that it probably should be endorsed by other SOs and ACs, the ALAC, GAC and so on.

And so if - using that as my fundamental principle, I find it hard to deal with a proposal that creates an entity now because in reality it's the internal SOs and ACs that need to be the ones who make the decision to push the button. So I can't see the need for an entity today.

Having said that, I want to endorse and perhaps slightly expand on a point that Paul has made in an email that he sent to the list the other day, or today even, I'm not sure when it was, and that's the sort of continuum analysis.

He said, I'm paraphrasing, but he said the Contract Co is at one end of the continuum. You make the decision to pass the rights of gift of the contract today to another entity, Contract Co. At the other end of the continuum, I guess, it would be you give it to ICANN today and there is not mechanism in place by which it could be removed.

I think there's a general acceptance by most people that that one, give it to ICANN today and it can't be removed, is not something that the community is going to accept.

So if you move away from that point at the very far end of the continuum and come in slightly, you come to the golden bylaw or something similar, doesn't have to be that, it's only a suggestion. And that is something that is internal to ICANN, it's a bylaw that has been written to specifically say what will happen in a set of circumstances where the community has decided to take away the IANA function from ICANN.

And when I say the community has decided I want to stress my personal view is that not a committee has decided, not an MRT, not a anything has decided, the community, the SOs and ACs have decided.

And one way of doing that is the golden bylaw and the way that you ensure that that bylaw cannot be amended is that you write into the bylaw itself into the bylaws themselves a set of clauses that say the only way this bylaw can be amended is if the following things happen; if X percent of the SOs and ACs agree and so on.

That is what I would cast as being slightly to the interior of the given it to ICANN and let them run it forever and never have the ability to take it away. The next step in, and the reason why auDA put forward the trust proposal, is to - is the trust. It's because it's a slightly - it's more towards Contract Co because it does actually create the ability to have the move away from ICANN slightly more sensibly - slightly more clearly defined at an earlier stage.

But I want to make the point that I know there's been some pushback on trusts. I understand completely that lots of jurisdictions, lots of non-

Westminster-based jurisdictions don't necessarily understand the concept of trusts, nor should they.

And so I'm more than comfortable to accept that it may be too complicated. In my mind it works relatively simply. But I understand for some that it won't. So I wanted to make those points on this call. And I also wanted to say a couple of other things, then I will shut up.

One is that I really think that it's critical that this group and the larger group very quickly gets legal advice, independent legal advice, on whether - well on three things I think. One is here are three proposals. I think there are only three, maybe there are more, but let's assume there are three, Contract Co, trust and golden bylaw. Please tell us if those things are legally viable.

The second piece of advice that I think that we need to get is if they are legally viable tell us what the risks are and what the complications are. And the third piece of advice I think we need to get is if our goal is to be able to move the IANA function out of ICANN at the behest of the community to someone else do you have - do you, the lawyers, have any other ideas on how we could do this apart from Contract Co, golden bylaw, trust or any other ideas that we have?

Because it maybe that some experienced lawyers with knowledge of California law in a way that corporations like ICANN are set up, could come up with some other ideas.

So I wanted to just deliver those messages and also to say that I think I'm fine with having an MRT or a guardian or whatever depending on the circumstances, I'm fine with having a customer services committee. I think all of those things, frankly, are relatively easy to sort out. But I think we do

desperately need to get out there and get some legal advice pretty damn quickly.

So sorry to have taken so long but those are the things I wanted to say. Thanks.

Allan MacGillivray: Thank you, Chris. Allan here. I think maybe not right now but I think before the call is over we'll ask Greg Shatan just to speak to where we are with respect to the legal advice. But for the moment I'd like to just see what we can do to try and understand what Bernie has outlined for us here right now. So next I'll turn to Alan Greenberg. Alan.

Alan Greenberg: Thank you very much...

Bernard Turcotte: Before Alan - Alan...

Alan Greenberg: Sure.

Bernard Turcotte: Alan and Allan - I would just like to get a reply in to Chris's comments if that's okay?

Allan MacGillivray: Oh of course, Bernie, and I apologize.

Bernard Turcotte: Thank you. Thank you, Alan Greenberg, for allowing this. Chris, one of your major points regarding SO and AC approval is actually in this paper. And, you know, it basically states that the MRT could not push the button; the MRT could manage the process to get to pushing the button but it's clearly - I've clearly - excuse me - I made it very clear that there needs to be formal show of support from the SOs and ACs. So that's the first thing.

The second thing I, in no way, disagree with your comments. As I started out this - presenting this document this is about giving people an idea of how it could work and from a real practical point of view.

I think where we end up with, in my mind, is there are unknowns with the Contract Co-option that are non-negligible. We did not get ICANN right the first day we produced those bylaws. As a matter of fact, when this project started looking at the number of bylaw modifications there have been since ICANN started and they have been quite a few.

So the advantage of the ICANN internal option, if you will, is - it focuses the risk on one area, call it generally the IANA separation issue but for all the other areas for many people it's more comfortable. So that was just my quick reply. Thank you for putting up with that, Alan Greenberg.

Alan Greenberg: Thank you, Bernie. You've already covered one of the issues and that's the concept of the MRT initiating the process but pulling the trigger, so to speak, must be done by the ACs and SOs plus any external entity that we want to include in that if indeed there are any that need to be included.

On the trust versus non-trust, I'm a supporter of no trust originally. When auDA proposed the trust version I very willingly went on board not because I was eager for it but because having the entity holding a contract like thing I thought might make this more palatable to those who were strongly in favor of Contract Co.

So, you know, pending legal advice to say whether it's legal or not and whether it can be done or not I don't think there's a huge difference between the two. And if, all other things being equal, I would opt for simplicity over complexity.

One last comment, again this is not on Bernie's proposal but on the original auDA one. The term "golden bylaw" is effectively a defined term and we're not looking at something which gives shareholders rights which is what a golden bylaw does. But I think the intent was a bylaw within ICANN that essentially gives the ACs and SOs or some combination of them, the right to ensure that the IANA function gets transferred out of ICANN.

So I think we need to be careful of perhaps putting it in quotes, you know, and not having people go look up in Wikipedia what a golden bylaw is and point out that that doesn't apply to ICANN. Just a few comments. thank you.

Allan MacGillivray: Thank you, Alan. I'd like to go back to a question Matthew Shears posted in the chat, Bernie, if we could. And he asked, "Does separation of the contract require Board approval?" I think we already answered this but just in the event I think it's worth addressing explicitly. Bernie.

Bernard Turcotte: Thank you. In, I think any kind of ICANN internal option the Board is going to be in there somewhere, it's just the question of how constrained is it versus making that decision. So the factual answer is, yes, obviously in an ICANN internal option the Board will be there. I don't think there is an option on that.

I think what we're looking at are the technical options for how that's going to be constrained. And Chris probably has a good comment on that and I see his hand up so...

Chris Disspain: Yeah.

Bernard Turcotte: ...he's better at this kind of stuff than I am.

((Crosstalk))

Chris Disspain: Bernie, that's - that is not right. It's incorrect to say that it would be possible - sorry, I'll start again. It is incorrect to say that it is impossible to craft a bylaw that the Board cannot overturn. It is perfectly possible to craft a bylaw that binds the Board. There are many bylaws in ICANN's current bylaws that binds the Board. In fact all of the bylaws bind the Board.

The point is can you craft a bylaw that the Board cannot at will overturn? And the answer to that is yes you can. You can craft a bylaw that says the only way this bylaw can be changed is if Alan Greenberg stands on the top of the Empire State Building and yells at the top of his voice, "This bylaw will be changed." It's perfectly possible to do that.

The current situation with the ICANN bylaws is that almost all of them, if not all of them, can be changed at the will of the Board but that's because they are drafted in such a way that there is no prohibition on the Board's changing them.

So I acknowledge completely that I do not have in front of me a piece of advice from a California lawyer that tells me that but unless California is unique amongst all of the Western law jurisdictions, including most of the states of the US, I can tell you that it is perfectly possible to draft a bylaw that prevents the Board from changing it.

It has to have a way in which it can be changed but it is perfectly possible to draft it in a way that the Board cannot change it. So, no, it is not correct to say that the Board has to agree to any change. Thanks.

Bernard Turcotte: I was trying to answer a separate question, but thank you for that, Chris. I think the way I understood Matthew's question was regardless - in an ICANN internal option regardless of how things are crafted if there - we've gone through the entire process and the community does want to separate the IANA function out will it go to the Board?

And my thinking, and please correct me if I'm wrong, is that it will have to go through the Board but if things are structured properly the Board will be in a position where its only response to that request that is properly formulated from the community is to allow the IANA functions to be separated from ICANN.

Chris Disspain: Can I respond to that?

((Crosstalk))

Chris Disspain: Alan, are you okay if I respond to that just briefly?

Alan Greenberg: Yes, please.

Allan MacGillivray: Sure.

Chris Disspain: So it depends on what you mean by "goes to the Board," Bernie. Yes, so imagine this was a membership organization and that there was an extraordinary general meeting and the members passed a resolution that said that the five, you know, it doesn't really matter what the resolution was, they passed an extraordinary resolution, 75% of the members had passed a resolution to say that the Board itself was sacked.

Is it possible that a Board could say well we refuse to be sacked? The answer is yes, of course the Board could say we refuse to be sacked and just sit there. But then all that needs to happen is that the members go trot off down to the local court and say the Board has been sacked and refuses to go.

If you actually want a mechanism that creates a circumstance where the Board physically can't do anything, even if it's against the law, then that's impossible. What I think we want is a mechanism where we can pretty much say for sure that the Board is bound to do what they are told to do and that is what the bylaws - the bylaws - the golden bylaw thing is suggesting. And that can be done.

But the bottom line is if the Board decided that it wanted to batten down the hatches and fill barrels full of hot oil and pour them all over the community from the heights of being on the Board, yes they could, but a court would say you have to do what the community says.

Bernard Turcotte: Thank you for that, Chris, but...

((Crosstalk))

Allan MacGillivray: Bernie, it's Allan here.

Bernard Turcotte: Yes.

Allan MacGillivray: I think we're kind of getting down into a debate on legal issues that may be many of us are not really that qualified to debate. What I heard you saying in your proposal is that this would be based on bylaw changes that ICANN would approve that would require some form of super majority to, in effect, alter those bylaws.

Just what that super majority would be I think there seems to be an acknowledgment would be largely governed by what is permissible under California law.

And nowhere really - and that's certainly one of the issues we have to get legal advice on and then at the end of this to say well, given what is permissible under California law are we prepared to take whatever flexibility that it might leave the Board. And I think that's something we just have to wait for the advice on and not really drill down as much today. Is that - so do you see it that way, Bernie?

Bernard Turcotte: Yes I think that's fine. And all I was going to say was that Chris and I are probably in violent agreement. So back to you to manage the queue, sir.

Allan MacGillivray: So I see Alan Greenberg is up next. Alan, please.

Alan Greenberg: Yeah, thank you. I think I'm in violent agreement too. We've chartered the CCWG Accountability to put suitable accountability measures in place. But reading the sense of that group, which I happen to sit on, if anything they are more radical than we are in wanting the community to have really strong powers.

The NTIA, through Larry Strickling, has used words like, "the accountability measures must be able to control an out of control ICANN or an out of control Board," you know, which is somewhat equivalent to the going rogue term that we've - we've been using on occasion.

So I think we can presume that if we cannot get such suitable accountability to make sure the community is in control this whole thing won't go forward. So I

don't think we need to debate it here continually until at least we get legal advice and look at the various options. I think we have to presume that there will be something in place to make sure that the Board cannot overrule a strongly-unanimous or close to unanimous community. Thank you.

Allan MacGillivray: Thank you, Alan. So let's pause here for a moment. I know that I think Bernie's done a good job of taking a stab at outlining what a, let's call it a simpler proposal, a golden bylaw proposal, we're going to have to agree on a label before we're done.

And I think - I'm encouraged that there is a lot of overlap and synergy between this and the so called trust model. I think there is an equivalency between the guardian and the notion of an MRT and a trust. I think there seems to be agreement that the process by which separation would be triggered would be something separate than the process by which the terms in the IANA function statement of work would be changed.

So - and I acknowledge Alan Greenberg's comment that it would appear that the trust is a bit more complicated than let's call it the golden bylaw option for the moment.

But there seems to be, at the same time, a recognition that perhaps we should include both of these in our paper so that's the question I'd like to put to people is should we be trying to put in two internal to ICANN options in the paper that we will circulate and socialize at the Singapore meeting? Can I get some views on that please?

Chris Disspain: Allan, it's Chris, could you just put that question again, just at least for my benefit so I'm clear what you're asking?

Allan MacGillivray: Sure, Chris. Actually you weren't on the last call so let me explain. We in the CWG are drafting a paper - and of course when we say "we" we really mean Bernie - is drafting a paper that we intend to circulate prior to the Singapore ICANN meeting which will provide an update, give feedback on the comments, give some of the inputs of the survey that was administered amongst the CWG itself.

And we have agreed that that paper would have an internal to ICANN option reflected in it as something that could be a source of debate and comment when we're in Singapore. So the question I'm posing now is given that we will have at least one internal to ICANN option should we have two?

That is to say the simplified golden bylaw approach as well as the trust model which I think is - it in some sense it may be a variant of it and I certainly take your point, Chris, that it's maybe a step down towards Contract Co. So we're here trying to focus Bernie's energies on what to write because I think we have to finish this paper this week. Is that clearer, Chris?

Chris Disspain: It is, Allan. And thank you for asking the question. My hand is up because I want to answer. I'm...

Allan MacGillivray: Go ahead.

Chris Disspain: I'm perplexed as to why you would - why anyone would think that sensible proposals that until they're ruled out by legal advice should probably be considered - would be excluded. It seems to me that it's not as if the - and I'm just taking the two outer ones - it's not as if the golden bylaw, quote unquote, and the trust proposal are variations on a theme; they are actually two distinct proposals.

So I'm not sure quite why one would say well we're only going to put one forward. I mean, it seems obvious to me that - as a lawyer, if you came to me and said, "Give me advice on how to deal with this," one of the first questions I'd ask you is, "What ideas have you had? Tell me thoughts that you've had." I'll kind of work with those and I'll throw my own in.

But don't exclude an idea that you've had because an idea that you had may actually be very useful. So I'm not pushing a barrow for one - one or the other or any but I don't think you should - we should exclude any of those alternatives. And I can't see why you would?

I mean, what are we trying to do? Do we think that it might take slightly more time to provide advice on more than one? Do we think that it might cost slightly more money? Well, you know, we're not paying. And the additional amount of time it might take is probably miniscule. So absolutely we should put all of the options. Thanks.

Allan MacGillivray: Well, thank you Chris. So, Donna - I'll go to Donna next please. Thanks.

Donna Austin: Thank you, Allan. Donna Austin. So I agree with Chris, you know, it doesn't seem sensible to discount other options at this point in time. But I would like to pull us back to the comments that we received too to the proposal that was on the table.

I think there were other comments that came in that had additional suggestions as well to an internal to ICANN solution. So to the extent that the summary and analysis has been done of the comments we received I think another review of those should pull out other comments that referred to an internal to ICANN solution.

Allan MacGillivray: Thank you, Donna. So I think we're making remarkable progress. I'm not hearing any objections to including both approaches in the paper. That's certainly how I would like to go. But nevertheless I was looking for other views on that. So maybe I'm just trying to scan the chat as to whether there are any specific questions at this point. And there seems to be support for including both of those options.

Here, I have Martin has his hand up. Martin, please.

Martin Boyle: Thanks, Allan. Thanks, Allan, it's Martin Boyle here. Yeah, I certainly wouldn't disagree with your conclusion that we ought to be looking at providing a sort of range of different options so that people can properly understand what the real advantages are of one option over another.

But I put hand up because in the solution that Bernie has put forward, which certainly has the attraction of being nice and simple, the base I'm still struggling with is how does the process move into the separation of the IANA should it then be decided that ICANN and the ICANN solution was irreparable. Because it seems to me that that is then relying on there being something put in place by the accountability structure. And that I think as a solution would worry me quite a bit.

So, you know, are we at that stage looking towards the creation of a Contract Co and, if so, who is the organization that then creates the Contract Co? Or am I completely missing the point and Bernie's solution has got a different access into that one? Thank you.

Allan MacGillivray: Thank you, (Martin). I'm not sure Bernie would be comfortable with you characterizing this as a solution, but I'll him to speak to how he envisaged once this process has been invoked, to use (Chris)'s point, after the button has

been pushed what would follow from that. Bernie, have you thought through that yet?

Bernard Turcotte: Thank you, sir. As I stated when I started this presentation, this was about dealing with 99% of -- this current version -- is about dealing with 99% of the time or all the activities for daily running and operation of IANA in a purely internal to ICANN solution.

The details of how the separation would actually occur are not in here. I'm not presuming one way or another. My thinking is that, as (Chris) mentioned, we've got several options for that part. And I think we've got to finish looking at those, and in part, the looking at those I think requires some legal opinions, which is what has been said, and which is why I haven't picked a particular one.

If you will, I take it up to the stage of the MRT manages the process, gets all the required approvals and basically at that point can advise that it is invoking the option to separate. Now what exactly happens after that is not currently included in there. I hope that answers your question, (Martin). I'm not saying it's not important, I'm saying it's not included. And by not included, it means it doesn't only depend on the accountability work.

Allan MacGillivray: Okay. Thank you, Bernie. Certainly in my mind I think a lot of what would be triggered after the button has been pushed, as it were, may draw on that Contract Co mechanism because it would have to do that out of necessity. But maybe others have views on that or comments. Okay.

Well, I'm - I think Bernie has taken - I think he's outlined his thinking to this point. As I say, this is just for discussion. I think there have been some good questions. I'm hearing that we should try and include two options in this

paper. I may - I'm going to put Paul Szyndler on the spot because we may ask for your assistance in putting the trust option in there. We want to make sure it characterized well as we can. So let me put that out there for the moment.

Paul Szyndler: With pleasure, Allan.

Allan MacGillivray: Thank you. So the other issue that's outstanding is where are we on the legal advice, and I don't know if - Greg Shatan I see you're at least on the call, if you're in a position just to provide any update on where that is and timelines, et cetera. Greg, are you there?

Greg Shatan: Hi. It's Greg Shatan. I am here. I can provide an update on where we are with the procurement of legal advice. We've now all but put to bed the legal scoping document, not that it's perfect but at least it's put into action to serve its purpose. So in this case, none is better than perfect. We have a call today of the client committee this afternoon. We had a call yesterday as well, to move forward on this.

Today we're speaking with Samantha Eisner of ICANN legal to further understand and move forward on the procurement process of ICANN for new legal counsel, is that necessary, and also to review if we can the list of current legal counsel that ICANN has taken through its procurement process. The idea being that there may be some counsel that has been used marginally or let's say less thoroughly than (unintelligible) or for other purposes and not for purposes of advising on what I'll call corporate governance that we could possibly engage for this purpose without having to go through a procurement process but that would not be perceived as being incapable of independence from what some might call the ICANN party line on kind of control of the board, so to speak.

The idea being that if we can avoid the procurement process, which I don't yet understand exactly what the details of it are, but avoiding any process along the way to could be a good thing and a quicker thing than going through a process, whatever it is. Hopefully after today's call, I will know what that process is as well, whether it includes an RFP or whether it just includes some fairly innocuous sort of method of retaining this counsel.

We have a couple of counsel at large full service national or multinational firms which are headquartered in or have major offices in California, but we are entirely open to suggestions of additional counsel. They don't necessarily have to fit that profile but they do need to fit the bill of being able to advise on a variety of topics, corporate governance, corporate structure, trust and the like. You know, we would - I would expect that any, you know, well regarded full service firm should have (unintelligible).

Of course if you want to do a little bit better than that, we'd like to find the right person to spearhead the effort at the right firm and to have - be able to call on their colleagues for advice beyond their personal experience. And of course that's the way, you know, lawyers who are in firms tend to work, but just to make the point we think the lawyer central to the engagement needs to be someone, that we feel will be, you know, committed, responsible, creative.

And I think as (Chris) who pointed out, we're not going to get in a front of a lawyer and ask them to critique what we've been able to come up with, we want to know what their ideas would be. There may be approaches that are - that could be taken that are just not within the knowledge in our group but that are available to us and we just, you know, we need to find out what those are.

So, you know, we hope to move as immediately as possible to talking to potential counsel to engaging counsel and, you know, giving them this

scoping document so they know the call. You know, ideally this will happen before Singapore, given that it's Tuesday this week, whether it happens before the weekend in some ways will allow us to vet the - what might get drafted this week as a kind of status document and have that go through legal.

That I would say is extremely unlikely unfortunately, but I am hopeful that we will, at the very worst, be on the front line of engaging counsel by the time we head off to Singapore. We might end up having to do calls at the end of, you know, the evening to call firms in California along with some of our colleagues to get them in line and to get that advice, so be it.

So, you know, I'm hopeful that we will be moving quickly on this. It is exactly, you know, what we need to do. It's - no matter which call you're on at this point, there is the call for legal advice and the realization that we can all take it only so far, no matter, you know, what our experiences may be interacting with lawyers or being lawyers in a particular jurisdiction. We can't assure ourselves that what we're seeing is true, correct, common, not without - know what the upsides and downsides are of various things.

So that's where we stand. You know, hopefully we will - we'll certainly have a report on this for the whole CWG on Thursday. Anything more to report that's substantial, we'll try to keep everybody informed between now and then. Since that's the gating issue of the (unintelligible). Thanks.

Allan MacGillivray: Thank you, Greg. So let me just state for the record what I think is obvious, which is that we will have no outside legal advice before we get to Singapore. So whatever paper is drafted will be without benefit of that advice. I noticed a couple questions in the chat but I also noticed that Alan Greenberg has had his hand up patiently for a long time. I'm glad he hasn't had to

physically hold his hand up that long. So, Alan, are you - I'll give you the floor. Thanks.

Alan Greenberg: Thank you. Just a question for Greg. My recollection, and I certainly could be wrong, is that the scoping document was wrapped up before the trust proposal was made. Has that been modified to include the questions related to trust? And as a follow on to that, can we have distributed a copy of that scoping document? Thank you.

Greg Shatan: Thanks. Yes. Thanks, Alan. The scoping document has been updated to take into account this trust proposal. The scoping document did have a section on trust before that. It was somewhat more generic and reflected some of the earlier discussion on trust but not this particular proposal with the, you know, particular framework.

So it has been updated to include that and some of the follow-on questions about - that kind of go to that particular trust model. You know, for instance, there hadn't been a discussion of a guardian concept until the (unintelligible) proposal, which loaded. So that's in there both in the description of the potential model and in question to address that concept.

The document is still up at the same Google Doc link that it was at previously. I've frozen a separate version of it to the side as it stands now, but the document, the link is there. I can recirculate it during or after this meeting if you can't find it in the meeting notes related to this process you probably have in your draft. But it is up there and it does include the trust concept.

And I'd also not be quite as pessimistic as Alan, although probably he's being entirely realistic that we will not have the benefit of the legal advice before Singapore. I think there is some small chance that we will have the benefit of

at least some retained and independent legal advice before Singapore or possibly even during Singapore. But I think that if we have lower expectations of that possibility we'll have a better chance of meeting or beating those expectations. So I'd rather under promise and over deliver on that score. Thanks.

Allan MacGillivray: Thank you, Greg. Alan Greenberg, your hand is still up. Is that a new hand?

Alan Greenberg: Yes, that's a new hand. Just a follow up to Greg, and it doesn't require an answer. But my recollection is that the scoping document is rather extensive. I do have some fear that we're committing all of ICANN's option proceeds to our legal budget, but more - there's more worry on the timeframe. I presume that the client committee will be prioritizing the questions so we get answer to the really critical ones first before the lawyers produce, you know, thousands of pages of views on all of the detailed questions. Thank you.

Greg Shatan: I do want to answer that and also to clear up what might be a misconception, which is that the lawyers are going to sit and craft answers to each of these questions and that's going to be the form of legal advice. While I do expect that the ultimate deliverable from the lawyers in the sense of a written deliverable, you know, should provide answers to these questions, taking this is a Q&A would be probably, you know, costly, painful and not as useful as one might think.

I think the time - what I'm looking to the lawyers hopefully to get, you know, primarily pragmatic advice going towards the critical nature. And this document is intended to be more in the way of background and lawyers, at least, you know, good lawyers will tell you the questions you should be asking

to get the answers that you really need, which may not be the questions you've decided you wanted to ask them.

So I think the short answer to Alan's question is yes, we will certainly be looking for the critical answers and, B, that the - that this document is intended to be, you know, a backgrounder and to set up a discussion. But certainly when we, you know, bring them in we're going to, you know, focus on what we need to answer to kind of see which parts of the various proposals can move forward, you know, with some sort of a reasonable balance, which ones needs to be changes, which ones need to be discarded, what new ideas can be brought to bear that are better, more practical than what we've got.

So the idea is to bring them in as kind of craftsmen, if you will, onto the actual project that we're working on and not to, you know, hold them off at some (unintelligible) and throw them - ask direct questions and then, you know, ponder their answers. Thank you.

Allan MacGillivray: Thank you, Greg. So I noticed there were a few questions in the chat about accessing the piece that Bernie has drafted. So - and also there's a - I guess there's a larger issue of the timing of the paper in terms of circulating it pre-Singapore.

And I think not wanting to rejoin the question of the availability of legal advice, but certainly my sense is that we're going to have to finalize at least the written document that would be provided pre-Singapore before we have legal advice, even though I would hope we'd have some feedback just before or even during that meeting. But let me just ask Bernie if he would have any difficulty sharing this - the document that he walked us through this morning with the group. Thanks.

Bernard Turcotte: No. There are, if you will, two additional sections, the MRT structure and the CSC, which, you know, as Mark Carvell has pointed out, he's got some issues with what is proposed for membership. In the spirit of trying to propose a complete proposal, we went and stuck numbers in there. They are not settled. They are meant - they're not meant to be final, they're meant for discussion. So it's in the same spirit as the rest of the proposal. Just trying to put everything together in a complete format and then let people shoot at it.

For those who have worked with this approach, they understand that there are no sacred cows in here. We tried to explain everything and why those things are put in there, but they are definitely just a starting point on our journey to get to a generally agreeable solution for all.

So in short, no I don't have a problem. We can distribute this. I think (Grace) has it and can send it to the list or ICANN or whatever is more convenient. Thank you, sir.

Allan MacGillivray: Thank you, Bernie. We have a few minutes on the call. Do you want to just walk us through the MRT structure or do we want to take comments online? We have 45 minutes. Bernie?

Bernard Turcotte: Up to you, sir. I'd be glad to do it. It's written up and ready to go.

Allan MacGillivray: Well, yes, I think we should because we're certainly running out of runway. So if we can get through this I think it, you know, would be good to get a lot of these issues out in the open. You might have noticed there's been a debate in the chat. So why don't we take a few minutes to do that. Thank you.

Bernard Turcotte: Thank you, sir. All right. The next segment of the document, which is being sent out I see from (Grace)'s post, is the MRT structure. What we've got in the

first part of this is areas of major agreement from the CWG internal surveys that are applicable to this discussion.

So there should be a multi-stakeholder review team, not only drawn from the ICANN community to carry out the task defined in the CWG draft proposal. The MRT should not recreate another ICANN. There should be a multi-stakeholder representation on the MRT. The MRT should have continuous existence.

Composition inside the MRT should be difficult to alter or mend. Circumstances for re-awarding the IANA function should be limited to issues of nonperformance. Transitioning the IANA naming functions outside ICANN should only be undertaken as warranted by serious and persistent issues of nonperformance, and there is basically no support for the regular RFPs in the IANA function.

So within the structure we have described above for the bylaws which would institute an MRT, and again this is just the model we're presenting here, trying to make a consistent whole proposal which people can take a shot at, the various parts, the primary responsibility for the MRT would be to prepare an initial IANA function statement of work to replace the IANA functions contract with the NTIA.

The IANA function statement of work would be produced as part of the MRT startup of a - by an open consultative process and would be submitted to the ICANN board for approval, as we discussed in the previous section. New statements of work would be required every -- there's a miss-typo here -- three to five years, but the MRT could extend this for an additional three-year period once.

Note many CWG participants have noted that in an ICANN internal option would require a formal mechanism to replace the IANA functions contract. So that's why that's there. Perform all relevant functions identified in the NTIA functions contract.

Did I hear a question?

Allan MacGillivray: Yes it's Alan here, Alan (unintelligible) sorry. I'm just responding to a comment that Donna made in the chat and she had her hand up previously, and that was with respect to discussions of MRT and CSC in this group relative to RFP3b. Now, so my question to you is is there anything in the MRT and CSC structure that you would change relative to that in the world of Contract Co. In other words, are there changes here? Would you do it differently here than we would under a Contract Co and if so, why? And if not, if you see that this would be parallel then I certainly agree with Donna that we should maybe have the discussions on composition, et cetera in RFP3. Bernie.

Bernard Turcotte: Thank you sir. Unfortunately the answer is yes and no, and as I said initially what we're attempting to do here is really develop a full look at what this would look like.

So there are pieces of this in this MRT that are actually specific to an ICANN internal watch, and there are a whole bunch of other things such as the base NTIA IANA functions contract, which are generic to both.

So unfortunately there's no real clear separation. I see Paul has his hand up and I'll turn it over back to the Chair.

Alan Greenberg: All right. I will ask Paul to speak but I would just ask Bernie to - just to the extent we can to focus on areas that would be different by virtue of this being an internal ICANN model. But - so Paul Szyndler please.

Paul Szyndler: Thank you Alan. Mine's just a very short interjection and that is to say that we don't know what we don't know and I think Alan's - I think Donna's typed something along those lines at the moment.

What the MRT will look like and what the CSC would look like we don't quite know until we determine what's sitting at the top of it. We can make a general assumption that it will broadly look like what the CWG is - what is being proposed currently.

But it will need changes as Bernie has already flagged as part of his briefing but we don't quite know. And again if we go back to what we proposed in the trust model, the MRT wouldn't strictly speaking exist with that title.

It would have a very different function in terms - well different but similar function in terms of having some responsibility with regards to being the guarantor or the beneficiary of a trust function.

We don't quite know. I don't agree with this group precluding discussion of an MRT or CSC. I just don't agree with us going down into the depths, and assuming if we end up with a trust model or we end up with an ICANN golden bylaw model that we can plug and play and readily make fit what the CWG has come up with. So I think it's valid for us to discuss but only to an extent.

Alan Greenberg: Thank you Paul. And just as a point of clarification I think the paper that Bernie is showing you is I think a draft of the piece that would be put in the broader paper for circulation.

So certainly we're - we have a balancing act here in that I think it's more efficient to have MRT/CSC discussions in RFP3. But nevertheless in the document that's circulated they should be two standalone options so the reader would understand that.

Hopefully there would be commonality between the MRT/CSC composition in both of those standalone options and only with them highlighted. I just asked Bernie to walk through this because we had a few moments and there was some questions in the chat.

So I just wanted to benefit from the time available to see if we can have some discussion. I hope that clarifies what we're trying to do and that is to say - is to get a piece of paper ready for circulation. Paul is that a new hand or...?

Paul Szyndler: I'm just a little bit slow taking my hand down. Sorry Alan.

Alan Greenberg: Okay. So can we give this back over to Bernie? Please Bernie.

Bernard Turcotte: Thank you. If we look at this really the things that are very specific to an ICANN internal option is the formalizing of Via South. I imagine there would be some mechanism in a Contract Co. that would allow the MRT to communicate that information so that it gets included into a contract.

But I think it's sufficiently different in this option the way it's explained to classify that as separate. The second part is preparation of the annual evaluation report versus Via South.

Again could be argued both ways but I think the way we're explaining it here just merely describes that the community has what type of input on an annual evaluation of IANA's performance the community has.

And here which is something which was discussed at the very high level we've got the CSC sitting under the MRT, and so we described that a bit too and only in trying to make it clear in here that this is just about an administrative - simplifying the administrative sector.

It in no way limits the realities of the CSC and what the CSC would actually do. So - and managing the transition process in this case is fairly unique because I think it would be quite different than from what we would see in a Contract Co. option.

What are the circumstances for re-awarding the IANA function's contract transitioning? Those are things that were questions from the CWG internal surveys that received major support and then definition of these conditions, so actually something that can happen.

As far as the membership these are the points of agreement from the internal surveys, to note as I mentioned to Chris' question earlier on that the original chartering organizations would be required to show formal support for any action by the MRT to separate ICANN - separate IANA from ICANN.

And there was just a - an even number to try and match up to some of the major agreements that were derived from the CWG internal surveys, and then some explanations to why some of these options were made, again just for discussion.

I know some people are uncomfortable that we're going through some of the details here. Maybe it can be helpful to RFP3 especially when we've got Greg here.

On the CSC there's nothing that is really unique. This is vanilla. The only thing is - got a proposal for members, which totals seven. At the bottom of the document you've got notes and issues regarding what we've proposed, and probably those are the things that are most interesting.

If the model of an SO Cross-Community Working Group is retainable, that a draft file on modifications can be developed. It would also require documenting startup and transition arrangements.

So going on to Paul's point and I guess Chris' point, yes finalizing the details of what an ICANN internal option would look like does require understanding what is the preferred separation model.

The issue of separation's not addressed. This will have to be included. Dispute mechanism - dispute resolution mechanisms between the MRT and ICANN Board will be required, helping to avoid the so-called nuclear option.

Currently these are not included in this version of the document, but references will be made to the CCWG Track 1 work as having to provide mechanisms to resolve some of these issues.

The model presumes adequate separation between ICANN and IANA as noted in the CWG draft proposal of December 2014. The IEP is not included in this version of the document.

The CWG will decide if this is required in this document. Maybe the CWG will be happy to have this dealt with by the CCWG. I have no idea. I'm just saying we should take instructions from the CWG on that.

And the issue of NTIA's authorization function is not addressed in this document, and there's no clear direction on this so we have to rest on the CWG to decide where we are.

So I think that's a quick wrap up of the paper. Again just a first draft so please know great comments that the world has been decided and this is it. This is basically I would say a straw man for people to shoot at and bring out the issues that we have to address, with the understanding as we have said over and it's been noted by a lot of people that the separation mechanism that is selected will play a great part.

I'll leave you with a final thought that if one were to be really twisted center - the MRT and the CSC as being part of ICANN in a Contract Co. model, so bit of tongue in cheek here. That's my presentation. Sir back to you.

Alan Greenberg: Thank you Bernie. So what we're trying to do here is to produce a piece of paper to inform the community of options that are available to it. We - and a lot of even this option will draw on the work that's in the so-called Contract Co. option or the Frankfurt option.

So I would vote for having as much detail in the paper so as to inform the reader, but I would certainly not be looking for changes say to MRT or CSC relative to Contract Co. that were not themselves demonstrably flowing from the fact that this is a different model so - just so we can kind of control the discussion.

And I note for example, you know, including IEP and I think that's an example of something that has to be discussed in and of itself. And there's no need to replicate those words in this, but I think the document can somehow reflect that the IEP would exist in the same form as is being proposed under Contract Co. for example.

So with that are the - any questions of Bernie, questions on the paper? I feel we may be getting close to wrapping up so let me pause for a moment and see where we are. Any hands out there?

Well - so I think as our note taker is - has indicated we're - we are pushing forward to draft the larger paper and this would be a chapter in that. I believe we have - that we would include both the trust model option as well as - maybe I'll just call it the bylaw option in this paper and that we will move to kind of get drafting on that, and I think that's really the next step.

I think the question becomes now - is I'll ask Bernie to speak to should we - should the meeting on Thursday go ahead looking at a revised version of this document, or I think this is contingent on Bernie being able to turn that around so I think certain - for me that's the focus right now.

So Bernie can - is it, A, would you be able to turn another draft around in time for the Thursday meeting? And secondly, if you could do people want to take the time to walk through it again at that time? So I'll ask Bernie to speak first. Bernie?

Bernard Turcotte: Well this represents all my initial thoughts from looking at all the surveys and inputs that we've received. And I think Donna's pointed out quite rightly that, you know, we might want to go back and make sure we've gotten all of them so I'd take that.

But - and I can certainly do some more work at hacking another version of the paper and I'm more than willing to do so. But I think I need some sort of feedback unless we just want to - possibly what could be done is if there's no additional feedback and we want to continue in this vein to see what it looks like, I could go down one more level of detail looking at what the bylaws could actually look like based on the experience that we have. So I don't know if that would be interesting for people. Over to sir.

Alan Greenberg: I guess the other question is - I'll turn to Paul Szyndler. Would you be prepared to try and drop the trust model into this document and maybe forward it to Bernie and let him kind of smooth things out, or are we going to ask Bernie to do that?

What would be the most efficient way to proceed, recognizing that Bernie has other more general responsibilities? I see that Chris Disspain has his hand up so maybe Chris is going to answer that question for me.

Chris Disspain: I'm not sure that I - well I won't - thank you Alan. I went out to the poll because it's - that's - that wouldn't be fair. But it strikes me that we're sort of - we're ten days away from Singapore, having another meeting this week to go down to another level when I think we've kind of reached an understanding that we really do need now to get to a point where we get some legal advice - would probably not necessarily be particularly helpful.

And I wonder whether we shouldn't use our energies to, excuse me, to let Bernie get on with the other stuff that he needs to do. And to have any of us that can use any leverage to get the legal advice sorted out or rather the process for getting the legal advice sorted out between now and getting to Singapore would probably be the most useful use of our time.

I'm not sure that, you know, another call is particularly helpful unless we've got some new stuff to discuss. More detail is only important if we're clear that the propositions we're talking about are viable. Thanks.

Alan Greenberg: Thank you Chris. That's useful input. Does anyone have any comments on this? I'm - personally I'm - I have a lot of faith in Bernie to produce the document that can at least form the basis of discussion.

I don't - personally I don't feel I need to wordsmith it in plenary with him, and as such my sentiments are closer to Chris Disspain's in that I think we should not bother with the call and focus our energies on trying to produce the document.

So that's how I'm leading right now. I - Cheryl is agreeing with me in the chat so - and so is Olivier so if - thank you for that. So - and Paul I guess is agreeing to help.

I don't - he says in the chat, "Agreed," so I think it's up to Bernie and I to interpret what he has agreed to. This is wonderful. So I think where we are is we will not have a meeting on Thursday and I should point out, excuse me, that we will likely not have a meeting next week.

Personally I'm leaving for Singapore early in the morning of February 4, and I'm not sure there's a slot available on Monday or Tuesday, and even if there were I think we have to have the paper finished well before then.

So I'm going to leave that an open question at this point. So there it is. I see a question from Aparna in the chat about putting Bernie's document in a Google Doc so that there can be documents or questions put in.

Cheryl Langdon-Orr: Wiki page?

Alan Greenberg: Bernie do you see any issues with that?

Cheryl Langdon-Orr: Wiki page? Cheryl saying wiki page.

Alan Greenberg: Bernie I note that Aparna works for Google so she really likes a Google Doc. Can we drop it into the Google Doc just so we can get some questions going on that, recognizing that we're under a very tight timeline so it may be - well I'll ask Bernie to speak to that.

Bernard Turcotte: I'm sorry. Could you repeat the question Alan?

Alan Greenberg: It is a question about whether we could put your doc into a Google Doc so that the community could make comments and ask questions on it.

Bernard Turcotte: Yes. I replied yes in the chat and gave a green tick to that.

Alan Greenberg: Well there we go. Sorry. I can't multitask. I see you have your hand up Aparna. I'll - you can have the floor.

Aparna Sridhar: Oh sorry. I was just going to say no particular preference on the format. The - it's - I happen to be used to one particular but if a wiki page works better for people it doesn't matter to me.

I just thought, you know, given that we're asking Bernie to refine this document, you know, and smooth it over, you know, our open questions might be useful and I would take on that task.

Alan Greenberg: Actually I was just teasing. We use Google Docs so I think that's the way we should proceed. Okay. Any other comments? So where we're driving towards is putting the document up in Google Docs.

Paul Szyndler's going to help us do - with some text on the so-called trust model to drop in there and we're going to try and turn it around. We will not have a meeting this week and would likely not have a meeting next week.

And so let me just pause for a moment and see if there's any other business before we wrap up mercifully early.

Eduardo Diaz: This is Eduardo Diaz Alan.

Alan Greenberg: Yes Eduardo.

Eduardo Diaz: I have a question. Can we set up a deadline to have this document, you know, with all the comments and ready because I think this is the document that we're going to send somewhere before the Singapore meeting, right?

So if we can set up a deadline that would be great -- thank you -- so everybody's in sync. Thank you.

Alan Greenberg: I think that's an excellent idea. I'm going to ask Bernie to suggest the deadline because I know he's - has other things he has to produce. So Bernie what would be a reasonable time?

Bernard Turcotte: Well I thought this depends on how many comments come in. I think a realistic one if we're trying to produce something for early next week would be - Friday 23:00 UTC would seem reasonable to me.

Alan Greenberg: Well that's very generous Bernie. So unless there's any objection to that that's what it'll be. I see that Chris Disspain's hand disappeared. So let me ask if there's any other comments or anything else to discuss before we end the call.

Cheryl Langdon-Orr: Well just briefly. Cheryl here and I'm assuming that - this is probably a no-brainer but I'm assuming that Grace will distribute the link of the Google Doc and the deadline information to the list, which of course is the fourth tree list. Thanks.

Alan Greenberg: I believe she just did it. She read your mind Cheryl so at least the Google Doc and if the deadline isn't in it I'm sure it'll be very shortly. So any other comments or questions?

Well this is it. We have 15 minutes of free time. I don't know what we're going to do with it. Thank you very much everyone. I thought it was a very, very productive meeting and we - maybe I'll see many of you in Singapore and - well of course on the CWG call on - it's this week.

I don't want to confuse everybody on the timing. So thank you and everyone have a good day. Bye-bye.

Cheryl Langdon-Orr: Bye.

Eduardo Diaz: Bye.

END