# ICANN

## Moderator: Gisella Gruber-White
## March 11, 2015
## 8:00 am CT

Coordinator:      Recording has started. You may begin.

Cheryl Langdon-Orr:  Thank you very much. Cheryl Langdon-Orr for the record. And we have relatively small group tonight - today because this is a working party for stress tests. But I would like to note that with the standard of looking at the Adobe Connect Room and taking the roll call from those that are in the Adobe Connect Room.

We'll be doing a roll call that way for today's call. And if anyone is only on audio, if they would like to make themselves known now, we will have staff add your name to the attendance. Is there anyone who is only on phone line and not needing to connect to your phone? Please speak now.

I'm not hearing anyone. Let's just get going. My name's Cheryl Langdon-Orr and I want to thank all of you for tuning up for today's call. And I'm delighted to see a number of people in today's call that haven't joined us running throughout stress tests in the past. We had one prior meeting. In terms of face-to-face meetings which we held in Singapore. A very small group.

But Steve and I would very much like to thank all of you for joining us today to go through our existing 25 stress tests. As most of you should know we have in fact done a read through - single read through starting a round-tree of these stress tests. And we have also had this - sorry I'm a little - I just had something else happening here. It's fine. I apologize for that. We recognize of course that the stress tests cannot be finally completed and discussed until we have our draft proposals from Party One and Two put to bed which might be happening for a short while yet.

But in advance of documentation from our party that we'd like to have available before our face-to-face meeting in Istanbul in about a fortnight's time. We want to run through the 25 stress tests. And have a slightly more critical eye put through obviously those we've already gone through and discussed. And also in particular focus on the one's we have yet to go through.

And I do apologize for the delay in today's call. (Brenda) and I will sort out later what seemed to be going wrong then. I've noticed that you've all got the Version Seven of the current stress test which was recently distributed to the list up in front of you on the Adobe Connect Room. And I'd like to ask Steve DelBianco how he would like to - because he's done a lot of the "heavy lifting" from all of everything on this stress test work so far. Would he like to pick up where we left off with the main meeting's review? Or start from the beginning. I'm tempted to start from the beginning. But I'm happy to go with whichever way Steve is comfortable with. Steve, over to you.

Steve DelBianco: Hello Cheryl. Steve DelBianco here and we'll go with your preference which was to start at the beginning.

Cheryl Langdon-Orr: Terrific.

Steve DelBianco: The caveat you gave was perfect though. Let's not obsess over the third column of the stress test since we are merely evaluating what are very skeleton proposals right now. So there can't be detail in the third column. What's there is supposed to be concepts on how we would apply the stress test. And I do hope that it identifies potential gaps in what the proposals currently look like.

With that Cheryl I guess we could - I believe that Alice has loaded the mark-up that Sam sent around. Is that correct Alice:

(Alice): Yes. That is correct, Steve.

Steve DelBianco: And if anyone else on the call has submitted mark-ups then I'll have to apologize now for not having reviewed or incorporated them here. Has anyone else on the call already submitted written mark-ups the way that Samantha did? Oh good. Seeing no hands I'm happy to just proceed with the discussion.

Cheryl Langdon-Orr: Terrific. Go ahead.

Steve DelBianco: So if we are able to - yes. If folks are able to scroll down to the first block which is on Page Two of the document. We have discussed this one in Singapore. What's new here is that the general financial crisis and domain industry crisis has been combined with two other stress tests. So we have five, six, seven and eight in here. Because they all have the same consequence. They all have the same consequence.

And these are stress tests that when Eric Brunner-Williams was rapporteur of the group were added. I believe he got them from some work the ALAC had been doing. But I can't know for sure the origin of these. But I do hope that those of you on the call would find it acceptable to say that all four of these

have the same consequence. And we should deal with them in a single stress test.

Cheryl Langdon-Orr: Just like to see if you could get any - sorry this is Cheryl. Just see if you ask the question to see if you might get some feedback. No one's objecting to that dealing with the group. Okay. Go ahead. Thanks, Steve.

Steve DelBianco: Yes. In interest of getting to them all folks should just "pop" up their hand in the Adobe. And we'll simply stop and address your concerns as well. So Sam added a couple of extra paragraphs here with respect to the existing accountability measures. And I value Sam's input. But I do want to understand that Sam works for ICANN. And she's in a good position to tell us what ICANN does. But also is well, relatively defensive about ICANN's current accountability measures.

And let's keep in mind that we are not evaluating the current accountability measures. Our objective is to enhance accountability with the one chance we have. With the one last remaining bit of leverage that's in the IANA contract. So Sam does anyone have any objections to the two things that Sam wants to add in the middle column of stress tests five, six, seven and eight? Go ahead

Cheryl Langdon-Orr: It's Cheryl here. Do you just want to because this will be recorded and archived? There isn't a lot of text to deal with. If you just briefly read the addition to the record so it helps with anyone's just looking at the archive later.

Steve DelBianco: Okay Cheryl. What Sam added was "that the registrar should approve ICANN's variable register fee through registry agreements. Require registry operators to cover these amounts if the registrar fees are not approved. It also suggests that ICANN's reserve fund could support continued operations in

period of reduced revenue. And reserve funds subject to continue from maintenance according to best practices."

Personally I find that to be completely unnecessary. So it would be my view that we not bother adding the second of Sam's edit. Right. I don't think that adds anything.

Samantha Eisner: This is Sam. The reason I added that is --that the fact of the review of the reserve fund though it's not necessarily that a review and reject accountability measure is something on the operational side that's an important accountability item. But you know we're actually looking at - that there's actually work going on about how the reserve fund is maintained. That's why I added it.

Steve DelBianco: So Sam. Is this maintained? Does this also include a look ahead at risks? Especially if the reserve fund is increased when the environment is riskier. I don't know what maintenance means or best practices?

Samantha Eisner: Yes. So what this is, is on a regular basis. I think it's every you know two to three years or so. The reserve fund policy and the words that from management is review using external people to continually consider the proper amount for the reserve fund. Typically tied to a years' worth of operational - a year's worth of operating costs. But there's always a test as to whether or not. That's something I need to address. Practices.

Whether that's something that meets with the organization's needs. But also on how the fund itself is being managed, distributed. And making sure the investment policy that goes along with that makes sense and is responsible for the organization.

Steve DelBianco:  Thanks Sam.

Cheryl Langdon-Orr:  Just briefly as I put in the chat Sam. Yes that is damn good corporate governance practice. But it's far from mandatory.

Samantha Eisner:  Yes. Correct. But it something - it is a practice that we have at ICANN.

Steve DelBianco:  Sam, did you say it's reviewed every two to three years? Or is it on a firm schedule?

Samantha Eisner:  I don't know what the review cycle is. I know it's been reviewed twice since I've been at ICANN. So I think it's around a three year cycle. But I don't know if it's hard coated in as a three year cycle or not.

Steve DelBianco:  And is it independent review or internal?

Samantha Eisner:  Independent.

Steve DelBianco:  All right. Cheryl this is Steve. I would - I'll just abbreviate it to say "the reserve fund is reviewed independently periodically." Something like that. Okay? Thanks Sam. That's helpful. Any other comments on this set? Seeing no hands why don't we move to the next page? Sorry, same page.

It's a stress test on corruption or fraud. Again this came over from the stress test team. We categorized this along with the rest of these when we were in Frankfurt. The consequences is major attacks on the reputation, litigation and law suit reserves. So the block text on the screen was what we had put in. And the blue text was added by Sam. Sam, you want to walk us through the edit you want to make?

Samantha Eisner:  Sure. I put in two edits. Because these are both internal measures that help mitigate against major corruption or fraud. But first it reads "ICANN's subject to an annual independent financial audit that includes testing of the internal controls. To protect against corruption or fraud. The intent and (unintelligible) is to point it through and report to the ICANN audit committee which is primarily comprised of independent directors."

I put a link into the chart. I don't really know if it's necessary for the ICANN audit committee. You want to discuss this one first and then go to the second edit?

Steve DelBianco:  Why don't you read it for the second one for the record? Cheryl wanted these to be read out.

Samantha Eisner:  Sure. And the second edit is "ICANN maintains an anonymous hot line policy that allows for employees around the world to report suspected fraud among other things. And trigger an investigation pursuant to the (unintelligible) recommendations ICANN's undertaking a review of it's a non-profit policy to confirm that it remains at or above best practice on those."

Steve DelBianco:  And then with respect to the bottom of the column. Existing measures would not be added if - that's highlighted. Are you suggesting a change to that as well Sam?

Samantha Eisner:  This goes to the general corporate risk issue versus others. There are probably other items that this applies for. I'm making a (unintelligible) statement that there is no - this is a general corporate risk to any entity. And that there's likely no complement of accountability measures that can address this. And so I don't know if it's something worth noting. Right. It's not something that really should - really could ever be capable of having full (unintelligible) for

accountability measure. Just because of the nature of the risk itself. So I don't know...

((Crosstalk))

Steve DelBianco:  Yes. And that was the conclusion of the group. In both cases we had said that the - either if we want to propose measures are helpful but would never be enough if you had substantial losses or costs.

Samantha Eisner:  Yes.

Steve DelBianco:  Because I know that you added losses. And I think that's helpful as well. So is there any discussion of Sam's proposed edits to the existing measures for major corruption or fraud?

Cheryl Langdon-Orr:  Steve no so much in addition to Sam's edits but just wanted to raise something from the chat to show up the record by the way. The chat was running in the CWG meeting and I note (Chris) (Unintelligible) on this call. And (Chris) might want to speak to this. (Chris) I do take notes anytime anyone mentions stress tests anyway.

(Chris) was talking about the role of the ombudsmen in terms of acting as a confidential place to lodge issues in terms of consequences of corruption. And I think the whistle blowing. And he was suggesting in the CWG the addition of a stress test.

To me this would be a subset of this existing nine. I just wondered whether (Chris) wanted to look at nine now. And let us know whether or not this is picked up on the issues. Or whether or not - he feels the conclusion existing measures would not be adequate. May need some annotations that does look

at the future if not current role of the ombudsmen office as an accountability measure. (Chris), do you want to say anything at this point?

Not hearing anything. He may have a muting issue which I know --does happen from time to time. If he comes back to this fine. If not, we'll take it off (unintelligible). I don't want to hold up the proceedings. We want us to move along with. I do think there is a possibility of adding some text in here if the ombudsmen office sees that there's an opportunity for the role of an ombudsmen office to - in the proposed accountability measures. Perhaps has some options and perhaps even some annotations needed as well. Back to you Steve.

Steve DelBianco: Thanks Cheryl. I have not objections to Sam's edits. If anyone else has something to add. Otherwise we'll move on to the next one.

Woman: Okay.

Steve DelBianco: Great. Now we move on to stress test Numbers One and Two. This is a really related closely to the work of the CWG. That is the IANA functions transition. As you know when we developed the original list of stress tests it was to cover both CCWG and CWG activities. So the conclusion on this one is of course at this point is CWG's recommendations. Separatibility, separate structures. Accountability are not yet complete. So in particular we want - we don't want to be seen as if we're judging work that the CWG is doing.

We want to be helpful and have these stress tests available. So --while I'm on that topic I'd love to see what the group thinks about once we've done this mark-up we would want to convey this formally over to the CWG team. In an effort to be as helpful as we can and to identify the several stress tests in here that are related to the CWG's accountability measures.

Any objections to doing that once we get the document in good shape? Eberhard go ahead. Eberhard you had your hand up real quickly. And I just wanted to acknowledge you. Do you have something you want...

Eberhard Lisse: Hang on. I just hit the button on mute. Can you - I'm a - I'm not objecting. But I'm opposed to sending something to another working group before we send it through to our own CCWG.

Steve DelBianco: Eberhard that's a fair concern. I just did want to point out though that even with respect to our CCWG the conclusions in the right hand column are all just draft. Since we don't have any proposed measures to go against. But I think it's a safe thing to do what you're suggesting. So we could quickly write to the chairs or perhaps the whole CCWG and ask whether they are interested.

The entire CCWG did see our draft stress tests. Because I replied to you -- with the PDF and a reply all. I believe it was Friday. So it did go out to all. But we didn't see much chatter from the rest of the CCWG. So Cheryl, what's your view on this? Do you want to "cc" everyone?

Cheryl Langdon-Orr: Let's note that Sam's office isn't in the chat and no objections to a formal transmittal once it's approved by the CCWG. Back to you Eberhard. I think you got more to say.

Eberhard Lisse: I'm - my feeling is we should read everything twice. And that means we should at least read it in the main accountability group. At least - once the edit is make we can send it to the list. Maybe by the time in Istanbul we get it discussed for the second time. And then we can send it (online). I'm a little opposed of sub-groups sending work out to third parties. Not to be so generous. I'm not a formalist in the sense.

But we are a sub group of the accountability working group. And I prefer that that work be - our accountability working group should work by consensus. And I would prefer that the work they're doing is (unintelligible) formally through this structure.

Cheryl Langdon-Orr: Thanks, Eberhard. Steve, are you comfortable with that approach?

Steve DelBianco: Sure.

Cheryl Langdon-Orr: I think there's another aspect that we could take advantage of. In the Istanbul meeting set-up. Because there is both the CCWG and of course then the following CWG meetings going on in the - with the transition where the chairs and rapporteurs and liaisons will be. I would be interacting in the middle of that week. The area four. (RFP) four was the group that was looking at stress test issues within the CWG could be asked to look at our publicly allowable (Wiki) space and our materials by then. And perhaps that's not so much a formal transmittal of information.

But rather a raising of awareness that they could watch this space. Anyone can make some contributions. So we might able to take a sort of a (unintelligible) movement here as well.

Do I see Jonathan with his hand up? Jonathan we'll go to you.

Jonathan Zuck: Yes. Can you hear me okay?

Cheryl Langdon-Orr: Yes. A little bit soft I think.

Jonathan Zuck:    Yes. Thanks. I'm on a train. I guess I just maybe - coming on top of your comments Cheryl. But I think what's special about some of these stress tests is that they actually apply to the work of the other working group. And so it's not really a question of somebody making it a formal approval process. But our working group. Before there was actually an indication of the fact that the stress tests are encompassing both working groups?

It seems to me that they are looking at them sooner rather than later. Given that it's in their (unintelligible) or in the arena of stress tests. I think that undue formalism especially in those is uncalled for. And maybe (unwise).

Cheryl Langdon-Orr:    Thanks Jonathan. Your volume was - share off the record was very low. So if I can paraphrase you. And jump in if I've misquoted you. You were just warning us against undue formalism. Whilst recognizing that we do have to be cautious and careful about how we approach these things. About that - because it is pivotal where we are looking at some stress tests which specifically relate to the IANA transition. The IANA stewardship transition work.

That it behooves us to have an open and active dialog with the CWG grouping that is focused on this same area. And that we should probably be working towards doing that without worrying too much about undue formalism. I think that's what you were saying. And I guess that does reinforce my (unintelligible) approach. Where we strongly encourage and make sure we "ride the wind" as to what we end up doing before anything you know formal and final goes across.

The other thing is of course what we could do is request. As I think we certainly need to believe what was in (RSP) four. In the Singapore meeting space time to have the leaders and rapporteurs of the working party --that was

engaged in CWG and the stress test to look at our work then. So we have an informal invitation open. We can perhaps follow up on that informal invitation. Either by the chairs or directly. I don't think that would be stepping too far out of line. Eberhard you're responses to that approach perhaps before we move on.

Eberhard Lisse: We are chartered in a certain way. And a certain group of a few people in terms of physical paper. But we all know how this works. Even if we have the brightest and the most motivated and the most competent representatives participating actively it goes back to the GAC. And it sits there for about three months before anything moves.

Because they are so many governments or government representatives to have to take instructions. And things are slowly. So we're not losing anything. But I am really a little bit opposed to a sub-group of a sub-group making final decisions on this. I am totally for accountability and for openness. So we should have these documents out in the open. The others will be informed.

But when this - that's our work product. And we send it to the chairs of accountability group. And they send it through. I'm not saying we should hide this stuff or we should procrastinate. But we should do this the right way. So that the accountability working by - on consensus can agree to our proposals.

Cheryl Langdon-Orr: Thanks Eberhard. And off the record again. Of course we can't finalize our work entirely until other working parties come up with proposed accountability working measures and much more product terms as well. So yes I think we can find our way forward through this. It may not be as neat and as tidy as if we were working in greater concert. And we could see our nexus. But I'm pretty sure we'll be able to ensure that they're well and truly

aware of what we are doing. And obviously welcome any input that they may wish to make.

(Jonathan) your hand's still up. Is that an old hand? Because you're on a train and you haven't managed to lower it. I'm going to assume that's a yes and go back to you Steve.

Steve DelBianco: All right. Let's look at the substance to this particular test. And the particular draft evaluation. Because it is something we have not yet discussed yet? After that discussion there may be a change of heart about whether we should share this with the CWG and when. So our existing measures if in fact the change authority for root zone ceased to function. Which is a failure of whoever it is that's running root zone management and change authority on the - for the naming issue. Or the delegation authority for the root zone ceases to function in part or whole. That is a relatively serious failure.

And it's probably one that the CWG is addressing directly in their operational readiness standards. Their service level agreement with ICANN as the likely contractor to run the IANA function. And under the present IANA contract NTIA can revoke ICANN's authority and reassign to different entities. As you recall, NTIA had done an RFP request for proposal which went the 11/2012. And it periodically did so. But as NTIA terminates the IANA contract, the authority that would pull the contract away from ICANN if it were not performing it. And find a way to put it to an emergency operator. Or potentially a different operator. This is something that the CWG has to design.

So Sam edited by adding functions to IANA. That's helpful. Thank you. Take a look at the third column. The proposed measures. Again this is not something that our CCWG is working on. But congress and the administration in Washington, D.C have insisted on looking at the CWG and the CCWG

proposals together. And they're insisting on applying stress tests to the package of accountability in transition.

In that respect this is one of four items in here with regard to the CWG. And it will be important for them to have a response ready. So here all I've noted is that the CWG might design mechanisms and structures that enables separation and realize they're not even committed on that. And I do understand from my observation of their work that they're trying to design it so that the IANNA functions could be readily revoked and reassigned.

There was even some discussion I believe Google had come up with the idea of using an emergency back end registry operator that could run the route in an emergency. And also to manage the revocation of IANNA functions the CWG might also propose the emergency second paragraph.

All right so happy to take a queue on whether this is substantively going to be helpful and now Eberhard I hope you understand why I thought it would be helpful to show it to them. We're not making formal conclusions about their work. We're giving them a head's up that here's a stress test. It's been noticed for several weeks. Oh and here's how it might look so it might inform the work that they're doing. But I'm not - again I'm happy either way to wait for the entire CCWG to look at it, to discuss this when we're together in Istanbul or to send something over to (Transim) early. Cheryl?

Cheryl Langdon-Orr:   Thanks Steve. I'm not noting anyone's hand up but Eberhard did you want to respond to Steve's question directly?

Eberhard Lisse:   I'm sorry. I'm not - this - the more I think about it, the worse it becomes. I'm really starting to get concerned about sending half sort of things or not final things for some - for other parties to look at. They can - we open - we will

have this in a two way approach like Cheryl suggested. That's a very good idea. But I'm really a little bit concerned about sending half - not finalized things and then we have to make changes. And that's not really the way I think we should do this. I don't agree with this. Let me - let...

Steve DelBianco: Maybe I should have said it differently. Perhaps we should ask them - ask the CWG tell us about your current draft mechanisms to handle the stress test and we'll insert what they have to say in the third column. So it's not as much a matter of us telling them that we've reached any conclusions because of course we haven't but that this is a framework. What if we were to ask them if they wanted to provide input? Would that be better?

Eberhard Lisse: Yes. Cheryl said we can publish our stuff and they can look at it and we should communicate with them but as I said we will not be able to - we should not send a final something that approaches finality unless it has been gone through a sort of a review by the main conveyability group.

Cheryl Langdon-Orr: Thanks Eberhard and Cheryl for the record of course and we won't be into any final phase until quite late in the process. So I think we're all in agreement on that. So let's use transparency to our advantage here and I know that (Edward Mars') comment in the chat that says it makes sense to give the CWG a head's up as to what we are doing. And there a couple of us who are actually active in the same area in CCWG and CWG.

So we might utilize those opportunities to straddle both camps where there's a possible both will. And perhaps use this (temble) as an opportunity to have those conversations in both groups as an awareness raising exercise. Yes Eberhard?

Eberhard Lisse: Have we got a CWG liaison in the stress test work party?

Cheryl Langdon-Orr:  Nothing formal because right now the CWG no longer has the grouping which pre-Singapore was looking at this. The CWG's modus operandi had a major overhaul at the Singapore meeting. And the approach to the drafting that they're now doing is focused on operational aspects in particular. And so what was these six RSP groups is now just parked to the side as foundational work and a whole new way of doing the work is currently being a little bit more than begun but it's in very early stages. So the answer to the question pre-Singapore I would have been able to give very differently than now. No such lock and key fit currently exists. But let's see what we can do informally.

Steve DelBianco:  All right. Why don't we move on then? Any other comments on the substance of what we've said here.

Eberhard Lisse:  Sorry I - sorry I was on mute. If we need to liaise. Eberhard Lisa. If we need to liaise with the CWG then we should liaise with the CWG and ask them formally to put some - one of the people on this group so we have a - we're not working separately but we have a bit of an idea what the other side is doing.

Cheryl Langdon-Orr:  Okay. I'll take an action item on that then. Thanks Eberhard. I think that's an excellent suggestion. So that's an AI for me, (Grace) and (Brenda). I'll follow up with that. Thank you. Back to you Steve.

Steve DelBianco:  That's a great - yes that's a great idea. Ask then to put a liaison over to here. Thank you. Let's jump to the next one then. It's number 11 which is a compromise of credentials. And I believe that somebody lobbed this into Eric Brunner-Williams back in November or December when I believe ICANN had an incident with the security, you know, a mile action security breach incident. The suggestion here is it would have a major impact on the corporate

reputation and significant loss of authentication or authorization capacities. So this stress test is designed to be rather serious, not necessarily a minor incident and it's not (unintelligible).

We know that corporations would figure security profiles then even ICANN are breached quite frequently. And this threat is not related to the transition of IANNA stewardship and under the existing accountability measures, we said that based on the limited experience of the recent security which is not apparent how the community holds ICANN management accountable for its security preparation or it's not apparent that the community is able to force the implementation of adopted security procedures.

So some of these security procedures could be the result of just good management practices in the IT department and the personnel procedures that are used at ICANN. On the other hand, the security is still the and resiliency accountability review might have specific recommendations when it does a review. And we all know that the SSAC watches things like this closely and may have recommendations of its own that make their way up through policy. So there's multiple ways you can get at the notion of enterprise IT security and credentials. Under the proposed measures - I'm sorry. Eberhard did you want to weigh in now before we discuss the third column?

Eberhard Lisse: Yes. I don't want to criticize. I just want to show as an example for this particular issue. We - from our tech group for the tech day we asked the IT department whether they were interested to report on what they did to mitigate this among friends in a non-threat. They declined to do that. That's exactly the - I didn't want - don't want to criticize stuff but this is exactly the thing we have really no measure to look into what they are doing and why they're doing this and what happens and what's being taken. I don't want to go into

operations. Operations is done by staff but if something happens we need to have one other way to hold them accountable.

Cheryl Langdon-Orr: Thanks, Eberhard.

Steve DelBianco: Eberhard this is Steve. Did you suggest that somebody has already asked IT staff that question or were you proposing that's something that we ought to consider doing?

Cheryl Langdon-Orr: Thank you, Eberhard.

Eberhard Lisse: We wanted them to make a presentation and they just declined. They're not - they declined. They did not give us any comment. We asked for generals and they say they are not prepared to do that without any weight - any connotation supplied to it. The point is in this place there says if there is an issue we don't have - the community does not have a measure to increase accountability or to force them to do something about it or to explain themselves.

Often security issues are improved if more people who have an interest and an idea and experience talk about this. I'm just - this is a stress test and we just wanted to reinforce that we have these incidences and when a technical work group that has had technical issues or security issues reported in the past asked whether they were interested to give a briefing on what they did they just said no. Point is not against the staff who said no but we don't have a measure in place.

Steve DelBianco: Eberhard it's Steve. Under the being measured column then I would suggest we add something that the community does not apparently have standing to require ICANN staff to brief the community on actual security breaches.

Cheryl Langdon-Orr:  It would require a request yes...

Steve DelBianco:  (Unintelligible).

Cheryl Langdon-Orr:  Yes. I'm not sure recall if we add. This is even request let alone requires. Let's use that.

Steve DelBianco:  I think the request was made. I think the request was made but it was declined; right?

Cheryl Langdon-Orr:  It was probably refused because of lack of standing though.

Eberhard Lisse:  I don't want to speculate. I just wanted to make an example. We're looking at the stress test and at the moment even the most friendly techies that come to these meetings were unable to get deeper insight into what happened and what was done about it. Okay? So...

Steve DelBianco:  That's why I do think it's a great idea to add this Eberhard...

Eberhard Lisse:  Now we need to further what we are discussing or what is written. We should I think put in that if these things happen the community must find a way to first of all that transparency is happening in particular as far as it doesn't have to be. These attacks are not a market science. In other words if they become transparent no new people are starting oh that's something we can try against ICANN. This is relatively unsophisticated stuff. But we want - the community needs to see that these important things are being taken care of by motivated departments.

Cheryl Langdon-Orr:  Yes. Increased confidence.

Steve DelBianco:  So Cheryl to close that loop I was proposing adding a paragraph in the middle column about the community lacking standing to require ICANN to brief the community on a breach. And then it becomes a transparency issue which leads to accountability. Would that be all right?

Cheryl Langdon-Orr:  Got a check from Eberhard. Sam your hand is up.

Samantha Eisner:  So I'm not familiar with the specific request that was made from that tech community and I take your example Eberhard as illustrative and as you noted they didn't provide connotation. So we don't know reasons for why the request may have been denied. And I don't have a problem with the - with what you've recommended Steve in terms of what you proposed to add under the accountability measures because I think it - I would agree.

There is not standing to require that. I - but I wonder if we could handle some things differently under the proposed accountability measures and I don't know if this is something we want to propose before we mention it to the CCWG or if this is a way that we'd like to float it into the rest of the CCWG.

But it sounds like there is - there's almost a separate lead to when these power that to request some sort of or to be able to have access to some sort of after action report from these types of reported breaches. And so I think it could be very easily handled hopefully under some sort of proposed thing and there could be some fairly simple wording around provide increase - require increased transparency around reporting after - reporting to the community after events such as this. But I do want to make sure that we don't keep a record on this call that there were - there was a specific denial for any specific reason. We don't know. I don't know the timing of it. I don't know what was available. I don't know who was requested to provide it. So I think that we

should make sure that the record itself is not kept that there was a denial for a specific reason. But I'm fully supportive of including it within the chart here.

Cheryl Langdon-Orr: Sure. Thanks Sam and I think Eberhard was very, very careful to say he was in no way criticizing. He was making an observation and it may very well be that it was simply scheduling. But without going down that particular set of hypothetical rabbit holes the example he gave raised the issue and the important of stress test 11.

And I think your words the - looking forward within the empowerment for community work plan to come up with some sort of proposed accountability measure which results in after action report with an aim for increased transparencies is probably a good way forward in that column three and I think Steve's already put to the record good language for column. Sam your hand's still up? You want to react? Nope. Eberhard your hand is up. Over to you.

Eberhard Lisse: I fully agree with what Sam and Cheryl just said because I didn't say that either. I - we basically offered them the opportunity and they declined. That's what happened. That's and I'm perfectly fine with that. If that - I would have liked to hear but that's not the point. The point is not that I want to use this as leverage to get them to give a presentation. I think that the point is that the - it's not the first time. It's not the last time. Other things will happen. The community does not have a mechanism to engage ICANN on this in a way that the community is being kept informed, that everybody - the security people or maybe the members of the security lists that are being established if it's a trust issue.

We don't have such a mechanism. I am not criticizing anyone. I am not criticizing IT staff for not doing this IT stuff that make the presentation on

how meetings are organized. They did an excellent job. There is nothing wrong with the IT department. I'm just saying that we don't have a mechanism and I used this as an example and hence both Sam and Cheryl and I we agree that the record will not criticize - must not be read to criticize ICANN staff in this regard.

Cheryl Langdon-Orr: Thanks Eberhard. I think that's very clear. And I think we've got at least the beginnings of some language for us to look and remember this additional language that we're discussing in today's call. We'll be going out to all of you for review. So you can dot the Is, cross the Ts and things about better ways of saying things if indeed they exist before we put this to a new document and first reading to the rest of the group. Thanks very much. Steve back to you.

Steve DelBianco: All right. Let's look at the third column, the proposed measures. The first paragraph there demonstrates the value of doing stress tests because they sometimes will surface. Early in the process they will surface gaps. And I noted at the top of this column that we probably have a gap here because I don't believe we have any measures under discussion in the CCWG that would force ICANN management to execute stated security procedures for its employees and contractors.

And I'm making a distinction here. I realize we have talked about in the second paragraph a proposed measure this first came up in Frankfurt to empower the community to force ICANN's board to implement a recommendation that came out of an AOC review like the security, stability and resiliency. I'm sure all of you will recall that and I think that's a community empowerment item that we're still discussing.

So that works for broader types of security and stability policies that are implemented by ICANN. But we never get into the weeds about the

procedures that are used to credential the identity of employees or contractors that do work on ICANN's IT assets.

And in fact I don't really know even if we had visibility of what those procedures were because I'm sure they're available. I don't know how we could evaluate whether ICANN management is doing the security procedures that it's supposed to or force them to improve its execution. So there's probably no visibility transparency or after action report there yet.

So we ought to note that early on. It might be that it's too much detail for the CCWG to get into. It could end up being work stream two and I understand that. So please take a look at the three paragraphs that are pasted in the proposed measures and let's take a queue on that. I did want to note that Samantha made a comment about wanting us to be crisper in the third paragraph but Sam that's another possibility is to empower the community.

It's not the job of a stress test to articulate what somebody should do. We're mostly evaluating the proposed measures that are coming over from the CWG and the CCWG. And again until I know what they are proposing, we can't actually do the stress test in a bit of crispness or detail. Cheryl you want to manage the queue?

Cheryl Langdon-Orr:  Yes thanks. Eberhard is your hand an old one or is this a new hand up? Over to you Sam.

Samantha Eisner:  Thanks. So I have a couple different topics. So first on the comments that I wrote in, so in the discussion of the accountability measures as well as the proposed accountability measures, we're talking about crispness. It wasn't about trying to forecast what should be there or what shouldn't be there. But it seems like there's some crossover in what we're discussing within these two.

There's the conversation that we've had so far in this stress test has been an ICANN internal security measure and not necessarily about issues that would go to the security and stability of the internet DNS. And when we're making references to the AOC review on security and stability and resiliency, which as I recall is itself focused on the security and stability and resiliency of the DNS or having - turning to SSAC recommendations which again may provide the board with advice on security, stability and resiliency as it relates to the DNS. It seems like we're talking about two different things. And so...

Steve DelBianco:  On purpose.

Samantha Eisner:  Yes. But I - without us acknowledging we're talking about two different things it's actually very confusing to look at. You know, we don't - I think there needs to be some way of breaking it up because there are many people who could read this and not understand that those are two separate issues. Internal security measures relating to systems within ICANN and then security measures as they relate to the security, stability and resiliency of the DNS. And I...

Steve DelBianco:  So Sam if we made a more clear of a break between the first paragraph in column three and the second and third, a heading or a distinction between internal security measures versus the higher level SSR items. Because it would impact. I mean if there a compromise of credentials with respect to DNS set keys for the root zone that might be something where an employee procedure problem...

Samantha Eisner:  Yes. Yes.

Steve DelBianco:  ...suddenly impacted SSR. So I think we do want to talk about both...

Samantha Eisner:  Yes.

Steve DelBianco:  And now I understand that you're just simply asking for a heading...

Samantha Eisner:  Clarity and specific.

Steve DelBianco:  ...or a distinction.

Samantha Eisner:  Yes. Right.

Steve DelBianco:  A heading or a - right between the first and the second. Okay.

Samantha Eisner:  Yes. I wasn't in any way trying to suggest that we shouldn't be talking about the SSR of the DNS here because there could be times when credential compromise actually could impact that. But just in general you wouldn't always solve the accountability of that by going to an SSAC recommendation because there is a lot that SSAC might not actually appropriately be able to advise on if it's just relating to an internal security issue that doesn't impact the broader DNS; right? So that's...

Steve DelBianco:  Exactly.

Samantha Eisner:  I think it could be solved through headings.

Steve DelBianco:  And I'm happy to add that heading and but it doesn't change the substance of what we've written too much.

Samantha Eisner:  No. No...

Steve DelBianco:  We are going to add Sam's expression called after action report. We're going to add that and Eberhard that's sort of the after action report. We'll use that vocabulary here for the kind of thing that we lack the standing to require an after action report.

Cheryl Langdon-Orr:  Yes.

Steve DelBianco:  Okay.

Samantha Eisner:  And I didn't want to just provide some more information in terms of some other security measures that happen particularly as it relates to the performance of the IANNA function. So we - for ICANN's work on DNS (SAC) ICANN on an annual basis receives this trust certification or it goes through the process of and then has achieved this trust certification for how it maintains its work on DNS (SAC). So that is an existing accountability measure if we're looking at that broader SSR issue.

Also there's after the renewal of the IANNA functions contract, there was a requirement put in for an audit over the IANNA function. And that has been - because of scheduling I believe it's been performed at least once. I don't know if it's been performed a second time. But part of what that looks at are security protocols put in around, you know, contact directives to systems and those sorts of issues. So that work while it's not comprehensive to the entire IT department has always - is already underway. I just wanted to...

Steve DelBianco:  Sam this is Steve. Could I ask you to send me that text? I'll insert it in column - the middle column but could I ask you to send me that text on the DNS (SAC) and the IANNA functions that you just mentioned?...

Samantha Eisner:  Yes.

Steve DelBianco:  Okay.

Samantha Eisner:  Yes. Yes I can do that.

Cheryl Langdon-Orr:  That's good. Anything else on Sam as well?...

Steve DelBianco:  All right.

Cheryl Langdon-Orr:  Okay. Back to you Steve.

Steve DelBianco:  Great. Let's scroll down. Stress test number 17 and we're still in failure to meet operational expectations. And we have discussed this one a couple of weeks ago on the 24th of February on the CCWG call. But let's give everyone a chance to look this one over and see if there are any comments or questions on it.

Cheryl Langdon-Orr:  Sam's got some additional text in the column three when we get to that and we'll ask Sam to talk to - comment on that.

Steve DelBianco:  Okay. So this was a stress test that it kind of looks at what would happen if ICANN were not really paying attention to recommendations that were coming over. And the example that brought this to mind was the SSAC had given early on recommendations on name collisions and certificate - security certificate problems with domain - topical domain lane such as .mail, .home. And there was a collisions issue with respect to the second level as well. And the evaluation was that there was no way to sort of motivate the board to act on what SSAC was putting in front of it. Okay?

So we demonstrated I think in 2013 and 2014 that we didn't have the standing to do so formally but we actually demonstrated that by informally bringing it up at multiple meetings at ICANN and generating a lot of groundswell community support that management did respond appropriately and attended to the risks of collision and attended to the risks of security certificates. So I don't think this a sad story. It's probably a good story and not one - it's not a stress test that we failed because we eventually found a way to address the stress, to address the risk.

We noted in the existing measures column that NTIA currently gives a clerical approval for a delegation. And all it does is indicate that ICANN has told NTIA that they followed their processes when adding a new domain name. And NTIA can delay a delegation if it doesn't quite agree or doesn't quite assess that ICANN did follow these processes. I don't actually know what would happen if ICANN had attempted to delegate .mail or .home and it made its way across the NTIA desk and a lot of us had lobbied NTIA to say don't let that go in the root. Dot mail and .home are going to break the security certificates or they're going to cause collisions.

So we don't honestly know if that would have happened and it's probably neither here nor there because NTIA is going to walk away from that role anyway. So that's why I didn't waste too much time in the existing measures. And as we turn to the proposed measures, we ought to be able to force ICANN forward - the community ought to be able to force ICANN forward to implement a recommendation like an SSR recommendation. We covered this earlier. I mentioned that another advisory committed like the SSAC if they have recommendations should we suggest that the CCWG empower the community to force ICANN to respond to and that doesn't mean to implement.

It might be that we would force ICANN to do a written response about whether it would implement recommendations coming from an advisory committee such as the SSAC. And that's the one where Sam had a comment. Sam what does it say? Or another possible reference to policy process and then the accountability options for the Board following policy to come into play.

Well that would be the implementation side. So there's two sides to that fan; the first notion is that if SSAC has raised concerns, and we believe that ICANN Board Management are not addressing them, we ought to be able to force a response.

Separately, if there's been policy development and we believe that ICANN is not implementing it appropriately, we ought to be able to force an implementation. And those are different.

Samantha Eisner: Yes, yes. So just a note that's not reflected in here - I get that Steve. I think that - you know, as you read through the entire document, sometimes you see multiple parts of it but forget that there might be another home for parts of it, the thing that you're seeing.

There is ongoing implementation work now within ICANN to address the ATRT-2 recommendation that - excuse me - that recommendations or advice coming out of any advisory committee should be acknowledged by the Board. That recommendation itself doesn't go as far as requiring acceptance or implementation of those recommendations.

So I don't know if part of what the proposed accountability measure here is proposing is something in addition to that, but at least there will start, as part of the ATRT-2 recommendation, there might be another path because there

might be some formal Board action that comes about if you need a triggering point. But it does relate to how the Board considers AC advice that would include the SSAC, so that might help in the implementation of the accountability measures as they get designed.

Cheryl Langdon-Orr: Can I suggest then that Steve, we ask Avri as the specific liaison from ITRT perspectives to just make sure that we get language that picks up on that quite appropriately in the Column 3. Would that help Sam?

Samantha Eisner: Yes, I think that would be helpful.

Cheryl Langdon-Orr: Okay.

Samantha Eisner: And you can just reside that other comment I have.

Cheryl Langdon-Orr: Yes.

Steve DelBianco: Great. All right, any other comments on Stress Test Number (unintelligible)? Great, thank you. Let's move to the next one.

This is an expressly IANA Transition related item and it's much more in the purview of the CWG than the ccWG, and yet it's an area where we want to be as helpful as we can. If we have to provide an appeals process (unintelligible) on a letter that the CWG Chair sent to the ccWG that we discussed extensively on the first day in Frankfurt where they were asking about an appeals process of some kind and whether we were designing an appeals process through the power of the community to appeal a decision that ICANN made or a management action, and we indicated that by all means we'd love to create a community empowerment mechanism that works for both the IANA function as well as for general ICANN policy execution and implementation.

But I think we're still on that track. So this particularly Stress Test relates to ccTLDs looking at you Eberhard. Their government telecom minister might instruct ICANN to revoke and redelegate - and Eberhard will help me with the vocabulary because I'm pretty sure I have it wrong - despite objections from many current registrants and user communities in the country concern.

The question would be under current accountability measures, what would happen? And the attempt to describe the current process that ICANN certified the processes were followed, and if there's a process that requires a more extensive approval of the user and registrant community before a ccTLD is revoked and reassigned, well then that process how do we know that that process was followed?

So Cheryl, this one is a complex one and before reading it into the record, as you say, I did want to give Eberhard a chance to correct...

Cheryl Langdon-Orr: Yes.

Steve DelBianco: ...vocabulary problems, structural problems and maybe even some misperceptions I have about how this all works. So if we could go to Eberhard, would that be all right?

Cheryl Langdon-Orr: Yes indeed. Over to you, Eberhard.

Eberhard Lisse: Okay, I have sent correspondence in this (unintelligible) to this mailing list, but I don't use Microsoft products. I cannot edit the text.

We need, not so much on the language, on the vocabulary, we need to include the (unintelligible) of invitation principles. The effort of working group was

chartered to interrupt the policy documents that ICANN - as the IANA function manager uses.

And there is absolutely nothing that says that any search parties or just local Internet community has a say into whatever a ccTLD manager is opportune or accepted by the community, or they have a right to revoke.

The existing document, never mind the government's opinion about legal situations of subsidiary, the documents that we interpreted are RFC1591, and the GAC principles clearly state, are interpreted by us, that only if there is substantial misconduct, a domain name - a ccTLD can be revoked.

In other words, if a (unintelligible) request or a government requests a transfer, the local Internet community is not (unintelligible) whether they agree to this. They only get asked when a new ccTLD manager is appointed in the selection process.

Steve DelBianco:  Okay.

Eberhard Lisse:  This is - I think if you have to rewrite the whole purpose on this that the trust is based, the objections if - let's take an example.

The most recent example was (Unintelligible) Mali. That was (unintelligible) in (unintelligible) and then it was - the GAC representative of Mali requested redelegation to the institution that (unintelligible), and it was then pushed while a civil war was happening in Mali, it was pushed on the consent agenda at the ICANN Board.

And then after I made some noises, it was taken off the consent agenda and it was discussed on the agenda and it was approved.

It now turns out that it wasn't repatriated (sic) from Mali into Mali, it was repatriated (sic) (unintelligible) for commercial company which is marketing it aggressively. One wonders what the person pushing it stands to benefit from this.

The documentation that IANA Department published is (unintelligible). On every redelegation, what that publishing is (unintelligible). It always says, "Blah, blah, we have certain things to do." But it never goes into the merits of an (unintelligible) regional case; same for the Board.

So the test is good. We need to see what has happened if a government wants to (unintelligible) now. Some governments are more corrupt than others; some other governments are more legitimate than others. Some governments like this one in Guinea Bissau is somebody with two government departments basically contradict each other depending on which party pays them or whatever.

These are details, which if we take them together, we don't have in our accountability measure to deal with them. As long as ICANN implements the framework of interpretation working principles whether there is a transition or not, this should not happen because as long as the person does a good job or the entity does a good job, ICANN as the IANA function manager will not deal with it.

It does not say what the government does on a local level is the subsidiary principle totally remains. But we don't have a mechanism and that's quite correct to act if something like that happens.

Second (unintelligible) thing is the (DE) has no say in what happens to Dot NA and I have no say in what happens in Dot (NSAC). In other words, there is no community that has a standing to make a complaint or two to follow-up on what happens with another ccTLD.

The ccTLD manager is on his own. Not that I say he shouldn't be, I think it's also illegal thing. I mean general (sic) was on the (FOR) working group, she will probably hear me out that my (unintelligible) that I just loved is more or less the consensus of what was discussed there.

Cheryl Langdon-Orr:  Thanks Eberhard. And what I might ask you to do is if you can put some text forward to Steve and I to ensure that the mentioning of the framework of interpretation and the GAC principles is appropriately written into Stress Test 21, that will be very useful there as well as once we've got that then taking into consideration some of the text that we now need to discuss in Column 2 as well.

Thanks Eberhard, that's an action item on you. Staff if you could note that please.

I see Paul. Could you please - you have your hand raised. Over to you?

Par Brumark:  Yes, thank you. And I wanted to answer (unintelligible) here but there was a question.

What you are saying is that only the ccTLD manager can revocation or redelegation, then should even stable democratic government demand some revocation/redelegation, it should not be considered.

And some parts of what you say I really don't understand. I mean we can go - how far should we go if IC starts a ccTLD, well what can we do about that? Yes I think these matters - you have to read the GAC principles and the FOI (WDG) that you yourself were proud of writing.

Cheryl Langdon-Orr: Eberhard, back to you.

Eberhard Lisse: The FOI principle is not what governments do or what governments don't. It deals with the document that ICANN has or is at the moment and the policies it has at the moment.

CCTLD policy is ccNSO policy is developed by the ccNSO, not by the GAC, not by nobody else.

The principles do not tell a government what to do; it tells ICANN how to interpret existing documents and policies like RFC1591 plus GAC principles.

The documents do not say that a government of the day has to decide whether a ccTLD manager gets his management or his (unintelligible) taken away. The GAC principles are very clear on this that every delegation (unintelligible) derives of the existing manager must be taken into consideration.

With regards to (ISIS), if (ISIS) were to manage to get themselves an ISO code by the United Nations, they would be entitled to apply for a top-level domain. The IANA function and the RFC1591 clearly says it's not in the business of deciding what a country is. There are mechanisms in place who decide what a country is.

And if the international community, United Nations and others were to decide, for example, that (ISIS) is a country, (ISIS) would be entitled to a

representation on the GAC and they would probably get it. This is not a good example.

The FOI principle do not say what a government's rights are, it says what the documents that IANA that ICANN has as the IANA function managers. And they do not say a government of the day can go and decide, "The one who is doing it now is wrong, I want my brother-in-law or my deputy under permanent secretaries for paper clips in-law to get it."

It also does not say that the democratic government like the United States or the Germany or one of the modern democracies in the world where the government has full implementation and whatever can do that. They can do that but on their own initiative in their own country. They do not have a legal structure in place; there is no policy in place that allows this to do.

I don't agree with you that we should have such a policy, that we have to agree that there is no such policy at this point in time. And that's what the principles are saying.

Cheryl Langdon-Orr: Okay. Thanks Eberhard. And we're not going to rerun what was five or six years of framework of Interpretation Working Group work here in today's call. But what I've also made notes of (Unintelligible), just to ensure that what you're putting into the Chat is - and thank you for quoting it specifically from the Singapore Communiqué, from the GAC, because that will make it easy for us to catch as a footnote or reference point relating to Stress Test 21, that will be a way forward.

We do recognize this is a highly sensitive and contentious issue, but we need some color and excitement in our day and this Stress Test can probably head it for us.

Par, do you put your hand down? Do you wish - and it's back up. Over to you.
Par?

Par Brumark:       No, (unintelligible).

Cheryl Langdon-Orr:  Okay.

Par Brumark:       We'll take it another time.

Cheryl Langdon-Orr:  Yes remember this is not a framework of interpretation in GAC meeting.

Par Brumark:       But there's an elephant in the room here.

Cheryl Langdon-Orr:  (Unintelligible).

Just noting again from the Chat was (Unintelligible) put in some extensive
text which I want to assure you the Chat in this meeting does form part of the
formal record, and obviously it's - the debate is going around, this is
important. But what we're looking at into today's call is the text relating to
these current Stress Tests.

We're going to be modifying Stress Test 21 to ensure that a proper and
appropriate reference to the framework of Interpretation Working Groups and
indeed the GAC principles, because of course as I looked at RFC1591 and the
GAC principles in its work as well as annotate in a footnote that quotes
specifically from the GAC Communiqué out of Singapore. And we'll see how
that text runs through this group in a future meeting.

Eberhard, back to you briefly and then I would like to get into the substantive discussion on the Column 2. Thanks.

Eberhard Lisse: Push the button. Thank you.

We all have our interests. I know the interests of (Unintelligible) and the government of (Newey) with regard (unintelligible) a new domain very well. Probably not the position of the GAC as a whole doesn't really matter.

Public policy, like I just typed, is made in a country, and I would like to have ICANN to be subject to the jurisdiction of every single country where a ccTLD is in. It doesn't happen.

So it's not going to happen that a government is any government can (unintelligible) as ICANN policy decide, that the government decides what happens with a ccTLD.

This policy would violate the bylaws, this policy does not exist. That said the governments are responsible for the policy in their countries and hence also for ccTLDs. But that's a country internally, that's not an issue for ICANN to deal with.

Cheryl Langdon-Orr: Yes, okay. Steve, back to you. I don't think we've over-talked this; it is important. But I do think we need to move on to Column 2. Thanks.

Steve DelBianco: Right, and thank you. I look forward to clarifying text that you just outlined. And Eberhard, you send it to me in a body of an email, I will past it into the doc and circulate a PDF.

The way this Stress Test was applied in Column 2 and 3 though looks at a very narrow question. It said, "Whatever the policy is under the FOI or whatever the policy is, how does the community hold ICANN accountable to follow the policy?" That is the only thing that this is structured to look at.

So it's not about what should the policy be, but it's how does the community have empowerment to hold ICANN accountable to follow the policy. And that's the way that most of all of these Stress Tests are structured.

And so with that in mind, we focused only on whether the community had standing to challenge something that management did when it certified that the process was followed for a revocation, which I now understand is misconduct has to be the criteria, or did management follow the procedures to appoint a new ccTLD manager, which does involve some community input.

So let's focus ourselves very tightly on the question of giving the community - I understand Eberhard's point that the relevant community or appointing a new ccTLD manager, the relevant community might only by the users and registrants of that country. I understand that.

And in regard, how does the community force ICANN to implement its procedures not to make new procedures? Okay, it started off by suggesting that NTIA has a role today, they claim clerical (sic), but they have a role today to say, "(Unintelligible) part of certifying that ICANN follow this procedure." And I don't know of any way that we could challenge that today. And we don't need to spend too much time on that because NCIA is walking away from that role.

So we turn into the third column and we understand that the CWG is working on an independent appeals process that was in the letter that they originally

drafted, and it might have been designed to handle appeals of disputes just like this. And we would evaluate those in this Stress Test when and if they publish it.

But as I noted earlier, the CWG did ask whether or not the Independent Review Process that we're working on, the improved Independent Review Process, perhaps could take on questions such as they were anticipating for an IAP. And if so, we just need to have the appropriate standard of review.

Now in the far right column, there are two mechanisms; the Community Empowerment 1 is the reconsideration (unintelligible) because reconsideration should be able to address management decisions to certify ccTLD change.

We need a standard of review for that and we need a standard of review if it goes to an (unintelligible) review panel. This community veto doesn't need standard of review, but anytime you go to a third party to make a decision, we have to have a written standard that they can look back too. And again that written standard could be the framework of interpretation and those principles.

Any comments on this? And I realize it's an early draft because people are going to make some significant revisions.

Cheryl Langdon-Orr:  Thanks Steve. We are making significant revisions but we should note that Sam's existing markup language in her comment was talking about getting more information from both the Interpretation Working Group/ccTLD operators on how they see accountability for ICANN following documented delegation and redelegation processes.

So perhaps it would be useful for us to take a formal action to write and ask - the best way to do that at this stage would be to address that to I believe the ccNSO Council because the FOI Working Group has passed on its final report to the ccNSO Council.

Sam, would that be okay from your point of view? Over to you Sam. You might be on mute.

Samantha Eisner:  Yes, sorry, just coming off mute. Excuse me.

I think that that could be okay. I don't know if that over complicates it now. I think that what Steve suggested about this column being agnostic to what the policy is, but it's how we follow the policy and how the community can ensure the policy is followed might be sufficient.

I feel like our conversation earlier and the changes that will be coming for the first column actually answer some of my concerns about whether or not this Stress Test description was complete.

And so I don't know if anyone else here thought that but I'm not sure that we need to reach out specifically to the ccNSO Council because I really resonated with the comments that Steve made that the specific existing accountability measure is agnostic to what the policy says but it's how we get adherence to policy.

Cheryl Langdon-Orr:  Right. Okay, well I'll suggest that, unless anyone objects, we hold that action recognizing we may resuscitate that action should we decide it's worthy of doing so once we get the next generation of the text drafting.

Are you happy with that Sam? I'm going to assume you are and you're going to put your hand down. And have a glass of water to sip; you sound - my throat is feeling sore just in sympathy with listening to your throat. You're clearly not very well and it's probably only 5:00 am where you are.

Samantha Eisner: I am; don't worry.

Cheryl Langdon-Orr: Great. Okay. Take care of yourself. Steve, back you then.

Steve DelBianco: All right Cheryl, as I noted earlier, I have a pretty hard stop in just a few minutes here.

Cheryl Langdon-Orr: Yes.

Steve DelBianco: So you guys will continue without me. I think you had scheduled this call for two hours; is that right?

Cheryl Langdon-Orr: We have although recognizing that we're pretty close to half way through, I'm also happy to suggest that we will need to reconvene; we've got some new texts that need to come into what we've discussed and we've got some fairly significant comments coming up in 3 and 4 to go through.

So what I'm going to do is suggest we do stop this call at the 90 minute mark rather than the 180 and that we set up another call to continue on where we leave off now with 3 and 4. But also to review the good work that we've already done today, and we can report back at next week's ccWG call to keep everyone else up to date with where we are with all of this.

Just before we do wrap up however, Sam before your voice fades totally, previous discussion on 3 and 4, I think it was you that suggested this is one

where we may decouple where we've grouped and coupled stress tests in the past.

We're now moving into a new category which is the legal and legislative action category, but (Sam) just perhaps to get us to think about this, and you've got significant comments here, you suggested perhaps to recoupling 3 and 4 and you might just want to give us the high days and holidays review of your comments on 3 and 4. And we might then wrap up and work out a reconvening, okay.

And you've got to stop at the top of the hour which means we can give you some of your life back as well.

Samantha Eisner: I guess this means I get to get onto the call that I'm missing part of already a little earlier; the life of ICANN keeping late to a 5:00 am call.

So I won't read my comments in full into the record right now. I think that there we can discuss them more in depth.

I think that the initial thing that might help spur some thinking is whether or not (unintelligible) decouple ligation issues from regulation or legislation issues.

I understand why an initial cake (sic) might group them together, but there are often different consequences from how you handle litigation or orders coming out of litigation versus how you would handle regulations or legislation. There are very different consequences on the organization and those within the organization for failure to comply with one or the other, and that's one of the end results that is seen from this.

So while some of the language might be able to be duplicated in those, I think what would really help to separate this issue because I think we'll find that there are some important distinctions between litigation related issues and regulation or legislation related issues.

And I would like to just stop there I think unless you want to go into another 20 minute conversation.

Cheryl Langdon-Orr: Stop. Thanks Sam, no we won't go into another 20 minute conversation. But we will come back to another 20 minute conversation when we reconvene.

And just on that, I think we've had a very productive conversation today. I'd like to hear more from more of you both on our list but also in another call.

So if this time of day suits you, and it seems to me that we've got a reasonably good lineup, what I'm going to ask Staff to do is to put out another doodle poll making sure that it is local time zone enabled even though it will go out in UTC time. It should allow you to select your local time zone so you can make sure that anything you're selecting, yea or nay to or possible or impossible for, is going to suit your calendar for next week.

Just before we stop now, is there anybody who cannot make a call at this time or perhaps later but preferably at this time next week which would be the - let me look - either the 16th or 17th at this UTC time. We could do 16 or 17 or 18 at the moment; I'm not showing anything in the calendar. And we'll see which is possible for next week.

Steve, you're okay with - I'd like to give people three options and see what works out best.

All right then, under that circumstance, I'm going to give a final action item to Staff to put together a doodle for that. And I'm getting a tick from Eberhard which is good because if this time suits most of it, it's not too inhumane for me, I'll just have to sympathize with Sam having to get to 4:00 am starts instead of 5:00 am starts which she seems to be used too.

I want to thank you all. I want to remind those of you who have taken some text writing to do so in short order and get it across to Steve.

Steve is holding the pen on all of this because I also don't use Microsoft products. And unfortunately what seems to be is whenever I use my open source staff and try to send it to everyone else, it just mucks up in formatting or something goes wrong. So Steve does use Microsoft products so he gets to hold the pen as we discovered the hard way in the Frankfurt meeting; everything I did he had to redo.

Thank you one and all. We will reconvene with a review of what we've done today in next week's call and we will be starting with a discussion of decoupling 3 and 4. And I would suggest our aim will be to complete the rest of those stress tests in next week's call so that there is a property close to second rate through on everything that we can share with the whole ccWG when we get together in Istanbul. And that was a very, very hard sentence for me to say.

Good night/good morning/good afternoon or good day to you. Thank you Staff and thank you one and all. This call is now ended.


END