ICANN

Moderator: Brenda Brewer
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8:00 am CT

Coordinator: The recordings have been started.

Chuck Gomes: Thank you. So this is Chuck Gomes, and this is the Design Team M meeting on April 7, 2015. Welcome to each of you who have joined us.

My apologies for sending out an agenda really late, but I had to scramble this morning to catch up with the latest things that were going on. It was actually good, probably, I didn't send the agenda earlier. I hope that I included everything we need on the agenda. Don't know whether we can get to it all, but we will try.

On the call from staff we have Bart and Marika. And then we have - at least in Adobe I see Avri, Staffan and myself; and also from staff, Berry. So welcome to all of you, and thanks for the work that was done since our call earlier in - I guess it was last week. That's much appreciated. Is there anyone who is not in Adobe Connect? Okay, very good.

Well we're getting close to our deadline, which is Friday, to deliver our final proposal. And let me just ask. Did I leave anything off of the agenda? I noted

in, I think, my last email to the list that I don't think Item 6 is needed anymore. I was focusing on the redline with Staffan's edits, and I noticed in that that the changes to the flow chart, or at least the table, were not made yet.

And but I see in Berry's version that it looks like they are made. So anyway, we can make sure that all the edits were made there. In fact, Berry, if you want, I think - did you catch all the changes? I didn't get a chance to thoroughly look through the table and the flow chart. Did all of those edits get made, to your understanding?

Berry Cobb: Hi, Chuck. This is Berry. I made the original changes. There were two to the escalation procedures at the bottom per the working group's call. I added those to Step 2.B and 6. And then the flow chart, we couldn't find the soft copy, so I recreated that.

Chuck Gomes: Oh, thanks.

Berry Cobb: And then the table, I had glossed over those changes. I told Marika I was pretty happy that it wasn't a picture as well. But I believe she made those updates to the roles.

Chuck Gomes: Yep.

Berry Cobb: So we should be good to go with what's in here now.

Chuck Gomes: Excellent. And I think - am I correct - and I'll come to you in just a second, Marika. Let me ask this one question. Chuck speaking again. Am I correct that the version with Staffan's edit didn't include these changes? Is that right?

And the only reason I'm asking that is to make sure everybody understands that that doesn't really impact what we're going to do, I don't think. Obviously we're going to need to go to the latest version that Marika distributed, which is Version 7, I think. Marika, let me turn it over to you.

Marika Konings: Yeah, this is Marika. I think I can also answer that question, because basically the version you see now on the screen -- which I circulated, I think, in the second email I sent -- is the updated version which includes the changes to the graphics and the step-by-step process. But it also includes the changes that Staffan had suggested.

So they now come up as redline changes in my name, but those are basically the ones that I copied and pasted from the document that Staffan sent, which were indeed made on an older version of the document. But I believe - I hopefully have caught everything.

Chuck Gomes: Excellent.

Marika Konings: And just a note on the - indeed the second figure, which is the emergency process step-by-step inscriptions. I did go through that and change there, you know, the references to IANA functions operator or IANA functions staff, instead of ICANN, which is currently marked as a kind of change.

But my question is whether - because I think for the other procedure as well, we're basically just presenting it as, you know, this is what it should look like. And I think we note in our introduction that it basically follows, you know, existing procedures with some minor changes. So the question is, do we still want to show these as, you know, what has changed compared to what is currently in place?

Or do we just, you know, have it as, you know, this is the text as what it should look like, noting that it's modeled on the existing procedures, you know, with some minor updates and corrections to, you know, the facts -- the fact that (MCIA) is no longer there, and making indeed the general references to, you know, IANA functions operator and their root zone maintainer, and set-up in ICANN and Verisign?

That's maybe something we may want to think about, and that's something I think we can easily update if needed.

Chuck Gomes: Thanks very much, Marika. This is Chuck. Now how do we - in the version that's showing, how do we show what's changed from the previous process? I'm looking at the flow chart. Or do we yet?

Marika Konings: This is Marika. It's not marked as changes as such. This is basically the flow chart as it would look like, you know, if adopted. It doesn't show, you know, what has changed, if I understand it correctly. I mean it's something we can do, but I think then the flow chart would become pretty messy.

So hence my questions. Do we just indeed make reference to the fact that, you know, this is based on original procedures with, you know, some minor changes to reflect updated language and such, as well as, you know, introduction of C and D where relevant?

Or do you really want to show exactly where, you know, terms have been changed and, as I said, that may require updating the flow chart? But again, it may become, you know, a bit messy, because we'll need to work with, you know, strike-through and those kind of changes in the flow chart as well.

Chuck Gomes: Thanks. And my own personal inclination is that - this is Chuck. I don't think that we want to complicate the chart any more. But we may want to add a paragraph that notes the things that were changed. What do others think on that? Staffan, you had your hand up and you put it down. Did you want to...

Staffan Jonson: Well, yeah. Staffan here. Yes, it's a common method to actually have both proposals. If there's just two proposals standing out there, you could have both the text and then brackets, square brackets, surrounding the alternative way of putting it, so that you just make very clear where there are still open issues and where there isn't.

                  So that's a common way to do it. But I can't see, if that is the case for all (unintelligible) not yet. So just an idea. One might have brackets as well. Thank you.

Chuck Gomes: Staffan, this is Chuck. I'm not following you. We're talking about the items in the emergency process flow chart that changed, or in the table that changed. The square brackets would work in the table. How would the square brackets work in the emergency process flow chart?

Staffan Jonson: Okay, then I have no constructive ideas actually. Sorry.

Chuck Gomes: Oh, that's okay. That's okay. But the square brackets would work - well square brackets usually work for things that are still open and not resolved. I don't think we're, at this point anyway, talking about those. We may have some of those, but I don't think that's what we're talking about right now.

                  What we're talking about is in the emergency process, we - did we change anything in the emergency process other than adding steps? I don't think we changed anything in the emergency process, did we? Other than language. So

maybe we could do square brackets - it's not - I wouldn't use square brackets because of the common convention of that being an unresolved issue.

We made changes to the existing process, and it was just terminology changes. And maybe that's all we need to say is, in a paragraph, that this process follows - is identical to the existing IANA process, except in the terminology changes with regard to ICANN and Verisign. Was that what you were going to say, Marika?

Marika Konings: Yeah, this is Marika. You know, in other documents what we've done is kind of do strike-through, and then in bold, new language. But I think I agree here, at least as far as I understand it especially for the emergency process.

It's purely updating the language to reflect that, in general terms, IANA functions operator and root zone maintainer. I think it's probably easier just to explain that in an introductory note that we can easily add. That should hopefully be sufficient.

Chuck Gomes: That sounds good. And is that what you were going to say, Berry? Berry? Yes, thanks. Okay. Agree from Berry.

Okay, so let's just add, I guess, right before the figure - and we can just add a sentence or two that basically says that these -- both the table and the flow chart on the table -- are identical to the current emergency process, except for the terms used to refer to the IANA functions operator and the root zone maintainer; that where we use the generic term instead of the - naming ICANN and Verisign. Does that make sense?

I don't think we have to - you guys can handle the language fine. Anybody disagree with that? Okay, good. So we don't need - we can skip Step 6 of the agenda. That's great. Let's now go to - okay, Paul, go ahead.

Paul Kane: Thank you very much. I apologize for being a little late to this meeting, and I also apologize in advance. I can't be here for the duration of the meeting. I was asked - you asked me at the last call to see if ccTLDs would be happy with the ombudsman role.

I have consulted with a few cc's that are non-ccNSO members, and they would prefer - they don't recognize the ombudsman. That's the first thing. But they want to have leave to go to court, specifically for legal redress.

So in the event of escalation -- and effectively customers being impacted, which is the cause of the escalation not being resolved -- they want to have the ability to seek damages, or seek enforcement, or seek something from an external body in a quick and efficient manner. That's the feedback so far.

And the other request was that all of the escalation procedures have times associated for them - associated with them. Apologies. So each of the steps specify something should be resolved within a certain period of time, so then automatically effectively it goes to the next step if it hasn't been resolved at the lower step, if that makes sense.

Chuck Gomes: Okay. Thanks, Paul. And let me make a couple comments and get your response. First of all, with regard to the ability to go to court, isn't that always an option for someone? I don't think we have any control over that, do we? And, Paul, that's a question to you first.

Paul Kane: I have to say I agree. I'm just conveying to you there was concern about the term ombudsman being mentioned.

Chuck Gomes: Yeah. We'll come back to that. Let's stick with the court one first. I understand - I guess the follow-up question then, for you and others -- this is Chuck speaking -- is, do we need in our process to say anything about the ability to go to court? And I'm curious what others think. My inclination is that's not something that we need to put in here. But I'm curious as to what you think, Paul, and what others think on the team.

Paul Kane: So my personal view - this is not the view of the people that have been expressing comments to me. I don't think it's necessary to have court as an escalation step per se. I don't think it's particularly prudent, for the points you've raised, Chuck. These are my personal views; not those of the people that have given me feedback.

Chuck Gomes: Understand.

Paul Kane: I think it might be sensible to reference in a footnote or something that other legal remedies or whatever can be addressed if customers are allegedly suffering loss as a result of IANA not fulfilling its job.

I'm just thinking it might appease some folk just to include it, but I agree with you, Chuck, that one, court is always an option to people; but two, I don't think it is necessary to have court, as it were, as part of the escalation procedure, almost a mandate. It's an option, and a footnote would cover it.

Chuck Gomes: Thank you, Paul. That's helpful. Chuck again. Does anybody oppose adding a footnote? We'll have to decide where to put the footnote, and probably way up

at the - maybe - I don't think we want it in our main part of our proposal, but in the detail.

And I wouldn't - I don't think it's wise to put go to court, but it maybe the general term like you said of nothing in here is to prevent other legal actions that any operator may take or something like that. Avri, please jump in.

Avri Doria: Yeah, this is Avri. I agree with not having it as the last step in our process. It's the last step in every process, you know, that at a certain point someone takes legal recourse. And perhaps we can use, you know, that kind of language that, you know, there's nothing in this process that prevents further legal recourse.

Now this does bring us into the issue that, you know, is being discussed more in the CCWG than in ours, and that Staffan does bring up. That does bring up the jurisdictional issue of, what court? Where? How do they do that? Etcetera.

I don't suggest we answer that, but we have to be aware that it begs that question as soon as you say it. And I think, you know, Staffan beat me to it in a sense. But we have to be aware of that. Thanks.

Chuck Gomes: Thank you very much, Avri. And thank you, Staffan. And I appreciate very much, Avri, you saying that you don't think we need to address the jurisdiction. I'm relieved on that. We all know the challenges of that. So thanks on that. I agree with you totally, as you can tell.

So nobody objects to adding a footnote. Anybody have a suggestion where we could add that footnote with regard - nothing in this is intended to prevent customers from using mechanisms in their other legal recourses, or whatever term we want? Any idea where we would put that footnote? Can we let staff...

Avri Doria: I have a quick question.

Chuck Gomes: Go ahead, Avri.

Avri Doria: I have one quick question. Do any of the registries currently - the ones with contracts; not the ones without relationship. Does anything prevent them from going to court on any of these issues?

Chuck Gomes: Yeah...

Avri Doria: And if so, we have to be careful in what we say.

Chuck Gomes: Yeah, it depends on the agreements. And I'm going to be careful. This is Chuck speaking. I want to be careful not to talk too specifically, because I haven't looked at the agreements. Like for example you've got the new gTLD agreement. That's probably common terms in that regard for all of the new gTLD registries.

                 Then there's the existing gTLDs. And but each of them have their own terms that talk about whether they have to go to arbitration and so forth. I don't think there's anything to prevent them from using other legal recourse. But again, it'll vary by the agreement probably. So I'm not going to speak definitively, okay? And of course with...

Avri Doria: Exactly.

Chuck Gomes: ccTLDs, it's different.

Avri Doria: Right. So we may add a bunch of weasel words to whatever footnote we put in about, you know, depending on contract - nothing in this process prevents,

you know, access to appropriate further judicial process, et cetera. So just to make sure we're taking into account all the things we don't know. Thanks.

Chuck Gomes: Yeah, good point, Avri. Thank you very much. It's Chuck again. So I think I like the word applicable rather than appropriate, in the sense that we could probably argue what's appropriate. But whatever's applicable for the agreement that's in place, and their own local processes.

So is it too much to ask, Marika and Berry, maybe, and Bart, to word that footnote? And you can just put it on the list and maybe find a place where it might fit, rather than taking the time to do that? Thanks, Marika. I appreciate that very much. That'll save us time here so that we can move on.

Okay. Now, Paul, back to - so I think we've taken care of the court issue. Now let's talk about the ombudsman issue. So I guess the next question is - thanks for that feedback, by the way. That's helpful.

So is it sufficient, do you think, Paul -- and I know you can't speak for all the others, but I'd certainly like your opinion -- to just keep that ombudsman step optional, which I think we already have. Is that sufficient?

Paul Kane: From my personal view, I don't have a problem with the ombudsman being optional, because for those parties that have an arrangement with ICANN, I think it is actually a suggested step anyway. So optional works for me.

Chuck Gomes: Thank you very much, Paul. And the other people that I know you're not representing, but I do appreciate you reaching out to some of them, they will be - I mean they'll have a chance to comment, too, when this is posted for public comment. So let's go with that.

And, Marika and Berry, right off, we do have that - just do a quick check if you would, not right now, but let's just make sure, as an action item today, that that is clearly optional wherever the ombudsman occurs. So, Marika, go ahead.

Marika Konings: This is Marika. That's actually one of the added steps Staffan had suggested as well on Page 5, where you basically have, as A, B and C in there, C is ICANN ombudsman. And between brackets, Staffan has suggested that we add voluntary step to really make that even more clear.

Chuck Gomes: Excellent. This is Chuck again. Thanks, Staffan, for that. And I did look through your edits this morning, but I'd forgotten that that was one of them. So that's very good. So let's just make sure of that.

Now, Paul, with regard to times, let's talk about that briefly. Now are we talking about (SLE)s then?

Paul Kane: No. So well I don't know if we're talking about (SLE)s. So the scenario is a change is required. Let's say there's a (DIDOS) ongoing against all of the name servers specified. And the registry manager says, I want to change it right now. And for some reason they say I can't change everything. You can only change one or two or something.

So they need to be assured - or the registry might need to be able to inform customers that it's been escalated. We expect resolution within two hours or whatever it is, for the name server to change. And it's an opportunity to give feedback to the customers as to the time period expected for the escalation task to have been undertaken.

I'm trying to answer your specific question. Is it like an (SLE)? I suppose in some degree it could be, in that we're trying to identify how long a particular task should take, reasonable task should take. So what's the view with regard to having timings by the group? I'm guided by the rest of you.

Chuck Gomes: Thanks, Paul. That's helpful. This is Chuck. Let me tell you one of my concerns, and I encourage others to speak up as well. One of my concerns about putting times in, whether they're (SLE)s or not, is that it kind of depends on what the time that the request is made.

For example - and I'll speak from the root zone maintainer role that Verisign performs. In the stuff we do, as an added precaution we insert manual steps, manual checks, okay? Obviously we need a live person to do that.

And if that comes in on a holiday or a weekend, or in the middle of the night, unless it's an emergency we probably wouldn't be able to respond as quickly without a lot of expense as we would if it came in during regular business hours. So my concern about putting times in is it really depends on the time. At the same time, I fully understand the need for operators to have a sense of what's going to take.

Now my last comment is, considering the time we have between now and Friday, it might be difficult to do that, because we have to coordinate very carefully with the IANA - you know, the IANA team right now with regard to what would work.

You know, you've done a good job in Design Team M - Design Team A, excuse me, of showing the history and everything. And as you've noted in your history, most of the time the times are really quite fast. But there are exceptions. How do we deal with those if we try to put times in here?

At a bare minimum, I think that this is a task, if we decide we should do it, that we might not get done by Friday. So let me stop talking, because I've talked too much, and open it up for discussion.

Paul Kane: So can I just reference Marika's comments in the chat?

Chuck Gomes: Sure, Paul.

Paul Kane: I think if you had indicative time frames, that would address the cc's that have made representations to me. So I like the idea of indicative. So yes, I think that's a good way forward.

Chuck Gomes: And, Paul, do you think that what's on Page 6 suffices? Or do you think anything else needs to be added at this point?

Paul Kane: I have to say I'm not familiar with the document. Again I apologize.

Chuck Gomes: Yeah, let's see. Page 6. Let me scroll down there myself. I don't see the page numbers, so I can go down on...

Marika Konings: Yeah, this is Marika. Maybe I can help here. It said basically it's part of the IANA customer service complaints resolution process that has a section there that says, what is the expected timeline? Receipt of the complaint will be acknowledged within one business day, and percent of response will be sent within two business days. Efforts will be made to resolve complaints as soon as possible.

Paul Kane: Yeah, I think that's perfect. I apologize for not having read that, but I think that's the sort of thing for each step, to identify indicative time lines. That's very constructive. Thank you.

Chuck Gomes: Okay, great. If anybody's not comfortable with that - and by the way, that's what they do now, so that's right from their current process. So I think we've got that covered. Thank you very much, Paul, for following up like we requested, and doing that. I think that's helpful there.

                So let's then go to Staffan's input. And thanks again, Staffan, for doing a thorough review and making the edits. I'd like to first talk about the suggested edits for the customer complaint process -- that's Annex Y -- and ask you to explain why you suggested changing anyone, or whatever similar to that, to the direct customers in that process.

Staffan Jonson: Okay thank you, yes I went back to the text again and tried to, I did this a couple of days ago so I was quite confused at first but then it struck me. Since there are outlined three annexes three parallel process, routes on emergency process, the second is customer service complaint resolution process and the third is problem management escalation process.

                And in my view the emergency process as it indicates say that if there is something going on on a very short time basis there needs to be something remedied right now. It's an acute issue and it should be under the process one routes on emergency process.

                But since, but when we go to customer service complaint resolution process when looking through it in detail I noticed there are actually two steps and the second step include CSC. This is where the CSC for the first time is being activated so to say.

And it might be a bit confusing saying that all of a customer complaint process would be for all because at least the discussion has been in the DTC the CSC we put quite a lot of emphasis on the locking out that the CSC should consist of four maybe five participants maybe even more but and that is isolated specifically for direct customers of the IANA functions and not by all.

So to me it's a bit confusing to say that all have standing in the customer complaint process where it's also supposed to be owned by the registries and maybe IANA liaison. So that's why I changed the term.

Chuck Gomes: Thanks Staffan I appreciate that response. So step two of the customer service complaint resolution process is the anyone is not involved in that as I understand it that's at that level it's the or the CS I mean a customer anyone could I guess petition the CSC to take it further if the complaint wasn't resolved but from then on it's really a CSC decision.

As I communicated in the email this morning and I don't know how many people had time to see that because it was shortly before the meeting the existing process is open to anyone. And also very importantly on this design team we discussed this in one of our early meetings that and the decision we came to was that anyone even an indirect customer should be able to raise a complaint.

So those were two reasons why I was concerned because we had already visited that issue and decided that it was important to do this. So let me stop there and ask Avri to jump in.

Avri Doria: I would have dropped my hand but except I wanted to say what you just said Chuck, thanks. That it troubles me to take it out it changes things we have agreed on. It yes I would find it a problem thank you.

Chuck Gomes: And it would be taking away I mean right now the IANA team allows that anyone to send an email in doing that. So if we took that away we would actually be reducing the service and that sense.

                 Now we have reduced it a little bit in the sense that we dropped the CEO step okay but that's all. So Staffan go ahead.

Staffan Jonson: Okay, thank you. Yes I'm sorry if I bring this in late into discussions maybe I am but this is not really as I see it right now at least coherent with DTC. So I need to take it up nonetheless.

                 If we talk about the first remark that yes it's true as you mentioned in your mail as well but even today anyone can actually make a complaint to the IANA functions.

                 And it's hard to turn down the phone call or not receiving email et cetera but not as I understand the process that is made on the process one route. So the emergency process the first initial contact with the IANA functions operator.

                 And that is that that will be the case also in the future that IANA can't avoid answering the phone et cetera. So to my point that work will not make a big difference. But when coming to this who is to stand to the second level I'm not sure how to handle that really.

Chuck Gomes: You mean step two of the customer complaint process?

Staffan Jonson: Sorry yes that's what I mean step two of the customer complaint process. Maybe I should take this back to the DTC this afternoon just after this call and have a discussion with them and see if I have some feedback from that group.

Chuck Gomes: Yes please do that, this is Chuck. Please do that I think that would be helpful and let me give it to Avri.

Avri Doria: Yes I have a question, this is Avri speaking again. I mean it's possible certainly to put a limitation in that and to make step two - I'm not sure that I'm completely comfortable with it but it's different than making step one unavailable to make step two available only to the direct customers, you know, should a direct customer issue not be resolved et cetera.

So that could be the phrasing but at the moment I want to bracket that having said it. And if the CSC has the ability to receive any of these things and say no not relevant to us is that in a sense better to make sure that nothing goes un-caught even something noticed and reported by a non-direct customer, by an indirect customer that the CSC would at least have the be given the issue for it to drop it and say no not our problem.

But I also say that possibly just if it's not a direct customer issue don't even pass it to them. It's the alternate one but then it seems like maybe something that was important that could have made sense to them might get dropped. So thanks.

Staffan Jonson: May I answer that...

Chuck Gomes: Please Staffan go ahead and respond.

Staffan Jonson: ...well yes of course input from indirect customers is of course really

                    important. And as I understood the discussions in DTC also this would be fed

                    into the process by liaisons.

                    How many there are I don't know yet but the idea is still to keep it very

                    informal, very pragmatic and I guess that in most cases that would also be the

                    case that you would invite liaisons to participate and to contribute with let's

                    call it medium timed issues not the direct ones but the semi-urgent issues.

                    And I'm sure that in the constructive work this would not be a problem and as

                    I saw it that would be the liaison role to actually come with this input. What I

                    fear what the other way of putting it is that the IANA functions operator

                    would be logged in direct to many interests.

                    And would have too much to do about people going direct to them and I don't

                    know what the outcome would be of that and I can't say really how big a

                    problem that would be but that is my fear in the other direction.

                    So of course there should be an input in the process from also from indirect

                    customers that that's not an issue but let's not just give the IFO too much

                    work to do in the future that's my fear, thank you.

Chuck Gomes: Thank you Staffan that is a help, that helps us understand where you're

                    coming from. So you're really concerned about, you know, overloading the

                    CSC with things from every (Tom), (Dick) and (Harry) that some of which

                    may be irrelevant. So I think that's your concern.

                    Let's be clear on one thing before I call on Avri and Paul. Let's be clear about

                    one thing, we're only talking about the customer complaint resolution process

                    we're not talking about the emergency process and really not talking except

maybe the very beginning about the problem resolution process that's in annex Z other than the possibility of anyone escalating a complaint that didn't get resolved.

So that's the one part we need to deal with. Avri go ahead please.

Avri Doria: Yes this is Avri. Perhaps there is a path around that and if we sort of bifurcated the entry point to step two and direct customers take it directly to the CSC although they'll probably have to take it through their CSC reps not directly.

And it perhaps could be for the indirect customer either the ombudsman could bring something through because the ombudsman could take things anywhere or they would need to go through their liaison.

I mean if there's definitely a liaison role then that liaison could be made the entry point and if the liaison said, hey there's an issue here then it went. So that could probably work.

It's another step but that could possibly be a way of dealing with that if you're saying that the DTC's concept of the CSC is that there are liaisons there I have not been following too closely, that there are liaisons there for dealing with other issues. So that could perhaps work as well, thanks.

Chuck Gomes: And thank you very much Avri, Chuck again. So before I go to Paul, Staffan would that type of approach be consistent with what design teams see as recommending for the CSC?

You mentioned the liaisons yourself so I'm curious because I haven't had time follow (C) either so?

Staffan Jonson: I hope that would be consistent but I would like to go back and ask them directly just too well to see that we're on the same page.

Chuck Gomes: Thank you, okay if you do that that would be great, Chuck again. Paul go ahead please.

Paul Kane: So thank you, I think I'm in agreement with Staffan and I'm in agreement with Avri in that it's useful to use the various mechanisms to ensure the stable operation of all escalation.

But you've actually just triggered something I hadn't thought of, which is this escalation path am I right in thinking it is just the registry operators who want to ensure they are able to best serve their current customers.

This is not a general escalation process or have I got that wrong?

Chuck Gomes: Well Paul, this is Chuck I think that the customer complaint resolution process is broader than just the registries okay? Obviously the end users themselves want good service as you indicated and registries of course are motivated to serve their customers like you said.

But it is probably not fair to say it's only the direct customers in fact I'm sure it's not fair to say it's only the direct customers that have a concern there and Avri has made that point before.

So I just think we have to be careful not to think that only the direct customers have that same motivation. I suspect that's where it's mostly going to come from because they're attuned to it and affected by it on a daily basis but I just think we have to be careful there, does that make sense?

Paul Kane: It does and I'm just I think being careful is the term and I appreciate where Avri is coming from and with gTLD's I don't see it being a problem. The modus operandi is prescribed in a legal document.

There are unfortunately Internet users out there who for one reason or another want to change the ccTLD registry operator. And will create situation stories that make it harder for the registry operator to deliver the service to the customers as defined in the registry operator's policy.

Remember the cc registry's policy is to vet up effectively by the users either within country or more accurately users of the name space. We all have policy advisory boards and the like.

And some of those policies are at odds with the gTLD policies that gTLD's follow. And so I'm worried that if this is broad and open to everyone challenges, malicious challenges without foundation could be created, which would in effect undermine the current ccTLD registry operator's ability to deliver service to their community.

The very tough one and I did allude to it in Istanbul Chuck so you know what I'm trying to say and I don't know how to capture it within this mechanism. It could be abused.

Chuck Gomes: Okay thanks Paul let me come back to that because Marika has had her hand up for quite a while and I want to let her jump in.

Marika Konings: It didn't work out it's actually an un-rated point I'm just trying to get a confirmation on whether some of the changes that had been suggested by Avri in sort of making the step two just for the right customers whether that's

something you would really like me to include in the next iteration of this document or whether that's something you just put on hold until that (unintelligible) comes back with feedback from DCT.

Chuck Gomes: Let's put it in brackets Marika to use (Stephane's) suggestion and of course we're waiting for Staffan to come back from us. And keep in mind folks that we only have one more meeting after this to finalize our work.

So try and be - and I appreciate the way people have been constructive in this discussion to try and come up with solutions. So let's put it in brackets and then Staffan if you can get back to us because as soon as possible so that before our meeting on Friday, which will have to be our last meeting before we submit something we can, you know, we'll make it, we'll need less time for that discussion on Friday.

So let's do it that way okay. Thanks again this has been a good discussion. No Paul I said I'd come back to what you're saying there and I get that I think all of us want to avoid the malicious types things and those kind of things happen with gTLD's as well.

I don't know if they've happened with regard to the IANA services so much but I get your point. I would hope that those would be weeded out in the step one part of the complaint procedure but obviously if somebody wants to continue to pursue it I think it's going to be in the CSC's court when we get to step two to deal with that.

And since hopefully there will be liaisons like several have pointed out on the CSC they will indeed be trying to represent the customers that they're liaising for. So I don't know that we can ever eliminate all malicious efforts we probably can't as you know on the ccTLD side just like the gTLD side.

But, you know, is the process the way it is now I think if it gets to that step two it's in the CSC's court to make a decision there. It's going to have to be in somebody's court somewhere.

So if - and (Stephane's) promise to come back to us after talking with the CSC team that see too with regard to that and certainly want to coordinate with them and make sure we're consistent.

I think it's important now that we move on from this. We'll get feedback from Staffan and then we'll try on the list to come up with some resolution with for example the compromise that Avri suggested.

So let's go on now. The rest of the edits let me ask a question. Hopefully everyone's had time their red lined very nicely you can do it on the document on screen or the red line that Staffan sent around.

I went through them fairly quickly because it was very early in the morning for me. But did anybody have any problem with the other edits other than the ones related to the issue we've been talking about for the last 20 minutes or so?

Can we accept those edits? They look like non-substantial in the most case and seem constructive and any questions do we need to go - does anybody want to go through those one by one? We'll do that if we need to.

Okay not seeing anyone requesting that let's assume those are okay. If you haven't looked through them carefully please do and send an email otherwise we'll assume they're all okay.

The only ones we're going to and there are several, the only ones we're going to hold off on is the change from the allowing anyone to participate versus the just the direct customers. Those edits are - we're holding off on those.

Okay, now the second thing that Staffan did in his input was to send a document that was a let me use the term I want here so that's the implementation paper that kind of provides a bridge I think if I interpreted it correctly between what the CSC team is doing and what we're doing.

Staffan what was your thinking in terms of how that paper would be used? Is this something that would go along with what we're submitting or with what the CSC is submitting or both? What's your thinking on that?

Staffan Jonson: Thank you Chuck yes, your assumption is correct. This is my first idea how to bridge proposals from this group and make sure that they are consistent with what is written in DTC.

So this paper I sent to DTC and I will have a discussion with them after this. So just after this meeting and hopefully they have read the proposal and have comments for it.

So this is the input for DTC to respond to or react to and in that I'll also have the last issue we discussed. So I hope if they will accept this while you're working it off I don't know but I hope so at least. So that's my plan in general.

Chuck Gomes: Thank you very much Staffan and as I see it and I want others to respond it doesn't look controversial to me it is just a bridging document as I see it. Now there's one and obviously the red lines that you have in this we need to make consistent with whatever we decide on the direct customer issue but that's easy enough to do later.

The one concern I had was that towards the end there under number three the problem management escalation process A you put back in I think you put back in or maybe it was left there the 30 days and I think it was Paul that raised the issue that 30 days is an awfully long period of time for that.

So I have concerns based on what I've heard on this design team about specifically putting 30 days in there. Staffan go ahead.

Staffan Jonson: Yes now when you mention it I remember that Paul talked about this. So sorry that was more confusing. It was just an attempt to put a number there. So there are no hard lines in the red lines in this.

Chuck Gomes: Okay.

Staffan Jonson: But just an attempt for being more specific than we are in this paper. That's all thank you.

Chuck Gomes: And thanks Staffan this is Chuck again and the 30 days was in there as a question mark before. That isn't the first time it's been in there. We pulled it out I think because of (Paul's) comment and concern.

I don't know that we need to determine what that number of days is to get this proposal out but at some point in time it probably should be determined. I don't think that's a show stopper right now to get that done unless somebody disagrees.

Okay so we'll take out that, certainly take out that parenthetical with the 30 days in that. But does anyone have a problem with using this bridging document as probably an addendum to what we submit?

We'll let the design team see, decide what they want to do with it but if it's suggested that this be a bridging document that's appended to our proposal for informational purposes anybody object to that?

Now is your hand still up, okay it's down okay thank you. Nobody objects to that? Let me scroll down and see if there's any red X's. Okay I don't see any all right good. All right so that's fine and if anybody has any further comments on the bridging document after this call please put them on the list.

All right, looking at the agenda I think we're - okay let's go to agenda item four. We just briefly talked about these things in agenda item four in our call last week.

And that is four and we're now talking about annex Z okay, the problem management escalation process. And the issue is and this came up a few meetings ago IANA came up in Istanbul as well.

Should we add to our steps in the problem management process anything about the extreme accountability mechanisms that the CCWG is talking about like removal of the full board, like separation and so forth?

And then a third thing that we talked about in our call, last call last week was the idea of an RFP, initiating an RFP. So this is a rather significant decision we need to make in terms of how we're going to handle those with regard to our recommendations on the process in annex Z the problem management escalation process.

Let me open it up for general discussion on these things right now. Hopefully today we need to come up with some idea and it can be a generic statement as

a last step add any processes from the - that are agreed to and approve coming out of the CCWG such as, you know, or we can be more specific.

What are your thoughts on that because I think the full CWG from what I heard in Istanbul kind of expects something at the end for the escalation mechanisms to incorporate those.

And then after we talk about this we need to talk about the trigger subject as well okay? Let me throw it open to thoughts on this. Sorry to see that Avri had to drop off and I think is Paul still on too? He was going to have to drop off also. It looks like he dropped off.

So we're down to the decision making becomes easier now we have less people and we can drive the train now. So we'll get their feedback of course afterwards so. Any thoughts on this?

How do we deal with the extreme escalation steps that will likely come out of in some way the CCWG? They would be steps after this. Marika please. Are you on mute?

Marika Konings: Yes sorry I was on mute and this is Marika. I think it needs something, what has been done now and I don't know if we needed the coming legal advice reference but basically saying this may be further refined or it needs to be completed pending the outcome of the CCWG's work. Because I think at this stage, although we may know the direction they're heading in, it may not be prudent yet to put too much detail in here, as they will have separate public comment on their proposed states.

And, you know, the risk if we're trying to map it out here, they may change, it's no longer in sync or it may look as if we're doing, you know, the work for

them. And maybe just making a reference noting that is under development or we expect that to be completed by the work that's been undertaken by the CCWG may be sufficient at this stage.

Chuck Gomes: Thank you, Marika. Chuck again. Staffan, go ahead.

Staffan Jonson: Thank you. Well this has been discussed several times of course, and one common idea is that spilling the board is maybe not the most constructive way. It assumes a couple of things. As you all know by now that I'm sure you're convinced with the way we've seen they understood, but spilling the board of course assumes there is a board is the CSC or that it's close to ICANN. And both those solutions are not maybe the most popular among all TLD registries.

So what has been - there has been a strong support in the CC community for separating IANA functions from ICANN, and that is of course I guess from most CCs the utmost remedy, so to say, the utmost - the last step. I mean that it is not a very constructive one. It just says let's move it somewhere else, and that has been mentioned several times. Then we just have the problem again on what should we actually do to improve operational oversight.

So maybe we also need to, as you mentioned, the PDP for more constructive development process of what would happen in case of a worst-case scenario as we're talking about here. Thank you.

Chuck Gomes: Thank you, Staffan. And I -- Chuck again -- I don't want us to get into a discussion of the pros and cons of which extreme mechanisms are best or not. We all have our opinions on that. But there's a much larger group than us that is working on that in the CCWG. So does anybody object to Marika's suggestion? And I'm going to take it a little bit further, Marika.

So we could add a step seven to the process, the problem management process, that says something like Marika said there that after the CCWG stream one, work stream one, accountability mechanisms are approved, the applicable steps for the IANA processes should be added to this process, something like that. I'm sure I did a terrible job of wording that, but did I capture what you were getting at, Marika? Yes, thank you. Okay. So that's okay.

Anybody object to that? So let's add then a step seven. And feel free to word it differently than I did. You guys do a good job with that. And then we can - and then put it in our redline for this document. And then - now let's talk about the RFP issue and I'm kind of trying, I have to do this mainly because Avri had to drop off.

And you'll recall in our last meeting that Avri mentioned that maybe we should, as a design team, have something in there that introduces this idea of competition in the RFP. Now I'm not advocating for this or advocating against it, I'm bringing it up because Avri had to drop off the call. I would have much preferred that she was able to talk about this.

That's one of the things we didn't have time to talk about enough in our last call. What are - what is your thinking, all of you, staff and participants, on this - on that issue? Is it something we, as a design team, should deal with? Should that be dealt with in the overall proposal recommendation that the CWG is going to put out? If so, where is that going to happen? Let me stop talking and see what thoughts you have.

Marika, go ahead.

Marika Konings: Yes this is Marika. I'm wondering if that would be in scope for this design team to, you know, dive into it. My assumption is once there is more clarity around how that would function or who has the responsibility for conducting an RFP that it would also be, you know, within the remit of that specific scope or entity or whatever it will look like to define how that would work. I think we're maybe getting ahead of what we're tasked to do by diving into that specific aspect. That's just my two cents.

Chuck Gomes: Thanks, Marika. This is Chuck. The - any other thoughts on that? Staffan, what do you think about scope of our task? Does even talking about the RFP approach, do you think that's in our scope?

Staffan Jonson: I'm still considering, but my direction is more pragmatic, before or after Friday the 10th, because if we - there will hopefully be some more time after Friday 10. That is a very pragmatic view. I don't know, really. Thank you.

Chuck Gomes: Okay. Sorry to put you on the spot, but there aren't many of us left, so I'm trying to - so that Avri knows that we talked about this and this, would it work on our step seven in the problem management process that the general language that Marika and Berry will work on to put in parenthesis an e.g. that says spilling the board, separation, RFP, and maybe a note that it was suggested in our call that these specific mechanisms, including an RFP, are not in the scope of DTM.

So is that okay, maybe to show - we're not going to leave that there obviously for a final proposal, but for those that aren't on the call now like Avri and others who are not on the call, they can at least recognize that we talked about this. Or maybe there's a better way to communicate that. Thoughts? Is it okay to put - anybody object to putting that parenthetical with those examples, not

that we're advocating for those, but that so people know what we're talking about?

And it's true really with the -- like I already said -- with the spilling the board and the separation mechanism that those aren't in our scope either as a design team. At the same time, whatever accountability, extreme accountability mechanisms, are ultimately approved they will be a step in this last process. No objections to a parenthetical there? Okay all right.

So let's put that in there then along with that step seven and that'll show that we, you know, that those are issues that we - and specifically state in there that the people that were on the call at the end of the call today felt like these areas are not in our scope but they need to be added after they're approved to this process.

Marika, go ahead.

Marika Konings: Yes this is Marika. Can you just confirm what was going to be added in brackets after the step seven? Because I think I may have missed that. So what I have now is that basically there will be a step seven added that would, you know, say something like after the CCWG work stream one accountability mechanisms are approved, the applicable status for the IANA process should be added to this process. And I think you're now referring to some additional language to be after that.

Chuck Gomes: Yes that - some examples of what we're talking about. So spilling the board, separation of IANA, RFP, is what I was suggesting. And added to that that it was the view of the those on the call towards the end of our meeting today that these areas are not in scope for DTM, but they're examples of what might come out of other processes like the CCWG. Does that make sense?

I don't want us to lose especially again the awkwardness here is that Avri is not the call and she's the one that suggested last week. So I think the decision that we've come to, those of us that are still on the call, is that an RFP for example is not in scope for this drafting team, at least that's what we think. If others on our team disagree with that, this will give them the opportunity to voice their opinions and come up with suggestions as to how that would be included. Make sense, Marika?

Marika Konings: Yes this is Marika. I can add that. I think the question is just, you know, is that just a note now for our internal design team conversations...

Chuck Gomes: Yes.

Marika Konings: Right. Okay. So I'll make it a comment (unintelligible).

Chuck Gomes: I don't want us to lose it. I'm trying to cover for Avri and so that's exactly right, a good way to put it.

Marika Konings: All right. I'll make it as a comment now so then in the final text it can be removed, but at least reflect for the next version what the thinking was behind that.

Chuck Gomes: Okay. Now the next issue that is kind of a challenging one for us I think is this whole concept of triggers. We talked about this briefly last week. In a lot of cases in our three processes, I think the triggers are fairly clear. Are there any places where we need to add a trigger in any of these three processes, so we know what causes one step to the next?

Should we make this an action item for everybody to look at to go through the steps in all three processes and see if there's any places where it's not clear what triggers going from one step to the next? And do we need to be more explicit about that in any cases?

Since there are no hands raised or people speaking up, let's make that an action item for everybody in the design team to look through this and see if we need to be more explicit in any of the steps as to what triggers going from one step to the next.

Berry, go ahead.

Berry Cobb: Hi, Chuck, this is Berry. No, just looking at this on the surface, I think if anything the trigger is the natural process itself. I mean at the end of the day, there is a customer sitting here or a complainant that is looking to get some sort of resolution. And until there's agreement that the ticket is closed, for lack of a better word, it's going to continue to go up the escalation chain until that complainant is satisfied. So I'm not sure that there's any necessarily kind of trigger mechanism or handoff from one step to the next other than the issue not being resolved.

Chuck Gomes: Thank you, Berry. Chuck again. And that's kind of my sense too, but let's make this an action item on the list to - for everyone to just take a look and in fact confirm what Berry has just said from a general point of view. I think that's probably correct, but let's ask each one to confirm that so that if the issue of triggers comes up again, we can say that we made the assessment that it is kind of a natural flow. Again, if anybody identifies a spot where it doesn't naturally flow, let's identify that because we may need to say something about that.

Okay. Now I think that covers four. Let me look through A, B and C there. Yes, we've covered four. Now there are two questions remaining that we haven't answered in our scoping document, and let me get those in front of me here. Let's see, here we go.

All right so in the scoping document it was in the issues identified there were six questions there. And I think we've covered all of them except for C and F. And C is this: What role, if any, can existing registry organizations such as the ICANN ccNSO, or the ICANN gTLD Registry Stakeholder Group have in escalating IANA naming services problems? Should they have any role? Should the ccNSO be able to participate in the complaint process or - I think we can eliminate the emergency process.

I think we're really just talking about the complaint process, because the problem management process is one that would follow the complaint process or the emergency process if needed. So should TLD organizations of any kind, like the APTLD or anything else, be able to submit a complaint? Now the complaint process is open to anyone so I - assuming we go that route, so presumably one of those organizations could use the complaint process. Is that sufficient? Is that a sufficient answer to this question?

Okay I'll stop and see what you think. Go ahead, Staffan.

Staffan Jonson: Staffan here. Thank you, yes my short answer would be yes, and I wouldn't dare to elaborate for it yet. But yes, in general terms they should be - they are, as all others, part of the community, so they should have standing to raise issues like all the rest. Thank you.

Chuck Gomes: Thanks, Staffan. Anybody else want to comment? I think that's a -- me speaking personally, okay -- I think that's a way to answer this question. And

should we maybe put a footnote at the beginning of the - where it says anyone or whatever we end up saying there, that clarifies that that could be an individual, it could be one of the TLD organizations, et cetera? And, Marika, you put you hand down. Were you thinking the same way?

Marika Konings: Yes this is Marika. I was actually looking for a clarification of whether that required further changes or whether I need the current language already I think permits everyone to participate in these proceedings. But I think your suggestion of having a footnote to make it explicit that it doesn't exclude anyone is a good one.

Chuck Gomes: Thanks, Marika. And Chuck again. And I - the only reason I suggest the footnote is because it's one of the questions that was specifically asked in our - in the scoping document. So I think if we do that, we've addressed question C. Okay? Any objections to that?

Okay the last question then is what role, if any, do the other SOs, ACs have in escalating IANA naming services issues? Would that be the same answer that we just gave for the TLD organizations? Marika, go ahead.

Marika Konings: Yes this is Marika. I'm actually still on the previous point because the only question I do have is that if we're making step two only available to direct customers, do we then consider those groupings which I think represent direct customers also, you know, able to go directly to step two or they should also follow the, you know, alternative path for non-customers, which I think would be ombudsmen or those - the liaisons on the group? So that may be something we could think about on why those entities would fit.

Chuck Gomes: Right. So we're back to that step two of the customer complaint process where I mean should we give -- and I'm not suggesting this but I'll just throw it out to

follow on what you're raising -- do we give for example SOs and ACs a chance to come in at the beginning of that problem management process - any - so we are going to have to deal with that.

And Avri made - so Avri made the suggestion that it's going to be in brackets, right, and Staffan's going to get some feedback from CSC on that. Would it be - would Avri's solution be sufficient that the way she worded it or would we want those groups, whether it be SO, AC or a registry organization, to use the liaison? It'd be helpful if we could think ahead on that before we get to our last meeting on Friday.

Thoughts? Suggestions? Anyone? And does the - do we put SOs and ACs in the same category as registry organizations, in other words, combine questions C and F in the scoping document? Should they be considered differently, an SO and AC versus the ccNSO or the Registry Stakeholder Group? Staffan?

Staffan Jonson: Thank you. Well this is almost a religious issue.

Chuck Gomes: It is.

Staffan Jonson: If you believe in the separability streams, so to say, the idea that the IANA function should be separable from them, it should be outside of the ACs and the SOs because the ACs and the SOs are closely knit together to the ICANN structure, the ICANN functions, right?

So if you go for the separability issue, the separability of the IANA functions from ICANN itself, then it's logical to also have a separation at this level. If you, however, go on the other direction of spilling the board within ICANN, which is also arguing for some, so this is an interdependency. That's my

conclusion. So I'm really confused on how to take it further, though. Thank you.

Chuck Gomes: Okay. Yes it is a challenging one. Now assuming that we allow anyone to initiate a complaint process, I think it's fair to say that an SO or an AC, if they so chose, could raise a complaint just like a registry organization, whether it be associated with ICANN or not. And there are registry organizations that aren't directly associated with ICANN. So - I think like (Center) is an example of one of those.

So I think - does anybody disagree that those organizations, including an SO or AC, could use the complaint process? The tough question, like Staffan just said, is do we provide for them any other mechanism like access, direct access, to the problem resolution process in Annex Z? And so maybe that's a question that is part of our follow-up action items to this call that we need to resolve on the list or in our final meeting on Friday.

So unless somebody has a better or another suggestion, let's approach it that way. And if worse comes to worse, we may have to punt on that one, but let's give it some thought and ask everybody to think about that and to do this.

Now after this meeting, Marika and Berry and (Bart), it would be really helpful I think if we made - obviously the action items are going to be in the recording, they're going to be in the notes and so forth, but I think we need a separate communication on the action items and emphasize the criticality of them.

If you want that to come from me, if you can draft something, I'll do that. I think it may just fine coming from you guys, but let's have a communication that gives the action items and emphasize all by themselves so it doesn't get

mixed up in everything else. People may not look at a big document but I want them to see the action items so that - and know that there are things we want people to think about and respond to before our meeting on Friday because we have to get resolution on those on no later than our meeting on Friday. Okay?

Let's see, let me go back up and check the agenda here. So we've done five, six, we don't need to do any more. Are there any other action items that we need to cover before we conclude this meeting and that we need to be aware of going into our final meeting on Friday?

Okay. If you think of any on the - just communicate the list of course after this call. Our next meeting is scheduled, and by the way this was about the only thing that was available and it's consistent with the doodle poll, for those who responded to it, not everybody did, and staff availability and other meetings going on and so forth. And that meeting will be before a coordinator's meeting on Friday for all of the design teams priority one.

So we - I will be able to -- and so will staff -- be able to communicate our final that we finished and that our proposal whether it's actually submitted before that coordinator's meeting, it will be submitted on Friday afterwards, if not before.

Anything else? Any other business? Okay. Well I think we're getting close. We've got a couple tough decisions still to make. And, Staffan, we'll look to your feedback from the CSC team on how to handle the anyone versus direct customers and also the lead in to the problem management process in terms of who can play directly there.

Thank you very much, everyone. I think we made it in our 90 minutes, and I'm cautiously optimistic that we'll be able to finish on Friday with everyone's help. Have a good rest of the week, and we'll talk again on Friday and I definitely hope we have some communication on the list between now and then.

Staffan Jonson: Thank you. Bye-bye.

Chuck Gomes: You're welcome.

Marika Konings: Thanks, Chuck.

Chuck Gomes: Okay. Bye, everyone.

Marika Konings: Bye.

Berry Cobb: Bye.

END