

ICANN

**Moderator: Brenda Brewer
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8:00 am CT**

Coordinator: The recording has been started. You may now begin.

Jonathan Robinson: Okay thanks Grace. I hear the recording has started but I see it looks like it's paused in my Adobe room still, so I don't know if it's being recorded elsewhere. Okay (unintelligible).

Grace Abuhamad: Yes so the operator started - the operator started the recording on the Verizon side but we haven't started in Adobe until you're ready. They will be edited to start at the same time.

Jonathan Robinson: Thanks Grace. I think we're good to go. I think it's a good idea we start as a courtesy to those who are here on time and ready to go. So let's get moving.

Grace Abuhamad: Okay. I will do Adobe - I mean we'll do the roll call based on Adobe Connect. We have some representatives from the law firm also present on the call just to help us with any questions that may arise about sort of the structural implications of some of the discussions.

Is anyone on the audio line only? Okay so Jonathan I'll turn it over to you to chair.

Jonathan Robinson: Thanks Grace. Hi everyone. Back again after a very short interval. As you know I was - well perhaps you didn't know - but I was volunteered by my co-chair Lise to do this. Lise is at the private security forum in The Hague today and was unable to step in as chair so I said I would do it.

We've got a provisional agenda up. It's three items in the top right that I think covers what we need to. It's possible we could also touch on something from the Sidley punchlist which is Item 6B. And I may come to that. That's the role of the PRF and/or the CFC in the ICANN contract.

But for now I'd just like to check with you that everyone's happy with those three items on the agenda. Chuck go ahead.

Chuck Gomes: Thanks Jonathan. I'm glad you brought up the punchlist because there were some questions we talked about in I think meeting 40 yesterday that we should deal with. And I think maybe punchlist Item 2 has some that we may need to look at too. So I just bring that up. There could be others but I just wanted to point out punchlist Item 2 as well.

Jonathan Robinson: Thanks Chuck. So that's a good point. Let's put in the Sidley punchlist as Agenda Item 4. I had thought that we dealt properly with 2 but let's come back to that especially time permitting.

And it may be that again it's just a quick checklist to ensure that we have dealt with it. It's not necessarily only Item 2 Grace but that's certainly one item that we should look at there -- including Item 2.

Okay any other comments or points before we start to work our way through this agenda? All right so just to remind everyone the purpose of this is really to look at a combination of design team output and the overarching structure which we are tending towards and to try and reconcile any gaps in the structure and/or the relationship between the design teams and their recommendations and to make sure that so far as it's possible that we fill the gaps and ideally while sticking to a limited set of substructures.

In other words, our optimum is probably to not introduce additional substructural requirements. So Agenda Item 1 picks up on the role of the CSC as identified by Design Team (N). Design Team (N) as you'll know was dealing with the - what was periodic review but is essentially now agreed to be IANA review functions.

And in that design team's output is a table. I don't remember the exact reference to that table. I'll just check that. That's just an annex. It's a table of reviews. Thanks Avri. So let me hand over perhaps to Avri to talk us through that table as the design team lead.

And I think what we're looking for here is either I guess acceptance or questions from anyone else, particularly Design Team C on the CSC if there is a problem with accepting those identified components within the table. Over to you Avri.

Avri Doria: Okay thanks. This is Avri speaking. It's still just provisionally. I never made it non-provisionally. There's nothing quite so permanent as a provisional (unintelligible).

Okay so the table has - and this is the table on Page 9 - the top item in the table was the periodic for IANA program. I don't know that there's that much

to speak about that. If you're looking at the table you'll also see that I do refer to in the notes column, the NTIA (paragraph) that that comes from.

And by the way I'm working off the live one that's in the drive document. I can give you all that URL just in case. One of the things I did do there just in case anybody wants it for reference is the comments include the actual cut and paste from the contracts to the comments. So if anybody wanted to dive deeper into what's being covered that's one way to do it without having to actually go to the contract.

Okay so then the next one was the review monthly (performa) report. Now I believe that if you see already had reference to that but it was definitely something that was (unintelligible) responsibility of the CSC and on a monthly basis.

Now this one has survived from before .2 and the printed one that there was an error. That was, you know, my error, but I had to refer to it as C.3 but it's - 4.3 but it's really 4.2. Any issues on that one? I don't know how I should go through this, whether I should stop after each one and say, "Is that right?"

Jonathan Robinson: Avri that would be my suggestion is...

Avri Doria: Okay.

Jonathan Robinson: ...pause after each one and just ask for objections or comments. And if not we can assume it's acceptable. That feels to me like the way to do it.

Avri Doria: Okay and I see from Donna that you know CSC will cover monthly reports. Okay so that one's okay. The next one was ones that - the site visit one - is one that was cut out, put back in, cut out, put back in. And where it ended up

last - and it's not a CSC - it was an on-demand thing that could come up as part of the periodic review.

And it was left in as that. There was a certain aversion to taking it out completely like it would never be needed and therefore didn't need to be mentioned as a possibility somewhere. But it certainly wasn't something regular or what have you. So it's not a CSC thing just in case anybody has an issue with that (policy) just bring it up.

Okay moving on. Now this one was a - wasn't in the NTIA SOW. And this was (unintelligible). Okay Martin, I see, sorry.

Martin Sutton: Thanks Avri. Going back to the site visits, I would note that the site visit was in the statement of work quite simply because under the NTIA contract there was a requirement on the IANA functions operator to do this work in the United States. And I would also note that actually I'm not convinced it ever took place.

Now the fact that there is no specific requirement at this stage my own feeling would be that there would need to be a fundamental question before any site visit, and that would be why do we think we need to do a site visit? And just sort of flipping it in as could be a component of a periodic review seems to me to be just leaving the door too far open. I think it would need to be justified.
Thanks.

Avri Doria: Okay I hadn't assumed that (unintelligible) would do it because I felt like - yes Greg.

Greg Shatan: Thanks. Greg Shatan for the record. I was going to point out what Grace also pointed out in the chat. I spoke with actually (Heineman) who was from the

NTIA in Singapore and confirmed that they did in fact conduct a site visit. It was usually just a single person.

I'm unfortunately did not ask what the scope and details of the site visit were so I don't know whether it was - as Martin says - merely to confirm that the work was being done in the United States or what might be more typical which is to confirm that the work is being done in an appropriate environment using appropriate methods and hardware.

So either way I think it's - you know we could say rather than just on-demand or in the notes that there, you know, should be a reasonable purpose for the site visit. But again I think we, you know, we want to reserve the right, and I think we want to let that be a judgment and not have the idea that somehow a site visit couldn't be conducted or would require some sort of separate negotiation at the time because it wasn't included now. Thanks.

Avri Doria: Okay. By the way Jonathan has indicated I was inappropriate in opening (unintelligible). Jonathan (unintelligible).

Jonathan Robinson: Yes thanks Avri. Just a sort of point of order here as you anticipated. I mean this is an interesting point. But I just - I mean the purpose of this call is really to look at the impact of these three design teams on one another and try and reconcile any issues. So perhaps if we could try and focus on that. And I accept that this is an interesting and important point.

But I'm just mindful it's a very short window to accomplish some quite important points. So let's see if we have time to come back to this or to pick it up - you know, issues like this that aren't directly impacting on the other design teams' presence.

I'm also conscious we don't have the full work, you know, CWG here, and this is technically a group of design teams meeting. Thanks.

Avri Doria: Okay thanks, certainly. Donna, you have your hand up next considering Jonathan's comment but please go ahead.

Donna Austin: Yes sorry, so just to add that I think the reason site visits are (unintelligible) the current contract is the functional separation of the IANA department. There's a Chinese wall that's being put up within the organization so I think that was the original intent for the site visit. And I think once they've concluded that that was established and the need was no longer necessary.

Avri Doria: Thank you. Moving on now to the next one I don't think we'll have this issue again because I think all the rest of the lines in the table, rows in the table, do have effect on some other design teams.

So this one presumed that the CSC would report once a year on how things have gone. Now I don't know that the CSC plans to put out an annual report on IANA performance. It seemed reasonable within the review group that there should be such a thing so that's certainly a presumption on another design team (unintelligible). Donna is your hand still up or is it a new?

Donna Austin: Well it's still up but it's new. So we do have provision within the charter that on an annual basis or as needs demand to conduct consultation with IANA functions operator, the primary customers, the naming services, and the ICANN community about the performance of IANA. So in my mind that's covered.

Avri Doria: Okay thanks. Next one was the NTIA SOW included a performance metric figuring that CSC would be the one to review performance metrics and put

this on a quarterly basis. Wasn't quite sure that the metrics came out on a quarterly basis. So that timing is - should perhaps have a question mark beside it. But it was a CSC...

There was an assumption - and I'll step one aside - there was an assumption that for anything reported somebody has to review it. For any audit, someone has to review that audit. And in most cases the appropriate (unintelligible) the CSC. So that's pretty much the presumption in this table. So any issue on CSC removing - I mean reviewing performance metrics so the quarterly may not be the correct periodicity?

Okay then there was a requirement for a customer survey report - I believe yearly. That seemed like something that the CSC would review. No questions?

There was a security audit process report on an annual basis. Actually it was an on-demand reporting obligation. It seems though that if there is one - again it's the CSC that would have to review that. There was a question is the report on acceptance of the - see I don't know which one.

The only one that was a CS report was the annual one on overall performance and its evaluation. All the rest of these are/were NTIA reports and now would be IANA, you know - reports required by NTIA of IANA would now be reports required of IANA by contract or what have you.

So the - anything security - no. Okay there was a review that was a (risk) management audit report. That seems to need to be reviewed by both the CSC and the root zone operators. Hand - yes Donna.

Donna Austin: So Avri I just wanted to make the point that the table that you have is very similar to a table we had in the recommendations document we had for Istanbul. And with regard to 5.1 we said that IANA will be required to continue to generate and retain data for one year and provide an annual audit report to the CSC.

So if your C5.1 and 4.5 and 4.2 is matching with ours then we do have a document that corresponds with yours.

Avri Doria: Okay so they were fairly close. And - okay. Okay so and then there was the review the annual audit. And that was the C5.3. And that was the CSC with community input. And I don't know how that would be handled but that was - CSC had primary responsibility but on that annual audit review it seemed like the community could also have input to that.

Then there was the conflict of interest enforcement compliance audit report. That was an annual and that seems like it would be a community review whether it was PRT or some other with comments to IANA. It could just be open review. And that was it. Wasn't it? Oh, no, no, sorry. There were more. No that was it. Yes Chuck.

Chuck Gomes: Thanks Avri. Just a couple questions. One of them at least I put in the chat. In cases where the CSC has to report something who are they reporting to? Now I understand it needs to be publicly reported to the community but seems to me there should be some entity specifically that they report to that confirms that it happens and follows up if necessary. Did you guys talk about that?

Avri Doria: We talked about it. I'm not sure it's in there explicitly but basically the notion was that ultimately it's the periodic review that reviews all of this stuff that has happened in the interim period. The notion of a community function on a

yearly basis, the assumption would be it would be put out by review to the SOs and ACs.

Chuck Gomes: Oh okay, thank you.

Avri Doria: They're always there for a review of a CSC report or any other report that goes out to a community function.

Chuck Gomes: Yes we might want to think about that.

Avri Doria: There was another (unintelligible). Yes, yes, yes. I think we may be but I'll go back and check. I don't...

Chuck Gomes: That's fine.

Avri Doria: I don't remember all the words, whether that (unintelligible) but I'm sure it is.

((Crosstalk))

Jonathan Robinson: You'll see Avri - okay thanks Avri. And you'll see that (Sharon) has put in the chat that we should be clear on our expectations of what...

Avri Doria: Yes.

Jonathan Robinson: ...the community review is because there's two points that strike me here. One is that - I mean we could just report this, put it out and SOs and ACs and might do or whatever they want with it. The thing in mind that the periodical IANA review function is only going to be -- assuming everything else is running smoothly -- is only going to be convened every five years.

So I could see them looking at the last five years of reports, which would make a lot of sense. But what action do we expect to take place in the interim on an annual basis?

And also a second point that I guess we should be aware of is that in the Sibley model - and maybe (Sharon) you might ought to comment on this as I think you could see it that this report went to the board as well. And I would expect it's reasonable that it should go to the board.

So the board in that sense is part of the community. And we may want to list the entities to whom this report, this annual report, is actually sent and any excess (unintelligible) action as a result of that.

Avri Doria: Certainly seems like a good point. It's probably out of the scope of this meeting as you indicated earlier. But it's a good comment. We did discuss in the (document) some (unintelligible).

We did discuss the fact that reviews that weren't being seen by the periodic review because of its cycle were to be reviewed by the community AS and SO. We never actually (unintelligible) the board (unintelligible) if that makes sense.

But and that at the responsibility for IANA take those comments in and do something. And it was the periodic review that would be the one that sort of said yes, there were these reviews. There were these reports. There were these comments and IANA took these actions. And that would be one of the contents of the periodic review. Thanks.

Jonathan Robinson: Okay so Avri thanks for keeping me honest about what is my own point about the scope of this conversation. We will keep it to that, but it does strike

me that given the time pressure we're under and given else that's going on it would be useful for you to take any peripheral input if you like or supplementary and to try and incorporate those into an updated document that goes to the group and we may even touch on at our next full CWG meeting. That would be very helpful.

Avri Doria: But of course. I accept that admonishment. And if you go to the one that I put the URL on for you will see that it's already starting including suggested edits dealing with issues that came up in the CWG already. Thank you.

Jonathan Robinson: Okay thanks Avri. No admonishment intended. Just really just trying to manage the balance of sticking to what we're doing here and yet capturing some useful, important points.

Okay so it strikes me that there's certainly - it was coming back directly to the interrelationship that the CSC - I mean Grace has offered to reconcile the tables from the pre-Istanbul output of the CSC (unintelligible) to ensure that they are reconciled. So I think that should be an action. But it does appear from the notes that there are no significant concerns with the CSC absorbing the tasks envisaged by (DTN).

Okay I think that gives us the opportunity to go on to Item 2 then which is now the interrelationship between Design Team C on the CSC and Design Team (N), the escalation work. And in particular to identify any issues where the role of the CSC in envisaged in Phase 2 of the Design Team (N) work and recognizing the points made to us by the Design Team C of the desire to really tighten and focus the function of the CSC. Chuck, go ahead.

Chuck Gomes: Thanks. And before we actually get into Phase 2 of the customer service complaint resolution process there was one issue that I'm not confident that

we ever agreed on with Design Team C in Phase 1 of the customer service complaint resolution process, and that was that Phase 1 was a process that is open to anyone and not just registry operators. That's the way it is today.

So I guess just a question to the design team C co-chairs and anybody actually are we okay with that now, that it's open to anyone? It's just an e-mail that would go and then the IANA staff handles that. But I want to make sure that we're okay with that and we eliminated the step of the CEO in there and the (GDD) president as well.

So are those changes okay? Is there still any disagreement there? If not we can just go on. That's fine.

Jonathan Robinson: No I think that's a good point, in particular - I mean one of them is really an issue Chuck. We touched on this in the meeting yesterday in fact, that elimination of the step and I remember it was myself at least who talked about that step in Phase 1. Technically again that's an issue for Design Team (M). But I take the point that it's - that may not have felt completely resolved.

I think on the second point, the one on who may - who has standing to raise a complaint - it is a link with the CSC. I seem to remember that there was a concern from the CSC about the - Design Team C about this. But moreover if the CSC is to be involved, the width of the funnel at the beginning of the complaint process will potentially impact the CSC.

One thing you could do Chuck is remark sort of briefly why you in Design Team M accepted complaints from anyone including individuals rather than of direct customers of the IANA function, which I think would be helpful to set the scene on that.

Chuck Gomes: Okay, Chuck again Jonathan. Well first of all it's the way it happens today. Anyone - the customer complaint process is in place today for IANA. It's open to anyone. Anyone can file one.

And members of the design team (M), some of them felt like anybody, if they catch something that maybe a direct operator doesn't catch or a concern that a community member has about the process has, you want them to have an avenue to communicate it.

And it doesn't happen very frequently as we understand it but it does - it's an opportunity that's there to the whole community because the whole community is a direct - an indirect customer of the IANA services. So that would be the reasons that it's there

It's a fairly light thing that really the IANA services team handles in Phase 1 so the CSC isn't even involved in Phase 1.

Jonathan Robinson: Thanks Chuck. Let's go to Donna then.

Donna Austin: Thanks Jonathan. Thanks Chuck. So I think this is Grace's concern that this is an IANA process. We've had some back and forth with (Kim Davies) on this and this goes to Phase 2 as well. This process is not used very often.

In (Kim)'s mind there's been eight or nine times in, you know, in the - since he's worked at IANA which has been quite some period of time. I don't why we would seek to change something that is actually an IANA process and seems to work well.

So I don't, I understand if it were something mandated by NTIA but if it's actually something that's an IANA process now I don't know why we would necessarily play with it or why we need to.

And but also some of the complaints that are received by IANA relate to ccTLD delegation and re-delegation and generally, you know, arguments between two of the parties in a delegation or re-delegation.

And in my mind the CSC has no role there. So I think it's not only about the general statement about receiving a complaint it's the nature of the complaint and so you've got some of those complaints that would not be appropriate for the CSC to interfere in any way.

And any questions that relate to, you know, not making a service level target associated with a Whois data base change or, you know, the time it took for a delegation to happen is probably fine but anything beyond that I would have a problem with.

So it will be important to identify the type of complaint that Chuck's team anticipates the CSC will get involved in.

Jonathan Robinson: Donna just a point on that and to anyone else on the call, there's a sort of corollary to that thinking. It's really if not the CSC then who? I think that would be very helpful if anyone has an idea and you may not and I'm not, you know, you may not be able to offer that but just have that in the back of your mind in any particular example. Chuck do you want to come in next?

Chuck Gomes: Yes please thanks Jonathan. First of all I thought we were talking about phase one and we're going to get to phase two and there is no involvement of the CSC in phase one.

So if we want to now jump to phase two I agree that's the critical issue we really need to decide on. So but I would like confirmation...

Jonathan Robinson: Right, let me call the question then. Are we done with phase one in particular with the point that you highlighted on phase one, which may relate to the CSC which I think we have covered adequately but let me just check.

Is everyone happy with phase one otherwise we'll need you to speak now? Include that individuals are able to raise complaints. And I should say that although we'd say that it's about, this is about an escalation for someone for relating to a point where a response or service delivery has been slow or unsatisfactory.

Chuck Gomes: And Jonathan Robinson: Chuck again. So I think there are two questions that number one, is it okay that in phase one only anyone can submit a complaint. And part two is, is we adjusted the current IANA process because we didn't see a lot of value in escalating it to the CEO.

Now I don't think that we're going to fall down hard and fight for that if people want to just leave it the way it is but so those are the two things. Are those okay and if they are let's move onto phase two.

Jonathan Robinson: Chuck I mean this is slightly tricky because the one on the one point I don't want to distract us with this now. I happen to personally have a little bit of a disagreement with that but I almost could take this up with you separately.

And secondly notwithstanding my own views it's not really kind of in scope for this meeting. So in the sense that it doesn't impact on the other design teams as such.

So that said, you know, if no one else has an objection I think we can move onto phase two. Go ahead.

Chuck Gomes: Thanks Jonathan, Chuck again and just to set the stage for phase two and I'm not pushing that it stay this way I just want to make sure everybody is clear of what design team and proposed for phase two with regard to the CSC okay.

The introduction to phase two says this and I don't know if we can pull up the phase two language or not but if we can that's great. So notice what it says there. It says should the issue not be resolved through the involvement of the IANA functions team and/or the ombudsman the following escalation mechanisms will be made available to this is a key point, direct customers. This was an adjustment we made in response to design team C. And then A says CSC is notified by complainant to take action. I think we're all okay on that and that came up in the call yesterday.

And then see here's the critical step, CSC decides to take action or not. That's what, that's a decision point okay. Should it in other words should it be escalated or should it be dealt with further that's a CSC decision point that's that management role I think that we talked about yesterday and that we need to come to agreement on.

Now I want to if you'll scroll down to the footnote, footnote number 5 on that page with regard to the fact that only direct customers can escalate it to the CSC or whoever we decide to put there.

Notice that it says non direct customers including TLD organizations that are in, that are of the view that an issue has not been addressed through step one may escalate the issue to the ombudsman or via the applicable liaisons to the customer standing committee to step two.

Now, my purpose of going over this stuff is not to advocate for it I think that's what we've got to decide in this meeting in terms of whether it's the CSC or not. I just want to make sure that everyone understands how we propose the CSC involvement.

And of course then that flows down if it's the CSC in step A then that continues in B, C and D with the CSC and I'll stop there unless there are any questions.

Jonathan Robinson: Greg go ahead.

Greg Shatan: Thanks this is Greg and maybe a detail but in 2B where it says CSC to mediate directly with IFO who with the IANA functions operator would be on the other side or is that left up to the IFO we're not going to designate a particular role?

And secondly the mediation involves two parties in addition to the mediator. So I'm assuming they'll mediate between the IFO and the complaining party.

Chuck Gomes: I think you're correct on both points Greg, this is Chuck. We didn't specify who. So and your latter point is correct as I understand it.

Jonathan Robinson: So we've got Martin next go ahead Martin and I noticed Kurt just to make a note that (Kurt's) asked a question as to whether the IFO equals IANA or

ICANN and just so that might be with clarifying when rolled up into the next response. Martin go ahead.

Martin Sutton: Thanks Jonathan. This one gives me certainly in the hypothetical a serious cause for concern because the people who will be looking at these complaints in the CSC would then be people from other registry operators.

And then that starts sort of stimulating in my mind the fact that registries are now being encouraged to get involved in the interest of another registry operator and that for me is I think a significant problem.

Now in yesterday's call Chuck did make mention of the fact that this is not necessarily specifically policy related but rather more I think he referred to it as being technical policy.

I think I would need a lot of convincing that the CSC should be involved in doing mediation on anything that has anything to do with policy if there is a policy issue at stake that needs to go to the policy authority.

And if it is more to do with a process then perhaps the CSC could look and check that a process is being followed but ideally that if there is an issue to be answered then perhaps we could look to the IANA functions operator being the providing a mediation service and independent mediator, independent mediation service that is then called on by the CSC to address this directly.

So the CSC can stand out of the loop where certainly I for one feel very uncomfortable if it would (unintelligible). The big issue for me is that if we end up with lots and lots of complaints coming in through this process then that is probably the most significant issue for the CSC to be aware of because then something is going wrong.

And I think then the CSC does need to be asking the IANA functions operator why it is getting so many complaints perhaps on the sense of time it was taking to resolve issues. Thank you.

Jonathan Robinson: Thanks Martin. I've got a couple of quick points here. One that the discussion is focusing around point B and we must record, make note that this point A is what I think where the CSC has got an advantage here has quite some discretion that needs to be dealt with.

Second is the point that Donna made earlier and that the status quo is that there is a low volume of complaints. And I guess as we currently envisage it there is, should there be a high volume of complaints and opportunity for the CSC to invoke by the review function and ad hoc review.

So I think we could have and I'm going to postulate this that we work with a working assumption that there is in quotes a low volume of complaints, you know, consistent with what is received at the moment in reviewing this.
Chuck.

Chuck Gomes: Thanks Jonathan Robinson: and thanks Martin. With regard to B and the mediation let me point out that design team M and its discussion on that I actually and this is I personally asked whether the team would be okay to just eliminate that step and eliminate the CSC role in mediation because I thought well is that okay because it appeared that I know that design team C was trying to minimize the role of the CSC.

The majority of the people that participated in design team M wanted to leave that in there but we modified the language and said if deemed appropriate and feasible by the CSC.

So again Jonathan Robinson: on this step as well we built in some discretion there on the part of the CSC if the CSC is the one that performs this role. Now I want to go back to the conflict of interest and I get that.

And it's a really important point raised by design team C. So I don't think anybody on design team M didn't respect that but if we go to another organization let's say we replace the CSC with the IANA review team what we've been calling the periodic review team.

Well that teams going to involve registries too. So I don't know that we've necessarily solved the problem but we may have lessened it somewhat because there are, there is more multi-stakeholder community involvement I think in the IANA review team than there is in the CSC. So I'll stop there.

Jonathan Robinson: Just before we go to Greg then thanks Chuck. I'd like just if people could just address I mean I'd quite like to go through this systematically and make sure we either accept or don't accept them point by point.

So if we could be at the moment we're confining ourselves to A and B if we could just make it clear whether your comments are addressed to A or B or both or neither. Go ahead Greg.

Greg Shatan: Thanks, Greg Shatan. One suggestion is rather than using the word mediate, which is actually a defined skill set maybe to use to facilitate discussions between the IFO and complainant.

That way we're not potentially putting ourselves, you know, setting a particular standard of performance as mediators in for the CSC presuming they're not going to all go and take mediation training.

So and secondly I'm still a bit fuzzy on IFO even after everything I the chat. If an IFO means ICANN that means that the mediation on the other side could be with Akram or Fadi or John Jeffrey and not with anybody within the business unit where the issue is occurring.

So I don't know if we want to be more specific about that assuming or just kind of leave it to the circumstances and hope that ICANN puts the best person appropriate to the level at that, in that seat or if we want to specify that it would be, you know, someone who is, you know, specify the capabilities of that person without specifying whether they're necessarily within the IANA group, you know, at least it's true as opposed to the big crew. Thank you.

Jonathan Robinson: Okay thanks Greg. So three things being worked is to make sure one is that Chuck introduced the point that is the language appropriate and feasible, which makes it very much in the discretion of the CSC whether to act or not.

Two, Greg said would the removal of the word mediation perhaps (unintelligible) very specific responsibility for the CSC. And then third the definition of IFO. Let's go to the chat next.

Chuck Gomes: Thanks Greg and thanks Jonathan. First of all with regard to mediate the, you know, we took that directly from the proposal that a group of registries put forward.

You recall that document that was the registry stakeholder group comments in there was a group of registries totally independent of that that put forward some things.

And in fact most of the steps in here really went to that. They had suggested mediation and then arbitration and then so on. So and there are other people from design team M on this call so please speak up if you want to talk this - I don't think that design team M has any heartburn over putting facilitate instead of mediate and I think that's something that this group here today can deal with.

So with regard to the specificity of the IFO we didn't talk about that and, you know, our intent was to create some flexibility and with regard to that then if they want to go to Akram or if they want to go to (Alyss) or whatever the case would be I don't know that we care too much.

But if this group wants to be more specific there too I don't see that as a show stopper.

Jonathan Robinson: Thanks Chuck. I've got an old hand I believe from Greg and so it's Kurt next.

Kurt Pritz: Hi can you hear me?

Greg Shatan: Yes.

Kurt Pritz: Yes can you hear me?

Woman: Yes we can you hear you Kurt.

Kurt Pritz: Okay can you hear me? So I have two points. One is we're trying to replace the NTIA function and I don't know currently that there is a, there ever has been a, you know, a full blown mediation or a mediation step in what is done now.

So if someone has a complaint they go to NTIA perhaps and complain. And NTIA would go to ICANN the ICANN board or IANA and say fix this and let me know when it's fixed.

So the NTIA didn't really facilitate a mediation or help conduct a mediation or hire or retain the mediator. So if we're looking at replacing what's going on now, you know, I don't think mediation was part of that.

But given what Chuck just said that the registry stakeholder group requested such a step then it could be built into the process as a media, as a formal mediation the way mediations occur with a process that as mediations occur now.

You know, each side agrees on a mediator or something like that. So I think that putting, you know, putting the - so first mediation is a new thing that hasn't occurred in the current regime.

And secondly if we decide to install a mediation process, which might be a good idea I don't think the CSC should become operational and be put in the middle of that it should just, which to a certain extent could result in the CSC choosing sides somewhat.

So I would take the CSC out of it and put a mediation and that's established by, you know, regular mediation meetings.

Chuck Gomes: Jonathan Robinson: this is Chuck if I can just correct one thing there that Kurt said.

Jonathan Robinson: Yes go ahead Chuck.

Chuck Gomes: It was not the registry stakeholder group that suggested mediation it was a totally independent group of registries that put forth that proposal that the whole CSW saw that suggested that.

Jonathan Robinson: Okay thanks Chuck. So I've got a few things floating around now. I mean there seems to be an issue of whether, you know, there's some really find semantics here like for example the point that Kurt just made as to whether the CSC assigned the mediator or whether the CSC proposes mediation at that point.

So, you know, it feels to me like there is a way in which this is quite semantic and with some tweaks of the words we could perhaps and this is what I suggested yesterday talk about the CSC as more of a neutral manager.

Someone with a role but without necessarily a bias, which does deal with a conflict of interest issue as well in much the same way I think I made the analogy of the GNSO council.

So I think if we'd be thinking perhaps in that way of how this process and/or words could be modified to neutralize the role of the CSC that might be helpful. Greg.

Greg Shatan: Thanks Greg Shatan again. A couple of things and in terms of B and C together and I was just having a little side conversation but the way I read this now is that B refers to I'll call it facilitation, information facilitation by the CSC between the IFO and the complainant.

And then C refers to retaining a true neutral independent mediator. I don't know if that's the intent. That would be much more clear if B said facilitate

rather than mediate but it does say mediate directly in B and then assigns a mediator in C.

So again not sure. I would appreciate clarity. I think Grace seems to believe that C, you know, relates to assigning a neutral, a trained neutral mediator. As a corollary point to that I don't believe that the CSC, you know, from being composed entirely or almost entirely of registries can claim to be a neutral party, which is probably another good reason why it shouldn't be cast in a formal mediation role.

I think it can try to, you know, act for the greater good but it's always going to be a customer driven group. So I don't think there's any industry in which a group of customer or users or buyers would hold themselves out as a neutral organization to sit between customers and individual customers and the service provider. So I don't think we should start here. Thanks.

Of course if we had a group that was not so uni-stakeholder that would be less of a concern and Jonathan Robinson: in citing the GNSO does cite a multi-stakeholder organization. Thanks.

Jonathan Robinson: Yes thanks. I want to respond to that at this point. Let me defer to the queue, which is Stephanie followed by Donna, Stephanie.

Stephanie Duchesneau: Thanks and sorry if I'm jumping back a bit because I missed this call on Monday but to me this phase two document reads like A through E are all supposed to be sequential.

Whereas to me C, D and E seem like they all could be appropriate options depending on the nature of the issue and they should be kind of (unintelligible) to the same next step.

So if an issue was not addressed there - I mean depending on whether we determine that appointments have an independent neutral mediator with appropriate - if the issue is not addressed the CSC could assign a mediator or escalate it to a problem management procedure or just kind of go back to the registry operator and refer them to the independent review process or just leave it at that and have the registry operator to leverage that process.

They seem like possible steps but not necessarily ones that need to be followed in sequence the way they're laid out here.

Jonathan Robinson: Thanks Stephanie and one of the challenges now from a kind of chairing point of view is there is a bunch of suggestions and comments that may or may not help if they were incorporated as edits.

So what I heard you say is that you would go, it would be A, B, C and/or D and/or E would kind of fix that. I'm just wondering whether we go to some sort of dynamic editing of this.

I'm not sure we're quite ready to do that yet but it may be that by tweaking the editing and where some words are missing online we become more comfortable with the way it's structured but so I'll - let me go to Donna next.

Donna Austin: Thanks Jonathan. So I think I could take some comfort in this if we identified the criteria under which the CSC would receive a complaint and what would lead them to decide to take action or not.

In my mind that's what's missing here because as I said previously the CSC has no role in ccTLD delegations or re-delegations. It and in my mind the only thing that the CSC should be interested in is whether the SLA's have been missed of IANA.

So and that's, you know, maybe that's just a little bit too far to the right maybe there's some more middle ground there but I think if we can identify the criteria here I might be a little bit more open to the CSC.

So I have a problem with the CSC deciding to take action or not because unless it's based on some criteria and that has to be transparent to the person that's making the complaints as well as it is to IANA as well as it is to the CSC.

Then I might be able to, then I think it might be easier to respond to this but as it is it's very kind of wide open at the moment. So I think we have some more work to do in just putting a framework around this as to what kind of complaint the CSC would be responsible for.

And in terms of as it refers to B I think that second part of the comment should come out, CSC to mediate directly with the IFO. And maybe it's just the word mediate that I have a problem with but, you know, the CSC could discuss with IANA the complaint that's being received to get the other part of the story as it relates to criteria that it's deciding whether to do something about this or not.

But I just think as it is we need to be really clear about what complaints the CSC would receive and act on if they act at all. So I think that's what I'm coming down to on this.

And if a mediator is required then that's almost a separate issue. Maybe that's something that IANA could actually have a list of mediators and could manage that.

And if mediation is necessary then that could be managed by IANA and then the results of that can come back to the CSC. Thanks.

Jonathan Robinson: Donna thanks those are some very practical points and I can see...

Donna Austin: Thanks.

Jonathan Robinson: ...how if one constrains the problem to the extent that A to E is a problem, how it might get people into a more comfortable place. The challenge is whether we even attempt to do that now or whether we go away from this call and try and do it separately.

Because I can see how, you know, it feels to me that words are popping out that could potentially fix this like, you know, Chuck's team put in the appropriate feasible language. And then if one removes just by way of example, (unintelligible) CSE as you were suggesting to interact directly with IFO - to discuss directly with IFO, it gives an opportunity.

I think what would be attractive about that particular example is that it would create an opportunity for lower key - a resolution without escalation. But I do accept there have been some counterpoints including by (Greg). We're concerned about that.

So I'll stop in one moment but just bear in mind that our objective is two-fold here. It's to build a process with integrity and with lack of complexity if possible so that we try and use the existing entities we've create without relying on the creation of yet more supplementary entities and complexity if at all possible. (Greg)? Chuck?

Chuck Gomes: Thanks. So one of the reasons we use CSE here is - of course we hadn't yet seen the final recommendations of design team C but - was to not create or involve a new organization in this. If so it was for lack of complexity.

That said, with regard to some criteria - with regard to what complaints, the nature of complaints are is they're wide open, okay. We could create a list of complaints and try to create some criteria that would be used and probably that's something that could be done later in the process. But you're never going to cover everything.

So I think that's a challenge to do. It would be nice if we could and certainly maybe some principles could be developed in that regard. But more importantly I - what we have to do - and Donna's right, okay. In A the step calls for the CSE making a judgment call with regard to taking action.

Whoever - I mean if it's not the CSE we need to decide who it is that makes a decision. Otherwise we just let unresolved complaints drop. It just goes nowhere. It ends.

And if that's what we want that's what we could propose, doesn't sound like the best thing to do to me but if it's not the CSE then the decision we need to make on this call, who is it? Unless we want to just let complaints fall by the wayside if they're not resolved.

Jonathan Robinson: Okay. Thanks. So Kurt next.

Kurt Pritz: Thanks, Jonathan. So I have two points again. One is to sort of put a point on how CSE participation in an active settlement discussion could become problem - think about - gosh, I forgot that guy's name but there's the - there's like, the industry gadfly, right, that gets in the middle of a root zone change

and says, you shouldn't make that root zone change because this registry operator isn't complying with all the rules or something like that.

You know, if - even if the CSE were to deem this not appropriate or feasible, well, then you'd have a community member saying that the CSE - and registry operators are slowing the process and refusing to get involved in an active discussion. You know, similarly with a root zone change and a ccTLD that is either the beneficiary or victim of a root zone change.

You know, if they wanted to bring a complaint and wanted the CSE to sit at the table, you know, how can the CSE possibly sit at the table and participate actively in a discussion - that is essentially a discussion between two parties to a ccTLD dispute.

So I - I'm looking at this as protecting the registry operators and protecting the integrity of the CSE once it's formed and maintaining its good reputation. And that's why I think we really need to be careful about restraining its roles through a monitor and not an active participant of any kind whether it's mediation or facilitation and in dispute resolution.

And then - so think about, you know, as many examples as you can but the CSE can just be put in a really bad spot no matter how many rules you write around it.

And then secondly, thinking about what Chuck says, you know, I don't think means that problems are just left. You know, the CSE to me is a monitoring and reporting organization and here's a - here's a complaint that's been lodged so IANA take care of it.

And if, you know, IANA doesn't take care of it at first it goes through an escalation process that could include the election of mediation by the complaining party and we could create a rule where ICANN or IANA and the complaining party have a mediation.

But it also includes another form of escalation where, you know, it goes to IANA and then ICANN senior management and then the board of directors and that escalation process could include, you know, forced changes.

So if these problems aren't addressed in a certain period of time, you know, the escalation, you know, includes some change to processes or some change to organization or something like that.

So again, I'm - you know, I'm making these points because I want to protect the registry operators and the CSE from becoming embroiled in some dispute where they're painted unfairly with some brush.

But I don't think, you know, the argument that if not CSE where - then where really is the right one because I think, you know, the CSE can monitor and report and escalate. And give it to other people to settle, not the CSE.

Jonathan Robinson: So Kurt, those are good points and that protection is clearly a valid concern. Isn't it such - and it slightly links to the point - I was thinking independently but it does slightly link to the point that Marika's just posted in the chat here.

And if we put the CSE in a constructive role as facilitator but if at any point the complainant has the opportunity to go elsewhere to escalate elsewhere, what we do is we create the opportunity for the CSE to be constructive yet not be constrained such that it is not caught in the middle.

So that might be another way of thinking about it where - as long as we don't force the CSE into that difficult position where it can get caught but if the complainant is dissatisfied with the CSE role it has the next step to go to in any event. Martin?

Martin Sutton: Yes, so my point, Jonathan is that the (unintelligible) might not be able to back out gracefully from such an obligation that if the CSE has the flexibility to get involved that others might demand it get involved. And the CSE not getting involved would be construed as actually the CSE taking aside in a discussion.

So again, I see this - not for the complainer to escalate, I see the CSE as being able to escalate. So not facilitating the solution but saying, you know, ICANN/IANA, go figure this out and settle it and if you don't then I'm going to escalate it to the next step.

Jonathan Robinson: Because that was a helpful additional explanation and I'm mindful that Chuck may want to now respond and Martin's waiting in the queue.

But what I would say is what would be really helpful as well as we're in a position, which is why we're having this call so just to be mindful of that as well where we are trying to pull together a draft proposal that stitches together properly and stands up on its own two feet within the tight timeframe and - which is where the kind of if not CSE then where.

And it's not - that's not necessarily the only way of framing the problem but it is a question of - I prefer to see it as a proposal that is coherent and self consistent internally. Chuck, did you want to respond directly to that dialog or should I go through Martin to you?

Chuck Gomes: I'm going to propose a compromise to A through C but let Martin go ahead.

Jonathan Robinson: Thanks, Chuck. Martin, go ahead and perhaps it is time given the time scales we've got - given the timeframe of the call - and I note that Grace has said that we can extend it so please bear that in mind because we may need to extend it as we try to get towards a compromise or alternative language.
Martin?

Martin Sutton: Okay, thank you, Jonathan. It might be more useful to hear Chuck's proposed compromise first because a lot of what I was going to say I think Chuck has already said. I think my main point is that complaints that come through the system aren't (unintelligible). They can go through Phase 1, up through to the ombudsman.

And Phase 2 as it stands, Item E is to go to the independent review process. And at that particular point - and I've got great sympathy with the idea of not opening the CSE as yet another forum for people to go shopping in and not putting the CSE in the middle.

The actual role the CSE might have is to note - to log the number of complaints that are coming in and looking for patterns and where those patterns might actually indicate there are critical persistent or systemic failures in the process that need to be addressed.

So D I think is where the CSE does have quite a clear and specific role. And the other point that had me reacting was the suggestion that ccTLD dispute might be raised here. And I would say ccTLD disputes are definitely out of scope, the reference always has to be back to the country concerned. Thank you.

Jonathan Robinson: Thanks, Martin. Let's go to Chuck then.

Chuck Gomes: Okay, here's my - at least this covers A through C. Martin brings up a good point with D but let me propose some change language. A just simply say - yes, CSE is notified by complainant, period, okay, or it could be notified by the IANA operator, doesn't matter I don't think in that case, drop everything else.

B would say if deemed appropriate and feasible by the CSE the CSE can try to facilitate a resolution.

C, if issue is not addressed satisfactory to the complainant - excuse me, by a direct customer - the direct customer can request a mediator. Now the one part that's left out there, there's no option for just a general complainant that's not a registry operator to do anything but we can talk about that.

The - so that's A through C. So I think that meets the objectives of design team C in terms of its role.

D then though becomes - is still a key issue and we still need to decide whether the CSE is involved in that role or is that a case where we involve the IANA review team? Just pull them out of idleness and ask them to make a decision on D so we might - my compromise doesn't solve D but I think it should come close to solving our differences on A, B, and C.

Jonathan Robinson: Any comments on - let's confine ourselves to A to C as Chuck pointed out. And in particular - I mean I could see the one area where you might - where people may want to modify something as the use of the word facilitate. Does that capture what role the CSE might be able to play? Donna?

Donna Austin: Yes, facilitate is problematic for me but I just wondered, could Chuck just go back through that again, just - changes are? Sorry.

Chuck Gomes: Be glad to, Donna. A says CSE is notified of the results of Phase 1. And again, I don't care whether it's notified by the IANA functions operator or by the complainant. Right now it says complainant, might even be better if IANA's function operator does that.

B, if deemed appropriate and feasible by the CSE the CSE tries to facilitate - and I'm not, that's a word from (Greg), not from me, okay. CSE tries to facilitate resolution with the IANA functions operator or whoever we want there.

C, if the issue is not addressed to the satisfaction of the direct registry operator, direct customer, the direct customer can request a mediator.

Jonathan Robinson: Consistent largely to what with - at least part of the language suggested by (Sharon) in the chat.

Chuck Gomes: And that - this is Chuck, (Sharon)'s language is fine. I wasn't really zeroing on the specific words I was using. I was trying to communicate the intent of really moving the CSE out of any decision-making role, other than B, where if they want to they can try to facilitate.

And myself personally, I don't have a lot of heartburn with B one way or the other but it is what the design team M agreed to.

Jonathan Robinson: Go ahead.

Martin Sutton: Thanks, Jonathan. Yes, I must admit I - the more I think about it the more I feel very, very nervous about leaving the CSE to have the - for it to be open to the CSE to get - to get into another registry's issues.

And I have a particular concern there that somebody - I forget who flagged, and that is that the non-direct customers can always work via their liaison on the CSE according to the footnote.

And therefore, you might well find that you've got something where - an issue that the registries would not consider as being appropriate for them to be involved in as being driven by one of the liaisons picking up the point.

But I think part of the problem with B if appropriate for the CSE to try to facilitate - if it's not appropriate my guess is that CSE would be expected to explain why it didn't think it was appropriate. If not now then certainly in four years and 264 days later when the PRF kicks in.

And it just seems to me that - well, no, let's not give them that role because of the overlap of interest, thank you.

Jonathan Robinson: Thanks, Martin. I see that Chuck's pointed to - out to you directly in the chat, you would - are you - would you advocate that we simply drop the - it's starting to feel like B is a real challenge to live with from a CSE point of view.

And I wonder if - this is something - starting to think that the way we could do this is, well, you could respond to that question directly or Donna. And then maybe that this is something we could get to, some form of compromise on and then we may even want to ask questions about the role of the CSE and whether it should be broadened in the public comment.

But that's a step further from where we are now. So let's confine ourselves right now to trying to get what we want to get into the document and into the current structure. Donna?

Donna Austin: Thanks, Jonathan. So my question in the chat is why not use the current IANA process that they have? If the complainant is not satisfied with the outcome they can seek mediation at that time. The CSE can be notified of that. And, you know, if they've got their whiteboard up they can tick that off.

And that takes the CSE out of it. So depending on - if it goes to mediation, you know, that could be considered problematic for the CSE but it's just another tick in the box for them. But I think, you know, the IANA process that they have at the moment seems to have worked okay to this point in time.

If mediation is a separate option, like, the ombudsman is now, that - the complainant or the direct customer could use, then that would be better rather than putting the CSE in the position of deciding whether, you know, the complaint has been resolved or not.

And if they decide it hasn't been resolved then they decide that the - that mediation could be an option. I think it should be up to the complainant and it should be done at the time of the completion of the IANA customer service complaint process.

Jonathan Robinson: Okay, thanks, Donna. I'm getting a feeling that the - we're going to struggle to live with B as is and I wonder if we shouldn't start to concentrate on the reworded A and C, which we're close to having right. We should certainly square bracket B at this point and it looks like it's close to being left out.

And then consider - put our attention on B and E so that we do end up with complete view of this issue.

So I think, Grace, if you could help us by providing that edited copy in the note section on the right, which will have a reworded A, a reworded C, a square bracketed B, in other words, it's likely to go. And then we concentrate our energies on D and E for a moment. Donna?

Donna Austin: All right, Jonathan, that's an old hand but I just had a thought as well that the ombudsman is an option for - in the IANA process now you could just add - where it says is there another resolution process, the ombudsman could be one option, maybe mediation could be another.

Chuck Gomes: This is Chuck, Donna, the ombudsman is in Phase 1.

Donna Austin: That's what I'm saying, Chuck. You could actually adjust Phase 1 to include a mediator if the complainant decides that, you know, his complaint hasn't been satisfactorily resolved, the mediator option could actually propose in Phase 1 as part of the IANA process.

Chuck Gomes: This is Chuck. I don't think it matters too much if it's better in - that - the idea - I think the reason we divided into Phase 1 and Phase 2 was because - the assumption that CSE was going to be involved and we wanted to separate those. But I certainly don't have any concerns about that.

Jonathan Robinson: Okay, so that's an interesting prospect. I still - let's - I mean whether we then sort of collapse the two phases into one and just have a hierarchical sense of them and then find - make sure that - that's certainly something that's possible. I'd still like to tackle D and E and just see if they have any role in the process.

So if we could get some comments on whether - what role the CSE might have in D or E - and that would be helpful. Looking for (Sharon)'s point here. Okay, yes, that's a good point, (Sharon), that's a really good point and there's a sort of segmentation there at that point between Phase 1 and Phase 2, that is a good point.

(Sharon) makes the point in the chat that the Phase 2 brings in the concept of anyone can raise a complaint in Phase 1 whereas a Phase 2 is open to direct customers only.

So in D we have - issue is not addressed, CSE to decide whether issue is a critical persistent or systematic failure. And escalate to problem management procedure. Is that an appropriate role for the CSE? And is that an all as was suggested by Stephanie? Is it a C - is it an either/or or is it an with C? Martin?

Martin Sutton: Thanks, Jonathan. I think this one for me is probably a very important role for the CSE. But not because of systemic failure doesn't normally show up with just one - with just one complaint.

But where you start to get a lot of complaints all come through - all come through the process and it's at that stage that you start to identify things are going wrong. And it's at that stage that CSE probably needs to be in dialog with the IANA functions operator.

I would be surprised if there were systemic problems that would not show up through the various reports and dashboards that the IANA functions operator produces.

But it would seem to me that, you know, if you suddenly get four or five people coming in and saying that there have been errors in the updates or that they're being asked for excessive amount of information, that might be something that starts to show that the focus of this - of the role is drifting rather from just delivering the immediate service.

So I would see this one as right but not on a - not on an individual complaints but rather as being an indicator of a number of complaints coming forward.
Thanks.

Jonathan Robinson: Thanks, Martin. That's actually really helpful I think especially in conjunction with the point made earlier by - was it Stephanie I think, just scrolling back to check. I'm pretty sure it was Stephanie that I'm attributing that correctly.

But in essence the way I'm now reading this as I look at it, I see that you've got this point - a CSE's simply notified of the complaint. At that point, if the issue is not addressed the customer may choose to request a mediation.

And more over, the CSE should review the problem, not (unintelligible), probably review the problem and ascertain whether it's a critical persistent or systemic failure. In other words, C, it's really C and A - sorry, C and D together and the CSE has a role and the customer has a role. The customer decides whether they want to seek mediation or go to mediation.

And the CSE analyzes and checks whether this is - which as you say, Martin, is probably unlikely to occur since it's likely picked up elsewhere but never the less the CSE is busy logging and monitoring these issues, which puts it back into that monitoring function.

So that seems to work well and effectively retains Point D slightly differently worded and with C and D phrasing. I'm assuming that if anyone is finding that problematic they will let us know. And noting that in effect based on our recognition that Phase 1 and Phase 2 are different. We still retain Phase 1 and 2.

And then I think we turn our attention to E, which is - doesn't involve the CSE. So in a sense that's kind of out of scope of this discussion as per my earlier remarks. Donna?

Donna Austin: So this is just a general comment but the start of this phase two should be issuing up the resolve through the involvement of the IANNA functions team or the ombudsman. The following escalation mechanisms will be available to the direct customer. The ombudsman process takes a very long time. So by the time of the end of that process, I would think that the, you know, if we're talking about a change to the who is database here that has to be done in a reasonably timely fashion. I mean the ombudsman - the timeliness of the ombudsman is unknown. So I guess I'm questioning the, you know, escalation after you've actually been through the ombudsman. I just...

Jonathan Robinson: Good point Donna. Just to Chuck made - I have some notes in front of me and then Chuck made the point that the ombudsman is a voluntary step. So it maybe that that wording needs to be tweaked but it is possible to - I think as envisaged by the design team and Chuck come in on this the ombudsman step could be skipped. So it's a really good point that you highlight but it's possible if time is of the essence to skip that there. Chuck can you confirm that to allay (Donna's) concerns?

Chuck Gomes: Yes that's - this is Chuck. That's correct Jonathan. The reason it's in that introduction there is because it is an option up above in phase one. And so if it

did go through that, it would be applicable. If that step was skipped and I don't think that a registry operator for example would go through the ombudsman if they had a timely issue that needed to be resolved.

Donna Austin: And on that basis Chuck I would start in two...

Jonathan Robinson: (Unintelligible).

Chuck Gomes: What does step two mean Donna? This is Chuck. I don't know what you mean by step two.

Donna Austin: Sorry phase two.

Chuck Gomes: Oh I would scrap ombudsman in step - oh in that introduction you mean?

Donna Austin: Yes.

Chuck Gomes: Yes. It's just there because it was an option up above. I don't know that that's critical to have it there. It was for - kind of for continuity there but that's...

Jonathan Robinson: Easy fix there Chuck if I can help you. It's to say should the issue not be resolved through during the course of phase one.

Chuck Gomes: That's good. Yes that's really good. This is Chuck. Yes.

Jonathan Robinson: Good. Okay. Can I check with the group or groups or the composite group that we've - I think we've got to where we need to be as far as this is concerned. In summary we've modified A, dropped B, modified C, made C and D joined up and retained E and slightly modified the introduction to phase two. And that seems to give us a phase one and phase two that work and are

consistent with the strange role of the CSC. But yes having involved the CSC in the escalation process as appropriate. Any concerns or issues before we leave it at that to sort of hammer those down? Good. Well then that's helpful.

So we had - I know we've run over time but I'm just going to check then because there was that item. I think we - realistically I'm wondering if we could go into that item three. I don't - I wonder at this point. Chuck go ahead?

Chuck Gomes: Yes. Before you get to item three, there's another critical action I think we need to do and that's annex Z and the IANNA problem management escalation process because that - the way it's listed right now is the CSC's involved in that. Is that okay? But that's - sorry to raise another probably heavy issue but we need to make sure that the way the CSC is included in the problem management process annex Z is acceptable.

Jonathan Robinson: Thanks Chuck. Yes it wasn't on the agenda which is why I managed to miss over it there. I think it's - I'm just checking.

Chuck Gomes: It's in item two Jonathan Robinson:...

Jonathan Robinson: Yes so.

Chuck Gomes: ...agenda item two.

Jonathan Robinson: Ah CSC role in problem management. I'm sorry yes, problem management. I just didn't - it wasn't called out with annex Z which is why I missed it. Thanks Chuck. All right so yes. So let's - we have - can we pull that up Grace if you wouldn't mind, annex Z? And we'll have a look at that. All right. Were there - I mean can I be reminded if there were concerns Donna or

others from design team C wish list which I'm just trying to remind myself if what if any concerns were here.

Donna Austin: So Jonathan I can't remember either but I guess a question for Chuck is to what extent did you take into consideration the remedial action process that we had outlined in our pre-Istanbul document? And also, is there a common understanding of what is critical persistent or systemic failures?

Chuck Gomes: This is Chuck. I'm not sure I understand the question Donna.

Donna Austin: So as part of our Istanbul document, we had an escalation process scoped out. And I just - and the question is to what extent did you consider that in developing your problem management escalation process? Or was it considered at all?

Chuck Gomes: I guess - this is Chuck. I'll have to claim lack of memory on that as well. I don't recall.

Jonathan Robinson: Donna can you remind us what happened to that? I mean where did that go and in what, you know, there was an escalation process and what happened to that and was it sort of communicated to the design team (unintelligible).

Donna Austin: Yes. Stephanie might be able to speak to this because Stephanie was part of the design team. And so Stephanie are you available to speak to that? I don't want to put you on the spot but.

Stephanie Duchesneau: The design team - sorry I'm not understanding the question Donna. What escalation process are we talking about at the prior design team M?

Donna Austin: So the annex set that is on the screen now for design team M.

Stephanie Duchesneau: Okay.

Donna Austin: For design team C, we had an escalation process as well as part of the (unintelligible)...

Stephanie Duchesneau: Oh, oh yes. So we said that here it's saying that if the CSC isn't able to remedy these individual - or these performance issues that come up with the IANNA functions operator then we escalate the issue to the GMSO or the CCNSO rather than leveraging the independent appeals panel.

Chuck Gomes: So this is Chuck. Why don't we just look at this - these steps and see whether they work or need to be changed.

Jonathan Robinson: It's Jonathan. I'm okay with that. I think we could take a step through - a walk through that and just see if they - if as a whole the process makes sense but in particular to the extent that it involves the CSC. Martin go ahead.

Martin Sutton: Thanks Jonathan. I think I would just like to flag that in the process that we looked at and we essentially based all our work for the CSC design team on. And that we could given time pull that one up to set alongside this one. What we were looking for was to use the design team - sorry use the CSC as a way of stimulating remedial actions so that when something goes wrong the first action is to try and recognize what has gone wrong. And then start to look as to whether well actually yes something went wrong but we know why and we understand why. And then well if we don't know and don't understand then we look to the IANNA functions operator to put forward its proposals for putting it right for the correcting the process areas or whatever it is that are going wrong. And that we then look through a certain number of internal steps which may or may not then be appropriate depending on the severity and

urgency of the problem. And then - and that I think was a very much larger sort of explanation of step one in annex Z.

Then the next - or sorry one and two. The moving forward we didn't put in a mediator step and, you know, whether that is then appropriate or not I don't know. Obviously having mediation steps is usually a pretty idea if people are having a squabble. And then rather than going to the binding independent appeals panel of step five, what we started to envisage was that we would go to the CCNSO and the registry stakeholder group to flag what we are seeing as the problem and using that to go out for a wider consultation on the way of moving forward, one of which might be the sort of fairly - leads to the fairly drastic step of calling in a process that would look at moving the IANNA functions operator.

So that is a sort of speaking from my memory as best as I can was how our process laid out. I don't think it's massively different. It's just rather more detailed than we've got here and where it does become different as I say is on the concept of mediation. We stayed on remedial action and cooperative working with the IANNA functions operator. And then in items five and six as to how then to move it forward. Thank you.

Jonathan Robinson: Thanks Martin. As I listened to you and read it, it didn't as you said as well not get into a massively inconsistent. Donna?

Donna Austin: Oh sorry. I didn't have my - I didn't mean to but I agree with Martin's assessment and probably where we start to differ is four, five and six. I mean six is important.

Jonathan Robinson: What I thought heard Martin say though there was really just a step - there's a step which involved consultation with the directed party - directly

affected party communities and Chuck suggested in the chat that mediation could be an optional step. And it appears to me if you put in that consultation step and made mediation optional you're pretty close to it. And given our objective here is to check the role of the CSC in this process, we probably might want to refer that - anymore substantial change. Just make sure that that's run past design team M. But it doesn't sound like these are far apart. It doesn't sound like also and please challenge me on this that the CSC is being drawn into activity that is out of scope of what was envisaged. So Martin when you say you'd like to see the design team C's pro designs brought in here you mean integrated with these in a kind of integrated document? Martin go ahead.

Martin Sutton: Yes. I think so because as I say the focus that we had was not on the dispute type of approach that we've been looking at in the previous section but rather that it is in our best interest and the IANNA functions operator's best interest to identify early where there is a problem and to put main effort into trying to do that and to make sure that those steps are then perhaps documented somewhere. And at that particular point, it then puts a slightly different spill onto the discussion where you're looking at looking to success rather than going to try and beat upon failure. Thanks.

Jonathan Robinson: Good Martin but I thought I heard you say that ultimately should it be necessary mediation was a satisfactory if not necessary component having seen this. I wonder if it makes sense rather than to try and edit this inside given there's a second document if there a volunteer from each group that could just work together or even alternatively we could task staff to try and integrate the two lists. Any suggestion if there's either a volunteer or two from both groups to try and pull together a common thing or whether we would need to trust staff to try and drop those two to integrate those? Any thoughts here? And what I think I heard is really just the prospect of accepting the

mediation but providing that - the steps which involve community consultation and with a less confrontational escalating to a confrontation approach (unintelligible) we've essentially got the same thing. Donna?

Donna Austin: Thanks Jonathan and I apologize if this is a little bit out of scope of what you're trying to do at the moment but I think the potentially important piece here that is missing is the discussion did we have - I can't remember any more. I think we had a discussion about what would trigger a periodic review. And perhaps I don't know Chuck's feeling on that but that's kind of the step that we didn't get to. If after all these processes there wasn't a satisfactory resolution and the CSC, you know, we said that we would take it through the CCNSO or register stakeholder group with GNSO to kind of escalate it up. I think potentially what's missing is that, what's that trigger piece. After all the...

Jonathan Robinson: So Donna we didn't discuss comprehensively what the triggers could or should be but we did discuss the following and agreed the following. We agreed that review would take place after two years and every five years no matter what. We also agreed that under certain circumstances an ad hoc review could be triggered in between those five year periods and that the CSC could request such a review I believe. That's where I'm slight - I think we agreed that. So in this context, that would really be I guess five would become a trigger. Sorry I've corrected language. Ad hoc is not correct but a special review could be triggered. We certainly didn't agree on any other triggers on that. So Avri yes don't recall exactly where we go to on whether it - I thought we agreed that the CSC could be a trigger but we didn't agree on any other triggers. But I may be wrong there. Donna?

Donna Austin: Okay so I guess I'm just wondering if it might make more sense. I'm not sure about if mediated the - if mediation files aligning independent panel is

initiated. I'm not so sure about that. Perhaps that five is more that it goes to the consideration be given to a period review being undertaken.

Jonathan Robinson: So review. Avri?

Avri Doria: Yes. I - yes this is Avri. Yes we're not really getting all specific about what triggers - what would trigger the special review. I've taken a stab at proposing some language in DTN but it hasn't been reviewed as far as I can tell by the other members of the team yet. So it's just my ideas and I'm not going to push those forward now unless asked but certainly are proposing ways in which it could be triggered. I had gotten the impression though that while we wanted the CSC to be part of a trigger, we didn't necessarily or hadn't necessary agreed that it was adequate in and of itself to trigger a full review. Now maybe we do want that but I hadn't got that impression yet. Thanks.

Jonathan Robinson: So Avri that second point you made is entirely consistent with my memory as well, that we - that the CSC could be - it depends on your interpretation of trigger but could set the process in motion that wouldn't of itself completely trigger, you know, irrevocably the incidence of a review. So you're absolutely right. I agree with that point. Look, we are out of time here. I feel like we got pretty close on this annex Z save and I'm just wondering if we can understand and I think Stephanie that you have to go and thank you. And I think others will have to go. Now I've got a four o'clock well local time call, a top of the hour call myself. So I think I would like to ask that Stephanie which language are you offering to look at? Is it - because it feels to me like we ideally need a volunteer from M and C to have a look at - okay the special review. So Stephanie will look at Avri's special review stuff.

But are we willing to let staff have a go at bringing together the design team C escalation and this annex Z for I think that may be the most pragmatic

approach given the information that we've discussed here. Thank you Bart and great support staff I see in the chat. So I think given the out stretched everyone is and Donna is happy with that. All right so we'll let Marika and Bart have a go at integrating those two escalation processes and as we come to the top of the hour thanks for staying on everyone. I think that's pretty productive. We had a very ambitious agenda for 90 minutes and we've achieved a lot of what we might have expected to. So you - the notes will be available shortly as will the recordings and thanks for your help in pushing this forward yet again.

Grace Abuhamad: Jonathan I have a quick question but I may just send it via Notes. It was just to confirm the action items.

Jonathan Robinson: Okay Grace I'll stay on for a minute or two and we can have a look at that and anyone else is welcome to do so. The recording is still running. So that's fine. Let's have a quick look at those.

Grace Abuhamad: Okay so my brief question was there was at one point Donna raised a question of whether or not criteria in the CSC needed to be identified. And I was just wondering if this was an action or if this was just a discussion point.

Jonathan Robinson: I think it was - my memory is that and we need to just cross check with that the phase two escalation but given the revised role of the CSC in phase two I think those triggers - those criteria became less important. I think they were critical if the CSC had the kind of role that was envisaged when we came into the call but that exactly as Donna says I think we moved past that.

Grace Abuhamad: Okay great. Thank you. And the rest I think is all set. I'll send the notes and anyone can edit if there's a concern but thank you.

Jonathan Robinson: Just - I just wouldn't. Okay well we could edit online. I'm just going to check with you on the - I just want to - I wouldn't mind check those. The - well we - I guess we can look at it online as well but I wouldn't mind a quick check of those where you got to with that wording.

Grace Abuhamad: Yes so...

Jonathan Robinson: And I can't see it exactly in that.

Grace Abuhamad: I have dropped B completely. So the actions for the phase two I have edit the intro text to in that section about the ombudsman should these issues not be resolved being and resolved in phase one then they move into phase two. And then or should they I had included in there but there might be an edit mistake. And then I had update client A to reflect that the language would only be CSC is notified by complainant. And we never determined whether it was complainant or IFO or just complainant. Complainant and the...

Jonathan Robinson: Well Grace I'm going to have to drop. I think we'll have to have a look at that language on a list as appropriate, have a quick look at that...

Grace Abuhamad: Okay.

Jonathan Robinson: So give us your best draft and we can respond to you on list with an edit or two as necessary...

Grace Abuhamad: Sure. Okay. I'll work with Marika and Bart on that. Okay. Thanks.

Jonathan Robinson: Thanks Grace. Thanks everyone.

END