**ICANN**

**Moderator: Brenda Brewer**
**May 8, 2015**
**9:00 am CT**

Coordinator:     The recordings have been started.

Donna Austin:     Okay. Thank you. So I don't know whether everybody saw the email that I sent around last night or yesterday evening, whenever it was. I think if we can just go through the punch list and just work our way through it and see where we come out, does that sound all right to everybody? Okay, I'll take that as a yes.

So does anybody have any comments on Number 6? I know this isn't directly asked but it talks about the special review mail to be initiated by TLDs or concerns raised by TLDs directly with ccNSO and GNSO.

There seems to be something missing. Yes, Martin?

Martin Boyle:     Thanks, Donna. Yes, it seemed to me that we might usefully try and give some thoughts to what thresholds might need to be applied here. Now I'm not sure where that would actually belong because obviously one of the things is that this itself doesn't seem necessarily to be into the CSC.

But I am concerned that we might see a lot of shall I call it mischievous complaints being pushed in. And I'm not quite sure I know how we - how we deal with that whether there is something that says right, okay, you know, you wouldn't do a special review unless.

Now one possible answer to that would be that the ccNSO Council and/or the GNSO Council look at the complaints and then make their own decision as to whether that is a frivolous complaint or something more evidence of systemic and serious failure. But, you know, it just sort of worries me a little bit stated quite as boldly as it is here that you might see people who are really quite deliberately just sort of trying to (muck) the system around. But then I also note that it's a DTN problem, not ours.

Donna Austin:    Okay. Thanks, Martin. I think that's (unintelligible) is an interesting one and certainly when it comes to what triggers a special review. And that's - I think that's something we have to look at later on (unintelligible) rightly.

Okay so we'll move on to Number 11, I think obviously that was DTN and see what happens. So Number 11 so composition, who will select the TLD representative that is not a ccTLD or gTLD registry. So this was the - we included the possibility that other TLD operator that - to address IAB and dotARPA and also take into account dotGov, dotMill, if any of those TLD operators wanted to be involved as well.

So the only suggestion I had was that an expression of interest can be submitted to the RySG and then they will follow up with the respective entity. We could draw them back to the ccNSO as well so that the expression of interest could come through either the Registry Stakeholder Group or the ccNSO and then they would follow up with the related entity.

Does that work for people or do we have problems with that? Yes, Martin.

Martin Boyle: Thanks, Donna. I think the process is right that we go to the GNSO and the ccNSO and for the GNSO I would have thought most appropriately to go to the Registry Stakeholder Group because if you've only got one place, which if I remember correctly is all we have, then there probably will need to be some sort of judgment call as to how to select that person.

However, you know, certainly it has to be more than the Registry Stakeholder Group. I think it does actually have to be the Registry Stakeholder Group and ccNSO Council. Thanks.

Donna Austin: Okay. Thanks, Martin. Staffan.

Staffan Jonson: Thank you, Donna. Well I seem to be quite blank in opinion of these reasons and I'm trying to understand why. Sorry. Am I on echo somewhere? No, I see not. But let's take a step back here because we're not addressing the discussion about who are not members of the ccNSO and the GNSO but still registries.

And I guess this is mainly maybe a CC issue but the wide representation outside the ICANN's ACs and SOs need to be taken into account here. Sorry, if we're just making this issue broader than it is but, thank you.

Donna Austin: So I think I understand looking at the charter - so I think with the ccTLDs we did actually say that it's - well the ccNSO approves it, it doesn't - this is for ccTLDs. While the ccNSO approved it, it doesn't mean that those ccTLDs outside of the ccNSO can't submit an expression of interest. So if you remember what we said with the selection process is that anyone who's interested has to submit an expression of interest and it has to go through your

community group so even for the liaisons from ALAC, they would have to submit to ALAC in the first instance.

And then it would be the GNSO Council and - well the GNSO and ccNSO won't approve overall the composition of the CSC. And then we had - we introduced the notion of an additional TLD for dotARPA and those that are related. So that's what we're trying to address here because we didn't actually specify how that would happen because there is no constituency bodies left.

So I think that - I think it - at least in my mind, Staffan, we've addressed a ccTLD that's outside the ccNSO because anybody can submit any ccTLD can submit an expression of interest but given the structure that we have we want to use the structures that we have in place so it's the ccNSO that will ultimately approve it. But this one is kind of a little bit outside both the gTLD and ccTLD registries.

Staffan Jonson: Yeah, I don't recall this, there's a difference between the direct and indirect. But I seem not being able to formulate something constructive here so I'll keep quite for a while more. But I just needed to raise this idea.

Donna Austin: Yeah. Bernie.

Bernard Turcotte: Thank you, Donna. Boiling this down to a choice which has to be agreed to between two parties regardless of the two parties, is always a bad idea, it's a kind of a conflict. Even numbers are bad; odd numbers are good. So I just wanted to make that point.

Donna Austin: So I think this isn't necessarily about making a numbered choice because, you know, we've said that it's a minimum. There's, you know, two Gs, two Cs and one additional. So if we had expressions of interest from - well I was thinking

somebody from ARPA and somebody from dotGov, for instance, you know, those could both be accepted.

So Kurt's actually suggesting that we can put out - the CSC could put out a request for expressions of interest ARPA, (unintelligible), Gov, etcetera, and then the CSC could evaluate and send to the Registry Stakeholder Group and ccNSO for applications. I guess that's another way of looking at it.

I thought this was a simple one. Okay, Martin.

Martin Boyle: Thanks, Donna. Yeah, when I read it earlier I thought it was a fairly simple one. I agree with Bernie's overall thought that having even numbers to make a decision is often bad. And so on that basis I must admit I think Kurt's idea is probably quite a clever one because then essentially what you're doing is putting it up for ratification.

But on the - on Page 59 of the document, what we're actually saying is one additional TLD representative not considered a ccTLD or gTLD registry operator, such as the IAB for dotARPA, in which case, you know, essentially we're talking about quite a small pool here.

I don't know how homogenous that is as a pool. I must admit I've always tended to see dotMill, dotGov, dotEdu as being gTLDs. But I think the sort of logic is, no they're not, they're US ccTLDs but are not members of the ccNSO either.

So I - the more I think about it the more I think that Kurt's approach could well be the right one and not necessarily that we make a decision in the CSC but rather perhaps have some sort of advice from the CSC that goes to the wider community and then perhaps look at, you know, well did we really

expect to have massive competition to be sitting on this? And if we have a lot of people we just say well, okay, we will rotate every year or so, so that everybody can enjoy the fun.

Donna Austin:     Yeah.

Martin Boyle:     Thanks.

Donna Austin:     Oh thanks, Martin. I guess my only concern with Kurt's suggestion is that initially we don't have a CSC. So the appointment of the additional TLD representative would have to take place once the CSC is formed for the first time. So that's my only - my only concern over that.

Okay. So we've got a couple of options...

((Crosstalk))

Donna Austin:     Yes, Martin?

Martin Boyle:     Can I have another go in here, Donna?

Donna Austin:     Yeah.

Martin Boyle:     It suddenly occurred to me that the CSC will actually have five registry operators on it: two Cs, two Gs and one that is neither.

Donna Austin:     Yes.

Martin Boyle:     And that could actually mean that we have, you know, for example, a dispute between the ccTLD registry operators on the group and the gTLD registry

operators on the group and then this arbitrary additional TLD representative having almost the casting vote on that. So perhaps there is a bigger issue sitting here that we need to pay a little bit of attention to.

Donna Austin:     Thanks, Martin, I understand your point. I don't know that it's something that - I guess if you have concerns about it you can put in the comments. I don't know that we want to open it up (unintelligible). So all we're looking for with 11 is a mechanism to allow the IAB to submit an expression of interest. And - okay. We've got some options for 11 so let's just leave that for now; we can come back to it.

So 12, for membership in CSC, approved by ccNSO and GNSO so the question from Sidley is by what percentage. My suggestion is we just make this approved by the ccNSO and GNSO Council and then that runs through their own approval mechanisms. And then we don't need a percentage from the ccNSO or GNSO. Does anyone have views on that? Bart, I see you've got your hand up?

Bart Boswinkel:   Yeah, maybe if you put it that way maybe add something like in accordance with their own rules and procedures because you do not want this group to start meddling in - I guess in the rules and procedures of the GNSO and the ccNSO.

Donna Austin:     Yeah, yeah. Anyone else have any views on this? Okay so I think that one is good. So 13, if ccTLD and gTLD representative is recalled can meetings continue before replacement of names? So I think initially we said it had to be - the position had to be filled before the next meeting.

So I think in response to the Sidley question my suggestion is we say yes, best practice would be to have someone in place but meetings can continue with

the caveat that a replacement must be made available within three months. Does that sound reasonable to people? I know this is all pretty arbitrary but - yes, Martin?

Martin Boyle:     Thanks, Donna. Yes, as you say it all tends to be a little bit arbitrary. And perhaps there is some need to go to the ccNSO and the GNSO and ask them what they think. But my initial thought when I read your suggested response was, yes, that sounded like good common sense.

But then I thought well actually we have got a very small committee and if one person is out that actually could unbalance the committee quite significantly. So what I did wonder is whether there ought to be perhaps a right for the relevant name supporting organization to put in a temporary representative until it's completed its processes to select the replacement.

Or - and then the alternative might be that the CSC itself should not be allowed to make any fundamental decisions until it got back to being full representation or that any fundamental decisions it might try to make has to get the approval of the Council of the community that is under represented.

You know, it just seemed to me that, you know, I'm stretching my imagination to think why the CSC would suddenly decide to, as soon as somebody had left, do something really and to the detriment of the weakened community. But, you know, we seem to be at that stage in these discussions of continually going back and saying well what if and imagining Armageddon is just around the corner.

But anyway that was just a sort of vague suggestion that if anybody has got any views would be pleased to hear them. Thanks.

Donna Austin:    Okay thanks, Martin. I notice that Kurt's made the comment that the work of IANA will go on regardless of whether the CSC is fully staffed. You know, given that this is a - we anticipate a regular cycle of monitoring I think that can continue. I like Martin's suggestion of, you know, the temporary appointment to be made by the - whatever group it is the persons come out of so that's a - one we can consider, too.

Bernie.

Bernard Turcotte: Thank you, Donna. Yeah, I'm along the lines of Martin on this one. The - I mean, if it ends up working like pretty much everything else that we build most of the time there shouldn't be formal votes anyway. So if there are no formal votes following through on Martin's thinking, then it doesn't matter and, you know, the process goes on.

If there's something that actually requires a formal vote then you probably would need to have some - a CSC that's fully loaded, if you will. Thank you.

Donna Austin:    Yeah, thanks Bernie. So Kurt's suggesting that, you know, try to get the ccNSO and GNSO to agree to a one-month replacement cycle. And I think that's something we can build into the charter and whether it's achieved or not really isn't going to be a problem at the end of the day. So which I think is - if you look at the recall amendment part of the charter we say replacement must be provided in order to participate in the next meeting of the CSC and that would be a monthly cycle so that would make sense.

So I think we go with if the ccTLD or gTLD representative is recalled then the respective registries or CCs be asked to provide a temporary representative with the intention that they will provide a permanent representative within a month of the recall date. Does that sound reasonable?

Bernie. Have I lost everybody?

Bart Boswinkel: No, I can still hear you, Donna.

Donna Austin: Okay, okay. Okay good.

Bart Boswinkel: I just wanted to make a comment, I think, say, for all practical purposes I think a month is very short.

Donna Austin: I understand, Bart (unintelligible) but that's the cycle that the CSC will be working on so as I said, we can put that in as what they should be aspiring to whether they make it not isn't the issue.

Bart Boswinkel: Yeah, or otherwise replacement or temporary replacement within a month and then a full proposed person within three months because that's reasonable from a timing perspective.

Donna Austin: So I think I want to keep this at a month because the CSC is operating on a monthly basis. You know...

((Crosstalk))

Donna Austin: It's at the end of the day all we're doing is providing, you know, arbitrary stuff here. And if the...

Bart Boswinkel: Yeah.

Donna Austin: ...if the ccNSO has a concern about this or the Registries have a concern they can put that in their comments or it will be worked out later.

Bart Boswinkel:    Yeah.

Donna Austin:    Then I guess it's possible to but depending on, you know, the cycle of when expressions of interest are sought, if you get, you know, five or six then you might have a pool that you can draw from that's available and that's, you know, something that maybe we could try to build (unintelligible) best practice would suggest that you have a pool to draw from.

So I think we're good on 13. Yes, Bernie?

Bernard Turcotte:    Just agreeing with Kurt on the thought of a standby. I mean, if those entities are going through the process of selecting one it's not really much more of a drag to add in selecting a standby as minimum temporary replacement. And we don't have to order them to do that, we can't tell the ccNSO or the GNSO to do those things. But we may suggest that if they're going to go through a process for selecting someone anyways why not select at least a temporary replacement that something should happen?

Donna Austin:    Yeah. Yeah, I think that's a good idea. Okay so on that temporary replacement should we - I think it's too late to start messing with the charter; we can just keep that as a - final version if we can keep it as a possibility. Okay so moving on to Number 14, determine how CSC will decide on who will be the liaison to the IFR. And I had, you know, as a default the CSC chair, however if, you know, that person isn't available the CSC can call for a volunteer and if there's two or more that volunteer then the ccNSO can vote.

I did have a question on whether the liaison had to be a registry operator. I don't really care if somebody is engaged in the CSC the liaison role to the IFR is just kind of informational one in my mind. Bernie and then Martin. Martin.

Martin Boyle:      Thanks, Donna. I think I actually do mind. I actually think that the role of the
                   IFR is predominantly quite a technical role. And therefore I would like
                   whoever was coming from the CSC to be able to brief the other members of
                   the IFR on the way that the operator - the way that the PTI is actually handling
                   its job, you know, whether it's meeting its obligations, where there are good
                   reasons for its failure and that sort of thing.

                   And I think that actually requires the person coming in to have a very good
                   understanding of the operational nature of the role I think can probably only
                   easily come from one of the registry members. Thanks.

Donna Austin:      Okay, fair point. Staffan.

Staffan Jonson:    Thank you. Well, as written in the chat as well I'm not sure if we actually
                   should pinpoint that the CSC chair will determine (unintelligible) let the group
                   do that internally instead. And maybe we might be starting to over
                   (unintelligible) things here by expressing that so clear. So as long as there are
                   five of them they will have some kind of consensus about who to send
                   anyhow. So I think we might leave it just by saying that it's - within the group
                   of five.

Donna Austin:      Okay. Thanks, Staffan. Stephanie.

Stephanie Duchesneau:        ...agree with Staffan on this one that it's going to be a pretty small
                   group. And I think they can come at it from an internal decision process
                   without it having to necessarily be the chair. I'm not necessarily concerned
                   about a liaison having this role but I think, I mean, there is the other
                   requirement that members be present at X number of meetings as long one

was a really active participant then to me it wouldn't be so problematic to have a liaison filling that role if it was the right person.

But I think that would come out in a group decision and an internal process, people would want someone who is familiar with the CSC operations and the day to day operations of IANA.

Donna Austin:    Okay thanks, Stephanie. So I think where we're headed on this is that the CSC would decide who the liaison would be but the liaison should come from a registry representative of the CSC based on, you know, the requirement for technical knowledge because we could possibly get some pushback on that. So does that sound reasonable? It would be a decision of the group as to who the liaison would be but preference would be to have the liaison be a registry - from a registry.

Staffan, is that an old hand? Okay, thanks. So we're good on 14? Okay that was a yes. Fifteen has been compressed and I can't read it. Propose remedial action (unintelligible) is noted as item to be agreed upon by CSC and PTI. Oh, will this happen prior to transition?

I wasn't sure on this one. I mean, I kind of think well how can you agree remedial actions until the CSC and PTI are actually in place. So I - I don't know that we can say, you know, this will happen, the procedures will be agreed between the CSC and PTI once they've been formed. Go ahead, Martin.

Martin Boyle:    Thanks, Donna. Yeah, I actually full agree with you and I think this is one of those which if we're - if we start engaging on this we are definitely likely to be over-regulating the process. And I think the resolution - the remedial action is going to be very heavily related to well what was the problem. And so it's an

issue of context and that's why we've got the CSC is the first line of discussion with the PTI and the organization that is put in place to try and find a way forward and so tying their hands up and then pushing them forward seems to me like a pretty dumb idea.

So yeah, I think it's - it's for the committee to decide on remedial action procedures in discussion with the PTI board. Thanks. Or rather with the PTI rather than specifying the Board. Thanks.

Donna Austin: Okay. Thanks, Martin. That's probably an important distinction that it's a conversation - it's an agreement between the CSC and the PTI not the CSC and the PTI board. So we all comfortable with the idea that this would happen once the CSC and PTI (unintelligible). Okay. Good.

Sixteen, IANA problem resolution process contemplates that the CSC can escalate to ccNSO and GNSO which may then decide to take further action using agreed consultation escalation process. Will these processes be - what will these processes be and is anything contemplated beyond a special review?

Again, I think, you know, the escalation point is the ccNSO and GNSO Council rather than just the supporting organizations. And I (unintelligible) they would need to establish a process for consulting and make a decision. I don't (unintelligible) contemplate anything (unintelligible) the special review. So that special review is a special review of the IFR, is that correct?

Donna Austin: Okay. All right (unintelligible).

Martin Boyle: Thanks Donna. I think actually we did have the special review in our sights but yes again I think that the punch list seems determined to push us down to nailing everything up. And I think your point about this should be CCNSO

and the GNSO councils to decide what they want to do because yes they might decide the special review is necessary. But they might also decide that they have a full and frank exchange with the ICANN board, bearing in mind that it's the ICANN board that is the steward and the holder of the contract. And therefore use them to try and identify what they are going to do to put it right before moving on any further with this.

So, you know, I think I feel what you're saying as well, at least I hope that's what you're saying that we should be pushing back and saying, you know, well actually this is for the CCNSO and the GNSO to work out themselves including other things that might not be things that are specifically written down. Thanks.

Donna Austin:    Okay. Thanks Martin. I mean I like the suggestion there that it could be, you know, the CCNSO and GNSO council could try to have a conversation with the Board, you know, and so and that would go hopefully bypass any need for special review. So I think that's a good situation too.

So we're okay with, you know, we change this to the CCNSO and GNSO councils and they would need to establish processes between themselves as to how they consult and make decisions on whether this will go to a special review or other alternatives such as exchange with the Board - ICANN board not PTI board. Bernie?

Bernard Turcotte: Yes. We have to remember that as (Sharon) said at the meeting yesterday from (Sidley) it's a professional problem with lawyers that they try to nail absolutely everything down that they can and I think in this case they're trying to push those things upon us because they don't necessarily understand the mechanics and the implications of things. And I think it's between yourself and you're completely right. It's our responsibility to push back on it.

Donna Austin:       And push back we will Bernie. Okay so I think we're going to fix then. So I think these other ones, 17, 18, 19 I don't think we want to discuss. It's just that the CSC was mentioned in 17. Oh Bernie and then Martin. Martin?

Martin Boyle:      Thanks Donna. Yes I agree with you. We probably don't really want to discuss it here. But certainly number 17 and 18 left me sort of scratching my head and I wasn't sure whether it's just because my knowledge or my understanding of the thing has broken down completely.

                   But for 17, determine to what extent the ICANN PTI contract will be enforceability mechanisms. And I wasn't really sure I properly understood, you know, bearing in mind that the ICANN role with the PTI contract was all about the ICANN taking on that sort of overall stewardship role in which case surely the ICANN role at that particular point is about enforcing their contract. So I just thought I'd put my hand up now and say well, you know, that's what I thought.

                   Have I misunderstood something completely? Because if I have, I'm going to have to start scratching my head again because normally it's comments on this proposal that are going to have to be rewritten there. Thanks.

Donna Austin:       Sorry Staffan and then I'll come to you in a minute. But I guess one of the questions I asked in a webinar recently was how does the CSC and what's the role of CSC when the contract is between ICANN and the PTI and the interlays and all the important mechanisms sit in the contract. And I think the response I got was that ICANN will defer that responsibility to the CSC in some way. They shouldn't and not particularly logical to me but that's the response that I got. Staffan and then Bernie.

Staffan Jonson:     Thank you Donna. Yes you're starting on going in the right direction I think by discussing what this actually implies. And as Martin, I'm quite confused and - or rather blank actually to what this means because at least in my head I need to make - draw some boxes. And I guess you're right. Is this about responsibility? Lawyers usually kind to tend to follow that aspect of things. But I need to think on this and a bit more actually to have anything else to say. Thank you.

Donna Austin:      Thanks Staffan. Bernie?

Bernard Turcotte:  Thank you Donna. Just maybe trying to fill in some of the blanks from what I remember as part of the discussions of with the lawyers on this. If I remember correctly, this is more about the fact that they're in part uncertain if the CSC will be considered formally internal to ICANN or not. And therefore, they want to understand where they should formally pin the responsibilities of the CSC or if you will formally include PTI's responsibility to work with CSC. So I don't know if that helps but the - my understanding of how the lawyers are looking at this is well PTI is a little bit bloating for them and they feel and need to anchor it down and they're trying to figure out where and how to do that.

Donna Austin:      All right thanks Bernie. Staffan and Martin are they new hands? Old hands? Staffan?

Staffan Jonson:     Sorry that's an old hand but I can take the floor anyhow if that's okay. So yes. Thank you. This is actually we're getting - we're putting out the right questions now but I'm not sure we can follow them all the way to the consequences yet. But if CSC internal is ICANN or not and in the same time trying to be independent from ICANN that's an overview or not. So we need to take a stand here actually. Thank you.

Donna Austin: Thanks Staffan. And Martin?

Martin Boyle: Yes mine definitely was a new hand because the reason I asked my initial question is that, you know, I have I think sort of fairly serious concerns about and we've gone through this discussion before because when we talked about the role of the CSC on escalation. It wasn't that CSC would press the nuclear button but CSC would refer it up the chain. And that the end of the day the IFR comes in to the ICANN board with a whole load of recommendations that are for implementation. So I wouldn't - I don't at the moment have any particular concerns about whether CSC, IFR, or other ICANN accountability mechanisms are within ICANN.

I certainly don't believe they particularly belong in the PTI but that enforceability of the contract has to be nevertheless from ICANN to the PTI because PTI is contracted to ICANN. And therefore, these other bodies and their relationship has to sort of then fit in on the basis of what is a constructive and practical way of doing it without putting them into the position that they call the shots because they don't or rather the other ICANN accountability mechanisms might but the CSC and the IFR do not. The produce reports or proposals or suggestions that other people then have to decide whether they are well found or not. Thank you.

Donna Austin: Thanks Martin. Bernie?

Bernard Turcotte: Thank you. Yes Martin I'm not saying I'm arguing this one way or another. I'm simply pointing out that for the lawyers they're trying to understand where the definition and the responsibilities for the CSC would fit so that they can think about how to include it. And in part of their discussions, they've said well, you know, it could be an ICANN bylaw. You could include it as part of

the statement of work or the contract with the PTI, etcetera. So I think for them it's just a question about looking where to nest this thing.

Donna Austin: Thanks Bernie. And then Kurt's put some stuff in the chat as well that's maybe the way to go is for the groups to decide what it wants in terms of accountability on the part of (Brian) and ICANN let the lawyers figure it out which I think Bernie is what you're trying to get to. That's the dynamic that (unintelligible) is trying to get sorted out. Yes so Kurt's right. We, you know, to some extent we need to work out what it is that we want and let the lawyers figure out a way to do it. So I don't know that we need to spend more time on this or 18, 19 or 20. But I just thought because CSC was mentioned that we might want to have some discussion about it.

So the explanation mechanism is on - I'm a little bit concerned that the DTM might have some different views on what is persistent performance issues or systemic problems. So did we - do we have any thoughts on this? I, you know, guess this goes back to Martin's earlier point that we need to establish thresholds. We haven't identified that in terms of what we think are persistent performance issues or what a systemic problem is. But to some extent, in my mind that would be identified through a discussion with the CSC and PTI once they're established. You know, obviously a persistent performance issue is going to be something that continues to happen even though remediation has been attempted on a number of occasions.

But is it serious enough that it warrants, you know, kicking off to the councils or, you know, kicking up the line to somebody else? So and systemic problems, you know, again is it systemic in the sense that it needs to be kicked up the line or can it continue to - or is detrimental to IANNA's performance. So interested to hear if anyone has any views on this. I'm just a little bit concerned where DTM will go on this. Actually I'm noticing there's a

discussion given to CSC and I think that's probably the key to the discussion should be given to the CSC based on the discussions we've had with IANNA. And it will be their judgment call on whether it's bad enough to escalate. So does anyone else have any views on this? We're talking specifically about 22. Yes Staffan?

Staffan Jonson: Thank you Donna. Yes I'm trying to figure out how to start this one because there is several steps of thinking before actually formulating an opinion, at least for me it is. So I'm - unfortunately I'm as blind for it. So are we talking about defining the three process identified about DTM? And if we go back to the 21 then is that what we need to do first in order to actually pinpoint where this infuse might original or am I thinking wrong here?

Donna Austin: Well Staffan you're part of DTM aren't you?

Staffan Jonson: Yes unfortunately I am. Because I need to drill down into this. We're having a meeting next week so.

Donna Austin: Okay. So...

Staffan Jonson: That's why I'm trying to figure out where to start.

Donna Austin: Right. So we were - I was discussing 22.

Staffan Jonson: Yes sorry, yes. Okay.

Donna Austin: Because I didn't think 21 was our issue. Maybe it could be. Bernie and then Martin.

Bernard Turcotte:   Thanks Donna. Yes I like the discretion issue at least initially and, you know, that's the kind of thing that the CSC might drill down as to how it wants to deal with this. I guess my biggest comment is the CSC is going to be really the body that's going to meet regularly and follow things regularly. And whether there's a process or not that is defined, if one of the reasons we've got a small group of vetted people that are qualified is if they sit around the table one month and decide this thing is really ugly pretty much regardless of process it's their responsibility to do something about it. I think that's sort of our vision or at least that's my understanding of what our vision should be relative to the responsibilities.

Donna Austin:   Thanks Bernie. Martin?

Martin Boyle:   Thanks Donna. Yes I think I'd fall in line with Bernie on this. Yes it seems to me that we're putting the customer standing committee in essentially to do that monitoring, to understand the dynamics, and to work out when things need to be escalated or where remedial action is needed. And at some point, I think it is then up to the CSC to come to a conclusion and do the escalation which we said would be up to the CCSNO and the GNSO.

I guess, you know, and a sensible CSC the members would go back to their councils and give them regular reports anyway. The members should certainly be going out and communicating with the wider world in one way or another if only by sending out an email saying that, you know, the performance reports are now all published at such and such a URL.

And I'd also see the CSC as being the sort of go to group for registries to come and discuss things that they're seeing, you know, like sort of repeated failures to change name servers or whatever. But again I think that, you know, there is a risk that we end up trying to over define and I think certainly the idea that

well, you know, these are the people who are charged with following it up and they have an escalation path and they are encouraged to be open and transparent and talk to people. And I don't really think I'd like to see a lot of more - a lot more rules getting put in on there to try and define its role and responsibility and therefore the discretion given to the CSC is probably the most intelligent way of dealing with it. Thanks.

Donna Austin:     Thanks Martin. So to Kurt's point in the chat, so a systemic problem should be defined by X number of uncured faults, the number to be determined by negotiation between ICANN and CSC and it should be as objective as possible. So I think going back to Martin's earlier point about establishing threshold, one of the things that we should keep in mind here is that it would - there would be some value in having threshold or objective targets because we need to be careful about the other side of, you know, those that think that the registries are going to operate as a cartel and come to some kind of cozy arrangement with IANNA to continue what it's doing now without any ramifications.

So I think yes this question given the CSC but there should - we should just to the extent that we can, and again it's going to be out of three right if we decide to do this now, set an objective target on, you know, if you've got six uncured problems within a two month period, then we consider that systemic or if it's 12. But that would require I think some kind of understanding of the amount of traffic that goes through IANNA and, you know, how many maybe the work that (Paul Cane) has been doing might be a little more informative for setting these kinds of targets. So yes I agree. Discretion to the CSC but we need to mindful of external perception here as well. Bart you had your hand up and then Martin.

Bart Boswinkel:    I think Donna say in my view what you normally do is this is what you put in service levels. Say this is your normal and if you reach say whatever percentage then it starts to be considered a systemic problem. So it's more and moving forward it's more in the say first of all in the initial server SLEs but also in moving forward who is going to define the next set of service levels where you start to push in these thresholds and these more objective measures or standards. So that's where the CSC will look at to check whether there is yes some yes I would say systemic issue at stake and to understand what's happening as well.

Donna Austin:    Yes so I think there's some benefit in setting a threshold but it's the CSC's discretion about to Martin's point in the chat about whether it's trivial or not. And the - and perhaps...

Bart Boswinkel:    No it's - let me rephrase it. I think the - what you want is you do not want the CSC to accept a threshold. You want them to look at say a threshold or objective measure set by somebody else and they have the discretion to look at it and interpret it to gather with the PTI. But at some point when it's moving too far off from the threshold, so it's not a role of the CSC to set those thresholds but it's more to use it as a standard against which to which they measure what's going on. And the set - the thresholds should be defined in the SLE and therefore in the contract...

Donna Austin:    Right. So I take your point. I think this actually goes back to what we discussed and in terms of remedial action. So if you go back to 15 and what we agreed there that the CSC and PTI once they're formed they will come together and decide what the remedial action procedures would be. And I think that's where 20 and the one we're discussing now 22, comes into play in that it would be decided in that discussion around remedial procedures that you would have an understanding between the two parties about what is going

to be the - where things will start to get escalated. So I think 15 and 22 are connected here and because we've said that the CSC and PTI will work out what their remedial action procedure will be once they're formed, that will also have to incorporate the SLE. So we'll have to understand what those are. So there's a process that will have to be gone through to understand what the remedial action is and at what point things will start to move up the chain. So I think 15 and 22 in my mind they're connected. Sorry Martin. Go ahead.

Martin Boyle:     No thanks, Donna. No actually that I thought was very useful discussion and I think certainly Bart hit on a number of for me quite significant points. And I particularly like your linking of 15 and 21. I suppose though for me, let's sort of go back and say well what do we think a systemic issue might really be and I think it's probably more to do with the fact that something is failing the service levels. We can't explain it as being a transient effect.

We have tried to get PTI to put remedial action in place and that hasn't happened. We've set our time scales associated with that remedial action. And it's at that stage that we can start saying here is the systemic problem. I put in the chat earlier about well, you know, you have service level agreement and you might continually miss them but it's actually so trivial that you wouldn't consider that as being a systemic issue even though it is because obviously something is wrong and that systemic issue might actually be that the service level agreement is wrong.

It might also be, though, the fact that, you know, there are times for addressing re-delegations and yet we all know that CCTLD re-delegations can be painfully slow. And sometimes it's better that they are and therefore once again I wouldn't particularly want somebody putting their hand up and saying well, you know, this one's now been outstanding for the last 11 months and therefore it's systemic. I don't think it is. So, you know, I think what we

perhaps need to do is just link it through to the remedial action and say that, you know, it is something that is recognized as a serious issue and that remedial action is either not being taken or is not resolving the problem. And, you know, an example might be that, you know, sort of three of IANNA's total staff of six have got up and walked out and it takes time to replace them. And you might actually have to recognize that you're going to miss a number of service level targets for a given time because of that replacement process. Thanks.

Donna Austin: Thanks Martin. I'm just reading Kurt's comments in the chat. So the process could take into account trivial breaches. It can be thought if there isn't an objective standard the process will become a critical role in performance driven. And I do agree with Kurt on that. If we don't have, you know, the threshold for the baseline but going to Bart's point that should be contained in the SLEs. And then also colored off to remedial action.

So if you've failed in doing X, Y, Z on six occasions then - and you haven't addressed the issue then we're going to take it up. So I think that's the kind of threshold that we're talking about and we do need to have the objectives to cover off that, you know, concern everybody has that TLD registry (unintelligible) and IANNA will form some kind of cartel and it will be a horrible thing. So for that reason we do need to try to be as objective as we can.

So I think we've had some good discussion around this point and I think we've got a reasonable idea of how we cover this off and also that note. So I think we're good to move on. And Martin I take your point. A lot of this will be subjective between the CSC and the PTI, if that's the road we're going down. But as we know it's important to have the measure stated somewhere. So I think we're good on 22. Twenty-three to me customer complaints phase two

additional detail on customer remediation process and ability to initiate our ILT. Individual customer remediation is another role for the CSC. I think this is just the individual one but I just wanted to be sure on that. Okay Martin's got a green tick so. I don't think we need to do anything with that.

And I think that's it that was on the - that's all that was on the punch list. Although 37 is - I guess 37 relates to how the CSC is going to split up in terms of the accountability work and that's likely to be through some kind of bylaw I think. Okay. So is everybody happy? Yay Martin's happy. So thanks everybody for getting on the call. It was pretty short notice so that's - Bernie's ecstatic so we're all going to be happy with that. I think it was a good call. Martin if you can get the notes to me and then I'll try to draft up responses which I will (unintelligible).

Martin Boyle: Yes, Donna I'll send it and I'll send it to the DTC list as well so everybody's aware of it.

Donna Austin: All right. I'll put together some draft responses hopefully by the end of my day today and if we can kind of wrap this up by Monday and get it back to the DWG I think that would be great...

Martin Boyle: Yes. Yes.

Staffan Jonson: Okay. Thank you.

Donna Austin: Thanks everybody.

Staffan Jonson: Bye-bye. Have a nice weekend.

Donna Austin: Bye.

END