ICANN

Moderator: Brenda Brewer
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10:00 am CT

Coordinator: Thank you. The recordings are started.

Jonathan Robinson: Okay hi everyone. It's Jonathan Robinson. I'll be chairing the call today, Grace just covering the roll call.

Grace Abuhamad: Yes. So we'll do roll call in Adobe. On the phone line I have Olivier and Seun. Is anyone else on the phone?

Jonathan Robinson: Okay great. Welcome everyone including our colleagues from Sidley Austin. Just recapping a couple of points from our prior meeting when we're working through our meeting plan as many of you will be aware with six meetings held in quick succession over a period of two days focusing the first two including this is the second meeting of the day on primarily focused on functional and operational issues, that is to say the output of the design teams and their interconnectedness.

And following on from that we'll then focus on in our third meeting today primarily on the structural issues in the so-called post-transition IANA.

Staff will be with us throughout. And I'm expecting that Sidley will take a lead role with us in particular on call three today which is on your agenda will probably be listed as 37.

Ultimately of course the objective is to produce as complete and coherent a plan as possible including a finalization of the variant of the structure we want to work with and to work in the kind of spirit, collaborative and cooperative spirit that we worked with previously when we were face to face understanding of course that it was impractical for us to meet so shortly after Istanbul face to face notwithstanding the fact that that would have been probably optimal.

So we worked our way through Design Teams O on the budget, B on the ccTLD appeals mechanism. And we brought up the agenda Design Team N on the periodic review in call one this morning.

And in essence we agreed the recommendations of those design teams with some minor modifications as the notes to the meeting will show.

So here we now have the opportunity to pick up on Design Team A which deals with service level expectations of the post-transition IANA Design Team C which deals with the customer standing committee and Design Team M which deals with escalation.

So first up we've got - we're going to pick up on Design Team A. And I'm hoping that we will be able to hear from Paul.

But I do know there was a hangover point I think that we wanted to cover from Design Team O and Item 2 before going into Design Team A. And I think that was a point that Chuck wanted to raise. So let me see if Chuck that

is something you would like to raise now before we move into the work of Design Team A.

Chuck Gomes: Thank you Jonathan. This is Chuck. It's a very quick item.

In our transmittal message on Design Team O recommendations we indicated that it may be useful for the CWG to submit comments and to the public comment forum that's ongoing right now for the fiscal year '16 budget and operating plan, the draft budget and operating plan.

And so I just wanted to ask whether the design or excuse me, the CWG would like to do that. I think it's a simple comment if I think it would be helpful if we just submitted our first two recommendations, the ones in the short form of the recommendations and just submit those to the public comment period.

Xavier Calvez, the ICANN CFO has - he's aware of them already but it may always like in all public comment periods to have comments documented in writing.

So my recommendation would be that you and Lise submit the - just those two recommendations that are in the primary part of the document. And on behalf of the CWG if there's no objections from the CWG. And I'll stop there unless you have any questions.

Jonathan Robinson: So Chuck I'm - it's Jonathan. I'm just talking to Lise about this. I'm very sympathetic to these points being made, slightly - it's slightly unorthodox in some ways but it comes from the CWG into the public comment in that we - our whole focus is on the post-transition structure and already participating in that kind. So that's my only question is one of sort of process.

And I'm wondering if there's another mechanism by which these could be put in. In other words for example I mean I'm just wondering whether a chartering organization or I could put these in and say we know that this is - I'm just wondering how best to - what's - I don't want to over - make this overcomplicated.

But I'm just wondering it seems a bit strange that they CWG puts comments in. Has anyone else got any thoughts or views on the appropriateness?

But for the record these two comments are simply that the IANA functions comprehensive costs should be transparent for any future state of the IANA function.

And future FY - future ICANN operating plans and budgets and then possibly even FY '16 should include at a minimum itemization of all IANA operations costs to the project level and below as needed.

Chuck Gomes: So Jonathan while we're waiting for others this is Chuck. I don't know what's unorthodox but if the chairs aren't comfortable doing that I mean that's fine.

I don't know what's orthodox and what's not Orthodox in public comment period. The point is this is to provide information that will guide the budget and operating plan and these two points do that.

Jonathan Robinson: All right well thanks Chuck. Let's hear from others and then we can make a decision based on that.

So there is a queue of three people who want to make a comment in response to this so let's hear from them first being Paul.

Paul Kane: Thank you Jonathan. For many years over a decade now we've been trying to get transparency with respect to IANA's financing.

So I am in support of the CWG as part of this transition having an open and transparent budgetary process. And particularly if there is to be a replacement of the IANA operator it helps any incoming operator be aware of what costs are involved in actually delivering the IANA service. Thank you.

Jonathan Robinson: Thanks Paul. Greg?

Greg Shatan: Thanks, Greg Shatan for the record. On the one hand I think it's a good idea. I would certainly think that, you know, hearing from us about this process would be timely and if there is - if this message is not going to get into the public comments any other way or any other way with direct reference to our work this would be a good way to do it.

On the other hand I wonder whether, you know, process-wise would this require - is this kind of within our remit?

Would we need to have the chartering organizations kind of approve the public comment, you know, when the organization like the intellectual property constituency provides a public comment and is at least, you know, put out for approval to all our members and you hopefully in time for our members' members if there are such things to comment as, you know, to approve the comment as well.

So I guess it's somewhat of a process question about how we would issue a public comment. Clearly the chairs have issued chair statements and we've issued other things into the world without, you know, putting in place, you know, heavy requirements for vetting.

So I'm not convinced that there needs to be one but I just kind of raised it because it is a little bit of a different animal than our other public work. Thank you.

Jonathan Robinson: Alan?

Alan Greenberg: Thank you very much. Widening on Paul's comment there have been comments made on a regular basis for at least the nine years that I have been involved that various communities would like some transparency in parts of the ICANN budget.

And the answer always is but that's not how we present our budgets. We present them from a different perspective.

I think it would be fair to have this CWG and the chairs acting on its behalf say just how much discussion the lack of such budgets has created in and the frustration that has been expressed by the lack of those budgets.

That's not a recommendation that they change. I don't think it needs endorsement of the community. It's a statement of fact that it's come up time and time again in this CWG that the lack of availability of functional budgets at least for areas such as IANA have caused us significant extra work.

Thank you.

Jonathan Robinson: Thanks Alan. I mean my - that just direct response to that I mean that adds more. I mean at the moment the proposed list simply that the primary two recommendations of the design team are submitted as part of the public comment for the record and as part of the CWG's work. Lise?

Lise Fuhr: Well I think I'm sympathetic of the idea depending on how you do it. And I think what we could do and what I find would be a good way to do it for the CWG is actually to say this is our recommendation that we're working on at the moment and we'd like to pass this on.

Because the comment period for the budget 2016 is going to be in the middle of our public comment period so we don't have a time to wait for the actual comments to get in and be analyzed so...

Jonathan Robinson: (Unintelligible) are you suggesting Lise that that would go out as a record of being in our current draft proposal which is in itself subject to public comment?

Lise Fuhr: Yes.

Jonathan Robinson: But it's simply submitted in that way?

Lise Fuhr: Yes I do.

Jonathan Robinson: Okay. Well it sounds like we - it sounds - I mean it sounds like that approach is consistent with what Alan has just said. And it seems like that's something we can manage which is not particularly difficult.

So what we should do though is just put it to the list as it stands and make sure that there is no objection to that going in.

So I think we'll give a period - we'll put it to the list for a period of for any objections but providing there on or no substantial objections that's what we will do so we can take that as an action as an intention to do that.

Greg just checking I think that's an old hand.

All right so with that thanks Chuck. With that we'll - the action is to compile those top two DTL recommendations, circulate them to the mailing list, confirm no objections and subject to that submit as part of the public comment on the budget as with a covering letter from the chairs or similar.

Item two deals with the output from Design Team A. And just to remind you that design team leads and the group the way we structure this is we have a brief summary of the recommendations and issues from the design team leads just coming in and highlighting the key points on any recent development any issues.

And then the chairs have compiled what seemed to them to be some outstanding questions or issues and those you see on the screen in front of you.

So the high level recommendations the questions and issues arising and an opportunity for the group to either provide input on those questions and issues and/or raise additional items.

So Paul can I check that you are now have decent quality audio with us and are able to talk?

Paul Kane: I'm on the telephone line but unfortunately I don't have access to the Internet anymore. So if you - if there are specific questions by all means run through them with me because I don't - I can't see the printed document.

Jonathan Robinson: No problem. We'll channel them to you Paul. Your audio is nice and clear. So really it's a question of presenting the high level recommendations or just highlighting any current or imminent development in relation to the work of the Design Team and then we'll deal with the questions.

Paul Kane: So thank you Jonathan. Since our meeting in Istanbul where I presented the work of Design Team A, the service level expectations we, have had one telephone conference with IANA staff.

And they have asked that the workflow, the simplified workflow flowchart effectively be updated to bring in some nuances that are applicable.

And we indicated we are willing to work with IANA in that regard. But because the flowchart needs to have for the release of the flowchart to come to the - from NTIA from IANA to us the Design Team we need to fulfill disclosure requirements and make a request to ICANN legal to actually obtain that information.

So last week April 7 I did ask ICANN legal for permission to see the flowcharts. ICANN legal are doing whatever it a ICANN legal does. And once we have the flowcharts we will be able to address the SLE with respect to those additional work items.

We have another call planned a little later on today and with IANA and things are progressing.

We aren't that far apart. It's just we need to - I thought we had potentially have closed this in Istanbul. We've just been asked to make some amendments.

That's my update.

Jonathan Robinson: Okay. Thanks Paul. That's helpful. So I mean essentially when we were reviewing this Lise and myself before the meeting what it appears is that we've got I mean given the very tight deadlines we are on we've got a set of existing service levels that are being adhered to.

We've got a proposed set or proposed transition IANA which have not yet been bought into or agreed to and that with by the IANA and are now in the subject of some discussion.

So the difficulty is how we handle it. They are the going to be built into and agreed to in short order perhaps on your call later in which case we're in a position to move forward with those as part of the proposal.

But the issue is if they're not how do we deal with it? And the one option is that we - the CWG could recommend some sort of continuation with existing but with a clear process to how we get to the improved.

So that's really the challenge. I don't know if you want to respond to that accurately Paul and or if anyone else has any comments as to how we as a CWG deal with this.

So if I may I would feel very uncomfortable supporting any SE, SLE that required IANA within 20 something days to update a name server. That is not how they work today. And I asked IANA specifically why is the SLE, SLA that you currently have not more prescriptive?

They suggested in the negotiations with NTIA that they did have a prescriptive and more demanding SLE but NTIA was not after a prescriptive SLA at the time.

So what we have sought to do in our group over significant hours that people are volunteering is to capture the current performance levels that IANA is delivering today.

I am not in favor of having a very weak SLE going forward because that would not be capturing what's happening in today's environment.

You are correct that it could be there as push back on specific target times, the specific roles that IANA is undertaking. And certainly the group would be very happy to address that specifically where we have no factual knowledge of the task in hand, for example the flowcharts that is coming but to revert to an SLE that even NTIA recognized is somewhat out of date and possibly not fit for purpose would not be appropriate for this group.

We need to move to a professional SLE. IANA are willing to do so. We just need to work out the specifics of that SLE. And if there is delay to be candid I would not be comfortable recommending to the CWJ adoption of an SLE that was not fit for purpose.

Jonathan Robinson: Okay and Paul it won't be evident to you but you've got support for that approach from Chuck in the chat and it looks like Cheryl and Greg as well.

So I guess my question back to you is this group is under a tight deadline to try and produce this. How realistic is it to get this negotiated and settled with IANA within the next few days such that it doesn't hold up our proposal going after us and is an issue with our proposal?

Paul Kane: Your concern is a valid one. And I have to say we have been trying to talk with IANA staff since February asking them for their input.

It may be the correct legal process was not followed but we've only last week been told of these process steps we need to follow.

It takes two to have an agreement. We're not seeking to be hostile within the group. There was a call that as I have mentioned on this to this group before there was a call that the IANA performed to the same level that ICANN expects of the gTLD registries.

We're not suggesting that at all. We're trying to capture today's activities, document today's activities and make sure that is the starting point.

It would be very weird if today's level of activities that IANA is performing to would not be the starting point of this work.

It is likely or it is possible that IANA do not wish to be bound by their current actual service levels because they're doing a good job in that regard. And it may take some time.

But if it does mean I'm holding feet to the fire we're not trying to push the boundaries. What we're trying to do is capture today's activity and that is what we have done.

So it would be very weird to not agree to the service levels they're agreeing to today. And if it's a procrastination thing that's a game of chess, brinkmanship not interested.

We run technical operations and IANA do a good job at their technical operations. And that should be respected and upheld.

Jonathan Robinson: So Paul is it - I mean you do have a call with them later today I understand is that right? And do you think that is it feasible that you could work through this and get some sort of common ground as quickly as today?

Paul Kane: At the moment I would love that. I would love the fact that we have sight of these flow diagrams which capture the work that IANA does or the various minutia steps the IANA does.

We're dependent on ICANN legal to send the letter to NTIA to release the documents. I don't know if ICANN legal has done that.

I can put a call into NTIA today if that's helpful but it's out of our control. We need the documentation from IANA before we can have discussion on the documents and the stages with IANA.

Jonathan Robinson: Presumably it's not only - I mean that's not the only pointed issue. It's that's not the only - it's not only that flowchart. There'll be other presumably there's a desire to discuss other elements around the proposed SLEs.

Is that going to be covered in the conversation over the next day or two?

Paul Kane: We haven't - well I haven't been notified that there are other issues. I have no idea. We've only had one call with them.

I offered. I happen to be on - in California at the moment. I offered to go down sit in IANA's office to try to bring this to a swift conclusion.

The group we've had a Design Team call, we have a Design Team call later today as well. But I can't do anymore to try and help them get this through as quickly as possible.

But if it's not possible within the timeframe I suggest that the timeframe is delayed. We need to make sure that we have a professional SLE going forward.

And if this procrastination I can't control what the other side does. I'm trying desperately to be helpful but I just don't know.

I have not been told of specific issues with the proposal we've made other than the fact that we have missed some steps.

And we've asked for information on those steps and we've been told they can't release them to us without specific consent. And they are applying for that consent now.

Jonathan Robinson: Okay. So Paul I think we might need to ask you to update us again tomorrow on this once you spoken with them today.

And we might need to weave you into one of the calls tomorrow because we really do need to hear now tomorrow's call tomorrow morning is supposed to be the one dealing with design teams. What time zone are you on? Are you on...

Paul Kane: I'm in California. Yes.

Jonathan Robinson: So that's...

Paul Kane: Well tomorrow is - I'm doing my day job so I'm already - I'm - I was
                  supposed to be flying today but I've canceled the flight so I can have this call.

                  So I'm on the redeye over to the East Coast so I will be in the air tomorrow.
                  I've already, you know, I've burnt one flight. I don't want to burn another
                  one.

Jonathan Robinson: We'll communicate with you off the list about...

Paul Kane: That will be welcomed.

Jonathan Robinson: ...the second updating us.

Paul Kane: Yes.

Jonathan Robinson: Who else - is there anyone else on the Design Team who is going to be in
                      on that call today with IANA?

Paul Kane: I - all we've done is sent out a list to the Design Team members. I don't know
                  who is going to be on the call and I don't know who would be available to
                  participate tomorrow.

                  But I will gladly update you via email or even later. You know, I'm no longer
                  traveling today so I am actually I'm just outside of San Francisco in an airport
                  hotel just so I can do today - today I could update you but it would be late
                  English time I apologize. So I'll send an email.

Jonathan Robinson: Thanks Paul. We do need this - I am concerned about this because it -
                      what - we can't have the out - we need some form of negotiated resolution
                      with IANA in relation to what - a buy-in to the SLEs recommended by this

group or a negotiation to one or more of them based on the discussion with the Design Team.

Alan you've been waiting patiently. Please go ahead.

Alan Greenberg: Thank you very much. I'm going to be less than polite. This discussion is reminiscent of some rather ludicrous discussions that were held in the last ATRT meeting Review Team.

We're trying to do some work on behalf of IANA on behalf of ICANN. ICANN should not be administratively getting in the way. I think this warrants a co-chairs call to the CEO saying either expedite this or explain why.

But if nondisclosure agreements have to be signed I'm sure the business will sign them. But delaying our work like this I find totally unacceptable. Thank you.

Jonathan Robinson: So just to be clear though my understanding is that this - there's an information request, a so-called dip D request that has gone out for something specific in and around the flowcharts.

But the SLEs, the Design Team has worked on a broad and kind of many different areas. So it's not only in and around that flow chart. It's in around the design the IANA buying into and agreeing that these are reasonable SLEs.

As I think even Paul has said this is a two-way discussion that needs to be brought to a head. And it's either one or more of them have to be either the design team has to stick to its recommendations having heard the representations of IANA and those have to go in the proposal or the Design

Team has to modify its recommendations based on reasonable representations from IANA.

But either way we can't fix this as a CWG without a dialogue between the Design Team and the IANA. So Paul probably needs some help from one or more members of the Design Team.

We do need to be sure that the IANA is available and willing to respond and discuss these as to what's reasonable.

((Crosstalk))

Jonathan Robinson: Does anyone else...

Paul Kane: Just for conversation...

Jonathan Robinson: Go ahead Paul.

Paul Kane: ...we have indicated that some of the percentages for example there's an element on re-delegation of ccTLDs. Because there are so few re-delegations our sample pool we provided the SLE is also very small.

And IANA have made a very valid - they brought a very valid issue to our attention which is because there aren't sufficient number of the sample is so small the percentage we have indicated is out by .2 of a percent or something. I think it's 98% rather than 99%.

But we're happy to move on that. That's not an issue. So in answer to the point you've raised we are very open to negotiating with IANA to make sure that we have accurately captured activities that occur today.

So it is almost certain some numbers will move. But we need two to tango. We need two people to have a negotiation.

And one of the impediments is we are - they've highlighted the fact that we are missing steps which is why we've asked for the disclosure.

So I sincerely hope, you know, we want to work - we are working cooperatively with IANA. But we need the data rather than this stonewalling affect that we're currently getting.

I will put in a request. So I will ask NTIA after this call or after our call if they have received that request to release the data because that will inform the debate later on today that we have with IANA.

Teresa Swinehart: I just wanted to respond. This is Teresa Swinehart to chat. I'm more than happy to help also facilitate with the IANA team.

I know that the parties have all been working very hard on this and being as responsive and as quickly as possible.

And given time zones and obviously everybody's busy schedule but I'm more than happy to continue being of help with that and move forward.

Paul Kane: Thank you Teresa.

Jonathan Robinson: Okay thanks Teresa. So we do need an update as to whether this - I think there's not any further we can go on this. We - right now.

And I think we can either update to the group as soon as possible as to whether these SLAs or a very SLEs or a variant of them what is an acceptable variant of them that can go into a proposal because currently this is all we have.

So I think with respect to bullet point 1 and 2 that's as far as we can go. With respect to the third bullet point which is considering the linkage with other design teams I think there is something we'll need to do to make sure that the proposal is consistent here so there's any escalation. We lost that off the screen. Okay it's coming back.

I'm not sure there's an immediate action from the bullet point anyway. Are there any other points in relation to this Design Team A that we need to or should be aware of that anyone would like to raise and in particular it's linking in with the work of other design teams.

And we're going to go on to see anyway in just a moment. Donna go ahead.

Donna Austin: Thanks Jonathan, Donna Austin. So I guess just a clarification. Is the intention here is that the service level expectations or agreements that are published as part of this proposal is it the expectation that they will be the SLEs, SLAs used post NTIA transition?

And what I mean by that is that that's the accepted baseline for the first, you know, 12 months after transition of what the service level target should be? I just want to understand that that's the case.

Jonathan Robinson: I think that's what's been proposed by the design team and that has a logic to it because otherwise the question is what is that - what are the post transition service level expectations?

We only have two. We have the current ones that are all we have what's being proposed by the Design Team. And so my understanding is that's what the Design Team is saying put these in the proposal, these are what we said a CWG should have.

And what's coming a little bit in a sense via the bush telegraph and not as directly as I'd like is it's not clear that IANA has bought into or accepting these as reasonable.

And that needs to be buttoned down quickly so that we have an expectation as a group that we can say yes we get behind these in our proposal or not.

But the short answer is yes. These are - it is proposed by the Design Team that these go into our proposal and then are monitored in the future by the CSC I think.

Donna Austin: But Jonathan just a follow-up, I think it's - if that's the case and I think it's really important that these service level targets are actually agreed by the Design Team in IANA before anything goes into a proposal.

I mean I think it has to be an agreed set by IANA and the Design Team.

Jonathan Robinson: Yes, I mean I agree. I think we can't have to - we can't have something which is - and Cheryl does in the chat as well.

We need if we as a CWG are going to propose as part of our transition plan a set of service level expectations they need to be both proposed by our Design Team and agreed to by IANA. There's no doubt about that.

Now there's a fine line because they could - I mean we - I mean IANA could - needs to agree - they need to be reasonable and they need to be - they have been discussed and agreed off-line and brought to us. And that's what we seem to be flushing out here is that there's a sense although as I say, it's a little bit bush telegraph.

I don't feel like we're getting a direct communication that these are either acceptable or not to IANA which is why it's critical that Paul and/or others from the Design Team talk directly with representative staff from the IANA function and nail this down as soon as possible.

And I see Chuck agrees to the point of within reason. There has to be some - there's got to be some discussion to make sure they are reasonable and acceptable.

Okay. Again I am not sure how much further we can go except to recognize that these are the basis on which the CSC will monitor the IANA performance in the future. So that's probably a moot point in which to go into the work of the CSC.

So Paul just to confirm my understanding is you do - there is a prospective conversation, there's a plan to talk with IANA staff later today at which point it should become apparent as to where if - where there are issues with these SLAs, SLEs.

And ideally they are no issues and you can recommend them with the confidence that they aren't being resisted or that they can be modified in a sense that's reasonable to you and the Design Team colleagues. And you can make an updated recommendation to the group. Is that consistent with your understanding?

Paul Kane: Yes.

Jonathan Robinson: Wonderful. So we'll look forward to hearing an update and moving this forward as soon as possible. And everyone's aware, acutely aware I think of the deadlines we are working to.

Let's move on then to hearing from Design Team C which has produced a comprehensive proposal with the high level recommendations and some detail. And hard-working lead of that group is Donna.

So Donna let me hand over to you to give us a high level presentation of the outcomes and flag any of the issues or points that you need discussed and/or supported by the group.

Donna Austin: Thanks Jonathan. Is it possible that I can have the scrolling function on the screen? I'm just not 100% sure this is same document I'm looking at.

Marika Konings: So Donna this is Marika. This is a document at the same time editing with the questions. So it just has the high level recommendation from the document you submitted.

Donna Austin: Okay.

Marika Konings: If you...

((Crosstalk))

Marika Konings: (unintelligible). If you prefer we can also upload the other one.

Donna Austin: No it's okay. I've got a document in front of me so I'll scroll through that. Thanks Marika.

So I guess just as a general comment the Customer Standing Committee post Istanbul, sorry Design Team C that looked into the Customer Service Committee, Standing Committee really narrowed the remit of the Customer Standing Committee post Istanbul.

And the main area that we did that in is in Istanbul we were thinking that if an individual registry operator had a complaint with the IANA in terms of performance that they could report that to the CSC and the CSC would intervene.

We have stepped away from that. And the reason being is that we do not believe that the CSC should be involved in dispute resolution. They should be primarily involved in performance monitoring of the IANA function.

And given in our minds that will be a critically important role moving forward and, you know, will to some extent determine reviews or whether there's a need for escalation at any point if the remedial mechanisms that the CSC used have failed.

Then we really think it's important that the CSC has a really narrow focus. So we've taken that dispute resolution part out of it.

It doesn't mean that that's - we've taken the remedial action part out of it if on a regular - on a regular reporting cycle we find that there are problems with the overall level of service being provided by IANA.

We're specifically talking about here we do not believe that the CSC should get involved in individual complaints, get in the middle of a registry operator and IANA.

IANA already has a process for that and we think that's valid.

So just to go through what the high level recommendation is and so we have a preamble that the Customer Standing Committee has been established and perform the operational responsibilities previously performed by the US Department of Commerce, the National Telecommunications and Information Administration as it relates to the monitoring and performance of the IANA naming function.

This transfer of responsibilities to date on whatever the date is.

The mission of the CSC is to ensure continued satisfaction - satisfactory performance of the IANA function for the direct uses of the naming services, the primary customers of the naming services, the top level domain registry operators but also include root service operators and other non-root zone functions.

The mission will be achieved through regular monitoring of the - by the CSC of the performance of the IANA naming function against agreed service level targets and through mechanisms to engage with the IANA functions operator to remedy identified areas of concern.

The CSC is not mandated to initiate a change in the IANA functions operator. So that's a recommendation at a very high level Jonathan, so I guess I'll just open up for questions.

Jonathan Robinson: Thanks Donna. I have one immediately. And presumably although the group has decided it doesn't recommend that CSC is involved individual complaints or at least in mediating those in any way presumably it will be logical that the group was made aware of individual complaints as part of a sort of oversight function.

It would be useful for the group to know when those complaints exist or to be having an open email to be notified about them even if it doesn't actually step in and mediate such complaints.

Donna Austin: That's correct Jonathan. And we actually capture that in the scope of the responsibilities in the charter.

So we say that the CSC may receive complaints from individual registry operators regarding the performance but will not become involved in disputes.

And it's specifically to your point because if the CSC receives you know, 20 individual complaints against IANA in, you know, two weeks obviously there's a problem there.

So the CSC would take that up directly with IANA without getting in-between those specific disputes or complaints.

Jonathan Robinson: Okay good. Well I've got a comment from (Matthew) about where the issues from the CSC get escalated to. We may want to take that up in a moment and indeed under the next Design Teams work as well.

Let's go to Chuck first. He's got a hand up in the queue. Go ahead shock.

Chuck Gomes: Thanks Jonathan and thanks Donna. And we can talk about what I am going to raise in the Design Team M session that follows and that's fine.

But there is one of the three escalation processes in Design Team M that does involve the CSC. So we will have to if it's not CSC we're going to have to figure out who it is in that.

And I know the Donna's as aware of that as well as the Design Team C so we'll talk - we can talk more about that later.

But I would like to point out that in the customer complaint process the main part of it there's no CSC involvement, only if they get escalated to - does any customer, regular customer complaint go to the CSC. But we can talk about this in Design Team M discussion. Thank you.

Jonathan Robinson: And thanks Chuck. And then so therefore Donna and/or Chuck it feels to me like (Matthew)'s question where do issues from the CSC get escalated to might be a better picked up by Design Team M.

But Donna I don't know if you want to make any remark on that now or whether you'd prefer we discuss that as part of an overall discussion on escalation issues?

Donna Austin: Thanks Jonathan. I'll try to address it. So (Matthew) I'm not sure what you're talking about individual registry operator complaints or whether you're talking about the overall performance of the IANA function so the monitoring that will be done on a more or less a monthly basis. So I'll address both.

So on a monthly basis if the CSC decides that IANA is not meeting the service level targets to a satisfactory level the escalation or what we've

referred to as remedial rather than escalation there is a process that was provided with a recommendations document we had for Istanbul.

And it's more or less a three phase through the IANA, through the ICANN chain of command if you like.

So initially it would be through VP of IANA so (Elise). If that's not proving to fix the problem then it will be escalated to (Accra Metella) who's is the President of the Global Domains Division who I understand at the moment the IANA function, the IANA service or department comes directly under his remit.

If there is no satisfactory remedy at that level then it would go to the CEO and potentially the ICANN board. So that's the remedial process that we would use then.

Now if it gets to the point where the CEO or board have not satisfactorily fixed the problem as well then we don't know what comes next because we don't know whether there's going to be an MRT or what other oversight, you know, body could possibly sit there to do something else so we don't know the answer to that.

On the individual level I think we took a stand from a principal point of view. We want to keep the remit of the CSC very narrow. And we don't want to get embroiled in and when I say we, the Design Team does not want the CSC to become embroiled in dispute - in disputes between IANA and individual registry operators.

One because you do have - you don't want registry operators that are sitting on the CSC making decisions that affect another registry operator.

So you have a conflict of interest issue there that will be difficult to resolve.

And secondly I think it would take it away from that primary role which should be about, you know, performance and monitoring that on a regular basis.

So I think on the second one it's more a principal level, do we agree that the remit of the CSC should be kept very narrow and that the dispute resolution is actually outside the remit of the CSC?

I hope that's addressed the question. Thanks.

Jonathan Robinson: Yes that's helpful detail. Thanks Donna. That's very useful.

So we will need to - we probably come up in this - we'll a touch on CSC issues I think in some other topics as well as we do with Design Team M.

It's also integral when we talk about structural issues in our follow-up call including some implicit or explicit assumptions about escalation.

Donna your hand went up again. So let me hand over to you to make another point.

Donna Austin: Thanks Jonathan. So for those of you who read the document, I only posted it this morning but Grace put it out as part of her reading list.

Within the explanatory notes I had some text in there that related to technological changes that required to IANA for various reasons.

This was an issue that David Conrad raised in Istanbul. And he certainly raised it with our team as well and how to - how can we facilitate or where does that ability sit?

So we had some text within the charter. And I had some text that was in brackets as a possible alternative so that all of our team has now agreed that the alternative language is okay to sit within that charter as we've described it.

So I just wanted to highlight that. Thanks Jonathan.

Jonathan Robinson: Yes that's very helpful actually because that's the square bracketed Telestar's component that wasn't clear that was absorbed. That's useful to know.

One thing that you did say was I'm just seeing as Marika prepares these notes and we talk about the escalation through the different chain of command which I think is a good way of expressing it rather than focusing on individual names.

It's - because it's quite clear what we've got here is however the manager of the IANA function is your top level within the IANA function then you've got to the extent that there's an executive within ICANN responsible for the oversight of that functionally or even legally separated entity, it's that executive and then finally it's the CEO. So that's nice but that's role, based on roles rather than individual names.

But then you go on to talk about whether that's not clear what comes next and it depends on the oversight body. And it's clear that's critical for me anyway it just appears clear that that's a critical linkage point of the CCWG.

And one of the themes of these two days discussion is going to be fleshing out and building out both clear and specific instructions for our requirements to the extent that they need them from the CCWG. And that's why we had the CCWG co-chairs on the introduction to the previous call and then secondly any conditional components of the proposal that rely on specific outputs from the CCWG.

And these may be the exactly the same list. In other words we give the CCWG a set of requirements. And to the extent that they fulfill those we then our proposal will be dependent on those being fulfilled.

And what this does is in my mind anyway it couples our work directly with that of the CCWG but potentially uncouples at least reduces the absolute dependency on timing.

So whilst we might we'll retain the dependency on their work we needn't necessarily be absolutely in lockstep with them on timing. So I think that's a key point and that's - comes out with the dependency on the oversight.

Are there any other questions, comments or input in and around the work of this Customer Standing Committee and the work that Donna and the team there have done or are we - have - are we substantially satisfied with what's being produced here? Olivier go ahead.

Olivier Crepin-Leblond: Yes, thanks very much Jonathan. Olivier Crepin-Leblond speaking. I was just going to add that in looking at an escalation path I think one of the most important parts will be the actual timing asking for a reply.

So I'm fully supportive of this escalation, if they call it escalation path or scenario or process. But there needs to be timing so that we don't, if such

escalation does take place one doesn't end up with a bickering of so well, you know, how much longer do we have to wait and how much do we not have to wait for that.

It has to be a process that is pretty much I would say mechanical so that we don't have to actually focus on the process when the problem happens but can actually focus on the problem itself. That's what I would suggest. That's all. Thank you.

Jonathan Robinson: Can I ask if that's dealt with anyway? Does anybody - does that deal - is the timing dealt with?

And it's a good point because you can go through a step in escalation step and never get to the next one if the timing wasn't in some way specified.

Chuck your hand's up so go ahead. You may not be responding to this directly or not but go ahead.

Chuck Gomes: I'm not. So if you want to me to hold off I can. I have a couple of questions on the document.

Jonathan Robinson: Let's defer to Donna for a response on that and then come back to you Chuck.

Chuck Gomes: Okay.

Donna Austin: Thanks Jonathan. On the timing issue and I think the process that we had outlined in the previous document time frames were not included.

But I think the intent was so we like we scoped out what we believed is, you know, for illustrative purposes gave some idea of how it would move forward. But it's not nailed down to specifics.

And one of the other things that we're conscious of too is that I think in our minds it's something that we would have to negotiate in some part with IANA or the IANA functions operator. It's not something that we could just impose.

You know, in order to have a good working relationship you have to have agreement between the two parties of what would be reasonable.

So I think that's why we haven't been prescriptive. We've provided an outline but not prescribed how it would happen in reality.

Jonathan Robinson: Yes and thanks Donna. And I noticed that Martin Boyle puts the time scales might - would depend on the nature of the problem.

So it might be that a phrase needs to get into the draft document that talks about mutually agreed timescales or something along those lines so that it's not completely without reference to time but also recognizes that right now that may be ambitious to nail those down in advance of - but it is too ambitious to nail them down in advance of the draft proposal.

Let's move on then to Chuck to hear his additional points or questions.

Chuck Gomes: Thanks Jonathan. Let me complement the Design Team C because I know they had a huge, huge task and have spent tons of times on it so thanks for that.

And I confess because I had another Design Team meeting between the last CWG meeting this morning and this one.

I haven't read it word for word but I did glance through it quickly. And one of the things you say is in the event performance issues are not remedied to the satisfaction of the CSC despite good-faith attempts to do so the CSC is authorized to escalate through the ccNSO and GNSO using agreed consultation escalation processes.

I'm curious what you envision the ccNSO and GNSO doing in those kind of situations?

And I have two other issues but if you'd rather - why don't I stop at that one and allow for a discussion of that before I go on.

Donna Austin: So Chuck I think you just caught me out on my own document.

So one of the comments that I made in the explanatory notes is absent an MRT or some oversight body where we think things should go to a next level that would require ratification of a proposed way forward or some type of escalation.

We've referred to the - either the ccNSO or the Registry Stakeholder Group or the ccNSO and the GNSO as the default.

It's just I guess it's just to put a placeholder there that it has to go somewhere. And absent not knowing what the outcome of the CCWG was or other work that's happening with Sidley what we've done is used the ccNSO and GNSO as the kind of default for now.

So that's the way it's explained in the explanatory notes.

Chuck Gomes: This is Chuck again. Thanks Donna. The - so you didn't really have - the group really didn't talk about what the ccNSO or GNSO or Registry Stakeholders Group could or would do. It just okay, so it's just a placeholder for right now. And that's fine.

I didn't know if you had a particular - I was trying to envision what they could do because they obviously don't have any relationship directly with the IANA services and so forth.

But anyway that's fine. The second item that I was a little bit confused on the membership composition you say a minimum of two gTLD registry operators to ccTLD registry operators and one liaison from IANA.

And then the next sentence says liaisons can also be appointed from the following organizations and so on. But the first bullet is one additional TLD representative. And that could be either cc or G or the IAB there.

So am I correct in understanding that in the first part you could have three or four gTLD registry operators and three or four ccTLD registry operators and then one additional?

Or are you saying the max of any gTLD or ccTLD registry operators could be three, one three and one two? It's a little bit confusing in terms of how the two paragraphs fit together there, the first bullet of the second paragraph on the top paragraph.

Donna Austin: Thanks Chuck. It's a valid question. What we were trying to achieve by the one additional TLD representative was to pick up on the fact that dot, you

know, the IAB for .offer for example .offer is another gTLD or a ccTLD registry so that's what we're trying to achieve.

But perhaps including ccTLD or gTLD we've muddied the waters some. It might be better just to take that back to, you know, one additional representative that is neither a ccTLD or gTLD registry or operator just to clarity.

You're right on the first two we're, you know, proposing that as a minimum two Cs and two Gs. But we would hope that, you know, in order to keep this a small team and allow it some flexibility and to be nimble in what it's doing then the smaller the better.

I think where we've had discussions around this before we've always blended out to what's the maximum number. So we kind of spun it around and said this is what we think the minimum should be.

Chuck Gomes: Thanks Donna, Chuck again. That's helpful. That answers the one point. Now I think I know the answer to this one. I'm raising it more for information for all of us rather than for you.

But it appears that there are - there will be some costs even though the - there will be volunteers involved.

You talk about a secretariat and so forth. Any discussions at all on how what costs the CSC does incur and hopefully they'd be minimal but where they - how those would be covered?

Donna Austin: No. With the exception that the, you know, the secretariat should be covered by the IANA functions operator.

Chuck Gomes: Oh okay. Well that's part...

Donna Austin: We have...

Chuck Gomes: ...of it.

Donna Austin: I think we've got that in the secretariat or maybe I'm...

Chuck Gomes: You may have. Again I did not have time to read it all in detail so...

Donna Austin: Yes. So we don't call it out specifically as a cost but by - but with the secretariat itself by suggesting that the IANA functions operator will provide the secretariat and also is expected to provide and facilitate remote participation for all meetings the expectation is that the IANA functions operator would actually bear the cost of that.

Chuck Gomes: Thanks.

Donna Austin: And we did not have any other discussion around costs with the exception of travel costs. And in our minds, you know, we had that conversation in Istanbul.

                          We don't think that there should be costs covered but that's a separate conversation I suppose.

Chuck Gomes: Thank you very much.

Jonathan Robinson: Thanks Chuck. That's good questions. So I wrote down as a phrase that just as a note there that in a sense the use of the ccNSO and GNSO or ccNSO

RYSG was a kind of proxy for the empowered community or whatever comes out of the CCWG work so that's clearly a link that still has to be effectively built in.

And I also noticed the question in the chat relating to the interplay between the CSC and the PRF. And the way we figured out that we would do this is we would make a first pass over all these design teams and their outputs.

On the first pass we would try and tease out at a first level and make sure we talked about any interactions between the different design teams as we have already done.

So between the work of the SLE Design Team and the CSC that we're talking about now and then between the CSC and escalation group.

But it's clear that these and then we're going to go into structural work in the third topic of the day and then we'll have to come back and check over these in a further iteration as we go through it on a second pass tomorrow.

So it's a good point. We need to make sure that the interplay between the groups and how they interact will need to be sorted out and worked on as we go.

And I know to Staffan's point essentially supporting Donna's which is that the folks here was on how to create a minimal group and then but not be exclusive so hence the introduction of the prospect of liaisons. Avri go ahead.

Avri Doria: Yes thank you Avri speaking. Just a quick comment to build on what you just said, agree with most of what's been said.

One of the things for example that came up in the DTN discussions earlier today was whether, you know, a review function could be triggered and whether it could be triggered for CSes so that's one of the pending questions we should put in.

And then one of this is a question for Chuck and the escalation next or whatever. Then CC has pretty much informed us there will be, you know, the enhanced appeals mechanisms.

Where do we want to fit those into our plans? So those are just the two points I wanted to make sure - specific points I wanted to make sure didn't get lost. Thanks.

Jonathan Robinson: Thanks Avri. And there were a couple of hands in the queue already. So I think I'd really to come back to those and make sure it's clear. It's important that we deal with those.

But let's go to the - to Alan next, hear what he has to focus on then we must come back to and pick up those two points.

Alan Greenberg: Thank you. I just wanted to confirm the issue of travel costs and such. I've pointed out a number of times that all potential members will have access to private travel funds if any travel is necessary.

I'm happy if the recommendations are silent on it. I just wanted to confirm that unlike some previous, you know, earlier suggestions there is nothing there that says everything else must be self-funded. Is that correct?

Donna Austin: Yes we've chosen to become silent on it rather than state outright that no travel costs will be funded.

Alan Greenberg: That's fine with me. Thank you.

Jonathan Robinson: Thanks Alan. Olivier?

Olivier Crepin-Leblond: Thanks. Jonathan, Olivier Crepin-Leblond speaking. And just pointing out that you have to fix the link NXY pointing to the IANA, the existing IANA ICANN IANA process for escalation procedure because these editors have the habit of adding more dashes to the escalation - well for the name itself for the URL. So that would have to be fixed.

Just mentioning it does mention on there though timelines, the amount of time taken for IANA to come back. It talks about two working days, two business day - coming back within a business day and then two business days et cetera, et cetera.

This might be something to look at if we're going to have something that will replace the current system.

Jonathan Robinson: Okay good thanks. Those are both helpful points of information. Thanks Olivier.

So I'm conscious that there's a couple of open questions than with those raised a moment ago.

I wouldn't mind a nudge that Avri was picking up from those two points. What was the first one?

Woman: (Unintelligible).

Jonathan Robinson: Sorry Grace can you help me there?

((Crosstalk))

Avri Doria: Are you asking me or someone else?

Jonathan Robinson: Avri, you can bring it back to us Avri, that's fine.

Avri Doria: Okay. The first one was we had talked about triggers for the IANA review functions. And one of the questions we answered is the CSC one of its options is to trigger that kind of review since in that previous meeting we decided that there would be such triggers or there could be such triggers, we have to look at whether the CSC is one of the ones that can actually pull that trigger. So that was one of the issues.

The other issue - and this one was I wasn't sure whether it was a CSC issue or a DTM with escalation issue about where we fit in since we we're told by the CCWG that there would be the additional appeals mechanisms or enforce, you know, reinforce appeals mechanisms and fit into a CSC process.

For example can CSC use one of those reconsiderations or what have you in itself? Does it need to go through the SOs to do it?

And then the other point that I didn't make that I should also bring up is within DTM review because we were taking all the NTIA audits and other things that we did assign a bunch of those to the CSC. And, you know, you asked the question at the time have we cleared them all with CSC DT?

And I answered at the time sort of but not completely but we need to have on the list that those indeed do get cleared completely. Thanks.

Jonathan Robinson: Thanks Avri. So we've now we know into three. I think the second point is largely an issue to be covered under our discussion with DTM.

But certainly this point about the first one on the trigger for review is important.

And just so for those that were not on the call this morning we essentially agreed to the recommendations of the Design Team dealing with periodic review. And that included a scheduled review at no later than five year intervals following the initial two year review meaning such a review should be commenced within the five year window. And I won't go into that in any more detail.

But the question was would there be - could there be triggers? And it was agreed that there should be a potential trigger. And I think even that the CSC could be such a potential trigger.

So the question is how does the Design Team or how does the group feel with the CSC being empowered to trigger and if you like ad hoc or unscheduled review?

And should the CSC become sufficiently frustrated with its ability to get the IANA function to perform as it might expect it to?

Donna go ahead.

Donna Austin: Thanks Jonathan. So I guess this is just for clarity. Are we talking two different things here because I don't know that the CSC triggering a periodic

review is going to have the same value. Well I just don't understand the value of doing so so why would it do it?

And what (unintelligible). If I can kind of understand if we're talking about does the CSC have the - can pull the trigger on an RFP maybe.

But I just want to understand what would be the purpose of the CSC triggering a periodic review and what would be expected outcome?

Jonathan Robinson: Okay thanks Donna. There's a bit of noise on the background so if everyone could place make sure they're on mute please, picking up a bit of background noise.

Donna I think there are some others who are keen to talk to this point. But my understanding is that we first of all we shouldn't call it periodic review. The periodic review is scheduled as recommended by the Review Team.

This is an ad hoc or if you like emergency or intermediate review. It's a form of escalation that says we have a repeated problem that doesn't get solved we would like to trigger a formal review of the IANA function.

And by the way in triggering that here is our issue. And a recommendation of that Review Team could be so far as to recommend an RFP but it could be to recommend - and one of the points that came out of the meeting this morning was that we shouldn't constrain the recommendations of a Review Team.

So a Review Team by definition makes a review and makes some recommendations.

So that's my understanding and Greg and Avri can come in. And I see Avri's hand dropped off so I probably stole her thunder there but Greg go ahead if you have additional points to make.

Greg Shatan: Thank you Jonathan. Greg Shatan for the record. My point is I'm not sure that it should be the CSC that should trigger a periodic review. I - or a non-periodic review or a review that is a reaction to a significant and intractable problem.

I think that the - these sorts of reviews - kind of let's call it an emergency review -- should be at the end of the escalation path along with other nuclear options.

And therefore should I think we need to, you know, go, you know, look at this in the context of the Escalation Design Team.

And my belief is that this should come after a - both the - a CSC attempt and a multi-stakeholder attempt at a resolution of a problem and then a finding that the problem has not been cured.

One of the end results, you know, can be to - or periodic results can be to, you know, conduct a review to determine what the heck is going wrong and which in turn could result in an RFP being issued for potentially a new IANA functions operator.

Thanks.

Jonathan Robinson: Thanks Greg. And I noticed there was a couple of points of support in general for that that a review comes at the end of an escalation path and that's

not necessarily - and that this is something which is done after a number of steps.

Avri your hand is up next.

Avri Doria: Yes thank you. I put it up in response to something Greg said. I certainly wasn't trying to indicate that I thought the CSC should precipitate a, I guess we're calling it a special review of the IANA function.

We said that it could be escalated. So I thought as one of the possible escalations it could decide to take. And Greg himself said it could be something where they decide needs to be escalated to a multi-stakeholder review.

At the moment I don't know of us having another multi-stakeholder review. And I would sort of prefer not to have to create yet another type of review.

So unless we did it would be a special invocation of what is defined as a periodic review that might be one of the possible escalations that could be picked. Certainly not saying if it doesn't know what to do it should. Thanks.

Jonathan Robinson: Okay. It feels like we're naturally moving towards dealing with DTM on escalation but let's hear from Olivier.

Olivier Crepin-Leblond: Thanks very much Jonathan, Olivier Crepin-Leblond speaking. And I was also going to mention on the CSC was defined originally as just working on service level expectations and as a very mechanical thing saying well things don't work out then we have an escalation path.

But if it's a linear escalation path where we're discussing here it might be slotted in series with everything else, in other words it will go for a, it will happen before the escalation goes to the multi-stakeholder community or something for a nuclear option then I think that would probably work well.

If on the other hand the CSC has to choose between various paths that - of escalation at that point it doesn't become mechanical anymore and I have concerns. Thank you.

Jonathan Robinson: Thanks Olivier. I think I am picking up a pretty consistent message. But let's hear from Donna and then I'll try and wrap this up or capture it.

Donna Austin: Thanks Jonathan. So I agree with Olivier. Having too many possible options the CSC to (unintelligible) it will become problematic.

So I guess the important piece here is that it has to be that the escalation path has to be predefined and agreed.

And I would - I guess I - the comment that I wanted to make before Olivier spoke was that the CSC should be in the best position at any one point in time to provide the community with information about whether the IANA service is being performed satisfactorily or not.

So I guess that's the critical piece and to some extent is that the CSC should understand where the IANA service level is at any one point in time and what some of the challenges are.

And if the CSC has decided that there is, you know, after going through their processes that there is a problem then that path should be well defined.

Jonathan Robinson: So thanks Donna. I think, you know, Greg's probably captured pretty well in that last point that the CSC is an absolutely critical role but it should have a filter.

And it feels to me like there's is a relatively clear consensus from what I've heard in the discussion and on the chat that there's a recognition that these are the things I think I've heard.

From the periodic review function that there is a need for a trigger or a form of special review outside of the periodic review probably some would feel especially with a five year term in between.

What's also become clear in this conversation is that the CSC is certainly not the sole determinant of such a special review that should have a role to play within a predefined escalation path to deal with that.

And so that feels relatively clear, those conclusions. They do need a bit more work to knit them together. And I think before we even trying to do so we should hear from the escalation group and we - and then see if how that starts to emerge.

So I would like to suggest we move on to hearing from DTM and with half a mind half, you know, thought on how we integrate the work of DTM with DTC and making sure that we have a way of integrating.

All right, so DTM was led by Chuck from memory as the Design Team Lead. So I think I'm going to hand over to Chuck to report on the high level findings and any issues or questions arising.

And I think we have prepared a couple as well myself and Lise in the preparation session that we did together so Chuck over to you.

Chuck Gomes: Thank you Jonathan. And let me again start off by thinking the members of Design Team M because they all contribute a lot and I appreciate that very much.

So hopefully most of you have had a chance to look at the Design Team M recommendations which were distributed on Friday.

So the recommendations are three processes for different purposes, one leading into the third. But I'll go over those very quickly.

As you can see in the screen one of them is the root zone emergency process. And I'll I'm not going to go through that step by step in a little bit but I will entertain questions if you have questions on it so that we don't take up too much time just going step by step.

But basically let me say that that process for the most part in fact almost exclusively patterns the emergency zone processes in place today with IANA, just some terminology changed okay?

And again I'll talk about that a little bit more in a little bit. And this is of course for cases like, you know, maybe a TLD's down and they need something done quickly and it happens that way today okay?

And both the IANA operator and the root zone maintainer cooperate in that emergency release process.

For those who don't know the current process for root zone changes or root zone Whois changes, root zone changes in particular is every 12 hours seven days a week. But in the case of a emergency process best efforts are made to make that happen in four hours so regardless of the day of the week.

The second process is a customer service complaint resolution process. And for this one the process is very similar at least the first part of it, a major part of it is very similar to what happens today with the IANA services. And it was patterned after that. And I'll go through that in detail.

The second part of that process though is one where we get into the possibility of escalating it a little bit further. But I'll go over that in a few moments.

The third process is a problem management escalation process and as you can see on the screen that's for critical or persistent or systemic failures in the IANA services.

So that would be an escalation of number two, the customer service complaint resolution process or more persistent problems and so forth of when it could kick in.

Now going from there then there are three annexes, one for each of those sets of processes.

The first one is the - and it looks like everybody has control right of the - no maybe not. Anyway so if not then if you can scroll down to annex X on the screen if you have it there. Anyway Annex X is the root zone emergency process.

And there is a flowchart given. And I'm not seeing that on the screen so hopefully each of you have it separately on this.

But the emergency process again is - the flowchart that we provided in Annex X is one that is almost identical to the one that the IANA provides today for emergency escalation procedures.

And it's something that applies to registry operators ccTLD or gTLD. And really all we did in that is to in cases we took out ICANN where ICANN appeared and put the IANA functions operator.

And in the case of where VeriSign occurred we changed it to the root zone maintainer or just maintainer.

No notice when you see RZM in the chart it means root zone manager, not root zone maintainer. So there's some confusion there. And we tried to make clear that we will use RZM to mean root zone manager and fully realizing that sometimes that's used for maintainer as well.

And that process then goes over the, you know, step by step. And let me pause and let me pause and go over to - I mean open it up for some questions. Sorry for little background noise right now and I had to open the door here since I am here at the house alone.

So anyway the root zone emergency process are there any questions on that? Again I'm sorry I don't know why - and it's not being displayed in the Adobe or whether mine is just not updated I don't know.

Anyway I will refresh just in case my just need it. No I must have got kicked out of Adobe so sorry about that.

Jonathan Robinson: No Chuck you haven't. Marika will explain just a moment.

Chuck Gomes: Yes okay.

Jonathan Robinson: It's fine.

Chuck Gomes: Okay sorry about that. Apparently I got kicked out of Adobe and didn't realize it so that's why it wasn't - so I've got to log into Adobe again. I'll try to do that while I'm talking but...

Marika Konings: Chuck...

Chuck Gomes: ...let me know if there are questions and...

Marika Konings: Chuck this Marika.

Chuck Gomes: ...because I can't see them right at the moment.

Marika Konings: Chuck this is Marika. Just to explain, the document is up on the screen is where we've compiled all the high level summaries of each of the design teams that we're discussing now together with questions that - and chairs have already identified and that we'll add to based on the discussion and add the notes in do it.

So this is not the document that was submitted. Grace has posted a link to that in the chat if people want to have that in front of them but it was also part of the reading list. So the assumption is that people have reviewed that and looked at it.

So what is up on the screen is a different document to allow us to capture conversations as well as, you know, some of the specific questions that relate to each of the design teams that we're discussing in this meeting.

Chuck Gomes: Thank you. Thank you Marika. And I will be able to - okay I am back in the Adobe so I can now see the hands again. So does anybody have any questions about the flowchart of the emergency process?

And of course I'd be glad to answer those off-line to on email so if you have any. All right I'm not seeing any.

So the - now the second part after the flowchart in Annex X was a description of each of the steps in the flowchart.

And again the only thing we changed in that was some terminology referring to the IANA functions operator instead of ICANN and referring to the maintainer, the root zone maintainer instead of VeriSign specifically leaving a generic for future uses there.

And that pretty much covers Annex X. Then Annex Y which is the customer service complaint resolution process, like I said earlier that pretty much follows - there are two phases, phase one and phase two.

Phase one is just a pretty much follows what happens in a customer service complaint resolution process that is available now from the IANA Services Team.

We - and what happened in that is there's an email address, anyone can send a complaint to that email address.

Now there's not very many complaints that don't come from registry operators but anyone can submit it. And then it's handled by the IANA Services Team.

There's a - it goes to - the email goes to the IANA Customer Service Team. And we did confirm that that's not associated with the regular GDD Customer Service Team. It's just part of the IANA Team.

If they can resolve it fine, it's done. If not then they would escalated to the IANA function liaison for root zone management, the naming side that happens to be Kim Davies right now.

And if that can't be resolved there it then goes to the IANA functions program manager. Currently that's (Elise).

And then we eliminated the steps going up to the CEO because we didn't know that they necessarily really added any particular value if the ICANN - IANA program manager can't solve it, you know, and she works for the CEO already.

So anyway we can talk about that if you want to talk about that.

And then a third thing they would do if they still can't resolve the complaint to the complainer's satisfaction they would provide the option of using the ombudsman as a mediator.

Okay, again totally voluntary for those that don't want to have anything associated with ICANN, they don't have to use it nor would anybody even within the ICANN world have to use it.

Then we go on to who can use the processes? Again it's they - I won't go through all the stuff that's on the IANA site with regard to their explanations and questions that they answer.

But I want to jump instead to phase two which is phase two of that customer complaint resolution process. Keep in mind this is totally separate from the emergency process.

Phase two then - and here's where we are going to have to do some discussion okay. So if that process that I just described doesn't resolve the complaint okay, then the CSC is notified by the complainant to take action. And the CSC decides to take action or not.

And this is a step that Design Team C has said they don't want the CSC to be involved in that.

And I'm not so sure that Design Team M is totally convinced that it has to be the CSC. The only thing we would say is if it's not the CSC somebody has got to make a decision whether the complaint should be pursued further.

And so that's the very critical question that has to be answered, if it's not the CSC who would make that decision? And I don't think it works. This is me speaking personally but I don't think it works for that to be a multi-stakeholder process.

But somebody needs to make a decision whether it should be pursued further or dropped at that stage keeping in mind that this is a service complaint, not an emergency issue.

If - and then the next step after that in phase two is if deemed appropriate and feasible by the CSC the CSC could mediate it directly with the IANA functions operator.

And we're fully aware that the Design Team C did not want to be involved in any mediation and we respect that. We - the group decided to word it kind of as a - if deemed appropriate and feasible they could okay? That's the wording that we agreed on.

Step C then in phase two is if the issue is not addressed CSC assigns a mediator. Obviously they would need to be implementation work if that step is followed. And if it's not the CSC who would it be, same issue.

Step D in phase two would be if it's not - if the mediation doesn't work then the CSC or whoever it is decides whether the problem management procedure, the third process that I talked about should be invoked.

And then of course if it does go to the problem management process that process kicks in.

Now trying to go quickly but not and cover the main points, the third process then is the IANA problem management escalation process and the steps on that are fairly clear.

Again I'm going to say understanding that we have a dispute that we need to resolve within the CWG with regard to whether it's the CSC or somebody else or some other organization.

So the CSC would report the significant failure to the IANA functions operator and request a response in a predetermined number of days.

The CSC would determine whether the IANA functions operator response is adequate. If it is it's done. If not then they would go on and the CSC could involve a mediator.

If mediation fails then it would go to an independent appeals panel. This of course is a dependency on the CCWG work.

And then last of all -- and this is where we're very vague -- is after, you know, presumably there are going to be some nuclear options I'll call them like Greg does that will be approved and implemented coming-out of the CCWG so this another dependency.

And so after the CCWG work is finished and we know what those mechanisms are going to be that would be the last step in the problem management process.

Okay sorry to go on so long but I wanted to make sure everybody had at least a minimal view of the three processes that are part of escalation mechanisms. And I will stop there and entertain questions, comments, et cetera.

Jonathan Robinson: Thanks Chuck. It's Jonathan. I think that's very helpful. It throws open quite a few questions and at a time when we clearly are trying to resolve these points and so it's leaving us with some challenges.

But let's see what how we can sort those out. It certainly seems like phase one I mean that struck me on reading it reading through it that there was an issue there that you seemed to get to the ombudsman fairly quickly.

And I have one sort of - I have a question that struck me is why I mean when I saw what the CSC did they went through in their own escalation route they went first to the IANA management then to the ICANN management and then beyond there.

And it strikes me that there is a certain logic to that given that IANA is a functional entity within the ICANN structure.

So that's a really interesting question as to whether and there may be a way around this where you just have escalation within the management rather than define it is only the IANA functions program manager.

So maybe you could speak to that on phase one and then we'll go to Martin and open up perhaps a more challenging points within phase two.

Chuck Gomes: Thanks Jonathan, Chuck again. And so in the customer service complaint resolution process the phase one part of it is really all with - just involves the except for the ombudsman just involves the IANA team and their management.

So the customer service reps that gets the email tries to solve it. If they can't they'll escalated to the naming IANA liaison.

If that person can't resolve it then it goes to the program manager. And that's the way it happens today. And it's all - it's actually escalated by the IANA team okay?

They complain - the complainant doesn't have to do anything there. If it's not resolved at one level it goes up a level of management and so on.

Now the existing process like I said actually goes further. And it can go to the kind of VP of the GDD which the IANA fits into right now, the GDD and or it can go right up to the CEO.

We didn't particularly see any particular added-value in those within the process but I mean they could be added back in. That's easy enough to do.

Now at that point then if it's not resolved and a person doesn't want to go to the ombudsman and just try to facilitate then is when it would go to the CSC.

And then the CSC would take those steps, CSC or whoever it is would take those steps that you mentioned.

Jonathan Robinson: Okay. That's helpful. Let's not dwell on that too much although it sounds like there's a rationale for structuring it the way you did. And you probably had to explain that for a second time too but that's perhaps no bad thing.

Let's go to Martin and hear what his question or issue might be. Go ahead Martin.

Martin Boyle: Thanks Jonathan, Martin Boyle here. Yes it was actually very useful Chuck. I suppose really having been involved in the CSC Design team and its phase two that gives me a bit of issues because we ended up trying to think through some of the practicalities of the escalation roots that is outlined in phase two.

And I suppose one of the first things that is actually difficult is that the CSC designs small to monitor performance against fairly clear criteria suddenly finds itself being faced with what is essentially a dispute between a registry and the IANA functions operator or one of the non-direct customers.

And it seems to me that there could be quite the serious issue there of registries judging another registry and probably not actually having all the information that they need to be able to do that judgment.

I'm actually conscious that mediation is A, quite difficult B, quite skilled and C, very labor intensive.

And therefore I actually wondered whether really the main role in phase two is to identify whether one of the problems that's come up is critical persistence or systemic in which case then it needs to be considered in rather more detail because you've got to address the criticality, the persistence, the systemic issues associated with it.

The other one that is to say well actually there is an appeals or there should be, there will be an appeals process from the Cross Community Working Group on accountability coming through. And therefore wouldn't it be better to start saying well this is a difficult issue. It ought to go through that appeals process. Thanks.

Chuck Gomes: Thanks Martin. This is Chuck. And first of all just a quick personal comment with regard to the conflict of interest, very conscious of the need to avoid conflicts of interest with the CSC or for any other organization that mattes.

I think there are ways to do that but I'm not going to go into those. Let's just assume we keep the CSC very minimal as Design Team C has proposed.

Let me ask a question and Martin can answer this or anybody else for that matter. But right now if that customer complaint resolution process doesn't reach success, about the only option the people have is they can complain to NTIA of what's happening okay?

And the NTIA could decide to do that. That's going away.

So the question I want to throw out is okay NTIA is gone. The customer complaint resolution process doesn't succeed in solving the problem. The customer is still unsatisfied what do they do?

Does it drop right there? There's nobody to go to. NTIA is gone. What do we do at that point? And so phase two was designed to deal with complaints in that kind of a category.

Is there I mean do we want to just let it drop and there's no accountability if the customer's still dissatisfied or do we want to go further and if so that's what phase two is designed.

Now whether or not the details of phase two should be the way we've mapped them we can talk about that.

But I think the fundamental question underlying phase two is should there be some escalation procedure if after phase one there's still no customer satisfaction?

Now at some point it may just be that a customer may be unreasonable and decisions made to just drop it but somebody had to make that decision.

Jonathan Robinson: Thanks Chuck. I think you posed the question well. I'm not sure it's that easy to answer but let's hear from others who put their hands up. So at the moment we have Martin and Olivier and Staffan. So Martin go ahead.

Martin Boyle: Thanks Jonathan, Martin Boyle here. Yes you're right. It's not an easy one to answer. However it does seem to me that this is actually because it is difficult it is something that probably in my mind needs to be addressed very much more in an established process.

In other words what is put in place for dealing with appeals against decisions within the wider enhanced ICANN accountability rather than trying to duplicate them on a very much smaller scale with the difficulty then of well, you know, who is then going to be the person that has to make a decision.

And I think probably that there are some things that are going to be associated with, you know, was policy correctly followed or not. And that probably does need to again go back and involve discussions with the policy sources.

But here I think my feeling is that it just becomes too big for a small committee to try and make something that could actually end up being almost ad hoc decisions.

The exception there is when something is a persistent failure so you start getting a lot of complaints about the misinterpretation of policy on different cases. And that I think is something that's the CSC probably does need to be involved in.

But individual ones you also made mention of the NTIA as being currently approachable for appeals. I'd actually be interested to know A, whether that actually happened very much and B, how they made the decision. Thanks.

Chuck Gomes: Jonathan is it okay if I respond? This is Chuck.

Jonathan Robinson: Yes please do respond Chuck.

Chuck Gomes: Yes. And Martin first to your last question I don't think it does happen much okay? In fact I think in the type of complaints we're talking about -- and the IANA staff can help us more in that regard -- I think that they're usually able to resolve them and it doesn't need to go any further.

What we're talking about here what happens in hopefully rare case when it doesn't get resolved?

And there are no you take away NTIA there's nothing left there to escalate those. I don't think you want to jump immediately to the nuclear options that will come out of the CCWG.

So what we're talking about here is some intermediate steps to try and get it resolved at a lower level before it goes up to that. Okay?

Jonathan Robinson: Thanks Chuck. So there's let me just hear from a couple of their people. I'm conscious we're heading toward the top of the hour here. I don't think we're going to get a clear resolution here but there may be some ideas we can work with. Olivier go ahead.

Olivier Crepin-Leblond: Thanks very much Jonathan, Olivier Crepin-Leblond speaking. And I wonder when one looks at the CSC just performing the function of pointing out when the service level expectations have been failed effectively if the time and situation which Chuck has described is not actually a failure in the service level expectation into which case that could be just escalated in the same way as the SLA, SLE failure has been escalated wherever that will go in the higher levels of escalation.

And what I mean wherever that will go I mean either MRT or multi-stakeholder form or whatever or independent adjudicator or something. But we haven't discussed that yet.

Jonathan Robinson: Okay so Chuck asks what established process in the chat? But Staffan come in and then I'm going to try and see if I can weave something together out of this.

Staffan Jonson: Thank you Jonathan. Well yes the general principle I mean in my sense the CSC is of course to make it focus on operational issues and keep it as small as possible.

And at least in my head the idea behind this is to isolate policy to some other entity than the CSC. So we mention this in within the DTC several times also that okay so where will the escalation step be?

And I think the answer is very often while let's not put it in the CSC. And there is an idea behind that and that is of course the separation the CSC is just pointing out that there is a problem and it shouldn't be within the same organization or at least function to remedy that as well.

So again we are pointing at the need of a next level function made in MRT or something similar.

And just to be very clear yes of course there need to be multi-stakeholder input in this process representing what is outlined in step two when I think both step one, two, and three are good ideas are descriptions of process.

But there are some reasons why not having it is specific in the CSC but in the next organization as well. Thank you.

Chuck Gomes: And Jonathan I know you want to wrap it up but I think there's one really key point that needs to be made here. This is Chuck.

And that is is that let's understand what kind of policy we're talking about here. When we're talking about customer service complaints with the IANA functions operator we're mostly talking about what I'll call technical policy.

Now we've made this distinction and Design Team F because there are a lot of technical policies. They're not made by the GNSO. They're not made by the ccNSO so they don't come from the ICANN policy arena at all.

They are DNS protocols and standards that have to be followed. And that is I believe mostly what we're talking about when we're talking about policy with regard to the IANA services.

There are policies in the GNSO for delegation of TLDs but that's out - that's before the IANA functions ever come into play. So I just want to make sure we understand mostly what kind of policies we're talking about here.

It's not the policies that many of us including myself are usually involved in in the ICANN world.

Jonathan Robinson: So we've ended up - thanks Chuck with and others, all of you who've contributed to this. We've ended up with two critical if you like, loose ends to this discussion. And they relate to both the topics on the work of the DTC and the DTM.

And it's sort of ideal sort of checkbox type world we would've closed off both of them. I think one might be easier than the other. And that was in when we

were talking about Design Team C we still had some elements from the periodic review function that were proposed in a table to be assisted by or worked together with the CSC.

And so that's an open end that we might want to pick up. We'll probably have to pick that up on tomorrow morning's call I think. Well certainly we'll have - certainly we have open end there and I'd like to hear from Design Team C on that, their receptiveness or not to the CSC picking up those items.

And the second is this clearly this topic we've just been talking about now and it's the escalation path where I personally feel some concern is that we seem to have the prospect of a structure that could work but an articulated reluctance of the CSC to take on more than a very minimum function.

I don't know yet whether we're creating an artificial dilemma or not. And I've got in front of me the diagram from the sort of structural diagrams from Sidley's work which do seem to - which have a limited number of functions in them.

And somehow we are missing a bridge between the CSC in the PRF. The PRF is a full multi-stakeholder body, CSC being very tightly constrained body.

And so I think we need a bit of creative thinking without creating more complication to create perhaps some form of staircase thing.

And I think the other thing we must bear in mind is whatever solution we devise providing it has - it is fit for purpose will be reviewed in relatively short order so in a couple of years' time.

So somehow or another we have to perhaps not introduce another whole level of complexity yet recognize the limits of the CSC which is well that the DT, the drafting team which is to place on the CSC it feels to me like we're quite close to potentially bridging that.

And I'm just not sure we can close that loop right now. And it's probably something we need to leave out and sleep on.

So I'd - my instinct is to try and capture some sort of closure but I'm not sure we can this time. So I think what we've got is a clear need just to try and capture what we have achieved in this call.

And I know we just passed the top of the hour. We've got Design Team A going off in talking with the IANA function and trying to see if they can't refine and get together the SLAs, SLEs.

We've got a clear proposal from relating to the CSC from Design Team C but with an open question as to whether or not the links with the review group, the PRF, the table of reviews whether that's whether the CSC is prepared to take on the responsibilities that they review group would like them to.

And second or third if you like we've got the question relating to whether or not there is a way in which the CSC can take on escalations or whether that's completely untenable.

And it may be one thought I have for you to think about is whether the CSC can rather than actually deal with those and resolve those can be a manager of those en route to the next level of escalation which the CCWG might deliver to us.

So I think we're close but we've clearly got some gaps that need to be filled. And I'd encourage those intimately involved with Design Team M on escalation, C on the CSC in particular and to think about whether they can bridge these gaps without inventing too much of any sort of complicated new structures.

So I think that's where we'll have to leave it for now. We're going to come back and look at structure. And that might help us unlock some of this when we come back on our next call in a couple of hours' time when we we'll talk with Sidley about the different structural options and we'll start to do our work there on refining the structure in which all of this sits.

So thanks for now. We'll take a break and we'll be seeing you all in a couple hours' time. And hopefully we can try to pull together some of these threads a little more as we review the structure.

Coordinator: That concludes today's conference. Thank you for your participation. You may disconnect at this time.

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