ICANN

Moderator: Brenda Brewer
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1:00 pm CT

Jordan Carter: ...and items on the agenda that anyone would like to deal with on this call if there are put your hand up or a dash a note in the chat.

And if you think of something during the call then when we (unintelligible) it we can deal with it at the end and any other business.

I don't see any hands up. So if we talk about working methods just briefly the brief we got from the CCWG was to analyze the public comments ready for Buenos Aires.

And there were three kind of components to that. One was to do a bit of a summary, an impression test of each part of each contribution so that we would have a sense of and whether it was on a different path, a divergent path or whether it was in agreement when there was some confusion or so on.

And that's in the Google Doc where I started at the top. That's the color codes. And the second was kind of a bit of a summary of it to drive that so the impression would be created by an actual analysis of the content.

The third was any kind of action steps that arose from the material. And the fourth was to say, you know, what might be published as a reply to that part of that comment.

And so that's kind of a baseline analysis of the materials that we've provided with. And that's important because our job is to look at all the comments.

And the document that I am referring to some to Josh's point in the chat is the document that was circulated by email on the Working Party One list.

But I will paste into the chat the location of the Google Doc which I've now done. And that is the most current and up to date version of this working document at this point. And so you can download a PDF copy from that if you like or you can look at it live on your screen.

And so (Josh) realizing that we can't throw it on that list I'll try to remember in the future to forward agendas and any papers to counsel separately.

So that's the start of the work. But Working Party 2 has really helpfully had early meeting than us so they're a little bit ahead of us on the process side of things.

And they have and then tried but things got obvious and that very (unintelligible) symptomatic analysis as well.

So what they've done besides the granular response -- and I haven't seen that they're doing that -- is they've got groups of volunteers preparing a summary of each theme and - or each area of comments.

So they've got a few more areas than us. They've got the IRP and they've got the - and driving values and so on.

And for each of those areas they've appointed a few people. A few people volunteered to write a frenetic summary.

And I don't know how many of you are on the Working Party 2 list but they circulated a draft of one of those today and so that they would have an overall summary.

And that's the next thing we need to do. Once we've done the granular kind of analysis we need to do a thematic summary of what came up in an area.

And for most of our powers that seemed pretty easy for the first part of that, the reference model and the - and membership stuff that's going to be a bit trickier. And so we, AOC stuff I haven't read it yet so I'm not sure what it will be.

And the - what they are expecting or Working Party 2 is expecting is that out of that summary work will come some things they either haven't worked on or haven't thought about yet.

And staff I'll just refer to (unintelligible) our status and comment in the chat if you can move quick on getting on your idea that would be fantastic. Thank you.

So I see no reason why we shouldn't take the approach that Working Party 2 has led the way on in terms of doing the granular stuff, running summaries of each area of comment.

And then if there are thematic things that come out of that doing further work on that ready for the cut off.

So there's a kind of intro pitch. And I see in the chat that Roelof is trying to put his hand up but that the Adobe room is (unintelligible) suppressing him.

So Roelof why don't you go ahead?

Roelof Meijer: Thank you Jordan. This is Roelof Meijer for the record. Jordan it was just a question. Is Work Party 2 using the same method as we are with the agreement concern, confusion, convergence or no divergence choice in the summary and impressions? We're using the same methodology?

Jordan Carter: I - the short answer is I don't know and that someone who's on both calls like Steve DelBianco perhaps might be able to explain.

I developed that going off the information that the co-chairs had given us on the call.

And so certainly I think the granular analysis is useful. And yes Steve has confirmed the both are the things that - and that the approaches that WP2 is giving.

And what I haven't seen is whether they are using a kind of Google Doc to do it point by point if you like. And Steve were you on the Working Party 2 call or Roelof is there a follow-up for us...

Avri Doria: This is Avri. I was on that call. They're not using the little red buttons and the words like (unintelligible).

Jordan Carter: Okay. So are they Avri, are they kind of not doing the comment by comment response and move straight to summary mode?

Avri Doria: It's they probably will be. What they - what we started with was going through all of them looking for the, we started calling them trending and then we came up with a different name for them that I don't recall the moment, but those topics that show up in many, many comments.

And I think that Malcolm is doing - Malcolm and a couple others are doing a pass-through that.

And then I think we'll also have different teams assigned where we'll have to each of those trending topics.

Some of them we already knew so, you know, like the HB topic the jurisdiction topic, the unit rights topic, et cetera.

So those we already knew and have teams on trying to come up with an initial analysis.

And then I think we are going to do the comment by comment but have extracted those things that are common to all of them so that we don't have to discuss them each individually but can discuss all the comments that pertain to a topic in the same discussion. Thanks.

And I should be on Adobe Connect soon.

Woman: Jordan you may be on mute.

Jordan Carter: Sorry yes I was. Thank you. And thank you Avri for that summary.

And what it leaves us with it in our working methods as a challenge is that so far we've had five people volunteer to do a bit of work. We've had Avri and (Jonah) and (Robin) and Berry and I. And it's just taken a little while to get started.

So I think after this call we'll have a better sense of exactly how we want to approach it.

But Roelof your hand is up so you go ahead.

Roelof Meijer: Yes. Maybe as a follow-up to my previous question I wasn't suggesting to change the method. I wasn't - I don't have a better one. In fact I think it's quite a good one.

There was a suggestion behind my question though to use the same method as much as possible to working parties so that we can also quickly understand each other's work.

With regards to your last remark Jordan I'm volunteering too in effect. I've already started adding some comments in the Google document.

What you will probably see is that I've also suggested some edits to the (unintelligible) due date so everywhere but in a few places. Just as a word of caution I think we have to be very concise in I call it allocating the categories.

If we say agree and they don't agree with everything I think we have to really be very specific about what the comment leads to to make sure that we don't get blamed for being biased or something in the end.

Jordan Carter: I completely agree with you Roelof which is why it's really important that none of the drafting can be done by one person.

And so thank you for putting your hand up in this room and putting your hand up figuratively to volunteer and help with that.

And it is difficult to get in the - if you're trying to do an overall cast of a comment necessarily a fair summary from a single identifier so that's why it's quite okay to have more than one as well.

So if we can come back after we've worked through some of what's already there I think to this discussion where we say in Item 3 about agreement of next areas of focus in our next meeting.

But you know were relatively a small crew with 16 of us on today. And if you have a little bit of time it doesn't take too long to work through and say ten or 15 comments on straight on one of the community powers that we proposed and to do a bit of a summary.

So in the Google Doc and which we'll have up next I'm going to add like the overall summary box in the green color under the questions in each section. And that'll be the place I think if you want to do some shared drafting to write that summary.

And I will also just forward to the list a kind of summary text that some Working Party 2 people have done. Malcolm Hardy has done one on one particular areas to see what it's looking like. And we can use that as a guide if you like.

And so are there any other kind of points or comments on working methods and to do at this point or shall we move into looking at some of the material?

So I've seen the odd flicker on the Adobe room myself as well and sorry to see from the chat that people are having a few audio issues.

And Kimberly I think can help you with and direct dial out to the (SGN) phone if you need one. And Berry has told us that we are trying to get the document loaded.

And so even if you don't have time to take this (hopefully) for a whole area I would really encourage you to look at the document and to add precision, add accuracy and neutralize any comments that you think are not a fair summary of what's there so that we do have the most accurate possible record of what's going on.

And I see also from the staff that we can't load the Google Doc directly in the room. So and if you can't load the Google Doc I suggest just you load it a PDF and copy of it for us to have a look at.

Or as Berry suggested and to share his screen with the live document. And we're going to start with the work that Avri has started to do. And which is down on comment Number and 373.

And I can't quite tell you which page that is. And it doesn't matter too much about the helpful format. And thank you Matthew for agreeing to volunteer to (unintelligible). Is there any chance Berry that you can make that doc a bit bigger, wider across the screen? Thank you.

And if you can go down to Comment 373 and where we're incorporating the affirmation of commitment (unintelligible) into the bylaws.

And Avri I'm going to ask you to be talking us through and the comments and the content. And the reason there's the logic behind this stars is that we haven't yet collectively had a chance to start doing the summaries.

I'm assuming that our next couple of calls we'll be dealing more with summary materials. But by working through some of the specifics we can give ourselves a sense of how the system is working and whether we want to make any changes.

So thank you Berry and Avri and why don't you go ahead.

Avri Doria: Okay thanks. I'll start. And let me say up front that part of the reason I was comfortable writing stuff fairly quickly is because I assumed everybody was going to, you know, eventually jump all over it and change it otherwise I might have been perhaps more careful.

Okay so on very few events have I gone back and put them in the format. I just did a couple of those this morning.

So the first one we've got is Richard Hill and he's one of the initials I recognize.

And he disagrees with that IANA should be incorporated in the US. And basically I gave this one confusion definitely divergence.

And what it does is it comingles a couple issues. One there's the whole 8B issue. And that is one of the issues that's most definitely trending.

That's the whole AOC including - I think AC is the right name. AOC basically included the location and that that would be included in the fundamental bylaws.

And so if it comingles that issue it c-mingles the whole issue of jurisdiction and incorporation, the jurisdiction issues that were subject to buy doing business in a place and the extra jurisdiction issues that we may be subject to by being incorporated in a place.

That then it deals with the fact that, you know, it appears that we're pushing the issue of the incorporation issue off to Workstream 2 as I think the reason it's starting to emerge on that is that it's not, you know, what - we're incorporated in the US before NTIA and, you know, after NTIA. It's not necessarily one of those things that changes.

And in terms of action suggested you know, we have to cover that 8B as a jurisdiction and the incorporation issue as one of those overriding themes because it shows up in so many places. It's one that both WP2 and 1 are dealing with.

And I guess the other issue is, you know, if that the address is already in the article of the incorporation. I don't remember whether it's in the bylaws themselves. Whether it needs to be in the fundamental bylaws as some people I think have argued it's really an optics question do we really want to show Congress that yes, it's staying here and we've made it a fundamental bylaw?

And at the same time do we want to tell Brazil and the others which we'll get to, you know, well, you know, it's going to stay here, don't worry about trying to move it?

So that issue is very bound up in many discussions. I'll stop.

Jordan Carter: Thanks Avri. Are there any comments about this item?

I note the point from Steve DelBianco in the chat is that this is mentioned in the articles and - of the bylaws already. And so the question, one of the questions was whether it's an issue of making it a fundamental bylaw or not?

And...

Avri Doria: Thanks. I wasn't sure. I thought it was but I wasn't sure.

Jordan Carter: Okay. Thank you. So remember in dealing with these comments we shouldn't start discussing the actual substance of the issues. So we should not now turn into a conversation about whether there should be anything in the bylaws or not.

We're just trying to make sure that we tease out the issues that arise from the comments. And when something comes up the first time in a comment just in the order of the staff presentation then we - then we'll get the most on it.

And then as it comes up again we'll just we will have already dealt with it. So hands up I've got Kavouss your turn to speak.

Kavouss Arasteh: Yes I just want to ask one question to understand the process.

If you're looking to Question 13 are we talking that the question is dealing with the ICANN should not incorporate in USA or the question is that the

issue of location of the ICANN should not be in the bylaw or should be in the fundamental bylaw, which of these two cases you are discussing point one?

And point two, among all the replies which have been received how many raises this? So my question is that just to be guided are we...

Jordan Carter: Okay.

Kavouss Arasteh: ...sitting in a single or a few cases or we basically taking the general cases that the majority of people having agreement or this (unintelligible) but just to be clear so two questions I raised.

Jordan Carter: Kavouss those are good questions.

Kavouss Arasteh: And decide the question (unintelligible) is whether it should be in bylaw or fundamental bylaw.

It is on the substance that ICANN should not be incorporated in a particular country to SA. So just to be clear how you want to tackle these type of questions? Thank you.

Jordan Carter: So this is a set of responses that we're working through starting at Comment Number 373 to two questions that we're asked in our consultation, one of which was whether in cooperation of ICANN's - in ICANN's bylaws of the affirmation of principles with enhanced accountability?

And then the second one was whether the incorporation of the affirmation of comments reviews will enhance ICANN accountability?

And so it's a very broad - and those questions are very broad. And so the respondents can pick out any part of that in their reply.

And so this comment from Richard Hill is just saying that he disagrees with the incorporation points which did come up in the AOC.

So we're not trying to decide that. And by going through each of these comments in a granular way we will pick up what the themes are and then we will write a summary which will go right above 373 under the blue box with the questions.

And once we've gone through all of these and once we have done that summary that we'll have the answer to your question about whether there are themes coming through whether most people agree that this is a concern, whether most people don't.

Hopefully we'll notice things like whether this is a lot of governments hold this concern but no one else does or whether concerns about this issue are equally shared.

So at the moment we don't know that. But by going through the detail we will come to that. But I hope that is at least partially in answer to your question. And Steve DelBianco please go ahead.

We can't hear you Steve. You may be on mute.

Steve DelBianco: Jordan hey it's Steve. Thank you. Richard Hill's comments which we're looking at and Avri's, you know, initial pricing is now two full levels removed from what we actually wrote in our proposal.

And because 8B which is part of the affirmation did call for US - maintenance of US headquarters isn't even on the table.

We did not address 8B because as Avri hinted earlier Article 18 of the current ICANN bylaws this company shall have its headquarters in Los Angeles.

So the question before folks is whether or not it be a fundamental bylaw. And Avri's right that's just a clerical chore to run to the comments and see whether respondents gave a preference to whether it should be fundamental or not fundamental.

Either way affirmation 8B was satisfied so we needed to do nothing about it. The only question of fundamental and non-fundamental is the degree of approval that would be necessary to change that bylaw and to thereby take ICANN outside - take its principal place of business or headquarters outside of the United States.

So that would be something that would happen later on in time if at all. The community would have the ability to block that bylaws change or if there were fundamental the community would have to approve it at a 75% level to allow that to happen.

So that's why we always have to look back at what we wrote and possibly sometimes look back and see what the commentor actually wrote because if Richard is suggesting a new idea and that new idea is to change where ICANN is incorporated Avri described it right. That's an idea for another time.

It gets put into a category of new ideas. It's certainly not Workstream 1 and it's not necessary for us to address the merits of that at this time. Thanks.

Jordan Carter: And thank you Steve. And we - I repeat we don't need to discuss the substance of any of this.

So if we can focus our comments in the discussion on whether what Avri has come up with is a reasonable and, you know, set of things for us to note and keep into account as we build a summary that would be most useful. Kavouss your hand is up.

And Kavouss you might now be on mute. You may have been our noisy typer.

Kavouss Arasteh: (Unintelligible) yes?

Jordan Carter: There you are. Yes we can hear you.

Kavouss Arasteh: Hello?

Jordan Carter: Go ahead. Kavouss your hand is up. You're talking so fire away.

Kavouss Arasteh: Do you hear me please?

Jordan Carter: Yes we hear you.

Kavouss Arasteh: Yes I was about to say that this is very critical questions. Everything up to now on the legal aspect of the themes was on the assumption that it is in USA. Recording of California law, (record) California court, you know, so many things.

And that we have to indicate this is a very critical question we will answer and discuss this.

So as you ask as you told you don't get into any substantial discussion but this is a critical question. Thank you.

Jordan Carter: Agree and we're not going to get away from that but that's what we need to identify. And I think that we have identified that here. So I'm going to take it that you do feel at least that one of the issues and that's been raised. The second one there is an important one. So thanks Kavouss.

And Avri your hand is up.

Avri Doria: Thanks. This is Avri. Yes I just wanted to agree with most of what Steve said. The only issue that I would probably take some question with is that one, that it's a new issue.

I mean obviously when someone says it should not be incorporated in the US obviously they're saying it should be incorporated somewhere else or it should be something somewhere else.

That's sort of implicit in the not. But also it's not a new issue because we have been talking about this. And it's implied sub issue for a long time now.

So, you know, I wouldn't call it a new issue. I would say it's an issue that we decided as Kavouss said to, you know, we are using the US just to get the powers and that we did not discuss changing it specifically but have pushed off that discussion to another time.

But also but, you know, that was the only thing I wanted to say further on that one.

Jordan Carter: Okay. And we I think should move on to the next comment and if that's okay with people. And so as we have the discussion if you're following the Google Doc live just add comments. And the comment function in Google Docs imperfect as it is does provide a basis for and having a discussion about content for proposing changes and so on.

And, you know, that's the - a tool we've got. You don't have to use Google Docs by the way. You can download this or we can send this to you as a Word doc if you want to work differently and paste the material back in later.

So Avri do you want to take us through 374?

Avri Doria: Sure, 374 and indeed I believe 375 are similar. And I have given them at the moment the same answer. And you'll notice that I have been cleaning up all my work as we've been talking because I'm working live in the one I've got.

This one talks about basically government being having appropriate representation in a ATRT and then, you know - actually no, 375 doesn't do that but anyway I got my answers mixed up.

But anyhow so in 374 that is one of the issues. The affirmation of commitment per se does not get into the apportionment of seats in any of these reviews.

That was done in the ICANN staff document that slash 4 document that determined that.

And so I believe that the proportions were fair in the ATRT and that the GAC was sufficiently represented but that's just my opinion.

But what it points out is that perhaps we need to take some of that information that was in the secondary documents, the derived documents of how we were going to implement the ARC and actually move it up into the bylaws talking about, you know, the proportionality of representation on these various teams.

And so that's why I gave the answer I did that the bylaws don't stipulate it, ATRT was balanced and that information was in the ICANN implementation.

Jordan Carter: And thanks Avri. Would it maybe would the action suggested be that perhaps (unintelligible) in the bylaws as it was in setting up ICANN implementation of the reviews rather than of the bylaws?

Avri Doria: Yes. That would be yes, that would be the correct word, yes. Thank you.

Jordan Carter: Okay. Great. And are there any - this seems uncontroversial to me. Are there any comments to make? Basically we'll - my approach for this part of the call where there are short comments we'll rattle on through unless someone puts their hand up in the Adobe room.

So and Avri why don't we move to 375?

Avri Doria: Right, 375 should have just been - thank you.

Okay. We've got a hand up. Kavouss?

Kavouss Arasteh: Yes, just a question perhaps to Avri. This is another general question apart from the issue that government should have a role in the review of multi-stakeholder including ATRT.

Is there any other area that apply talking about role of government that would put them together with this and we address them together or is it the only area that government concerns has delayed by one or two or there are other areas as well just a cross sample of those who have carefully read the replies? Thank you.

Jordan Carter: Kavouss we are going through all of these comments now, some of us, certainly me for the first time and in order. And the next action is to write a summary of this section and to put it at the top.

So if you ask any questions about what is the general trend this work is going to lead to that but it hasn't been done yet. That's (unintelligible).

And from my lay observation of it quite a few governments have raised their role in most of their comments. And Steve DelBianco your hand is up as well.

Steve DelBianco: Yes thank you. And I will make this edit in the document. But Avri contributed in our document. I made the point earlier that you have to go back to what we actually said.

And I'm about to go into the chat Paragraph 305 and what we wrote and we wrote that there should be a chapeau for all the affirmation reviews.

And it would indicate that representatives of the relevant advisory committee and SOs and stakeholder groups.

So our view is whether the bylaws say that all ACs and SOs get representation on Review Team. We made that leap when we moved the affirmation of commitment into the bylaws in the document that we published.

So if every once in a while we'll get caught doing something right. And I think in this case actually we did.

While the current bylaws don't stipulate the makeup of the review teams we did in our proposal and said that all ACs and SOs are in there.

So that's where the action doesn't make sense perhaps that we specify in the bylaws. We put it in the bylaws. And Avri it was the chapeau that you wrote.

So I'm wondering why this is the second time I've said this, why I believe that we didn't even accurately reflect what we proposed in fashioning an answer. And in both cases it makes our answer even easier than the one we're trying to put together. Thank you.

Jordan Carter: And Avri do you want to reply to Steve on that?

Avri Doria: Yes I kind of disagree. I kind of disagree. You're right we do say that they should all be represented. But that does not answer the question are we represented adequately?

And so that's why I think we may need to get more specific about it as opposed to because then basically what we haven't done is yes we've there's a normative that everybody should be and everybody should select their own.

But we have not discussed the question of proportionality, you know, those questions that we painfully went through in the CWG of four of these and two of those and one of those.

And that's, you know, the question that remains unanswered. Yes we did put a normative statement that say we've got to include everybody and we've got to include everybody fairly but that doesn't answer the question.

Jordan Carter: I'm just as you can probably see on your...

Avri Doria: Yes.

Jordan Carter: ...doc in front of you I have just added like a proposed kind of response text which is to say that we agree your views (unintelligible) should be represented in there (unintelligible) your reviews three or five. The CCW will consider how to incorporate this matter more specifically in the next version of the proposal and that all of the stuff that's in that box now is consistent.

And I think, you know, that that's - if people are comfortable with that and maybe we can roll on and that - is that - I'll have to take no forest of hands as in a sense at least and remembering of course that we're not finalizing anything here. This content will remain available for comment and edits and so on.

And can we go on to the next one and 375, kind of the ideal comment isn't it? Avri?

Avri Doria: Yes. That's one of the thank you. You know, I guess as you're saying it's agreeing, yes it's an agreement, so action requested thank you.

So I guess the response would be the thank you, sorry, not the action suggested. I haven't gotten used to that the tripartite format yet.

Jordan Carter: No worries. And okay, 376?

Avri Doria: Okay. This one I forget who CRG is. I don't remember all the acronyms yet which is not transferred as they are there.

Based on limited experience in ATRT 2 I think the structures are fully (unintelligible) updated, cumbersome and too slow for ICANN directly accountable to the community.

It itself is a potential conflict of interest there in the community reviewing an organization led by community. It's a very serious task for WS2 to define how reviews have to be changed.

So I guess and I haven't put this in the form yet and said yes WS2 is going to review them as a longer term process. And doing so now doesn't seem reasonable. But doing them, so but folding them into the bylaws does seem important especially if we want to dissolve the AOT itself.

So basically, you know, if someone's saying we shouldn't include these now that would be disagreement and that's certainly something that I think we would want to disagree with.

If somebody is saying they need a lot of refinement in general I think we agree with that or could agree with that but it's certainly not something we want to take up in Workstream 1.

Jordan Carter: Cool. Thanks Avri. Are there any comments on that? I think that suggesting WS2 as a review is reasonable personally.

No, we'll crunch on to 377.

Avri Doria: Three seventy-seven is another thank you.

Jordan Carter: That's then another nice and easy one. And is there a slight amendment to the sentence. The CCWG thanks you for your comment and has considered it in its discussions so people know that we aren't only appreciating it...

Avri Doria: Yes, no...

Jordan Carter: ...but that we've actually considered it, we've actively talked about it.

Avri Doria: I think we can call that the abbreviation for as a thank you, the abbreviation for that sentence.

Jordan Carter: Yes, absolutely. Okay 378, the IA whatever that is?

Avri Doria: Okay. Oh, sorry my hand is still up. I - well, of course I'm still talking but anyway 378 okay, 378 is IA agrees, it's necessary transition. (Unintelligible) review mechanisms have historically been helpful, IA strongly supports. So that was another thanks.

Jordan Carter: Cool, and that's easy.

Avri Doria: Okay.

Jordan Carter: And carrying on. We'll keep carrying on in this mode unless we get...

Avri Doria: Okay.

Jordan Carter: ...for this section just as a way of working through it and trying it. So if we carry on Avri.

Avri Doria: Okay. This one is a much more complicated set of comments from Spain, from a government. So let me just bring out the elements for anyone.

So key elements of the ASG addressing ICANN's commitments to the community are proposed to be reflected.

We asked for a detailed timescale requirements and processes that would lead to termination of the AOC including steps to be taken by the USG and ICANN. Full privatization of ICANN requires all contractual links with the USG to be finished.

And basically as there's been a couple this one is - this one trends in a couple of places I've seen it appear. But basically it's made me think - and this is where it, you know, it makes sense, not sure how it's done, seems worth a plan that sequences and incorporation in the bylaws then mutual agreements that cancel based on inclusion.

And so actions suggested for this at least is that we need to somehow define that. We've speculated about doing it with the USG but perhaps we actually want to take some extra steps.

And whether it's not a bylaws issue, whether it's part of the plan that we actually propose a mechanism, of course in doing that it might be worthwhile having a conversation with NTIA about, you know, what kind of thing may be comfortable.

I don't know how far we want to go in that but yes a plan does need to be written down somewhere of how we would go about doing that I think.

I can move on to their next bullet. While the IOC actually states that ICANN should be headquartered in the US the Articles of Incorporation set forth that it is a nonprofit public benefit corporation under California law.

We do not believe this should be incorporated into a core or fundamental value of ICANN for the reasons for this is that trending issue again. This is a government saying, you know, this is an issue and that's definitely one of the trending issues.

Regarding periodic reviews provisions are insufficient to ensure that communities is duly and fairly taken into account.

Some language requiring the decision makes procedures and the review team. This again as on that trending document of the ICANN implementation contains far more details than the AOC did.

And while we did put in the chapeau of 305 in our recommendation it does not quite answer the specificity of the questions that would be asked there.

And then recommendations issued by the review team should explicitly indicate whether they are reached by consensus, qualified majority or simple majority of the team.

And that's actually interesting because I think the ATRT2 went on to consensus accept in very few cases where it may have mentioned otherwise.

But I believe it was primary consensus. But the point makes sense that yes there should be transparency that indicates the degree of consensus and agreement on anything in a review team thing.

So certainly it's a very reasonable thing. Now is that something we need to include in the bylaws? And this is where I start to wonder.

And I didn't go so far on the recommendations is does this all really need to be written in the bylaws or can the bylaws call out a procedural document for review teams that we can base on the previous implementations they would need to be changed?

And I just don't know that how much detail we need to include in the bylaws on this.

Jordan Carter: And I don't think any of us know exactly Avri but we will get there. And Steve your hand is up.

Steve DelBianco: Thank you. I wanted to point out that the way that Spain has articulated the review on the fundamental bylaw for Article 18 is not a new trending issue. It's just their answer to the question we asked in our report.

We asked should it be fundamental? So we don't have to put this in the trending column. This is just a tick mark in the no column on Article 18 as a fundamental bylaw.

It's much easier to dispose of that than to shape it into something that gets into the long term consideration whether to move ICANN. That's really not what this is at all.

They're simply answering it should not be fundamental. And we should respect before the answer but not make it into any more than that.

Regarding the affirmation reviews one of the things that Avri and I worked on really hard just to put Fiona and you were part of the team as well and Matthew we said that for every affirmation review the board had an obligation to make a decision to take action on their recommendation.

Now I don't know whether that scratches the issue of duly consider but it does mean that we are putting it in the bylaws that the board has to make a decision in six months. Because of that their decision can challenge the community doesn't like to challenge it with a reconsideration or an IRP.

So I would suggest that we have covered it in the sense of duly considered. Duly considered doesn't mean followed right? Duly considered means we considered it, we voted on whether to accept it in all or in part.

And once they make the decision we have the ability to challenge it. So I could make these changes in the document if that's what you prefer and stop bringing them up in the conversation Jordan.

But I sense that when we get to a topic that we have a difference of opinion on how to interpret the comment that we should speak up, let me know if I'm wrong.

Jordan Carter: No I think you're right. It's this call is just silence nodding heads because everything is obvious then we're wasting our time having it. The point of being here is to discuss the things that we don't agree and seek resolution.

And so I think you're doing the right thing to raise it. I've added a comment to help you track back to that issue here.

I just want to also quickly mention Rosemary's comment about the granularity of comments where they include a number of different points and but avoid multi-labeling of comments.

I instinctively agree but we've already got close to 500 comments, comment slices to deal with. If we rendered every comment into its individual points we would be dealing with 1000 plus or 1500 or 2000 whatever comments. And I think that would do everyone's head. I just don't think it's manageable.

So I think that by doing this extraction thing of summary impression as long as we get in there the key proposals or thoughts that come out of each comment we can have ourselves in action later as we're finalizing PC 2 to go back through this material and crosscheck that we've dealt with all of those specific suggestions.

But I think that in terms of a heat map approach that the colors are designed to do we don't have the resources. We don't have the time to take the very detailed approach that personally instinctively I would favor it but I just don't think we can manage it myself.

So that I do think Steve just to supplement as well we've got another four hours of calls. Obviously we're not going to be able to have this methodology work through all of them. But the more that people can spend some time on the doc and adding some comments, proposing different approaches, crosschecking people's writing, the better.

So I've got for instance they number of comments that Roelof has added at the top which I just accepted all that and that's already improved that comment a lot. So this is - we should really be treating this as a live dock.

And Avri your hand is up. I don't know if it's to respond to Steve or to carry on but either way please go ahead.

Steve DelBianco: And if you're talking to us you're on mute just so you know.

Avri Doria: I am talking on mute. Okay yes. I put my hand up to disagree otherwise I will just wait on you to call me to proceed.

I guess I respectfully disagree with the notion that we can just dispose of this quickly by saying it's a question we asked, thank you for answering it and we're taking it.

I sense however this issue gets stated it is a trending issue on the fundamental why it should be a fundamental, why it shouldn't be a fundamental and how we're treating it.

I believe that this is one of those issues that we have to never use the word disposed of in reference to.

And so I sort of disagree that we've handled this by having asked them and now we're getting the yes and nos.

I think we'll find out that yes and no's are very mixed and that this is an issue that is of concern and is indicated of concern.

You know, if somebody says just yes or just no maybe they have no concerns. So I guess this strikes me as very much an issue that we have to cover very carefully and not just dispose of.

Jordan Carter: Thanks Avri. And I think it is one of those things that's coming up. And the reason that that screen has been bumped slightly down is that I've started at the top where I'm just jotting down some notes as we go at the top of the section about some of the stuff that's emerging.

And jurisdiction/HQ location and is one that we already knew and (unintelligible) just going to jurisdiction/HQ location views. And that will be fleshed out of course after we've done all the work.

And Kavouss your hand is up.

Kavouss Arasteh: This session is very useful but I think as you mentioned perhaps if I just did it correctly we're running short of time if we go to in the next sessions too much detail on every comment that's made.

So we need to have categorized the comments those who which are of fundamental nature and have fundamental impact the whole process such as ICANN be in the United States or not, such as something should be in bylaw or not, or in fundamental bylaw rather than going to the detailed particular question which might have less impact on the process.

Just I'm a little bit worried about the time available to us between now and a few days from now.

So once again this session is very good but perhaps we should take a policy how to proceed further next time and how to categorize the comments made in the fundamental impacts on the whole process less fundamental and less impact.

So perhaps that would be something to consider in view of the constraint of time or time constraint. Thank you.

Jordan Carter: Absolutely agree with you Kavouss. And so I think we will deal with that in Item 3 on the agenda at the next area of focus.

And we had talked about it a little bit earlier on possibly before you joined the call in respect of the working methods about what we need to do next.

It is incumbent on all of us or as many of us as can find the time to really read the details so that when people have done their summary of that detail we can have confidence that different people from different perspectives with different takes on the issues have all had a work through and felt that the summary is a fair one. But it is much easier to make decisions and go ahead on the summary material.

And so and what we're doing by this approach is teasing out the fact that yes this approach isn't the approach we can use for the entire process because it will take too long.

And but I think it's giving us a useful flavor and guidance about the detail so far. And once again the reason that we haven't had the summaries to deal with in this is because it's a - the amount of time that's been available.

So and with that a number of people having to leave at the top of the hour we will miss you folks. Hopefully you can keep browsing around the room or check the notes after the call.

And if we go on to comment 380 Avri should we keep going...

Avri Doria: Okay.

Jordan Carter: ...I know the staff notes are a little...

Avri Doria: Sure.

Jordan Carter: ...behind but that's okay.

Avri Doria: Yes, sure. As the guinea pig of the day I will go on. Three-eighty is the
                  Registry Stakeholder Group. It's a fairly long and detailed comment that
                  basically agrees with enshrining the accountability.

                  And it indicates that they support the list of requirements, indicates that
                  there's some inconsistencies and, revisions, indicates a concern about
                  expanding, you know, basically that issues should be important topic but
                  needs to underscore the topics must be addressed through the multi-
                  stakeholder model.

                  And, you know, so on, agrees with putting in the ATRT. You mentioned the
                  sunset of the Whois, et cetera. So the reaction was yes we should fix the
                  consistency - inconsistency and as I say I wasn't pretending to be in the
                  tripartite when I was writing this because I actually didn't know about it or I
                  hadn't paid attention.

                  Then good point on making sure the bottom of multi-stakeholder model is
                  used on addressing issues to be explicit about that if we aren't already.

                  And I admit I did not do what Steve recommends which is before every one of
                  these going back to the report I decided that I was just going to write from
                  memory and I would let people beat me up for it if they needed to.

And then we have discussed the flexibility of the reviews and probably need to think about this a bit more.

Now one of the issues that I'm not sure of here and I didn't write down yet is do they mean we should sunset who is as part of Workstream 1 or that that should be on the table for something we work on later?

I assume they mean for later but might have to go back to their full written comments to be sure of that. And I would recommend that we don't sunset anything at this point. Thanks.

Jordan Carter: Okay are there any other comments on that one?

((Crosstalk))

Avri Doria: And Steve makes a good point.

Jordan Carter: Yes recommending the ATRT team recommends sunset review - sunset of reviews like Who is that's required. And okay so...

((Crosstalk))

Steve DelBianco: Yes Jordan (unintelligible).

((Crosstalk))

Steve DelBianco: Yes we have Registry Stakeholder Group members on the call. We can nip this in the bud if they would clarify.

Were they agreeing with our recommendation that the ATRT can recommend sunsetting of reviews including Whois or is the Registry Stakeholder Group asking for something entirely different like a deliberate and explicit sunsetting of Whois?

Our plan was to allow the ATRT to make that recommendation. Keith anyone on the phone who can answer that?

Jordan Carter: Keith go ahead.

Keith Drazek: Yes thanks Stephen thinks Jordan. This is Keith Drazek for the transcript.

I think my recollection is that we were supportive of the ability for the Review Team to sunset rather than calling explicitly for a sunset.

I would be more than happy to take then as an action item to confirm but my recollection is that it was a concurrence that there should be the ability rather than an explicit call for sunsetting.

Jordan Carter: Okay thank you. And right, and okay can we move on to the next...

Avri Doria: Sure, it's 81. JH - I'm not sure who JH is. I'll have to go back up to the top and see. And it's fairly long. It's about it not being reasonable for this (unintelligible) agreement to fully incorporate all of the AOC into the bylaws - possible option to abolish and put some appropriate in the bylaws.

So, you know, and going on I thought this was definitely a disagreement point on that. On the other hand AOC also some terms as questionable as a community, such as the ICANN commit to always be headquartered in LA, California. That's our lovely trending issue again. Those questionable terms

should not be incorporated into its bylaws. So that's - I didn't indicate that in the question, but that's the disputed trending issue.

So then it talks about setting appropriate principles. We didn't have second ability (unintelligible) problem of affected implementation of ICANN board. So it seems to me that this one is really saying - and I didn't obviously read the whole thing out loud. But this one is arguing that we need something, but we don't quite need that. We need to refashion it in some manner.

And so I'd say this one was another one that counts pretty much as a disagreement. But it's an interesting disagreement because it calls for a rewrite. So the answer here, you know, and then I do ask the question, is forcing the board on this a power we want, you know? What about recommendations that may not be implementable?

There they're basically - in the comment they were dealt with, you know, the strongly consider issue as opposed to must implement. And I think in our discussions we had discussed that there was a certain amount of dealing with the (implementability) of any recommendation. So, you know, one of the questions we had in our discussions is do we want to force the board to accept?

And we went back and forth on that one, and settled on - okay, thank you Barry on telling me who it was - on the softer, you know, they better think about it seriously and consider the seriously approach as opposed to must implement.

Jordan Carter: Yes. My - I think that this also relates to the - some of the inter linkages within our proposal. And one of the reasons we said consider approval is because by forcing the process then we can get independent review if we're

unhappy with the way the board deals with it. And the commenter may not have entirely taken that into account. So that's worth mentioning. That kind of interlinkage is a bit subtle. Keith, is yours an old hand there?

Keith Drasek: Old hand, sorry.

Jordan Carter: And if - thanks. Then Kavouss, your hand is up.

Kavouss Arasteh: Just I want to confirm that the issue of implementability of any recommendation is very important. It is our desire to increase or empower the community as much as possible. But we have to see whether that would lead to something which is implementable for (unintelligible) because that is an important element in our further discussion and analysis of the market. Thank you.

Jordan Carter: Okay, thank you. Are there any - Steve, your hand is up. Please go ahead.

Steve DelBianco: Yes. I wanted to be vocal in agreeing with Avri that we have a rationale for not forcing the board to simply accept every jot and tittle of every review team, but instead within six months to make a decision on it. And if they decide that something was not implementable and rejected it, we'd have the opportunity to challenge that.

So I believe in this case Avri, we need to strongly explain our rationale, and without seeming like we're being defensiveness and without being dismissive of the concern raised by the individual. But they need to understand that this decision to only require consideration was on purpose. And it's coupled with these powerful mechanisms to challenge.

And while I have the floor I'll say in the next paragraph, this particular commenter talks about the IRP determining that there are specific penalties or solutions, and there's no such thing in the IRP that's planned by work party two. The IRP either confirms or negates the decision that the board made, and thereby puts the ball back in play if it negates the decision.

We did not want the IRP to come back and specifically line item change a decision the board made, but rather to say this decision doesn't need the standard review in the bylaws. The decision does not stand. Thanks.

Jordan Carter: Thanks Steve. We - I think that's kind of talked through, and there's a bit of text there and stuff. So we can move on to the next comment - 382BC.

Avri Doria: Three eighty two BC. Okay, it starts off with question (unintelligible) against on, you know, incorporating into the bylaws - fundamental bylaw. And then I guess I need to do some more work on this, and I hadn't gone back there to Article 8 or 18 rather, should be designated a fundamental bylaw so it requires 75% community approval for any change.

You know I'm not quite sure what process we'd want to go through in terms of going through the various things and deciding what becomes fundamental and what doesn't. So I really didn't know how to handle that one. And moreover hopes to rely on statutory powers to recall the board and other actions as necessary to insure the ICANN board and staff remain accountable to the community.

The legal analysis indicating that these powers are available to members was predicated on the understanding that ICANN would remain a nonprofit organization under California law. And that is - has been the common

understanding of not only that California gives us these powers, but it's only by becoming a member organization that we have these powers.

But that whole issue is one that I'm assuming is going to get further workout going forward now in terms of, you know, do we actually need this for the powers, etc.? So I think that that con - that feeds into that other conversation.

Jordan Carter: Yes. And there's a few notes in the Chat. It's kind of BS to that fundamental bylaw point, and looks like summation about it. So we can chug on down to 383?

Avri Doria: Right. That's an open issue. I think that the next one - 383 - was another thanks, although they, you know, they want to make them more efficient. The process is just slow, waiting on volunteers and find them cumbersome. And welcome proposals to increase the time cycle, so it's a thanks again for that three increase to five.

So I think the whole general idea of this was they were agreeing. I'm putting myself on mute if they're talking.

Jordan Carter: No. No one is talking. You were. You stopped. Are there any other points that people would like to add about the (unintelligible) in addition to Avri's basic thanks suggestion? I don't have any myself. We'll tidy up the language and (unintelligible), you know. That's all fine.

Okay, no hands up - 384.

((Crosstalk))

Avri Doria: Okay, 384 in the first part is basically supporting as I say what we're doing - strongly supports inclusion of those into the fundamental bylaw. Then there is an issue - an edit issue with paragraph 269 in terms of the mentioning of depending on market mechanism. We feel it's a large range of opinion from the roll of the market. ASC however is stronger in its support of the marketplace.

So we would suggest deleting the words and appropriate or as appropriate. And my view on that is one should never delete the words and appropriate, and especially in this issue of the command of any particular understanding of what the marketplace demands is always something that needs to be looked at and decided on whether it is, you know, feasible and appropriate.

So I guess I disagree with their edit. I don't know where other people fall. But that was also something that we discussed at some length - those particular words. Anytime you see as appropriate, and appropriate or whatever, it's an indication that there was a long range discussion, and that was the (unintelligible) point. That was the compromise point. So removing those is always at our peril.

Jordan Carter: Any other comments on that balance in language? Thank you (Barry) by the way for getting that content and figures that can be in the Adobe window now - appreciate that. And that is easier to read, at least to my eyes.

Okay. We chew on down into lengths. Shall we skip the thanks ones unless anyone has any issues to raise with them? And he says randomly jumping to a hand up from Kavouss. Kavouss.

Kavouss Arasteh: (Unintelligible) a wide range of subjects in assessment such as how is appropriate up if it might be the case or according to the case. I think these are

the things that very rarely could be implemented because it depends on the (unintelligible). It depends on the situation. And it depends on the case, Perhaps in our further review we should not put more time on these issues rather than going to those issues. We should not have this subjective natures. Thank you.

Jordan Carter: Okay, thanks Kavouss. Three eighty six Avri.

Avri Doria: Okay. So 386 is was jpnic - binding the AOC related (unintelligible) into the bylaws would insure that ICANN would be committed to them. However instead of writing what is in the AOC and the bylaws increasing duplicate subscription in two different documents, we suggest reference relevant sections of ASE in the bylaws and bind referred sections.

My comment on this one was the A, including them by reference leaves them static. It makes it harder to change them. And then beyond that there's an intention on a mutual cancellation of the AOC and having these bylaws replace them.

So I - and then yes, it was the other point that was the one that was related to the issues we had before about, you know, the adequate representation and the fair and balanced since that stuff was all included in the implementation document that, you know, just finding to the AOC doesn't do that. So the answer definitely needs to more words than I flushed it out with, but that was the gist of it.

And I was writing these quite quickly, trying to make sure I had something down on paper in time for the meeting. So I apologize for the (crypticness) at times.

Jordan Carter: That's okay. We're all (unintelligible) time pressures here, and this is good

                   stuff. Avri, was your last comment in response to 387? Or was it all about...

Avri Doria: Wait a second.

Jordan Carter: I think you might have jumped comments.

Avri Doria: I could have.

Jordan Carter: That's okay. I've drafted just on 386 on the jpcnic point. They've suggested

                   the cross reference. My suggested response is that because the AOC's bilat

                   agreement is inappropriate for it to be referred to in the bylaws

                   (unintelligible). That's why we're taking the approach to create

                   (unintelligible) the bylaws which would allow the AOC to expire at a later

                   point.

Avri Doria: Now actually I don't think my - that last sentence was in relation to 387. I just

                   went and reread 387. It was another one of the reasons why just doing a

                   inclusion by reference is not - was not adequate.

Jordan Carter: Right. Okay. Cool.

Steve DelBianco: Jordan Carter:?

Jordan Carter: Hand up from Steve - yes?

Steve DelBianco: Yes, thank you. Keep what you've got there and what Avri just said. But I

                   would start the main reason is that we - the CCWG proposing several

                   significant enhancements to the way these reviews are done based on six years

of doing reviews. We've learned a lot. It's not only the chapeau we discussed earlier about representation. You referenced that.

There are far more on those eight pages of reviews where we delineate additional access to documentation that's within ICANN for instance - the obligation of the board to vote on it within six months. So there are many enhancements we made to the affirmation based on our experience and the community's preference.

You can't incorporate them by reference because we in fact improved them by incorporation. We go so far as suggesting in our report that we make it appropriate to allow the affirmation for sunset so that we don't have two documents with conflicting obligations in them.

I think we ought to own that. That was our intention. We believe we delivered on that. So let's own it and say that the affirmation should be terminated hopefully by both parties. And then it's a lot like all of these commitments and all of the improved reviews.

Jordan Carter: I think that's a point Steve to be considering in our next - in the next version of the proposal. The next - sorry, I've now created a problem by typing instead of talking. So we leave that one - Kavouss, your hand is up.

Kavouss Arasteh: Yes. Perhaps you consider to complement what you put CCWG sponsors. Incorporating something in the bylaw gives it the same legal status as being included in bylaw. So that does not solve the problem. So should add another reason that why incorporation by reference does not seem to be appropriate in addition to what you mentioned because when you incorporate something in something, that will give the same status where it is incorporated.

So it does not make any difference where they should be incorporated by reference or in the bylaw. So that is another reason (unintelligible) what you mentioned here. Thank you.

Jordan Carter: I think Kavouss, I don't quite agree with you. I think it's sort of the reverse of what you suggested - that we're not - it's definitely clear that incorporation by reference would have full affect. We're not suggesting not doing that because it wouldn't be effective. It's because of the reasons that we've set out. So I don't think we need to explore that point in this response. Let's keep thinking about it then as we go back.

Can we move into the CWGST comment which is from the stewardship CWG - the (unintelligible).

Avri Doria: Right. Okay - three eight seven. As I understood this one, this was basically saying, you know, we understand that define - that moving it in allows the definition of new ones. And one of them has been proposed - and yes.

Jordan Carter: Great.

Avri Doria: Yes.

Jordan Carter: Okay. Now thank you Avri. I notice that in your next one you've said that...

((Crosstalk))

Avri Doria: Yes, the next one...

Jordan Carter: ...and the answer is incomplete.

Avri Doria: Right. Yes. I had gotten through the first couple bullets - through 305. But then the 338 reference needed more work and it was time for me to move on. So I didn't finish this one. But the first two parts was the AC trending issue again of should it or should it not be a fundamental, and then the ask to not only consider SOs and ACs, but to consider constituencies and by reference stakeholder groups and that whole thing now.

Now when we get to the representation issue, I would think that we would at the bylaws level do it in terms of SOs and ACs with that usual comment of - and it's up to each of the SOs and ACs to how to do this internal apportionment. But perhaps this comment is saying no - that at the bylaws level we should go all the way down to constituencies.

But the whole issue is part of that representation issue that we have not adequately dealt with. We did not get specific. We just said it would happen and it would be fair.

Jordan Carter: Okay, thanks.

Avri Doria: Yes, I don't understand the last issue there.

Jordan Carter: Let's let you keep looking at that. I'm assuming/hoping that you're prepared to go through the last few comments there and drafting some stuff, and that other people will look. Is that a fair assumption Avri?

Avri Doria: It's a fair assumption, and I'm quite happy to have even if somebody's got some words that they want me to think about before I jotted it - feel free to suggest.

((Crosstalk))

Jordan Carter: And you want to...

Avri Doria: ...on other people's work just fine.

Jordan Carter: Anyone can make suggestions in the doc, and then they'll be accepted. And if there's a debate, there's a debate.

                   Steve, can you just clarify what you're seeking a clarification on? Go ahead.

Steve DelBianco: Yes. Avri asked - I'm not sure what they mean by that with respect to I think the 338. And I noted that Greg Shatan and Jonathan Zuck were both on the call. And they could provide some clarification as to what the ITC meant by it so we can get this issue answered.

                   I will recall that the reason we used the word batch round is - a batch round is one where a guidebook is prepared and there's a solicitation of interest. A non-batch round would be an open and continuous round where there isn't really a round any more, but there's constant applications coming in for new TLDs.

                   I have at least heard staff and management mention at least once that they think that we could move to an open season with the submission of applications for new TLDs. If that were the case you could see why this doesn't make any sense any more. And that's why we added the word batch round because the batch rounds are the ones that could have a guidebook and could have a review before the guidebook is put out.

((Crosstalk))

Steve DelBianco: Jonathan or Greg, can you help to clarify? Does that answer your question and should we put that into our draft document?

Jordan Carter: I hear a silence. I see and it does from Jonathan.

Jonathan Zuck: Sorry, I think it does. The person who drafted this paragraph wasn't - and I didn't catch it when we went back through it. I think that makes perfect sense Steve.

((Crosstalk))

Jordan Carter: Sorry, go ahead Avri.

Avri Doria: So your action is a recommendation that we somehow amend and put the word batched rounds as opposed to - anyhow, okay. I 'll go back and look at it and see if I can make, you know, exactly what change people would want in the bylaws. I thought the bylaws were already requiring a review after this one.

Or are you saying you want to have a review after any new round? And I don' think we have to call them batched rounds because I think...

((Crosstalk))

Steve DelBianco: Can I answer that?

Avri Doria: ...it's not a round.

Steve DelBianco: Yes, can I answer that Jordan Carter:?

Jordan Carter: Yes, please.

Steve DelBianco: Yes, I wanted to answer that. If you actually open up our proposal and go to Page 59, we proposed the following words in the bylaws: The board shall cause a review of ICANN's execution of this commitment. This is the commitment to do a review of the effectiveness of the new gTLD round.

The board shall cause a review on an execution of this commitment after any batched round of new gTLDs have been in operation for one year. So we did use the word batched round on purpose. And right next to it is a paragraph of explanation. We said rephrased to cover future batched rounds of new gTLDs.

So to the extent that I explained that to Jonathan is that the bylaws change that we've proposed is batched rounds. And I think in this case we're answering the IPC by explaining why batched round is the most effective way to trigger the need for a new review. And other than that there is also a requirement to do a review no less frequently than every five years.

So there's two triggers. There's when there's a batched round you've got to do one a year later. And in all cases you have to do one at least every five years. So again I'm trying to rest on what we already wrote - the work we already did. I believe we can explain what we did, don't change what we wrote because I think by explaining it the IPC will be satisfied with our explanation.

Greg Shatan: I think so too.

Jordan Carter: That's good because that means we're not spinning our wheels trying to do other rewriting when we don't need to. So thank you for that discussion. And I hope that that gets captured in the notes (unintelligible) or by Avri.

Okay. Thank you Avri for taking us through all that and for doing that work. It is good stuff and appreciated.

I'm mindful of the fact that it is half past the hour, and we've got a maximum of 30 minutes left in this call. And having been through the process we've just been through, I would - I think we've now got a sense of how the current summary impression stuff works via the suggestions and so on.

I don't know if it would be good use of our time to spend the next 15 minutes starting the same process at the top of the document where we began with the community mechanism. So I'm going to propose something a little bit different which is that we instead spend the next 10 or 15 minutes just finding people who are prepared to volunteer for the next set of jobs and what we're going to do on our next calls.

So are people happy with that approach? And the alternative is to go through a couple of my ones to see what it looks like. And I think there are many differences between Avri and mine aside from the fact that we are evidently different people, and is that I just built a little kind of template if you like for this material before I started doing it.

If we just look at the first one - so if you could take the document right up to comment and 20 - comment 223. I'll just take you through two so you can see how my brain works on this stuff. And this is a comment from RH, and it makes the point - in my mind it made the point that the membership model was suitable and that individual membership was suitable and in a swift jurisdiction ideally.

So, you know, I tagged that one as agreement because the question of jurisdiction has been dealt with elsewhere. But the fundamental question to

me it seems was kind of membership model and having members that can hold the corporation to account. I didn't think that it required any actions. And I didn't - I haven't - I didn't really start out by drafting PCWG responses. But I think it's more a thank you and taking into account (unintelligible).

So Steve, your hand was up on that one.

Steve DelBianco: Yes, thank you Jordan Carter:. I just wanted to acknowledge - both Holly and (Josh) did some quick research that - I hate to throw it away, right? They did some quick research on what the swift membership organization is actually like, looking for differentiators as to whether one had to form an incorporated association. Does the membership structure have enforceable powers that require you to go to court to enforce them?

And I'm paraphrasing, but if the legal team were able to give us one paragraph, we've already spent a million and a half of ICANN's money. Let's get our money's worth by saying that the legal team suggests that this list answer is not an incremental improvement at giving the community enforceable powers or something to that effect.

Josh and Holly, is that something you could do very quickly and easily, given you already did the research?

Jordan Carter: Welcome Josh or Holly responding to Steve's question. While they maybe put their hands up or not, and I doubt that we can just refer them back to that legal memo if we like.

(Josh) or Holly, are you able to comment on that? Josh, your hand is up. Go ahead.

(Josh): Yes. So certainly we can go back and - I mean you can refer to it. But we can go back and pull the memo that we had done and provide you all some language to consider here as part of the response.

Jordan Carter: It's almost - I think what Steve's suggesting is whether there's a top of the head sentence or something that we just could copy and paste in. I mean we can point them to the memo relatively straight forwardly. But I may have misinterpreted it. Steve, do you want to...

Steve DelBianco: Yes. Sorry, (unintelligible). Yes, that's right. If there's not a top of the head sentence that's already written, I am certain that Josh could come up with one that summarizes it in a way that is responsive to Richard Hill, and perhaps even dispositive of his idea. It doesn't have to be. Just be responsive.

And then we have to link to the legal document that was done at the time on the Swiss code. And for that I turn to staff to make sure that that link is available so that we can include it in our answer. It's just a much more authoritative way of answering it. It really disposes of the fantasy that there is some magical kingdom that we could move ICANN to and get enforceable powers without the courts being involved. And no one would have to create a legal personhood and so on. Thank you.

Jordan Carter: Thanks Steve. Josh, how does that feel?

Josh Hofheimer: Yes I under - that's what I understood Steve's request. Sorry if my response wasn't clear. But yes, we will go - we'll go look back at the memo and if there isn't a top line sentence that could be drawn from it that we will craft one that distills the issue down and share with you all for you to consider putting in.

Jordan Carter: I don't know how comfortable you are with Google Docs. But it would be so, so, so helpful if once you've done that you could just pop it in - actually in a Google Doc as a comment.

Josh Hofheimer: I've used Google Docs. But I think you have to send me - because I'm not in your working group list, you need to send me a link. Whoever is controlling it needs to send me a link with - and enable me to have edit permission.

Jordan Carter: You can just - the way the document is set up, if you type anything on it, it will come up as a proposed edit - so it will come up as tracked changes which you can't approve. The link is now in the Chat, and it's also at the top of the call notes here on the right. So I'll make sure that we send the call notes.

                   Staff, can you actually take that as an action? Can you make sure that these call notes when they're circulated to the CCWG are also circulated to counsel? That would be helpful. Thanks.

                   Okay, thank you. Let's flick on to the next one. And I have to say this was hard work. There is - and it's hard work in a great way. But this is why it takes a long, long time. Sorry, Avri's right - yes, in terms of the link - whether it be (unintelligible) or sharing. It won't let you break the doc as far as I'm aware.

                   And, you know, there's a (unintelligible) as one of the advisors to the CCWG. And he's made some specific suggestions about titles - the issue of correlating the community with the ICANN structure, not preventing change in future, and the issue of how people participate in the community mechanism are held accountable to their appointing circles, and how to avoid insider capture which is in fact a recurring theme of this set of comments.

And so there was some actions that arose out of it in my view in terms of making a relevant name for the community body - whatever it is. And we do need to do some more work I think on the accountability for those (unintelligible) mechanism. We still haven't resolved the issue whether it's a group of people meeting together to make decisions or whether it's something else.

And I think we - this issue of insider capture is one that comes up in a number of places and is something that we're just going to need to work through as a group as we come up with our second version of the proposal. So (Josh), I'm assuming yours is an old hand, so I'm going to skip straight to Steve.

Steve DelBianco: Thanks Jordan Carter:. Avri and Cheryl and I covered this on the stress testing call the other day. Stress Test #12 as currently written speaks to capture. But it doesn't really adequately address insider capture. So we can note in here that Stress Test #12 will be expanded to address insider capture, and a new stress test will be created to address rogue voting of ACSO representatives.

Thank you. And I don't mean to be dictating, but I see what's in the screen, and I can't edit the Google Doc while I'm running Adobe. Thank you.

Jordan Carter: No, that's helpful. Thank you and thank you Steve. And what else - what other comments are there on this one? Kavouss, your hand is up.

Kavouss Arasteh: Yes. On the action suggested we are talking about responding to the multi stakeholder assembly or (unintelligible) council. Any of these requires legal terms, legal provisions, including the bylaw of the mandate of the power of the participants, combination, composition and so on and so forth. So it is not an easy issue. Thank you.

Jordan Carter: Thanks Kavouss. Yes, the suggestion only relates to what we call the community mechanism. So that stuff does all need to be done, but that stuff is all the work that we're doing,

And 20 - I'm not ducking the ADA comment which is the next one on the list. I'm just noting that it's 20 to 8. (Unintelligible) it's 20 to 8 anyway. And we've only got 15 or 20 minutes left on the call. So my suggestion is that we forget the ADA or we're going to be here until the top of the hour.

So we're going to revert back to the discussion on what happens next if that's okay with you team. And there are a couple of things we need to do. First of all as you'll have seen if you've looked through this document, most areas don't yet have any of this kind of comment work - comment analysis done or visible in them. And we need to do that work. So we're looking for volunteers to do that.

The second thing is clearly this mode of working through comment by comment would have us doing 30 hours of calls between now and the 16th. And I don't know about any of you, but I'm certainly not up for that. It's not good use of our time. So there needs to be a second phase of work that is the summary - the pattern and pattern recognition or whatever it was called of the working party two approach.

So just draw out the common themes and to summary them at the top of each section. And so basically if we have some more people who can help with various bits of this work, that would be great. And there are some parts of the comment document that are not very long, and that are very kind of approachable to do that with.

And I'm just going to paste into the Chat - to Avri. I'm just going to find a list that I did of the volunteer work first. Who - where I did do a little analysis of the - I'm sorry, I should have had this lined up. That's why I'm now having vague. I just copy and paste this list into the Chat. It shows how long they are.

Oh, that's not very elegant to read, is it? So some of these only have two pages of comments. And there are a bunch of things that need to be done. But what I'm looking for at least at first is are people's to take some responsibility for even just choosing a really short one. You know there's only one page of comments about approving fundamental bylaws for example.

And removing individual directors - there are two pages. So the options are that you can volunteer and take responsibility for one area of comments. And your job then would be to make sure there's some content analyzing each one, and to start drafting a kind of summary of the material.

And so Fiona, now as far as I'm aware, bylaws suggested by the stress test has been transferred out of our responsibility and given to the stress test working party Steve. So my list is an old one. It comes from before that happened. So I think you've got that one anyway. AOCs and bylaws is you collaborating with Avri, so that would be good. Fiona is happy to do the removal of directors, individuals and entire boards.

So if the staff could take in the notes, add just the people who are able to volunteer for stuff. If we go through it from the top, I've started the community mechanism thing, but I'm only prepared to keep going on that if I can have a volunteer to help with it. So is there someone who would like to pay some extra particular attention to that? And it's almost half of - it's almost half of the public comment.

So I'll let you mull on that one for a bit. In terms of - Robin's just volunteering to be given something to do, so that's helpful. Robin, could you do the veto budget? It's about two and half pages of comments - Robin Gross?

In terms of changes to the bylaws, please take my name off that and replace it with Keith Drasek. And Keith, would you mind doing approval of fundamental bylaws changes as well because they are linked? And even together there's only two pages. Fiona is volunteering for both of those - removing individual directors and recalling the entire board. And Avri and Steve are on the incorporating of bylaws.

Now I also noted that Matthew and Roelof had volunteered to help. And I notice that Roelof has been going through the first part of the comments. So Roelof, can we put you down as a volunteer to help particularly with that first set of sections about the community mechanism? Are you happy to do that?

Roelof Meijer: Jordan Carter:, this last part was a bit difficult for me to here. Which section do you want me to do?

Jordan Carter: So I'm asking you if you would be prepared to help with the first set of comments about the community mechanism. And because you've already been doing some work on that and it's a big chunk that needs more than one of us to do it.

Roelof Meijer: Yes.

Jordan Carter: Thank you. And since it is such a giant chunk, maybe Matthew I could prevail on you as well to spend some time in that area? Would that be satisfactory? Great, thank you - so the volunteers for the first section are Jordan Carter:, Roelof and (Matthew Sheers).

So the outputs again, just to talk those through and make sure we're clear is if you can follow this template, I think it's helpful. I think it draws out first of all a heat map - a color type thing - summary or impressions of the contents that the person has offered us and specific suggestions to follow up, actions suggested, and then drafting a CCWG response.

And in doing that granular stuff, what I've found working through this, I think it's the summary impression and any actions arising. That should be the first focus as that then lets you get into the summary part of the discussion. And that's the next thing we need to do because if we turn to our next calls, we have the second of the sequence of calls coming up.

For me the timing is 5pm on Saturday which means that - so I've lost my calendar. So we've got roughly 36 hours - 34 hours to do the work. And my proposal is that on those calls rather than going through comments by comments, we go through the summary material. And the summary material is to identify the themes and to start to identify how we will discuss those themes with the community at the Buenos Aires meeting.

And if you get on to ways you think we should actually tackle the issues that those themes represent, that would be good too. But as I understand it, that's a nice to have. So how do people feel about that work approach? Does that make sense? There's a bit of a silence there.

Roelof Meijer: Jordan Carter:, this is Roelof. How do you want us to do that? Do you want us to put up our hand and talk, or give you green thingy? Or what do you propose?

Jordan Carter: Well why don't we do the green thing? We haven't used any of those buttons for a while. Are people broadly happy with - if you're broadly happy with the approach I've sketched out for what we do next, please use a green check on your Adobe Room connection. If you're broadly unhappy with it, please do a red check.

And Malcolm is right. The summaries do have to not be wish lists of (unintelligible) where it doesn't necessarily exist. And they do have to respect all the details. And that's why the details comment by comment approach has to be done as well.

And I see a reasonable contingent of green checks. I see seven of those - no red ones, and no hands up at this point. So I think we can take that as some ascent, and thank you. And the notes on the right have a kind of assignment table of who is doing what. And those notes will shortly be circulated by the staff.

And I think for those of you who are not sticking your name and life and reputation on the line by volunteering to lead a bit of this work, the request I would have of you is to keep looking through the document, to keep thinking about the comments. And maybe if you can, and we're all familiar with the limitations of this Google Doc - to dip into the Google Do and to add the add comment - add the odd edit - add the proposed thoughts that you have to make the summaries and the specific response to comments as fair minded and open and even as we can because at this point our job is to analyze the input of the community.

We've all got different views about what we should then - how we should respond to it in a detailed or a fundamental sense. But that's not where we are at the moment. This is the analysis and the recognition of the effort that

people have made to write comments to us. And it's a nice part of the process where we get to see what people think of our work.

So if that doesn't give any, right, any further comments, one thing I will do is I will share around the whole working party on list. And I know that (Malcolm Huddy) sent with a little bit more talk about the summary. I think that his way of doing the summary of an area was quite a helpful one to look at and consider.

But I don't think we should have a blanket and position of summary approach. So I'll circulate that information. We don't have time to reconcile this one as we have our calls. And the last point is that the timeliness of this work, and as mentioned the next call of the working party one is in around about 36 hours at 0500 on I have the 13th of June. And our custom has been to ask people to have 12 hours which would give us 12 hours to review content if at all possible which would involve circulating staff at 1700 hours ETC on the 12th of June.

My proposal is that I will just do a document freeze at that time, or actually it's going to be a bit later because that's 5am on Saturday for me. And I'll circulate that pdf to the list for people to review. And but that there is - you can keep working after it, and we will work through the Google Doc. And when I send the pdf out I'll say you can always find the latest content on the Google Doc. But some people will just want to read it offline. And if that's their preference, then they can do that.

So with that - and we've got a hand up. Malcolm? Go ahead.

Malcolm Hutty: Thank you Jordan Carter:. Since you mentioned the categorization work we've been doing in the other - in WP2, I thought I'd just mention how that

relates to the, you know, the concept of summarization. What we're doing in WP2 isn't actually intended to summarize the comments. What it's intended to do is to collect together the comments where they are all talking on the same subject.

Only those comments that are on this particular subject all together with a neat index so that you can actually go to the original comments, not to go and read what somebody else has written - a summary of that person's comments, but to make it more possible for everybody to go to the original comments on that issue when they are discussing a particular issue.

So you can work through issue by issue and see the original comments, and make that practical and workable to do. So it's that kind of preparatory work to make it more possible for that group to take on board the feedback rather than to just work from summaries of the feedback which actually in my opinion can risk certainly getting into the position where when you're dealing with a dissent, oh well that person didn't agree, but he was one of (unintelligible), you know, five people agree, one person didn't - so whatever.

Whereas actually you may need to see why he didn't agree, and whether there could be something that would - may potentially address that while keeping everybody else happy. That's the more the aim that we've been going for, yes. So in order to best honor the feedback that the (unintelligible) is giving us past this part in the public comments, trying to find a way to make it workable for the group to actually read those comments in a structured fashion rather than just reading summaries.

Jordan Carter: Okay. And thank you Malcolm. That's really helpful an explanation to get. And I can see two areas of our public comments where that approach might be

really useful or actually one - that's the community mechanism piece that is pages and pages of content where a whole bunch of issues are joined together.

For the rest, they're relatively straight forward comments about very narrow issues. So I think that the action that arises from that is actually not to flick your dock onto the whole list. But for those of us who've been lumped with the community mechanism comments to try and take the same approach, the disentangling and direct reference approach, and because that's the most complicated area of feedback.

So that might make some kind of sense. What do people think of that? What do you think of that Malcolm?

Malcolm Hutty: I say in the most complicated area what we are - I mean we had - on our side we've got some complication. One of the ones I did was a little complicated. The other one was quite straight forward. The one that's still being worked on - the IRP stuff - is much more - certainly the most complicated on our side.

What we're trying to do there is to try and actually - okay, within that complicated area there are these, you know, topics of discussion or areas of controversy. We can pick those out, so that's our summarization effort. And then point to point us to this person was referring to that in this paragraph here, so that when the group says well we're going to have to come to a decision on X or Y, they can actually see this specific feedback that was given on those things. So where it's most controversial, it's most important.

Jordan Carter: Okay. Thank you. And I think that that is - and the material we're dealing with based on my high level view, it is in the community mechanism and some aspects of the AOC in terms of the jurisdiction stuff that that is there - is the case where the most controversy is.

So I don't think they have the work that we've already scoped out to be doing is work that we don't need to do. We do need to analyze the individual comments. And I want to follow up with the group who volunteered on the community mechanism to - just to exposure a bit more on Malcolm's stuff.

Malcolm, I'll echo Steve's comment in the Chat. You know if you guys do that for the community mechanism content or to start that or to identify feelings there as a fresh reader? Or is that not real...

((Crosstalk))

Malcolm Hutty: I'm sorry. Any time that I've got tomorrow I'm going to be spent supporting the IRP version of this because that's quite a piece of work.

Jordan Carter: That is more than fair enough. Okay. So (unintelligible) to see if people can do stuff. All right. So we'll come back to - we may - it's my hope that what we can do on our call on Saturday and on the 13th of June, 0500 is to work through the - I'm at risk of mischaracterizing this, but the simpler ones - the areas of less feedback.

And so that means Fiona and Keith in particular and Robin in terms of the budget, the changes to bylaws and removing individual directors. It would be really good if we could do those on Saturday's call. And the reason for that is that the analysis job to get them into ship shape is a shorter one.

And then it would be my hope that we can dip back into the AOC stuff, and to work through the community mechanism material on the call at 1800 UTC on the 14th of June. And the logic there is that it's just going to take longer to do the analysis. And so if we can take some more time to get the analysis ready

for that Monday stuff, that would be great. And I basically have given up my weekend to help make that happen, and I know plenty of other people will too.

And just for review on the screen you've got Malcolm's document which - the methodology there looks quite useful to me. So we're at the top of the hour. We do need to draw this out. The mapping is on Pages 4 and 5 of Malcolm's document.

Could the staff please email this in pdf around on the working party one list after the call? And to just so people can see it, both in pdf and in Word if it's available. And on that note, I thank you all for the efforts. And to say have a good morning, afternoon, evening. And we will speak again in a day and a half or so. Thanks everyone.

END