

**ICANN**

**Moderator: Brenda Brewer  
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1:00 pm CT**

Jordan Carter: ...just what else we need to do between now and the document phase on the 16th, so we have to add a work planning item. I'm sorry that I forgot to put that on the agenda.

And regardless of where we're up to the discussion takes a long time and we need to do the work planning item. We will draw the standard discussion to a close no later than ten minutes before the close of the call.

So are there any changes to the agenda or additions that people would like to raise other than that update? Could they pop their hands up? Steve - comment on the audio.

I think the audio's now been enabled and so should be able to join that right now. And I can hear lovely music in the background, which is exciting. I don't know if that's on again.

So once again if you do think of an item we need to deal with during the call, we can deal with it in the Any Other Business Items just down the end. But now I'd like to suggest that we go on to Item 2, the content summaries.

And I'd like us first to go to Keith Drazek's summary of Question 10 starting at Comment 308, which is on the fundamental bylaws issue. So Keith could we hand this over to you?

Keith Drazek: Yes thank you Jordan. Can you hear me okay?

Jordan Carter: Can yes.

Keith Drazek: Okay very good. So will we be displaying the summary on the screen?

Jordan Carter: I'm hoping so. Staff are you going to be able to do what we've done for the last few calls and put the live Google Doc on through a screen or something? It'll be ideal if - I'll add the title Keith that you mentioned with that.

Keith Drazek: Yes. Yes so for Question 10 - and this is the community power to approve changes to fundamental bylaws. And I actually did a one-page summary sheet in the form that you had suggested Jordan and circulated that to the email list.

And it looks like Alice has captured that and it's now in front of us on the screen so thank you. So let's go ahead and get started. This one is actually very straightforward.

I think, you know, we - I will note that there were 19 comments total. Eighteen suggested agreement. Four areas noted concern. There was no confusion rated and there was one divergent rated comment in this one from Center.

We can talk about in a little bit more detail but I actually have a question as to whether it is really divergent or whether it's highlighting a concern, because it

seems to be inconsistent taking and standing alone with the Center comment that was submitted to Question 9.

And it, you know, it accurately, you know, raises the question of, you know, possible extra layers and inefficiency and causing problems for process flow. But it's - it wasn't entirely clear to me from the snipped version that it was truly opposed to this community power.

And I think this one actually requires a little bit more review of the Center comments as a whole to determine whether it's divergent or not. But the main issues or areas of concern that were raised were the potential impact on ICANN's operational effectiveness.

So basically by introducing this additional layer or additional process, does it somehow take away from ICANN being able to complete its mission? The specific concerns or suggestions that - for further follow up emphasize the need to empower the community when amending fundamental bylaws.

That was Number 310 - cites the likelihood that enforcing this power will require a membership structure, calls on the CCWG to further explore and explain membership, recommends that ICANN's mission, commitments and core values be made fundamental.

I had a question about this one. This may be - topic that should be characterized as a confusion mark as opposed to a concern, but I'd like to ask for others' thoughts and input on that.

It was my understanding that mission, commitments and core values were in fact fundamental but let's circle back on that one. Some of the other concerns raised about the potential tradeoff between accountability enhancement and

the ability for ICANN to complete its mission; recommends further work in Workstream 2 to amend or augment the list of fundamental bylaws.

There was support for consideration of new or amended fundamental bylaws in Workstream 2; concern that the current proposal does not include a well-defined list of requirement in Sections 5.4 and 3.23.

Actually a second comment along those lines - concern that insufficient details included in 5.4 and 3.23 calls for greater specificity, and concern that adding a new approval layer may seriously hamper process flow.

So you can see that there's some themes captured in those specific comments, you know, in the nine or ten comments that we have there. So the proposed CCWG response or approach to resolution for these would be we will continue to explore and explain the member structure.

We will continue to work to augment and clarify Sections 5.4 and 3.23, and that we will consider mechanisms for limiting procedural impasse and possible delays arising from the introduction of this power.

So that's the high level summary and I would say going back up to the top of this section there was broad agreement that this power would enhance ICANN accountability, and moderate concern that this power would have to be implemented in a way or that might be implemented in a way that compromises ICANN's effectiveness.

So I think that's - the challenge for this group is to find the best way forward with this that doesn't impact ICANN's effectiveness, and that we need to drill down into the details of Section 5.4 and 3.23.

So let me pause there and see if there's any questions or any further feedback for me. Hey Jordan go ahead.

Jordan Carter: Thanks Keith for that outline. I just wanted to come back on the .uk comment that you mentioned. The reason for the confusion there, and I'm surprised that it's only one, is that the - while there you're asking and propose that we do clearly say that those matters would be fundamental bylaws, in the examples at the start - the very first paragraph of this part of our comment report we unfortunately cite those specific examples of things that aren't currently fundamental.

So it looks like we're saying that that isn't proposed to be resolved, so it's basically an example drafting failure that's led to this confusion on their part.

Keith Drazek: Yes.

Jordan Carter: But it is clear that we are proposing in our whole proposal that those things be fundamental. So it would be reasonable to just tag that one as a confusion...

Keith Drazek: Yes.

Jordan Carter: ...and to not keep it in the summary as a matter. I think it would be, you know, saying that confusion about the proposal due to the way the proposal was worded.

Keith Drazek: Yes. Understood and thank you for the clarification Jordan. So I think the action item here then is to change the color-coding to confusion, and to remove that bullet item from the specific concerns or suggestions. Okay and then - so following back to the comment submitted by Center...

Steve DelBianco: Keith?

Keith Drazek: Yes. Yes.

Steve DelBianco: Yes Keith.

Keith Drazek: Go ahead. I saw your hand.

Steve DelBianco: ...in the queue please?

Keith Drazek: Yes go ahead.

Steve DelBianco: Hey thanks Keith. Yes first of all you asked the question about whether the mission, commitments and core values are fundamental bylaws and Paragraph 127 of our own proposal indicated that they would be fundamental bylaws.

I think that answers one question you raised earlier. And with respect to Center where you were about to turn I just opened up the Center comments and what they in fact said is, "We support the possibility to reject proposed bylaw changes after approval by the board, but only before they come into effect."

So there's a timing issue is that they want to - they want the community power to reject a bylaw proposed by the board but not after the board has adopted it and put it into the bylaws.

So that's a element of timing I guess we haven't discussed before. And so our proposal could clarify in our next draft that after the board has proposed a bylaws change, the community power to block it or veto it would kick in before the board could officially put it into the bylaws but I'll stop there.

Thank - great work on this section that you did. I just wanted to answer two of your questions right away. I don't think Center has a divergence on blocking bylaws. Thank you.

Keith Drazek: Thanks very much Steve and that was my assumption because I also did Question Number 9, which was the changes to the standard bylaws. And what you just said is exactly what they said for Number 9, but the language that was snipped here and inserted into the table says something a little bit different and that's why I wanted to highlight this and call it out, and say that we need to go back I think and do what you just did to review the comments in its entirety.

I think you're right. I think it's more a question of timing but the way I read the language on the screen, it says that the power of the membership body to reject the proposal, et cetera, et cetera related to the timing might seriously hamper the process flow and therefore introduce unnecessary approval layers.

And, you know, it goes on I think to raise some questions about whether this is appropriate. It's almost as if it was two separate thoughts in the comments. I just want to go back and circle back on that. So anyway, yes Jordan go ahead.

Jordan Carter: I just wanted to talk more about the process flow point. I think we can - I think we should address that in some detail in the next version of this proposal.

And I think it will be reasonably straightforward because in the end, while there are some calls to allow more time for this to happen at various points, because there's already a minimum of 40 or is it 60 days for public consultation on a bylaws change anyway, these sorts of changes don't creep up on us.

And in any case we will need to be developing a new process flow for changes to fundamental bylaws because at the moment there aren't any. So I think that that creates the opportunity to build into the process all the procedural safeguards and to make sure that we can get the bigger points added if you like or the co-decision point added, which is what this says in a way that doesn't actually provide some kind of disruption but to do that we'll need to step it out in some detail.

Keith Drazek: Yes agreed Jordan. Thank you. So Steve has typed in the chat the language from the Center comments that it is fairly clear that they support the possibility for the new body to reject proposed bylaw changes.

That's the language that was incorporated into our table for Question Number 9. I think we need to make sure that that language is cut and pasted into this table so that when we remove the divergence and change it to agreement with concern, that it actually tracks to the language that we're, you know, that we're basing that on so thank you.

So Jordan I don't have anything else. If anybody has any other questions or comments for me I'm happy to take them. Then why don't...?

Jordan Carter: Are there any other speakers here for Keith? Any other questions or comments? Doesn't look like it Keith. Thank you for doing that work and pulling it together.

Keith Drazek: Yes thank you and thanks for the flexibility today.

Jordan Carter: I've got another question for you Keith...



Keith Drazek: Yes.

Jordan Carter: ...which is that this - we just covered Question 10. Did we? Is that what we did?

Keith Drazek: We did. That was 10. If you'd like to do 9 as well we can do that.

Jordan Carter: So I can't remember whether I had drafted that summary for you earlier on or whether you've done it but...

Keith Drazek: I did it.

Jordan Carter: ...I don't think we've discussed it. So would you like to do Question 9? And I'm sorry for not putting it in the agenda.

Keith Drazek: Yes I'd be happy to do it. It's a little bit more involved than Question 10, but I'm happy to run through that right now and I have the summary that I did earlier today.

Jordan Carter: Please do.

Keith Drazek: Okay. Thank you. So we'll turn to Question Number 9, which is the ability for the community to reconsider or reject changes to standard ICANN bylaws.

The summary for this one - there were 18 comments in the section. Eighteen comments suggested agreement. Eight comments noted concern. There was no confusion and there was no divergent rated comments.

In this instance I think we also will have the situation with the .uk comments related to the mission, core values and commitments so there will be a change

for one confusion as we discussed for Number 10, so that's an edit that needs to be made.

Overall there was broad agreement that this power would enhance ICANN accountability, but moderate concern that the power would have to be implemented in a way that does not compromise ICANN's effectiveness, so a very similar theme to what we just discussed in Question 10.

Main issues or concerns noted that more time would be needed for the community review process, that the two week timeframe that we had suggested in our proposal is too short, and the comments and the recommendations ranged anywhere from a month up to the end of the ICANN meeting following the posting of the proposal.

And the other main issue or concern was the impacts on ICANN's operational effectiveness arising from this power. The specific concerns or suggestions: that there would need to be approval of any numerical change to SO and AC structure; would require a supermajority vote.

There's a recommendation for a longer period for community review - extend from two weeks to 30 days, encourages the CCWG to further explore and explain the member structure, make ICANN's mission, commitments and core values fundamental bylaws, recommends a longer period for community review extended from two weeks to the end of the next ICANN meeting, beginning no sooner than one month before posts - before ICANN posts the notice of adoption so basically saying that you could have - you would - we would need - the community would need to have until the end of an ICANN meeting following the posting, provided that posting took place more than one month in advance of the ICANN meeting itself.

There's a recommendation for a 60-day window of community review. There's a recommendation that we consider a 2/3 majority vote instead of 3/4, concern about procedural impasse, recommends introducing a consultation stage so mediation or arbitration as a possible interim step in case of procedural impasse, the recommendation for longer time period for community review, two weeks to 30 days, another recommendation for a 2/3 majority vote instead of 3/4 for first projection, concerns raised that a community approval rejection process could cause ICANN to delay introduction of proposed bylaw changes, recommendation creating a limit on the number of times the community can reject changes and another call for a longer period for community review.

So I think the general theme there is that two weeks is too short, and that we need to consider a longer time period for the community to be able to consider the issue.

And I did want to go back to the second to last bullet point in this section where it talks about recommending limits or a cap on the number of times the community can reject changes.

The comment wasn't explicit in terms of whether the community should be limited in terms of the number of times it could reject a specific change or a unique change or whether it would - this idea or this concept would be limiting the overall number of community rejections and whether that would be bounded by timeframe, you know, a calendar year X number of times and this is something that we're going to have to talk about.

My concern is that, you know, if you game it out but if you put a number - a cap - a numerical cap on the number of times the community can reject, then

you could assume that just by increasing the number past that threshold we get into a problem where the community loses its power.

So I think we need to drill down on this one a little bit. So the proposed CCWG response is that we will consider extending the community review period from two weeks to longer, continue to explore and explain the member structure, will consider and discuss lowering the vote threshold from 3/4 to 2/3, will consider mechanisms for limiting procedural impasse and possible delays and then consider the cap on the number of times the power could be utilized.

With that let me pause and see if there's any comments or questions. Okay Steve, go ahead.

Steve DelBianco: Hey thanks Keith. Great work on this and what you're saying verbally often is a counterpoint to things that have been suggested by commenters. And for my part when I saw 20 or so questions for 13 and 14, I proposed those counterpoints in the CCWG response.

It's just me and in many instances Avri doing that and others will differ once the whole CCWG comes together. Well while those ideas - those counterpoints are fresh in your mind I believe it makes the most sense for you to put them into the table and then the rest of the CCWG - we can all review it when we do our face-to-face next week.

But, you know, let's not waste the opportunity. Once you have a thought for a counterpoint or counter idea let's get it in the document. Thanks.

Keith Drazek: Thanks Steve. Okay Jordan go ahead.

Jordan Carter: Thanks Keith for that. I think that part of - I wonder whether some of the calls for extended timeframe are made in isolation from a look at the whole workflow for a bylaws change, because as I mentioned in the last section I was under the impression that when you're going to do a bylaws change, you know, they don't kind of generally pop out of thin air.

They tend to come from a consultation process and then there is a long public comment process of at least 40 days for a bylaws change before it goes up to the board.

So it seems to me that in the reality of how it would work with this power in place, the board will propose bylaws changes with the knowledge that if it's proposing something offside of the community, it's likely possible to be blocked in the future.

So it's less likely the board will propose bylaws changes that the community doesn't support, and the community will already have had a full 40 days of public comment time to look at and consider these things.

And that was the basis on which we drafted the quite short timeframe at the end to veto. If it was the first look of - at a document then a longer timeframe certainly would be important.

But to me there's a clash in the comments between people who are wanting a longer timeframe here but at the same time our concerns for them - for their operational disruption or process difficulties for ICANN.

And my kind of initial personal view is that we probably got that balance right when you look at the entire process flow involved, but that we should tease that out through initial CCWG and maybe have with all of these power almost

some diagrams for the next version of the public comment report that show a bit more detail about how it fits in so that people can see, “Oh okay, this isn’t going to be coming as a surprise.

It’s at the end of a long process so we can manage just a couple of weeks.” Or they will say the opposite or that they want the longer extended timeframe for instance but likely suggest it, so that’s my comment here.

Keith Drazek: Okay thanks Jordan. I agree.

((Crosstalk))

Keith Drazek: This is a...

Jordan Carter: We might want to just - we need to make an alternative timeline that shows exactly how much time the community would have to consider a particular bylaw change and going through better process. But it looks like - put it in - back into one - the one that suggests it.

Keith Drazek: Hey Jordan - so I don’t have anything else unless anybody has another - other comments for me.

Jordan Carter: Are there any other comments or queries from Steve for Keith - not from Steve? If not Keith, thank you very much for that.

Keith Drazek: Thanks everybody. Thanks Jordan and unfortunately I have to drop so thanks for your flexibility.

Jordan Carter: Have a good afternoon.

Keith Drazek: Thanks.

Jordan Carter: Okay folks, that's that agenda item. If we can tack on to the next one going back to 2A, which is the community empowerment mechanism right at the top of the document, I wanted to start off just first by saying this is really difficult to do.

And part of the difficulty was that the - it's three questions worth of material sort of subsumed into one question. And the fact that people didn't necessarily see those three questions has meant that there's a little bit of the lack of focus in the responses at times, which makes it difficult.

There were also 45 comments here so that was a bit tricky. And the second point is that because there was so much material we went into the modified version of what Working Party 2 did in terms of identifying some of the comments.

And you can see a link at the top of the summary to another Google Doc that just has that kind of quantitative identification of themes. The third point is that this is one of the more contentious areas of our work.

And I, you know, while I'm adopting a kind of strict neutrality stance in the work I did as rapporteur for this group, that doesn't mean that other people will necessarily see it that way.

So it's really important that people look at and verify and update the quantitative look that's in the other Google Doc so that we're drawing the right conclusions collectively from it.

It was pretty hard going and it took me about four hours to go through and it's - it would be really good actually if in the next day or so someone who hasn't taken a close look at these comments could go through and refine and recut that summary document - that analysis document so that we make sure that we've got the best evidence base possible.

And I guess the last point that I would make is that in general there's pretty good support for most of what we proposed but that the community comments and the CCWG zone debate are clear that the enforceability and the presence otherwise of legal entities are the key issues and concern and divergence.

And those are going to need to be where we focus on discussion and decision making in Buenos Aires and beyond.

So if we scroll down a little bit further in that if you look at the key issues there's a kind of comment tag summary there that seems to be got to a more helpful spot.

And in terms of the membership model there were almost half the comments were explicitly in favor of that based on the existing just said SO and ACs thing.

There was not much support for a designator or an alternative. And most of the concerns were centered on implementation in terms of the risks for ICANN participants whether UAs or other corporate structures credit participation difficulties complexity and so on. And the sort of chain of accountability came up as well.



And explicit opposition to membership, people say we don't think a membership approach should all work since it's relatively limited and 46 comments along those lines by my count.

And people wanted more details but the voting weights pretty split. Some commenters were just happy with what we proposed.

The changes generally were grouped either into seeking more influence for names, more specifically generic names given the bulk of (G name) policy is made within ICANN.

And others were seeking less influence for the advisory committees. So I don't think many if any comments were targeting the At-Large Advisory Committee for that. It was GAC, RSAC and SSAC.

And indeed some GAC members and the SSAC and RSAC have said they want to remain advisory and not have powers of membership.

It was difficult to pick enforceability there. And I think we might need to ask a new question about that in the next comment. But people did seem to take that membership and model does deliver flexibility per se.

There are - there's a couple of comments there from Roelof and from me about, you know, they were explicit comments in favor of the importance of enforceability.

There was some clear comments not in favor of enforceability but there are a number of negative comments and concerns around the UAs themselves, et cetera, as discussed further up the summary.

So there are - these questions are kind of tied together. But in terms of the very principle of enforceability that was how the numbers split. There wasn't a lot separate about mechanisms.

And the last thing that I'll just mention is that there were some higher level themes that came through in these comments.

Some of them were quite esoteric or abstract or just a little bit, you know, beyond the detail which is good.

You know, the issue of insider capture whether the SO or AC is the reasonable enough map for the community effective involvement of government, the mutual accountability that of issues that go alongside linear accountability of one to the other.

The issue of courts making decisions in the ICANN environment and diversity and all being important. That was the kind of summary first take there from my discussion. Roelof I know that you've taken a look here. So do you want to make some additional sort of opening remarks and then we'll start speaking with Steve? He's already got his hands up?

Roelof Meijer: Yes. Thanks Jordan. This is Roelof Meijer for the record. Can you hear me?

Jordan Carter: I certainly can yes.

Roelof Meijer: Okay. Yes well you presented it well I think. The only remark I would like to make at this stage is that if we are with the idea of UAs in our next document I think we should make it very clear that for the membership model and the powers themselves the UAs are not needed and that they are only required if we want legal enforceability.

Some commenters grasp that but I've also seen quite a few comments where I think that the commenters were not aware of that there's a distinction between the two, that everything can be there with the membership model and the powers we foresee.

But, the only thing that we would lack if we were not organized in US would be legal enforceability.

I saw quite a few comments that were not in favor of the membership model because of the UAs so I think we should - if we are still with that idea in the next round I think we should make that very clear.

Jordan Carter: Thanks Roelof. Let's start speaking with Steve you've got your hand up. And I'm going to put my hand up as well on what Roelof has said. Steve go ahead.

Steve DelBianco: Yes Jordan you and Roelof recaptured it and it's a great job on the summary. Enforceability ends up being something we'll have to establish.

And if it causes incremental complexity such as a UA we always want to couch that in terms of whether it's a significant increment of complexity in an already complex world of ICANN.

And then weighted voting keep in mind that with the RSAC and SSAC declining to take advantage of weighted votes we've got to reshuffle all of our thresholds I think with respect to how many votes does it take to block the bylaws to approve the fundamental bylaws to block a budget?

The most work we did on that if you recall was probably in Istanbul and we spent a better part of a morning on it.

But we probably have to come back to that with a new spreadsheet that examines the weighted voting and the number of votes, the thresholds for super majority assuming that SSAC and RSAC are not part of the mix.

And finally I wanted to add that if the stress test rapporteurs Cheryl and I and Avri have taken on board at least three stress tests that map very closely to the concerns that you've documented here in the green block.

First is the notion of courts having too great a role, do courts have a role that's too large in the enforceability?

And that was answering the Chris Disspain stress test. Our preliminary conclusion is no, the courts would only be invoked to enforce what the community did. The courts do not interpret the bylaws at all.

The second stress test is the notion of capture by insiders, not captured by outsiders like government. And I think it's appropriate for us to really focus on insider capture.

And the third and final stress test is what about rogue voting? Whether you're designator model or UA in either case there's a stress test that says that the persons casting the weighted votes for the ALAC say for example didn't follow the instructions of the AC or the SO.

And if that were to be the case what mechanisms would we have in a stress test to identify that and validate the vote, fix the problem of whoever went rogue and then redo the voting?

So those are three stress tests. I think we're going to discuss those next week. And I fully support what you and Roelof did in terms of starting with enforceability, get through incremental complexity. And we're going to have to handle weighted voting.

A lot of this is going to be in our next draft pursuant to the discussions next week. And this ends up being the meatiness part of our proposal at this point. Thank you.

Jordan Carter: Thanks Steve. Popping myself in the list as I just did I think Roelof your comments just now capture an important point which is not - it is not that we need legal persons. Yes if we have a membership model we need to have legal persons.

So we either need to have named individuals or unincorporated associations or a nonprofit corporation, so some vehicle to exercise that membership.

If we don't have membership we don't have membership. It's kind of a binary.

We can as has been discussed elsewhere you can insert all of the proposed community powers in the bylaws.

But if you do that without creating a membership structure then all you've got is what the legal advisors in one of the later memos, most recent memos called a voluntary model.

You're relying on the ICANN board goodwill to enforce those powers, to respect those powers and enforcement as this teased out on an email thread

and rely simply on the goodwill of the board and the California attorney general.

So the membership construct turns that around and puts the power to enforce that stuff in the ICANN community which is why it was core to our proposal.

So it isn't really reasonable or accurate as a summary to say that we can have membership without legal persons. We can't. It's not possible.

We can have our set of powers created in the bylaws without a membership model but that changes the game in terms of reliability of those powers. So I just wanted to add that from my point of view.

And the, you know, whether that's enough power or not is up to a range of parties for the community to understand for the congress to debate, the administration to check this on. Greg, you're next on the speaking list.

Greg Shatan: Thank you Jordan. I don't want to pile on too much but I did put my hand up after I heard Roelof speak. And also wanted to point out that we can't have - that it's not a member of matter - that you can't have a membership model without some form of a legal person. So we can't have our cake and eat it too in that way.

And I see, you know, that Holly and Rosemary have pointed out the same things in the chat. So I think we just need to be absolutely clear on that.

Of course something we keep needing to be absolutely clear on which is unfortunate but that's just, you know, the way it is at least for the time being.

And while as Rosemary notes it's unclear whether designators need to be a legal person we could well find out that they do need to be a legal person.

Let's assume that we would find that out the hard way by attempting there would certainly be no enforceability actually.

So we would never get to court if designators who were not legal person tried to enforce. That's really no - we're back at the voluntary model so then it's a question of whether the model was even valid which I suppose as long as nobody can test the model it will kind of sit there as an unanswered question and we all would hope it's valid if we were to go down the road of having designators.

And but of course designators with a strongly - was disfavored, you know, quite strongly as compared to membership model.

And designators sit in a fundamentally different situation in kind of the power hierarchy under law for a nonprofit corporation.

Members in essence sit above the board and the designators just have certain powers that are given to them. But the board doesn't owe the many fiduciary duty or they don't have any sort of ultimate authority other than the authority they are given, you know, specifically under the bylaws so it's a conceptually different concept.

In any case I think we've probably beaten that horse enough. Thanks.

Jordan Carter: Thanks Greg. Roelof?

Roelof Meijer: Okay. Well I should probably rephrase it a bit then. But let me first ask a question and check if I'm right. And may be somebody from the legal team can reply.

If I'm not mistaken we can put into the bylaws the powers that we foresee and give those powers with the same kind of voting that we now foresee to be applied by the existing SOs and ACs.

But if we want legal enforceability of those powers ultimately then we have to move to a membership structure. And if we move to a membership structure the SOs or the ACs somehow have to become legal entities.

If this is correct I - then I should rephrase what I have just said and then what I mean to say if this is what we have to make clear to the community in our next round.

That if we want legal enforceability we need a membership structure and we need the SOs and the ACs to become legal entities.

If we want to have the powers and we can put them in that's - the alternative is that we put those powers in the bylaws and give them to the SOs and ACs any bylaws that it would not be ultimately legally enforceable because for that you would need the other model, the membership model.

Jordan Carter: I think you've summarize that accurately I think. Yes and that's the debate that we need to have. Thanks Roelof.

And so as usual when we deal with these issues we started debating their substance and stuff.



And may we ask for any other kind of questions or comments on the summary? Because if there are we should take them now, if not I would reiterate my call for people to have a read if you can that the - if you've read the comments that's wonderful because it's quite a read. It's a good read, it's an interesting read.

If you have read the comments if you could read the summary analysis and just have a poke at that.

And I wonder if there is a - if we could just at the end of the call solicit a volunteer or two who have been a little bit less close to the summarizing task.

But maybe if you're someone who has read all the comments and can dedicate an hour to checking over the summary and stuff perhaps I could (envail) you to put your hand up towards the end of the call, not now and volunteer to have another look at that with somewhat fresher eyes that would be really helpful.

The next item so - we'll come back to that at the end and (unintelligible) for some - the next item on our agenda is to look at the summary on the incorporation of AOT and matters into the bylaws.

So that's down at the bottom of the document on page - the page escapes me but it's Questions 13 and 14. And yes it says on Page 50 of the document the Question 13.

So Avri and Steve this is you which of you would like to lead off the discussion of the summary there?

Steve DelBianco: Go ahead Avri.

Jordan Carter: Oh, sorry just one moment before we kick into that Greg's hand is up. So Greg could you - I guess you've got a question?

Greg Shatan: No not a question so much as a statement.

Jordan Carter: Yes?

Greg Shatan: But I was really - on the last bit of the last item which is just that there are still some inaccuracies in Roelof's statement.

For instance that under the designator model it will be difficult if not impossible to invoke the power to review strategic plan and/or at least to approve or have veto or approval rights on strategic plans and budgets as contemplated whereas that's to speed up the accomplishment of the membership model.

And also that we're not looking - the SO, ACs don't need to be legal entities. They need to either designate those (unintelligible) or, you know, identify a legal entity such as their chairs or officers or create shell companies or (unintelligible) or whatever you want to call UAs so they don't need to be - UAs don't need to be the SO ACs. They just need to be instrumentalities of them.

So those are a couple of the inaccuracies there. I think lastly the discussion of legal enforceability I think, you know, attacks things a little bit off which is - in a sense it's not so much whether something is legally enforceable but whether the board in essence, you know, has any publications that can be - that if they fail to abide by any of the powers that are intended whether their failure in fact can be - whether anything can be done about it.

So that's really when we get to the enforceability what we're talking about. It's really kind of the lack of standing more than the lack of enforceability.

It might be that the California Attorney General could be brought in. But that's not so comment. If the board in essence might grow or it might be that there may be some other elements there but there wouldn't be any (unintelligible) that represents the community or elements of the community that could enforce, take an enforcement act directly to give a board that decides (unintelligible).

Jordan Carter: Okay thanks Greg. We'll - there's more of a substance debate that we need to flesh and post some debate I think.

Greg Shatan: There's not so much a debate, it's these are the facts. I'm not saying that there are ways that we couldn't - there are things that we can accomplish without legal persons of any sort involved but they're also things we can't. So...

Jordan Carter: Yes. I think having a full featured explanation of what these things actually mean is very helpful. Because part of the way that is (unintelligible) is framed (unintelligible) responses to it by talking about enforceability as opposed to talking about standing for example or by talking about enforceability as opposed to where it is the real power set you induce different responses among people who aren't close to debate or who are listening to it.

So it's important that we do that as neutrally and as comprehensively as possible so people have different ways of looking at the material that is kind of the most reasonable possible.

But we should move on to dealing with the summary I think. So Avri I think that you were the person that Steve had suggested. Go ahead. So are you happy to take us through this section?

Avri Doria: I'm not sure about happy but yes I'll do it. Okay I have very little about this which makes me happy at the moment. Twenty-six comments suggested agreement - and at some point somebody needs to go through my count because I'm not sure I trust the accounting.

But I think it was 26 comments suggested agreement with nine of them noting concerns. There was one confusion though between Steve and I. We think different comments are confused so there may be two. And there was one that was divergent.

Then there was - oh and there was no...

Jordan Carter: Yes the summary points come to...

Avri Doria: Yes. There was basically yes, you know, general agreements that this would enhance ICANN accountability I'd say.

The main issues and I wish I had done what (Keith) did actually writing down the numbers in parentheses after the sentences because I was finding these and editing these as I was walking through the various comments.

The inclusion of location incorporation came up in many in the fundamental laws as part of the review texted. As argued there's neither consensus on this nor is it fundamental to global community. So that I think was a major issue in several.

It was majorly supported by several though I think on this issue we'd have to say that there is a divergent view.

What happens to the AOC? There are various comments that sort of say, you know, sort of not imagining that it would go away that it would still be there to how it effectively terminates.

And so that general question is, you know, we need to deal with how the AOC is actually dealt with as either part of transition or post-transition.

Then there was issues of compositions of the various groups how was full diversity of the community handled?

And those range from, you know, the geographical to the yes, I think geographical was specifically mentioned in the board comments but there was also the stakeholder proportionality that was a concern in various postings.

Specific concerns or suggestions the matter in which reviews can be sunset, while there seem to be general acceptance of reviews being sunset there was concern with ATRT being responsible for doing so.

So basically the whole issue of well, yes that perhaps should be sunset, how is this best done?

Manner in which reviews are done for example including but not limited to physician procedures, transparency, responsiveness to comments.

The question of is every five years frequent enough for all reviews? And then a couple comments that or at least one comment especially for the first few cycles after transition.

So not only is the five year correct but even if it is correct in the long run is it correct in the short run?

Concerns about requirements for full transparency for review teams. You had a continued need for some issues to remain confidential with regard to full and open disclosure.

And this was the board issue comment. I don't know that anyone else mentioned it. To agree to what (unintelligible) responsible for revealing ICANN accountability in response to other reviews. This was the ALAC issue on the burden of having to do the review of how other reviews are being treated as is intended and perhaps too much and should be considered.

Supposed responses has created an explicit proposal for how the IS team might be mutually canceled as part of a transition, I said, so it could be obviously after in terms of its timing.

Detail about the competition about the various review groups -- and this is a consideration as things come up -- in looking at how we solve these until this information needs to be included in bylaws, can create a side document taking elements of the ICANN implementation of the AOC review has tracked operating procedures for these reviews and then make completing that document (unintelligible).

So that was just looking at it and realizing that in importing these we had -- and I consider myself very neglectful for not having thought of it until these comments -- that we neglected the whole part of how those were implemented and that as much of the meaning of the ASC reviews now as anything else. And there are some important considerations in that because currently there is,

you know, fixed membership, by a member of the MPAA. So those are things that would need to be looked at.

And then continue the session on whether it's appropriate to designate bylaws, article -- and thank you, Steve, for being in the top of reference -- 18 location and corporation as a fundamental bylaw. We need to put that one away one way or another.

And that was it. Thanks.

Jordan Carter: Thank you, Avri. Steve, your hand is up and there is a kind of (unintelligible) here. Please go ahead.

Steve DelBianco: Thanks, Jordan. The Steve and Avri tag team delivered yesterday. We took care of rows 385 through 400 with a lot of very substantive CCWG response and analysis. And I want to concur with everything in Avri's summary of what that analysis showed. I did just moments ago correct that final bullet to suggest that it's really not about affirmation 8B. Affirmation 8B is beside the point because it's all about article 18 that's already in the bylaws.

I also want to remind people that the articles in the corporation that ICANN has had for 17 years also stipulates it's organized under the laws of California. I know the articles of the corporation haven't been discussed substantively as to whether a modification would require membership approval, but I'd love to get legal advice as to whether that's understood in a membership model, if the articles of incorporation get membership approval.

So, Avri, thank you for that summary. I appreciate it very much.

I would like to put a stronger emphasis on the conclusion that these were very supportive comments from the public on what we are doing and the suggestions that were surfaced and the concerns behind them. A lot has to do with the detailed procedures on how we're going to compose, operate and then cycle times on these review teams.

Avri and I noted that for the past six years under the affirmation of commitments, we relied upon just a handful of paragraphs in the affirmation to run these review teams, and there was quite a bit of community and staff flexibility as to how many people would be on a team. How many people would rep each AC and SO? There was quite a bit of flexibility as to the process that these review teams would use. There was no explicit definition of diversity.

I think that Avri and I believe it's a little bit risky for us to respond to public comment by loading up the bylaws with highly explicit instructions for composition process on these review teams. Avri notes in there maybe there is an operating procedure. My sense is that the operating procedures don't live in the bylaws but are instead referenced by the bylaws. We haven't even defined how it is the community would participate in creating the operating procedures and drafting them.

There is one parallel in work party 2. For instance, the independent review process -- the independent review panel process -- is going to have a lot of its own operating procedures that will likely get defined in works 3 and 2. So sooner or later we're going to have to decide where to park operating procedures, how to compose them and approve them.



But with respect to review teams and IRP, maybe we can channel that into a Work Stream 2 process so long as it's published for public comment and that the community could approve it before they took on the force of bylaws.

So, Jordan, that's it for a top level summary. I don't see a driving need to go through the detail of each row. I would point out, though, to the board of director's comment down near the end -- I believe it's 399. The board actually came back with very constructive comments on things like diversity, cycle times and the process, the transparency point. I for one was very appreciative of that. The board looks at this notion of bringing the affirmation reviews into the bylaws as a positive step.

Thank you.

Jordan Carter: Thank you, Steve and Avri for that material and for the comments that are good to look at. It seems to me like a good summary with some familiarity of the comments, having read through most of them.

Are there any other kind of comments or queries for Steve or for Avri here?  
Steve, your hand up. Go ahead.

Steve DelBianco: I'm gathering their questions. Avri and I both believe that the results - the recommendations of an affirmation commitment review team should be considered by the board. We haven't wanted to say that they must be implemented. In several of the comments you'll see in here, we have the discussion that says that the board will consider on implementability and on cost. It will consider whether it can and should implement the recommendations out of a review team.

The input to that would be gathered all through the processes. The review team gathers ideas even from staff on implementability. If the board decides nope, we can't implement recommendation 9 of the AGRT, if they said that, we can challenge that decision through a re-consideration or an IRP. So we as a community can challenge that. Avri and I sort of believe that's the right way to do it instead of forcing the board to implement whatever bubbles up from a review team.

So we're interested to know whether the rest of CCWG -- particularly what party 1 agrees with that -- because we make that point in the analysis here. Maybe we can discuss it all next week. But we don't think we should force implementation just because they came out of a review team. There ought to be an opportunity for genuine debate on that and the ability for us to challenge the board if they don't agree.

Thanks.

Jordan Carter: Thank you, Steve.

Avri Doria: This is Avri. Can I ask - that means we should add a bullet in our analysis because they don't think it was included there, was it? But you're right, that is an important piece that we should probably - if indeed it isn't there.

Jordan Carter: So how would that - Steve, is that a bullet that you could add in that specific...

Steve DelBianco: Yes. I'll put it in and you'll see it pop up in a moment. I'll put that in, Jordan.

Jordan Carter: Okay.

Avri Doria: Thanks.

Jordan Carter: For what it's worth, I think the idea that you make and the outcome of the review mandatory implementation is the wrong one because you have to allow that broad public or community scrutinizing bearing in mind that not everyone is an insider enough to pay attention to all the detail of the ATRT style reviews.

So my feeling is that we did get the balance right in terms of saying that the board would have to consider and decide on implementation and that that would create a challengeable point where there was significant problems so that people could challenge in the appropriate way. But this is obviously ongoing for discussion.

If there aren't any other comments or queries on this part of (ADAC), I'd say thank you to Steve and to Avri for this.

I would like to come next to questions 11 and 12. I'm pretty sure Fiona has updated her summaries and content. So Fiona I see that you're on the call. Are you willing to talk us through the changes -- the nature of the update -- that you've made between the last call and this one starting with question 11 removing individual ICANN director?

Fiona Asonga: The main changes of (unintelligible) I have 1, 3 and added in from all the comments. The number of comments -- that doesn't change. Our positions don't change. There are some (unintelligible) comments that get some strong agreement. Most of the proposals, too, are not in agreement. This comment noted concern. It's true that they are not an argument where they (unintelligible) but we have - a lot changed.

They're raising fundamental questions that we cannot know. The thing that comes through in all the comments is the issue of the procedure of moving a board member through the NomCom vis-à-vis -- a board member who was nominated to the board through an SO or AC -- and how the procedure can be handled for that and what board member gets the same similar treatment. Because it seems with the ACs and SOs we just have the option of each SO having its own procedure. There is a lot of (unintelligible) to having similar transparent processes across all the SOs and ACs which guide on the appointment and removal of directors which means we would have to be going back to the ACs and SOs and asking them to look up their procedures on how they appoint and how the (unintelligible) on board.

So the biggest thing is that this is the beginning to look at that process and to be (unintelligible) how to best ensure transparency, accountability and equal treatment of the board members coming into the various ACs and SOs as well as the NomCom. The two of them -- the NomCom versus the ACs and SOs -- really seem to come through strongly as having two different procedures which means different treatment of the board members. It means they're not being handled equally. So that's an issue of concern we need to be able to address for the community, and it's the main issue on all the individual board member removal comments.

Jordan Carter: Thank you, Fiona. Are there any speakers...

Fiona Asonga: Enough summary of speech...

Jordan Carter: ...sorry....

Fiona Asonga: ...sorry. I'm listening.

Jordan Carter: Yes, I'm sorry. I'm just asking if there are any comments or queries for Fiona from other members on the call on this summary of the key question that has been asked.

I don't see any. And I think you've gone through and fleshed out the summaries of the individual comments as well, so thank you for that, Fiona.

Do we want to move onto the next summary then on question 12 which I think you both updated? Is that right?

Fiona Asonga: Yes. Just (unintelligible) order - those are comments on spilling the board revealed this particular question. I have left it in because I've not experienced, captured, on the document in the way it's supposed to be and (unintelligible) will do that mainly because of the numbering. So I'm still waiting; however, the comments on that, I've still captured them in the section (unintelligible). Once everything is concerned, I'll make sure it needs to be right and make the summary look in the right position.

Will be move to the next question?

Jordan Carter: Yes.

Fiona Asonga: That is question 12?

Jordan Carter: Question 12. (Barry), can you drag the screen on down to that?

Fiona Asonga: In question 12, the main issue that is coming to - the comment - also 23, that (unintelligible) comment and agreement. Those that are in agreement are very strongly in agreement. There are two divergent comments and five comments

that are not concerned. They are not comments that are bringing any confusion, at least this section which is very well (unintelligible).

The main issue is about traveling a higher threshold or removing the entire board. It sounds like very specific recommendations for a higher option of 80%. And the strategic concerns being that spilling the board should be the last resort after all else has failed. You'd need to go through all the (unintelligible) to be able to (unintelligible). We've asked for re-consideration.

We've gone through everything else we need to go through and it's failed; therefore, the board has to (unintelligible). Then there is a need for - these questions and their concern with questions coming through and the need to clarify. It's the consensus that we have to (reach) to the board's spill because things still have to - I think for some things, they still have to adhere to ICANN's mission and mission is not well understood. Maybe we need to be a bit clear.

From where I sit, I think we need to be a bit more - when I read the whole section in the document, we need to be a bit more clear on what the concerns would be. Then the top concern is if we spill the board, what are the contingencies and continue to measure which will be put in play because there is a question of whether the community has got enough to surface, to be able to circulate, to get individuals believing and able to put in time with the (unintelligible) they bought -- the transition bought -- while the different SOs and ACs are going through the board appointment processes.

So we need to come out clearly on the contingency and continue to measure for that. And that is the other issue that comes through. Otherwise, on the whole, those commends and support of the power to spill the board and to feel

that there is a very important and critical part for the community to (unintelligible).

Jordan Carter: Okay. Thank you, Fiona.

We are having a few issue in terms of what is actually showing in the Adobe room, for those of you who are looking at that lovely blank screen. But I'm sure that Berry and the staff team are doing what they can to get that back up for us as quickly as possible.

At the moment is a hand up from Steve, so Steve please go ahead.

Steve DelBianco: Fiona was trying to address the JPNIC comments on spilling the entire board. I read them again to make sure that we're interpreting it right. And I believe JPNIC has two points. The first is they're asking other specific circumstances that would drive spilling the board. And the second is: What are the procedures of temporarily filling in for a board that can spill?

On specific items, it's my belief that the CCWG has never wanted to restrict the community to a specific set of events or outcomes that could allow us to spill the board. In fact, since it is the so-called nuclear option, it ought to be available to the community under whatever the community can reach a super-majority on. That should not be something that is pre-specified as a set of strict conditions. So it's my belief we should answer that divergence by saying that there shouldn't be a specific list.

The second element in this paragraph 246 of our proposal, that paragraph does not reference the conditions under which one spills the board. Instead, it's a pretty neat set of procedures for the transition -- the caretaker phase, alternate board directors, pre-defined community that would function as an interim

board, the continuity of the CEO and the caretaker conventions for the CEO where the board has been removed.

We need to add more detail to that and we've asked for legal advice about the caretaker board mechanism. But let's separate - the JPNIC asks for us to come up with pre-specified conditions to spill the board. And I believe we need to respectfully reject that. The second is JPNIC talks about fleshing out the caretaker and transitional options, and they're right. We should add more meat on that in our second draft.

What would your thoughts be on that? Thank you.

Fiona Asonga: He's agreed to - and I think part of being able to cross out the initial JPNIC comment is to be able to add more detail into how the transition will be managed in the caretaker board and all that (unintelligible) and about to flesh it up is very important to give clarity on how we propose the whole process to be handled. Because when you read again, for example, when you move down to the ALAC comments, when I read those comments (unintelligible) perceived that there is a bit of lack of clarity on how the whole process is going to be handled.

So being able to have a clear mechanism, a bit of how (unintelligible) processes will be handled is very important. So, yes, agree.

Jordan Carter: Thanks, Fiona and Steve for that.

Steve DelBianco: Can I follow up, Jordan?

Jordan Carter: Yes, you can.



Steve DelBianco: Thank you. Yes, Fiona, the board itself also asked the question: What actions could trigger it? So, Fiona, what is your opinion on that? Do we want to specify a limited number of actions that could justify spilling the board, or do we leave that to the discretion of the super-majority of the community?

Fiona Asonga: I think it would be best to leave that to discussion of the contingency, the (unintelligible) boards that comes into place or what I said in the document, yes. You're calling the super-majority, but we need to task (unintelligible) for the community to somebody at least the details. Because if we start getting into that then (unintelligible) well. We will get them to find issues that would cause the board to split and maybe not everything. And so some scenarios will come up and everyone goes into the document and says, "But it didn't say this and it didn't say this."

So to give room for variety of scenarios, I think we are (unintelligible) in our document pushing. My recommendation would be to push that responsibility to a different group like the caretaker -- the supposed caretaker boards -- which have (unintelligible) of the different ACs and SOs. Would we go on to eventually carry the board for the differences and the different issues would be tough to be able to come up and identify issues that would lead to a spill of the board.

It would have to be something like the comments indicate something that is a last resort. What is probably different is set what we need to have happen. We need to have gone through - there are several other mechanisms before we get to the mechanism of spilling the board.

Jordan Carter: Thanks, Fiona. I would just add in respect to the JPNIC comments -- circling back slowly -- I agree that we shouldn't be trying to specify criteria for the removal of the board because of the nature. And I think we just take on board

the comment that they don't think that the outgoing board being caretaker makes any sense. And I agree with that.

If we've gone through a set of processes and the community has removed the board, the last thing they'll be wanting them to do is to continue on in a caretaker role. So thinking through how to do the caretaker role and, most appropriately, should be something that we (unintelligible) in our next proposal.

Are there any other comments or queries about this part of the document from anyone? Any hands up?

Okay, the screen is back. Thanks Berry.

I don't see any hands up so I'd like to thank you (Unintelligible) for taking us through those two summaries. As with all the other areas of the document, (unintelligible) continue reviewing those comments and the summaries so that you're comfortable with where we've got to.

And Greg makes a comment in the Chat that we can ask Council to help with transitional caretaker issues, and I agree that we can and have that legal help. There are lots of ways to structure the process pretty simply; it's just a matter of us deciding what our requirements for it are.

Okay, thanks Tijani and everyone.

The next thing we had on our agenda was whether there were any other summaries in the document that we needed to work through. But by my memory, which isn't always 100% reliable, we've done that; we've worked through all of the summaries.

We worked through the first one today, the next one was on the summary of the - I mean because I'm scrolling through it - was on the removal of the (unintelligible) (Adjent), the Strategic on Operating Plans. We worked through that on the previous call. And I'm not aware of any additional points that people have made.

The third one was the rejection to standard bylaws which Keith worked through with us today. The next one was on the approval of fundamental bylaw changes which Keith worked through us today.

The following too was the ones that Tijani just worked through with us from the removal of directors or the whole Board. And the final summary was the AOC and the Incorporation of Principals and Reviews in the document.

So I think that those are pretty good actually. And to me it leaves us a bit of time to talk about the working method next because one of the things where I feel a little bit unclear is exactly what work output the ccWG needs from us by that Tuesday freeze, but I'll make a few suggestions on that when we come to that item.

The next thing on the agenda is was there any particularly comments that we need to talk about responses for bearing in mind this is our last call before the document freeze at the moment.

And the only - there were several comments as I read through that I thought were more interesting than others in the sense they chartered out a position that was kind of (unintelligible) or in a different direction to what we've been working on in the ccWG. And of course it's those comments that charter different approach that are sometimes are interesting to test your thinking.

But there aren't any proposed responses to any of those that anyone has prepared because, once again, we're working at a crazy rate.

But I'd like to just sort of take a chance for people to put hands up about whether they think there are any particular comments that have come in as part of the correct period where the ccWG and/or us should start preparing or looking at specific responses; kind of almost like a letter back from the ccWG to the commenter.

Does anyone have any view about any comments that need that kind of treatment? Because on one hand, we could say, "No, we're not going to do that for any and we're just going to give the comment summary back with the individual small note." The other is to go the opposite end and prepare a kind of personalized response to five or six of the comments.

And I'm just interested in people's view on that recognizing that we're a pretty small group today and so we might need to have a broader discussion with the ccWG if that is what's needed.

Does anyone have a view on that question? Roelof, your hand is up.

(Jonathan): Can you put me in the queue also (unintelligible)?

((Crosstalk))

Jordan Carter: Yes Jonathan, I'll put you there. Roelof, you go ahead.

Roelof Meijer: Okay, thank you Jordan; Roelof Meijer for the record.

Although it would be the best approach, I think we simple don't have the time and responses and it would be very difficult to do (unintelligible) on the quality or the sincerity or the profoundness of the comment that we would give such a treatment and who we wouldn't.

So I think my proposal would be to draw a line and to give every commenter the same treatment. We responded to commence in some way and not with individual letters.

Jordan Carter: Thanks Roelof. Jonathan, your virtual hand is up.

(Jonathan): Thanks Jordan. I guess I would agree that I think it's difficult to do individual responses to specific commenters, but there might be something to be said for reading a summary in response to particular issues for which there was a group of commenters. In other words, really nailing down the fact, you know, versus ideology (unintelligible) of the enforceability that (unintelligible) for example.

And I know there's legal documents the (unintelligible) provides to (unintelligible), but we have a response if there's way to simplify that and deal with it in a substantive way. I think there might be some value to pick two or three of the topics that seem to lead to the most heated debate and potentially create responses on those topics rather than responses to individual comments.

Jordan Carter: Thanks Jonathan. There is other agreement in the Chat to not do individuals, and since people have now made that point as for it of the 12 people on the call and for the people on the call who are legal, I think we can say that's a reasonably substantively held view. So I don't mind either way and it is more work to do it.

I would like to follow-up on Jonathan's suggestion in terms of our next work. And what I've got in mind is that we would provide three documents, if you like, to the ccWG by the time of the document freeze on Tuesday.

And the first one is the organic document that we've got, so we've got our 55 pages of specific comment analysis. And I think we should clean that up as well as we can, maybe add a little bit more in the ccWG response line and have that as a kind of foundation for our work.

The second thing I think we should provide just for easy access is a document that just copies out the individual summaries of the questions so that the ccWG altogether to hand has a really simple way to just see the summary of the comments. And to that I think we need to just attach the analysis of the comments in the biggest area of that first section.

And the third thing that I was going to propose was a kind of key points for debate type which is kind of the same thing as Jonathan just said that would identify the three or four most contentious things arising from the comments or from our own discussion. And for each of the topics, try and set out the kind of the issue and propose - either propose some ccWG responses or just set out the responses to the discussion.

And the reason for the kind of three layers of detail is just that people have different levels of concentration and preparation time for that meeting in Buenos Aires, and it will make navigating the content easier.

So I'm kind of interested in how people took with that proposed approach. And I see hands from Roelof and from Adam and a green text from Greg. So why don't we just take a few discussions on this and then we'll kind of do just a green text or red crosses just to see where the flavor is it.

Roelof, your hand is down again. Adam, your hand is up. Do you want to just say something in response to that?

Adam Peake: It's okay. My issue is actually for another subject so I'll come in later if I may.

Jordan Carter: Okay. So those three pieces seem reasonable? We've already written two of them and the third one is kind of key points document that writes itself in a way unless you try and make it too detailed in which case it's a lot of work.

If people are reasonably happy with that, can you put a little green tick beside your Adobe Room hand and we'll just see how awake everyone is. Or a kind of red cross if you think there's a much better way to do it, and something in between if you feel something else to step away item.

Jonathan Zuck: Green tick from Jonathan.

Jordan Carter: Thanks Jonathan; smiley face from Avri.

Let's take that approach and we'll see where we land -- basically. And we can confirm with the ccWG leadership. I can write them a note on the ccWG List just explaining what it is we're expecting to provide, and if they want us to do something else they can tell us.

Nothing has come up in any of the discussions of the repertoires and the co-chairs and Staff that indicates a different take on what's required.

I think knowing the key purpose is to be able to reflect back to the community in Buenos Aires where it is that we've got to unless (unintelligible) should allow that to happen, so that should be pretty straightforward.

Now I don't think we're going to need another call on this; happy to have a different view expressed.

The question is about some volunteer resources over the next two days or so, and either in so continuing through to review the documents. I, earlier in the call, said I would ask for someone who had done a bit less on the summary of the first section take a look at that with a clean fresh set of eyes.

Is there anyone who would be prepared to volunteer to do that job? And this would be the summary of the first question -- Question 7 -- on empowering the community mechanism.

I thought that there might not be. Anyone wishing to leap into action on that?

There's another job as to either lead or help with the drafting of that kind of key issues summary, the three or four key issues that Jonathan talked about. And I wondered, Jonathan, whether that was something that you might be interested in having a first cut at and sharing around.

Jonathan Zuck: I could take a look at that. I mean I guess we would want a discussion about what we would want in it. I mean the one that keeps - I mean that I feel like we keep planning the last (unintelligible) on is...

Jordan Carter: Make better use of the (unintelligible) on the show.

Jonathan Zuck: Can you hear me?

Jordan Carter: I can hear you, yes.



Jonathan Zuck: Okay. No - so I mean the discussion of what those topics should be, but the one that keeps coming up is obviously the enforceability issue. And it feels to me that even though we have some disagreements among the ccWG about what the outcome should be, we (unintelligible) get to a point where we could agree on on such a summary of what the actual debate is; what the facts are.

I mean we had a little one at the beginning of this call, right. And so the fact that we continue to have that discussion, it would be great to clear up the enforceability issue.

And I guess I would need some guidance as to what the other issues are that would benefit from that kind of treatment.

((Crosstalk))

Jonathan Zuck: Or have other people take those on, right.

Jordan Carter: That's a good point. From where I sit, the main ones are the enforceability and - I don't know whether it's separate it or not, but the role and nature of the unincorporated associations and the membership model.

And another is that very clear table about the differences and powers between the three models in terms of members, designators and whatever we're calling the volunteering one now. I know there's some discussion of the language -- from the top of my head.

And I think there's a general point we explored and made the community about the processes that are involved with all these powers, and the need to integrate them tightly and build them into existing ICANN planning and

administrative processes so that any of the disruptions that arise from these powers are as limited as possible.

So that's kind of three sort of topic areas that come to mind for me. And really it should be driven off the summaries that we've already done; (unintelligible) others that need to come through.

So why don't people keep thinking about that. And I'm happy to do a note - when I do note to the ccWG and the working party on that, I will kind of set out that (unintelligible) and we can have an email discussion about what needs to be added; hopefully as people volunteer for (unintelligible) of others.

And I think the timetable that we need to move that on is for the document freeze of 23:59 on the 16th. I think we need to get a kind of consolidated draft out 24 hours before if we can, so 23:59 on the 15th, which is in about - I don't even know how many hours it is; it's more than 24 hours away. So I think that's a way to do that.

So why don't we dispend that discussion and look at the new comments that have come in.

Adam, you had your hand up for this, so why don't you take us through what's (unintelligible).

Adam Peake: Hi, yes we had some comments that came in over the last few days as a result of the extended comment period. You'll also probably remember the one that was for language issues. You'll also probably remember that on the last ccWG call, the IRIs had mentioned that they needed an extension because of the way that they were taking in comments from the previous IRI meeting -- face-to-face meeting.

And so there are actually four comments that we have in English available. There is one that you'll see on the screen there which is (Unintelligible) IC - sorry, ISC. And it's an individual from the Internet Society of China, and they're quite short comments. (Unintelligible).

And then there are comments from Dot Music and also (Ceda) who you may know from the At-Large and ICANN involvement. Both of those submissions were in English so they would be beyond the comment period for English submission. But it seems best to accommodate them at the moment and then decide how we're going to deal with them later.

There are also two comments that are being translated at the moment; one from Sebastien Bachollet in French and one from an Internet organization in China. And so we're expecting a translation back from those.

So I'm sorry; I should have put these in over the weekend. I updated this particular form on Saturday night, so I'll try and get it into Google Document tomorrow.

There's an interesting enormously substantive - I think you have scroll control so you can see from this section on how much there is; there's not too much. I shouldn't comment on the content but I think the meat of it is really in the IRI comment. And even so, there's nothing that I noted has been outstanding (unintelligible), and so in all sense it's reinforcing the comment.

And we will try and get the Chinese translation to you as soon as possible. I just noticed that Sebastian has sent his own translation which is again not entirely following with the procedures that we'd outlined. But it's for you as a group and the Chairs to decide how to handle these things.

But I'll try and get these comments into the Google Doc tonight and give you time to review.

If you'd like, I could send them out as it is a single file to you so you can skim through them. It may be easier to do that rather than sending in the whole Google Doc. So (unintelligible) to the working party (unintelligible) (unintelligible) just as well. Thank you.

Jordan Carter: Thanks Adam. I think it would be helpful if you could do two things; if you could send around the doc to the working party after this in Word and (Unintelligible) so people can see those additions.

And secondly, if you or Alice were able to integrate the comments into our Google Doc for Working Party 1, I think the way to do that most visibly would be to color in the cells with the code in some color that hasn't been used elsewhere in the document to that immediately draws the eye to the fact that it's a comment that has been added and not dealt with yet.

And then the - because I think I've seen an email from the co-chairs indicating that we should deal with all the comments. I'm sure that might be a discussion on the working party meeting on Tuesday.

But is that viable to circulate the doc first and then Staff to insert the cells into the G-Doc for us to deal with analyzing? Is that workable?

Adam?

Adam Peake: I'll send the document now -- certainly.

Jordan Carter: Okay, thanks Adam. And I'm just looking for a confirmation that Staff will be able to the comments into the Google Doc. And the number scheme (sic) is helpful because it does evaluate (unintelligible); it identifies them as like comments.

Thank you Alice for that confirmation that Staff can add them to Google Doc. Okay, so there's a bit of new material to work through there as well.

I want to circle back to this issue of whether anyone can volunteer to take another look at the comment summary and the analysis of the comments for the third section, the Community Empowerment Mechanism. It's probably about an hour's work if you've read the comments; it's probably about two hours work if you haven't.

Is there anyone who would be prepared to put their hand up for that? If not, I might ask Matthew Shears if you would do it because he volunteered to help in this area. He's not on the call and he's got a good eye for a fair-minded summary I think.

So if we could put an action item for Jordan to ask Matthew to do that. We won't just volunteer him off the bat.

And I think that takes us through to Any Other Business calls. Are there any other items that people would like to discuss or raise now?

(Voluntell) and (voluntold); it's supposed to volunteered. Yes, there is a power that (unintelligible). I can imagine Becky doing that or others.

Okay, no hands up for the Any Other Business. So I think it remains to thank everyone for their contributions on this call and in all the work that's been

done in a pretty speedy way to get a sense of what's in the hundreds of public comments that we've had.

Please keep reviewing the doc; add your edits and comments to the material as you see it. And I'll do some follow-up emails in the next hour or so arising from the call, and then hopefully we'll talk to you all on Tuesday and see you in Buenos Aires in Argentina on Friday.

Have a good morning/afternoon/evening everyone. And talk to you later.

Jonathan Zuck: Thank you.

END