ICANN

Moderator: Brenda Brewer
June 9, 2015
12:00 pm CT

Grace Abuhamad: Okay, operator, can we start the recordings please?

Coordinator: The recordings are started.

Grace Abuhamad: Thank you. Everyone, this is our 58th CWG meeting. It's the 9th of June
17:03 UTC. We are going to do attendance in the Adobe Connect room and
we're also going to pause for a minute if anyone is on audio and is not in the
Adobe Connect room. I have Eduardo Díaz noted already for the record.

Okay, sounds like everyone is in the Adobe Connect room. Thank you and I
will turn it over to the chairs.

Jonathan Robinson: Thanks Grace. Hi everyone it's Jonathan Robinson. Welcome to our
meeting today the 9th of June. Clearly we have a final draft of the proposal
with us and so a big thank you to all members, participants and staff of course
who have made a huge effort to get us to this position and, obviously,
everyone who has contributed along the way and most recently. The plan is
now to review the proposal in order to get it to a position where we can send it
off to the chartering organizations ahead of the ICANN 53 meeting in Buenos

Ares. Our plan is to send it off on Wednesday, that's the 11th of June - today being the 9th. So following closure of this meeting the plan is that staff will update the document either during the course of this meeting or shortly thereafter and then publish it to the group.

This group will then have 24 hours from commencing 23:59 UTC today to raise - to notify with the group any errors or omissions in the document, but please do note that our intention with that 24 hour period is to not open the debate on substantial items in any cases, but rather to pick up on errors or issues with the draft. I suggest that maybe - I mean I guess those should be addressed to the whole group, but probably for the attention of staff and just focusing in on where those errors or omissions exist.

So just to capture it again we're tiding up the draft based on this call and any other loose ends that exist. Publish that by midnight UTC today and then have 24 hours until midnight UTC tomorrow, the 10th of June, to refine and produce any final details where there are errors or issues and then send that - transmit that to the chartering organizations on the 11th.

Are there any questions or issues at this stage in relation to the agenda or that headline process as we work towards the sort of finalization of this full transmission to the SOs and ACs? Alan, go ahead.

Alan Greenberg: Thank you. Is the version we have on the screen that we're working with the version for (Redline) that was distributed or something else?

Jonathan Robinson: Question - I believe it's version 5 now. It's - it had minor updates since then and that version five has been sent out. Marika could you confirm that?

Marika Konings: Yes, this is Marika. So this is version 5 that went out a couple of hours ago. Noting that a couple of additional updates had been made to this version, for example, the inclusion of the DTA proposed language for the annex, but we'll, you know, of course we'll get to those items, but this is correct. This is item 5 plus a few changes that we've made to clean up the document already and reflected the work submitted by DTA.

Alan Greenberg: Thank you.

Jonathan Robinson: Thanks Marika. So - and Alan for the question. So item 2 then on our agenda just gives you a brief update on the work we've done to finalize the review tool and the responses. If you remember our most recent call we agreed that that would be frozen at a particular point in time - the review tool. And let me hand over to Marika, I think it is, to just give you a brief couple of remarks about that. Or is it Grace. Go ahead.

Grace Abuhamad: Hi, this is Grace. So what we have right now - we've been focusing on the proposal. So we haven't advanced to a final final version yet, but we expect to send that out within the next 24 hours. We're - we have all the responses from DTs so thank you very much to all the design teams for putting those together and we're just going through now and making sure that we've covered everything and that the document is consistent across all the different responses. And the document is frozen as of June 1. So that's noted in the disclaimer at the top.

Jonathan Robinson: Thank you Grace. Alan, if that's - is that a new hand or could you remove it if not? Thank you. So item 3 then. An update on the - well, any questions on item 2? Okay, item 3 on the agenda then is to deal with an update to - regarding the questions that are sent to account finance and legal.

You would have seen an update from the questions sent to finance and apologies, again. I did say that in the emails somehow managed to sit with Lise and I for a couple of days, but nevertheless you will have seen that and that has - elements of that have been included in the document that you see in front of you now and have been in the last - I think in version 4 at least and this one. Could - Marika, could you just confirm where that's placed? I think it's in the implementation section, but it's worth just clarifying that - or Grace.

Grace Abuhamad: Yes, so this is Grace.

Jonathan Robinson: Thanks Grace. Go ahead.

Grace Abuhamad: We have included it in the implementation section. There's (unintelligible).

Jonathan Robinson: And I know (unintelligible) chat with you. Yes, got it. And I know that you've made a note in the chat with a link to where it's posted on the wiki as well. So thank you for that. We got a brief formal update from - regarding the question that was sent to legal and really the key question - the key point that I take away from that - that response that was sent to the group recently from (Theresa Swinehart) is that the - clearly the preservation of a non-profit tax status of ICANN is important and - if not critical and needs to be dealt with in the implementation, but there wasn't a lot more substance to discuss in that response of this stage. Any comments or questions with regard to item 3?

Okay, thanks. Let's get on to the substance of the call then, which is to make sure we do a check through the proposal. Just to remind you based on - in fact, I'll ask Marika just to give you a brief update on what changed from version 4 to version 5 of this document and then I can supplement that if necessary. So, Marika, just - if you could just give us a couple of - I know you sent it by

email, but I think it would be good for the group just to hear directly before we go through hit.

Marika Konings: So this is Marika. So what changed between version 4 and 5 is that we included some (unintelligible) that (Sidley) helpfully provided, which I think at least from my perspective (unintelligible) clean up (unintelligible) for consistency and left over dots and commas.

We also went through the document with the chairs - or the chairs went through the document trying to work through some of the items that have been flagged as open items or items requiring CWG discussion. And through that conversation the chairs managed to resolve - or at least from their perspective, resolve some of those items and as a result we un-flagged those item.

I think as we noted as well in the email, of course if there are any of those that people still believe need discussion or further conversations then people should feel free to flag those, which then basically has substantially reduced the number of items that are currently highlighted in yellow and where we still need some kind of feedback or direction from the group - or at least confirmation on what is currently in there.

As I noted before the difference between the version (unintelligible) I sent out and the one you see on the screen is that we also included here the response from DTA with regards to the - to serve a level expectations and that has been included in the appropriate annex for that. I think we are still waiting for the summary language that should go in section 3, but I believe that is forth coming and we also did a number of other small (unintelligible).

For example, including a link to the wiki page where the comment review tool will be posted and as Grace noted as well a link to the letters that have been

sent by ICANN legal and finance. And I believe that is basically the changes that are notable between version 4 and 5 in addition to some other cleanup. Table of contents has been updated and should have all the sections listed there.

Now, I did make updates to the escalation mechanism flow charts to reflect the current state of - I think it's annex J, which also shows escalation to PTI, which previously was not in there. I think also updated one of the other graphics that had lost its formatting as a result of, I think, moving between different versions and making changes to that. So that has also been fixed in this version. And I believe that's all.

Jonathan Robinson: Thanks Marika. So we tried to reduce it to key areas that need work. I just note now, Marika, that I don't have any page turn capability on this document. I'm not sure if you deliberately are keeping me away from doing that or if that's unintentional. Go ahead.

Marika Konings: Yes, this is Marika. We can do it differently if you want, but the idea now is that I can follow along on my screen. So any changes that we're making are immediately visible to everyone. So that may make it easier to already get group agreement on some of the outstanding items so that we - you know, don't need to discuss it again on the list or people haven't had a chance to review it yet. But if you prefer I can also upload it and - so that you have control and I'll just follow along on my own screen, but people won't see the action changes.

Jonathan Robinson: Okay, we can try like this and see how we go, but then you'll need to - I mean I'm just wondering if you then need to lead the discussion. I mean how do you propose to do it?

Marika Konings: This is Marika. I can basically scroll to the first yellow item and then hand it over to you - or if someone has anything that they have before the first yellow item someone just raises their hand.

Jonathan Robinson: Okay, please just scroll carefully through then. Because what I'd like people to be able to do is if they have concerns along the way to also draw us to that, but in general, as you say, our intention is to go to the yellow items where we believe there to be material points that need further final resolution.

For the group's benefit if you have a concern or you'd like to bring us back to a particular paragraph please do. Highlight the paragraph number and then describe the issue or concern that needs to be dealt with. And, Marika, I note that (Holly) asks is there anyway to make the type face bigger. I don't know if you're working on a laptop (Holly). I was earlier in a similar situation it does make it a little challenging. Thanks Marika. Marika, could you hold? I've got a comment from Lise and a comment from Alan. So I'd like to hold. Alan, would like to go back to - well, Alan is coming up at 125. Lise, could you come in?

Lise Fuhr: I have a comment on 108 and that's from a (unintelligible). So I'm just going to speak to that one. So should we take that first?

Jonathan Robinson: Yes, that's ahead of Alan's 125. So please go ahead.

Lise Fuhr: Yes, sorry. Yes, this is paragraph 108 and (Martin)'s comment is he sent it in an email because he was not able to be at the meeting - he sent it to the group and he says I'm not sure that the response to my comment answers my question, which is about the proposal to transfer to related resources process data and know how to the PTI. The draft recommends this, but I want to know how easy it would be for ICANN to recover these assets should it need to

transfer the service to a new operator? I would have expected rights to be held by the parents. I'm curious how the proposal will work down the track and we have mentioned that it's an issue for implementation and furthermore I find that ICANN are owning the PTI they would hold the rights, but I see Sharon is having her hand up. So she might want to talk to this briefly.

Sharon Flanagan: Thanks Lise. I was going to make this same point you just made, which is, you know, keep in mind that the PTI will be an ineffective subsidiary and affiliate of ICANN. So there isn't really a need for ICANN to "recover the assets." The assets will sit there. If there's an issue at the PTI ICANN can - has a number of different alternatives.

One is to completely change out the management by putting in a new team if there's something that's not working kind of on a management level. The other alternative would be to keep the assets in the affiliate - the PTI affiliate, but for ICANN to engage a new operator that would contract with PTI. So the assets are really just there, as we said, to (unintelligible) to both separate now legally, but also to allow for (separability) in the future by having those assets put in one place. And that's why, you know, we thought there was an advantage to doing that, but we don't see the need - there should be no need for ICANN to, you know, recover the assets. The assets will sit under its control.

Jonathan Robinson: Thanks Sharon. That's a helpful explanation and I think it also highlights a key point here that as we review this we should - I mean it's very helpful to get that kind of more wholesome explanation of how things can be done, but in general we should be mindful, I think, of where - and this is something - a view Lise and I took on reviewing this earlier today of where things can be reasonably partitioned off for implementation and providing the group has made its intentions and requirements clear we should have some confidence

that those can be executed in an implementation phase, but this is not entirely about implementation.

So Sharon's explanation is helpful and, in fact, Greg, you make a point, which is - was fundamental to our earlier thinking, which is that defining and reinforcing the position that (FDL) said made - will and (unintelligible) was intended make things more easy to deal with in the point that (Holly) underlined. So thank you. Let's go on then to Alan, who I think is - wants to bring us onto 125.

Alan Greenberg: No, my first - this hand is for on 108. Two points - number one.

Jonathan Robinson: Go ahead Alan.

Alan Greenberg: Yes, two points. I presume that when and if - if we indeed transfer these assets to PTI they will be transferred with a clause saying they cannot further be transferred. I mean in theory otherwise PTI can, you know, sell them to the ITU tomorrow and we haven't stopped that. So that has to be incorporated in the contract. I don't know whether we need to have a note here saying that. It may be worthwhile.

The second point is we used the term ring sense and point to a Wikipedia definition, which is diametrically at odds to the one we're using. The Wikipedia definition we use specifically says to ring fence - is to isolate it without any legal - separate legal entity and we go on to say, and we're doing this with a legal - with a separate legal entity. So I suggest that we perhaps replace the word ring fence and its pointer to a definition to simply isolate. Somehow we scrolled completely (unintelligible). I see we scrolled (unintelligible).

Jonathan Robinson: Thank you. I would think - I mean I think that's (unintelligible) question for (Sidley). I don't know if either Sharon or (Holly) would like to respond to - in fact, either or both of those at this point. It's - one on the future transferability of the assets and the second is on the use of the word ring fence here. And I understand ring fence to mean that and I suspect your point to mean what we intended it to mean. I accept your point that I'll - we're pointing to a misleading or an accurate definition we would expect. Sharon, please go ahead.

Sharon Flanagan: Yes, I - on the two points. The first point Alan raised is about not allowing PTI to further transfer out the assets. Absolutely, that is absolutely the case. They would not be allowed to have any kind of change of control or any kind of divestiture of assets without having gone through the entire separation process. And then on the second point - on the term and the citing to the Wikipedia page. It may be better - as I think Alan was suggesting to just not use that term if it's just, you know, a bit of jargon and not helpful. Isolate is fine, separate is fine. Either of those would work.

Alan Greenberg: It's Alan. I would suggest we avoid the word separate. It's too hot a word in this community.

Jonathan Robinson: Yes, thanks Alan. I agree with you. Let's use isolate. Separate has another meaning. And, second, I think we should enhance the wording then along the lines of what Sharon suggested in terms of the transfer. Now where it would be useful to just capture that somewhere - I'm...

Alan Greenberg: There's already a footnote (unintelligible).

Jonathan Robinson: With the groups permission...

Alan Greenberg: Put it in the footnote (unintelligible).

Jonathan Robinson: What is in the footnote line, Alan?

Alan Greenberg: Well the clause about transferring the assets has a footnote (unintelligible). We could put a sentence in footnote (unintelligible) saying these assets could not further, you know, contractually could not further be transferred or something worded by the lawyers.

Jonathan Robinson: With the group's permission I would suggest that we just - to take Sharon's wording as recorded on the call and leave that to staff to implement given the expediency with which we want to work. Greg?

Greg Shatan: Greg Shatan, just briefly want to note that it's customary in bylaws for the sale of any material assets require board approval. Given that it's an insider board, you know, this is really just - I think we can just say that - as is customary. You know, no further sale of assets - or no further transfer of assets would not be - would be available without, you know, approvals. Something along those lines, but this is the kind of thing that just - it's typical. You know, even if we didn't say it here it would be, you know, extremely bad for them if the corporate documentation didn't prevent that. I'm sure it will, whether we say it here or not, but, of course, we want to make that point just so people don't think this can be sold to the Russians tomorrow.

Jonathan Robinson: Thanks Greg - let's avoid use of reference to whom it might be sold to. Let's just - but I think the key here is Sharon gave us a sense of - a useful set of words. That's helpful though. We can add that to it. I certainly think that the approval - my understanding of what the approval we discussed previously was - certainly would require significantly more approval than simply that of

the subsidiary board but, again, I'd emphasize that we got the - we got the information already. Alan?

Alan Greenberg: Yes, I'm happy with the wording there. I would not be happy with the wording Greg suggested. We've spent an infinite amount of time in our communities talking about board accountability. To say the PTI board is - must approve this and once it's done it's a done deal would not be sufficient. It has to be contractually limited to not doing it. Thank you.

Jonathan Robinson: Greg?

Greg Shatan   I have no objection to dealing with it in the ICANN PTI contract on top of, you know, having usual prohibitions against material asset sales. Without approval - and I agree. Something like that should not be just the PTI board's call. As insider as it may be that should definitely be something that we go to the ICANN board. Considering, especially, at the ICANN board, but not the PTI board is subject to the accountability measures that our sister working group is working on. Thank you.

Jonathan Robinson: Greg, right. Marika, can you keep us moving through the document please?

Marika Konings: So this is Marika. This specifically relates to the footnote - the footnote number 11 yellow highlighting here. So the (unintelligible) to review this wording and confirm whether this is aligned with the current CWG views.

Jonathan Robinson: Okay, so this is all about the scheduling of the reviews. Something which is - we've had quite a lot of discussion about and I think we've - having gone through various - down various paths on various routes my understanding is we've effectively settled on a form of wording. Marika, now the screen needs

to show both the paragraph ends on this. So we probably need to see one to two as well. So you need to scroll up please so we can see paragraph 1 through 2 - or does it end there? Okay, I see it ends there.

All right, so - yes, this is - the point here is while the IANA functions review will normally be scheduled based on a regular cycle of no more than five years and the new say in line with other ICANN reviews a special IANA function may also be initiated under certain circumstances. That is discussed in the following section, which goes on to discuss that in detail and then there is a footnote, which says if a special IFR is initiated some flexibility should be allowed with regards to the timing of the next IFR. So in my mind that covers it as discussed on the group. Perhaps a question is whether or not we say some flexibility and we then say no more than X should know more than one year or something along those lines so we can capture that. But, Alan, go ahead and see if you have something.

Alan Greenberg: I am happy with the wording that is there now that Marika has taken out the extra A from (Ann). I mean in the extreme the special IFR will recommend separation and by the time the IFR comes due we will be in the process of a separation process and we certainly don't want to schedule an IFR at that point. So I'm happy with the wording. Whoever writes the bylaws is going to have a challenge to make sure that they catch the tones, but I think we've said it as clearly as we're going to be able to say it.

Jonathan Robinson: Thanks Alan. Olivier?

Olivier Crepin-LeBlond: Thanks very much Jonathan, Olivier Crepin-LeBlond speaking. And originally I was for setting up some exact timing, but Alan actually raised his point very correctly. We don't really know how long these separations and all these processes will take and we'll - it should be - I would think that the -

whoever will be dealing with the IFR at the time will be - depending on what they will be asking to do will be setting the exact timings and I gather that they will be using the same sort of timing as we have. In other words, probably two years until the first review and then cycle of five years afterwards. I'm not sure whether we need to actually put language related to that or not.

Jonathan Robinson: Thanks Olivier - Avri?

Avri Doria   Hi, Avri speaking. I'm generally fine with saying flexibility, but flexibility for whom? I mean who - how are we forgetting this - and I don't think we need to solve it. It's fine that it gets solved by whoever writes the bylaws, but saying that there's some flexibility just sort of moves the problems somewhere else, but really doesn't answer the issue. Thanks.

Jonathan Robinson: Go ahead Alan.

Alan Greenberg: If we want to start going into detail we can talk about flexibility to insure good use of communities time in doing these reviews and the ability of the current version of PTI or IANA or whatever to integrate the results. You know, if, for instance, we've just done a separation for one reason or other, you know, the next IFR probably should come two years later not five. I - but I wouldn't want the regular schedule to say it comes within six months. I think we're going to have to...

Jonathan Robinson: Alan, you make sense (unintelligible).

Alan Greenberg: I think we're going to have to rely on the community and the board to make intelligent decisions at that time.

Jonathan Robinson: That certainly seems to be the spirit of the discussion, but I think you make a good point that we could add a little bit more to it. We could say some flexibility with regard to the pragmatic use of community resources should be allowed with regard to the timing of the next IFR. So at least it's clear what the intent is - or more clear.

Jonathan Robinson: Okay, Avri and Alan your hands are both up from previously, I believe.

Alan Greenberg: Sorry.

Avri Doria   I can't - this is Avri. I can't seem to put down Avri's hand. I can only put Avri 2 hand up.

Woman: I got your hand Avri.

Jonathan Robinson: Thanks Avri. Okay, lost the document.

Marika Konings: Yes, sorry, this is Marika. My Adobe crashed. Let me just reopen it. Bear with me one second.

Alan Greenberg: If I may interject while we're waiting. How do we ever make any - all this complex technology actually work?

Grace Abuhamad: Marika, this is Grace. Let me know if you (unintelligible).

Jonathan Robinson: I've said it before and I'll say it again, I think we do a pretty good job of working through a complex process given the number of inputs and the size of the document and the issues. I think we owe ourselves a collective pat on the back for the work we managed to produce. This is a messy at times and challenging process. And I think we do a pretty good job of it.

Alan Greenberg: But we do expect the Internet to work flawlessly and it's far more complex.

Marika Konings: It should be there in one second.

Jonathan Robinson: Great, so I think we - if you can move us to the next key point please. That'll - that...

Marika Konings: So this is Marika. I think basically we already covered that by agreement on the previous...

Jonathan Robinson: Paragraph (unintelligible) - correct. That's now in effect dealt with by what we dealt with previously. So here we introduce - at the first time the new work on the service level expectations for which we've received recent updates. I'm just checking if Paul is on the call at this stage. I don't see (Paul Payne) yet on the call. Lise, your hand is up and then Alan we'll come to you thereafter.

Lise Fuhr: Thank you. My hand is up because Martin Boyle submitted some DGA comments. So - and while he was actually saying he's okay with the approach he was having some issues regarding the content of the DTA, but I think if we're going to include the principles. At the whole I don't know how we would do it. We might take it under that and not here because these are very specific to the text and I don't know if we are going to put in the whole text. So would you prefer that we go through the details now or take them at a later stage?

Jonathan Robinson: It's up - the way I understand this is these are responses from Martin to Paul's proposed input and that from the Design Team A. So therefore it seems

to me that we would want to hear the input from Design Team A and then deal with the responses. Is that not the correct way to do it?

Lise Fuhr: That's fine. Fine with me. I'll wait.

Jonathan Robinson: So I suggest we move on until Paul joins the call and then we'll come back to this Marika. Yes to the - Chuck your point is that let's ask Design Team A to respond to Martin's suggestions. That's probably logical. Do you mean, Chuck, in the next 24 hours?

Chuck Gomes: Yes, I do.

Jonathan Robinson: Thanks Chuck.

Alan Greenberg: It's Alan. Can we...

Paul Kane: Hello Jonathan. I've just arrived, if I can help.

Jonathan Robinson: Thanks Paul. Welcome to the call and I think we should probably deal with your section now. Now we've had some email from you today with a comprehensive proposed input to the proposal. There was a further response that - as far as the main body of the document is concerned it will be helpful to have a summary in this section and then we - I guess really because this is, you know, at least in its current form, new information. It's probably worth you making a couple of brief remarks bearing in mind the nature of this call is to try and finalize things and then, Paul for us to take any questions or comments about the approach taken.

So I think, Paul, if you could just make a couple of remarks as to where you are currently and where you see this going and then we'll take feedback from

the CWG, noting, as I say, that the intention is at - what was paragraph 134, is to insert a summary of what you provided today and then put the bulk of it into annex H of the document. Go ahead Paul.

Paul Kane: So I apologize, I haven't had a chance to look at any of the email exchanges if there have been email exchanges today regarding SLA, the SLE discussions or the design team work. So just in summary - and apologies if you've already touched on it. We've had very constructive conversations with ICANN and IANA over the last three weeks or so

So much so that we've decided to focus on the principles and the core elements that will be included in the document. And I think we're all in agreement, both ICANN and the members of the design team, that by focusing on the core elements that need to be recorded in the SLE is important.

During my exchange, I had a bit of a lunch break from my day job today, I did interact with Bart and it was proposed, if I'm not mistaken – and Bart can clarify because I was being a commission in the UK parliament today, Bart did suggest that maybe we have an abridged version of the objectives in the proposal itself and then reference the actual statement that all members of the design team and ICANN IANA agreed yesterday in an appendix. But I apologize - I haven't had a chance to look at any questions and I'm happy to take any questions now.

Jonathan Robinson: So thanks Paul. That's the intention. That's my understanding. That we'll put a summary in - a two or three paragraph summary of what is - and the summary language will be included in the body and Marika will place that in now. So we will have that in front of us covering the points and the - so I'll let the group just concentrate and reading that for a minute or two. It's Jonathan, speaking for the record. I - my opinion is that it looks okay. It certainly covers

the points. I think it could probably do with a minor review from a kind of editorial point of view, but that can be easily covered in the next 24 hours. I don't - not suggesting material changes. Marika there's a request to go back to the first paragraph in a moment so we can have a look at that.

Paul Kane: Okay.

Jonathan Robinson: So, Paul, the majority of the recommendation here seems to be that there is a requirement to make changes during the implementation phase of the transition.

Paul Kane: Can I - may I just come back on what was discussed yesterday directly with IANA in terms of a possible way forward. The focus of the design team was very much to have a road map going forward - I'm just - Grace has very kindly copied in (Martin)'s question, which I just briefly read. The intent is that while the IANA system is pretty efficient today and captures a fair amount of time stamps associated with the transactions of today in its database, the tools for extracting the timestamps have been disabled. And so the SLE is designed to agree with ICANN, which timestamps are important and should be extracted.

So in the next three to four weeks we hope to identify those specific items that should be included in the SLE without determining the precise thresholds at this juncture. ICANN and IANA would like to be confident - one, that they can capture the data required - relatively straightforwardly, but also the thresholds bear a relationship to transactional volumes they see. So the proposal is to come up with the SLE then to come up with an implementation plan, which will require some technical resources from IANA to reestablish the ability to extract data from the database and then to run a trial and having run the trial ICANN will provide the raw data to the design team and

potentially to the community as a whole so that we can refine the thresholds that should be required.

And we're hoping to achieve that before the implementation phase comes into being. And then during the implementation phase, with the thresholds defined, the intent is just to confirm that the thresholds are indeed reasonable and firm those up during the implementation phase. So come the actual transition - the date of the transition, whenever that is, we will have a formal SLE in place that has been tested and can be considered reasonable by all parties.

So that was the background to making sure that there is distinction between the work that is done before the implementation phase, which IANA is willing to undertake in relatively short order, but also IANA would welcome confirmation that the CWG members are supporting the approach taken because they want to make sure that the work that is being recommended to them is indeed the work that's - is needed as part of the transition process.

So I would propose that a resolution is drafted for consideration by the CWG to actually empower the further development of the SLEs, including for IANA to commit resources to facilitating the SLE. The other point that (Martin) raises - if I go to his last point, he is quite right and I'm very happy for the escalation part to withdrawn.

We were asked to look into the escalation sections very early on in the design team. It was part of our charter. There is another group that has been looking into escalations in significantly more detail than our group. And so it was included in the statement for completeness, but I believe Design Team M is better placed to reference the escalations.

So I wouldn't have a problem with the escalation element being redacted or some words being incorporated that referenced M rather than anything else and with respect to the SLE that's in draft today I urge members of the CWG not to place too much emphasis on the original proposal that was presented in Istanbul. It is the foundation for the future document, but we would prefer to look at statistics based on transaction volumes received once the new recording structure is in place, but the new extracting system is in place. The recording is already taking place rather than look at historical data. So I hope that answers the majority of Martin's questions. Thank you Jonathan.

Jonathan Robinson: Thanks Paul. There's a few people forming in the queue and I think we need to go to that. I'm hearing that there's in effect some preparation work to be done prior to the transition. I think we should bank what you suggested on the escalation waiting to be withdrawn and that would be my suggestion to the group. That we don't have any further discussion on that. We need to simplify this as much as possible now. If you're happy with that and it's covered elsewhere I think we should take that off the table.

I do think there are other issues to discuss - not the least of which is the fact that there's going to be some potentially ongoing work at IANA and for potentially ongoing work at IANA and for essentially the design team (unintelligible) with CWG after this proposal has been put out to the chartering organizations for their approval, which means we need to be very very clear what the boundary between what is being proposed here and what is being titled up in the background, if you like. And that, for me, is - I think we need to make sure we're clear on that. Let me hand over to Olivier. Olivier, go ahead.

Olivier Crepin-LeBlond: Thanks very much Jonathan. Olivier Crepin-LeBlond speaking and I have just a general question on this and I might have missed the decision on

that on a prior call, but I was under the impression that SLAs were in place with the NTIA and that they would just need to be mapped over toe SLEs. So my question was why are we going to a further set of SLEs rather than just mapping the current SLEs? And sorry if I missed that discussion.

Paul Kane: No, it's a valid point. So the current - when ICANN IANA were negotiating with NTIA...

Paul Kane: When ICANN IANA were in negotiations with NTIA they actually proposed a more detailed SLA to NTIA. Mainly to (unintelligible) two core fears that the community had and still has to this day. The first one is more political in nature, but has an operational element. In that by having a wide window for conducting tasks and those - and in the current NTIA SLA, for example, changing a name server, there is a window of 21 days. There is an opportunity for certain registries and there is evidence - or that can be implied evidence that certain registries are able to have name server changes in a much shorter period than the 21 days.

And for certain registries it takes significantly longer. And so one of the desires was to remove that political issue off the table by having more along the lines of the original SLA that was proposed to NTIA, mainly processed focused SLA, which we are now calling an SLE which is effectively coming onto the - back on to the table because, obviously, once NTIA has withdrawn the safety net that ICANN currently enjoys will also be withdrawn. So it was not felt appropriate to simply map fairly broad SLAs over to the post transition world because if a government - or if a TLD registry operator is to raise a concern and happens not to be happy with the service the first party they will call is probably a political one through the state department and that is not conducive to fostering private sector leadership of the internet.

So it was felt that if the stages are well defined with each party's role being defined then if there is a hold - a holdup it is probably not going to be IANA's fault. It is probably going to be outside of IANA's control. Either the registry has not responded to IANA's communications or there could be another factor at play. So that's the reason why there is agreement amongst ICANN IANA around the design team, not to follow the current SLA on the table.

Jonathan Robinson: Thanks Paul. Let's go to - this (unintelligible) helpful explanation. I had the benefit of talking to you offline on a few things and I think, you know, I'm apprehensive about the time spent, but I do think it's - this is significantly new content for the group and it's the only area where we have materially - material and substantial new content. So I think we need to spend a little bit of time on this, but I am mindful of the overall time. Chuck, go ahead.

Chuck Gomes: Thanks, Jonathan and thanks Paul. It seems to me what we need to decide as a working group today is are we comfortable with the approach. Let me say clearly that I am comfortable with the approach and that I think that's what needs to go in the proposal. Understanding that it also seems that down the road maybe at multiple points - I'm not sure - there will need to be some sort of endorsement of what is discovered and the final SLEs and so forth that are made. So if we can just realize that that's going to happen then I think our task today in keeping it simple is to approve the approach, assuming everyone is supportive of that and then realize that we're going to have some checkpoints as Design Team A and the implementation work through the approach at later points in time. And I'll stop there. I hope that made sense.

Jonathan Robinson: Yes, it does Chuck and I think that's critical. And what's - what I think is really important about this is that in approving or agreeing this approach we need to be mindful that it mustn't seem - we must not give the impression - we need to give the - we need to give the ICG the understanding that what is

moving (unintelligible) our proposal, but a component of our proposal that needs to be tidied up, but it's not - in terms of the principles of the proposal I think that for me is key in articulating what's intended here. Alan, go ahead.

Alan Greenberg: Thank you. I just wanted to ask the question I put in the chat. This is the kind of change - the change we're proposing for IANA to do right now, I understand is the kind of thing that NTIA has gotten involved in in the past. Do we have assurance that this is okay with NTIA since they are still in the driver seat? That is the changes and the release of information prior to the transition. It's a question for Paul.

Paul Kane: Thank you Alan. That is a very good question. So at the moment the implementation plan has not been developed by IANA and until such time as the specifics of the SLE are known - and IANA is willing to do the implementation plan incidentally, but you are right. Under the current contract that remains in place and is likely to be extended there will be a requirement to seek consent from NTIA for the proposal to conduct a trial to insure that the thresholds post transition are realistic. And that is built-in effectively to the implementation plan.

So the expectation is once the SLE is finalized, (Kim Davies) has kindly offered to build an implementation plan, which includes asking IANA - ICANN for technical resources, but in conjunction with that consent from NTIA will be needed to actually extract the additional information from the database to insure that the standards that are required can be properly documented and made available to the community in raw data format, as is currently the case.

So the intent is all data that is collected and used for the SLE will be available to the whole community in raw data format for individual and independent

analysis if wished for. So that is your right to raise it. It has been considered. We have not approached NTIA at this point because we don't know the timeframes. Because the first question is - NTIA will ask, well, how long is it - is the implementation plan going to take and can I see the implementation plan? But that is in hand Alan.

Alan Greenberg: I would suggest that our proposal note that this is a prerequisite. Just so that we have it in writing and so it goes to the ICG.

Jonathan Robinson: Okay, so good question and clear answer I think from Paul. It strikes me - it's interesting that this work would probably - that it would be in the best interest of IANA as a service provider to be doing this work regardless of whether the transition is - was planned or is to be undertaken or not. So, for me, the key thing here is to scope the work of this proposal - the content of this proposal and the work of the groups. So, Lise, your hand has been up. Come in on this and then I think we need to try and wrap up what exactly is going to go into the proposal and what the scope and limits of this work are.

Lise Fuhr: Thank you Jonathan. And I completely agree with you. I think we need to make it the scope of the work or only decide on the scope and actually I want to say that Chuck proposed - or suggested in the chat that we would deal with (unintelligible)'s comments on - in the group - in the DTA and I think that's a very good idea and I think we should close those down because as he said he's okay with the approach and I take that as he's okay with us doing the scoping now. Thank you.

Jonathan Robinson: Okay, Lise, thank you. Alan, could you comment briefly and then let's try and get this tidied up.

Alan Greenberg: No, just very briefly. I'll point out that Paul started off saying the timestamps were disabled. I don't want to go into why they were disabled, but they were disabled and there may well be history before that, which is what drove my question about the NTIA agreeing that they be un-disabled. Thank you. But perhaps best not to further (unintelligible).

Jonathan Robinson: Yes, that's insightful. So, (Paul, what I - I need to - and I think that the group needs to understand is we're going to have this summary put into the document here. We're going to have the content of what you put to the mailing list earlier today in appendix H. What we need - it feels to me like we need some - we need to communicate some form of deadline or end point to the work of this Design Team A in completing and finalizing the SLEs because, you know, we didn't then visit the design team could continue beyond the submission of the proposals.

So we've got - and I'd like to find a way in which we try and scope this. And Chuck or Paul or anyone else, if you've got an idea just how to make this specific and tight as to what we expect to happen. I think we've got the content of the proposal okay, but in addition it would be useful to scope where the limits of this are so that what we don't want to do is create - is give birth to the ever living DTA. I mean this is really meant to be a small focused portion of the group that completes work in a finite timeframe. So is there any way we can make the work of DTA finite and the remainder then goes into implementation? Thanks.

Paul Kane: I sincerely hope the work of DTA does not continue forever. I see Chuck as writing in the chat and putting me in the firing line. My recommendation is that once the - once we are all - once IANA is collecting the data and the SLE - the draft SLE is completed - so in other words everything should be in place before the implementation plan, which will include thresholds.

I would (unintelligible) any further review - so once the process is running review takes place by the CSC to make sure that the - if there are to be changes to the proposed SLE then it's handled by that group and then the - Design Team A have done their task and it's up and running for the benefit of the broader community. So I'll - I'm happy to come back in the next, you know, few hours unless - or maybe tomorrow now - with a specific proposal, but I too would very much welcome Design team A for filling its task, being wound up and then we can get back to our normal day jobs.

Jonathan Robinson: Thanks (Paul0 and I'm concerned about two things. Clearly it's the day jobs of the members and Alan has made a very practical point there that any future - that the members could make themselves available for future implementation work, but we really don't want to continue anything like a design team going on as - anymore than absolutely necessary, but I'm concerned not only for the well-being and day jobs of the Design Team, but also the integrity of this document and this proposal. So I think if you could help us in short order - and I think tomorrow will be fine - is to help the group find a form of wording that appropriately constrains this work to what is intended and ideally constrains it in time.

But if not, in terms of a finite set of objectives that need to be worked on by this group of people so that we can clearly communicate to the ICG that the proposal is complete save for some final work that's being done to deal with both the rounding off of the SLEs and the working with IANA to develop the measurement capabilities to support these SLEs. So that would be great.

And providing I see no objections I think we can work with that kind of approach to try and tidy up - tie up the loose ends.

All right Marika, if you could move us on then that would be helpful. And thank you very much to you Paul for all this - and of course the group that you've been working with including the staff to get this moving.

Alan Greenberg: It's Alan. We seem to have forgotten 125, which I asked for.

Jonathan Robinson: Thanks Alan. We can come back to that. Let's go to 125 please.

Alan Greenberg: Okay two points. In the fifth line, I would really like it to be really clear so it can't be misinterpreted. We are saying requires a supermajority from both the ccNSO and the GNSO. I believe that's the intent. But each is not a particularly clear word in that sense. So that - I thank you very much for that.

And the second point is in the second to last sentence it says the special - hold on one second - as with the periodic IFR, the special IFR is limited to the review of the performance of IANA functions operations and should not go into policy and such.

The IFR is not limited to just policy, the IANA functions operator. It also is allowed to review the CSC. This is a critical issue and it shouldn't be obscured here because conceivably an IFR could be triggered due to a problem in the CSC. And if the IFR - and the IFR should be allowed to investigate that if indeed it does happen.

Jonathan Robinson: Thanks Alan. I suggest a form of words is limited to review the performance of the IANA functions operation including but not limited to the CSC or just simply including the CSC in brackets.

Alan Greenberg: I think the words in the annex are including oversight operations or something like that. I don't mind if we use the words or leave it silent completely, but it

shouldn't say it's just the functions operations. Thank you. Now I am done with 125. I am done with 125.

Olivier Crépin-LeBlond: Thanks very much Jonathan. Olivier Crepin-LeBlond speaking. And as you know I question the involvement of the ccNSO and GNSO in this escalation process. In this paragraph I still wonder how the actual reviewing of the outcome of the CSC process would take place. It doesn't actually mention it in there.

Would it be a working group? Would it be the council itself that performs the review? It is unclear and I think the paragraph would benefit from a clarification in this respect. That's it, thank you.

Jonathan Robinson: Thanks Olivier. That's a good point. Let me see if Chuck has a response before suggesting one of my own. Go ahead Chuck.

Chuck Gomes: Thanks Jonathan. Thanks Olivier. I don't think we should tie the ccNSO or GNSO hands at this point. They both SOs have means of developing processes. In the case of the GNSO there are even some new processes that are now recommended by the Policy and Implementation Working Group, some of which would apply to this.

But I think for us to try and define how they're going to do it now is really not a task we should try to undertake, especially at this time frame and let them - they have the responsibility. They're going to have to develop processes. They not only can but will do that. And for us to do that for them, I don't think it's our role to do that.

Jonathan Robinson: I'm going to suggest a minor change then which I think might help a little in that direction before coming to Alan. And I would say here's my suggested

minor changes to the wording: "Would be responsible for checking and reviewing the outcome of the CSC process," so it's clear that this is a check rather than a substantial - in fact checking and reviewing...

Marika Konings: Jonathan this is Marika. Can you just clarify where you would like to see that?

Jonathan Robinson: First sentence, Paragraph 125. It says, "Will be responsible for reviewing the outcome." I'm suggesting put "checking and reviewing the outcome."

And then finally the last sentence "and whether a special IFR is necessary." "And whether or not a special IFR is necessary." And it's the first sentence, the last portion of the first sentence - "whether or not a special IFR is necessary." Alan we don't hear you?

Alan Greenberg: Sorry, I didn't hear I was being called on. I'm happier - I too like Olivier have problems with the GNSO. I would be happier if we could include one more clause here. It says - I'm starting on the fourth line - "After consideration, including a public comment period," so on and so forth.

If the consideration - if we add there - if after consideration, preferably including an open membership working group or something like that, that covers the parts of the community that are not part of the GNSO, being part of the decision process. That makes all the difference.

And I'm willing to say "preferably" because I don't want to be too prescriptive. But putting a reference in there to an open working group which allows participation from other parts of the community, addresses the issue of this crucial task being given to the GNSO which does have restrictive participation.

Its work groups do not have restrictive participation, and that makes a difference. Other than working group being capitalized - other than working group being capitalized, I think that's fine. Thank you.

Jonathan Robinson: Thanks Alan. Avri, go ahead.

Avri Doria: Yes this is Avri. I mean I think if there's going to be a working group obviously it'll be an open working group because they all are. But why are we deciding that there must be a working group? This might be something that doesn't - you know, a working group often takes many months.

And we've talked about this being a check and recommendation as opposed to yet another - you know, because a working group means we need a charter. We need a drafting team to develop that charter, etcetera. Working groups have a whole lot of baggage and time constraints to them, so I'm not quite sure I understand why we want to put that whole mechanism in the middle of this at this point. Thanks.

Jonathan Robinson: Thanks Avri. I must say I thought we had dealt with this previously. Quite clearly this is simply a check on the CSC, nothing more, nothing less. And so I'm questioning this introduction. Let me see where others other. Stephanie?

Stephanie Duchesneau: Yes, Avri took the words out of mouth. I wholly agree, and I think that we're overcomplicating by creating a working group at this stage. It's basically just a check of where the actual process is carried out.

Jonathan Robinson: Go ahead.

Greg Shatan: Greg Shatan for the record. I agree with Stephanie and Avri before her. This is really the wrong place for a working group or even a working party. There's

really not much work to be done here. There's really - it may be a consultation to be taken here. I mean I suppose a public comment is one direction in the sense that there's no back and forth.

If there are communities that are feeling left out, forming a working group and building a whole mechanism, extra mechanism here for the purposes of a meaningful consultation, perhaps we could just say that, you know, the consideration could include public comment period and a meaningful consultation with other SOs and ACs or something along that line just so there is some at least an obligation to engage, which is a little bit more conversational or at least, you know, has more of a two-way element to it than a public comment because clearly ALAC for instance would be able to make a public comment but that doesn't mean they'd be consulted.

You know, just forming a working group here is like building a car to walk across the street. Thanks.

Jonathan Robinson: Greg it seems like a conspiratory suggestion and moreover I note Chuck's point where the intention here is to perhaps try and leave some flexibility of mechanics to the relevant ccNSO and GNSO groups. Alan, does that help you?

Alan Greenberg: Thank you. That's why I put the word "preferably" and I was certainly not wedded to the capital W, Capital G. We already have practices where we can predraft charters for groups that may come into occurrence. I didn't think what I was suggesting was all that onerous. And it does give these groups an equal consideration.

We're already talking about a multi-month process if we're talking about a public comment period. So let's not pretend this is a decision that's going to

be made in one week. If it goes to the GNSO it involves multiple meetings which are typically scheduled once a month. And yes we can have occasional special meetings.

A public comment period is 40 days plus the analysis time. We are talking about several months. I can live with what's there. I don't think it sends as good a message as the previous clause. I'm not going to hold up this meeting for it.

But I really object to people continually saying that we should not have equal participation from other ACs and SOs. I'm not sure meaningful consultation covers it. But I'm willing to be quiet at this point. Thank you.

Jonathan Robinson: Okay, thanks Alan. Stephanie?

Stephanie Duchesneau: I'm kind of following up on Chuck's comment in the chat. Would it make sense to just simplify it and say after consideration, including meaningful consultation with other SOs and ACs, just to simplify the language and make it clearer that we're leaving it open? Or do people want the additional specificity in it? Olivier is giving me a no.

Jonathan Robinson: Yes I see that, although I see that Chuck is supportive. We do have to be careful of time here. What about this? How about this Olivier before you come in? After consideration which may include a public comment period and must include meaningful consultation with other SO and ACs. Olivier?

Olivier Crepin-LeBlond: Thanks for this Jonathan. And I saw that one coming. And I'm undecided. There's a large part of uptakes in this. And if the process - this step - is to be seen as being as open as all of the other steps in there, in general I

would say the GNSO always operates with a public comment period and so I can understand the public comment period needs to be in there.

I also have the same reaction as Alan in saying well but if we start having a public comment period, we're not talking about taking action within a week. We're talking about a process that will take more than 40 days, if more than that. So I'm a little between the two at the moment.

On the upticks, not having a public comment period and just having it go through the GNSO and GNSO Council - and I understand it's just a little thing the box process, or could be just a little taking the box process, it doesn't breed the confidence in transparency. Thank you.

Jonathan Robinson: Going to try and help (Nadia) off the fence, which goes back to where we have been previously. To my mind and my understanding of this is you've got the CSC recommending something. The concern is that the CSC can keep this straight up into a review.

The review of course is a multi-stakeholder, comprehensive process. The check and balance is that before that kicking off a substantial event, there's a check and balance process. And so to my mind this seems - and as I've said before - I was one of the initial - I was initially surprised by the introduction of the ccNSO and GNSO in here.

I've come to understand it and accept and be positive about it based on the fact that it's a check, that the CSC isn't getting out of order. But ultimately the real work is done by the multi-stakeholder special review group. That's my interpretation of it. And I hope that helps. Lise?

Lise Fuhr: Thank you Jonathan. I just want us to be mindful of time. And I know of course - I sense we have discussed this quite a lot, and I'm - I think most of this is actually also covered in the annex. So I would be - I think we should try and move on and not get into too much detail about this. Thank you.

Jonathan Robinson: Thanks Lise. Stephanie says she's okay. (Brenden), others. Alan go ahead.

Alan Greenberg: I think Stephanie is saying - if I read her correctly -- because her suggestion was to remove the public comment period. If we go back to what we said before then I think we have closure. Maybe I misread what Stephanie said.

Jonathan Robinson: Stephanie can you clarify if something's...?

Stephanie Duchesneau: Yeah I mean I'm okay if we keep it as an obligatory public comment period and consultation. My suggestion had just been to simplify and keep it completely open with what public consultation meant. But I'm not against keeping it as public comment and consultation separately if that's a point that people kind of find agreement on and we can move on with the language.

I was just trying to make it simpler, potentially more flexible. But I don't disagree with holding a public comment in this circumstance.

Jonathan Robinson: The challenge is there now seems to be quite a lot of support for it remaining flexible there, so it's not mandatory but it's suggested there, so...

Paul Kane: How about should include?

Jonathan Robinson: Should to me is as firm as must.

Paul Kane: No "should" says there may be provisions. That's like a generally. Please work with us. We're trying to remove what is at this point the sole major objection from the ALAC. Give us a little bit of help.

Jonathan Robinson: Alan, here I'm going to suggest to you that there's a - if we haven't removed the public comment, it's softer than you would like, can you just think about this either to the end of the call or come back on the list and there does seem to be quite some support for leaving as may.

I understand your concern and that this is a representative position of the ALAC. It would be good to get you happy, but it's also - we haven't removed public comments at this point. Let's come back to it if need be and let's move on to some other points to make sure we deal with the whole document. Marika can you take us to the next point please?

Marika Konings: This is Marika. I believe this has already been covered.

Jonathan Robinson: We have already. We've dealt with it.

Marika Konings: Yes.

Alan Greenberg: It's Alan. I have one at 152.

Jonathan Robinson: 152 please Marika, yes.

Alan Greenberg: Which seems to be a different 152 than I have.

Marika Konings: It should be now 154 or something like that because we added two paragraphs.

Alan Greenberg: Okay my comment is we use the term "standing committee," capitalize some places, lower case other places, not defined. We just need to be consistent. I would think lower case is probably sufficient. In some cases capitals, upper cases, were put in. It's just an editorial issue.

Jonathan Robinson: Okay Alan, good point. And please remember - you and everyone else - that we've got 24 hours from midnight UTC tonight to midnight UTC tomorrow night to cover editorial issues. So let's bring those out on the list and try and deal with matters of substance right now.

Okay, I need to be reminded of this point here. And we're at 195. Oh, this is in and around the lead times. And this is - we're into Section 4 now, the perceived lead times or times for implementation. I'm not sure what the concern with this point is. It says - I think Chuck's comment further down on the right refers to this one. And (Andrew) had some overarching points on the section.

Grace Abuhamad: Jonathan this is Grace. I can come in and help out. So the section you see highlighted here is a comment from Sidley, so it's Sidley's text. I had proposed one edit which was simply to remove the specific number of three to four months and include instead several months.

And then I put a footnote at the bottom. So (Rick) if you could scroll just to the footnote briefly - Footnote 36, the bottom of that page, just about the assessment because essentially we have an assessment from Sidley but we don't have an assessment from ICANN, ICANN would be implementing.

So I thought it may be safer at this stage to just refer to several months instead of dedicating ourselves to a specific number.

Jonathan Robinson: Any concerns or issues with this? This seems like a pragmatic change that makes sense in terms of dealing with the implementation, the estimates for implementation.

Sharon's point in the chat that this was informal for our information, not necessarily intended for inclusion in the final proposed (unintelligible) estimated time.

Okay I welcome any pointers here if there's anything else that needs resolving in this section from either staff or Lise or anyone else if there's a specific point that needs ironing out here or if we've dealt with, the primary points in yellow. Lise?

Lise Fuhr: Thank you Jonathan. I was just thinking if the assessment of three to four months is a valid assessment from Sidley I would like to have that in as their assessment in order to have the kind of - not a goal but some measure we can measure against what the expectation is from an independent review.

But if it's more an easy take on what they think it would take, I don't mind leaving it out.

Jonathan Robinson: Okay so I note that there is a request to Sidley to provide some updated text to reflect that. And Lise are you saying your preference is to go back to having a specific estimate?

Lise Fuhr: Yes it is. It's an assessment from our legal advisors, so...

Jonathan Robinson: Okay it sounds like there is a commitment to assist with that from Sidley and so that can be incorporated into the text. Thanks. Marika?

Marika Konings: Yes this is Marika, just to note that the two other yellow items on this page, the first one on the service levels that will update based on the input that has been provided by DTA. And then the second one this page is the one at the bottom from Chuck that relates to the last sentence in the paragraph on PTI.

Jonathan Robinson: Yes this is a good point and so where did this come from? And is it necessary or at least should it be qualified? Chuck go ahead.

Chuck Gomes: Sure. My comment I think is self-explanatory but it may very well be a good thing to do, but if it's exceptionally expensive to do it, I'm not sure we should just say do it no matter what the costs are. And I don't know that I need to say more on that. I would say qualifying this along the lines that my comment indicated unless somebody thinks otherwise.

Jonathan Robinson: So Chuck that I think is quite easy to fix because we could say - well I don't think we need the phrase "in the meantime" however. We can just simply start with the CWG stewardship believes consideration should be given to the separation of physical infrastructure, that physical infrastructure, subject to cost benefit analysis. That deals with your point, but Greg go ahead.

Greg Shatan: Greg Shatan for the record. I kind of ask the question Chuck asks which is, "Where did this come from?" I don't recall this discussion. Maybe I missed a meeting along the way, but this seems to me to be kind of needless complexity, really a paper separation is really sufficient as Sharon notes legally. And I think also in terms of, you know, creating any kind of enhanced separation that's necessary, you know, sitting around and trying to, you know, moving servers and desks and things like that.

Just it seems to me to be kind of a silly exercise. I'm not sure why we should consider it at all. And what we intend to achieve by doing so, other than

perhaps to make separability easier down the line. If that's the reason then I think we should say why we're suggesting consideration as opposed to just generically suggesting it should be considered. Thanks.

Jonathan Robinson: All right, I'm hearing a suggestion to delete this. So I would call for any objections to the deletion of this sentence. Alan?

Alan Greenberg: Thank you. I'm not sure whether this is in relation to physical staff or in relation to technical infrastructure. If it's physical stuff, I don't really give a something. If it's technical infrastructure, there is a specific recommendation in the what was Design Team F's work that post-transition there be a reevaluation of overall IANA architecture and functions. And physical separation of the technical infrastructure could well be a result of that.

And yes there is cost benefit analysis and such were recommended. So that's already in the Design Team F part. So if it's talking about technical infrastructure it doesn't need to be replicated here. If it's talking about the physical where people sit in their desks, I have no comment whatsoever.

Jonathan Robinson: So I read this to be nothing to do with people. I read this to be technical infrastructure. And so the question is Alan are you satisfied that this is covered elsewhere and can be deleted or...?

Alan Greenberg: Not only - I believe I am satisfied but we exclusively said post-transition - which I think is at odds with what this is saying.

Jonathan Robinson: We could easily add post-transition into here or we could simply delete it. Greg?

Greg Shatan: I don't know if we want to get into further nuance but, you know, if there is going to be a redesign or, you know, the offices are moving for some other reason, then we could recommend that at that time, you know, consideration be given to separating the infrastructures. But I don't see, you know the reason now for this fire drill or post-transition fire drill. Thank you.

Jonathan Robinson: So let's delete it unless there's...Right, okay, let's move on. Thank you.

Grace Abuhamad: Marika just went by the Annex D. And we don't have to stop there, but I just wanted to let you all know that we will have an updated diagram in the document in Adobe provided by XPLANE after this call today.

We have a call with them to finalize that document. And I've taken into account the comments that we've received. So I think the updated version will be more accurate further comments. Thank you.

Marika Konings: This is Marika. It's a bit awkward to read. It expands to pages, but it's a comment that (Sidley) originally made in the CSC charter asking whether this independent review was referring to the IFR or something else. And then I think Martin commented on this as well as Donna. So I think the question is whether any changes need to be made on the basis of that feedback on or whether it's good as is.

Jonathan Robinson: Must say it's a little awkward for me Marika. While I'm not quite sure...So what is this table? Could you clarify what this table is? Sharon come in.

Sharon Flanagan: The concern we have there is that it describes a new review process. It doesn't refer to IFR and I think Donna commented it's not IFR. But then it opens up a whole other set of questions - well then what is it and what is the process?

Jonathan Robinson: Yes.

Sharon Flanagan: So I'm concerned about introducing a completely new review process.

Jonathan Robinson: Just to orient myself and perhaps others in the group, what table are we in here? What is this table because we've come to it very fast. I'd just like to be clear what this table is that we're looking at here.

Grace Abuhamad: So Jonathan this is the remedial action procedures table. So essentially this is what DTC has come up with sort of as a way to describe the different levels of escalation within the CSC.

Avri Doria: It's in Annex G, which is the CSC charter. And at the very end there's a table that goes through different events and what would happen. And so at the very, very end of Annex G, there's this chart of proposed remedial action procedures.

                 And it refers to an independent review triggered of ICANN operations, to recommend organizational change and determine whether an IANA operator can continue, which sounds like a separation process but it's not referencing that.

Jonathan Robinson: I mean for a special review, can someone from the - can one of the authors comment on this and why this isn't a special review or something else that we are familiar with? (Donna) has left the call. Did she respond to this? Because I see there's a comment there that she may have responded to, but I can't read that comment.

Grace Abuhamad: Jonathan this is Grace. I can read it out for the record for those who can't see on the screen. It says - so the response from (Donna) is - "The answer is not an IFR but could be something else undertaken by ICANN to address the performance issues that have been brought to the attention of the ICANN board CEO by the CSC because the issues have not been resolved via other means.

A few things to note regarding the remedial action plan. It is for illustrative purposes only. It is intended that a remediation action plan would be developed and agreed by the PTI and CSC after they have been established. And the remedial action plan was drafted before the IFR was created.

Jonathan Robinson: Sharon did you have something more to add?

Sharon Flanagan: Well if what we're talking about is some kind of ICANN review, then it would seem to me that's really more appropriately in the contract. If there's some operational issue that ICANN needs to go back to PTI, that's really in the contract.

And I don't think we want to introduce some wholly new review process without explaining what it is. So I would, you know, either delete it or refer to remediation through the contract, but not reference a new IANA operator.

Jonathan Robinson: I'm certainly with you on that train of thought. Greg?

Greg Shatan: Greg Shatan. I think that we had discussed earlier that the board should not have the ability to initiate an RFP without community involvement. So I think, you know, there's kind of a fundamental question here is whether there is creating an entirely separate kind of review mechanism, you know, community mechanism which is the SIFR.

And then, you know, a board review or ICANN the corporation review raises, you know, issues. I would think it would be easier all around to say that this is the SIFR. As (Donna) said at the end of her written comment this was drafted before the SIFR even existed.

So I would think the preferable thing would be to do is to adapt this and make the end escalation, the community review, which is where I think the escalations were intended to lead. You know, to some extent that begs the question of what rights if any ICANN the corporation has to independently decide outside of the community's processes to do something with IANA.

But again it goes back to my view at least that that's not a right that we wanted to give them to act on independently of engaging the community. Thanks.

Jonathan Robinson: Thanks Greg. So isn't it possible we could amalgamate these two suggestions, both from Sidley and from Greg - remediation through the contract and/or SIFR? Olivier?

Olivier Crepin-LeBlond: Yes thanks Jonathan. It's Olivier speaking. And I think you captured somehow what I was going to say. I was going to mention this is all part of the escalation process at an earlier stage than when it reaches the ccNSO and GNSO. And I think that the next stage from this is to then move on to the GNSO or to be passed on to the GNSO and ccNSO and continue its escalation process.

Jonathan Robinson: Thanks. So hopefully we resolve that (unintelligible) tonight ourselves.

Olivier Crepin-LeBlond: Unless this works in parallel to the GNSO and cc - unless this works in parallel to the GNSO and ccNSO path, but I don't think it's in parallel. I think it's in series.

Jonathan Robinson: It seems to me like we have a suggested solution there that - Greg?

Greg Shatan: Old hand, sorry.

Jonathan Robinson: Okay, let's - I'm very mindful of the time here. We coming up to 12 minutes to the top of the hour.

Stephanie Duchesneau: So Annex H that Marika's just scrolling through is the copy/paste of the text provided by DTA.

Marika Konings: Yes and this is Marika just to note that we'll remove the escalation paragraph. As well I think the first three paragraphs are introductory and don't seem to belong in this specific section unless there are objections to that.

Jonathan Robinson: It's a form of preamble.

Marika Konings: So we're now in Annex J to IANA problem resolution process. And there are a couple of comments in relation to Step 3 relating to CSC escalating to the PTI board.

Jonathan Robinson: So surely the way of dealing with (Donna)'s comments is to just simply add on ICANN 3, "If CSC determines that remedial action has been exhausted and has not led to necessary improvements, the CSC is authorized to escalate to the PTI board and further if necessary. Okay, next point. Chuck.

Chuck Gomes: Yes, sorry Jonathan, but I like the way you did it, and further if necessary. Design Team (M) really didn't see the value in escalating to the head of IANA and then the president of GDD and then the CEO. I mean they're all kind of the same step. They all - you know, there's a reporting change.

So the way you did it is fine. And if somebody - if they want to escalate to those other people they can. Thanks.

Marika Konings: So the next comment on this page relates to...

Jonathan Robinson: (Unintelligible). Marika, just capture that Sharon makes a point that CSC charter should be consistent on this point.

Marika Konings: Made a note of that so we can look at that. So the next comment's related to Section 384. It's a comment from Sidley, and Sharon may want to speak to it.

Sharon Flanagan: On this point again we're just looking for consistency here. So it says, "CSC is authorized to escalate to ccNSO and the GNSO which may then decide to take further action using agreed consultation and escalation processes." Wouldn't we then there just refer to the special IFR - that's the process - rather than leaving it open ended and maybe ambiguous?'

Chuck Gomes: Okay is that where it says cc - is that supposed to be CSC? And if so, I don't think the CSC makes any recommendations with regard to a special IFR. They just escalate the issue to the ccNSO and GNSO who decide whether that's an applicable action.

We kept the CSC function very, very limited to be consistent with what Design Team C recommended. And I don't know who - I know (Donna)'s not on but I don't know if (Stephane)'s on and can talk to that too. Looks like he's

not, but hopefully I'm correct on that, that CSC doesn't actually recommend a special IFR.

Jonathan Robinson: I must say I have - this is getting a little confusing here. And I tend to have sympathy with Avri's point that this seems illogical that the wording says the IANA review function will include provisions to consider where there are systemic issues that are impacting the IANA naming services. That's fine. That seems sensible.

But why would they then decide to initiate a special review? It doesn't seem to make sense. So I'm not sure I understand anything beyond...And why that's there.

The question then remains what - if systemic issues are discovered through an IANA review function, what remedial action will that - then you would expect that it might initiate a separation process if they were sufficiently serious. But I'm not sure who initiated special review. Any comments on that - Alan and...?

Alan Greenberg: The only thing I can think of is to make reference to the fact that the IFR could be a regular or a special one. But certainly saying triggers a special IFR makes no sense.

Jonathan Robinson: So it's actually satisfactory as is. It says, "Will include provisions to consider whether our system is - I mean it's kind of mothering an apple pie if you'll excuse me using an American expression. But Greg?

Greg Shatan: First it appears to me that this is the only place in this document that the term "IANA review function" is used. Although it's capitalized it's not defined anywhere. So we don't know what this means. So this could be a flying saucer

or a bananas Foster. It's not a thing that we have. So we don't know what this is. Do we not define IFR anywhere? We defined IFR. This is not IFR. This is an IANA review function. We don't know what this is.

Man: I'm dyslexic.

Greg Shatan: You're not the only one. So I don't know where this came from or why it says what it says but if it's in - the idea that an IFR would form an IFR is again absurd. So that clearly can't be what was expected either, so I'm not sure what those who prepared Annex J intended this to reflect.

Maybe the charts afterwards will - should shed some light but maybe it's this the IANA problem resolution process is what it should say, as in the title. Again that's not anything that's really defined except by the entire annex, so that's kind of circular as well.

((Crosstalk))

Jonathan Robinson: ...we reintroduced (unintelligible) to initiate a special IFR. It's not logical that an IANA function review would initiate a special IANA function review. So can we please remove everything beyond the comma and just leave this as - if we want to add more substance to it, fine. But as it stands it only has limited (meetings) was that first point.

I'd like to - well let's go to Sharon who I think has - let's go to Sharon and then Chuck.

Sharon Flanagan: So two comments from me. One is that my original comment was actually on the paragraph just above Number 4, which was to replace reference to using

"agree, consultation and escalation processes to" - which might then decide to initiate a special IFR. That's the process, saying that they would look at.

And then I think in the next paragraph it's a bit repetitive, but you could - you can either leave it as you have it there, just full stop. Or you could just say that the IFR, you know, can refer the issue to the two councils, not kind of repeat again on what the councils do with it.

(Unintelligible) initiate, might then decide to take further action - yeah that's fine, including the initiation of a special IFR.

Jonathan Robinson: Okay thanks Sharon. We've come - the clock has got to the top of the hour and I think extraordinarily we probably have to run on a little to finish this critical work. Chuck?

Chuck Gomes: Yes I just wanted to - by the way I'm fine at what was done with 4 there - but I confess that as I recall Design Team M didn't spend a lot of time on the systemic problems paragraph. So the idea was is that what happens if there is a systemic problem that's identified? And where is that handled?

And the purpose of this little paragraph which we didn't spend a lot of time on as you can tell -- was to address systemic problems. And maybe what's there right now is fine. I don't have any objection to that.

Jonathan Robinson: Thanks Chuck. Save for the minor addition that Stephanie made (unintelligible) chat which seems to be acceptable. Okay, looks like we can move on. Sharon if you could remove your hand unless you have an additional point.

Marika Konings: This is Marika. There's a footnote in the section on the IFR I believe - question from Sidley this footnote can be clarified.

Jonathan Robinson: So what do we mean by this? If the composition is - there is a group that is defining the principles on cross-community working groups. And the intention on this footnote is that the separation Cross-Community Working Group will conform with the principles defined by that. That's the intention I think. Or is it Sharon can - go ahead.

Sharon Flanagan: I would delete the footnote. I think it's more confusing than helpful. There's a list of who's in the group, and that's pretty clear to me, but this footnote to me just muddies things.

Jonathan Robinson: Any objections from this - any objections to this? Chuck, go ahead.

Chuck Gomes: I don't know that I object, but the reality of the matter is sometime maybe in the next year that working group will finish its work and make some recommendations. And now maybe we don't need to refer to their work, that we can just assume that those principles if they're approved will be provided.

But they've been working for - I don't know - probably approach (unintelligible). And I suspect that they will provide some principles and guidelines for such working groups. And we certainly want to encourage following those. But again if it's - I'm not hard line on this. I just wanted to give a little context.

Jonathan Robinson: Not sure I understand the intent of the footnote. Is it the intent that composition in 392 would prevail or rather that it would conform to the recommendations of the separation of the group that's working on these structures?

Chuck Gomes: Jonathan this is Chuck again.

Jonathan Robinson: (Traditional) trumps the other. Thanks Chuck.

Chuck Gomes: Yes. I think that it's the intent - and I could be wrong because I didn't write this - but was one there are approved Cross-Community Working Group guidelines that those would be followed for these cross-community Working Groups we're talking about. That's what I would like to think was intended here. And I think that's a good suggestion.

Right now, as I think most everybody on this call knows, we have GNSO Working Group guidelines. We have ccNSO Working Group process. But we really have never had Cross-Community Working Group guidelines. And those I would think should be followed if and when they're approved. So that's what I would think the intent is.

Jonathan Robinson: Yes so the lawyer - or at least one of them - says that actually this refers to the structure herein - in other words, within this document. And that's why I'm keen. It seems that it's saying, "Look, no matter what happens elsewhere, the intention is that this the composition." So we really need to nail this one. And Sharon confirms that that's how she reads it too.

So it's essentially asserting that this is the appropriate one for a separation review working group, not that which comes out of this. So we need to make sure that that language is clear, that that's clear.

Chuck Gomes: So this is Chuck. So this apparently is - what I thought the intent was is probably misplaced, so that's fine.

Jonathan Robinson: Good, well I think we've ironed that out now because it's clear that there was work done to clearly define the composition of this group. And the concern of the author of the footnote seems to have been that this work might be undermined by future developments. So let's - I think we've ironed that out now.

I'm just wondering - I've got audio now. Sounds like (Martin) is seeking to flesh out this bullet point a little and that it's not sufficiently clear here or comprehensive. Can anyone suggest a form of wording - Lise or...?

Lise Fuhr: Jonathan he suggested it himself, and I think that - what's been putting in there - that is because it's at the Annex L paragraph. Is it the same paragraph? I'm not sure. Let me see, I'm sorry, because he's saying instead of soliciting participation in the RFP process he would like it to be soliciting input on requirements to plan and participation in the RFP process.

Jonathan Robinson: Sounds like it's not been captured by author. And I see Avri is supportive of that. So that...

Okay so here's where we come to the term sheet. And I don't think there's any realistic possibility of going through the term sheet. We have put the preamble in here. What follows below is an initial draft.

However, this initial draft could still do with some work to tidy it up and make it consistent with the bulk of the documents. And it seems to me that it just needs maybe some help probably from staff, possibly with supervision by or some input from Greg as well who's viewed this.

But I think it needs a tidy-up first of all and then perhaps a review by Greg and/or anyone else who's willing to assist him to make sure it's consistent

with the document as now developed. So that's my proposal there that we - it needs to be tidied up to be as consistent as possible. But we retain the preamble that exists there.

Marika Konings: This is Marika. And that's all I think we had.

Jonathan Robinson: Thanks Marika. So I think we then get to the last - and thank you everyone for bearing with us. I think let's get to the - let's move on then to the sort of wrap-up point here, and I'll try and whip through these quickly.

So clearly we have a - we call It a communications effort to be on this, and that includes all of the Webinars that follow later in the week, the sessions at ICANN 53 and so on. And I think what we propose to do here - what Lise and I have talked about doing together with the staff is having a short call - a one-hour call only - and I apologize to those of you for whom it is very early. This will hopefully be the last such call for some time.

But the idea is to just think through any other outstanding issues including communications and involvement of participants and members at ICANN 53. We don't propose to have a call on Tuesday 16th. And we want to have a wrap-up call for the (client) committee on Friday the 12th of June. Are there any comments or questions relating to these Items 5 and 6?

Then I think there's just a couple of closing remarks to make, and I'll make those and see if that provokes any other comments or questions.

Obviously the first critical point is to acknowledge of everyone that's gone into all of this. And I think one of the things in addition to all this the members, participants, staff, and professional assistance that we've received, it's really - I've fronted a lot of this work but I think it's very, very important

that I publicly acknowledge here the work of Lise who has been less obvious at the front but has worked with me throughout daily and not and day in fact in working on this.

So lest anyone think any different, we've been, you know, working in unison on all this (unintelligible). So I think it's very important to recognize and acknowledge that.

Now we've got - just to remind you - we've got 24 hours from midnight tonight. Staff will first of all revise the draft and make their best efforts and Grace and Marika have done a sterling effort at doing this, will continue to do so.

And then we'll have the next 24 hours to try and pick up any small errors and language issues. And at that point we - as I said at the outset of this call - propose to publish this document as the work of the group and with the support of the group. Clearly if someone has a significant concern that they would like to submit a minority statement reflecting they are welcome to do that.

And that minority statement will need to be prepared in the next 24 hours for communication without on the 11th of June with the document. Obviously from a chair's point of view -- I'm sure I can speak for Lise - we would prefer not to have that. We'd love to have the support of the group.

We've all worked extremely hard to get to this point. If you feel it's necessary, this will be the time to do it. And in preparing such a statement it would be good to understand that is from you in your capacity as a participant or a member or a member representing a group. So that's a point there.

I may have forgotten a detail but I think I've covered some key points. Let me just pause a moment to see if I am missing anything critical. It's a big thank you to everyone. Amazing work and - like I said - astonishing work we've managed to achieve through the collaborative process. So yes a big hand of applause for everyone so thank you very much.

All right I think that takes us to past the hour. I think you'll all recognize that we've generally been very diligent in running on time. We did need to run it over. The next 24 hours we'll finalize everything. And if you have final points please bring them out online, including any issues that we've raised today that as I say the primary objective is to focus on edits and detail at this point.

Thank you very much everyone. And thanks for recognition of the work of the chairs and we'll look forward to working with you and seeing you of course on Thursday.

Grace Abuhamad: Thanks very much.

Avri Doria: Thank you. Bye.

END