

ICANN

**Moderator: Brenda Brewer
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6:30 am CT**

Grace Abuhamad: All right, everyone, we're going to get started. We don't have anyone on the phone lines so I guess everyone is either in the Adobe Connect room or in the meeting room. If you are in the meeting room please join the Adobe Connect room so that we can hand raises. Otherwise, if you absolutely can't be in the room if you raise your hand I'll try to keep track of everyone.

And I'll turn it over to the chairs.

Jonathan Robinson: Okay, good morning, everyone at the end of a long meeting. Thanks very much for turning up this morning. I was slightly worried we might end up with an empty room but obviously the topic is still keeping you engaged. So good morning from Lise and myself, Jonathan.

I'm not going to say a whole lot except to say that we have approval from all five chartering organizations, which is wonderful news. Great way to start the day.

So very shortly after this meeting Lise and I will sit down and put together a covering note and communicate that formally to the ICG who I think are very keen to hear that from us so they can get on with their work.

I think that's all we need to cover for now. We'll work through various items in the agenda. It may be that we don't need the full time this morning. We may be able to get through this agenda fairly quickly. Let's see how we go.

So first of all, dealing with this approval from the chartering organizations, I wonder if it would be - it may be quite helpful or it may be at least of interest to anyone from the different chartering organizations, to provide any input or update to the group around those approvals.

So I've got - I'm going to go through them and see if there's anyone here from any of those organizations who would like to make a comment. And the one thing I just noticed is we have people join us. Grace, are we going to take a roll call, is that what you said about people being in the room so we can note from the room? Okay.

So welcome those of you who have just joined us. Please can you make sure you log into the Adobe Connect room so that we can record you as present via that.

Is there someone from - I was going to talk to the ALAC but I'll let Olivier settle down first. Is there someone from the ccNSO who would like to provide any kind of update or comment on the motion or are you happy for us to have it recorded. Is there anyone from the ccNSO who would like to - Lise, go ahead.

Lise Fuhr: I can give - thank you. I was just looking at my fellow participants from the ccNSO but they're not going to. Well, the ccNSO had their Council meeting yesterday and they adopted - or not adopted but approved us submitting the proposal to the ICG.

Actually they had a sense of the room before that. And everyone was supporting the submission. So there was no one abstaining or no one was against it so that was a very good result. Thank you.

Jonathan Robinson: Okay. Thanks, Lise. Olivier, are you in a position to give us an update as to the ALAC's deliberations and outcome? Just a brief update would be great for the group.

Olivier Crépin-LeBlond: Yes, thank you very much, Jonathan. Olivier Crépin-LeBlond speaking on behalf of the ALAC. We have met earlier today and unanimously approved the report to pass on so that's great news. No last minute rebellion. We had two comments to be recorded.

The first one is the selection of the two PTI board members by the Nominating Committee or similar mechanism should attempt to address geographical diversity without sacrificing competence.

And the second one is that the success of the PTI will be contingent on ICANN ensuring adequate operational and R&D funding as well as other resources. And that's all. So, yeah, great news from the ALAC. Thank you.

Jonathan Robinson: Wonderful. Thanks, Olivier. Thanks for that update. Is there anyone from the GAC here who would like to give us an update? And one of our guest representatives, is there anyone who would like to give us an update?

Okay absent anyone being able to do that I can confirm that we have received the communication that the GAC has approved the submission of the report and we'll make sure that the record of that communication is available. I think it's been to the list - from memory it's been to the list already so you should all have seen that. I'm not going to read it out for the record. But it will be covered in our transmission to the ICG.

What we propose to do, just to be clear, when we communicate with the ICG we will provide them links to each of the relevant communications or motions from the different organizations that - the chartering organizations.

Okay so next I have the GNSO working through this in alphabetical order. And as you know I'm chair of the GNSO Council so we had a meeting yesterday and the Council had a number of resolutions before it, including this one. There's an eight-part whereas - eight whereas clauses; I think its five resolve clauses and the Council voted unanimously to support the motion including the five resolve clauses. And we'll make sure that the group is aware of that.

Whilst the motion was in no way conditional, it simply approved the transmission of the report. It did highlight in the resolve clauses recognition of the - of various elements of the conditionality and some other details. But again, I'll make that clear to the group.

And then finally we have the SSAC. Is anyone from SSAC here who would like to comment on the status of the motion? I mean, or the way in which it was dealt with at SSAC? Okay, again, so we have an SSAC - I think its 72, is it, 72.

And, I mean, for me what was gratifying was we paid attention during our work to SSAC 69 and the 72 from my quick reading, someone correct me if I'm wrong, concerns that the report is - the transmission of the final report is consistent with SAC 69 which is great news. I mean, I think that - because we treated that, in effect, as a stress test, that SAC 69. So that seems to be very good news.

So those are the five approvals, which is good. Has anyone got any questions or comments they'd like to make in relation to those - that work of the chartering organization that might either be of interest to the group or shape in any way the communication that Lise and I will draft after this meeting?

I've got James followed by Olivier.

James Gannon: James Gannon. Just wanted to quick note that during the voting GNSO that number of NCSG councilors noted that the issue with the - with regards to the trademark is something that needs to be taken forward and obviously needs to be resolved before we go into any implementation phase. And it's - while it's not a blocking issue it's a key component as we go forward.

Jonathan Robinson: Thanks, James. Noted. Olivier.

Olivier Crépin-LeBlond: Thank you, Jonathan. Olivier Crépin-LeBlond speaking. Just to let you know that the full resolution of the ALAC will be sent to you since of course it has a few more things than just the two clauses that I've told you and put on the record here. It does thank the whole working group and its co-chairs for the work that it's done. Thank you.

Jonathan Robinson: Thank you very much, Olivier. We'll look forward to receiving the full motion. All right, next item on the agenda looks - to look at the future work of

the CWG prior to submission to NTIA we sort of -we've broken it down into prior to submission to NTIA and post submission to NTIA.

Lise and I met this morning to sort of work through this and the thoughts we have. So I'm going to go through those with you and would welcome any comments or questions or surrounding those.

Of course the first thing we have to do is transmit a report. And as I said a moment ago we plan to do that in short order after this meeting. We - another item of work that is essentially open is that on the SLEs, and that we - we still need to see a project plan for how those SLEs will be developed and the sort of work towards finalization of that work.

Is there anyone from that SLE group here who could give us a quick update on that? Is there anyone available to - oh. Go ahead.

Patricio Poblete: (Unintelligible). There is ongoing work between the group and IANA to begin collecting data to populate the numbers that need to be in place for the targets to be defined. And there is a plan that that could happen in the very near future. Some developments - some software development needs to be done. And that would need ICANN to approve that. And so the plan is that we would be ready with all what's needed a the time of implementation.

Jonathan Robinson: Thank you. That's helpful update. Just can we just capture your name for the record? It's...

((Crosstalk))

Patricio Poblete: Sorry, Patricio Poblete.

Jonathan Robinson: Thank you, Patricio. Okay so that's that piece of work that'll be ongoing in parallel. And so we'll look forward to keeping an eye on that. We understand that the ICG will assess the work of this group; their timetable is to assess the work of this group by the July 7. And we expect that to be communicated with us according to their timetable on the 8th. And I guess we expect that there may be clarifying questions in the meantime so that's something we'll have to be on alert for.

So in order to deal with that our plan is to have an additional meeting on the 9th of July. We'll communicate that to you in writing. But the plan is to do that at 1700 UTC on the 9th of July. So that - and then thereafter I understand that the ICG plan is to try and produce a compiled proposal or a compilation of the three proposals in whatever form the plan to do that and send that out for public comment on the 14th of July.

Any comments or questions about that? Chuck, go ahead.

Chuck Gomes: Thanks, Jonathan. I actually want to back up to the SLEs, if I can? I made a suggestion to Kim Davies in his session with the Registry Stakeholder Group on Tuesday that I think it would be good if we, as a CWG as a whole, kind of track and watch. And he was going to take my suggestion back to Elise and the IANA team.

What I suggested to them was that they develop a budget, which they may already be doing, with the Design Team A, a group in terms of what the costs are going to be to be able to do the testing and to make sure the SLEs work and so forth.

I think all of us have seen that plan. But there are going to be some added costs to them. And we should, as a CWG, as the budget for IANA continues to

be refined as more detail is added to it, we should include that in that budget going forward.

Jonathan Robinson: Thanks, Chuck. But in essence I think if I understand that point correctly those are some pre-transition additional costs that may be incurred. And it's a question of whether those are...

Chuck Gomes: You're right, Jonathan. This is Chuck again. They are but I don't think there are - they may actually need some additional funding to be able to accomplish those tasks. And I think that's fairly likely based on what it looks like they're going to need to do. And so we just should make sure that that implementation part funding, if there is some needed, that it's covered. It may not be in next year's IANA budget but it will need to be covered.

Lise Fuhr: I think that's a very good point you're raising, Chuck. And I think that could be a part of that project plan that ICANN committed to giving after the actual principles and metrics has been chosen. So this could be included in that project plan. Thank you.

Jonathan Robinson: So can I just be clear then, is there an action for us? Are we - would - are we expected to do something in this regard? I mean, I wonder if there's anything or is that something to think about whether there's anything - I mean, we can keep an eye out for the fact that - well I guess we can look at - we can monitor that project plan as it develops and as part of the monitoring of that project plan ask the question if it's adequately funded. I think that's probably the way to do it. Go ahead, Lise.

Lise Fuhr: Well, I think it is also going to be an action point for the group that works with the SLE to help us monitoring this. Thank you.

Jonathan Robinson: Okay. So we can ask the group then to, as part of their project plan, to include seeking confirmation that any work that's required to be done as part of this pre-implementation, if you like, is adequately funded. Thanks, that's helpful input.

Okay so - and then I talked about the ICG process, the assessment of the CWG work, communication, our further meeting on the 9th. We can't anticipate what questions may or may not arise. Or perhaps we can. Go ahead, Alissa.

Alissa Cooper: Thank you, Jonathan. This is Alissa Cooper. I'm sorry for not raising my hand in Adobe Connect, I wasn't even sitting near a microphone. But I just wanted to clarify in terms of the timetable for July. The ICG will be having a conference call to discuss the combined proposal on July 15. So it's unlikely to go out for public comment until the end of July or early August.

And then we may have clarification questions for this group that come out of the public comment period as well. So just wanted to make sure people don't think we're being too aggressive. It's unlikely that we will have those - the proposal out for public comment in the middle of July.

Jonathan Robinson: Thanks, Alissa. That's helpful. But so in terms of our anticipated meeting on the 9th of July that still makes some sense in that you expect to have assessed our proposal in its standalone form by the 7th and communicate with us on the 8th, that's still consistent with your timetable is it?

Alissa Cooper: I think so. I mean, it's possible that your call being on the 9th and ours being on the 8th are a little bit close together for us to get questions prepared for you. But I would hope that we - if we have any questions they will - we'll have them ready before your call.

Jonathan Robinson: Okay good.

Alissa Cooper: Perhaps just before.

Jonathan Robinson: We can work with you on that and there are some other logistics why we need to meet on the 9th as opposed to after that so we'll work on that and see how we can go.

Alissa Cooper: Okay.

Jonathan Robinson: Okay. There's something else in the pre-submission to NTIA. As that - as the CCWG work develops it strikes Lise and myself when thinking through this this morning that we will probably want to review the CCWG the- the accountability work in draft form and essentially even if it's not formally, although we may choose to do something formal, I think it would be useful that this group checks that it continues to meet our conditions because there's no point in them producing a draft report, putting it out for public comment and us being completely silent on it if indeed it's starting to move away.

I think we need to do some course correction at that phase and/or confirm that it's on track. So that seems to be a key point that we'll need to be aware of. So actually, Grace, I think if we can capture an action there to meet for this group, the CWG to meet really shortly after or as soon as possible after the CCWG final draft, assuming it is a final draft, is prepared for public comment in the months ahead.

And of course thereafter - James.

James Gannon: Sorry, didn't mean to cut you off. Just a suggestion on process around this, the way that we reviewed and assessed SAC 69 against the work that we were doing seemed to work very well and very effectively. And by possibly reviewing the CCWG proposal in a similar way in a very structured manner and then have a discussion on that structure that we do might be an efficient way of getting through it quickly.

Jonathan Robinson: Yeah, I think we'd welcome any methodology that makes sense. I mean, clearly to the extent that we can do it efficiently and by some, you know, previously proven method that would be very helpful and I understand that the SSAC does work in a very structured way so that would be helpful.

Essentially the same will have to take place at the final report stage so just anticipating that that will be a further piece of work prior to submission. I've used the analogy a couple of times, you know, the reports go off on these separate tracks but in the end they have to come back together for. And be seen to be a coherent package prior to submission of that coherent package to the NTIA. So that will be two key way points along the way. Any comments or questions other than that?

So the next sub bullet point under Item 3 is the issue of post-submission to NTIA. This is something I don't expect we can answer now but it is something this group is going to have to think about what, if any role and if so how will we undertake that role in implementation. So I'd love some thoughts or traffic or discussion.

As I say, it doesn't necessarily have to take place now but we will need to think about what our role is an implementation of our work and how we participate, whether there's -- whether this group itself has that role or whether we think it's right to some form of either implementation review group. But

one way or another we'll need to be thinking about our role in supervising that - or in some way interacting with that implementation process.

Any thoughts or comments at this early stage? Certainly Lise and I wanted to seed that thinking and happy to have any input at this point. So Alan, go ahead. I'm just checking - Greg sorry, let me go ahead with you, Greg, you're first in the queue. I'll keep an eye on the Adobe.

Greg Shatan: Thank you, Greg Shatan for the record. First I think the post-submission to NTIA time period needs to be broken down into two time periods. There is the section after it is submitted to NTIA but while the NTIA is still - and other US agencies and bodies are dealing with things. And then there is kind of our internal work in a way and work within the other communities as well as we settle things down.

So I think with regard to being outward facing toward the NTIA, there needs to be some at least residual existence of this body. We can't kind of disappear before this has all been fully accepted by every player down the line and not just the ICG.

As to how we do things internally, you can look to some extent how the things would map out in the GNSO as a potential model, which would be to have essentially an implementation review team which could resemble, in large part, this group, but which would have somewhat different tasks and relationship to staff who are involved in implementation although that assumes that when we're talking about implementation we're talking about kind of ICANN style implementation, which is a fair assumption the one that probably should be tested.

Jonathan Robinson: Thanks Greg. I'm not sure if James or Alan have their hand up next so I'll go to James first because you were in the room and I'll come to you, Alan.

James Gannon: No, I'll cede to Alan. I think he went up first.

Jonathan Robinson: Go ahead, Alan.

Alan Greenberg: Thank you. I was late -- well I was otherwise occupied and then I couldn't find the room. But so you may have covered part of this before. I note certainly that SSAC asked at least one question that falls on what was DTF to answer. And they have a number of other issues they raised also.

So certainly on the short-term we need to come up with answers for those because likely NTIA and or the ICG are going to ask the same questions so we should be prepared.

We've never talked about the process after it goes to the NTIA. I'm presuming should they have an explicit questions are not going to be shy to ask. So I think we have to be in a position to react quickly should there be any issues that are raised for clarification or what did we mean by or did we consider. Because one of the larger things they're saying they're looking at is alternatives and did we do all of our homework.

So I think we need to be poised to work quickly all the way through until it's a done deal. And I don't think we can really dissolve until then. I don't presume we're going to be very active but we really have to be ready to act and with the right players. There's no point in asking the group of 150 people a question that only three people might know the answer to. So I think we all have to be essentially ready to play.

Jonathan Robinson: So that's a really good point. And I think that in terms of thinking of the mechanics of operations I don't think we envisage any kind of - well at the current time we don't envisage a series of regular meetings as we have been running. But you're right, I think I am -- we accept there will need to be I'm not sure ad hoc is the right word either but meetings as necessary to pick up on work in terms of clarifying questions from the ICG as it happens dealing with any questions or issues raised by the chartering organization and so on so point taken. Yeah. Alan, come back again?

Alan Greenberg: Yeah, you know, what I would envision was the questions will come to the chairs, the chairs will send a message out to the whole group saying this question has come in, we think it's reasonable that the people who ran DTF or BTA or whatever should answer it. If anyone else has an interest in getting involved you're free to do so. And we'll bring any results back to the CWG.

And, you know, so I think you're going to have to be the traffic cop pointing things in the right direction and keeping the group alerted to what's going on should they care.

Jonathan Robinson: So we can't go on holiday quite yet.

((Crosstalk))

Alan Greenberg: You can't both go on holiday the same day.

Jonathan Robinson: Thanks, Alan. James.

James Gannon: James Gannon. There's a phrase in Irish politics that seems to be always overused. It's a lot done and a lot more to do. Obviously I don't think we're anywhere near the end of the work of the overall group but I don't think we

should put it all on just Jonathan and Lise. And my suggestion would be that we do go along the route that Greg suggested of having an implementation review team. I think that that possibly should be a subgroup of the overall CWG. And it can do that traffic management function on a more regular basis as we called off on the overall CWG calls, the way that small group who wanted to actively track the implementation can then reach out to design teams in conjunction with yourselves and manage it from that point of view, because there are some of us who would like to be very active on the monitoring and oversight of the implementation.

Also one thing I think we talked about possibly about a month ago as well is how we'll manage the ongoing existence of the CWG with regards to working with our legal counsel and has ample interplay going forward to - while we're forming PTI and having the work going forward with regards to rescoping their engagement with us.

Lise Fuhr: Thank you, James. Well, while implementation is going to be very important we need, as the CWG, to actually coordinate with the ICG which one of the groups that are going to deal with this. So I think it's an issue we need to coordinate for them before deciding. Thank you.

Jonathan Robinson: Thanks, Lise. So, I mean, there's clearly, as we flagged in the agenda, a watershed. There's clearly a possibility of various formats through which the implementation might be engaged with. But that's a good point. We need to be mindful of the ICG's role in all of this and talk with them about what their expectations are.

Olivier.

Olivier Crépin-LeBlond: Thank you, Jonathan. Olivier Crépin-LeBlond speaking. And I note that the CCWG Accountability has a formal timeline where it shows several public consultations taking place during implementation. I wonder whether there would be such consultations during the implementation of the CWG?

Jonathan Robinson: I think it goes back to that previous point that Lise made, we need to check and close the loop with the ICG and make sure that this isn't something that they feel they've got covered. And if it is then how this group interacts with the ICG. But it's - I think the important point is that we start thinking about this in - and in conjunction with the ICG. So it's useful to have these ideas start come up and us being aware that I guess the fundamental point is much as this is a very significant and exciting watershed moment it's not the end of the line, we'll need to be - continue to be engaged.

So Alan, come in.

Alan Greenberg: Yeah, it hadn't dawned on me before but it did as we were talking here. Clearly the baton has moved to the ICG because it's their show now to do things like public comments or whatever. However, we probably do have a responsibility that when they come out with their consolidated report for us to do a review of it. And did they in fact change anything substantive that we care about.

And that we probably should do on a somewhat more formal basis than just a couple of us reading it and submitting private thoughts. So that may be something we want to put into our timeline.

Jonathan Robinson: Thanks, Alan. Chuck.

Chuck Gomes: Thanks. Chuck Gomes. And I'm following on really with what Alan is saying. As some of you know, the Policy and Implementation Working Group in the GNSO just finished its report, which was approved by the GNSO Council yesterday.

And even though it is a GNSO product the principle - one of the main principles that we - that we recommended in there was that the policy development group - and this isn't so much policy I guess but still the principle applies - stays involved through the implementation process, not that it's doing the implementation but there's a ongoing communication and update to make sure that what was - the intent of the recommendations were followed. And I think that's what Alan is suggesting, and I strongly advise that.

Now I'm not suggesting that we - that we overrule the ICG. I think your suggestion of working together with the ICG in terms of how they want to handle it. But I would strongly encourage that there be some level of at least visibility to ensure that implementation goes according to the intent.

Jonathan Robinson: Yeah thanks, Chuck. Noted as well. And just to - that point and Alan's, I mean, and this whole theme really, I mean, we certainly envisage, at this point already, a call with this group to discuss the compiled proposal and then clearly as the different steps evolve, I mean, sort of reminded of this - there's a diagram I saw as a kid that had something like, you know, that the client wanted, what the architect designed, what the builder built and as we go through those steps we've got to make sure that the picture remains the same.

Alan.

Alan Greenberg: Please don't use that analogy because I remember what those things look like.

Jonathan Robinson: Well I'm suggesting that if we do our work properly we won't be seeing that picture.

Alan Greenberg: Well the titles are fine but not the images that went along with that joke that carton.

Jonathan Robinson: All right - and then so I think we've probably covered that sufficiently for now unless anyone has anything else they'd like to add? I'm not seeing any other hands in the room or anything. So we've got a sense that we're going to have to stay in touch. It's not exactly clear what the mechanics are going to be. There'll have to be some discussion within the group and indeed with the ICG. But we're clear that we're not all about to pack up our bags and go home as far as the work of this group is concerned.

On a related point, under Item 4, we've got the response to the letter from the ICG on the trademark issue. I think it's become clear through the course over the last few days that there's a sort short-term issue and a medium-term issue. The short-term issue is to make it clear, as we have done on our list and now formally in response to the ICG, that our proposal is effectively silent on the trademark issue.

That doesn't mean that we won't have to deal with it in some way or another but I think in the very short term our response to the ICG needs to clarify that take on that perspective. But we will need to do some further - as part of our further coordination I think to understand what the other groups are doing and plan to do. And in a sense that goes straight into Item 5.

So - and Item 5 really is about future coordination. And it's clear we're going to have a track of coordination work with the ICG. But arguably we - well I'm

not sure I want to take it on board too much. Perhaps our communication with the other groups has perhaps not been as visible as it would ideally have been.

We have had contact with the various groups and we've had different meetings along the way. But certainly this trademark issue seems to be one area we'll need to continue to talk about with the other respondents to the RFP and of course ongoing - as those bullets say, suggests under Item 4 we'll need to keep in touch with the Accountability group as we talked about both as chairs and as a group as a whole and through things like the public comments.

Is there anything anyone would like to add any suggestions on this issue of ongoing coordination? I mean Lise and I are both very aware of it, possibly more so as a result of this meeting. But I don't want to suggest we weren't in advance of the meeting either.

There is one other point on overall coordination. We had a discussion, informal discussion, earlier in the meeting with senior ICANN staff and, I mean, it goes to that sort of overview of the program that Fadi put up in his opening remarks.

And it sounds like ICANN in its role as, if you like, facilitator or coordinator will maintain a form of overview of the overall program. So I think we will continue to feed in, Lise and I will feed into that group any -- into that sort of visual program management if you like, any sense of where we are in timescales.

Obviously the substantial work that's going on is, in terms of any timing is outside of our group at the moment but to the extent that we have any input we'll provide it there as well. Any other comments or questions in and around

coordination activities? Any suggestions as to what should or shouldn't be happening?

Well suffice it to say we will keep a close contact with the various other groups, the respondents to the proposal, the ICG and feed into that program management.

Chuck, go ahead.

Chuck Gomes: Chuck Gomes. I made a suggestion in the chat that I think it would be good for us to at least a high-level identify an action plan for the IP issue. I don't see it being a complicated issue to resolve but it's very clear that it needs to be resolved. And I think that action plan needs to involve coordination with the other two groups.

I think it would be good before we're done today if we knew what the next steps were, to bring the groups together, to identify the facts and to reach a resolution. Again, I don't see this is a difficult issue at all. But it's one that in the next few weeks I think it would be good if we did get it resolved.

And I think it would be good if that happened even before the ICG on the 7th acts on this if it's possible because it would be, you know, again I don't think it's rocket science. I don't have the right expertise nor do I have a strong opinion where it should be -- where the trademark should be held. But let's get it done quickly.

Jonathan Robinson: Good suggestion. So let me make a stab at that. I mean, first is respond to the ICG. Second is probably meet with the other proposing groups. Third is, and partly as a result of two, compile and agreed set of facts. We imagine four

is then start to work with potential solutions, potential resolution, solution/resolutions.

Greg.

Greg Shatan: Thank you. Greg Shatan again. I think that's a good action plan. A couple of things I would add is I think we need to, as Chuck indicated, we need to have someone with the right expertise and I think that needs to be an independent person. I think we need to ask our esteemed counsel which of their colleagues can help provide the appropriate independent legal guidance.

While I do have the expertise and I'm clearly a participant and therefore can't be a guide in the process that's will be perceived as neutral as some, although my approach to this at this point is as neutral as possible.

Second, just to -- while this is not intended to start off any discussion of fact, and just in terms of theirs other intellectual property involved in IANA. That's I think a completely separate issue or perhaps a non-issue. As far as the trademarks we're really talking about the trademarks and domain names that use -- that are associated with those same strings like IANA.com, dotOrg, dotNet and whatever others have been registered.

And the trademarks are really -- there are at least three registered trademarks, Internet Assigned Numbers Authority, IANA, and in IANA logo that includes the words Internet Assigned Numbers Authority beneath it. So all three of those trademarks need to be dealt with in this process as well as all other related domain names. That's the only fact I want to bring to light today because that's just kind of a starting point.

After that I think clearly there has been I think some very good groundwork laid at this meeting and around this meeting. Some of it involving adult beverages that help to establish some additional kind of connections and goodwill toward developing a common set of facts which I think has to come really before any analysis.

And I think also in that - I don't know if this needs to be a second -- a separate point in the plan but we need to kind of figure out what our community wants and not just figure out, figure that out in coordination with the other communities. In other words we have to kind of have a position as the CWG or as the names community that we would kind of at least formulate -- I wouldn't necessarily say we bring it to the table and say this is what we think. But at some point along the way you have to know what we believe is the appropriate or inappropriate solution.

It may end up unfortunately looking like that tire swinging cartoon that Jonathan alluded to but nonetheless right now we have no position that's appropriate based on where we are. At some point we have to have a position. Thank you.

Jonathan Robinson: So thanks, Greg. As you spoke I worked with grace to modify what we said. And so the action plan now as it is dealing with the intellectual property, including the trademark and domain name.

In addition under Item 4 I added that we would work on potential solutions and resolutions with professional assistance. And finally under 5 that we would seek to formulate the CWG Stewardship position if necessary. So it's possible, I just want to not preclude the possibility that we remain silent on it. I don't think that's likely but it's just, it gives us the opportunity to not. So that's the action plan as it stands.

And then I noticed that Andrew Sullivan asked how we might work with the other communities read well since this has come up via the RFP and our group responding to the RFP I would think that our first port of call is going to be to deal with the IANA plan and CRISP team since that's where their responses have been, where the naming and protocols communities responses have been generated.

And then it will be up to those teams to engage their respective communities as appropriate. So I've got a few other hands coming up in the Adobe Connect room, the first of which comes from Seun. So, Seun, go ahead.

Seun Ojedeji: Thank you very much, Jonathan. This is Seun for the record. I'd just like to reiterate what are the last statement of Greg especially I think is important that we get a level view of the - of this community empowers the trademarks before actually going into the details of legal analysis and so on and so forth.

There actually be no need for spending so much process on analyzing breaking all these trademark issues down once we have the direction of high level nonlegal view of this group. So I think we should take note of that.
Thank you.

Jonathan Robinson: Thanks, Seun. That's a point to bear in mind that this is - feels to me a little chicken and egg though. The danger is if we formulate a view without the full knowledge at least of facts and potentially the issues we run the risk of perhaps formulating an ill-informed view. But let's think carefully how we go about this.

I've got another hand up next from Chuck.

Chuck Gomes: Thanks. Chuck Gomes. I agree with you Jonathan. I think in terms of formulating a view let's get the facts and the advice in front of us before we do that.

But with regard to getting the professional assistance, the independent legal advice as Greg suggested, I would suggest that we very quickly reach out to both of the other communities and let them know that we are considering that and that we would welcome any input they have in terms of a request for that advice so that we maybe don't -- lessen the chances of having to go back later and ask additional questions, so involving them in that.

Now one of them already have their own so they may not need it but at least making the offer I think would be a good move and they may actually have some questions that they would like to add to the list that we come up with great

Jonathan Robinson: So, Chuck, just to make sure, I mean, I happen to agree with you. I think we need to reach out immediately after this meeting but just in terms of what specifically you were saying just to work, to coordinate on compiling the facts and the background, while just to make sure I understand that clearly.

Chuck Gomes: Sure Jonathan. Chuck again. And I'm specifically referring to are seeking of professional advice on this. And I'm suggesting that we not do that in the - totally independently of the other two groups, that we give them the opportunity if they so choose, they don't have to, to contribute to that. And then, you know, depending on what they decide I think we'll have a more complete picture in terms of the professional advice that would be helpful.

Jonathan Robinson: Okay that's helpful and no clear. So I've got a queue that's Andrew, James, Greg and Sharon. I'll work through them in that order unless any of you would like to defer to anyone else in the queue. Andrew.

Andrew Sullivan: And speaking only for myself, as usual, but I've had it impressed upon me that it's particularly important in this case. So the thing that I was saying in the chat, the thing I'm slightly worried about here is actually unusually it's a procedural problem. And that is the way at least the IETF works on this, right, we just have this mailing list and people have consensus and so on. We've already had consensus declared. And so if we're going to open that what we're going to do is we're going to reopen the document that the IETF has achieved consensus on.

Or we're going to talk to the administrative organization inside the IETF which has the intellectual property. And these are very different sort of formal properties at least within that community. And I'm a little nervous that we're talking about like that community over there so it's, you know, as though there's a clear plug that you're going to plug into.

And so I'd like to suggest that maybe a little bit of care and exactly how we want to do these things because there are two different problems, right. One is the sort of technical matter -- and I mean technical in the broadest sense, the sort of techno-legal matter of how things can work given the way trademark law and other such things work.

And the other one is what outcomes people want to have. Those are very different problems at least in the IETF way of working. And I'm reasonably confident that that's true for the RIRs as well. And maybe because of the way ICANN's work to the structure the distinction there is maybe not as plain. So I'd like to understand whether what we're trying to solve here is what is

possible, which, you know, I know how to find that out from the IETF and that's different from what is it that you want. And it's a completely different group of people.

If you want to talk about what it is you want you've got to go on this mailing list and, you know, like pretty much anyone in the world be able to take potshots at you. So I just want people also to be prepared for that possibility. What we've been doing so far is, you know, people are relaying messages back and forth between two lists. And I think a lot of nuance is getting dropped in that.

So I'd like people -- I think if we're going to have a sort of cross -- like a completely cross community discussion we're going to I'll have to join the one another's mailing lists and I don't think we're going to have a happy cultural experience that way. Thanks.

Jonathan Robinson: So Andrew, I think I understand at least elements of the problem as you described it there. I guess at the highest level we would seek to reconcile the different responses to the ICG from the different communities. And if we approach it like that, you know, we'll have to think about the mechanics of it because it's clear that you're right, there are some complicated mechanics of how these decisions get made or positions get arrived at. And we'll have to think very carefully about how we manage our way through that without over complicating its.

I think I might let Sharon go up the queue a little and give her an opportunity to speak and then we'll come back to others in the queue. So Sharon, let's hear from you if you're willing to speak now.

Sharon Flanagan: Thanks, Jonathan. So going back to what Chuck was saying about getting legal advice, I don't think the legal advice is particularly complex here, that's the good news. But in order to help solve the, you know, the issue what we really need are the facts and we need to understand the goals.

Because I think what we are hearing are recommendations and outcomes and at least for CWG saying at this point, you know, no position. So we can't really solve for it unless we understand the rationale. And, you know, maybe I'm being overly optimistic here and I'm completely unencumbered by the facts but it doesn't seem to be a terribly difficult problem to solve certainly from a legal standpoint.

So I think if we can get that input from the other two communities as to what the goals are and we can kind of start framing out what we think might be a simple -- hopefully a simple solution from the legal standpoint.

Jonathan Robinson: Okay that's helpful. And I think my understanding is those goals would be not so much goals as to where, for example, the trademark resides but what the ultimate goal is, what the desired set up is.

Okay. Andrew, I think that's an old hand and so I'll go to James next.

James Gannon: Hi, James Gannon. So I agree definitely that we need to set out -- on process so you don't necessarily just set out what your goal is, you also need to know what you have at the moment. So I think it was yesterday or the day before I started trying to set out on the mailing list a couple of neutral facts on what the situation is at the moment and roughly where we want to go to it.

Now I believe Greg told me that I was incomplete in those but we need -- maybe I'm looking at it slightly to simplistically but it's essentially a three

stage process. We set out the facts as they are at the moment, we set out roughly what we would want to be at the end. We then reach out to our independent legal counsel. They give us options I would hope, you know, ABC.

We then bring ABC back to ourselves, CRISP and IANA. And between the three communities we've been agree on an option. And from that then we could go back to the ICG and say this is solved.

But I think it's important that we set out very clearly where the legal counsel so it doesn't become an extended process where we are at the moment, a set of guidelines around where we want to go, because I don't think we, on our side because it can intercommunity issue, I don't think we should say we want the goal to be the singular item, we want it to be in this way.

I think we need to allow the legal counsel to come back with a number of options to us on how we can possibly proceed. And then from that point we can then reach out to the other two communities and look at a common position between the three of us.

Jonathan Robinson: Thanks James. That seems like pretty clear thinking. That's helpful. Greg.

Greg Shatan: Thanks. Greg Shatan again. Not to start developing too much more detail on this plan but I think we need to I think identify possibly a relatively small group in this group to help develop those are facts. And I think some of the facts are really in the best possession or in the possession of the other two communities so some of them have to do with how the other two communities use the mark and what they might identify as fact around their use of the mark and of the domain name and of the, you know, the marks.

Also in terms of fact development, I don't think we'll just be able to hand the independent legal counsel a complete set of facts, have them go away. There's going to be an iterative process, leave it to counsel device as to whether we bring in the appropriate independent legal counsel to help develop the kind of questions about what the facts are or whether we give them a first draft of the facts and let them ask us questions.

But there's going to be a back-and-forth process there in terms of facts because the counsel is going to want to know more about the facts than perhaps we necessarily put together. And the last thing we also need to identify our kind of underlying concerns. And some of those may not be directly related to where the trademark is today but as to kind of downstream concerns.

There's been concerns, for instance, expressed about whether having the trademark in one place or another might impede or enhance separability or actual separation. So we at some point in the process we can't ignore that, that maybe in the part where we're developing our view. But on top of facts and goals I think I would identify concerns as another kind of sub list that needs to be developed. Thank you.

Jonathan Robinson: Thanks, Greg. Checking, keeping up with the chat as well. Let's hear from Alan and then I've got Nurani.

Alan Greenberg: Thank you very much. With hindsight it's clearly unfortunate that once we realized that we have a shared resource that we all have to cooperate on we couldn't have gotten together early in this discussion before people started laying out territory but we didn't.

The end target in my mind is relatively simple. We need a trademark to reside somewhere with someone who's going to -- has the will and the resources to defend it should it be used somewhere else inappropriately. And we have three communities using a single domain and we have to make sure that regardless of how we may stay together or separate in the future, they all have continued access to it with as minimal and preferably zero change.

All that communities could survive the domain name changing with various degrees of ugliness, some much more than others. Preferably we don't have to do that. There are technical solutions so we just have to come up with something that everyone feels comfortable about.

You know, the largest fear as I've heard it, is that should we decide there is some level of severability between the three IANA functions we won't like each other and won't play nice. And lawyers are really good at writing contracts and putting things in forms so that we can try to cover those eventualities. It happens in business all the time.

So I really think it's a matter of, as you said, state exactly what our endpoint is. And I don't see a real difficulty in doing it. You know, Andrew's position says they party come to a formal decision, the rest of us haven't. It might be easier to work around that one and we don't have to reopen that thing that may or may not be possible. But I don't see this as a difficult process to identify the endpoint. The negotiations may be difficult. I would like to think not. Thank you.

Jonathan Robinson: Yeah so I think it's a good point. We do have to be careful that we don't jump too far down the track. I think it's clear that we have to, and ideally should have somehow improved our communication around this. But that's a

challenge with the way, to the point that some have made, you know, with the way in which communication goes to various forums and mechanisms.

But certainly the one thing we all seem to agree on is getting the facts straight upfront will be very helpful. It may be that we can look at three different goals and then see if those three different goals from the three different communities all reconcile which they may indeed do quite easily. But let's work through it a little systematically and make sure we take -- we're not in a huge rush to sort this out. We now see that we need to do it a little carefully and that will help.

Nurani.

Nurani Nimpuno: Thank you. Good morning. Nurani Nimpuno. I am vice chair of the CRISP team, one of these other communities you're talking about. And I just wanted to comment on the approach of time to lay out the facts in a joint manner, I mean, the process. And I find that very reasonable. And if we can be of any help of I'm sure if the IETF can be of any help in clarifying the issues around the IETF trust we're very happy to do so.

But I - and I also just wanted to point out, and I'm sure you're all aware, that our communities operate on a consensus base, bottom up process. And while I won't comment on the cultural experiences, getting the three communities together, I do want to point out that as we have reached a consensus decision in our community when you talk about talking to the other communities we're very happy to have formal and informal discussions with you.

But if this group were to come to a solution that is different than what's already on the table then we would simply have to take that back to our community and start that bottom up consensus-based process again. And I'm

not saying that that's not at all possible but I'm just asking you to tread carefully and of course to talk to us. Thank you.

Jonathan Robinson: Thanks, Nurani, that's clear and noted and I think I would hope understood. It seems to me like we've had a good discussion on this. Greg, your hand is still up. Did you want to make a final point?

Greg Shatan: Yes, I think we need to separate this, again, go back to what we said; we're separating this into two parts which is generating a common set of facts. We don't know exactly what fact the conclusions by the other communities were based on. But we need a common set of facts and then that's - that I think should be relatively easy with the other two communities. I don't think we need to be too formal about it.

And have, you know, similar groups from the other two communities just come and bring the facts together. We can come up with something that's generally agreed to be a neutral expression of all the relevant facts or what feel like all the relevant facts. And make sure they're accurate. Then we can begin -- then we can kind of take that back at that point, that becomes kind of our work and not the work of three communities, to determine what kind of our position is and goals.

And then I think at that point we reengage in kind of a different way and maybe with even slightly different aspects of the other two communities as I'm hearing. So at that point were talking about decisions. But the fact gathering should just be just one big campfire with everyone hanging around and swapping IANA stories. That's where we need to start.

I keep hearing people start trying to move away from facts to conclusions as to whether this is a shared resource that is a conclusion based on unstated facts

in the sense -- in some ways it's shared but we don't know how exactly it's shared. And there are you know, different -- do I share my car with the guy in the garage? Yeah, he drives it but it's not shared. So we need more facts to decide exactly what it is we're talking about.

So people are trying to leap over facts and they're not as simple as people think. They're not very difficult but they do need to be set out carefully. And then we need to move through the process. This doesn't need to be long or complicated but trying to kind of hopscotch through it isn't going to do us any good.

We spent a couple of weeks doing that on the list and that's why I think we need to go back to the first principle of a neutral and common set of facts through a fact gathering exercise. Thanks.

Jonathan Robinson: Okay so I think we've got that. And that seems consistent view of the platform we need to build. My experience tells me that even facts might not necessarily be that easy to agree on but we'll give it a good go and that is certainly a logical first starting point. So let's go with that plan.

I think I'm going to move us on now off this topic. We've had a good airing of the issues and a reasonable plan to start to work with. Is there anything else anyone would like to raise in and around the work of this group before we conclude today's meeting and handover the facility to the next group?

Looks like we're okay. Well it's...

((Crosstalk))

Jonathan Robinson: Oh I've got a comment. Chuck, go ahead. Sorry.

Chuck Gomes: Sorry about that, I was a little slow. Chuck Gomes. I just want to acknowledge and thank Sidley Austin and in particular Holly and Sharon who are here with us today, because I think it was a real significant point for us when we started getting the independent legal advice. In my opinion that was really critical to being able to move forward. And they came up to speed amazingly fast with very little time before the meeting in Istanbul.

And so I personally want to thank them for what they've contributed and as they continue to contribute because I think it was invaluable for us to making the progress we have.

Jonathan Robinson: Thanks, Chuck. I'd certainly echo that and I think, you know, it's clear that you can buy professional services but the professional services that have been delivered in a professional and sensitive way. And Sidley's role has been significant in, you know, we're all very pleased with the point we've got to today. And we are no doubt here in part because of the quality and - of the advice we received and the appropriate way in which it's been delivered. So I'll echo that quite happily.

Alan.

Alan Greenberg: Well in line with that, I'd like to thank the staff who allowed us to get to where we are today. Grace and Bernie and Marika and other people I'm probably forgetting, Chuck made a comment about buying services. We pay these people but there's no way you can pay them for the level of dedication and effort that they put into this. I have a vague idea of how much was involved because I've done a few things like this, but not one of this magnitude. And I am just eternally grateful and I think we're very lucky to have them.

Jonathan Robinson: Well that's a very positive note to finish up this significant milestone for the group. So thank you everyone, participants, members, professional advisors, staff, everyone who's helped get us to this point. It really is a great milestone to have the endorsement of the chartering organizations such that we can submit our proposal to the ICG, which after all was a principle aim of the whole activity. So great.

Very good to be at this milestone with you all here in Buenos Aires. And it sounds like our work is not yet fully complete but this is a major point so thank you very much.

Grace Abuhamad: Operator, we can stop the recording.

END