

**ICANN**

**Moderator: Brenda Brewer  
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Leon Sanchez: ...is an update on each Stress Test Working Party effort. And for that we have the Stress Test Party Rapporteurs, Cheryl Langdon-Orr and Steve DelBianco. So we have some late inclusions or we could have late inclusions after July 15 to the Stress Test Working Party. And as I said, we have Steve and Cheryl for this.

There are some nine new stress tests. And we will be walked through these new stress tests by Cheryl and Steve. And for this I would like to turn either to - I don't know if Steve or Cheryl would like to...

((Crosstalk))

Leon Sanchez: Okay. So ladies first as usual. Cheryl, could you please take the floor?

Cheryl Langdon-Orr: Thank you Leon. Cheryl Langdon-Orr for the record. And I hope you all enjoyed the pre-medical advice on gynecological aspects of drugs post-surgery that apparently the open mic took out to at least the Adobe Connect room. But that's all right. A bit of experience in sharing. That works fine.

That includes Stress Test Working Party. If we draw your attention to our update slides in front of you. As a result of activities in the public comment period and particular letters and memos associated with that same time period, we've added a couple of stress tests we're going to have a look at and go into a slightly deeper dive on a couple of those in today's presentation.

And once Steve's taken you through some of that material, we will have a little bit of extra interaction that we'd like to have a Q&A session and we can certainly go into others of our stress tests. And indeed note that we haven't closed the books yet on these stress tests at all. So I think with that let's just jump straight into it Steve and over to you.

Steve DelBianco: Thank you Cheryl. So a lot of you know that we had 26 stress tests in the original draft we published on the 3rd of May. And as Cheryl indicated, we've added nine. And those nine came from a variety of places.

So the slide you have in front of you in the Adobe Connect is a simple summary of what we've added. And I'll walk through the briefly without necessarily taking you into each and every page.

I think that (Grace) and staff can put into the chat a hyperlink to the actual document that contains those stress tests. And all of the new ones that I'll be mentioning begin around Page 25.

And we'd be happy to take questions on specific text but the co-Chairs suggested we not walk you through all nine new ones but instead summarize what we've done and give you the opportunity to ask questions.

So we took - like I said, we took multiple sources. We took the CCWG discussions that were held in here since the publication, which was early May. We looked at public comments and there were 11 public comments that specifically came in in writing with regard to the stress tests.

NTIA's letter or Larry Strickling's blog that was published before we all arrived in Buenos Aires contained four stress tests they requested at NTIA. And then we had the ICANN Board legal memo that came in on the 20th of June, which had two stress tests that were explicitly requested and perhaps others that are implied.

So the first thing we did was took a look at Chris Disspain's stress tests. That got his attention, didn't it?

Woman: (Unintelligible).

Steve DelBianco: You folks were (calm) but Chris asked a really good question. He said, "Wait. Now wait a minute. If an IRP decision can be enforced by a court, does that mean that a California court would interpret our mission and core values and our bylaws?"

And we quickly did some research to understand that that's not the way this IRP works. As (Becky) has indicated several times, if an IRP is a binding decision and the binding decision is reached and the Board ignores the decision, then any court on the planet that recognizes international arbitration results could be turned to to enforce the decision.

And the enforcement of that decision only looks at whether the process was followed properly. It doesn't look at the merits of the underlying decisions that

the panel made because that's the whole point of arbitration was to use the panel.

And I want to - I want to thank Chris for mentioning those two stress tests. And then when we came back to Chris with writing them up concluding that it was not a significant risk, Chris was gracious enough to acknowledge okay, I think we've got that covered. Let's move onto some other issues. So that's in the document. There's probably not a need to go into too much detail on it.

We also edited Stress Test 20 for a comment from the Registry Stakeholder Group who corrected us on the proper order of policy and development before you can get to the point.

We added two new stress tests that were suggested by David Post and (Danielle Kale). These were stress tests with respect to -- well it's a hot topic right now -- whether in the new gTLD program whether Specification 11 for registries in the Registrar Accreditation Agreement 3.17. In other words, the obligation for a registrar to investigate and respond when given a report of abuse.

And those abuses include things like malware, malicious code, trademark and copyright violations. So (Danielle) and David were very concerned that would cause registrants to be terminated and could they use the IRP as a way to challenge the interpretation of an RAA if it was in conflict with ICANN's new bylaws?

Our conclusion was well yes it would in a binding decision. It could well unwind the enforcement decisions that ICANN would make. Now this came up at the last Buenos Aires meeting because ICANN compliance hasn't yet

determined what it intends to do when it enforces the obligation to investigate and respond.

They're working on that and presumably the public will have some input into that. And that decision on how to enforce it would be well, a management decision, not a Board decision. So when the management decides how to enforce that provision, I think that too would be subject to an IRP. (Rosemary) and (Holly) are nodding.

Then let's move on to the middle one there. We have a stress test on rogue voting. Do you folks recall early in May right after published there was this concern that by setting up dare I say it a UA or an avatar we would create a situation where the person who's carrying the vote for a given AC or SO would not follow the instructions of the AC/SO?

Well I know that in Buenos Aires we buried the UAs and rogue voting avatars but the fact remains that if we have an empowered AC/SO model, right, an AC or SO still has to have somebody who registers those five votes for the ALAC say.

That individual could be the Chair of the ALAC and so whoever the ALAC designates but they have to sort of communicate that vote. It might be through an email, could be through a raising of the hand or a vocal indication on a phone call. But they do need to communicate the vote faithfully. Faithfully to the AC or SO they're voting for.

The scenario where if the voting was not faithful well then any officer or member of that underlying AC or SO -- I used ALAC as the example -- would quickly notify the community voting mechanism. Hang on. We had a

miscommunication. That gives you an opportunity to suspend that community powers vote.

And by community powers vote of course I'm talking about oh say a vote on whether to approve a bylaws change. So that vote would be suspended while ALAC works things out. I have no doubt that Alan and Cheryl would figure it out, deal with it. You might replace the person who was communicating in the email. You might just clarify things.

Alan Greenberg: What if we're the rogues?

Steve DelBianco: Well then we would count on the other ALAC members to hold you rogues to account (A). They certainly can be counted on in the ALAC, I know that. So we think that that was answered well.

And then NTIA, as I mentioned earlier on the 16th I believe of June, Larry Strickling sent - he put up a blog post but it's just like a memo or letter to all of us at the CCWG.

And he posited four new stress tests, which we've written up. And they're in the - they're in the document on Pages 30 through 33. I'll quickly summarize. The first was hey, can we preserve the multi stakeholder model if individual ACs and SOs opt out of having votes?

I think you'll like the kind of - the way the Stress Test Team answered that. The first part of the answer was that in keeping with a multi equal stakeholder model, we invited all stakeholders to participate in the community powers of voting.

And then we used an example like the SSAC and the RSSAC who've thus far indicated they probably won't indicate - they won't take advantage of the voting mechanism.

And we discussed the fact that that doesn't defeat the multi stakeholder model because the SSAC and RSSAC are still going to give advice to the Board and the community. They're still going to be just as active part of ICANN as ever they were.

It's just that they felt they didn't want to vote on bylaws changes and budgets and strat plans. Instead they want to give advice on the area of security, stability and resiliency.

And it may be that the rest of the ACs and SOs who do vote would turn to the SSAC and RSSAC for technical advice before casting a vote if it had a technical nature to it.

We then went on to say that if in fact the GAC decided that it wasn't quite ready to enter a community voting mechanism, we went the next step. What if that happened and we were left with ALAC, ASO, GNSO, ccNSO? Would that be sufficiently representative of the global community?

Well, a quick analysis says that when you get the ccNSO and the GNSO, you would have the supporting organizations for the gTLDs and ccTLDs. And last I checked those are the only two types of TLDs we have.

The ASO picks up the numbers and ALAC brings into place the end users and registrants in both those places. So it's still a rather multi stakeholder global representative body.

Now having said that, if we lose any of those key four, I think that's an opportunity to say maybe we need to reexamine whether we've really got a representative voting scheme. Okay.

The next one was NTIA 2, which was the risk of internal capture. And you know this has come up many times. We had Stress Tests Number 12 and 13 back in May that partly addressed it.

But here we explored it further. And this discussion occurred when Work Party 3 discussed the idea that structural reviews that are required in the bylaws I think can and should include whether there is a capture risk that's happening.

We talked about the notion that members of a given group, let's say the GNSO where I live. If part of us in the GNSO felt we were being captured by contract parties, we would find a way to register that concern although it'd be unusual if you were captured. It would be unusual for you to get changes to your charter, changes to your operating procedures if they had to be approved by people - well, people that had captured the voting.

Capture can occur in other ways. It might be that a significant number of individuals from one particular point of view make themselves - insert themselves into a working group or assert their voting power to elect their officers to a given constituency, stakeholder group or AC or SO. So when that happens, we're going to need an ability for folks to sound the alarm; presumably the ombudsman is another angle on that.

But where do your community powers come in on this? They probably don't come in until - let's say an AC or SO provides advice - an AC provides advice to the ICANN Board and the ICANN Board acts on that advice.



If members of that AC felt that its advice that actually was the result of a capture and it was tainted, it could challenge the Board's decision to accept the advice through an IRP. The IRP looks at the bylaws and the bylaws require a bottom up multi stakeholder process that potentially would be violated if the AC had tainted advice. So that's a little bit torture. So we'll have to have you all read Pages 30 through 33 to see if we've covered it all.

Very similar analysis for NTIA's third request, which was to examine whether - how would we react if there were barriers to new entrants who came into the ICANN model and found themselves unable to penetrate the AC or SO that was the most appropriate for them to be part of? So similar analysis where we do need to figure out whether the ombudsman is going to acquire any enforceable type powers as well.

The fourth from NTIA was what are the unintended consequences of operationalizing a group that is - thus far been advisory in nature and NTIA said for example the GAC.

The first thing we noted is that the GAC is quite operationalized today; that the GAC through its advice is able to effect significant aspects of ICANN's operations. One need only look at the operation of the new gTLD program to understand that with respect to safeguards and advice on strings the GAC's been very active in that regard.

So I would ask NTIA what specifically they meant to be operationalized that we aren't in today. But nonetheless we went in on that particular analysis to show that operationalizing in many respects is simply recognizing that governments along with every other stakeholder is entitled to express as a global stakeholder, as a mutli equal stakeholder express their views.

And that's why there was an invitation to all ACs and SOs to exercise voting powers and the community powers. If for whatever reason they don't, then that's a choice that they made and not a choice where they were disenfranchised.

Okay. Then we added two questions for the Board legal memo that came over on the 20th of June. We added two that were regarding stress tests specifically. And they had to do with what unintended consequences would arise from empowering entities who are not required to act in the best interest of ICANN as a whole and if stress tests were conducted for each of these consequences.

And then what are the risks associated with empowering members to bring lawsuits against ICANN? The Stress Test Team has parked those two items because we will address them after the CCWG has adopted a new reference model for the enforceability part of our community powers because that enforceability part will or will not bring with it this risk of individual lawsuits under statutory powers granted in California.

They may or may not be there. They might only be constrained to a single member - a community as a single member in which case we had slides earlier from the lawyers explaining why that is a mitigated risk. So we'll have to pick up that later.

And then the last item on here was brought to us by Malcolm Hutto who's done a superb job mapping out a flowchart. I think we'll talk about that tomorrow when we review the IRP.

But Malcolm asked so many of the stress tests - in fact most of them rely upon the crown jewels of the new and improved IRP with its binding nature in order to be able to hold the corporation to the bylaws.

And what (Matthew) asked us to - Malcolm asked us to assess is there's two critical assumptions there. You have to assume that when an IRP is properly filed that the Board must agree to be bound by the decision. If there's discretion on the part of the Board about whether to be bound, what good is the binding?

And the second is the enforceability of a binding decision that's returned from an IRP panel. And I think that one was easy to answer and (Holly)'s agreeing. And we think we have that covered in any court that recognizes international arbitration results. So we'll save that for tomorrow and (Becky) and everyone else can cover that during the IRP session. Okay? All right.

Finally I'm going to turn over to Cheryl to talk about where we're going in the future realm and then we can take questions.

Cheryl Langdon-Orr: Well actually Steve I think the thing is we have perhaps a question in the chat pertinent to NTIA 4. We should probably deal with that now and Chris has his hand up. So let's deal with the NTIA 4 question from Kavouss and in the chat where he says he does not understand the objective of NTIA Question Number 4. And then to you Chris.

Steve DelBianco: Kavouss, would you like us to just respond to that or do you want to speak to that question?

Kavouss Arasteh: I want to speak. You allow me?

Cheryl Langdon-Orr: Go ahead.

Kavouss Arasteh: Yes.

Cheryl Langdon-Orr: (Okay).

Kavouss Arasteh: Two questions. First, I don't understand the objectives of the Question 4 of NTIA. I was typing something in the chat but (a short sentence) I said that doesn't mean that if GAC opts to remain advisory - in advisory capacity it would be excluded for exercising any of those six powers totally.

Steve DelBianco: May we...

Kavouss Arasteh: Remains advisory but does not have any right to exist under any powers if the bylaw changes, if the fundamental and so and so except the removal of the Board member because GAC does not designate any Board member. This is Question 1.

And the Question 2 I don't understand the question of the ICANN - that ICANN must agree to the binding. What does it mean there? Thank you.

Steve DelBianco: Thank you Kavouss. The must agree to binding is with respect to the IRP, not the other community voting powers. So why don't we cover that tomorrow? And I believe that the IRP session tomorrow will be able to drill into that.

Let me turn to your first question. And you asked what was the objective of asking about NTIA Number 4? In truth you probably have to ask Larry Strickling or the representatives of NTIA who are in the back of the room. But let me take a guess to it.

They asked without stating an objective. They simply said what are the unintended consequences? Are there any unintended consequences of operationalizing a group like the GAC who has formerly just been advisory and now will be voting in a community power in addition to being advisory? So we'll - in an either/or.

So I think it's a fair question. And it gets to the notion that will that change the nature of that body, that AC like the GAC? Will it change the nature of how you conduct your business? Will it in other ways change the ICANN operates?

So if you check Page 33 of the document, you'll see the way we wrote that up is that we believe there are several ways in which the GAC's particular impact on operations is being changed, modified in certain ways as part of the proposal, Stress Test 18 among them and that the IRP challenges are another one.

And that those in a sense balance the new voting power that the GAC has been invited to exercise. But it's a fair question for NTIA to say what are the unintended consequences both for that AC itself, the GAC, and the unintended consequences for the ICANN as a whole? And we believe that this stress test probably answers positively.

Cheryl Langdon-Orr: Chris.

Chris Disspain: Thanks Cheryl. (Unintelligible). Thank you Cheryl. And Steve, I actually was wanting to talk about the fourth NTIA question but in a slightly different way. And I apologize if I misheard you Steve. I think you - I think you - I think I might have misheard you but I just wanted to check.

My concern is a slightly different concern than what I think is intended by Question 4. My concern is where we create a model or we end up with a model where one of our groups and in this particular case the folks that's on the GAC is actually unable to belong to that model.

What I think I heard you say is that - is that's their problem if they, you know, they have a choice. They can belong or they can't. I agree if they have a choice. There are some - there are some areas where I think actually they simply cannot belong.

Steve DelBianco: Because of this legal (person)?

Chris Disspain: Yes. Exactly. Concept of governments actually but, you know, that will - they will have their own different rules and I'm not trying to speak for individual governments but I do know that there are major issues.

So what I want to do is just to flag the point that it's not - I don't think we can simply say it's available to you. If you choose to use it, that's up to you. I think there are some circumstances where it actually is impossible for them to use it. And there are some circumstances where it would be impossible for members of them to use it.

And in that case that applies to a ccTLD world where for example there would be some ccTLDs that are government owned that would be constrained in a similar way to the way that the GAC colleagues would be constrained. I just - not making the point for any other reason than just folks to be clear. Thank you.

Steve DelBianco: Chris, if I might respond. I'm not a lawyer, an engineer so I tend to look at this a little bit differently. The five community powers, the ability to vote on a

bylaws change, the ability to vote on a budget veto, they have nothing whatsoever to do with the enforceability model.

The bylaws themselves, which created the ACs and SOs, would be modified to allow those ACs and SOs to vote with a weighted voting on a decision. And none of that requires personhood of any kind. And so the decision to participate in the power was what the NTIA 4 was asking about.

It wasn't asking about the down the road enforceability. It's simply said if the GAC decided to help contribute to the voting there'd be five of the 25 votes if you knock off the four for the RSAC and SSAC and the casting of a vote it doesn't require any modification to any of the ACs and SOs. And it doesn't require that they be a person.

So I don't know why we conflate those two. This personhood thing only has to do with the down the road enforceability. And please lawyers, kick in if I've got that wrong.

Chris Disspain: Can I just...

Woman: I think (unintelligible).

Chris Disspain: Can I just respond briefly because I may have been misunderstood. I don't - I'm not actually disagreeing with what you said. And I - what I was trying to do is spin off the NTIA Question 4 and make a slightly different point.

But I would say again, and this is something...

Man: Well, so our next agenda item...

Chris Disspain: We need to check. I would say, again, that there are very nuanced challenges for governments in voting. Governments have rules about empowering other governments to vote on their behalf. They have rules about (representation) on bodies that vote.

For example, we've talked to, in the past about the GAC actually having a board member as a liaison. That's (increasingly) challenging for them. Getting them to put represented teams on to various committees becomes incredibly challenging.

And simply flagging this is I do, I don't want our model to be made in a way that, simply by (unintelligible) its existence includes the GAC from being able to participate. Thanks.

Cheryl Langdon-Orr: We were having a little (concept) down here at it seems to me, and (Steve), without having consulted the rest of the stress test working party, that by breaking the NTIA (in four), up to 4A and 4B, we can, in fact, test exactly that proposition. It's written down in red on (Steve)'s paper. Therefore, it shall be (served).

((Crosstalk))

Steve DelBianco: And, Chris, it's the opposite of NTIA four.

Woman: Yes.

Steve DelBianco: It's not the unintended consequences of participating. It's whether there are structural impediments to being able to participate at all. Do I have that right?

((Crosstalk))



Chris Disspain: Correct, which is why I started by saying it's not right to be thinking about it a certain way.

Steve DelBianco: Instead of NTIA 4B, it'll - Chris Disspain number three.

Woman: No.

Chris Disspain: I prefer anonymity, if you don't mind.

Cheryl Langdon-Orr: We'll manage that later. Okay, have we got any other questions?

Steve DelBianco: All right, please look at the documents and we're here all week. We take questions. Thank you.

Cheryl Langdon-Orr: Just before we wrap up, however, I do want to make it very, very clear that the work of the stress test working party is a dynamic and I'm going one. The outcomes of the deliberations of this cross community working group on what model it may end up with as its preferred reference model is absolutely pivotal to how we then run a number of these stress tests.

So this is not work which will be completed with the publishing of the second public comment document. This is work that will need to respond and react, for example, to what happens as a result of our second public comment run through.

And to that end, I would like to suggest to any of you who are currently deeply engaged in your time and energy into one of the other work parties that our doors remain open.

Our weekly meetings are occasionally canceled but not that often canceled and that you are more than welcome, in particular, when we move into this next phase, once reference models are established and we have some tighter framework for running the existing stress tests we have.

I also want to make sure that you're all aware of the fact that the books are not closed on these stress tests as of yet. We - as you saw, literally contemplating adding one at the table right here as a result of Chris's intervention.

So if you, as a community - cross community working group member or participant, feel that there is something we need to stress test, there is no reason why we cannot consider it.

I would also like to make sure that when your workload changes a little, that you feel more than welcomed to join us in the ongoing work of the stress testing that is necessary. And with that...

Steve DelBianco: I think we have two - one in the queue.

Cheryl Langdon-Orr: One in the queue.

((Crosstalk))

Man: We have two people in the queue.

Cheryl Langdon-Orr: Okay, I'm going to go to (Seth) first and followed by Kavouss. (Seth), and that's the remote.

Seth Johnson: Okay, just tell me if this is not coming through.

Cheryl Langdon-Orr: Loud and clear, (Seth).

Seth Johnson: I'm getting - okay, I'm getting in echo but I'll just talk over it. Okay, I'm looking at the - I've mostly analyze your five stress test categories and you basically boiled down to only stress test two and five are relevant to the IANA transition.

And those are in areas that are actually functional aspects of, you know, of what ICANN and IANA do in the case of category two. In the case of test category five, which appeared to be mostly about external stakeholders, is really interpreting it's in terms of also explicit provisions, like the AOC may be terminated or delegate IANA to a third-party.

It may be under another national (auth) or, if you drop your presence in a nation, the people in that country would not be sub- were not have legal redress according to the (issues) at play.

Now, all of these are functional aspects of explicit provisions, okay, and all the rest, you say you're not relevant to the IANA. Now, when I want to ask has to do with - is relevant to the documents on CCWG (jurisdiction) which I call (unintelligible) question when are we going to discuss that in the agenda?

And - but my point, my question is, shouldn't you be looking at the effects on fundamental rights because I can look at the litigation an existing loss, stress tests three and four and new law, national injunction against re-delegation could be about a fundamental rights issue.

And a court order against delegation might be about a fundamental rights issue. And so people in the US or, if you look at the stress test number 18, which is already mentioned, the GAC might switch to a majority vote

principle and then ICANN wouldn't necessarily have to -- I forget the terminology -- negotiate a reasonable outcome or an acceptable outcome with them.

But under, what I guess is interpreted as a lower standard, just the majority of as opposed to consensus, that's a very weird one because the truth of the matter is, if the GAC did that today, if the GAC got a bunch of government, the majority of them voted on some rule amine done ICANN to implement it - copyright is a perfect example.

It in pages on fundamental rights, right? And it's, you know, that represents a transition from removing the NTIA. If that happened today, a US citizen would sue the NTIA for allowing some - a corporate entity to have that happen to the US.

So the recourse that US citizens have against fundamental rights claimed against their own government because they happen to be presently involved goes away and (makes cases) when you take them out, when suddenly the legal arena is international law where the best standard review you're going to get for an international human rights is a balancing standard because governments write both human rights treaty and any other treaty.

Okay, so my question is, if we have a discussion of CCWG-dash-jurisdiction in light of that, because I don't think that conclusion about the scope of CCWG is correct, I think the - you have to assume there's a change in jurisdiction. It is and that CCWG doesn't change jurisdiction. They have to address that.

That's part of the problem in the transition to the international arena. The laws of fundamental rights, and that should be part of your stress tests, so if we

have - if our discussion we that way, to we go back at the stress tests and address that question? I'm sorry it took a long time. I pick it was a very important point that needs to be raised.

Woman: (Okay).

Steve DelBianco: Yes, (Seth), two fundamental misunderstandings on your behalf, and it might be that we have to catch you up on what the stress tests are all about in ways that were not obvious in the way we brought them up. And I'm sorry for that.

The first is, you asked about which ones affect the proposals of CWG stewardship of numbers and protocols. On Page 3 of the stress test document, we list that there are a dozen of the stress tests that do affect the operations of the IANA functions.

And I think what you are focusing on is at the bottom of each and every stress test table, and the left-hand corner, is a statement of whether it is or is not directly related to the fact of the transition.

So that's a cause and effect indicator. The co-chairs asked us to put it in there and we did. The stress test team put it in there. It is of no consequence whatsoever. It's just the work of the CCWG.

It's about the overall, ability of ICANN due to the lack of future leverage once the IANA contract is gone. So the words, "directly related," are simply cause-and-effect statement and it has no relevance. But if you want to know which of the stress tests address the functioning of IANA functions, you would go to Page 3 of our document.

The second point you brought up about suing NTIA, I have no idea if and whether that could even happen today. But of course, it wouldn't matter at all once NTIA let's go of the contract and that's the world we're trying to design around. So if you want to...

((Crosstalk))

Man: But hang on, hang on. My...

Seth Johnson: That's exactly...

((Crosstalk))

Steve DelBianco: So (Seth), (Seth), it's our turn, (Seth). And we're not hearing you in any event. But, (Seth), you mentioned stress test 18 and, in fact, if the GAC decided today that it wanted to change its operating procedures, they could do so.

A majority of the GAC could vote at two subsequent meetings and they could change their decision-making processes from the absence of objection to simple majority or whatever the GAC wants. That's their business.

((Crosstalk))

Steve DelBianco: And if they did so, they don't even have to get the approval of ICANN. That's something that's in the operating procedures of the GAC. And it's because of that, that stress test 18 is sort of one new line of the bylaws or proposes to insert one new line.

It says that we like the way it works today and have since the beginning which is that when the GAC works on the basis of consensus, and those decisions carry with it an obligation for the board to try and find a mutually acceptable solution in cases where it's unwilling to accept the GAC advice.

And that's a unique power that only the GAC has. No other AC carries the application of trying to find a mutually acceptable solution. So stress test 18 simply says that only where it's consensus and that's exactly the way the GAC works today, okay?

((Crosstalk))

Cheryl Langdon-Orr: Thank you. Sorry, (Seth), what I'm going to suggest is, because your audio is not particularly coming through at the moment, and it really isn't coming through at the moment, our next meeting for the stress test working party would be one of the ideal opportunities for any possible new stress test to be discussed.

And I look forward to your contributions on this matter and other matters when you join us. I saw (Carissa)'s hand come up and go down, so I think the next (order) is actually Izumi and then will go to you, Kavouss, so Izumi and then we have closed (after).

Izumi Okutani: Thanks. So I'm trying to think of how the stress test can help in - as a reference for us to decide on which model would be desirable for us. So I think - I understand the status that we haven't really gone into analysis of a particular model until we decided.

But can we do it the other way around? So, for example, compare different models and then to the stress tests including of this particular model could

affect in destabilizing ICANN, for example, because I think this is another thing that we - it's important for us to ensure?

So whether a particular model will not be susceptible for (capture) by a particular group or it doesn't, like, increase the possibility to be sued. I mean, I'm just listing them as examples. And then, if we can compare them, it could be useful reference for us and thinking about which particular model might be helpful.

Cheryl Langdon-Orr Thanks Izumi. (Unintelligible).

Steve DelBianco: Izumi, the vast majority of the stress test analysis, which have been coming out by (positive) saying that the proposed solutions enhance and are adequate to hold the corporation accountable to the community.

Those conclusions rely upon the enforced ability of the community power to block a budget, say the bylaw, enforce the decision. So that enforceability is an inherent assumption.

The degree of enforceability and how it's done is not there. It's just the assumption is that these powers have teeth and they are not merely advisory. So that's done without knowing or caring whether the enforcement happens through a member or designator.

None of that matters to the way the stress test has been analyzed so far. The second part of what you said is that once we come up with a reference model, perhaps there are - perhaps there's a new stress test about what ICANN find itself in court more frequently as a result of the new reference model?



It's somewhat covered by what we added for - Chis Dispain, the two we added in May, the California courts with respect to the IRP. But if there are other statutory powers that members would require and we pick a member model, please work with (Cheryl) and I and the work party. We'll design a few stress tests for that. Thank you.

Woman: Kavouss, you have the shortest amount of time humanly possible for your (unintelligible).

Kavouss Arasteh: Short, short, yes. It is always a great pleasure to speak physically with Steve DelBianco. He's very pleasant, with a smile and (unintelligible) suits and so on and so forth. (I'm not in) favor of stress test 18. I was against it from the very beginning. He was not happy but it's more easy to talk to him physically than electronically. Thank you.

Man: Thank you, Kavouss.

Cheryl Langdon-Orr: Thank you and luckily stress test 18 can be dealt with a little later in work stream to. Thank you one and all. We hope we would help to understand what are working party has been doing.

Leon Sanchez: Thank you very much, (Cheryl). Thank you very much, (Steve). And we are now open for lunch. And, well, the important thing about the stress test is to remember that whatever new stress tests - the stress working party have come up to, it doesn't modify our proposal so far.

And also, what's most important is that we need to come to choosing a model because otherwise the stress test working party will be continuing to - yes, I see (Thomas Schneider)'s hand is up. (Thomas), could you please?

Thomas Schneider: Yes, thank you and good late morning everybody. I don't want to belong. I just want to share with your personal impression; this morning has been very exciting. A lot of new ideas have come in.

And to some extent, it feels like were in the beginning of a process where we'll have 2-1/2 years' time to sort everything out which may not be the case, at least not if you look at work stream one where it says accountability - enhanced accountability within the timeframe for the transition.

And from what I understand, the timeframe to agree on things to be implemented by June next year until Dublin, so I maybe we should all spent some time during lunch brainstorming on how we - I miss the right - the best words in English - and how we slim down work stream one and the way we deal with it before tomorrow evening in the sense that - and I would propose to really have a look again at the CWG proposal with a focus of what exactly, in what context, in what substance is required for the CCWG to make the CWG, ICG proposal work.

So look at the changes that leaving the NTIA from the contract, getting a contract between ICANN and the (BTI). What are the concrete elements that they need for the transition to happen? And to try and focus on this and then take the big part of the global holistic enhancement of ICANN's accountability mechanisms.

Maybe for once we've dealt with the concrete questions that the CCW- the CWG is asking us. That's just a little bit of food for thought for lunch. Thank you very much.

Leon Sanchez: Thank you very much, (Thomas). We welcome your comments of course and this is food for thought and we can go through this over lunch. So last I have (Paul) before we go to lunch so (you're standing) between lunch.

(Paul Rosensweig): (Paul Rosensweig). I won't stand long between lunch except to register my very strong disagreement with the statement just made. We have, for the last eight months, (pegged) accountability not exclusively to the IANA transition and the CWG's work, but rather to a broader enhancement of accountability for ICANN.

And I believe that it would be a grave error to see the imminent deadline as something that forces us to essentially get rid of the superstructure of accountability that we've been working on. And I would urge those who are members to reject that.

Leon Sanchez: Thank you very much, (Paul). And with that, we will now go to lunch. So you have any announcements, (Grace), as - with regards to - we'll be able to leave are things here or not?

Grace Abuhamad: Yes, so you'll be able to leave things in the room. There will be someone in the room at all times. And will be reconvening in one hour.

Woman: And ladies and gentlemen, lunch is upstairs in the gallery, so you can follow the signs that they have nicely placed. It's to the left of the jazz club.

Man: Thank you very much. Okay, let's break and reconvene in one hour. Thank you.

Woman: You can leave all of your computers here. As (Grace) said, there always be summit in the room.

END