

ICANN

**Moderator: Brenda Brewer
August 6, 2015
6:00 am CT**

Coordinator: The recordings are started.

Grace Abuhamad: Thank you. Everyone welcome to the 62nd meeting of the CWG. It's Thursday 11:01 UTC, and I will turn it over to Jonathan for his opening remarks.

Jonathan Robinson: Thank you, Grace, and hi everyone. Welcome back after a little bit of a break. I'm sorry for those of you who - for whom this is an unsocial hour. Just to recognize that our plan is to have calls normally scheduled every two weeks, alternating 11:00 and 14:00 as we - I have to step away for one moment.

Apologies, I had some external noise. I have to - so we're going to run these calls every two weeks if as necessary. And so you should look out for a confirmation that the call will take place or not. It's obviously a key time with the ICG work out for public comment as well as the CCWG work in parallel, and that's during what's traditionally a lower activity season with the northern hemisphere summer.

And we've of course just received a memo from Sidley on the (unintelligible). Thank you to Sharon and colleagues for preparing that and also for being available to at least take some high level initial presentation of the memo and discussion of that. In fact, you will notice, or let me see if you do notice, that yes moved forward in the conversation in the meeting so that we discussed that first in getting high level input on the memo and opportunities to take some initial thoughts and reactions on that work and hear from Sharon at this stage in the call.

I think one other point to note is that ICANN is running facilitation meetings for what you might consider a program coordination meeting bringing together the different proposing communities and the ICG, and in fact I think the NTIA, and the various interested parties to make sure that everyone knows what everyone else is doing. I think that was discussed and agreed in the - at the last ICANN meeting, face-to-face meeting, and it's being run. So I think Lise will provide a couple of highlights on that AOB towards the end.

I'll just note, and Lise will pick up I'm sure, that there remain a few risks inevitably being highlighted and we need to be mindful of those in the overall program work, and that includes probably this issue that we've got to navigate together with the other communities is the IP issue. So we'll come back to that and chat about that a little bit more later.

But I think for now probably the most timely thing to get on with is getting some update, and I'm hoping that Sidley will be able to walk us through in item two their initial thoughts, talk us through the key elements of the IP memo, hitting some of the perhaps the background that went into it and the basis for their initial findings, and then take a form of Q&A so we can start to talk through that and think what we do with that.

Of course there's some other legal work going on in the background as well, and that's a piece of work that we agreed that Sidley do, which is to scope out the matrix of changes to the bylaws that are going to be required for all of this, the accountability and the transition work, and to try and assign responsibilities for that.

So before we go any further, having got those opening remarks out on the table and understood that we'll go into a --I think it's not correct to call it a presentation -- but a discussion of the IP memo and sort of head's up to the key points and some of the background and start to get the group thinking about that properly, are there any comments or questions at this stage with regard to the agenda or anything else at this point in the proceedings?

All right, well you can see in front of you the agenda and that includes the update on the SLE work, a discussion about how, if at all, we respond and deal with the two open public comment periods, and we'll work our way through that as we go.

So I think then without further ado I will hand over to Sharon to provide some of the context and background for the legal memo and where they are at this point in their thinking and then we can turn that over to Q&A. So, Sharon, can we just check that you're on audio and able to talk and then I'll hand it over to you?

Sharon Flanagan: Thanks, Jonathan. I'm here.

Jonathan Robinson: Yes we can hear you, or I can hear you clearly. So go ahead.

Sharon Flanagan: Okay. Terrific. Okay well great. Hopefully you've all received the memo that we circulated yesterday on the issue of the IANA IP rights. Recall that you

had asked us to look at some different ownership structures for the IANA IP, and specifically we're talking about domain names and trademarks. And in particular because those - that IP was called out specifically in the proposal from the CRISP in the memo, so weighed in by the protocols team.

So why don't we just walk through. There were three different structures that we looked at, and I can walk through the highlights of the memo and you can read the memo for more detail, but I'll walk through highlights and step through each of the three structures and what we saw as the advantages and disadvantages of each structure.

So remember just the three that we looked at. The first is that ICANN would just continue to maintain the ownership of the IP rights, the second is that PTI would become the owner of the rights, and the third is that a trust, and it could be the IETF trust, would become the owner of the IP.

So just one note by way of background on this, I won't get into too much of the legal background, but one thing you should know because it kind of frames this conversation, is that in order for the trademark to be protected going forward, it is very important that the owner of the mark and the one who's got, you know, the ownership through the US trademark office also exercise some degree of control and oversight over that mark.

And that's - the reason for that is that the trademark is viewed as signifying the origin of the goods or services that are subject to mark, and so the owner has to, as the origin, has to exercise oversight in order to maintain the rights to the mark. And that's a legal requirement.

And there is risk that if the owner of the mark does not exercise that oversight and control, there is a risk that the trademark could be held to be invalid and

declared abandoned. And that's a so-called naked license. That's a license where the owner of the mark doesn't maintain adequate control. So that's just one thing to note in the background, and then I'll walk through what it means to the different scenarios. So I did want people to be aware of that one piece.

So the first structure we looked at is if ICANN were to maintain ownership of the IP rights. So that would really be, to a large extent, status quo. And the way that would work is ICANN would just to continue to have the rights and ownership of the IP and then would license two PTI the right to use those marks and use the domain name through the performance of the IANA function under the IANA functions agreement.

So ICANN keeps the marks, there's an agreement with PTI, and within that agreement, PTI has a license to use the mark. That would be the basic structure. And then ICANN as the owner would exercise that oversight I was talking about through this IANA functions agreement where it would dictate to PTI how it can use the mark and, you know, what the responsibilities are going forward.

What are the advantages of having ICANN be the owner of the IP? Well one is that it's been working currently. So ICANN currently owns the marks and presumably it's well equipped to exercise that oversight and control and as has been doing that.

And they presumably have experience enforcing the marks against third parties if there's ever an issue of infringement, and then they've also got experience in maintaining the trademarks and maintaining the domain names. So that's one advantage of status quo is that we know that ICANN is capable of doing it because they've been doing it.

The next advantage is that in the CRISP proposal where they recommended that ownership of the IP rights not be held by the IANA functions operator, so they specifically said the preference was that the operator not hold the IP rights. And so to some extent, although it's not exactly what they recommended, having the IP rights held in ICANN is consistent with that high level goal of not having the IFO holding the marks instead - or the domain names. Instead, ICANN would do that.

So that does create that separation that was I think was one of their indirect goals of having it go to the trust. So that's another advantage is that it may accomplish one of the goals of the CRISP team, although in a different manner.

And then another advantage of ICANN holding the IP is that there's some degree of checks and balances because you have ICANN holding the IP, you have PTI using it, performing it, you've got two parties under a contract and it's, you know, it's a structure people are familiar with, and presumably the two parties would, you know, articulate all of the rights and obligations and hold one another accountable for the proper usage of the IP.

In terms of implementing, it's obviously probably the easiest because it's just the status quo. As I mentioned, there would need to be a license from ICANN to PTI, but that license can just be built into the IANA functions agreement that we've already contemplated.

And then the last thing is on the rings - what we've been calling ring sensing, the idea that we've got - we would have all the IANA assets in a clear single place. Now that is not accomplished with this structure of ICANN holding the IP. However, it would be, you know, we think fairly easy to provide for the transition of the IPs.

If there was a change in the IANA functions operator, you would just have a new license would go from ICANN to the new operator and you wouldn't, you know, PTI wouldn't need to do anything. It would - the license would terminate, it's license would terminate and then ICANN would grant the license to a new operator.

So we see those as the primary advantages of that first scenario where ICANN would continue to hold the IP. What are the disadvantages?

The disadvantages there - one is bankruptcy. So if ICANN were to become a bankrupted entity, the IP obviously is part of ICANN's bankruptcy estate, and so that creates some risk of the ability for PTI to continue to use the IP. There is a whole body of law that goes behind that statement as to how you treat licenses in bankruptcy. I think that's beyond the scope of this conversation. But generally speaking, they're ICANN's assets, they're part of ICANN's bankruptcy estate.

But mitigating that risk is the fact is that ICANN is a nonprofit and there are some very helpful safe harbors, at least under US bankruptcy law, that would protect those assets even in a bankruptcy. So we don't see that a significant disadvantage at all.

Okay that's the first structure. Then let me talk about the second structure.

The second structure is if PTI were to become the owner of the IP rights. What would the advantages be of that? Well the advantage of that is that PTI would own the marks and the IP and would exercise control over the marks. So we have that, you know, that threshold item I talked about, which is the trademark notion in the US that the source of the goods, the origin of the

goods is signified by the mark. And so here we've got PTI is using the mark, it owns the mark, it's kind of all in one place.

The second advantage is this ring sensing that we've been talking about all along, the idea that all of the IANA assets would be in PTI clearly delineated, we know exactly where they are, and if there ever were a need to spin out or transfer the IANA assets, it's very clear what assets we're talking about and you would just take them lock, stock and barrel and transfer them to a new entity. So there's - that's an advantage and just - it's kind of a natural extension of the structure we've always been talking of creating a clear delineation of the IANA assets and putting those all into PTI.

If - another advantage is if ICANN were to become an insolvent entity, PTI has a separate legal existence and so would not be subject to ICANN's bankruptcy proceedings. Those are the primary advantages.

The disadvantages are that first I think and foremost it's counter to the recommendation of the CRISP team and the numbers community in the sense that their - what they articulated as one of their goals is that the IP not be held by the current operator.

However, I'll note that if you look at their proposal, what they say is they would like - they don't want the operator to hold those IP rights in part because they think it would facilitate a transition if the rights were held by a different entity, not the operator.

I think, you know, since that original proposal, clearly this group's thinking has evolved and the idea that having the operator hold the asset we actually think that can facilitate a transition for the reasons I just mentioned, which is that we know exactly where the assets are, they're all in one place, they're ring

sensed, it's very clear, we don't need, you know, we don't need to transfer anything into PTI from ICANN, it's all in one place. So it may be that perhaps having PTI as the operator hold the IP can still accomplish the goal of ensuring a smooth transition just in a different way perhaps than what it is contemplated by the numbers community.

So that's - but we recognize that's one disadvantage, it's not consistent with the recommendation from that group.

The second disadvantage is that PTI would be the - both the owner and the user of the marks. Now I said that was an advantage, but like anything there's two sides of a coin, and the disadvantage is that it's all controlled by PTI. And the ability to exercise oversight by ICANN and the community is indirect in the sense that it's indirect through all of the accountability mechanisms and the IANA function review and all the other work of this group.

There's still oversight, but it's through the - primarily through the IANA function review and not as much through the fact that ICANN would actually have the IP rights and would be the licensor and have, you know, more control over the IP directly. So that's maybe one disadvantage.

The other disadvantage is more procedural and mechanical which is that there would be some expenses involved in transferring the assets and, you know, legal work to be done there. There would also need to be evaluation done of the IP rights. We think that given that both ICANN and PTI are tax exempt entities, we think that as long as the IP is transferred into PTI without any payment, you know, no consideration, that that would not have - be a taxable event. So we don't think that's insurmountable at all.

And then if there were a PTI bankruptcy, then the IP would become part of PTI's bankruptcy estate. That being said, PTI would also be a nonprofit and so would have some of the safe harbors we talked about for ICANN.

So in any scenario on the bankruptcy side you have to say which entity is the most likely to have an insolvency issue and that would kind of - if you were just trying to decide this on bankruptcy alone, that would drive you to, you know, one structure or another. I think it's maybe a bit hard to predict that, but anyway that's one risk is if PTI has the IP and PTI were to become insolvent, then the assets are part of PTI's estate.

Okay so those are two structures within the ICANN world, in the sense of either it's in ICANN or it's in this affiliate that's being created as part of the transition, the PTI.

The third structure is the independent trust structure. So under that structure, the IP, the IANA IP, would be transferred from ICANN to an independent trust, and that could be the IETF trust or it could be a completely new trust.

Because of that naked license issue that I mentioned at the very beginning, the idea that if you are the owner of the marks you need to exercise control over the marks, that's probably the most important in - to think about in this scenario, because we can't have a passive trust, you know, without any ability to exercise oversight. We need the trust.

If we were to put the IP into a trust, you can't just take ownership and sit there and passively hold it and give a license to PTI. It actually has to exercise some control over the services, the quality of the services that are being provided by PTI.

So I think that's one of the places that's most significant because I, you know, I think we understand what the sort of resources are clearly at ICANN and we understand what we anticipate the resources being at PTI. I don't have a good sense for what the resources are at IETF, the trust specifically, and whether they'd have the resources and people necessary to exercise that oversight control.

So what are the advantages of using a trust, whether it's the IETF trust or it's a completely new trust? Well the primary advantage from our perspective is that it meets the recommendation of the numbers and protocols community. They specifically said they would like this IP to be held by an independent trust. They suggested the IETF trust was a good possibility, and so this is clearly just falling kind of right in line with their recommendation.

The other advantage is that in this structure there are different entities that own and use the IP and so that - we've got a little bit of that checks and balances we talked about under the first scenario with ICANN.

And then bankruptcy, again I said it kind of depends on who you think - which entity you think is most likely to have insolvency issues. In under scenario one or scenario two, you know, we've got some exposure either on the ICANN side or the PTI side. If you followed structure three, the trust, then neither and ICANN bankruptcy nor a PTI bankruptcy would cause the IP, the IANA IP, to be part of a bankruptcy estate. So that's an advantage there.

What are the disadvantages? Okay, the disadvantages, there's a few. The first is that it's probably the most complex of all of the structures here that we're talking about, and I can - I'll walk through the specifics. But I would say just a high level, I'd view the primary complexity of using a trust as the fact that, you know, this group and CCWG have spent months working through

accountability mechanisms. And this structure, the trust, doesn't have its own clear accountability mechanisms, at least as it relates to this group's activities and exercise, you know, the exercise this group is going through.

So if you use a trust, whether it IETF trust or some completely ne trust, you've got to create accountability, right? You've got to - if you're putting these valuable assets into a trust, you need to know that the trust will do exactly what the community wants, it will follow if there's a separation process for example, it would follow any actions required to be taken in that separation, and that may mean terminating the license with PTI, entering into a new license or terminating a license with ICANN and entering - well in that scenario if it's ICANN, you know, just leaving the license in place but allowing ICANN to sub-license to a new operator.

So we really need to think a lot about how that accountability would be created and to me that's - given how much work has already gone into that in terms of CCWG and CWG, to me that seems probably the biggest hurdle to this structure.

So let me just walk through in some detail, and I also have on the call one of my colleagues, (Jim Hitsman), who is a specialist in trust law and he'll chime in if I speak out of line here on anything. But the main issue here to think about is kind of, you know, traditional trust issues.

So one thing you look at with a trust is who's the beneficiary of the trust, because the beneficiary is, you know, that's where the rights arise. And under our understanding of the IETF trust, currently the beneficiary of that trust is the IETF. So it's that group, you know, it's not just the community more broadly, it's IETF.

Now it's possible that we could, as part of this structure, call for an amendment to the IETF trust agreement and have that trust agreement provide that there is a broader beneficiary and it's the broad community that's the beneficiary of the trust with respect to the IANA IP. So that's a possibility.

The trust agreement if it IETF or if it's a new entity, the new - a new trust agreement would need to make very clear all kinds of procedural safeguards that would ensure that if there a change in the IANA functions operator that there is, you know, a clear mechanism to implement that with respect to this IP. So we'd need to first make clear that once the trust holds the IANA IP it may not transfer that IP to anyone else. It just can't transfer it or license it to new parties, it's really restricted in what it can do. And what it can do is maintain that license with either PTI or ICANN, depending on how we would structure that.

So we'd need to make that very clear, no ability to transfer out those assets. And also we'd need to make very clear that if there is a change in the IANA functions operator that the trust, the trustees, would do everything they needed to do to follow through with that, and whether that's, you know, terminating that PTI license, entering into a new license, we'd just need to make sure that all of that happens in a way that is enforceable, you know, that we would not have an issue where the trust, whatever trust it is, simply refused to take those actions. So that's, you know, that's probably the biggest complexity involved in the trust structure.

The other more kind of technical issue is that at least from a US trademark law standpoint, the trust is not a separate legal entity. It doesn't have status in terms of the ability to hold the mark. And so that would actually require that the trustees of the IETF trust would have to own the IP, as least from a - the

standpoint of the US Trademark Office, which is, you know, our understanding is these are US marks.

So that's I think one, you know, one potentially significant issue, which is that the trustees would actually have to be the owners. And if the trustees are changing or rotating on some basis, there would need to be a great deal of care taken to make sure that upon each change of trustee that there is a, you know, an unbreakable chain of title that makes clear that the new trustee is the owner and the new trustee is registered with the US Trademark Office.

So there is some, you know, potentially some risk there that if there is a misstep, that there's a change in the trustee, that this - there's a bit of a stumble on the chain of ownership and that would be obviously quite, you know, quite problematic.

So those - so that's kind of at a high level that's - those are the three, you know, the three structures, what we see as the advantages and disadvantages. I think to sum it all up, I think we still believe any of the three could work, you know, with different challenges, you know, for each, but any of them, theoretically at least, could work, but the implementation may be more challenging in some circumstances than in others.

I will pause there. I know I've been talking for a long time, but let me just stop there and, Jonathan, turn it back to you.

Jonathan Robinson: Thanks, Sharon. I found that - I read the memo this morning before today's call, so this morning my time, but I found that very informative to have you talk through that. I mean I think that gives some key points, including this issue that ultimately probably all of the scenarios could at least work in principle but there are some implementation issues I think is a key point.

I suppose one of the questions in my mind is what do we think is the best option and what do we think we can live with. And of course that it feels is going to have to be moderated by our discussions with the other communities. In any event, I certainly don't propose that we try and come to some kind of conclusion here.

This is substantial work and new to all of us, and I think we need to share it with other communities so we can form a basis of - on which we discuss the prospect of working with the existing proposal or in some way modifying or altering that based on this input.

So let's hear from other then. Go ahead, Alan.

Alan Greenberg: Thank you very much. Two short - two small points and one question, probably not a question for Sharon as such. The first point is early in the presentation Sharon said that CRISP required or did not want the IFR to be held - the IP to be held by the IFR. Last I heard the RIRs would likely sign with ICANN, and ICANN would subcontract to PTI.

Therefore from CRISP's point of view, from the RIRs point of view, ICANN is the IFR, is the IANA functions - or the IANA functions operator, rather. You know, ICANN may be subcontracting but if they sign with ICANN, ICANN is IANA from their perspective. So it doesn't meet - the first one doesn't meet the criteria from their point of view.

The second is in the reference to separability and ring senses, all of our discussions we've had in the past were looking at only from the names provision. If there is indeed separability in the future, it may well be that the three parts of IANA separate from each other, and therefore having everything

in one nice bundle does not necessarily make it a lot easier. In fact it could make it harder depending on who's separating and where they're going.

The last thing is a question. Sharon, you made reference to if the IETF trust is to hold this mark then either it has to be transferred from trustee to trustee as they change or something else has to change. The IETF trust already holds at least one mark that I'm familiar of, and that is the IETF trademark. And I'm - I guess I'd like to understand from the IETF trust point of view and their lawyer's point of view is that what's happening right now or do they not see the need for that? Thank you.

Jonathan Robinson: So I think it'd be useful to maybe record that so it's part of our due diligence on this or discussion around it. It would be useful to understand in more detail how the IETF trust in effect manages any existing trademarks it has and if it's an established practice or doing so as was recommended in effect by this memo.

James?

James Gannon: Hi. James Gannon. So I have no particular position on this but I do come from a standpoint of wanting to really come from a point of risk minimization. So a point and a question. So when we assess the multiple legal options available to this, I want to know is there any risk associated with moving the IP rights away from ICANN, given that ICANN has held rights and actually has defended the rights successfully for long periods of time at this point? So are we going to have any increase in additional risk from moving the rights away after that long period?

And then the specific question, and I don't know if Sharon will be happy to answer it at the moment, but maybe she can come back with a more detailed

answer later, is that as an input into our discussions as we go forward with this, what do our lawyers feel is the lowest legal risk structure for the rights of the three that we have in front of us now, that we have an overview of the pros and cons, particularly from a legal risk structure. What is the lowest one?

Because I believe that these are important rights and we should also be taking into account that we have preferences within the three communities, particularly among the names community, and we need to be a little bit prudent on preferences versus increasing the risk to the mark themselves.

Jonathan Robinson: James, I'd welcome Sharon's response on that in just a moment. Just a couple of comments on risk or/and preference.

I am not aware that we - my understanding and one that I think the Chairs have articulated is as of now - well clearly this may be altered by the memorandum that the CWG or the Names Community hasn't expressed a particular preference. You know, we haven't yet articulated any preference.

And so notwithstanding your good question on legal risk, one of the other risks that I think we need to bare in mind is the one which has been highlighted as the overarching program management level and that's the risk of us not agreeing amongst the communities, and that's a risk that we collectively, both this Names Community and the other Number and Protocol Communities collectively have to manage. And I think this has been highlighted perhaps by Andrew or someone else on the Chat as well. So I think as we think through this that we need to bear that in mind when considering risk as well.

Let me let Sharon respond if she would like to now.

Sharon Flanagan: Thanks Jonathan. In terms of - and you've said a lot of what I was thinking. You know, my interims of risk, you know, I think James, change is always riskier, but there's obviously lots of change going on here already.

So I guess I would say absolute lowest risk is leave it where it is; it's in ICANN, it's been working. And I think Alan, you know, raised, for me, a very good point. I didn't appreciate that from the standpoint of the (Chris) Team ICANN is the IANA Function's operator. That's actually quite useful information.

So I think, you know, the status quo is probably the least risky just because it's been working; I don't think anyone said there's been any issues with it. I think the PTI one could also work quite well because we'd have a lot of continuity in the people who've been managing it.

And then back to Alan's point. If the (Chris) Team is actually, you know, if you use ICANN as the operator, you know, then in Area 2 with PTI creates that separation if that's their goal to create the separation of the operator of the holder, I suppose putting it into PTI, you know, accomplishes that.

And then on the separation point that Alan raised, I hear you in terms of packaging it up may not what ultimately needs to happen with the separation. I think that's workable too; we can always build into the way the separation works. We can always build in certain assets if they needed to, could be peeled out and put in a different place if they had to.

Jonathan Robinson: Thanks Sharon. Let me go straight on to Andrew.

Andrew Sullivan: Hi, it's Andrew Sullivan. I just wanted to - I had a question but it's been overtaken by somebody fortunately. So normally I would shut up but I want to

emphasize because in the discussion there was some suggestion that the Protocol and Numbers Community had this shift.

And I want to remind everyone that the Protocol Community was quite clear that actually we don't have any skin in this game, we don't care about this. Well, I should put it a different way that we didn't have consensus to care about it. And that, you know, this is not going to be an issue from the IETF point of view.

The only reason the IETF is involved really in this discussion at all is because the Numbers Community proposed the IETF Trust to do this thing. And the IEFT said, "Sure, we could do that if people want it."

But the real issue here is with the Numbers Community. And so I said this on the list but I want to emphasize it here in the record. We need to make sure that whatever people come up with is acceptable to the Numbers Community because now that proposal is in the Unified Proposal, and if we can't implement the Unified Proposal it falls apart and then we don't get a transition. Thanks.

Jonathan Robinson: I think it is useful to highlight and that's one of the things we've got to navigate is, you know, where we are in the process and the impact and mechanics for dealing with any tweaks or more sizeable changes that might be made or impact the collective proposal. And that will come to some extent later in the agenda.

Greg, go ahead; you're next.

Greg Shatan: Thanks. It's Greg Shatan for the record. And first I want to thank Sharon for walking through all of that and emphasizing the importance of quality control

by the Trademark owner since the trademark owner is viewed as the source and origin of the goods and services.

And therefore, if the IETF Trust were to become the owner of the market essentially becomes the IANA, and whoever performs those services is really doing a kind of on-the-behalf of the IEFT Trust; something we need to consider carefully as we look at this.

The other issue seems to me, you know, what Andrew brought up which is, and Jonathan you just underlined, which is the current posture, if you will, that we find ourselves in. When this was proposed by the Numbers Community, I think the Protocol perimeters Community was asked whether it objected to this.

And they, you know, given some time and the last consider was whether they objected or not, they came back essentially with a non-objected, and as Andrew said, a willingness to offer up the IEFT Trust essentially as a savior or a combination to the larger community if that was the wish of the larger community.

Our path has unfortunately been far more messy than that. You know, if you look at it from 100,000 foot level, we said nothing. But if you take it down a little closer, we've said a lot of different things. Maybe not some to consensus on anything, but there are pretty strong views on the ITR issue, where it should fit in the risk.

I guess the question is kind of how both ICG, and as James put it in the Chat, how the Risk Team would react if we found that we couldn't or thought that it was highly troublesome to accommodate the expectations which the ICG

seems to have hardened into a requirement that the IETF Trust or a trust or a third party owned the mark.

I'm not convinced that Andrew's gloom - and let me not call it (unintelligible). Andrew's prediction that if we were not to agree that essentially the proposal falls apart, I don't agree with that as the only result if we say that we don't want to go along to get along.

But I think it's very important to explore - and I don't think we can explore it within our own group what indeed are the various potential outcomes so that we don't feel that we're being strong-armed into a particular result and basically say that if you go along we have a screen and vision. And if not, then basically everything blows up and, you know, we all look like idiots.

So I hope that is not the position that we find ourselves in, but I feel like it's the position that we find ourselves in. And I'd love to be proven wrong.

Thanks.

Jonathan Robinson: Okay, thanks for those thoughts and input. I'll go straight on to Alan next.

Alan Greenberg: Sorry, I said what I wanted to in the Chat. I don't need to add it here; thanks.

Jonathan Robinson: Alan and Seun.

Seun Ojedeji: Hello. Can you hear me?

Jonathan Robinson: We can hear you.

Seun Ojedeji: Hello? Oh good. Thank you, thank you Jonathan. I guess I have two points (unintelligible). I think listening to other discussion so far, I think the

(unintelligible) comes from a major auction (sic) which is what else do you leave with ICANN or to leave with IETF since the output of the (unintelligible) seems to be most (unintelligible) (unintelligible) is what I think of that. Many of the (unintelligible) is the position of the (unintelligible).

So I think one of the questions we need to turn to what if we move to IETF that I think this (unintelligible) needs to answer. What would - I mean what is the advantage. Is it advantage that I like that by ledger. (Unintelligible) (Unintelligible) is concern that moving the IEFT. And do something that can be a compromise for the CWG to (unintelligible); (unintelligible).

When we say the (Chris Team), I felt strongly when you say it and (unintelligible). It will mean that the proposal is (unintelligible) through, (unintelligible).

I think I'm of the opinion that we could soon (unintelligible) is actually a point to (unintelligible) with the CWG (unintelligible). So with a convincing view by the CWG from (unintelligible) would be to construct, I mean the (unintelligible) state of ICANN, and I think those rationale should be (unintelligible) here. And then the result we should then agree that (unintelligible) and go back to the community. And I'm sure the (Chris Team) will be willing to listen to that.

But we need to answer the first question, convincing questions, that typically (unintelligible) with IETF. (Unintelligible) (Unintelligible) so we can then (unintelligible) that we want to convince (Chris) on why we think we should remain with ICANN.

I think we need to do this through active (Chris). And this is also (unintelligible)...(unintelligible). But I want to leave that option so that we know that we are looking for risk in this. Thank you.

Jonathan Robinson: Seun, I think you asked that question in a way that feels similar to the questions I've asked myself and what I might have articulated earlier, which is in essence, what do we think is the best solution, and as an alternative, what might we be able to live with. And then third which is kind of the other point you make is how does that modify, I think, once we talk to the (Chris) and arguably IANA plan groups as well. How does it work once we've got engaged with others? But knowing those two is very helpful.

Eduardo, go ahead.

Eduardo Diaz: Thank you Jonathan. This is Eduardo.

I have a question. If we look at the pardon memo that says, you know, the part that ICANN keeps the trademark and we're focusing on, you know, in that case we can just lighten the trademark for the CTI.

But I read somewhere in the mailing list that also, you know, one of the organizations that uses this trademark a lot, or the only one, is the IETF. So if ICANN keeps the trademark, then it doesn't - it (unintelligible) license as to the PTI but also has to license that trademark through the IETF. That is my question. Thank you.

Jonathan Robinson: And if Sharon - yes, please go ahead.

Sharon Flanagan: Yes Eduardo, I think there's no issue with having ICANN hold it and license to both. If IETF needs a license, then that could be - it doesn't have to be an

exclusive license to PTI, so I think we could just accomplish that with one license from ICANN to PTI and then another license from ICANN to IETF if it actually needs that.

Eduardo Diaz: Thank you.

Jonathan Robinson: Sharon. Greg.

Greg Shatan: Thanks; Greg Shatan to follow-up on that point. I can see that in both in the Chat Andrew and I are agreeing which is always a good thing for me.

I haven't identified any reason why IETF needs a license to the term IANA; I haven't seen any use where they're identifying themselves as the time as the source and origin or as a provider of IANA services under that brand. So they use the term IETF a lot but it's in what would be called a nominative sense that is referring to IANA by name, and we can all do that as long as we're being accurate.

So therefore, unless there is an identified reason why IETF needs a trademark license to do anything they're currently doing, there's no need for such a license. Thank you.

Jonathan Robinson: Thanks Greg. I'll hand straight over to Chuck who's next in line.

Chuck Gomes: Thanks Jonathan. It seems to me that we've had a lot of really good discussion on the list and on this call on a variety of issues related to the IPR. I think we need - and we can keep doing that or we can come up with an action plan, and I think we're at a point where we need to come up with the action plan.

I observed on the list yesterday that, you know, there's a lot of talking at each other but we haven't been talking with one another among the three communities.

So wouldn't it be a good idea if we formed a small team - and first of all we have to identify who is best to be on that team from each of the three communities and the appropriate legal advice if needed from each of the teams. And to talk with one another working towards something that all of us can live with, looking at the pros and cons that Sidley has provided as well as others have provided on the different options, and coming back to the full working group with the recommendation in that regard.

I think, you know, there's been enough talk going on, and it's been good although I'm not the right expert to fully evaluate it competently. But let's come up with an action plan now; we're not going to solve it on this call. And let's move that forward right away so that we can start working toward something that all of us can live with.

Jonathan Robinson: Thanks Chuck. That's an excellent and timely point. And I'll note that James and Martin and I suspect others might also respond positively to that.

Let me say that for the avoidance of any doubt and any confusion on this, Lise and I have talked regularly over the past few months, and you know, before I could produce a record of the discussions, but with the IANA plan and (Chris Team) Chairs and tried to keep one another abreast of both the workings of the CWG on a proposal. And most recently especially since (unintelligible) around the most recent ICANN meeting, we've talked about the IP issue.

When we most recently considered getting (unintelligible) to talk, we recognized collectively that there was little to talk about until we were in

receipt of this memo. So what we agreed to do last time was to get together shortly after this memo and try to understand the impact of it.

Now that's one route, and I think it's closely related to what you proposed in any event Chuck. So I guess what I and Lise will be looking for is guidance as to how we do this next, you know, and whether we - and I agree with Chuck that this is something which has to be picked up very shortly, very soon and got on with.

So is it the Chairs of the different groups that get together and form this, or do we call for some other volunteers to form a group to, sort of if you like, discuss and potentially and even try to negotiate or at least propose some potential outcome? So let's pick up that thread if we can and see where we go.

Seun. Yes, (unintelligible) from Seun, I'll go on to Alan and see if Seun retains his hand and wants to come in. Go ahead Alan.

Seun Ojedeji: This is Seun. Can you hear me? Hello, hello?

Alan Greenberg: Yes, we can hear you.

Seun Ojedeji: Oh good. This is Seun (Unintelligible). Thank you Jonathan.

I think I agree with Chuck. I think (unintelligible)...(unintelligible) this question among the community. And I'm glad to hear from Jonathan that perhaps that is (unintelligible) happening, I mean in the past, and there is not a (unintelligible).

So I don't think the list is formed a new set of (unintelligible) about that issue. I think (unintelligible)...(unintelligible). It is enough (unintelligible) this issue.

Whatever I think that (unintelligible) point and you came back to your respective community for them to discuss. I don't think it needs to form any - otherwise we start (unintelligible) discussing, discussing and not actually making much progress on this.

I think in the approach (unintelligible) (unintelligible) and then coming back to the community, (unintelligible) coming back to the second community to let them know what has been discussed, and then getting feedback if (unintelligible). Thank you.

Jonathan Robinson: Seun, and I note from the Chat that in essence Chuck's proposal on the table that a group could form to deal with this issue. That group may or may not comprise the Chairs, but the first point to discuss is that we make sure - we first of all propose the formation of a group to do this, and second we discuss who might be part of that group. That would be the (unintelligible); it doesn't presume who would be in on that group.

Go ahead Alan.

Alan Greenberg: Thank you very much.

Look, as Andrew has so eloquently said, we sat by when this document was being created and then was published and we didn't say anything. That puts us in an awkward position.

What is different now is we may have information which implies that what the (Chris) proposal has said may be somewhat difficult to implement for one reason or another.

I think we all need to get together and talk; it probably needs to include someone from ICANN proper. And perhaps more important, this new team that you're talking about forming should not take the next four weeks to form. We really have to get onto this really quickly. Thank you.

And for my point of view, I'm happy to have the Co-Chairs do it with whoever you choose to bring into it. Thank you.

Jonathan Robinson: I agree with (unintelligible) at this point. We do need to get on with it.

Go ahead Greg.

Greg Shatan: Thanks; Greg Shatan. I believe I support this, and I think in terms of the Chairs being part of the group, certainly they are welcome. I think point of view of substantive work of the group, the Chairs are not necessary. It should be, you know, as Chuck says, the best people to participate or at least a very good set of people to participate, you know, based on interest, based on fact-finding, based on coming to a common understand.

But I think from a process standpoint, especially given the timing that we have, I think it would be very positive to have the Chairs involved but not limit to the Chairs so that the kind of communication and levels of hierarchy such as they are are collapsed and take place in real time.

So that we, at least as our community, can understand whether this is A, our back are against the wall, or we can have a reasonable conversation about this. That if we feel that we're all heading in the wrong direction with this proposal, that we can understand if that's in fact the case, and then try to develop next steps both within the community and across the community kind of all very rapidly without kind of having to go back to the Chairs and then have the

Chairs have separate discussions where they weren't part of the overall effort. It just seems like that would be a longer way to get things done, and might not necessarily work that way but it definitely would be a longer one. Thanks.

Jonathan Robinson: So we've got a couple of (unintelligible) starting to merge there. I mean I think it would be reasonable to (unintelligible) the small group being formed and we'd have to propose that to the other communities to discuss and thrash out this issue with the info of this memo.

But that group comprises the Chairs, but not necessarily only the Chairs, offered as a discretion for the Chairs to bring in whomever else they might like.

I might suggest a slight variation on that is that the Co-Chairs plus two others because, you know, we've sort of put in, in essence, a requirement that a small - and if three communities coming together with four people each, I think 12 feels small as a definition of small.

So I'll just put that out as something to think about and then I'll go to James.

James Gannon: Sorry, I was on mute. Yes, so I'll put a specific proposal on the table for people (unintelligible).

I would say that preferable early next week the Chairs have a call between the three groups such as each group puts to the call a small group of less than five people selected by the Chairs and as rapidly as possible. And that will represent each of the communities, and then schedule calls as often as necessary after that in order to come to a relatively rapid and conclusion on this.

And I think as a method of how to - I know there's been some talk on the Chat of how do we resolve this at our level and then take it to the ICG level, what could come out of the small working group between the three, could be a public comment even to the ICG's work saying that the three communities have come together and have a common solution that we will now take to the ICG.

So if we could complete this before the ICG's public comment period ends in September, that would be I think an achievement.

Jonathan Robinson: Okay, that's helpful; thanks. Look, I mean we could argue around what small and not and those details. I mean certainly it's worth out intention -- Lise and my intention -- prior to this call to pretty much immediately after this call reach out to the Chairs of the (Chris) and IANA Teams and update them.

So it feels to me like we should continue with that plan. We've got some subtle differences to that in that there is a proposal that we, as the Co-Chairs, potentially together with some others, form a small group -- others from each of our groups -- to try and look into whether there are some alternatives -- one more alternatives that could be potentially lived with by each of the three proposing communities.

And I know that in doing so we will still need - that group is very unlikely to have a mandate to decide that. They can only recommend that to their different communities. And ideally I guess they come up with a common recommendation.

How that feeds then back into the ICG I think is something along the lines of what James suggested would work. There has to be a practical way of - and Greg notes that we need to continue with our own work in any event.

Avri, you haven't spoken today and your hand is up. So please go ahead.

Avri Doria: Thank you. This is Avri speaking.

The one point that I have been putting in at the end, and this was a track I got on in trying to understand what might happen if we were to follow Seun's path of not putting together an extra committee, and I'm not sure that it's directly related to that.

Should we be including somebody neutral from the IPG on this issue? Because they've already put out their document; they are in the track of resolving any issues whether it is some kind of difference or resolution. So I'm wondering whether from the beginning if we do this group, which it seems we're heading to do, that we shouldn't get them involved as well. Thanks.

Jonathan Robinson: Avri, it's interesting you mention that. And I think I proposed to this group to discuss this and to come together.

And in fact, not as we currently envision it now but really to provide the Chairs an update that we're moving slightly beyond that now and that we propose to actually form a group to do some work, was certainly to invite the Chair and Vice-Chairs of the ICG to come along and listen in or/and potentially participate in the discussion. So that was envisioned. And I think for the moment that seems to be a logical thing to do.

Now Avri, you didn't miss it; I didn't articulate it. So you didn't miss anything. But that is what was going on in the background. It was an informal get-together as we've done previously to try and make sure the other groups are.

I mean it became very clear at the last ICANN meeting that there was a sense that the groups weren't talking together as quickly. And I think we've been - I feel and it's not only been us; other groups have also. I think we've been much better at talking with one another, and so that clearly feels like the agreed action.

The next step is for the Chairs to reach out as quickly as possible to the Chairs of the other proposal groups from the other two communities, together with the ICG Chair and Vice-Chairs, and at least update them on this and on the essence of what's being proposed by this group.

So I would hope that we would deal with this issue in the first hour, and I think it feels to me like we've dealt with it as much as we can and we need to go ahead with that plan and then report back to you shortly. And I'll point that there are different ways in which different groups work and we're definitely going to have some challenges.

But, you know, this is something we're going to have to collectively pick up as a common challenge across the community together with the ICG and see if we can't do something smart to try and get this resolved because it's been in effect highlighted as a risk that either we don't sort this out, and/or that we in some way fail to get along with one another in such a way that does sort it out. And implicitly or explicitly, that's the risk we're collectively facing with our common proposal. And we together with the ICG needs to (unintelligible).

Okay, I think - thank you to Sidley for bringing that up. Thank you to all of you. As Chuck said, it's a good discussion. I'm glad he pushed us to a form of action.

By all means, direct additional comments on the list and Lise and myself will keep you updated with the plan as to how we move this forward.

And I guess the one final question really in relation to this is - and maybe I can direct this back to Sidley. I mean what do you need from us in order to do further work, or would you like to hold off at this point? Do you feel help contained as a piece of work?

And I mean I'm really thinking about what the client committee might be charged with doing next. At the moment it feels to me like we're not going to be asking for any more in relation to this until such time as we've had the initial conversation.

Sharon, what are your thoughts there?

Sharon Flanagan: I agree with that Jonathan. I think we've taken the analysis as far as we can. I think really now it's just a question of what approach is going to be acceptable to the three groups.

Jonathan Robinson: Great, so that's helpful. Well I think, in my opinion, it more or less stands on its own two feet notwithstanding the point I made earlier that it was very useful to have you talk through it.

So I think we need to share this document very shortly. We'll share it immediately after this. So in a sense, Greg, that's the other action is not only do we reach out and plan to talk but we also agree to share as widely as possible so that it can be discussed and understood.

All right, I think I'll move us on to the next point in the agenda then which we've kind of touched on which is both very handy - and oh, the SLE work, and then we'll come back to the ICG and CCWG public comment.

So thank you Sharon. I hope you get some rest and thank you very much for coming at this unsociable hour for you and Jim.

All right, so changing topics, and we will come back to this indirectly agree as we talk about how we deal with CWG although we've touched on that earlier. So that may be a relatively short conversation.

But let's hear now on one of the other open issues which is the work going on on the Service Level Agreement or Service Level Expectation.

And I think we've got Bernie whose been tracking this very closely on a Staff level. I was expecting Bernie to be on the call. I don't see him in the - I do; he's just under the (unintelligible).

So Bernie, I'm hoping we'll get an update from you, and go ahead and tell us where things are at as far as this group's work is concerned.

Bernie Turcotte: There have - thank you sir. There have been meetings of the subgroup that was delegated by the SLE Working Group which is comprised of (unintelligible) Anna and (Adam Smith) of (Polcain Shop), and leads us as a moderator/facilitator. We hit a few bumps in the road over the last little while because of scheduling and various detailed discussions.

I believe we're managing to get that back on the road. We're having a meeting tomorrow, Friday, of that small group with the expectation that we will finalize the recommendations to the SLE Working Group, send those on

early next week, and then have a meeting in the SLE Working Group to consider that and hopefully and approve that in short order. I think that's about my report on this for the moment.

Jonathan Robinson: Great, thanks Bernie. Questions/comments/issues in and around on this from anyone else in the group or on the call?

Okay, we have a question from (Unintelligible) when this will actually be done. Bernie, can you give us any sense of a timeline where you think this is headed to and when the CWG will be (unintelligible) complete or near-complete result?

Bernie Turcotte: We've got a bit of a drop-dead date in that Kim Davies whose integral into this process by everyone's accounting, is going away early in September for a number of weeks for non-work related things and will not be available. So basically, that's our line in the sand. I think everyone understands that and we will be working to that.

Jonathan Robinson: Okay, thanks Bernie. I see no other hands or questions or comments, so that may be a particularly short-lived item on the agenda which is good; there's no harm unless someone else has something else they'd like to add.

And then the next item really deals with our response if any. What are we going to do? What is our plan with respect to the ICG Public Comment?

And so the question here really is are we expecting - is anyone from the group expecting us to respond? And if so, by what route will we cross or respond, and what point should we be covering?

Clearly it was mentioned earlier -- and this has been on my mind -- that one way of dealing with the IP issue is to return a comment during the public comment period. And it feels to me like, in a sense, that's the timeline we've got to work too.

Even if don't respond on the IP issue by the public comment and all of our correspondence is direct to the CWG, or maybe direct - sorry - with the ICG, and/or we respond by the public comment, in any event, I'll put it to you that my thought is that's probably the kind of time scale that we need to work too. Because once the public comments close, their work really does start to solidify.

And so yes, any thoughts or comments on how or whether we're expecting to deal with the ICG by the public comment process; how the CWG, we interact with the ICG on this.

James, go ahead.

James Gannon: Hi, James again.

So I have an opinion on this. I don't believe the CWG should comment on the ICG proposal unless we are suggesting a change or raising an issue and relatable to our own work with regards to the main proposal. I think that if we comment on the proposal as a whole, it may slightly undermine the independence of the work that we've done to date by focusing ourselves on the names proportion of the work.

Obviously, many CWG members will be commenting on the overall proposal as a pulled-together initiative vote with regards to the CWG as an entity commenting.

In my mind, it has an independence issue; we have work within that document that has now been plied together by the ICG which is the ICG's role. So I see an issue of independence between the ICG, CWG and the content of the proposal if we were to comment as an entity.

Jonathan Robinson: Thanks James. I'll just let (unintelligible) run then. Let's go to Chuck.

Chuck Gomes: Thanks. I think the most important thing for the CWG to communicate on is an agreed to resolution on the IPR issues and agreed to by all three communities. If we can make that happen, I think that's the most constructive thing we can do with regard to the ICG comment period. Thanks.

Jonathan Robinson: Thanks Chuck. I see James is supportive as well. So let's go ahead.

Greg Shatan: It's Greg Shatan for the record. I also agree with that.

I haven't exhaustively read the ICG proposal, but unless there's something specific in the front - in the parts that has been prepared by the ICG, or in the other two groups' statement other than what relates to the IPR, I think the IPR is the only thing we should comment on other than support for the rest.

So I think that is kind of the key issue even if in some technical way we allow the ICG to say that there was non-conflict on the matter. I think we hope - we need to do better than non-objection which we haven't even actually said that we don't object, but hopefully agreement which will be appropriately stated in the public comment -- perhaps a comment from all three groups -- if indeed, you know, agreement is shared.

Now if we find that we object and we decide that we can't accommodate, then well public comment is probably not the best place for the ICG to find (unintelligible) either. Thanks.

Jonathan Robinson: Yes and just to be clear on that. I personally wouldn't propose that is we were to communicate in the ICG over something substantial, that the public comment would be the only route we do that in, but there may be a supplementary route to any direct communication.

All right, that feels pretty clear as to how we deal with that. So there's no pressing action required here at this point and we can probably move on to the next item which is a similar sort of question, if you like, over how we might deal with the CCWG's parallel work -- parallel public comment period -- on their own work.

So I think I'll hand over to Lise, if that's okay with you Lise, to deal with this in a similar way.

Lise Fuhr: Thank you Jonathan, and it's absolutely okay.

With the CCWG, it (unintelligible) be public comment. I think there's another situation. And like you all know, we've made our proposal conditional on the CCWG meeting, the requirements that we set out in our proposal.

But the thing is, like Jonathan said, do we want to respond to this during the public comment, and what point should we respond on, and are there any other issues we as a group should respond to other than the requirements that we have set?

Last time, we as a group had Sidley help us validating that our requirements were met and this could be a way to do it with this public comment too. We could do it as Chairs or we could do it as a group.

I personally feel that it would be great to have Sidley again signing off their meeting our requirements. And it could be a way of giving them the blue stamp to do it during the public comment and be helpful for the group as such. So it could be a way to go forward by doing it during the public comment as a group with the help from Sidley.

And I'd like to ask your thoughts or comments on this. Any comments or thoughts? Okay, plus one from Chuck.

Okay, I guess we should conclude then that we'll have us Chairs - we'll have Sidley help us validating that requirements are met in the proposal as it stands in this second public comment, and we will send it for the group during the public comment.

Jonathan Robinson: Great Lise, thank you. And I guess that sort of goes neatly into the second part of what we could possibly have discussed under the update on legal input. Does the update on legal input, really we covered, as you well know, the IPR issue. But there is some parallel work that the client committee with the backing of the CWG instructed Sidley to undertake.

I want to prepare -- it's a smaller piece of work -- but to prepare a matrix of the potential bylaws work, so it's clearly mapped out what proposed changes will take place to the bylaws on the back of the CWG and the CCWG's work.

And here we benefit from Sidley's experience in working with both groups. And in doing that, they prepare that matrix and then share with us a proposal

as to what the proposed changes are, who will deal with what and how. And that's something we can then use - and we've agreed this with the CCWG Chairs as well, so they're expecting this piece of work.

And it's an additional cross-check on making sure that not only is the work as proposed complete, but also that we start to have a view of the scope of implementation. So it starts to look towards implementation while it's not strictly implementation, it starts to map out the very first elements of that implementation.

Okay, I think that covers then items one through five. I hope I'm not missing something there. And really brings us up onto then the AOB portion.

And Lise, I think you've got a couple of points you want to talk through there, and of course we'll open it up to anyone else who has to raise an AOB after that. So Lise, if you could talk us through the pre-agreed AOB points and also I think to get any others -- input on those points -- or any other business matters that you'd like to bring before the group.

Lise Fuhr: Thank you Jonathan. But before getting into the AOB (unintelligible), Avri has a question in the Chat regarding if the group gets to review what we will submit to the Accountability Group during the public comment.

And I guess I don't have anything against having the group review it before we send it, submit it, to the Accountability Group.

Jonathan Robinson: I'll (unintelligible) very much like the group to see it. The only caveat to that will be that it may end up being a relatively tight timeline. But from where we stand at the moment, it looks like there's reasonable time and opportunity for the group to see it. So certainly I'd be supportive of that.

Lise Fuhr: Okay, do you want me to continue with the AOB? And yes; thank you.

The first item under AOB is the comment from Richard Hill sent to the ICG. And you might be aware there's a response from Elisa Cooper to the CWG sent to us yesterday in an email.

They stated their point of view on their comments regarding Richard had three major issues, and one was that he didn't think that the final proposal had been out for public comment. There was another one that was an issue about it wasn't really globally multistakeholder involvement. And the last one was that we didn't, as the CWG, take into account all the comments submitted during the public comment.

And the ICG group actually supported the CWG saying that they found that we had two public comment periods and then the document were final enough. It was only fine-tuning after the last public comment period. Furthermore, they thought the process had been open and everyone has been able to join the group and participate in the work. "We as a group have been open to - we have members but every participant has been heard the same way as members."

And furthermore, all the final - the ICG notes that the final proposal has received consensus support and no objections on the (unintelligible) statement has been recorded. So they were fully supportive that the comments were not to be taking into account; that there are series enough to make any changes.

And we, Jonathan and I as Chairs, are currently working on a draft on our answer or response to Richard Hill. And those answers are very much in line with the ones that are sent to us from the ICG.

And we propose to finalize - that we as Chairs finalize this work and submit it to the ICG and send it to Richard Hill as soon as possible unless you have any comments or objections to this.

So I'll just ask you. Any comments or questions for Jonathan and I being the pen on answering response to Richard Hill in line with the ICG response? I don't see any.

I'll move on to the in fact (sic) response. A draft was sent out for you earlier; it was sent out yesterday. And we have made a suggestion to the response -- the Chairs themselves.

I'm not going to walk through the responses. I think or we will give you 24 hours to get back to us if you have any concerns about this response, otherwise we will send it as it looks now to the SSAC. So it's going to be 24 hours from now.

And we don't find there's any major controversial answers in it, so - and I see support for the response from Chuck; thank you. But anyway, you'll get 24 hours to review and get back if you have any feedback to this. Thank you.

And the last predefined item on the AOB is - oh, sorry. Andrew Sullivan, I see your hand is up. Andrew, go ahead.

Andrew Sullivan: Oh thanks, it's Andrew here.

I did have one comment and I sent it to the list. So I don't think it changes any of the substance but I would encourage you to have a look at that because I think it would avoid a controversy that you might otherwise not.

Lise Fuhr: Okay, thank you Andrew. We will have a look at that and if it's - yes, get back to you regarding. Thank you.

Okay. I'll move on then to the update on the transitions facilitation call. These are monthly calls where the ICG and the Chairs for the ICG group or the (Chris) and CWG and IANA plan and participating together with the (Unintelligible) Chair and ICANN Staff.

We had a meeting a couple of days ago and I'll give you a brief overview of the topics and issues that were raised.

Fadi had some opening remarks. And in these opening remarks, Fadi had three issues that he'd like us to be aware of. And one was that ICANN is viewing the work with ICG and Accountability as having two tracks were one track is the work of ICG and the Accountability group, and this is a route that is going to be finished in line with the NTIA. And Teresa is responsible for this track.

Another track is the actual activities, which are at the moment growing in size and complexity, and therefore ICANN felt that an implementation track is important to establish. And (Acramentalla) has been assigned for this track in parallel and he is responsible for seeing that this is on track and on time.

So as a new, we're having two tracks and timelines, and one is our work and the other one is the implementation.

Another one is that Fadi felt that we're dealing with three areas of risk, and he was concerned about of course the complexity of the implications of the different timelines. We're of course one of the implementation track will help

to envision how we deal with the different ideas and how we can manage the different issues that are coming up along the way.

Another one that's also very relevant for us as a group is the great concern of the cohesiveness of the proposal where one of those concerns is much related to the IPR issues regarding IANA and how the groups are going to solve this; the three groups meaning the (Chris), IANA plan and CWG.

And one of his last concerns was of course Washington politics and how the issues are being received in Washington. There has recently been an article in Wall Street Journal where there are some resistance against the work we're doing and a concern of US giving up the control of the Internet.

But these are three concerns and concerns that are we can deal with some of them where the IPR issue, as we have discussed today, needs to be dealt with pretty quickly. And we have plan for doing this and that's quite important then. And I think it's a very important signal too back to the community that we're taking this seriously.

Third and last, ICANN is also engaging with NTIA in order to extend the contract. As you know, the contract regarding IANA terminates this September. And they're working on a two times one year extension, and hopefully you only need extension. But in order to be faith (sic), they're working on two times one year extension. And of course Acronyms group needs to take this as part of their planning too.

And the groups -- the Accountability Group and the ICG -- reporting on their work, and most of their reporting is for the Accountability Group, they've just sent out the proposal -- Work Stream 1 Proposal -- out for the second public comment. And that's on target.

The other one was that the ICG of course mentioned that we had some outstanding issues with the IPR issue, and they are looking forward to getting our answers regarding this.

So that was pretty much the update on this call. Any questions or remarks on this? All these calls are also recorded so you can listen to them, just wanted to give you a quick update on the call.

Okay, no questions or comments. I'll ask if there is any other business from anyone. No.

I'll then hand it over to you Jonathan to do the closing remarks on the call.

Jonathan Robinson: Thank you Lise. I'm not going to say a whole lot.

I think just to remind you that calls are scheduled normally every two weeks at the ultimating (sic) hours of 1100 and 1400 UTC.

We have a client committee meeting scheduled for today, but there doesn't seem to be new instruction. So I think we will unlikely go ahead with that; I don't think that's a necessary call at this stage. We've got the one substantial piece of input and we've dealt with that in the call today, and we will proceed immediately to go and take the action required on that. And we await the bylaws work from Sidley.

So I think that's been a useful and constructive call; thanks very much. We did predict that we'd be back with one another a little and we surely are, so we'll hopefully keep these calls focused and productive as we've had today and that's very useful.

So good, we'll see you in a couple of weeks' time. My feeling is we'll probably need that call at 1700 UTC on the 20th of August, so I suggest that you note that in your diaries and we are likely to proceed with that call even if we only take an hour of that to just update on where we're getting too. But we will communicate in advance if it is no longer necessary and we have to wait until the next one.

Okay, thanks very much. Talk to you in a couple of weeks and on the list beforehand.

END