

**ICANN**

**Moderator: Brenda Brewer  
July 28, 2015  
2:00 pm CT**

Coordinator: The recording has started.

Jordan Carter: Okay thank you. Hi everyone. My name is Jordan Carter here for the record for meeting Number 22 of Work Party 1 CCWG on Enhancing ICANN Accountability on the 28th of July at 19 hours UTC and a whole 4-1/2, five hours after we finished our last meeting. Wonderful feeling.

Thank you for attending - at least (unintelligible) today so far. The agenda is in front of you on the screen and has been circulated by e-mail. But just a brief recap of any outstanding issues from the CCWG meeting that aren't already on the agenda. And hopefully we can move through these documents one by one and work out if there's any last things that we need to recommend back to the CCWG.

So there's another call or two or something to that going to be scheduled in the next 12 hours or so. And notice of that will come out. And this is not really an editing call and we're not really looking for line-by-line tweaks unless they're absolutely vital to having the documents ready for inclusion in the report.

And we don't need to do proofing things so spelling mistakes or grammar or anything like that. This is only the last sort of substantive review and I don't find any major points.

And I think as the co-chairs described the call last night, if there are any particular - you know we should try and reflect on the text any kind of alternative or minority views but other views that were raised in the discussions for example about the voting weights in the paragraph that says that there should be a lower representation for it.

And the phrase used compared to the SOs says not towards these things and avoid if we can people's intents to the few minority statement.

So the question right now is those in here are some we need to deal with on this agenda other than what's there, if we need to move into that CCWG review. And I'm going to take that as we can move into that item. I'll also point out that because it's just going 7:00 a.m. in Wellington I haven't really been able to keep up with any e-mail chatter that's gone on in between or any draft documents.

So if you've said something on a mail list that I've missed I apologize. Fortunately though -- or unfortunately because we're having to do another CCWG call - there will be time to put that on board.

So in terms of the meetings last night from the CCWG I can't think of any particular items that we need to deal with that aren't already on the agenda and working through those documents. Does anyone else have anything else that they think does need to be dealt with separately other than through the reviewing the doc?

And if you do think of something we can come back to it maybe at the business at the end of the call - Item 5. But I think it's going to be dealt with as we go through.

So on that basis I'd like to propose that we do indeed do that, that we start with the fundamental bylaws paper and that we work through these just what's on the list about their voting suggestion which we need to discuss in the context of the (incentive) items. Let's move on to the first one which is the fundamental bylaws papers.

Grace Abuhamad: Jordan while we're switching documents I just wanted to note for you that Alan Greenberg had sent an e-mail to the list a few minutes before the call noting that he was going to be unable to attend but had some comments. And I'm going to try to flag those for you as we go through. But if anyone else in the group can also look at Alan's e-mail and flag his comments as we go through I think that would be appreciated by him. Thanks.

Jordan Carter: That would be really helpful. Thanks Grace because I certainly am not in a state to try and multi-task between e-mails and Skype and chat room. And if anyone else can help Grace with that task as well that would be good.

On this fundamental bylaws paper, as we've kind of - we did discuss it too last night and the thing that came up was a correction or suggestion from the lawyers about the language and the part about whether the location of PHQ should be a fundamental bylaw or not.

And I'd like to turn just your attention to that at the moment. It's on Page 3 of the document you've got in front of you. It's the sentence that's highlighted in yellow. And the suggestion that the lawyers made - someone's taking a

control of the screen - change to the articles of incorporation requires two thirds of the vote.

And then the text needs to be replaced and the approval of the community mechanism as (full) members. That was what Rosemary suggested last night. You see there is a document floating around. It hadn't been read by me or anyone else. Steve you've got your hand up. Did you do anything different to what I just said?

Steve DelBianco: Hey Jordan. Steve DelBianco here and while you grabbed a few hours of sleep, I made the edits that we discussed on the advice from counsel. So I right where the yellow text is wrote - Grace will display it in a moment I hope - but I inserted the actual text from the articles of incorporation which declare that it's two thirds.

And then I tried to make it clear that that means that the community mechanism as sole member would have to approve it. It would have to approve it implying a single vote. So I made that edit and as soon as Grace brings it up we'll have it. But I think this was easy.

There's a possibility that elsewhere in the bylaws there would be instructions to the community mechanism on how it determines what its vote is when it has one vote in situations like this. That's sort of a general provision that ought to be addressed or perhaps it doesn't have to be addressed.

In other words the community mechanism might well make up its mind on how it determines how to cast its one vote based on super majorities within the community mechanism. Thank you.

Jordan Carter: Okay thanks Steve. And while that amended text is coming before I (unintelligible) staff I made off a list (PDFing) it and loading it into the room. So it might take a minute or two. Were there - oh there we go. I was just going to ask if there any other last points about this.

But here we go. This is the final draft of that. And if you scroll down again to the third page of this, we can see what Steve has done here. And in the middle of the page Steve did you want to try and draw our attention to where we're looking?

Steve DelBianco: Sure Jordan. You had it right. It's in the middle of Page 3. I indicated and I pasted in Article 9 from the articles of incorporation. It's right in the middle, indicating that it has to be affirmative vote. We used their language - "ratified by two-thirds majority of the members voting."

And then next paragraph I added - which is under the proposal for this community mechanism as a sole member - "the member would need to approve any change in ICANN's present status as a California non-profit benefit corporation." And the rest is the change. The rest is the same. Okay?

Jordan Carter: Okay. Yes thank you for doing that Steve. So I'm not aware of any other issues on the table. We know that we've got a workable description of how the power will be exercised and the professionals stated for a long time the fact of the public co-decision process on the table for a long time and the list of things that are going to be made fundamental bylaws from this table for a long time except for the (changed place) that will actually include the community mechanisms. So that's been added.

So are there any final things that anyone has with that or can we sort of put this one to bed in this current version? Can we consider this version for our

purpose for the CCWG? And I'm going to assume that the long line of people fighting to speak that we don't have any other issues. So let's tick the box on that one and move on to the next one. Thanks Steve and everyone for getting that out the door.

New co-chairs should have been this quick on last night's call. The next paper in front of us is the community mechanism description (paper 5A 1). So could you bring that one up please Beth? Thank you. Now this paper has been pretty stable for a while as well but I think there is one thing that's going to come up for discussion here and it relates to some text on Page - either Page 3 or 4.

I'm just trying to find - this is text that Malcolm had drawn attention to I believe most recently. I saw an e-mail about it and leaping to a potential conclusion about what he meant. It's the last paragraph of the last written section on Page 4. So if you scroll right to the end of the document you'll see a heading called 5A.2.

And right above that we had to add a provision that dealt with how would the community mechanism deal with the statutory powers it has as the member? And the general presumption we've had is that because those powers haven't been enumerated or debated in-depth by the CCWG we had to kind of place a placeholder.

So the placeholder that I suggested here is full consensus would be required and saying that that means unanimity. Now Malcolm has raised two issues with this. One of them I think relates to the importance of the member being able to enforce the IRP - force an ICANN participation in the IRP. And I think there's another one.

Hopefully Malcolm's on the call. So what I'd like us to do if we could is for Malcolm to raise his point and then for people to respond to them. But early in that response I'd like Holly or Rosemary to be able to respond as well. And I see Thomas's hand up too. So Malcolm could you go ahead?

Malcolm Hatty: Yes. This is relatively straightforward. Most of the accountability improvements that we are expecting to happen on a day-to-day basis are actually not these community powers. They're the stuff that's being done in the other working party. But all of that rests ultimately heavily on the existence of the IRP for which we made substantial improvements.

And we assume that because we write into the bylaws that the IRP will exist and that people will have the right to use it that these will indeed exist and people will have the right to use it. But that raises a question. What happens if that's not the case?

What happens if ICANN refuses to enter into an IRP even though the bylaws say that it must? The answer to that has been solved by the community member. The community as a sole member has the right as one of its statutory powers to require ICANN to abide by its corporate documents and if necessary to go to court to get the courts to instruct ICANN to abide by its community - its corporate documents.

So the only thing that is needed to solve that fundamental flaw in everything that we've done is to make it easy for the community single member in the event that ICANN refuses to use the IRP, to tell it to identify. So this is one of the statutory powers.

And so we just simply want to carve out from that very high threshold. What you said before is what you suggested to him today is we're fresh off of using

the statutory powers at a level where they actually will never be used, which is fine for all other cases.

But in this one particular case on which the IRP rests, on which the whole of our thing rests. We want to make that easy as possible to use if it was ever required because there is no possible circumstance in which it's okay for ICANN just to say we are disregarding the bylaws and refusing to enter into the IRP for resolving disputes.

Jordan Carter: Okay thanks Malcolm. And Rosemary has posted in the chat the language that Malcolm had circulated by e-mail. And I'm not going to read it into the record but it's there for people to see. The question is whether we just add that as a paragraph here in this other point. Malcolm is that your exact proposal, just so we're clear?

Malcolm Hutton: Yes I think that paragraph needs to be added. And the paragraph that you added this afternoon that says that the threshold for exercising the statutory powers is unanimity. There needs to be a carve-out for this particular power so that it's not so difficult to use. In the rare circumstances in which it should be needed it should be - there should be really no reason for refusing. It should be usable as straightforwardly as possible.

Jordan Carter: So one way we could do that is to have - the recommendation is that to deploy any statutory rights that generally require full consensus of SOs/ACs unless otherwise specified. And then we could note the details. And then we could have the following paragraph that did mention your language there. And that's the general power of being able to enforce the bylaws notice of the right to take pursuit. That's the power I think you're working on.

Malcolm Hutton: That's right, yes.



Jordan Carter: And so Holly -- before we take Thomas and Greg -- Holly do you have any response to that - Holly or Rosemary?

Holly Gregory: Yes. I mean I think that that's - you know, we're very comfortable with this approach.

Jordan Carter: Okay. And I think that two thirds as a threshold works there, I think that

((Crosstalk))

Malcolm Hutty: ...a simple majority.

Jordan Carter: That probably works as well because it's unlikely that the corporation is not going to be following its bylaws in a general scheme of things. Can we...?

Holly Gregory: I thought in other points as you've indicated that two thirds is usually what's used to exercise the community, the SO/AC, you know, implementation of the community power. I'm not - I mean I think you can go at any threshold you want. There is a value and some simplicity in understanding where that threshold will usually lie.

These are extreme powers for the most case and as I understood it, actually bringing action in court was something that many members in the community thought was a very extreme action.

Malcolm Hutty: Generally bringing action in court would generally be a very extreme action. But this specific case, this is quite distinct from the general case and indeed from the other community powers. And the reason is this. The exercise of the

community powers that we set out, all of them potentially have serious consequences for the organization.

And people might feel in any such case that even though they disapproved or supported the intent behind the use of the power they might still think that the use of that power was inappropriate or was going too far or was escalating things too much and therefore might have good reason to decline to use the power.

But in this particular case it's different. The only thing that we are saying here is ICANN is already required to enter into the IRP when people apply to the IRP. And we said that already. All we need to do is purely essentially administrative steps of requiring it to do what we've already decided.

So there is no reason in this case to actually say, "Actually I think ICANN should be allowed to, you know, disregard its bylaws." We don't think that's important. There will be no such case.

So the only question really is whether or not ICANN is indeed refusing to enter into the IRP or whether it's necessary to spend the money on ensuring that it doesn't. And for that reason, a simple majority seems to be appropriate. For that reason it seems to be quite different and distinct from the other cases.

Jordan Carter: So can I ask a question then? I think you're talking about a general - a general power that exists for members to enforce the corporation's compliance with its bylaws. And that general power is a standing to take the corporation to court. Members can take the corporation to court to enforce actions and compliance with its on bylaws. So this is an example of that. Is that right Malcolm?

Malcolm Hutter: That is correct, yes. But in this case the structured of the IRP other disputes about the bylaws would go to the IRP anyway. The only disputes about bylaws that can't actually be dealt with in the IRP is the refusal to enter into the IRP. And so this is a very narrow and specific and distinct case.

Jordan Carter: Okay but there's nothing that the member can do. There's no power that the member has just to take ICANN to court to force them to do so.

((Crosstalk))

Jordan Carter: Yes the derivative actions. Now if said all other disputes they're dealt with within the IRP, this is like the capstone of the constitutionalizing of that right. So thank you for teasing that out and thank you for bearing with me at least for that people. Can we go on to the speaking rights queue? We've got Thomas and Greg and then Rosemary. And then let's see where we land on this And (unintelligible) certainly got no problem with what Malcolm (discussed) personally. Thomas you're up.

Thomas Rickert: Thanks very much Jordan and I'd like to just double check with you whether we have everything we need and what we promised to the group with respect to statutory rights in the document - not necessarily only this particular one but also please help me check whether we have it elsewhere.

You will remember that there were big concerns about statutory rights being exercised by individual SOs and ACs which would probably drive us (unintelligible) membership model. We then decided that we would ensure that these powers are not abused by imposing voting thresholds for exercising these powers.

And in addition we would truncate these powers in the bylaws. And we have subsequently asked the lawyers to come up with a table of statutory rights indicating which ones we're going to truncate and for which ones we would have a voting threshold.

And it seems to me the reference to the appendix and the mentioning of statutory rights in this paragraph is quite broad, which is why I'm a little bit concerned that we need to get the messaging correct and that we say, you know, that there are obvious voting thresholds, that we do truncate these and that where we don't mention anything - i.e., where statutory rights exist, that these would be subject to any additional procedure there might be.

You know let's take the example of the statutory rights for inspecting documents. I think once we have the (DIBP) folks should be using the (DIPB) which has its own processes and should not be bypassed by the single member as well.

So I hope that, you know, I made myself sufficiently clear. I'm more than happy to provide more detail but I guess that since this was such a sensitive issue with the community we should maybe spend one or two more words on this to fully describe what we're doing. And I'm happy to provide language unless we've covered it under the report. Thanks Jordan.

Jordan Carter: Thanks Thomas. What I take from that is that this chart is on the way and we'll have some proposals for voting thresholds on a range of statutory powers and/or ways to truncate them. So I look forward to seeing what those are. I don't think that it precludes that kind of reference to the IRP enforcing in the body of the report.

But you're right. We do need to get the messaging right. This was drafted, it may be a bit blunt. Greg your hand is up.

Greg Shatan: Thanks. Greg Shatan for the record. I think we've gotten closer to my understanding or helping me understand what is being thought here, which is simply that the power to bring a derivative action against ICANN for failing to enter into or abide by an IRP will have a lower threshold of approval in the sole member than other statutory powers. Is that what we're saying?

Jordan Carter: That sounds like what we're saying to me, yes.

Greg Shatan: Okay and there's no power short of actually filing that derivative action or perhaps threatening it to - that would actually, you know, cause ICANN to do anything. So it's not like a puppet on a string here.

Jordan Carter: That's also my understanding.

Greg Shatan: Thank you.

Jordan Carter: And let's see if the lawyers share it. Rosemary - oh sorry, Greg was that all? Was that your point?

Greg Shatan: I guess I would just say that a simple majority to me seems a bit low for something as significant as bringing a derivative action. I think this is something where there should not be a huge amount of dissent lower than the full consensus but not a simple majority. That just seems like there will be a lot of very unhappy people in that case, which should not be what's happening in this situation.

Jordan Carter: Yes I guess the counterpoint to that argument is that if you have a low threshold then the board is going to know there's no way it can get away with not following the bylaws and so the issue will never come up. There's an optics issue here.

The question though is all of our other thresholds are about exercising powers. The question is whether enforcing ICANN's compliance with those powers should be a little bit easier for the community to do. And I have some sympathy with that personally. Rosemary could you please take the floor?

Rosemary Fei: I just want to point out as the one who is currently drafting the chart -- which is nearly ready to go over to Sidley for Holly's review - we were not - I was not contemplating suggesting specific thresholds for the various rights that the (CMSM) will have by statute.

What we - at this stage what it says is that you have a great deal of flexibility and you can literally pick from the list of rights that you'll have in the chart. You can decide well this one should be a majority and this one should be two thirds and this one should be unanimity.

And so if you want us to give recommendations that's a little different than sort of the legal question of what can we do legally and what tools will we have legally to accomplish what we want to do.

Legally you can do anything. Politically I think you all will have to ultimately make the decisions and I didn't - if you want us to put that in this chart we're doing they would recommendations from us, but I imagine that they - you know better than we would which ones need to be higher and lower.

Jordan Carter: Thanks Rosemary. I think you're quite right. And so I think what - I think the way I'd like to suggest that we go here is in my view Malcolm has raised an important point about a kind of think of the risk being a gap.

So if the only relatively easier (unintelligible) permitted in the bylaws was one that was solely about ICANN entering into or abiding by an IRP then that would not seem unreasonable given we suggested that all of the other disputes that arise ought to be dealt with by the IRP.

So it still wouldn't mean that one SO or AC could do it because (unintelligible) anything like the majority. But the question in principle is whether that very narrow one should be so easier than other statutory rights exercises.

I think the difficulty with making a decision about it is that we don't have the paper in front of us so we don't know what are those powers and rights we're talking about.

So what I'd like to propose as a kind of holding and resolution to this is that we have - that I do a bit of drafting at some time that's going to miraculously come available working on Malcolm's text and that last paragraph in between them, summoning up a reference to that table, and suggesting that the general approach is the high threshold for the powers for the table for the specific right to force participation in the IRP since it is the foundation of our dispute resolution system, a low threshold of something will be available.

So the question is if other people are happy with a lower threshold on that very narrow point, just the enforcement of concession in the IRP, since we kind of set it up as the judicial function of the new system. Rosemary, is that your old hand or is that a new hand?

Rosemary Fei: It is old, sorry.

Jordan Carter: Thanks. Malcolm?

Malcolm Hutty: I support this, as I say. I think possibly something that might make people feel more comfortable with it is to flip the question the other way around. I mean I'm not suggesting that we actually do this, but just conceptually, think about it the other way around. If we were to be creating some form community power to authorize or improve that ICANN should throw out the IRP, not enter into it, so to disregard its outcome, what sort of the threshold would we want to set to do something like that?

I would suggest that we would never want to do that. If we were - if that was something that we had to have as (unintelligible) power, we'd want to set back something like anonymity. And this is really just the inverse of that. This is really just the opposite. It should be always the case that ICANN should follow - make the IRP available, because that mechanism that stops us having to go to court all the time.

That is the mechanism that we have created as our internal community solution for ensuring that we can resolve disputes within our own system. And it should always be available. And if it isn't, it needs to be fixed always and every time.

Jordan Carter: Okay. Thanks, Malcolm. So I've tried to type my proposal into the chat, which is the general (unintelligible) for the powers in the chart, the statutory powers, but that we could sort of suggest a lower threshold for this one and then just see what comes back in the public comment. And I think that that makes logical sense and will get us feedback on it.



Mathieu says it's fun to trade options in the scheme of it for public comment and can we make use of our lovely green text and red crosses. If people are happy with seeing something comes back that looks like that, can you give us a green tick on your Adobe room? And if you're really unhappy and really ultimately can't live with it, can you give us a red cross?

You lovely green tick people, thank you. Let's move on. Thank you, Malcolm. Thank you, all. I don't think there's anything else in this paper that needs to be dealt with at this point, remembering that we're going to be getting some graphics from (Explain) that will hopefully make this look a bit prettier than condensed text.

So thanks, everyone. Let us move onto the next one of our papers that dealing with, which according to the agenda is the voting weight paper. So - and in the voting weights paper, there's also the text that was circulated from the lawyers in respect to the - oh yes. So the reason that we're seeing the mark up on this here is at my request. And it's because there was a reasonable amount of change here.

Now from last night from the discussion of this on the call and the one action that I remembered was to take away the asterisks because a few of them lacked a distinction, and adding a footnote that explains that current - that basically says the ACs, the three ACs at the end of the list, are still considering their participation given the changes to the model that are set out in this public comment report, so something very neutral and not very difficult.

And the other feedback that came in from Alan only so far as I'm aware is that he didn't like the long off ramps, the people that are participating. So I

suggested that you had to give three or so to start participating and six months to stop. I think that his concern is valid, especially given that quorum rules discussion that we will have after we've dealt with what's on the paper.

So this is the first time we've had a chance to discuss this text, in particular the - we've discussed the five votes per AC before. We haven't discussed the on ramp or notice period thing at the bottom of Page 1 or the off ramp. And the logic behind the on ramp and the off ramp and the quarantine period, or whatever you want to call it, the idea that you shouldn't be able to flip flop each way stay, is simply to avoid surprises and to let people in the community have a clear understanding at any one time about who is voting and who isn't. So that's the logic of it.

And so let's have a discussion. So does anyone have any views on any of these questions? The last point I'll make in terms of editing is that I think we should add paragraph under, you know, in the three first paragraphs, under the second one that simply notes that there have been a range of other voting weights proposed and some concerns raised with the idea that ACs and SOs have the same voting weight in the mechanism.

And the point of adding it is to note that there isn't unanimity and there's a kind of trigger to get people reading the report to think about that issue and offer comments on it. So are there any speakers? Does anyone want to discuss any of this? I don't see any hands up. I see Robin's hand up. Yay, some hands. Thanks. Robin, go ahead please.

Robin Gross: Thanks. I just had a question really more about process, because, you know, as you may have gathered, I'm not supportive of the five/five/five/five across the board and I think would want to file some kind of a minority statement on that.

And if I understand correct from the call earlier today, we could send some text or something to the drafter of this part of the report, and they would include these concerns in that portion of it. Or is that right process for how to describe an alternative proposal and the concerns that we have with this one?

((Crosstalk))

Jordan Carter: My understanding is that's right, Robin. So what we're - the intention I think, and the co-chairs can correct me if I'm wrong, is that we try and reflect the contentious bits of this in the text so that we can - people can at least buy this version of the paper, the second public comment report that they may need to file a separate minority statement.

Of course there will be minority statements on the file proposal if things don't land where people can accept them. But summing up the different views in the text keeps it a bit more coherent and signals to people that there is room to move, if you like. So Mathieu or Thomas, is that a - I'll let Thomas answer that because he's next in the speaking list.

But before we move to him, Robin, is there anything else that you wanted to add just at this point? Okay thanks. So you can take your old hand down. And, Thomas, the floor is yours.

Thomas Rickert: Thanks very much, Jordan. And I think you explained it very accurately with respect to how we deal with diverging views in the report. And let's just be very clear. This is an offer to members and participants to have their views included in the body of the report.

The point that I wanted to make -- and I should preface this by saying that I don't have an opinion, or a strong opinion, in one or other direction -- but what we've seen in the CCWG call earlier today and what Robin alluded to, I think there might be an issue or a bit of a debate or public comments received on the number of votes allocated to the respective groups.

And I'm wondering whether there are ways for us to leave that discussion to a later stage. I think what we understand is that there is huge support for the number of five votes for the four groups that are now voting. I think there is a good reason to keep the number of five votes with an explanation that GAC (unintelligible) pending. But I also sense that there is - that there are a lot of questions with respect to the voting rights and the number of votes allocated to our second answer.

And if there were not immediate need for RSAC and SSAC to have that hard coded into the bylaws, let me just throw out the idea of maybe remaining silent on that for the two groups and just say okay we're starting off by having four -- as the case may be with the GAC, five, --groups voting. SSAC and RSAC might choose to request voting powers at a future point in time.

We will need to rethink voting thresholds and stuff like that at a later stage, and we will do so if and when the requests come in, and some prefatory work for that is going to be carried out in Work Stream number 2 after the transition. So we will undertake to work on it but we do not fully implement it. And I think that might help reconcile the different views and potentially lower the risk of causing friction in the group and with the wider community.

Jordan Carter: Thomas, I think that's problematic for a couple of reasons. One is the very clear - there's a kind of soft selection problem that goes to work. If we don't put the provisions in the bylaws initially for participation then the existing

body of voting members has the right - well this is going to be a fundamental bylaws, so a very high level of agreement among the existing voters, if you like, would have to be required to allow entry for any future voters. And that is the very strong pushback that we got from GAC, that that was unacceptable to them.

Now because the decision to participate or not is according to the usual processes, I don't mind having any of those ACs mentioned in the list, but I think that if we turn around after having put them in in the last call and now removing them, I just don't see how that works, to be honest. I really don't. Basically what people don't want is to have to have a bylaws change to get their votes recognized in the future, and the summary that I made at the last call and what's reflected in this draft text is that the decision to participate or not lies with the AC.

And I think that by proposing that, it is a significant change from the last version, and so it may even be worth saying that in the text, and a significant change in our last proposal, blah, blah, blah. And there was debate about this in the public comments and there are views among some participants that blah, blah, blah.

So - but I don't think that going back on where we got to in the last call is a helpful suggestion at this point. I may have misunderstood you though, Thomas.

Thomas Rickert: Well this is - yes, as I said, I'm okay with what's on the table, I'm just encouraging the group to consider alternatives in the case that we sort of get stuck on this one. And I tried to tease out the more contentious parts of the discussion, but I'm okay with this suggestion not receiving the traction, and I see Julie's hand is going up.

And I think I can anticipate what's she's going to say. So, Jordan, I think if you want to move forward on the basis of this, I think it's a well thought through suggestion and by all means let's stick to it. But bear in the head of your mind. We might need to come up with some alternative ways of resolving this in case we see this becoming a bigger issue as we move forward with our deliberations with the whole group on Thursday. But - and I'd suggest we end the discussion here. I just wanted to offer an alternative way forward. Thank you.

Jordan Carter: Okay. I think, Thomas, if we were in the finalizing our proposal phase, so if we were after the public comments, I would absolutely agree that we need to knock this out to something that is somewhat presentable. What I'm hoping is that people will have - will be able to live with a form of a words that does acknowledge the debate and does make it clear that this has been a significant change from the last proposal and that we can, as the members and as people familiar with the work, encourage people to make submissions on that point and that we do need to crystallize to it.

So thanks. Holly, you've got a hand up.

Holly Gregory: Yes, although if (Julie) has her hand up and wanted to comment on something that was more immediately to the point, I'm happy to defer for a moment, because I was raising something that has to do with the off ramp time period.

Jordan Carter: Sorry, I didn't hear the last part of what you said, Holly.

Holly Gregory: My comment has to do with the off ramp time period. I just want to highlight - so if you want to go to Julie first, I understand because she may be more on point on the current topic of discussion.

Jordan Carter: Julie, were you going to mention Alan's point or were you going to mention - because it's the same topic that Holly that just began to talk about, if you were.

Julie Hammer: Thanks, Jordan. But I was just going to say that in relation to what Thomas suggested, SSAC would be much more comfortable with an approach that allowed it to - allowed their needs and encouraged it to join. That would be easier for me to take to the SSAC. But Thomas sort of withdrew that suggestion under your persuasion, so I'm happy with where we ended up. But I did want to say that Alan's comments haven't been addressed yet.

Jordan Carter: Okay. Thanks, Julie. So on ramps, off ramps. The proposed on ramp was three months, the proposed off ramp was six months. I may have had a logic brain fail there, but, Holly, why don't you share your view on that?

Holly Gregory: I think the on ramp makes great, good sense, as does the limit on any brand new participant voting on anything that was already in the works, because you don't want people gaming the timing of coming on to just participate in a particular vote.

On the off ramp, I just want to make sure that we have a means to think about if folks have announced their intention not to participate as voting members anymore, we need to make sure that their lack of voting on an issue that comes up in that six months isn't somehow counted in the negative column regarding how many votes that are available to cast. It's just a technical thing.

I would probably do away with the off ramp, because I'm not clear on the purpose it serves. But we can design around it. I just think we will have to design around it in how we count votes.

Jordan Carter: Okay. Thanks, Holly. I can't point you to a formulated subject on my part that led to the inclusion. It just occurred to me that first of all if we were going to provide some reasons to opt in, we should also provide some to opt out. And secondly that if there was a time delay in opting in, it might make sense for an opt out.

I personally, as the person who drafted it, don't have a special attachment to it. So I welcome others' views about whether an off ramp is useful at all. It may just be that as soon as someone announces that they're going to withdraw, they no longer count for the participants in quorum and can no longer exercise their votes. That would certainly be a cleaner thing. As long as we do keep a flip flop avoidance mechanism, for want of a better term, I'd certainly be relaxed about that.

Thomas, your hand is up.

Thomas Rickert: Sorry, old hand.

Jordan Carter: Greg, your hand is up.

Greg Shatan: Having listened to Holly just speak, I think I tend to find nothing particularly compelling about having the off ramp. I agree that if somebody decides to exit, that shouldn't have the effect of no votes on things that are in the hopper. I'm just wondering if there's any way that this could be gamed so that a no vote suddenly disappears, but I think that leaving and not being able to come back for a year is probably disincentive enough against that kind of creative gaming.

So I would think that if we're not going to be counting them as present or absent or involved, we might as well just summarily, you know, wish them the



best of luck in their future endeavors and exit them from the membership model for the one year - until the one-year period expires.

Jordan Carter: Okay. Thanks. Is there anyone who wants to go into that further for a lone suggestion or can we just take out the reference? So we wouldn't take it out, we'd just change that first paragraph on the second page. So if they no longer participate, can resolve to leave the mechanism essentially to take effect after it was publicly announced, or immediately after it was publicly announced.

Just to aid the process of this call, I'm going to assume that this is okay unless we want to do otherwise. And I just want to comment on Robin's comment about could one of the options we characterize as nonvoting liaison function. No, it couldn't, because there is no body, there's no discussion. This mechanism is only a collection of voting mechanism. Where there is an advisory function is in the proposal for a community forum, and which we'll need to move onto shortly, where all SOs and ACs regardless of their voting participation or not are welcome and encouraged to have a voice and offer their advice.

So, Mathieu, your hand is up.

Mathieu Weill: Yes actually this is a follow up. I think (Susan)'s point is very useful because it might ease a little bit of the tension that it if we inserted a reminder that the group that would opt not to vote in the community mechanisms would still be participating in the community assembly. And although that's not a section of report, I think there's value in reminding everyone reading this part of this simple fact, and that might be useful in the further discussion for clarity.

Jordan Carter: Okay. Yes we can definitely add that note. So it would be a helpful reference to the community discussion, you're right, and hope that all SOs and ACs will

participate in that regardless of their standing and their voting stakes. So if we could do that, add that note to the text with a helpful clarification.

The next thing that we need to deal with is just that question of quorums and voting, and this may incentivize people. I think we just need to display if we can the text that was e-mail that was sent around not that long ago. And, Grace, is that possible to do? We can (unintelligible) e-mail and check it on the screen?

Grace Abuhamad: Jordan, can you help me? Which e-mail are you referring to?

Jordan Carter: So I'm referring to an e-mail that I sent to the WP1 list with a subject line "Voting Thresholds." It was Holly's reply. So my - we don't need to see Holly's reply so much as the original text that was proposed, because Holly's reply says this is okay.

And just before - and just while that's loading I want to come back to the point that's on the chat. Please remember the advice forum is the ICANN community forum. The advice forum is not this mechanism - the mechanism is not a grouping. There's no discussion. There's no ability to give advice, because it's just the SOs and ACs casting their vote.

What we have said, and we'll come to that text next, is that there needs to be a discussion forum where that discussion does happen and where that advice is given. And so we've said that that's the case and that it needs to be implemented as part of Work Stream 1 implementation. We'll deal with that document next.

So in front of you now on the screen is the proposal for the quorum rule, and it's really important that we clearly understand this. We've now got a situation

where groups can opt in and opt out of the voting, even with time delays. So we don't know - we can't write into the bylaws absolute numbers of votes that are required to exercise any of the community powers. That's the first point.

The second point is we can't write into the rules participation quorums in terms of numbers of votes because we don't know how many votes will be participating at any one time. And so the simplest system by far, and the one that I'm strongly recommending that we adopt in our consultation, is the one that's set out here. The thresholds expressed should be absolute percentages and they should be percentages of the votes that are available in the community mechanism at any one time.

So if five - and the current proposal is five SOs and ACs have opted in. There are 25 votes. And where the threshold is called 66%, then whatever mathematically results to any fraction more than 66% of positive votes are needed to pass something. And that means that people who vote no or people who abstain or people who fail to cast a vote, all of those don't contribute to reaching that threshold.

So if the threshold isn't reached, if the percentage of yes votes required isn't reached, then you - the power isn't exercised. And what that helps us deal with is the question of quorum, because if you've got that share of the votes, it essentially says that if everyone who's eligible to participate is participating, then two-thirds, so 66 for example, two-thirds are going to be voting in favor to exercise the powers.

If participation decline, yes, that means (unintelligible) than 66, yes - so if participation is lower than that, then effective support to exercise a power is higher. So if people abstain, it is essentially counting as a no vote. It doesn't

abolish the right to abstain, because we will publish the results of any ballots, I would assume, in terms of the votes that people have cast.

But please understand what the alternative is. If we try and formulate a voting system that deals with abstention, the logic is - becomes very complicated and we have to basically include tables of rules and permutations that are variables depending on the number of voters within the system at the time.

So I - A, I don't see a practical alternative to it as a first pitch, given the amount of time we've got left to develop a system. And I've referenced in the second paragraph that there's an alternative approach that does adjust the thresholds based on the number of yes and nos. The number of abstentions or non-votes is considered but adds significant complexity.

So let's have a discussion about that, I'll call a speaking list on this. There may be a way to navigate and (else-wise) but we need to come to a decision here. Are there any speakers on this? Malcolm, go ahead.

Malcolm Hutton: I'll kick the running off, if you like. I don't support this proposal. The effect of this is to allow people to - or means that people contribute to the vote failing without actually casting a no vote which is wrong in principle and allows voters to decline the responsibility for their action.

If there is a proposal that a community power be exercised and it is being blocked, then those that blocked it should be seen to be blocking it and they shouldn't be able to say, oh well we abstain and hide behind the fact that they claim to abstain when they know that their abstention is resulting in a no; they should be able to say this is not something in which we have an interest.

So abstentions should capture the abstention, they should not be no votes, they should not be effect on no votes. And so I just don't support this proposal.

Jordan Carter: Okay, thanks Malcolm. Do you have a concrete proposal about what you would do instead?

Malcolm Hutto: I'm sorry, I missed that last point.

Jordan Carter: So I accept the logic that you saying - I agree with you it's desirable to do this but I think the point is that everyone will be very clear if we spell it out that anything other than a yes is a no. And if we have to develop a sort of formula that deals with abstention we need a concrete proposal for how you do it.

Malcolm Hutto: You can still - you can still express it as a quorum. You can still say that the no vote will pass unless at least three votes in favor are registered.

Jordan Carter: No you can't say that because...

((Crosstalk))

Jordan Carter: You can't use numbers of votes because we don't know how many votes there will be.

Malcolm Hutto: We will by the time these finals are implemented.

Jordan Carter: No we won't because it can change at any time.

Malcolm Hutto: Well you could - fine, you could still then express it in in terms of 25% of the available votes vote in favor or whatever percentage you think is appropriate. But...

Jordan Carter: That's precisely what we've done. The proposal says that the threshold will be expressed as the number of votes who vote yes.

Malcolm Hutty: That's not - that's not precisely what you've done. That's only the case if you set the threshold at a high level. If you set the threshold at a - the quorum threshold at a low level you could still have 66% of the votes cast as being required and additionally, 20% of the votes available.

Jordan Carter: So what you're - so just let me be really clear to say it back. What you're suggesting is that there would be a threshold set and that would be the number of yes votes compared with no votes. And for the decision to be effective at all at least some percentage of all of the available votes must be yes votes.

Malcolm Hutty: No, not must be yes votes, must be cast. This is really a quorum. What we need...

((Crosstalk))

Jordan Carter: No - well it depends whether you count abstentions in the quorum or not. See, this is where it gets extremely complicated. If you count abstentions in the quorum and essentially you could have one SO or AC push through these for the community power.

Malcolm Hutty: If everybody else was content with that what's the problem? If they're not content with that they vote no. But if they wish to block it they should be required to vote no.

Jordan Carter: So then the logical alternative is to only allow yes or no votes. But I think that we're going to have to - what I'd like to do is just test the room here on the

proposal that's there. My view - I understand - I could debate this for hours and I understand the logic behind what Malcolm is suggesting but I don't think that we should go there for the reasons that I described at the start.

So I would - so what this essentially does it says you can label your vote that is a yes vote what you'd like and that will signal what you think about the issue but no one will be under mis-apprehension that any vote other than a yes is a no. So that's what I'm proposing. That's what the text on the screen proposes. And could we please put ticks on if you're happy for us to include this in the version that goes to the CCWG for debate? And if you're not could you do a red cross? So green ticks for okay to go as proposed, red crosses for not.

And the language - this language that I'll try to get across is the effect of it. Thank you for the ticks are in the majority there so we'll go ahead with that proposal. Thank you. Mathieu, your hand is up I believe.

Mathieu Weill: Yes, Jordan, this is just a suggestion to Malcolm's suggestion. Malcolm could take an alternative approach is appropriately documented as part of the document as we did for other suggestions.

Jordan Carter: Yeah, thank you. I think that's a good idea. And I think we understand what it is largely, Malcolm, that abstentions aren't counted as a minimum percentage of yes votes required to exercise the power. Can we tag team on that or something similar to it and replace the second paragraph with that just noting that an alternative approach was considered and then we can get the documented text in? I hope that's okay. And then we can put that up to the CCWG meeting on Thursday.

Thanks, everyone. We're going to move on to the next paper which is the community - oh excuse me - community forum paper. Let's tread on to that one, thanks staff. (Unintelligible) so far.

This, you'll recall, we voted to get rid of the detail and just make the general point about there being a forum. And Robin, just the point about teasing out these voting systems we've got plenty of time to do that while the public comment is running and we'll be able to take the public comment feedback into account when we do that - the final/final proposal.

So this is now a one-pager. And it isn't prescriptive. It summons up the fact that we believe there should be discussion before any community powers are recognized - are exercised. It importantly notes that this will provide the forum for the various advisory perspectives of the ACs to be added even if they are not voting participants in the community mechanism.

And it says that we will - it could incorporate the idea of a mutual public accountability forum. And it says that we will do further work in establishing this hopefully in an extremely lightweight way in the implementation phase of Work Stream 1.

And Julie has noted in the chat that Alan has a suggestion that third paragraph and should reference the board as well. So I think that would be important, it would create an opportunity for advisory committees, comma, the board and staff, comma, who aren't currently - oh, yeah, well we can add a reference to the board and staff into that paragraph as people who would be sharing our perspective here.

So I think this is complicated. I think we can probably nod at it with that reference made to the participation that was in the previous version. Are there



any massive problems with that or can we move on to the next paper? So just for the staff that suggestion paragraph three to add the board - we can't refer to the board as a non-participant in the voting mechanism but the point is to add those - a reference to the board and the staff there for completeness in terms of the dialogue that's going on.

Okay thanks, everyone. We'll move on to the next one which is budgets and plans - started calling it budgets and plans to avoid saying budgets, strategic and operating plans.

And this paper, as I recall, I don't think we discussed it on the CCWG call last night but that is a bit of a blur. So we're going to be coming to that on Thursday. So with this one I didn't ask for a presentation of the track changes.

I don't regard there as being substantive changes. What we've done in the third paragraph is added the reference that was required to the Appendix (T) of the CWG stewardship proposal with the detail of what would need to be in the IANA budget.

And then in Paragraph 4 that is the explicit link to Work Stream 2 developing improvements to the actual planning processes so that this detail is even less likely to be used. That - okay so there's a paste-in from Alan's comment - a paste-in from Alan's comment. I didn't disagree with his point about the fact there's a fiscal budget. This is about - all about budget approvals or otherwise. And it would be possible to go from the line item veto to only one veto.

The only thing we're doing is carving out the IANA-related budget as specified in the stewardship. The stewardship team has said that that's okay so I think we have to go with that proposal.

And I think that the rest of the text, in my view, is clear enough about the fact that one was making a decision either on an IANA budget or other. Where it could be usefully improved is in the initial petitioning description. So in Paragraph 8 I think we can add - after it says the petitioning discussion in the subsection and we can add back that's 15 days each.

The petition must be clear as to whether the veto - as to whether the vetoes proposed for the ICANN budget, the IANA budget, an operating plan or a strategic plan.

Just clarifying that there will be - will make it very clear that there needs to be specificity about what the proposed veto is applying to. So if we can add that in the notes as the suggestion to add to Paragraph 8. I'll take a speaking list then. Jonathan, your hand is up. Please go ahead.

Jonathan Zuck: You may have just sort of said what I was going to say is that we can - this got very streamlined and there might be a couple places to put this back out like the two 15-day periods and to specify that these things are distinct and just to answer Alan's comment that pretty much a consensus in the room in Paris that they should be treated independently but with similar processes but some with different periodicity.

I guess that was my only point. And then you did add in the part about the Work Stream 2. The only other thing that was somewhat prominent in the public comment was this notion of this creating somehow some kind of a deadlock. And so I mean, the only other thing that might want to find its way back in here is an explicit reference to that concern and put it to bed with the notion during the resolution just because it came up in the public comments.

Jordan Carter: So that would be adding, Jonathan, a reference at the end of Paragraph 6 which sets out the continued operations of IANA or - of ICANN or the IANA function of the budget. This would prevent any operational disruption from the veto process or minimize operational disruption, something like that.

((Crosstalk))

Jonathan Zuck: ...here or to the language we had then and that objection was still raised in the public comment so that's why I think addressing it explicitly will be useful in the second round of...

((Crosstalk))

Jordan Carter: So could we add that note as well noting in Paragraph 6 that there would be a - that this helps deal with the public comment concern about operational integrity. Are there any other comments on this or were those noting the changes that have been made and accepting a couple more to Paragraph 6 and 8, can we move ahead to the next document? I mean, I can say we move ahead. Jonathan, do you want to pull your hand - oh thank you - hand down.

Thanks, everyone. Our next paper is Number 8 - is standard bylaws, sorry, 5(b)2. We'll just put - okay, so this paper did go to legal review. And the changes that I have made to it are about adding in the petitioning (set). There was - the lawyers have come up with a slightly different scheme but I've just added this in to be consistent which is the paragraph that's got the orange - the yellow blob around 15 days so that it's consistent with the other things.

Otherwise, text is has been reasonably stable for quite a long time. The thresholds have been stable for quite a long time. The other blobs are just making sure that section references are in place. So are there any points about

this one? This one sound like it was pretty much ready to go so if there are no issues I think we should let it go.

Comments from Alan as well. Someone else on this call does not have their microphone muted. It would be awesome if you could mute your mics if you're not speaking. Thanks.

Okay no comments on that one. So we can move on to the next paper which is the removal of individual ICANN directors I think. So let's put that paper up on the board. And the main change that we have to make to this paper was to reflect the feedback that it was confusing - confusingly different processes for SO and AC directors compared with NomComm directors were being merged into a single explanatory section.

And so that's now been separated. You can see the bottom of the first page in Item 5, that just sets out the process for SO and AC appointed directors. And then Paragraph 7 deals with NomComm directors. I've added in the 15 days process for the petition. I've also specified that when the threshold is met the community member implements - validates the decision the lawyers have suggested that in Paragraph E (unintelligible) five the word that should be the sole member automatically implements the decision rather than validates it (unintelligible) validates the discretion.

And I've tried to clarify also in the paper we've added the reference to the replacement process for SO AC directors where they've removed an individual which is already in the bylaws. That's in Paragraph Number 8 at the bottom of Page 2. And I think those are the substantive changes.

So the comments that Alan has made people are still talking about the timeframe here. So if we can - if I can just run through Alan's comments to

put them on the record. He's asking if a 15-day window for a teleconference is reasonable or not. For the removal of a director within the SO and AC an individual (unintelligible) in the culmination of ongoing discussions within the SO AC.

So it isn't going to be a problem in that context. The timing issue might be a problem in the context of removing an SO AC director. And I think again personally my view is that these thresholds can work because none of these things are going to come out of the blue.

And the 15-day or the discussion phase that follows the 15 days of the petition phase does mean that - or the 15 days of the notice phase does provide quite a long window for people to have a discussion. In Para 5 Section D I'll Alan asked a question about the 3/4 of the votes cast in the SO AC.

I'm not sure why it's a community mechanism because the community mechanism doesn't have any decision rights in Section D of Number 5. The decision is solely made by the SO or AC governing body so that comment, Paragraph 3.

Paragraph 7d - he's saying that the 3/5 requirement but I don't see any language about a 3/5 requirement so I don't know what that refers to. And the last question about whether replacing (unintelligible) term limit on directors, the general approach I think is that a replacement along these lines doesn't count towards the term limit.

So if we need to specify that at this point we can add it in on Paragraph 10 which talks about the fact they're still the same seat and their term will come to an end when the director (unintelligible) would have done. It would be

helpful to add that any time served by a replacement director does not count against their term limit.

So that's a run-through Alan's comments in the document. And my proposal then is that we amend the report in the following way that we add a reference in Paragraph 10 to the fact that term limits are expected by this. And I don't think - I think we should have a general discussion about the 15-day/15-day/15-day window on the CCWG call.

And my contention remains that they're workable but others may have a different view. I think that's a conversation we should have with the 60 of us on the call there if it's required. Are there any other comments or thoughts or you happy to go with that proposed tweak?

Grace Abuhamad: Jordan, this is Grace. I just - I lost the note that you wanted to add in Paragraph 10, what it was about.

Jordan Carter: It's to say that any director who is appointed as a replacement director won't face - the time served until the end of that term won't count against any term limits that would apply to them. So term limits don't apply.

Okay, not seeing any hands waving frantically in the air so thank you for that, folks. Can we move on to the next paper, which I presume is the recall of the ICANN board, 5(b)4. If we could have that paper up in front of us?

And this paper is one I built off the lawyer's draft with some comments that have been in discussion in WP 1 at the time of our last call. One thing to specifically draw your attention is right there visible on the first page. Our initial - our initial thing said at least one SO and one AC would need to petition.

And given that at the time we have an indication that maybe only one AC would petition, this effectively gave the one AC, the ALAC, veto rights. If they refuse to petition then it would be impossible to exercise - it would be impossible to even consider these for this power.

So Alan himself raised that as one of the ALAC (unintelligible) he didn't think that was reasonable. So I'm suggesting that we replace that with two - at least two SOs or ACs in that and requires that very high level of sustained community concern, that doesn't give us any particular type of organization veto. So that's there.

In terms of the - I think we've landed with a NomComm - I've added the clause that SOs and ACs must name at least one perspective director when they come to the voting phase. I've made the 15 days thing consistent here and renamed some of the periods that the lawyers have proposed (unintelligible) general approach.

In terms of the question that Alan raises about is NomComm prepared to name interim directors prior to the vote, I don't believe that it has to or should do that. I'm trying to find the clause where the NomComm matter is dealt with. And because I haven't given myself paragraph numbers I can't quite find it.

It's in the sort of long paragraph at the bottom of Page 2. "The NomComm will amend (unintelligible) to be able to supply (unintelligible) such an interim board is required." And so they'll basically it's saying they need to refresh that pool each year.

I don't think it's an important detail about whether they're secret or not. I think that we should leave that up to the NomComm personally. You know, it's a case of adding some balance to the board. So aside from that I think that sums up the changes here.

I've added in the point about the diversity requirements just towards the end of that page. And I've asked for a speaking list and first is Greg. Greg, go ahead.

Greg Shatan: Thanks. Greg Shatan for the record. Just a minor point going back to the very beginning when we discussed the two SOs or ACs issue, I think we should say something like two SO ACs of which one must be an SO so that (unintelligible) language will scale if we do have more ACs voting. I don't think that, for this particular power it's appropriate for it to be a petition of two ACs.

Jordan Carter: Thanks, Greg. That's a helpful suggestion. I think that that was implicit when we were only looking at the four initial participants. I personally have no issue with making it explicit. It would seem, given the respective roles and responsibilities that it would be odd if only ACs were petitioning to check out the whole board.

Are there any radical objections to amending that yellow text to say must be at least two SOs or ACs, at least one of which must be an SO. If there aren't any radical objections to that can that be noted in the notes as an action amending this? That would be great. Thank you. Are there any other comments about this paper which seem pretty workable generally now.

I see a hand from Malcolm Hutter.



Malcolm Hutter: Yes, Jordan, I haven't taken up the group's time on this topic during the course of our discussions because I'm clearly in a very small minority on my viewpoint but I do not share the group's judgments as to the basis on which this power is to be exercised and would like to take up the invitation from the chairs that significant minority objections to a particular thing be recorded in the document so that minority reports aren't needed.

I don't want to issue a minority report, I support the basis - the proposal as a whole altogether but this particular power, the judgment that it isn't more destabilizing or to - so destabilizing to ICANN to eject the board that this must be success at such a high threshold is one that I think is unwise.

Actually I think is much more destabilizing to ICANN if a single SO votes to exercise the power and nobody supports them or them supported by an insufficient number to pass the threshold. I think that would be much worse and much more destabilizing and I'd like to have that recorded as a minority opinion. But I'm not going to seek to persuade anyone because I know nobody here agrees with me.

Jordan Carter: Okay, we can work that in into the drafting somehow. Just for disclosure purposes, I'd like to say that I've also noticed another part of the thing that needs to just be amended which is right above the yellow blob where it says two SOs or ACs which we've agreed to change.

There's a sentence in that above paragraph, the second sentence, "The community would initiate the (unintelligible) of 2/3 of the SOs or ACs," and that's - I don't know where that came from but that isn't the case and we're not saying that you have to pile up five petitions out of seven in order to trigger these powers. Saying at least two SOs and ACs, one of which must be an SO (unintelligible) drafting as well.

And the other note this is - this action should be the - update the petition threshold including in the paragraph above and an action to refer to Malcolm's objection. Are we happy with that, folks? Good. Good. Thank you. Good work.

That is our review of the papers. What'll happen next is that sometime in the next 13 hours, 14 hours I will do another paper that puts all of the community powers, so these four powers, into on document - or maybe staff can do that for me. And it tracks the changes of the group, the powers, in one place. And we'll put the community mechanism stuff into one document and make the changes that have agreed there.

And then they'll be available with those track changes for your review on the email list. And then we can discuss them at the CCWG call on Friday. There's no possibility of me getting that track changes out to you sooner because I have to prepare a whole set of board papers between now and about 12 hours from now.

So the last item on our agenda today - so staff, if you could do those and just send them to me since I'm in the next six hours ideally then I can just track the changes on top of what we've got.

There is another job that we've got now that we've just finished that small problem of the second public comment report which is that we have agreed to update or we - well there's been an agreement to update the public comment tool so that the responses to the PC 1 report accurately reflects what we've actually done in the PC 2 report.

And I know that you'll all be bursting to spend even more time on ICANN now that we've got this piece of work out of the way. But the - it does need to be done. And I hope co-chairs, can one of you intervene with any information about the timing for that if it's agreed or tell us that the timing for that isn't agreed? Mathieu, Thomas? Are either of you still on the call? Timing not yet agreed.

So I assume then it'll be an agenda item in the CCWG call this week. I'm pretty sure that we're going to not be having a CCWG call next week and so the - there'll need to be a sign-off I guess of the public comment tool. The process yet to be determined so all you need to treat this agenda item as is a flag. If you've been - I'm certainly going - volunteering to work through all of that - all of the public comments. And we will need to share that around.

But just a heads up that volunteering will be needed and that many of you have spent time on these things and are familiar with them. Many of you did the analysis of the public comments in the first instance. And those are the people I'll be turning to at least in the first instance to flesh out some of 5. Grace and I have already done some work on the original doc but that'll all be available later.

So that takes us to any other matters. Is there any other business to deal with this in this call?

Grace Abuhamad: Jordan, this is Grace. I was going to suggest that maybe after we get the full draft out for the public comment, the second public comment, that we could maybe come up with a little plan to get the public comments from the first public comment incorporated; maybe that means separating out by sort of section like we did with the draft in preparation for this public comment or, you know, we can come up with a little bit of a method that would allow the -

sort of the workload on people to be spread out a little bit and maybe allow for easier review. So I can think of something for you if you'd like.

Jordan Carter: I certainly would. Anything that makes it easier and simpler is a great thing to do and so thank you. And we can talk about that at our next call which of course is yet to be scheduled. I'm very happy to say there are no scheduled meetings of WP 1 pending.

I've got two speakers. Mathieu, your hand is up, please go ahead.

Mathieu Weill: Thank you, Jordan. Mathieu Weill speaking. I think at this particular point in the work of Work Party 1 I'd like to commend, you, Jordan, for all the work you've been doing as rapporteur of this group and especially the last couple of weeks since the Paris meeting has been pretty intense. And I know you've been doing a lot of drafting and keeping this group up to date in real time with always clear documentation and agendas and chairing skills that are absolutely masterful.

And I'd like to have this put on the record because it's really amazing and this call today was a testimony of the value of what you've been doing and very, very impressed. And I think we owe you a virtual round of applause for that. Thank you, Jordan.

Jordan Carter: Thank you, Mathieu. I appreciate it. I'm blushing. I just - I'm not keen to do this again anytime soon. Thomas, your hand is up.

Thomas Rickert: Yeah, just to say that Mathieu pretty much stole my thunder in congratulating you on your excellent chairing skills and how you've maneuvered and navigated the group over the last several months.

But let me also highlight that the (unintelligible) of collaboration (unintelligible), you know, the discussions are very high quality so this is really very enjoyable. Kudos to all of you. Thanks.

Jordan Carter: Thanks, Thomas. I'm just going to insert myself here to thank everyone (unintelligible) for keeping an open mind, you know, some of us have had late night or early morning calls and been a bit snappy at times but we've got a lot of work done by working together well so I've enjoyed that experience.

And I'm not participating in Work Stream 2 just to be clear for the record, Greg, but thanks.

If we are done then let's (unintelligible) done yourselves virtual pats on the back. And we can all enjoy speaking to each other again on the CCWG call that's coming up in a day or two or three, whenever it is. Thanks, everyone, and have a good morning, afternoon, evening, etcetera. See you.

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