ICANN

Moderator: Brenda Brewer
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6:00 am CT

Grace Abuhamad: So today Jonathan Robinson will be chairing the meeting and I'll turn it over to him.

Jonathan Robinson: Okay. Thanks Grace. And hello everyone. Welcome to today's meeting. Lise sends her apologies. She was called away after pretty short notice and so was unable to attend - is unable to attend today.

As you know, we have calls scheduled every couple of - every two weeks alternating 11 UTC this time and 1400 - 1700 UTC (unintelligible) with an option (unintelligible) required.

So we may not need the full two hours now to get what we need. You've seen the agenda. We may be able to work this out a bit quickly. Much of the agenda is in the form of updates but there may well be (unintelligible) or issues arising. So we'll just - we'll see how we go.

A reminder to please keep your microphones closed - your microphones on mute unless you're actually speaking. And of course we manage the speaking

by the (groups) in Adobe Connect room unless you are unable to join in which case make yourself audibly known (at that point) to go in the queue.

I have an open mic there. I'm noting a bit - seems like it's gone off. And in the intervening period since our last meeting, we dealt with the outcome of that meeting, which was for the Chairs to draft a suitable response to the ICG or input to the ICG in relation to the IANA IPR issue.

We produced the draft response, took feedback and comments on the CWG mailing list and then revised that accordingly. And as we will have now seen that's gone off to the ICG and has been also distributed to the other responding communities - to the ICG's RFP (that's via) the IANA plan and (Christine). And indications are that that has been well received and seems to clarify the position.

So together with the ICG's current proposal out for public comment, our (clarification) and in fact the ICANN Board statement that's come out in the (interim) was issued being under discussion, we seem to be in a relatively good place on that.

And of course the service level expectation - the working group has done their work and thank you very much to them for, you know, the hard work that went into that. And we're not in a position to review that in this meeting under the (first substantial) item. And you'll see that as Item 2 on the agenda.

Also in the meantime the Client Committee has met together with legal advisors and we can provide you with some update on that in Item 3. And I think those are the main points I wanted to cover. Obviously the meeting today is quite update intensive. But as I say, we'll see where the - what the Q&A arises from that.

And we also need to at some point although not immediately think about the scope and timing of any work that this group's going to have on implementation.

So I think at that point if (there are any) comments or questions. I'll just pause a moment to check if there are any comments or questions arising. So hearing none, on the agenda then I'll move us on to the first (substantial) item, which it does talk about the output of the (unintelligible) Working Group and get some updates on that.

Just to remind you as a group we committed to not dealing with substantive items completely in any single session but with updates and likely defer the formal approval of it if in fact where we go with it because there's no reason to expect we won't. If we do go down that route where we'll take the formal approval on that through to the next meeting.

So let me hand over to Paul who I know is on a mobile phone but it's (unintelligible) Group and chaired this working Group and support and get his updates on the perspective on the group's work and then be supported by Bernie your - any other participants who'd like to weigh in here. Over to you Paul.

Paul Kane: Can you - can you hear me okay?

Jonathan Robinson: (Unintelligible) Paul, (that's fine).

Grace Abuhamad: Hi Paul. This is Grace. We can hear you well and we have the SLE agreed document on the screen in the Adobe Connect room.

Paul Kane: Thank you very much. I'm pleased you can hear me. I hope you did. Can you just confirm (Brenda) if you can hear me? Sorry. I'm struggling.

Grace Abuhamad: We can hear you. We can...

Paul Kane: Thank you very much. So first of all now I thank all members of the working group for their really hard efforts and dedication to this cause over the last X number of months.

In my email dated the - on Monday, the 31st of August, I named them (Elaine), the two (Jeff's), (Patricia), Jay Daly, (Chadem) from effectively the working group side and also for - to Kim Davies who spent a lot of time along with Bernie Turcotte trying to really push this forward.

If you remember, we broke into a sub working group. So we have the main working group of the SLE and it was considered optimum to break into a subgroup. The subgroup approach worked well. And we concluded with two full working group meetings to bring the document to closure. And last week I'm delighted the working group along with ICANN IANA agreed with the document that was presented and posted to the CWG.

I'm hoping Bernie will be able to run through the document in more detail. I apologize. I'm on a mobile. But as I understand it, the next step needs to be the CWG group fundamentally ratifies the document.

As Jonathan mentioned, this probably doesn't happen at this call but will happen at the next call just so all members of the CWG have time to digest and think about the document in more detail.

So the next call, which I believe is in a week's time, the document is effectively ratified by the members of the CWG. And that then gives a basis on which ICANN can legitimately say the community has presented a plan for adoption in the - effective the post-transition world for the SLE.

And then one of the things as mentioned on a previous CWG call we proposed and ICANN had agreed is that ICANN IANA staff will come up with a scope of work for them to implement the SLE document that is eventually ratified.

And then get permission from NTIA to effectively make the changes, not necessarily to the primary system but in recent weeks NTIA have asked ICANN and VeriSign to work together to build a test platform to test life post-NTIA's involvement.

And it could be we can latch onto the test platform to basically mirror the real world scenarios that happen so we use real world data to fundamentally capture time stamps in accordance with the ratified SLE document.

And then after that's been running for a month or two or maybe two or three months, the plan is then to determine the threshold and then - what the industry considers to be effectively the industry standard along with ICANN IANA.

And then effectively populate the service level expectation document so that from the date of transition, whenever that date is, there will a service level agreement, a service level standard in place so as ICANN IANA transitions away from NTIA - NTIA's SLA agreement, there will be the SLE in place.

So all members of the (just the) community and in fact all Internet users can be assured that the IANA will be operated in an efficient manner post-transition.

So there's a high level overview of how we see things progressing. And I would like if I may to hand over to Bernie just to run through the document and then possibly open to any questions if there are any from members of the CWG.

But again, many thanks to the working group members and also to ICANN IANA staff. It is I believe a good document and certainly of a very professional standard. So thank you all involved. Bernie, the floor is yours.

Jonathan Robinson: Paul, its Jonathan. I'll just support you on that last remark. I think the document (has been like a) substantial and thorough piece of work. So thank you to you and the group. Bernie, go ahead.

Bernie Turcotte: Thank you sir. I hope everyone can hear me.

Jonathan Robinson: (Hear you well).

Bernie Turcotte: Thank you. All right. Listen everyone. I'm not going to make this long. There's an introduction, which we've all seen is - has been tightened up a bit. Followed by principles and technically these were approved previously. So we're not going to go through the details of them.

But they are very important because they define how we architected the rest of the document to ensure proper measurement of items. And really it's about

making sure that every element that is touched by IANA gets measured and reported.

Does not necessarily mean that each element gets an SLE because some things are possibly not critical to service elements but there is a commitment to measure absolutely everything that IANA touches and understand how it's going.

So after this we've got a section that is labeled assumptions. And if you will, that's probably the key point. I think that if we'll just go through this at a very high level to make sure you understand this and then I think the document goes into quite a bit of detail and that would probably not be useful on this type of call.

So service level expectations for (a registry) are normally based on specific transactions. And so that's just the standard definition, if we will. For metrics, which are considered key reporting requirements but for which this type of measurement is not considered viable due to frequency or type of request, provisions made for an exception based reporting model when there is an exception.

So really there is the notion, and this is quite important in this document, that for those that understand how IANA works, not every transaction is a straight through simple transaction. There are a lot of considerations which affect how IANA can process a transaction.

Two examples of this is that one, if there is a lawsuit in progress involving a specific registry, then this may affect IANA's ability to actually process the change. The other element, which has to be considered, is IANA being part of ICANN, which is a U.S. corporation, is subject to the OFAC List.

And for those of you that don't understand it, the OFAC List is a list from the U.S. Government of countries which American companies are not allowed to deal with. There are exceptions, which can be granted. And this implies a whole process. So very quickly just to make a general note that not all things are straightforward in the IANA world.

For the purposes - we're at C for the purpose of designing the service level expectations. The current process simplified to key stages for all change requests. So basically you'll see a flow diagram a little later and that's the key element.

Basically I think the breakthrough came when we managed to agree that the core of the IANA functions for what we're looking for to process would be the simplified process.

So basically accept the change request submission from the customers, verify the change, pass the document through technical verification checks, obtain consent from the relevant contacts, verify the change request meets policy and procedural requirements, obtain authorization from NTIA -- we are talking about the current process -- to proceed with the change and implement the change and notify the change requestor of completion.

A root zone management process route can change (we've got) are largely automated. I'm not going to go through all the details of that. I think everyone sort of should be able to catch themselves up on that.

The processing role currently undertaken by the NTIA will no longer exist in post-transition environment. And those tests will no longer be undertaken. This means that IANA will have responsibility for triggering implementation

at the conclusion of the process by just the fact stating that we do understand that according to the transition, NTIA will not be replaced.

IANA's online systems operate 24 hours a day, 365 days of the year except for maintenance periods as benefits service net customers around the globe. In order to review the phases of processing, the following simplified process flow has been produced. And that under G is where you get that flowchart, which, you know, we described the key elements before and I don't think I'll go through it here.

The final assumptions which are critical to underlying this work. The sum of the measurements produced from the various measured sub processes as they pertain to IANA processing much represent 100% of the time under IANA's control during processing in order to accurately assess IANA performance.

I think this was a key element at some point. As we were breaking down the pieces, there was really a concern from the group that there might be gaps or things that IANA would not be reporting on. And so this, if you will, umbrella statement sort of assures the community that 100% of time under IANA's control will be reported.

Absent extraordinary circumstances, IANA will operate in an open and transparent manner while respecting customer confidentiality. So again, there was a concern that, you know, as much as possible IANA operate in a truly open fashion where everyone can see things. But the reality is there are requirements placed on IANA, some caused by its customers, that certain information be kept confidential. And IANA is bound to keep up with that.

Today, in addition, it will respond to requests in a fair and non-discriminatory manner unless the requested change is deemed to be an emergency. So again,

one of the key concerns that was brought up was the notion that some requests get preferential treatment.

And although we couldn't come up with some clean examples of this, there was no problem from the IANA side of saying requests will be processed in a fair manner unless there's an emergency situation for where there is a documented procedure. And I think everyone understands that.

The flipside to that is that if requests are started in a non-discriminatory manner does not mean first in first out. Depending on the type of request processing may be longer or shorter. If you're simply asking for an update to the Whois database or if you're asking to transfer a registry, obviously the processes are completely different, take much longer in the second case. And therefore once cannot simply say first in first out.

Also there's a notion that IANA has more than one person dealing with the process queue and depending how the queues are managed, again, will not lead to a first in first out. But I think we made that clear and everyone accepted that.

Finally in K, IANA will not (mix) process deviations that result in SLEs not being measured when it was normally expected to do so. At a minimum the reasons for process deviations should be available to the customer impacted.

And this comes back to again confidentiality requirements in certain cases and making sure that IANA respects those elements. However, the community felt that although it understood that IANA faces sometimes some really odd situations, which does not allow it to really take those transactions into the core SLE definitions that if IANA does make that case, it should produce an

exception report. And I think that sort of covered the entirety of the IANA services for the group.

As I said, this is a description of what drove the (rep). After this we've got in the document service level expectations where we define what types of services are being provided.

Category 1, which is routine updates to the root zone file all the way down to other change requests. And I'm not going to bother going through those. And I'll invite you to read them. But we've gone through those definitions in quite a lot of detail. And after that you actually get into the tables that describe how and what is going to be measured.

So that will be the high level next level down summary, if you will. And as Paul has said, there are no numbers in here. Just to repeat. What we've agreed to with this document is defining what we're going to look at. So how the processes are broken down, which processes need to be measured.

Next the work has to be done so we can actually capture that data. Once we have that data it's got to be looked at and IANA with the community has to go through this and establish what the SLEs will be once we have real information. And I think that will be enough detail for this level. And as Paul had said, we'll be glad to take questions. Thank you. Over to you Jonathan.

Jonathan Robinson: Bernie, thank you. Thanks for that additional detail. And I see a hand has gone up right away. So I'll go straight to Martin. Go ahead Martin.

Martin Boyle: Thanks Jonathan. Martin Boyle here. And thanks Paul and Bernie for that excellent overview of the work that you've done. And I must admit I do greatly welcome seeing documents in some clear direction of the way forward

on what I think many of us seeing as being a particularly important element for the final package.

I put a couple of little questions, some of which perhaps are just sort of flagging slight concerns. I think the first one that struck me was on Page 8 and it sort of then appears again on Page 15.

And that's on the process for approving changes in the new regime and a specific reference in both of those cases to the ICANN authorization. Now I'm putting my hand up on this because it occurred to me that this hasn't actually been agreed where the authorization as in the organizations are making that authorization where that responsibility lies.

It's as far as I can remember not identified in the proposal. But it did occur to me that this is something that might be done by the PTI Board. It might be done by the ICANN Board. And I think at some stage we need to make our mind up as to who does it.

Currently it is done by the ICANN Board. But then ICANN - currently the IANA functions operate. And over the years this has been considerable pressure particularly for the ccTLD delegations and re-delegations for the ICANN Board role to be simply assuring the due process has taken place and that proper documentation was in place. And I've got my hand up here to express concern about anything that might lead to an extension of this activity.

My second point was on the emergency changes that appear and I might have missed it elsewhere in the document where - but it appears on Page 17 but as - simply as a note.

I've very pleased to see it's in here because of all the service level expectation areas. This for (nominants) is perhaps the most crucial one that we need to - if there is an emergency need to be able to guarantee that the activity is performed and how long it will - how long it will take. So very pleased to see it here. I was a bit bemused as to why that was just put in as a note and didn't appear in the charts in its own right.

There was a reference to - this is just a sort of - perhaps just an amusing aside. But on Page 14 of the document there's a bit in shaded gray about private requesting TLDs only for a status tracker. And that was something that our resident expert in IANA, an (elite in) IANA didn't know was available.

And I wondered whether this would be something that should be made available as a general service to all TLDs because it then provides a full record of everything that is being done.

Then I've got two other minor points and then I'll shut up. The one was on Page 25 on accuracy. And I'm very, very pleased to see that one there and also it being very clear that we actually expect the service to be accurate. And so very pleased to see that it's a full table for that one.

But the - I think Bernie addressed my last point, which is - and we certainly would agree that we need to monitor the levels that the IANA functions operator is producing at the moment. We need to maintain that in the future.

But I think Bernie made reference to but of course those levels themselves while being reported on wouldn't necessarily be the service level expectation. We would concur.

But what's not quite so clear to me is how we go from those levels to producing a final set of service level expectations, which I think need to be based very much customers' needs and in some cases would simply be a backstop so that the operators are able to program their work around a known delivery time from the IANA functions operator.

Sorry to be a little bit long but that covers sort of five very, very important points for me. Thank you very much.

Jonathan Robinson: Martin, and thanks for your (diligence) in going through that thoroughly and giving us proper feedback on it. I think I will just go straight to David. I seem to (unintelligible) you may have some responses or thoughts to Paul's input 'cause I'm sure - actually I see Martin's input and then Paul may come in afterwards in any event. So...

David Conrad: Yes. Thank you Jonathan. Actually it's just a question to Martin. On his first point he stated that ICANN was involved in the authorization for the Category 4 stuff according to Page 8. I don't actually see a reference to ICANN in Category 4.

It says the process (being performed) by IANA staff including performing additional analysis on the change requests producing a report and having that report reviewed externally.

My understanding is that there was no assertion of who that external body would be in the context of this document. Similarly on Page 15 I didn't see a reference to ICANN there either.

Paul Kane: If I may...

((Crosstalk))

Paul Kane: ...Jonathan.

Jonathan Robinson: (Yes) Paul.

Paul Kane: Thank you Jonathan. Okay. So thank you very much Martin for your very diligent review of the document. And thank you David. So the issue you raised Martin is very valid. And the reason why on Page 16 B4 it says i.e. ICANN Board is the external party, as David has indicated, may vary dependent on the scenario involved.

For the majority of - in fact all gTLDs, ICANN is the party, which is why we indicated an i.e. ICANN Board. For the ccTLDs, as you correctly mentioned, in some instances ICANN does have an agreement with the registry operator. In other instances it doesn't.

And it could be that the external party is validating that the data currently held by the incumbent has been successfully transferred to the new operator. So respectively its independent verification that the data has been transferred and so the user will not experience any disruption.

So that's the authorization function. Really the third party just confirming that stable operation will be enjoyed for all users of the TLD. So that was the difference but well done for picking that up.

With respect to Page 17, the emergency note. What we sought to do there was use the existing time that NTIA has contracted with ICANN over. History has shown that ICANN IANA has acted significantly faster than the 12 hours. But we're also aware that ICANN IANA is only one part of the equation. VeriSign

is the other part. And obviously this SLE just covers ICANN IANA and not VeriSign.

That said, VeriSign has always acted very efficiently over an emergency situation. So I think it there more as a placeholder to make sure that there is a target time. But I sincerely hope that post-transition the CSC should be able to work with IANA (through) their periodical review to refine the emergency part of the SLE in more detail. I just hope that reassures.

The other points you raised are not quite as significant as those others and certainly will be flushed out when the final version - in other words, the populated version of the SLE document is completed; in other words, before transition.

But thank you again Martin for raising some very good questions. Much appreciated.

Jonathan Robinson: Paul. Seems like Martin you want to come back on one or more of those points (to speak to).

Martin Boyle: Thanks Jonathan. Yes. I certainly welcome Paul and David's clarification. I thought - yes and perhaps it's just my sensitivity. But on the approvals process on Page 8, if the move is to an external review of any change request, I would actually have a quite serious concern and that's perhaps why I wondered whether that review process before the final action takes place would either be the ICANN Board or the PTI Board and we need to think about it.

I don't think that takes away from that but we need to think about it. And it certainly does appear in - on Page 15 under A4 where it's waiting on ICANN Board for delegations, re-delegations and that certainly has me questioning

what did we decide. I prefer us to make an informed decision rather than it just sort of coming out in the wash because somebody put it into a particular paper.

For Paul's comments, yes. Thank you very much Paul for your additional clarifications. Thank you.

Jonathan Robinson: Bernie, you want to come in (again) on that? Please do.

Bernie Turcotte: Thank you. Yes. Good catch Martin. We were rushing towards the end there. And I thought we'd gotten all of those but obviously not. And we'll take a note of that on Page 15 A4 and adjust it so it makes - it's consistent with the rest of the document.

Jonathan Robinson: Okay. Thanks Bernie. And any other questions, comments or issues arising from the review of the document as it currently stands? Okay. Well what I suggest we do then is make those modifications from the suggestions and then (what's received) here. And then re-circulate an updated version of the document including a red line and clean version so that it's very clear what's happened.

And in principle subject to those changes and receiving the comments, we should be in a position to then approve this document at the next CWG meeting.

The way in which I think we (envision) doing this is by a process of non-objections at which point this really becomes a (jaunt) into the overall proposal. We don't expect that this is - this was anticipated for the proposal when it went out for public comment and was subsequently transmitted to the ICG that this work would continue.

The subject to be approved by the CWG by process of non-objection, it will, in the view of the Chair, it will be simply absorbed into our collective documentation.

I think one of the other points I should recognize here is there's clearly some sensitivities around timeline, you know, implementation and how this gets enacted. It's been clear that there's a substantial amount of work done, but it is not yet the finished product from the point of view of what will need to be in place at the time of transition.

And (unintelligible) very illusioned about that; that's been made clear. So we will have to keep an eye on the implementation phase of this, if you like, and indeed even in a sense, some pre-implementation work as the planning gets done to ready the IANA Function for this service level expectation that's (unintelligible).

Keith, go ahead.

Keith: Oh thank you there Jonathan. Just really a question of clarification around your comment on what will happen of the SLEs.

To my (unintelligible) what you've just stated that the SLEs, as (unintelligible) obviously, will be incorporated into the main proposal which will be the (unintelligible) submitters in its entirety of the ICG.

Jonathan Robinson: Thanks Keith; that's a good point. And in case - your voice is a little (unintelligible) so I'll make sure it's clear for everyone. What you were asking there, was I saying that our proposal would be resubmitted to the ICG.

And on the contrary, I was saying it would not be. This (unintelligible) as part of our submission to the ICG, and we made it clear that this work would continue. So it's the Chair's view - I mean that it would not be appropriate to do that, but this is some work that was contemplated and communicated would be done. And it's simply a matter of the work being done.

But nevertheless, it forms the composite of our documentation alongside the proposal that was previously submitted and become part of the ICG for our response. Technically also in the proposal is a response to the RFP and the ICG's themselves (unintelligible) proposal for the transition.

Okay, any other comments or issues before we consider this item closed for now and subject to a formal ratification after next meeting?

I'll just make one other remark in that Paul mentioned that there was a meeting next week. We'll need to come to that because there's another good reason why we might need to meet sooner rather than the next two week schedule. So I'll come back to that a little later and just make sure we discuss and cover that.

All right, thanks again to Paul, to Bernie, for all of the work and for bringing this to our attention; so a comprehensively active meeting and prior to the (unintelligible).

Okay, next item on the agenda then is an update on just the legal work that's going on and recent work of the client committee. The Client Committee hasn't met for a while, and this is now item 3.

We met this week -- earlier this week -- with Representative (Lee), and covered an understanding of the current work going on which is not

substantial at this stage, on behalf of the CWG, the current and perspective instructions.

Now just a reminder, Sidley had previously prepared for us a matrix of the work that was likely to be taking place on the bylaws including the work of the CC and the CWG in order to try to map out the landscape.

And what we as a CWG talked about at our previous meeting was subject to the Chairs talking with the CCWG Chairs continuing down to asking Sidley to make the primary draft of the bylaws pertaining to the work of the CWG of this group. And there's a (unintelligible) for that; they are intimately familiar with the work, the background, the process, and also underlying at the intent that tracks the intent. So they should be well qualified to do that.

And that was the motivation of this group in asking the Client Committee to ask Sidley to do that subject to no objection from the CCWG Chair.

We talked this thoroughly with myself with the CCWG Chairs and we did not get any objection, so we then talked it through with Sidley, who made it very clear they will work in whatever way they are requested or instructed to do so, have expressed a preference for being wholly (unintelligible) on the first draft on the bylaws pertaining the CWG.

What this means is that their work for the CWG would be different to the way in which it worked for the CCWG, which is why we then talked to the CCWG Chairs who are prepared to acknowledge that it's different, and ideally we would be working exactly the same way. We (sic) recognize the motivation and are happy to work in the different way providing that we all work in coordination.

So what is now being set up is prior to their giving final instruction to Sidley to start to work more seriously on a first draft of (unintelligible) pertaining to the work of the CWG, a coordination meeting is planned with the CCWG Chairs, the relevant legal advisors and ICANN Legal.

The reason that's being done is because the CCWG as a group has agreed that ICANN Legal will do the first draft of the bylaws pertaining to their work and then be reviewed and developed by their own legal advisors.

So the process is going to be different as a matter of making sure that all of this work is done in a coordinated, logical and sensible way. That we don't work in some way (unintelligible) or even work in opposition to one another.

So there's a coordination call plan for Friday, and subject to all of that we will continue with this group's intention to ask Sidley to do the first draft of the bylaws pertaining to the (unintelligible) of CWG.

So that's the main substantial piece of work. We also talked with Sidley about the value and role of the matrix that they had worked on and whether or not that remained/needed to be updated.

I think what we agreed in the Plan Committee Meeting - and of course these meetings are open to you all if you want to go back and check them and the recordings and what's said and agreed.

But what we agreed there was that the matrix was an instrument as a sort of roadmap or punch list if you like, but it should not become a means to an end; it shouldn't become an end in itself. So to the extent that it's a useful communication and mapping document, it will be kept current. But other than that, that's the function role of that matrix.

And in the third critical area we talked about which is arguably the most urgent -- well it is by definition the most urgent because of the timeframe associated with it -- was this work of ensuring that the CCWG proposal, as is currently out for public comment, adequately and satisfactually meet our requirement.

If you remember, this is the point around the conditionality of the two pieces of work we need the CCWG to meet our conditionality requirement, but that our proposal is adequately supported by that work.

We agreed as a CCWG, as our group the CWG that we would ask Sidley to track and report on whether or not that conditionality is being met. I have no indication from Sidley that it's not being met subject to a couple of points which we can go on to discuss probably in Item 4 in fact.

But what we do have is a need for that work to be done promptly because we're getting to the end of the CCWG (unintelligible). And I think from communication with the Chairs, they would very much value us confirming that. And I think it's probably the kind of due-process in closing the circle; it would be very useful if we could confirm that conditionality.

So as the Client Committee Meeting, what we talked with Sidley about was them not only reviewing the CCWG proposal for its satisfactory meeting about conditionality requirements, but also then drafting that response to us in the form of a letter or in the form of a communication that we could submit to the CCWG public comment.

So that is in effect the plan. What we propose to do is Sidley is going ahead and doing the review because that's what the CWG group asked the Client

Committee to instruct them to do previously, and then to respond to that request in a form that can be readily submitted to the CCWG public comment.

And that's the reason why we need to have a meeting next week really. That's the primary drive because if we didn't meet to look at that work and make sure we were okay with it, we would have to submit it (before) the deadline for the CCWG Public Comment Period or submit it without a meeting. And the Chairs felt that it was necessary to at least come together and look at that.

So let me pause there and I'll really two questions. Is that satisfactually clear? Is that update helpful and comprehensive enough? And to the extent that I've missed something, Greg or Martin if he's on the call, and even if he's not, feel free to come in -- the other colleagues from the Client Committee.

And second, that anyone from the group has any questions or comments that they'd like to make in relation to that update from the Client Committee. Remember of course that the Client Committee's job is to effectively channel this group's requirement to and from Sidley, not to act in any sense autonomously.

Thank you Greg. Greg notes in the Chat that he's happy with the way it's covered, so (unintelligible). Thank you.

So that's really the primary update. And as I've said, I recognize at the outset of this call but this would be sort of update intensive because there's quite a bit to communicate there. But that's just the essence of the more or less an hour long Client Committee Meeting with Sidley and the Client Committee participants.

We did touch on the issue of financial control and management of Sidley's work. And that's an area of ongoing concern to the Client Committee because if you remember, there was a sense that the bills are being presented to ICANN and that we're not necessarily having adequate insights of A, initial costing and B, the bill.

So that's an area of ongoing work for the Client Committee to make sure we do well and assist the group properly with doing both in the form of getting prior estimates on work and then the fact that that work does come out in line with those estimates or at least we understand why it hasn't if it doesn't.

One way in which we could do that is to see the detailed billing from Sidley which we don't see. And they have requested with both the CCWG and ourselves, the lawyers have requested that their detailed billing -- not their overall amount -- but the detailed billing is kept confidential.

So I thought for this group, a consideration for this group that the Client Committee would like this group to think about is what is happening with the CCWG is that the Chairs of the CCWG are getting sight of that detailed of that detailed billing providing that they use for management purposes providing that they retain this confidential.

An option for us is that we ask the Client Committee see the details in relation to the work of the CWG, that we will not be in a position to transmit that to the rest of the group because of the confidentiality issues.

So the question is the Client Committee can't make that decision on its own. But I think we certainly were of a mind to ask the group to authorize to make that request on the understanding that we would keep it confidential, but use

that as a mechanism to best manage Sidley's costs to (unintelligible) and therefore the community at large.

So perhaps I'll make that point now. You can respond now by all means and/or think about it in the interim and we can discuss it more and try and finalize a view on that at the next CWG meeting which we propose to take place next week.

So apologies if that's a bit of a monologue, but it was probably useful to cover that as a thorough update of the most recent Client Committee meeting.

So there's a couple of other items that come up in Item 4 that are worth touching on, and had Lise been here she would have picked them up. So I hope I can adequately cover them.

But really as part of Sidley's work - so we move on to Item 4 now. As part of Sidley's work on the Accountability work and ensuring that it meets our requirements, a couple of points have arisen.

I think Sidley (unintelligible), is my understanding, and I think we as a group are in a relatively common place on both of them. But it's useful to just capture that and make sure.

So the first item is a discussion that's taken place around whether or not dealing with the budget for the IANA Function, whether this is subject to a veto or an approval. And we've had some discussion about this.

I think our intention was to have either approve or veto, not approve and veto. And the discussion led, I think, on this. And certainly my sense of it is that if we go down the route of approving, we have to approve every single budget.

And I think the intention was probably not that and we would do better to stick with the language as is currently in the CCWG proposal which contains the word veto. And this is probably sufficient means since we intended to have approve or veto, so veto probably meets our requirements.

But I guess I'm confirming that. Sidley are aware of this issue and will deal with it in their work. I don't think we have anyone from Sidley on the call at the moment; Sharon's very clear with what's going on here. And so I hope we're in a good place.

In essence, we can object to and veto the budget should it not meet the requirements. And that, you know, if it's not satisfactually or adequately fund the IANA Function.

So let me pause there in case there's a response or comment on that.

Martin, go ahead.

Martin Boyle: Thanks Jonathan. Yes, this is an area that on the last call gave me some considerable concerns, mainly because I haven't properly thought through the implications of the Accountability Mechanism on something that because it's with PTI to prepare the budget that is not directly in ICANN's hands.

It seems to me - and I'm certainly not going against the concept of having a veto. But it seems to me that there is quite an importance step that is needed. And that is to have included in the contract between PTI or any successor to PTI, and ICANN, a requirement on PTI to develop its budget in consultation or in process or in discussion with its customers, and it should prepare an itemized budget. And then the responsibility comes for ICANN to manage its contract and ensure those things have been delivered.

And in that case, the veto which I think has to be for very limited reasons, would be that ICANN has allowed PTI to present a budget that was not properly itemized, or that it had allowed PTI to prepare a budget that it itself had to define but that it hadn't reached out to the customers and had not produced a consensus budget proposal.

And so that really is the sort of where my thinking has gone to. And certainly if we can take care of the requirements on PTI or successor in the contract between ICANN and PTI, then that makes it, I think, a little bit clearer as to of where the responsibility lies. And it's only when you are clear on where the responsibility lies that you can exercise proper accountability.

And so that's why I get down to, there might be others, but probably two reasons why the community might wish to veto the PTI budget on the grounds on the IANA Functions budget, on the grounds that it didn't meet the expected obligations for ICANN to police its contract with PTI. Thank you.

Jonathan Robinson: Thanks Martin. I think that's an interesting point and I think it's consistent with some of those concerns or issues in the Chat as well.

We've really got to, in my mind, and come back at me if I'm not getting this right. But it seems to me we've got a two-fold issue here.

One is making sure that the proposed current form meets our requirements. Sidley are reviewing that and understand our requirements and you put a subtlety in there which is important.

The second is, and your point related in part at least to the second I think is vigilance on the implementation. And this relates to the point that Greg in the

Chat and others where some of the devil will be in the detail as the implementation takes place. And this is critical as well.

So it comes to the subsequent conversation we have is that as to the role and function of the CWG of this group in any implementation of our response to the (ITT) and move past our component of the (unintelligible) proposal.

So that seems to me where we've, you know, because some of this in which the bylaws are drafted and that they carry intent. And I suppose this is where the value of Sidley having an ongoing and contemporary understanding of where we're at; it's so important.

Any other thoughts or comments or reactions to that? Unless someone is trying to speak, we're not hearing you clearly yet.

James Gannon: Can you hear me now?

Jonathan Robinson: Yes.

James Gannon: Hi, it's James. So I have some similar concerns to Martin. I'm sorry for the background noise; I'm beside a (unintelligible). I just have similar concerns to Martin about the process that the CCWG has designed around the IANA budget. And also have concerns around separation between the overall ICANN budget and the IANA portion of the budget.

I don't have confidence that the IANA portion of the budget will be kept safe enough in the case of an overall ICANN budget because some of the contentions that the CCWG has put in around freezing the IANA budget to keep it safe and things like this, the method by which it's gone down I think it

actually resulted in some operational (unintelligible) for the IANA in the case of an overall ICANN budget.

So I would have similar concerns to Martin and I think it's something that we should have be having a slightly closer look at to make sure that, okay, the high level commitments have been met by the CCWG or is the actual detailed implementation of that commitment up to what we, the CCWG and also the IANA customers need.

Jonathan Robinson: But I have a constructive suggestion here I think. James, thank you.

I think what we should do, as an action from this call, is refer Sidley to the audio around this point in the meeting so that in the work that they're doing on our response to the conditionalities as part of this group's public comment response back to the CCWG, that they are aware of these points which I think they are in general, but there may be some nuances that have been covered over the last couple of interventions.

So we'll ask Sidley to make sure they listen to the audio, you know, ten to the hour and ten past the hour and are clear on that, which will then make sure that they are best informed drafting our comments.

And then second is the point that I made a moment ago which is we will need to be vigilant in the implementation side of this as well and making sure that both our initial response to public comment and our late tracking of the implementation is satisfactory.

And I see Martin's comment that this is about the adequate - we need to have adequate ring (sic) sensing of the budget without in some way paralyzing (unintelligible).

So hopefully we can cover those. And you can expect Sidley's response/proposal for this group's response to the public comment on the CCWG to be out shortly. I think probably early next week well in advance of the Thursday call.

And I see Chuck also agrees with Martin that satisfactory or adequate ring (sic) sensing of the IANA budget and so it's in some ways protected and that we as a broader community are guaranteed that that functionality and appropriate functionality obviously.

All right, the second point, and of course this seems to further the support for that noting from Keith's and Matthew Shears on that point.

All right, moving on then to the second CCWG Accountability related point, (Unintelligible), I'm just going back to you on (unintelligible) jurisdiction much for the original question. Okay, so perhaps you were referring to an older version. Come back if there's an open question remaining on an issue that needs resolution.

Okay, so the second point was the issue of the appeals mechanism and the whole relationship between the decisions being potentially appealed to an independent review panel.

And I think the concern here was this was not sufficiently explicitly included. So let me just pause before we go into that many detail for an intervention from Grace.

Grace Abuhamad: Thank you Jonathan.

Jonathan Robinson: Yes, go ahead.

Grace Abuhamad: Thank you. I just wanted to - I think we forgot in the update from the Client Committee to mention that the Sidley was going to be updating the bylaws matrix for the comments received on the CCWG and CWG list. And I think that's being (Unintelligible) referring to because she had made some comments there and was maybe looking for an updated version.

Jonathan Robinson: Okay, thanks. So that's helpful so that clarifies that a little with some construction here about sort of being mindful. And that's useful; thank you.

And I guess referred to that generally in the sense of the matrix being maintained but not specifically in terms of those recent changes. Thank you Grace.

Okay, so there's a point around the fact that the appeals - PTI decisions being appealed to IRP. And this is not currently specifically included. And again, Sidley is aware of this and it's expected that this will be commented on and dealt with.

There's a subtlety in this though that in doing so, the intention was that the CCs weren't caught up in this until such time as they have come up with their own process. But once that process was defined, I think the intention was that they could then have the capacity to appeal anything done outside of that process.

So there's some subtlety in the drafting here which will need to be done probably to cover its scope to deal with PTI decisions being appealed to IRP, but not in relation to ccTLD delegation until such time as the CCs have some

up with relevant policies. So I'm sure the lawyers are - this is well within their capabilities to deal with the conditions here.

I think the overarching objective is that it covers the situation and the future situation which we anticipate without further work having to be done on reopening the bylaws because of all of the complexity and issues that arise from that. So we've got to get it right in one hit, that we explicitly include PTI decisions being achievable or referable to the IRP, but not ccTLD delegation/redelegation issues until such time as CC has come up with it.

So again, I think we've come to a common understanding. I think Sidley understands as well and I hope it will be adequately incorporated in their draft of the response to the CCWG and then ultimately in the bylaws work.

But again, any comments, questions or points relating to that?

Okay, maybe there was some perspective comments on the Separation Cross-Community Working Group as well. I'm just wondering. Avri doesn't seem to be on to update us on this. I just note that there may be an open issue; there may or may not be. I'm not sure if we're overarching (sic) that or not.

Grace, go ahead.

Grace Abuhamad: I'll provide a little bit of an update. People from the CCWG can jump in.

But essentially there was a question raised in the CCWG about whether they needed to do anything specific regarding the Separation Cross-Community Working Group and whether that was a requirement of any time of behalf of the CCWG.

And there was a discussion period of about two weeks, some on the list, some during the CCWG meeting, where the conclusion as of this week in this past Tuesday's meeting was that the CCWG did not need to take any specific action regarding the Separation Cross-Community Working Group, but would, in developing their community mechanism, would remember and consider the Separation Cross-Community Working Group having a dependency on the community mechanism.

Jonathan Robinson: Yes thank you, that's helpful. That's useful to get that and clear that up because this was nagging in my mind.

I think that's the main substance of the meeting covered. I do apologize that I've talked a lot in this meeting although we have had some pretty substantial input from others as well.

So we propose to hold a one hour meeting next week to deal with two items specifically. And this is really a point for (AOB) now. But we propose the Chairs to hold a meeting to deal with ratifying the SLE Working Group output, which in principal could wait until the following Thursday.

But what can't wait is our review of Sidley's draft of our response to the public comment because that becomes quite urgent at that point. And we will have seen that and we will need to go through that and approve it in the meeting, so we'll need to work on it beforehand and deal with it in the meeting.

Now a proposal is to have that call at 1700, our (unintelligible) time, on Thursday next week. So please, if you can, be mindful of that and do your best to be able to attend that meeting. And we'll of course cover the topics on the (unintelligible) and email this beforehand.

Would anyone else like to raise anything under (AOB) or any closing remarks that anyone would like to make? If you do, please raise hand to make a point.

Woman: Jonathan, you may be on mute if you're trying to speak.

Grace Abuhamad: Hi everyone. This is to confirm. There is indeed audio and I believe Jonathan is on mute. He may be having - he had a large amount of background noise so he may be on mute just to sort of wait until that noise settles. Let me confirm with him and get back to you. But I believe we were at the closing point of the meeting.

Hi Chuck. I'm waiting on some feedback from Jonathan about whether or not he's able to speak. But I'll answer your question.

The understanding or the agreement on the SLE Working Group Report is that we reviewed it a little bit today. We will do a formal ratification next week.

And the proposal was to have a meeting next week instead of waiting two weeks for two reasons; one, to ratify the SLE work; and two, to address the draft public comment submission to the CCWG which Sidley is drafting. And because the public comment for the CCWG closes on the 12th of September, it would be useful to have a meeting next week just to be able to confirm that on a call.

Okay everyone, I haven't heard back from Jonathan but I believe he was having some issues with background noise. I think we can go ahead and close the meeting unless there are any other remarks.

Jonathan Robinson: Yes, hi Grace; this is Jonathan. I am still on and I thought we were done with the business. So I didn't realize we picked up that (unintelligible), but we can kind of - I think we are at this stage. Is that correct?

Grace Abuhamad: Yes, that's correct.

END