
TERRI AGNEW:

Good morning, good afternoon, and good evening. Welcome to the At-Large Ad-Hoc Working Group on IANA Transition and ICANN Accountability call taking place on Friday, the 21st of August, 2015, at 13:00 UTC. On the English channel, we have Gordon Chillcott, Yasuichi Kitamura, Olivier Crepin-Lebond, Alan Greenberg, Cheryl Langdon-Orr, and Seun Ojedeji.

On the Spanish channel, we have Alberto Soto.

We have apologies from Heidi Ullrich.

From staff, we have myself, Terri Agnew.

Our Spanish interpreters today are Veronica and David.

I would like to remind all participants to please state your name before speaking, not only for transcription purposes, but also for our Spanish interpreters. Thank you very much, and back over to you, Olivier.

OLIVIER CREPIN-LEBLOND:

Thank you very much, Terri. Have we missed anyone in the roll call? No hands up, nobody shouting their name out. So the roll call is complete and the agenda today, as it has been in the past few weeks, is to start with THE CCWG Accountability working on the ALAC statement in response to the public comment period, and then we'll be looking, I think, both at the ICG, the IANA Coordination Group, public comment period, and also the latest news from the CWG IANA.

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Is there any other business to add to this agenda or there any amendments that anybody would like to make to this agenda? Seeing no hands up, the agenda is adopted and we can move to our agenda item number two, the review of the action items from our last meeting. And since there were none, we can swiftly move on to item number three, CCWG Accountability with Alan Greenberg and Leon Sanchez. And I note that Leon has just arrived on the Adobe Connect. Welcome, Leon. And I gather that I can hand the floor over to Alan Greenberg for this since he is, at the end of the day, the penholder for the draft ALAC Statement on the Public Comment Period. Alan, you have the floor.

ALAN GREENBERG:

Thank you, and I'm actually going to cede the floor for a few minutes while I get organized, and ask Leon, is there anything to report from the CCWG in terms of changes or issues that have come up over the last week or two, last couple of weeks since the report has been published? Because you haven't been on the last couple of calls. So is there anything that we need to be updated or alerted to before we start looking at the draft comment and how we're working on that? Did I surprise Leon so much that he's not prepared to talk?

TERRI AGNEW:

We are dialing out to Leon, as you were asking him, but he did put in chat "no critical updates."

ALAN GREENBERG: No critical updates. So he's turning it back to me, and I'm not ready yet. Okay, hold on.

OLIVIER CREPIN-LEBLOND: Alan, Leon did mention by e-mail that he had to be led out of the jail by the judge before being able to speak, so maybe he needs to be let out first.

LEON SANCHEZ: Hello. Now I [inaudible].

OLIVIER CREPIN-LEBLOND: Now you're being let out. Good.

LEON SANCHEZ: Sorry. No. There are no critical updates on the report. There will be some adjustments in the CWG bylaws matrix, but that's – I mean, while it's related to the CCWG, it doesn't affect the report, so I think that the ALAC statement on the report may continue to be drafted and, of course, commented upon.

So no critical updates or changes to the report. The only advancement at this point is that the public comment tool for public comment period, the one is being finalized and, of course, it will be published pretty soon, so everyone can see how each of the comments that were made in the public comment period one were replied or addressed by the CCWG.

ALAN GREENBERG: Thank you very much, Leon. And if I wait for three more seconds, I will now be ready to start.

OLIVIER CREPIN-LEBLOND: Hand up, Olivier.

ALAN GREENBERG: Yes, go ahead, then, Olivier.

OLIVIER CREPIN-LEBLOND: Thanks very much, Alan. Leon, there was recently an announcement from the US Government that was going to renew the IANA contract for another year. Does that have any incidence on the Work Stream 1 work timetable of the CCWG?

LEON SANCHEZ: Thank you very much, Olivier. No, it doesn't have any kind of impact on what we're doing. Actually, the announcement made by the NTIA comes after consultation with the chairs of the ICG, the CWG, and the CCWG, in which they ask us how much time did we needed to actually end implementation of Work Stream 1, so the transition could take place.

So we answered to Secretariat Strickling with a timetable for our work, and after what they came up with, the announcement of extending the contract for one more year.

So since this extension is being made, taking into account the timetable that we gave them, there is no change to the work we're doing. We are

keeping the same timetable and we should be on track to end implementation of Work Stream 1 by hopefully July next year – or just July next year is the timetable that we gave them. So no changes at all.

ALAN GREENBERG: Do we still have Olivier?

LEON SANCHEZ: I don't know. Maybe he got [inaudible].

OLIVIER CREPIN-LEBLOND: You still have Olivier. You still have Olivier, but it's Alan who's in charge of this part of the call.

ALAN GREENBERG: I know Olivier asked that question, so. I'm going to...

OLIVIER CREPIN-LEBLOND: Very happy with the answer, thank you.

ALAN GREENBERG: I'm going to do the second part of the answer, even if you're happy with it. Because many people have said since they have extended the contract for one year, that obviously means we have more time. These people are not really very good with arithmetic. Because, remember, the implementation is not just for the CCWG. It's for the CWG. It's for the all the other operational groups.

We had said that if things go according to plan, the US government will approve the transition sometime between March and June of next year. Once it is approved, we actually have to do it. Doing it is going to take a bit of time. How long it will take will depend on how much prep we've done and how much we've gotten done, but it's going to take a bit of time.

The signing agreement of September gives us the period of time from whenever the transition is logically completed and the US Government agrees to the actual time to do the work is between March and September or June and September. June and September is not a really long period. The extension of one year gave a little bit of wiggle room to make sure that we can actually get the work done without having to extend the contract past the period into the renewal period, and then curtail it.

So just to be really clear, it did not lengthen the time. It simply gave a realistic cushion to do the real implementation of the transition. And I think that's very important.

In that line, what we are going to look at first is the red line of the draft statement, and I believe, although someone may prove me wrong, that I have put in place, effectively, all of the changes that we decided on at the last meeting, and I'll go over them very quickly.

We, unfortunately, don't have all the people on this call that were involved last time, and specifically not Sebastien, and a lot of them were driven by him, so that's unfortunate. Do we actually have apologies or do we know what Sebastien's status is?

TERRI AGNEW: He did not send an apologies. I can try to track down a phone number and see if we can get a hold of him.

ALAN GREENBERG: Do we normally call out to him or does he normally go and call in?

TERRI AGNEW: No.

ALAN GREENBERG: No. Okay.

TERRI AGNEW: He normally dials in.

ALAN GREENBERG: Then let's assume he's occupied otherwise, and we'll have to deal with it. I'm sure he'll let us know if there's a problem. So the first changes, if we look at the first page, the first half of the page are a couple of wording changes that were suggested. I don't think they're controversial. The term conceptual instead of philosophical, I'm not still 100% happy with it, but I'm happy to leave it there until someone comes up with a better one.

In terms of the appeals mechanism, the question was can the IRP set alternative mechanisms or do they simply pass judgment? And so I tried

to phrase that, and what I have is the ALAC's understanding of the IRP, it's an evaluation of ICANN's actions and a determination of whether ICANN's bylaws and Articles of Incorporation were followed.

The proposal text implies that the IRP will order breach be remedied, but does not dictate what the exact remedy will be. The ALAC supports this and believes it must be explicit that the IRP cannot dictate specific courses of action. And I think that's in line with what we said the other day.

I've added one more thing that I had identified, and I wasn't sure if it should be in a comment or a question, but I think it's of [inaudible] [import] that it should be in the comment. And that is there was a capability added to the IRP late in the game that it can reconcile differences between expert panel decisions. For instance, the singular plural problems we had the with the gTLD process. And it says they can resolve them, but it's not one of the outcomes. So there needs to be, I think, a specific outcome that supports that kind of decision that the IRP may be faced with.

Going on to page number two, there's something new. The highlighted in yellow says that this is something that I have added that wasn't discussed before, so it's not a change in response to. In reviewing later on, we had some changes on diversity. And in reviewing that, I looked at the section where it talks about diversity of IRP panels, and it says, for instance, as an aspirational requirement, that panels not have more than one person from the same region.

It strikes me that all other things being equal, that is a good target. But given any particular IRP subject, which may focus, for instance, on the laws of the certain region, or may focus on needing certain skills, which not all the panelists may have, do we want to put a provision in that skillset also has to be considered as opposed to diversity being something in its own rite?

And I see Sebastien's on the call now, and I guess I'll explicitly ask for comments on that from Sebastien, and then open it up to anyone else. And I'm assuming Sebastien can speak.

SEBASTIEN BACHOLLET: Yes, Alan. Thank you. I am sorry to be late, and I have to...

ALAN GREENBERG: You're here. That's what counts.

SEBASTIEN BACHOLLET: Back on the game. I know that it's – your view and mine, I'm not... You're right and I am right, I think, and that's difficult when you ask three people to reconcile everything. I am not [inaudible]. We need to put the question of the [skill]. The [skill] within the seven, and how the first will be made. Frankly, at the level of the three, I don't care. My trouble is... My view is that we need at the [level of the 7th of August]. We can't work on that because the charge will be made by one group, another group, and we can't tell them that, "No, you can't choose your champion because the champion chosen by the other group is already

from whatever, already a woman, already black people already, or European, or whatever.”

The three must not be, again, for anything. The choice must be done by the people who are working on, and that’s [inaudible] with no choice, no obligation of them except to choose between the seven or the eleven, or whatever the number will be. Thank you.

ALAN GREENBERG:

Thank you. Question, Sebastien. My recollection is that the two of them are chosen by the [sides] and the third is chosen by the other two. So they do still have some discretion on the third one, and I think we’re agreeing. So you’re suggesting that the diversity of the panelists really should be focusing on making sure there’s diversity in the group of seven, or whatever the number is, and diversity should be considered but not necessarily as the trump card when picking of the three.

If that’s what I think you said, then we’re in 100% agreement on that. Okay. Then I think I will propose some wording, and we’ll look at it in the next call and see if you agree with what I actually propose in the wording.

The next section on paragraphs 319-334, we’re just correcting wording. And I have worded a little bit about the seven times five model to try to reflect what I believe is the position of the group, and what I now have is the ALAC would also support the seven times five model should there be any overall support of this position. And, in fact, it’s the preferred solution for some people in the community, which I think does reflect

what we discussed. And I'll go ahead unless someone says there's a real problem.

The next parts are just typos in general, and goes all the way down to accountability, section 8 on accountability – sorry, on diversity. What I've done now is taken the what we discussed and tried to put it in the form of specific statements as opposed to the echoing what was in the report and my personal comments. And I'm going to leave... I don't think we need to go over them one by one, but I'll ask everyone to take a look at them, and particularly Sebastien, and make sure that that does reflect what we said.

I will summarize them on section 2. We strongly support the requirement for diversity, but I put in the part that ATRT may not be the right vehicle, but it certainly is one of the reasons that – one of the places it could go. Seun, I'll go to you once I finish the quick summary. On section 3, noting that there's a rationale included in the recommendation, subsection 4 that we strongly recommend looking at how to address diversity and noting, as I said, that it could fit into the new group that was created out of recommendation 2, but doesn't necessarily have to.

Seun raised his hand but we can read the comment. "Can categorically be removed from 249, 429 to 430, that's where we removed." Sure, I don't mind that. Anyone else feel it should be removed? Don't much care.

Do we still have people on the call or have I – okay, Terri is just [inaudible].

CHERYL LANGDON-ORR: It's just divine intervention responding to your question.

ALAN GREENBERG: Okay. So we removed categorically. I sort of liked the definitive strength of it, but I'm happy to take it out. All right. Any questions on the section 8 on the diversity? I see no hands. All right.

The next part we haven't actually reviewed yet, so this is new stuff. The first is the support – generally of Steve Crocker, who has brought this issue up again and again, that the wording in the WHOIS AOC section is bad. And I support his position, I strongly support it, that we should not be putting words into our bylaws which we know are wrong.

And, specifically, as an example, the AOC WHOIS requirement says that we need to do a review to make sure that WHOIS information is universally available to everybody. We know that is against the law in many countries to put a statement in our bylaws that is in direct contravention to laws in many countries without changing it to be a more nuanced thing I think is just really wrong. We've made other changes to the AOC reviews because we have found errors in them, and I see no reason not to do the same here. So I think we need a strong statement.

The other part of the AOC incorporation of the AOC commitments are reviews into the bylaws was they recommended that the ATRT be the group that recommends that the other reviews be changed. Again, I find that just completely illogical to put the responsibility on one group to

make recommendations about something they know nothing about instead of giving it to the people who actually know what they're talking about.

So, again, I feel pretty strongly on that, that we should be putting in robust review requirement into the bylaws that will actually work and change over time, and not put in something that, in my mind, makes no sense whatsoever.

The next statement, the next part, is the comments on the three minority statements. The one done by Eberhard, I just do not think we can support it, although he makes it a number of interesting points. The end recommendations I do not think are something that we want to support.

Sebastien, I think we need to go over that in more detail, and I'm going to ask Sebastien to identify things that he really believes he wants the ALAC to explicitly support. Obviously, everything, but some of the things I think in his minority statement, he's simply putting on record that he was objecting to it, but without really believing it's going to change the outcome. And I guess I want a little bit of clarity from Sebastien.

Lastly, the statement by Edward Morris, who says that essentially, ACs should not have the same kind of voting rights because some AC members are also parts of other groups. And he's specifically targeting the fact that some At-Large members participate in other things. He explicitly identified Leon as being a member of the IPC. We know we have many people that are members of the NCSG, and his comment that perhaps we need to look at people who can vote in multiple

groups, and that may have some merit. But other than that, I don't think his recommendation has any merit at all from my perspective.

So we need to do a little bit more work on Sebastien's statement. Other than that, I think this is pretty much everything we've addressed to date with the exception of two issues that were raised since the last review, since the last extraction from the comment from the Wiki. And I put those on a separate document.

Terri, if we could put the document from the third bullet up, and those are issues raised by Avri and by Sebastien. Sebastien, go ahead.

SEBASTIEN BACHOLLET:

Yes, thank you, Alan. Yeah. when you want, we can go through my minority report. But I wanted to underline the question about the WHOIS review was not just Steve Crocker, which I remember, but I didn't try to look when, but a few months ago, I say the same thing as I was [inaudible] at the time. We received the result of the review of the first review of the WHOIS Review Team, and we decided launch the idea. But the Directory Services Expert Working Group, I really feel strongly that we need to take into account what's happened since.

One important point I want to raise here is that 2009 Affirmation of Commitments didn't involve us or any part of the community. It was done by staff, maybe the Board I hope, and the NTIA. I am not really concerned by the fact that it was written in that it's our law, it's not – and then the change suggested, it's important that we take that into account.

It's important because, as you say, we can't put in the bylaws something that is not desirable, either feasible, and if it's not just that the WHOIS review and we think that there are other points in this Affirmation of Commitments, we need to change. It's important to do it, and we will see if NTIA agree and, I guess, Affirmation of Commitments will go away at the same time, obviously, role of NTIA concerning the IANA functions. Thank you.

ALAN GREENBERG:

Thank you, Sebastien. If you had mentioned that, I forgot. I know Steve Crocker is the one who has regularly brought it up, generally supported by me, and Steve DelBianco has shot it down each time. But this last go-around on the mailing list, there have been a significant number of people who have supported him, so I think with our voice on the comments, we're likely to see that change. I think that will happen.

I'm going to suggest that we go with the overall program, and if we have time at the end, that we pull up Sebastien's statement and look at it at that point. But I don't want to run out of the time this time. We're doing okay right now. We're only a half hour into the call, so I think we're doing okay.

Leon, I noticed in the chat saying he was mentioned as one of the guilty ones, even though he's not a voting member of the IPC. And, indeed, some people may not be voting members. Some people may chose not to vote, or, in some cases, they may have a vote but it's not clear that it makes a difference in anything. So I think what I'm recommending we write is something that merits investigation; it's not something that we

want to prohibit at this point. We certainly don't want to follow the minority statement advice.

With that, I'm going to temporarily, perhaps, turn it back to Olivier for the next section. Oh, no. Sorry. I'm sorry. We put a new document up and when Sebastien was talking, I forgot about it. Olivier, we're not ready to talk about it yet. Is Avri on the call? I know she's not in Adobe Connect.

TERRI AGNEW: She is not on the call.

ALAN GREENBERG: Okay. If you look at the first half of the page that was up in the pod, it's the third bullet, it's the document in third bullet of the agenda, Avri raised an issue that she was concerned that although fundamental bylaws may only be changed by the Board in conjunction with the members, that she believed the Articles of Incorporation can unilaterally be changed by the Board. That is not the case.

The Articles of Incorporation already have a provision in them saying if there is a member, if there are members, then the members must approve by a 2/3 majority a change to the Articles of Incorporation. Now, it's not quite perfect because, number one, it says that a 2/3 majority of the Board may make this decision, whereas to the fundamental bylaws, it's 75%.

It also says that 2/3 majority of the members may change. Now, we only have one member, so the member either agrees or doesn't agree, but

nowhere is it mentioned what threshold we will use to determine if the member agrees. And that one should be 75%. So there doesn't need to be a change but it's not nearly as onerous as what Avri has suggested is required. And I will put a recommendation into that, incorporate that into our statement.

The next part is Sebastien's identifying, and I thank him because this passed me by completely. The changes to the bylaws on core values and things, in the original report, they showed what the bylaws are now and what was being proposed.

In this version, they showed the changes from the previous version and the new version, but not the original one. And I guess I'll ask Leon. I did ask for a document to be prepared and Becky had volunteered to do it. Has that document shown up? The one comparing the original bylaws to the proposed new ones on the sections on things like core values.

LEON SANCHEZ:

I believe that document is still a work in progress. I haven't seen a final version of that, but I believe that Becky is actually building that document.

ALAN GREENBERG:

Yeah. Okay. Could I ask you to check on it? Because it's becoming more and more crucial. This particular one, which I did not realize at all, because they've made changes in this last version, but not comparing it to the – it wasn't clear how it was compared to the original, and when I

look at it, I think it's quite important. And I'll be honest, I do not remember, but maybe Leon does, the discussion which resulted in.

Currently, as when feasible and appropriate, where feasible and appropriate, depending on market mechanism to promote and sustain a competitive environment. The proposed one, essentially, takes out where feasible and appropriate and simply says, we must – changes the wording slightly, but it essentially says, "There's no value judgments to be made. The competitive market will win in all cases." And my understanding is that is just too wide-ranging.

If you remember when a number of years ago, VeriSign put wildcards into its searching, essentially, said, "You would no longer get a domain not found. You'd get an advertising page." And ICANN shot that down on the basis of stability and security. But that's the kind of thing that the free market may well do things, which are good for the free market but not necessarily good for the overall environment. And I have great concerns, so I strongly support Sebastien's recommendation that we object to that change.

Any other comments on it? Olivier has a tick mark, Leon has a tick mark. Leon, do you have any recollection of the discussion on that?

LEON SANCHEZ:

No, not really, Alan. I am not really sure how we came to drafting this core value, this new proposed core value, but I will surely find out.

ALAN GREENBERG:

Okay, thank you. We have a number of tick marks and I will incorporate both of those changes into the next draft of the document, and at that point, I now again turn it back to – oh, we have some hands up. I don't know which order they came up but let's go with Sebastien first and then Olivier.

SEBASTIEN BACHOLLET:

Thank you very much, Alan. Yeah. Just to tell you that you took this comment I made, but I have made another one the same day, but it was in [imbedded in] answers to comments already done. Then I would like to raise it again, maybe it's to be put somewhere else. But it's written in the paragraph 346. I will cut and paste in the chat. It will be maybe easier. Wait a second. Here. I hope it's readable with you. The question of voting threshold with vote abstention and no participation will all be treated the same way.

I really think that whatever we want to do, we can't read the same way. People who decide not to abstain, the people who decide not to participate or vote, and the people who don't say something with no vote. Sorry, no vote is to be against. Sorry, against abstention and non-participation is not the same thing.

It's really a struggle I have with account on the Board, and if you abstain, it's like you vote no, and that's not the meaning of abstention. We need to figure out how we want to really to do it, but writing this like that [hurts me], and if you want to have some time to think about it just to tell you that I add all those as comment. Thank you.

ALAN GREENBERG: Thank you. I do have a response since I was one of the people who worked on that section. But first, Olivier. Olivier, is this on a different subject, I presume?

OLIVIER CREPIN-LEBLOND: Yes, Alan. I am not going to respond in advance to a question or a point that Sebastien has made. So I gather you're going to respond and I'm happy to [inaudible].

ALAN GREENBERG: Yes, I will. I guess there are a number of points. I'm one of the people who raised the issue of abstention with exactly the same intent as what Sebastien is talking about. When we came to look at it, there's a conflict – not a conflict, but a tension between two things. If you discount abstentions, then you end up with decisions being made potentially by a relatively small part of the community.

So, for instance, the ALAC explicitly says in its normal votes, "We do not count abstentions." But if you have sufficient abstentions, you only have a small number of people voting, since we're only starting with 15 to begin with. Not dissimilar from the 20 in the community mechanism. And you end up where a decision might be made by three people voting one way and two the other way. And that has a problem, too.

So we did come up with an algorithm, which says you don't count abstentions but there must be a certain number of votes being actually cast. You can't have too many abstentions. And you must have a reasonable number of ACs and SOs participating in the process because,

otherwise, you can have decisions being made by a very small part of the ACs and SOs if a fair amount of extension.

It became a relatively complex process and didn't end up being very different when you looked at how the counting was done from what we're proposing. So the net result was very, very close, even though it [inaudible].

There is, however, a logic to what is being done right now. In a normal vote, it makes sense to have someone saying, "I don't want to participate, I don't want to say anything, and I'll leave it to the others." If you look at, again, the ALAC mechanisms, most of our votes we don't count abstentions. A few of them we do. One of the ones we count is for removing people. We can remove an ALAC member, but to do that requires an absolute number of ALAC people supporting the activity. So in that one, abstentions count as nos because we are looking for a 2/3 – I think, is the number – number of people who are saying, "Yes, remove that member."

And all of the community activities are of that form. That is, they are making a crucial decision and should only be made with a large support from the community. So there is, in fact, an argument why abstentions should count as nos in this case. And even if you disagree with that, the two mechanisms ended up with very, very similar results regardless of that because of the need to have a large amount of involvement in making crucial decisions.

So that's why it ended up being like that. Sebastien, you want to rebuttal, and then we'll go to Olivier.

SEBASTIEN BACHOLLET: Thank you, Alan. It's not a rebuttal, but I think what you explained, I get you point. It will be interesting to have it somewhere recorded in the report. Because the sentence like it is, it's, from my point of view, not acceptable. When I heard your explanation and [inaudible] this explanation this before, but it's a bit different. I really think that no participation, we need to have a threshold for participation and a threshold for the voting, from my point of view.

But, at least, we need to have somewhere an explanation as you have done now in the report. Thank you.

ALAN GREENBERG: Thank you. I'll note that. Olivier?

OLIVIER CREPIN-LEBLOND: Thanks very much, Alan. I just took a little time to unmute. Reverting back to the previous discussion we had regarding the changing of the text from where feasible and appropriate depending on market mechanisms to promote and sustain a competitive environment to a proposed – depending on market mechanisms to promote and sustain a healthy competitive environment in the DNS market.

I believe the source of this might have been an interpretation, a special interpretation of the Affirmation of Commitments section 9.3, which mentioned the promotion of competition, consumer trust, and consumer choice. That looks specifically at the DNS as such.

But there's one thing to note. In the paperwork that is currently signed, the DNS is taken by the US Government as being names, numbers, and protocols. But I do agree that the way that it's there at the moment is not correct. You know, the promotion and sustaining a healthy, competitive environment in the DNS market, the promotion bit is one I'm really concerned about, and I'm also concerned about the depending on market mechanisms because that's nowhere and that's not in the AOC, either.

ALAN GREENBERG: Thank you, Olivier.

OLIVIER CREPIN-LEBLOND: Maybe we have to point this out, because you will have people that will make the point and say, "Well, it's in the AOC." So we have to be targeted on that. Thank you.

ALAN GREENBERG: Yeah. Thank you, Olivier. The market mechanism is already in the current bylaws, but it says when feasible and practical, or words like that. The first revision put in the healthy – the competitive market part, the healthy and competitive market, whatever it is – and added it to the core value. The second revision today took out the whole phrase, incorporated the word healthy somewhere in the middle of it, and removed the "if feasible" or "where feasible" part of it.

So the first revision did attempt to take that AOC part and move it into the core values. The second revision changed it, in my mind, quite completely.

OLIVIER CREPIN-LEBLOND: That's what we need to focus on and push back.

ALAN GREENBERG: Noted. All right. Then I think we are finished with this part unless we have time at the end to come back to Sebastien's minority statement, and I'll turn it back over to you for the next major section of the agenda.

OLIVIER CREPIN-LEBLOND: Thank you very much, Alan. And now we are entering agenda item number four, the IANA Coordination Group section. I'm not sure whether we have the ability to have any update. I don't see Jean-Jacques nor Mohammed on the call, unless they're in a voice only.

But what we do have in front of us is the current statement that we're trying to build in order to respond to the ICG public comment period. I'm not sure whether... Because I know that Terri has been preparing the page, let's have a look. If you scroll to the bottom of this page, are you able to see the comments? Because that's where the [inaudible].

The comments are empty, Terri.

TERRI AGNEW: Yeah. I'll get them up. One moment.

OLIVIER CREPIN-LEBLOND: Okay. Thanks. In the meantime, you do have the link on your agenda so you can click on this. There's been a small, not very sustained discussion on the two different points. The first one is to do with the IANA.org and the intellectual property rights that had to be either remaining with ICANN or going to the IETF Trust or going to some kind of a third-party trust of some sort of that would be created for it to purpose.

Since the feedback or the input that has been spent by the Chair of the Board to the working group – and that was discussed yesterday on IANA's TWG call. It appears that everyone is pretty much okay with transferring it over to either a new trust or the IETF Trust with some specific conditions related to it.

So if we do decide, at the end, to comment on this, we'll probably have that comment reached after the train has left the station or after the ship has sailed, whichever analogy you want to say. I would, therefore, suggest that the ALAC does not now include a comment on this issue in its statement. That's the first of the two points that was discussed.

The second of the two points that was discussed is the one that Tijani brought forward in a previous call about the assemblage, so the assembly of the three proposals that gives three proposal instead of having some harmonized proposal from those three proposals, and they were concerns that Tijani has expressed on this.

I don't know Tijani wants to say a couple of words on that. We're, obviously, going to have to make a decision at some point because further down, Avri Doria has said that she is, of course, understanding of the fact that it would have been better to have an integrated

proposal. She doesn't think that there is a threat to the stability as such due to these three different proposals and so she doesn't really think there's that much of a discrepancy between them as such.

And so we have to think as to whether we really want to push in one direction or another direction or something that it's somewhere in between the two points of view. The floor is now open, and I see right now... Let's have Tijani speak first, perhaps, and then Alan Greenberg. Tijani?

TIJANI BEN JEMAA:

Yes, thank you, Olivier. I have put on the wiki my comments, and it is about the compilation against assemblage. I see it more an assembling effort than a compiling effort, and I think that it is in the duty of this ICG to make the three proposals fit in a single one. What I am seeing is a merging of three proposals. Merging without... I see it like this, without the necessary harmonizing.

For example, we have for the review, we have a one [entity] called the IFR for the names, and there is another committee for the names called [inaudible] what is it. So I think that the review of the IANA should be one single structure. Inside it, the three operating communities should be represented so that the decision of this entity will impact the PTI.

If it is like now, each one is alone, it might be one of them, one thing to suffice PTI, for example, or it will be a mess. If they are together, the three together, they would decide together, they would see what is impact on the three functions, and they would take the right decision. If

it is like this, I think it will be a mess and we will have unexpected problems in the future. Thank you.

OLIVIER CREPIN-LEBLOND: Thanks very much, Tijani. Did you read Avri's response to your comment on the chat, on the commenting of the wiki? Because in there, she does say, yes, there is a risk for the separation, but she doesn't think that it would be that strict. She think that's, theoretically, it would be – she hopes, that if one of the organizing committees constituencies decides to get to the point of discussing removal, all three communities will start discussing this and see what they do rather than actually having one just jump off in their own direction.

Yes, she does agree that it's not good to have the three go in different directions, but she's not that concerned that it's going to go into different directions. Tijani?

TIJANI BEN JEMAA: It is exactly what I wanted to say. I wanted to say that it should be a common decision, so it should be a structure, a common structure, that will decide. Like I am reading now, there is three different structures and the one of them can take a decision that may impact the PTI. That's why I see it more puzzle putting together than a compilation, then making the three communities come up with a single proposal, which is harmonious, which is workable, also. Thank you.

OLIVIER CREPIN-LEBLOND: Thanks for this, Tijani. Let's move down the queue and let's go for Alan Greenberg next.

ALAN GREENBERG: Thank you very much. First, I think it's important to understand that today, the numbers community, to a lesser extent, because of the tie-in to "N" in ICANN, but certainly the IETF, has the ability of pulling the plug and walking away. They came close to doing that a number of years ago when IANA was not doing a good job in satisfying them.

So that problem exists today. We have managed to avoid it by working together. And I don't think we can ever fix that. Even if we had a harmonized committee, if the names and numbers people were happy, because everything was working perfectly for them, but the IETF was totally unhappy, they would not accept the fact that, sorry, they're overruled by the committee. They're going to have to accept it.

The world is not going to work that way, the IETF survives by its protocols being used by the world, and that has to work. So if, indeed, if they are so unhappy being overruled by the other two is not going to count. So I think we have the reality of the world that we have to deal with.

Now, in a better world, the ICG would have simply asked for the three communities to come up with a joint proposal. That never would have worked in the world we live in. However, if the names community had delivered their proposal by, I believe, mid-January when we were supposed to, the ICG would have had many months to work on these proposals, to try to fit them together, to go back to the communities

and say, “Can you work together? Can you meld these ideas? Can you come up with something that is more unified?”

We, the names committee, did not give them that option. We didn’t deliver something until six months after they had asked for it based on the timeline they are working for. I think we have a result to bear. I think we have to live with the results of that.

That being said, I believe in our comment to the ICG, I believe we do need to note the problem, and say that we hope the operational communities will work together to come up with some joint way of sharing information and making decisions so that we don’t have one of them cleaving off, suddenly without any advanced notice and without plenty of discussion on it. And I think we can do that.

The CSE maybe will change over time because of that, and this is not necessarily cast in stone. So I think we need to note the problem and say we hope during the implementation and once we start getting into this, that the three operational communities will find a way to work together so that we can cover ourselves for what we couldn’t do because of time and other issues. Thank you.

OLIVIER CREPIN-LEBLOND: Thanks very much for this, Alan. Response from Tijani?

TIJANI BEN JEMAA: Thank you very much, Alan, for this explanation, and I appreciate what you said. Nevertheless, I want to remind you that now, we have the stewardship of the NTIA over these three functions. So IETF cannot pull

the plug because they are not free to do so. When we will get rid of this oversight, what will happen? This is [inaudible].

But I agree with you that perhaps it's problem of time, but I don't think that the ICG did the effort to try to [find] – because it was easy to propose to the three communities something that fit everything for the three proposals, but that it is harmonious, and that makes the decision, common decision, that will not make the mess that happens if there is a problem. Thank you.

OLIVIER CREPIN-LEBLOND:

Thanks for this, Tijani. And I have a question for you. You looked specifically at the time when there is there could be a separation and, therefore, a split in the functions. Are you seeing any other locations in the overall proposal where there are discrepancies, which you think the ICG should be working on to harmonize things?

TIJANI BEN JEMAA:

Yes, for sure, Olivier. Even for the PTI Board, they receive input from the CSE, from the IFR. They receive input from the two other communities, but how they will be reacting if they have, for example, a strong statementt from the naming committee, the naming community, and nothing – [inaudible] instruction from the others. How they will react? They will be in a bad situation.

It is all the day-to-day work of the PTI. I think that for stabilizing the PTI, it is better to have something harmonious, common, and with a decision-making share between the three communities. Thank you.

OLIVIER CREPIN-LEBLOND: Thanks, Tijani. I'll give the handover to Alan Greenberg.

ALAN GREENBERG: Thank you very much. I have no qualms with it, no disagreement that it would be better, but we didn't have that opportunity and we don't right now, if we want this transition to go through.

And I disagree with Tijani. The NTIA grant is currently granting to ICANN the right to run IANA. But it also has never objected to the fact that we have an agreement with the IETF, saying the IETF can cancel. And if the IETF cancels, then we can still pretend to be running a protocol parameter registry, but that will not have the current up-to-date values and these values change at a very high rate, and are added to at a very high rate. They would not have the current values in them, and the world would immediately stop using that and start using whatever the IETF offered as its replacement registry.

So I think we have the problem today. We have finessed it so we don't have, we've never seen it, but that problem is there today. And from the point of view of the IETF, if they don't have a reliable registry, they will find one somewhere else.

I mean, talk to Andrew Sullivan about it, and he's head of the IAB. They're not going to go into court for six months arguing about it. They will have a registry, and it will appear suddenly, and they have no choice but to have an operational registry that actually works. So I think the

world is not all that different, and I think we have a strong incentive to work together, but I don't think the ICG is in a position to mandate it.

If you go back to the CWG right now and say, "Reopen the CSE and reopen the IFR process so that we can merge with the other three groups," we're going to be here until kingdom comes. Thank you.

OLIVIER CREPIN-LEBLOND:

Thanks very much for this, Alan. I personally also do have a concern about sending this back to the ICG and getting them to talk or to get this coordination actively involved in the coordination in that, on the one hand, what they appear to have done so far is to just point out a few things and throw it to the operational communities for them to work out between themselves.

I have had some difficulty to understand how the coordination takes place between the different operational communities, but I believe that takes place that chair level. That's probably how it works.

Regarding drafting something, I see, at the moment, we do have a discrepancy or sort of disagreement within our ranks. The only proposed text that I might have would be as follows. In the event of an operational community reaching the decision to replace the IANA functions operator, they should discuss their decision with other operational communities prior to proceeding forward, and seeking always to keep all of the IANA functions undertaken by a single IANA functions operator. I think that's probably the only thing I can, at the moment, see as something we all agree with together.

I'll put it in the chat at the moment. Let's see if we have some responses or feedback on this. Tijani Ben Jemaa?

TIJANI BEN JEMAA:

Thank you, Olivier. I don't disagree with you, but I would like to make it more general. You are focusing also only on the separation [event]. I wanted to be more general. It means we noticed that there is no common... Sy, common decision making body among the three communities. It might be harmful for ICANN and for the Internet, especially in the case of separation. That's why we think that, as Alan said, it is necessary to consider this point and implementation phase and try to find a way to make the decision-making body a single one, which includes the three communities.

I think it is more general and it is, as Alan said, it gives the opportunity to perhaps correct something during the implementation phase. Thank you.

OLIVIER CREPIN-LEBLOND:

Thanks for this, Tijani. I'll try and see what I can draft out of this. I must say, I'm also of the same view as Alan, thinking, well, knowing the history of the IETF with IANA and some of the history behind it all, we're actually quite lucky that the other two operational communities are still there, and have not just decided to go on and do their own thing. That's the sort of background to what's been happening.

So putting any – well, asking for anything, which will push the three operational communities for closer integration in general looks to me

like something that will generate some strong pushback from the other operational communities. We can put it down but, at the end of the day, Tijani, what is your aim for this, just to have the three operational communities closer to together? Tijani?

TIJANI BEN JEMAA:

Yes, my final aim is to make all the ICANN community know that the end users has a remark and to highlight the fact that the, I would say, the spread of the decision making between the three communities may bring harm to the Internet. That's all. I am asking, do not approve to say, "No, you have to do that or you have to do that." We have to make our point because it is important for the Internet. If it [inaudible] better.

If it is not possible, then it is not possible, that's all.

OLIVIER CREPIN-LEBLOND:

Thanks, Tijani. We'll work on this back to the call, then. We'll sort of bounce off a few ideas to get the text right. Alan Greenberg? Probably Alan will be working with us on this.

ALAN GREENBERG:

Sorry. Yes. Just to reiterate what you said. At this point, we cannot fix the formal proposal. There is time if we want to transition in this go-around to go back to the communities, and it will be very painful going back. It's not something that would happen in two weeks. All we can do is put in a fervent wish that once the mechanics are over, operationally, there is communication and dialogue. Whether it's formal or informal,

we can't really dictate, but we can make that statement and make it a strong statement. Thank you.

OLIVIER CREPIN-LEBLOND: Thanks for this. Tijani, your hand is still up.

TIJANI BEN JEMAA: Sorry.

OLIVIER CREPIN-LEBLOND: Okay, thanks. Avri has just joined. Okay. She's just missed the discussion on this. So we've decided to go forward in some text that will go in the line of what I mentioned, what I put down on the chat, in the event of an operational community to reaching the decision to replace the IANA functions operator. They should decision their decision with other operational communities prior to proceeding forward and seeking always to keep all of the IANA functions undertaken by single IANA functions operator.

But what we will do is to amend this and consider the points of bringing operational communities closer at implementation phase, and that means enhanced communication, enhanced dialogue, etc. That probably is the moment when an implementation is the time when we could bring those closer together operationally.

Right. Let's move on in our agenda. That's one of the points that we had. The second point on CWG is the VeriSign IANA Root Zone

Transition Proposal. And there's an analysis underneath that, that's also connected to your agenda. Alan, did you want to speak on this?

ALAN GREENBERG:

Sure. Can we have up the analysis? While we're waiting for it, there's been a lot of confusion and speculation over what this is. Certainly, if you read Milton's latest blog posting, there was a presumption – and a reasonable presumption, because it was not very clearly written – exactly what is being presented in this proposal.

This proposal is not the elimination of the NTIA's involvement with VeriSign. This proposal is the implementation of the recommendation – or, perhaps, the implied recommendation of the CWG – that during the transition, we make as few changes as possible, and specifically, we do not put new code in place the day of the transition. Good engineering practice says don't make simultaneous changes if you can possibly avoid it."

And in the discussion between NTIA, VeriSign, and ICANN – and this is an operational discussion of how to actually do the change mechanically – there was a fear of making any changes that was overblown, in my mind. The CWG proposal said that on the day of the transition, instead of the NTIA dialing into its web interface, connecting to its web interface, and approving changes that I can do that, IANA do that, somebody do that.

That was rejected as that would require a substantive change. Changing the code to remove the check for has NTIA approved the change was deemed to be too significant that no one wanted to do. So they came

up with what is a very elaborate plan – heavily overkill, in my mind – to not have to make any operational changes with one exception in the process.

And if you look at the document, the current process – and this is just the summary of what happens today – is IANA gets change requests, they make sure that they're coming from someone who's authorized to make them. They make sure they're not a problem that, for instance, if a registry says this is my new DNS that you're going to use for my zone, they want to make sure it really is the DNS server, and not a random IP address. There's a whole [block] of changes, checks they do.

They send the change request. Once it's passed their scrutiny, they send the change request to VeriSign. VeriSign does a number of its own checks in parallel. They also send the request to NTIA. NTIA approves it and tells both VeriSign and ICANN that it's approved, and VeriSign, twice a day, packages up any changes it has, incorporates them into the root zone, signs it, and ships it out.

The new proposal – and this is almost incredible – is they have decided they are recommending that they, number one, replicate the entire root zone management infrastructure – a shadow one, as it were, or a clone – that a group in ICANN authenticates. In other words, if someone in ICANN plays the role of the NTIA by in parallel to what IANA does, authenticates that and, in fact, this change is good and valid. A lot of this is automated. And approves the change in this clone root zone management system.

So this parallel root zone management system also creates a signed root zone, and the two (the one officially created by VeriSign and the one created by this system) will be looked at. Are they the same? Do the two parallel processes result in the same root zone being published or would have if we had published the clone one?

The requirement is that for 30 consecutive days – for 90 days, three months – they match. If they don't, they have to figure out why they don't fix the problem and restart the timer. Once they match for three months, the parallel [RZE, RZA2] is deemed to be doing the same job as the NTIA does. On the transition, they take the Root Zone 2 authentication, and plug it in to the Production Authorization Port.

So what has proven to have identical results for at least three months, now, is the production thing replacing NTIA. And at some point in the future, they will change the code and decommission the parallel root zone infrastructure. I think extreme overkill instead of making a small number of code changes, or just having someone log on and pretend they're the NTIA, but nevertheless, that is what has been recommended at this point. People being exceedingly overcautious.

And that's all it is. It is nothing else to do with the cooperative agreement. If that's going to be phased out, that's going to be a different issue. Not dealt with here. I've done a lot of investigation and discussion with people, so I'm pretty confident that what I'm describing is in fact the intent of what was published. And that's it.

OLIVIER CREPIN-LEBLOND: Thanks very much for this, Alan. I have a question for you on this process, the proposal here. How do the changes in RZA2 go into the official root zone? Because here it says RZA2 also creates new DNS find root zone twice daily. But then it says your [fish foods] are from VeriSign and the RZA2 root zone are compared.

But how do you get RZA2 to become the official root zone?

ALAN GREENBERG: It never does.

OLIVIER CREPIN-LEBLOND: So how do you get any changes? Because the changes are made in RZA2, but the changes are not made in the official root zone.

ALAN GREENBERG: No. The current process continues as it is today, with NTIA getting on and authenticating or authorizing every change. And that is what goes to VeriSign and VeriSign publishes the root zone. If the two root zones (the fake one and the real one) compare equal, we tick off half a day on the calendar. If for three months, every one of them agrees, then we declare victory and said we have created something parallel to the original one, which is capable of publishing an accurate root zone. It doesn't, but we just sigh a sigh of relief and say we now have a mechanism.

On the transition, you take the authorization part of our RZA2 and connect it to the authorization port that the NTIA uses. And that's it.

The NTIA no longer inputs anything into it, and this parallel authorization replacing – sorry, parallel authentication replacing the authorization that goes into the port in the current root zone management system, essentially, the RZA2 is taking over from the NTIA or part the authorization part of RZA2 is taking over from it.

OLIVIER CREPIN-LEBLOND: Thanks for this, Alan.

ALAN GREENBERG: Not the most obvious mechanism one could have dreamt up, but it does say nothing changes other than the point or to an IP connection.

OLIVIER CREPIN-LEBLOND: Thanks, Alan. So the question that I do have here is wasn't there a design team in the CWG IANA that works specifically at this and then the authentication? And authorization part of the procedure and said that none was required? I'm a little confused on this one.

ALAN GREENBERG: Okay. When I first read this, my interpretation was DT something, the one Cheryl led – I don't remember the name anymore, D maybe – said we don't need authentication. We don't need authorization. That is, we can go to a poof and we no longer have NTIA authorizing it, and it's okay.

My first read of this was that the NTIA in its wisdom has said we were wrong. We do need some parallel operation to replace what they were doing. But that's an incorrect reading of this. What this is saying is we need a parallel process over the transition period so that we don't have to make any coding changes. And that's what this is.

This, essentially, is the implementation of the one sentence in the CWG report, which says if you don't want to make any coding changes at the moment of the transition, the cutover, then you can have someone in IANA logging on to the web port that the NTIA currently uses, and authorizing the changes.

So we literally say either make some coding changes or pretend you're the NTIA, masquerade as. Between NTIA, ICANN, and VeriSign, there was a decision that neither of those were acceptable, because any of those would cause a perturbation that, yes, someone at ICANN could log on, but we don't know if they're going to do the exact same thing the NTIA would have done. And, therefore, they came up with this elaborate scheme to verify over a three-month period that the results are identical.

It stretches the imagination a bit, but honestly, that's what's happened.

OLIVIER CREPIN-LEBLOND: Seun Ojedeji asks in the chat, "When you say on the transition, what transition do you refer to? The stewardship transition itself, the transfer of stewardship."

ALAN GREENBERG: The day, the moment, the microsecond in time where the NTIA says, “We’re toast, we are no longer involved in this process.”

OLIVIER CREPIN-LEBLOND: Okay. Excellent. Thank you.

ALAN GREENBERG: Not when they sign the agreement to do it, but when we actually, when Washington can disappear off the face of the earth and the Internet keeps on running.

OLIVIER CREPIN-LEBLOND: Thanks for this, Alan. Are there any questions or comments on this call? And my just a question to you, then, Alan, based on your analysis, is there anything that we need to point out or any points that we need to make regarding this? Either in the CWG or in one of our statements.

ALAN GREENBERG: Only that we think these people got a little bit too anal, and I don’t know if we need to say that.

OLIVIER CREPIN-LEBLOND: Maybe not.

ALAN GREENBERG: We may well want to say something to that extent. By the way, I’ve consulted extensively with David Conrad, who’s one of the key people in

this whole process. So I have a reasonable belief that what I'm saying is, in fact, reflecting fact and not my fiction.

OLIVIER CREPIN-LEBLOND: For the four-letter word that you just mentioned, was it? Let's move over to Tijani Ben Jemaa. You have the floor, Tijani.

TIJANI BEN JEMAA: Thank you, Olivier. Alan, I don't know if you are speaking about the contents of the blog of NTIA, about the zone management, the root zone management. And the compact between ICANN, NTIA, and VeriSign about it. Because it seems that it is different. I don't know.

ALAN GREENBERG: No. This is exactly. The blog points to a proposal, and the proposal is what I have translated into closer to layman's languages. Yes, as Milton pointed out, this was not bottom-up. This was done by the people involved. This is very much an implement issue. It is exactly following the intent of [DTF], what [DTF] recommended. It's just doing it in a far more complex way than any of us imagined [anyone] would want [it to]. A complex way which requires no changes at the moment of transition.

OLIVIER CRÉPIN-LEBLOND: Thank you for this, Alan. I think that we've pretty much gone all around that proposal. It looks like it's working well. I note Seun Ojedeji has put his hand up. Let's close the queue after Seun. Seun, you have the floor.

SEUN OJEDEJI: Hello, can you hear me?

OLIVIER CRÉPIN-LEBLOND: Yes, we can hear you. Go ahead, please, Seun.

SEUN OJEDEJI: Thank you, Alan, for making an effort to try to explain this proposal in layman approach. It really looks complicated to me. I think one thing I want to take from this is that this was developed with technical team of ICANN, [inaudible]. So I think if ICANN [inaudible] actually agree with this and [inaudible] going to impact upon the operation of root zone update requests [inaudible] have an impact on this. Then I think technically, I will be fine with that if they are actually [the operator] [inaudible] okay with this process and [inaudible] been proposed.

However, my question, though, is the [role] of NTIA [on this]. I see that you're saying in the transition, during the transition [inaudible] root would actually been [inaudible] before the transition.

So if I get it right, are you saying that during the testing period – for instance, [inaudible]. Is this just an implementation [inaudible] period that this would be done, or [inaudible] post-transition [inaudible]. If this is [inaudible] transition, can you confirm that there is no NTIA involvement in this [inaudible] NTIA will be used, NTIA process or [inaudible] used to approve [inaudible] going to do a PTI [inaudible] the approval. But [inaudible] if you have an [independent review process].

OLIVIER CRÉPIN-LEBLOND: Thanks, Seun. Alan Greenberg?

ALAN GREENBERG: Thank you very much. Two things. Number one, I've had a hard time understanding you because your voice is somewhat fuzzy, by the time it gets to me anyway. I think the first question was you want certification, as it were, that ICANN is comfortable with this.

This is a joint proposal from ICANN from the technical people at ICANN and VeriSign that they believe this is doable, workable, and will meet the need. So you do have that satisfaction that ICANN is comfortable with this. This is not an NTIA proposal. This is a VeriSign/ICANN proposal that was done at the request of the NTIA. They may well have talked to them along the way. I don't know. But this is an ICANN/VeriSign proposal. That is, the people who are currently operating the two halves of the root process are comfortable that this will work, so that's number one.

Number two, this is a transition process overall. Once the NTIA is out of the picture, then at some point, in a more comfortable time, the coding will be revised to not require authentication authorization. And at that point, there will be no need to connect to authorize or authenticate and the whole RZA2 gets shut down at this point.

The whole exercise is to verify that one could create a root, a signed DNSSEC signed root zone, on the same timeframe as VeriSign does it right now in conjunction with IANA and with the exact same results.

So the whole parallel operation demonstrates that we create a root zone without NTIA getting involved. As soon as NTIA gets out of the picture, the part of NTIA, the part that used to be played by the NTIA, will temporarily be played by the clone system feeding into VeriSign this time, not into the clone generation. Then once the coding is changed, that link will be taken out.

So it is very much a transition process. And when I say transition this time, not the moment of transition, but the overall long-term thing which will take months. And once the microsecond of transition happens, the NTIA is out of the loop and are no longer part of the process. I hope that addressed all the questions you had.

OLIVIER CRÉPIN-LEBLOND:

Thanks very much for this, Alan. I do note that we now have reached the ninth minute mark. I've been told that the interpreters are ready to stay for another ten minutes on the line. I was going to suggest that we now move to one last thing to discuss, and that's the matrix of the ICANN bylaws. That is in agenda item number five as well.

In there, on that matrix – and I don't know if, Terri, you can put this matrix up. On that matrix... Now, that's the matrix of the different changes, the amendments, that will need to be made to all of the ICANN bylaws. The CWG IANA went through that matrix yesterday, the table, and looked at whether there was agreement on what was being said on the call. The legal team took us through this.

One was particularly sticky, from what I can recall. That was the one on number nine, I believe it is. Yeah, 9A. So the appeal mechanism. The famous IRP, Independent Review Panel.

Unless I'm mistaken in this, I do know that Alan had some specific points to make and this was pushed back by some members of the team there specifically saying there should be an appeals panel for IANA decisions. Decisions made by IANA.

The point that Alan was saying that IANA does not make decisions. Actually, IANA needs to carry out by the decisions that have been by the different operational communities. Alan, do you want to expand on this? Is there anything really, anything else maybe here, but also any of the other sections that we might wish to discuss so as to provide a clearer point of view that we can all work on during the next call? Because I do believe that the CWG IANA will be looking at that table again. That issue was left open. Alan Greenberg?

ALAN GREENBERG:

Okay, thank you. I'll be honest, I haven't read over this document. I haven't gone over it bit by bit. That whole discussion – and it was a very long discussion that we went back [to] several times – was driven by Allan MacGillivray quoting out of the CWG report that we said somewhere that the IRP would be used to question IANA decisions.

IANA doesn't make a lot of decisions. Right now, they do make recommendations to the ICANN board on ccTLD re-delegations. However, ccTLD re-delegations are explicitly excluded from the review process. So that's out.

Chuck raised the question of gTLD re-delegations, but those are done completely within ICANN and therefore are either subject to arbitration or whatever as dictated by the contract, or conceivably the IRP. But that's within ICANN, so it's not an IANA issue.

I repeatedly asked – now, I recognize the CWG may have said something, but we may have said something in error. That report is not necessarily 100% perfect. I was trying to get out what kind of decisions does IANA make that one might want to appeal?

The only answer that came out of it was IANA does make one important decision many times a day, and that's a decision whether to honor a request or not.

Now, in general, the mechanics of the process are that if a specific TLD, gTLD, or ccTLD makes a request, number one, they can only make requests regarding their entries. And number two, IANA goes back and asks the ccTLD or gTLD, "Did you really mean this?"

Now, it is conceivable that someone makes a valid request, they verify that it's valid, and IANA for whatever reason says, "We're not going to implement." That's a decision they make.

However, it strikes me that an appeal process which can take six months to two years is about the worst possible way that one will want to fix that.

And although there may need to be an appeal, I don't think it should be the IRP. I think it should be something that the CSE or maybe an IFR [invents], if necessary, to solve real operational problems.

So I don't think we have a problem regarding the IRP. That was the point I was trying to make and I will probably make it again in an e-mail. But that was the whole issue, that we may have recommended something that doesn't make a lot of sense, in which case, somehow we need to fix the problem without reopening the proposal. Thank you.

OLIVIER CRÉPIN-LEBLOND: Thanks for this, Alan. My understanding of this – and I was fully supportive of your point of view during the call. But my understanding is any appeals as such would go through... Any appeals for ICANN decisions I guess would go through the ICANN appeals mechanism which is in creation and others would go like that. And the IRP was just a review of any disagreements that were taking place between the IANA operator and a registry and so on. I wasn't quite sure that the IRP would be used to appeal to a decision made by IANA.

ALAN GREENBERG: Well, Allan MacGillivray was saying that we had committed to it. But my point was—

OLIVIER CRÉPIN-LEBLOND: Well, this is where there's a [serious thing].

ALAN GREENBERG: Yeah. My point was if we did, we probably erred and for the very few decisions that IANA does make, that if we need to find an appeal, then we need to have an appeal mechanism to the PTI board or to the ICANN board or to something or other.

If we need to go above the operational people, and there already processes in place where the CSE can do this and we've already said, I believe, that an individual operator can do this, I believe that's sufficient. I need to review the words again and I'll contribute something on the list to it. But it's not the IRP we want, in my mind anyway.

OLIVIER CRÉPIN-LEBLOND: Thank you very much for this, Alan. I agree with you. One thing to note, Rudi Vansnick on the call did ask for a diagram of who does what and what is the overall flowchart of control. We had asked for this a while ago, actually, with regards to the different escalations, etc. Hopefully that will come out soon. It certainly seems to be pointing that it means different things to different people. So we've got those structures, but at the moment, we don't appear to have seen what the remit of those structures are. Or at least there are some question marks with some of the remits in those structures.

Any other points in there? Of course the floor is open for everyone to comment on this. Is there anything else that we need to discuss on this paper? This is important. It's the bylaw changes. If we get those wrong – and [Sydley] has been showed to go a little further sometimes than should go in the past, it's important that we have a look at those and point out anything that we think might have been misinterpreted or might be going not in the direction that we want it to go.

Alan Greenberg, you put your hand up briefly again. I'm not sure. Yes, it is back up.

ALAN GREENBERG: I was assuming you were going to any other business, but since I have the floor, I'll take it. Sebastien, I put a note in the chat saying can we talk one-on-one in the next couple of days about your minority statement. So Sebastien, if you can get back to me and we'll find a time. Thank you.

OLIVIER CRÉPIN-LEBLOND: Okay. Thanks very much for this, Alan. Let's put this bylaws matrix to the side. You've got the link to it in the agenda. Please have a good read of it, if you haven't already. I'm asking everyone. And if you do have any points you wish to make, let's follow up on e-mail afterwards.

With this, one more thing and any other business, just think about next week's calls. I believe that the idea at the moment that we have two calls a week, whilst quite onerous on our time works rather well. We're able to keep up with things. I would recommend that we have another two calls next week again. Is there any objection to this?

ALAN GREENBERG: We're going to have a webinar on the same subject, and I hope one call at the beginning of the week will be sufficient. Let's schedule a second one, but I'm hoping we can cancel it.

OLIVIER CRÉPIN-LEBLOND: Okay, thanks. So let's do the next two calls. Let's do the next two calls by Doodle. Terri, if you could please work out the times of the Doodle

based on the webinar as well, so we don't have a case of having a call just before the webinar or just after the webinar. I don't know the exact timings of this.

The other thing is, too – and I ask everyone on the call here, please for at least one of the two webinars, be nice to our colleagues in the [inaudible] because poor Cheryl is yet again in the middle of the night and I don't envy this, on a Saturday as well. I hope you have a good Saturday after this, Cheryl. Perhaps you can sleep in later on – or maybe not. Knowing you, you probably have a full day.

Okay, let's call this call to a close. But before that, I'd like to thank our interpreters who have remained eleven minutes longer. It's been a very good call today, so I thank you all and thanks to our staff and Terri for being able to run such an excellent call. This is adjourned. Have a great weekend, everyone, and speak to you next week. Carry on on the mailing lists. This call is adjourned.

LEON SANCHEZ: Thanks, everyone. Goodbye.

CHERYL LANGDON-ORR: Bye.

TERRI AGNEW: Once again, the meeting has been adjourned. Thank you very much for joining. Please remember to disconnect all remaining lines, and have a wonderful rest of your day.

[END OF TRANSCRIPTION]