

ICANN

**Moderator: Brenda Brewer
October 1, 2015
8:00 am CT**

Coordinator: Recordings have started.

Grace Abuhamad: Thank you. Hello everyone. Welcome to the CWG meeting. It's October 1 at 11:03 UTC. Do we have anyone who is on the audio line and not in the Adobe room?

Cheryl Langdon-Orr: Hi Grace. Yes Cheryl here. I'm not in the AC room yet. I'll go back on mute now.

Grace Abuhamad: Okay thank you Cheryl. Anyone else? Okay Lise has sent her apologies for today but Jonathan will be chairing so I will turn it over to him.

Jonathan Robinson: Thanks Grace and hello everyone. It's especially early morning I know for both the U.S. colleagues and the North American or U.S. time zones so thanks for getting up.

And we'll try and make this a productive and effective meeting. As Grace said Lise is not able to be with us today so I'll be your Co-Chair and we'll work through things as effectively as we can.

You'll see in the agenda published on the list previously - elected to swap Items 2 and 3 compared to where it published, the motivation for that being that the implementation schedule is - seems to be more urgent.

I'm not 100% sure I understand why but it was asked for by the ICG ideally to be provided this week, and so we'll pick up that one first. You'll notice or have noticed that we are running two calls a week for the next couple of weeks.

I know that's a little tough and if we manage to get through the work and can see our way clear to getting done what we need to with this implementation related work and the ICG questions, it may not be necessary to run all of those calls.

So we'll do what we can to work efficiently within the time available, but we felt it was prudent to schedule the calls so that we had the time available should we need it.

It's not always easy to predict how long these things will take to get worked through. So briefly then any comments or questions on the agenda before we move right into Item 2?

And seeing no hands up we'll work straight on to Item 2. Thanks to Chuck for providing a first draft as he volunteered to do on this set of implementation action items, which is about to be shared with you and you should have seen it shared with you on the list.

The comments were from recollection on this largely positive and recognized that it was - actually quite a comprehensive job had been done prior to it being shared with the group.

I shared something actually only an hour or so prior to this call, which was something I had received together with Lise, which is the draft that's been prepared - that's being prepared and shared within the ICG, which contains the similar responses from the other two operational communities and so that's available to you to see.

And the one thing that struck me about that is there's an additional column in there that says - it refers to - it sort of breaks down the dates a little more discreetly.

We've just said when it is needed by - date needed as you'll see in that fourth column. However in that - in the example that was shared with you that's been just - a draft in front of the ICG at the moment are from the other two, comparing the other two operational communities' lists.

It talks about something being due before contract expiring. In other words it's kind of a necessary condition and so that may be a tweak. We may want to shift and modify slightly our column headings to correspond with those and we can give that some thought.

Chuck I don't know if you would like to make any remarks or if anyone else would like to make any comments or points on this. Normally they were asking for this to be shared with some - the ICG this week.

I guess it's my sense that this is something which we could share with the ICG and then continue to update. And if anyone's got any comment on that, I mean, this is something which is - that we could put in a covering letter and say, "This is a work in progress."

Let me pause there and offer Chuck the opportunity to speak. Go ahead
Chuck.

Chuck Gomes: Thanks Jonathan. Let me first of all agree with the last thing you said, and that is that the - I think we need to approach this as a work in progress even though we should get it to them as soon as it's in reasonable shape, because there's no way for it to be a complete document at this point in time and probably won't be for weeks ahead.

But the - in the context all I tried to do in my first cut at this was go through our proposal and identify action items and - as a first cut. So I want to note that several people on Staff and the chairs as well provided some good input and I hope everyone else will do the same.

It'll be a better document the more eyes that look at it and catch things and add things. So I'll just leave it at that unless anybody has any questions.

Jonathan Robinson: Thanks Chuck. So I guess my question is - and I'm not sure that it makes sense. I think with respect to the next document we're going to deal with, the draft responses, we do need to go through those item by item.

With respect to this document I feel it's less necessary to go through it step by step, so I guess that's a question to the group. Does anyone feel it's necessary to step through this?

And if you do please let us know and we can - or - and/or highlight any particular item that you want to deal with. I think that's what - that's the one and the other thing is when do we send this off?

I mean, at what point do we view it as sufficiently complete that we can send it off? We have a call scheduled for Tuesday next week at which point we would - I would certainly expect we will be dealing - I'd like to be signing off on - ideally on the ICG questions with respect to our draft responses - our responses to their public comments because they've asked for that item.

That's Item 3 in this meeting to be dealt with by the 7th of October. The question is can we deal with this item sooner than that? I mean, is it - if I - for example a 24 hour deadline on this between now so that we actually sent it off more or less by midnight UTC tomorrow.

Would that be acceptable to the group? What are people's thoughts about how complete this is and whether it's sufficiently complete to send? Any comments, thoughts or hints on that?

Chuck I note your comment in the chat that you would be happy with a 24 hour deadline in order to send this stuff given - just again to remind you that the context was that this was requested to be sent ideally this week. Alan Greenberg. Go ahead Alan.

Alan Greenberg: Thank you. I don't think it's - well I don't think it's worth going over step by step in this group with the proviso that somebody either on Staff or one of our other CWG members has gone over it with a fine-toothed comb, someone other than Chuck, and I'll readily admit it's not going to be me.

We work on accountability. It's just too heavy right now but, you know, if a couple of competent people have gone through it then I feel comfortable putting it out as the work, you know, clearly as a work in progress with - a 24 hour delay sounds reasonable.

Jonathan Robinson: Yes thanks Alan. So just to be clear as Chuck said he prepared an initial cut that was then reviewed by myself and Lise with some input. And effectively I think Marika held the pen on it and a couple of other Staff members, Bernie and Grace, who've assisted the group throughout and had sight of it as well.

So I think just something that we - that group has been through it. I do think that I would commit to making it clear to the ICG that this is work in progress, that this is a good first cut and we think it should be useful to them in doing the work that they do.

So Grace I think that would be helpful and thank you for reminding me Chuck. David Conrad also had that input. So yes Grace I think if you could review it - so let's agree that we will do the following.

We'll ask Staff and by that we mean at minimum Grace to have a read of it and review. We will ask the group and we hereby ask the group to please give it any attention you possibly can.

I will communicate - I will commit to then sending it to the ICG 24 hours after the end of this call or shortly thereafter, which will turn out to be around 13:00 UTC - 13:00, 14:00 UTC tomorrow but approximately 24 hours after this call.

And I will put in my covering note to it from Lise and myself, from the Co-Chairs, that whilst this - we've attempted to be comprehensive we do believe

that this is work in progress and may require further updates, which we will communicate with some - as and when we make those.

All right. So that deals rather efficiently with that first item and I'm glad we've done that because it puts that aside for now, and we may need quite a bit more time.

We'll see how we go with the - dealing with the next item on our agenda. But for the moment just in case anyone wants to add anything and - no? Yes I think on the action item - on the third action item there where we send the document I think it's important to record that.

Equally we need to communicate that the communication needs to be that this is a work in progress or not final. Okay welcome to the AC room Cheryl.

Right. Let's go on then on to the next item, which is to deal with the ICG questions. Now you'll be aware this is the ICG as they work through the public comments to the composite proposal prepared by the ICG on the basis of the responses to their request for proposal from the operating communities.

They took the public comments and as they processed those a series of questions arose either from the ICG's reading of it and/or from the public comments themselves.

And they've asked - they then in two tranches sent us in quick succession two transitive questions, which have been collated into a document with the help of Staff, which is great.

And that's collated and tabled in a document and it includes our draft responses, which have been shared with the CWG. There's been quite some

active discussion on the mailing list responding to various of these, and the original draft has been updated although some of the very much more recent comments may not be reflected in that document.

So I think the right way to deal with this, and you have independent control over this document, is to work our way through it now question by question and make sure that we are either satisfied with or have some suggestions for the different responses that have been put in place.

And these two questions are connected because they both deal with the - who is going to maintain the function and there has been quite some discussion on the email list about this, but my sense was that to some extent that has settled most recently.

I think Alan you may have had the last word. There was various of you contributing to this and it seemed like you had settled on at least elements of that.

So perhaps you can come in and confirm where you think we are. Also because of your role I believe in GTS it could be helpful to hear from you as to where, I mean, your last - your most - your final response I think had two areas where you - we seem to agree and a third where you felt there was need for further discussion.

So can I invite you to make any comments Alan or frankly anyone else who would like to say anything? Let's deal with these first two on the roots maintainer. Go ahead Alan.

Alan Greenberg: Yes thank you. I guess the first point to make is that the ICG made - misunderstood the ICANN VeriSign proposal just like perhaps the vast majority of other people looking at it.

It lacked a preface saying exactly what they were trying to fix with it or what they were trying to do. The VeriSign ICANN proposal addressed Item Number - let me get it correct - 150 or 11 - 1150 in the ICG proposal Section 1 period.

It did not address any of the other items and therefore it specifically did not address the Section 2 and 3, which they are calling out. Section 2 is the requirement to change the NTIA - the - yes the NTIA VeriSign cooperative agreement in some way or another, and it offers two options depending on whether the agreement is terminated and replaced by something or is simply left in place and needs to be amended.

That is solely up to the NTIA. In a question and answer - a group of questions and answers that were appended to the proposal - because remember - recall the VeriSign ICANN proposal was actually published by the NTIA.

In the question and answer they do allude to it. They allude to it twice in ways that don't agree with each other. In one case they imply the agreement - the cooperative agreement will be replaced by a similar instrument between VeriSign and ICANN.

In another case they simply say the NTIA agreement will stay and will be appropriately amended or I think amended as appropriate is the - close to the exact words they used.

Whether this is a decision point that needs to come or whether it's two separate steps that are envisioned, one, you know, just before the transition the one sometime later is certainly nothing I understand.

But in any case Paragraph 2 is out of our control completely and the ICG should be going to the NTIA and asking what they plan to do about it. Paragraph 3 is more interesting.

Paragraph 3 is not a commitment to do anything before the transition. It is a commitment to do a rather thorough review of the whole process after transition.

And I don't think we have ever discussed exactly how we're going to make sure that that is done. Who is going to commit to it? Is it the ICANN Board in accepting whatever it is they're going to from the NTIA for the stewardship of the names - of the named IANA functions?

And, you know, I certainly don't understand. Is there a piece of paper that's going to be transferred giving IANA that responsibility? Is it something that needs to be in the ICANN PTI contract? I don't know.

So I think we need to think a little bit or maybe ask some questions on how is it we are going to guarantee or the ICG will guarantee that Number 3 be carried out.

But that's where - as far as I know that's the pretty complete answer to the Question Number 1.

Jonathan Robinson: Okay. Before I go to Christopher those - well let's hear from Christopher first and then see where we go with this. Christopher come in and give your

views in support of otherwise on these points. Christopher no audio from you yet. Still no sound Christopher.

Christopher Wilkinson: Can you hear me?

Jonathan Robinson: Yes we hear you now. It's slightly muffled so if you could talk close to the microphone or closer that would be helpful.

Christopher Wilkinson: Right. Thank you. Well basically my point of view is set out in the notes, which I've already sent to the list. Although I appreciate Alan's attempt to ((Foreign Language Spoken)) - to explain what's going on, I feel his doubts and uncertainties.

The main point is that these existing documents that we've been shown in effect grandfather and entrenches the - those same positions and I think that's going too far at this stage.

It - the ICANN (DCI)s or whoever it is should have the power to revise that relationship and the NTIA should also withdraw. I think Milton Mueller has made a similar point. For once I find myself in agreement with Milton. Thank you.

Jonathan Robinson: Thanks Christopher. Alan your hand is up again.

Alan Greenberg: Yes thank you. I think we're all in agreement that we need this point addressed that is specifically the issues raised in Section Number 2. It is not something within our domain.

I - the NTIA in making the original March 2014 announcement said there would be a parallel but separate process, and at some point they need to decide or announce what that process is.

I suspect they will not do that until the transition is actually locked in, but that's nothing I have any private information on. So I don't suspect that's going to be resolved quickly but regardless it's not up to us to...

((Crosstalk))

Jonathan Robinson: Thanks Alan. It's an open mic from someone else. I don't know if it's your mic Christopher or someone else's. It remains open but if you could just make sure your mics are muted if you're not actually...

((Crosstalk))

Alan Greenberg: One last thing. Regarding Paragraph 3 or Subsection 3 we may want to put an explicit item in the previous document we looked at. It's implicitly covered in an envelope but its one thing that we need to explicitly make sure is done and maybe it warrants a separate line item there.

Jonathan Robinson: So I guess it's the question of rather than - I see a - rather than me try and propose text now it feels to me like we're not - I'm not - that we should be in a position to modify the draft responses based on the contributions we've had, and we need some volunteers to help with that. Chuck your hand is up. Go ahead.

Chuck Gomes: Thanks Jonathan. I wasn't volunteering but I did want to point out that the draft responses on the screen right now I don't think works. I don't think we can say that it meets or doesn't meet.

I think the more detailed response that Alan gave about the three sections, 1 2 and 3, is probably the appropriate response on this particular one. So I'll throw that out just for consideration and I see Alan's got his hand up so he can respond to that.

Alan Greenberg: Yes thanks.

Jonathan Robinson: That seems sensible Chuck. Thanks. Alan go ahead.

Alan Greenberg: Okay thank you. Yes the response that was sent out last night about 12 hours ago I think is the definitive one with one exception. There is a parenthetical in the third one on the post-transition study that I think we need to say the CWG is continuing to discuss that, because that's the best answer we have on that one.

And I think we do need resolution of that within the CWG but other than that I believe the text I sent out can be used essentially verbatim.

Jonathan Robinson: All right. Well that's very helpful. Thank you. And I see that's been captured as an action item and then we will need to doc check that with any other input including the - received from Christopher.

And then I guess what's going to happen here is we'll work at updating this document and have a - ideally a final review of this with draft responses to turn them into final responses at the October 6 meeting next week, Tuesday 17:00 UTC.

Now in discussing that we've been dealing with effectively Question 1. Question 2 is on a closely related subject. Where are we with respect to and dealing with that?

And it is so that the answer that's been proposed to Question 1 covers Question 2 or is there more to be said under Question 2 and noting Chuck's point on the - picking up Alan's suggestion regarding the implementation action items to the inventory regarding audit and that's a good point.

It's essentially putting something onto our inventory that we discussed in Section 2 of today's agenda, so that needs an update as well. Thank you Grace for capturing that.

So Question 2 then, how - where are we within - with respect to dealing with that one? Alan Greenberg did your previous answer go into covering that and - or was it for the - is that something...?

((Crosstalk))

Alan Greenberg: To be honest the email thread was referring to Question Number 1 and I haven't even read Question Number 2. I will do it and we can come back to it in a few minutes if you'd like.

Jonathan Robinson: Yes that would be helpful. All right let's - unless anyone else has a contribution to Question 2 now we'll leave Alan to focus on that for a few minutes, and then we'll work our way through the others.

So let's move then on to Question 3 and I'll remind you that you have independent control of this document in your Adobe room. So you will see that we've received some quite comprehensive responses from ccTLD

Registry members of the CWG in respect to actually the ccTLD related Question 3, 4, 5, 6 as well - 3, 4 and 5.

I've been through these. They seemed coherent to me. Has anyone got any concerns or questions over that block of - or points they'd like to make over Questions 4, 5 and 6 and the draft answers we have in respect to those?

I think it's easy enough to deal with them as a block and if you have a particular comment please say, "I'm responding to Question 3, 4 or 5 and my point."

Any concerns, issues or even frankly just if you support this and just make it clear that you think the answers are satisfactory? Anything like that will help to give confidence that we - we're - we've done what we should and need to do, bearing in mind that we'll want to finally sign these off on Tuesday next week ahead of the requested day later deadline.

And so seeing no additional comments or points in the Adobe room I'm going to record - well I guess thank you to the ccTLD members of the group who contributed to this in short order and gave us stellar answers or at least updates.

And thank you Stephane that you are satisfied with those answers. I think you were probably a contributor. But let's lock those in then until such time as anyone else has any concerns about those, but that seems to be satisfactory for now.

As far as - the next question is Question 6, which seeks to ascertain whether we, the CWG, representing the main operational community are committed to

coordination and cooperation with the other operating communities whether by leveraging existing coordination mechanisms or new ones.

Now it might seem self-evident that we would do that but I think it's a desire of the ICG to make that explicit and our draft response does indeed do that. So it seems to me to be a no brainer to lock that in and say we would - we will express our commitment.

If anyone has any concerns please of course let us know or any additions that you would like to make, but that is where the draft answer is at the moment on 6. Item 7, question 7 seeks to understand whether or not compliance by ICANN and/or its affiliate PTI is mandatory when decisions or recommendations are made by an IANA functions review or special IANA functions review process.

And the draft answer refers to the fact that the proposal requires that jointly the board and the community come to an agreed upon resolution to the mechanisms.

I'm not sure is it the current language is the board and the community mechanism I guess the community mechanism refers to the community (unintelligible).

I've read this twice the language on this one because it says requires that jointly the board and the community come to an agreed upon resolution. And I wondered if it was meant to read requires that the board and the community jointly come to an agreed upon resolution.

I guess it means the same thing although I think questions or comments on that. (Grace) go ahead.

Grace Abuhamad: Thanks (Jonathan). So I think the reason the text is written this way is referring to the link with the CCWG and the community mechanism in the accountability the CCWG accountability group that is still being worked out and discussed.

So I think that was the reason for phrasing that a little bit awkwardly at the moment but we can work on some text that makes more sense.

Jonathan Robinson: Thanks (Grace) I think it would help there then to just capitalize the word mechanism so it's clear that you're referring to that particular thing there and so that request joint to the board and come to an agreed upon resolution.

So that's where that currently stands. Avri go ahead.

Avri Doria: Thank you, Avri speaking. Yes I mean the reason that it was written that way as (Grace) indicated is that when it was written it was really uncertain and in fact even today it's really uncertain as to, you know, what mechanism is going to be in place.

And certainly the current proposal from the CCWG includes a community mechanism where by some method yet to be defined, you know, there are things that both the community mechanism and the board have to agree to and if they don't both agree they have to work it out together to get to some agreement.

But the structure of that mechanism is as of yet not nailed down. So it's harder to be much clearer yet at this point. Thanks.

Jonathan Robinson: Okay well one clarification we could consider making is to just put this in brackets after mechanism that, you know, make a reference to as currently

being developed by the CCWG on accountability because it's quite clear what we're referring to by capitalizing it and cross referencing it. Chuck go ahead.

Chuck Gomes: Thanks (Jonathan) and I think you and Avri really covered what my point is but I do think it's important in our response to make reference to the CCWG and the work that is going on there because really how this question is ultimately answered I think will be as Avri and you both indicated dependent on the results of the CCWG.

Jonathan Robinson: Okay good so serves to, that's helpful to have that reinforced by you Chuck and it also helps that it refers back in my mind anyway to the ICG. The interdependence of the two pieces of work in certain key areas. Greg.

Greg Shatan: Thanks, Greg Shatan for the record. As you're looking at the question and the answer I think that and I apologize for not having gone back, you know, and read our proposal against our report again or the ICG report on this.

I'm more under the impression the question answered itself. It seems to be basically asking whether the IFR or the special IFR outcome in essence would be binding on ICANN the corporation.

And it looks like what we're saying here is that basically we're not quite answering that question to the extent that we are we're just making it look like it's not kind of binding per se in the sense that the board is left to come to a joint agreement with the community.

And that therefore whatever outcome there is can be taken and significantly changed or even more or less refused or end up in a lengthy negotiation over whatever the final recommendation of the special IFR or the IFR was.

So the separation was a recommendation and the board didn't like that. We could be very much where we are in the CCWG accountability right now. I don't know how that will end up but it seems to me that the idea that the community gets the final say communicates (0:06:00) the names community over the names portion of the IANA work.

It seems the answer essentially seems to be no that is in essence it's not, compliance is not mandatory to the outcome plus (unintelligible) the subject is essentially subsequent negotiation between the board and the community mechanism.

And I'm just not sure that that's what we intended and of course, you know, I agree that we need to be clear that we don't even know what the community mechanism is going to be.

And community mechanism right now is a (unintelligible) that exists is a voting process with a community discussion beforehand. So I'm not sure that there is anything, anybody there that would kind of come to an agreement with the board at that point.

So our answer may even not be possible under the CCWG proposal as it stands. Thanks.

Jonathan Robinson: Thanks Greg. I certainly feel like the (unintelligible) here though it could hard code this mandatory component in here but it feels to me like there are other escalators should the board and the community mechanism diverge that's where other mechanisms kick in. But I think maybe that's what you wanted to say or (unintelligible) Avri first.

Avri Doria: Thank you, Avri again. Yes I mean when you read what we've written it does imply that we would kind of like a community final approval for the separation not for the IFR itself.

But we've also seen in the CCWG that actually getting that I mean if we look at what's on page 1110 of the ICG aggregated report, you know, it does try to indicate that a community mechanism has some say in it but we've seen all the way through the resistance we get on anything being decided by the community.

So, you know, and suddenly even everything the CCWG has done is there is very few cases in which the community, you know, at the moment has the final say.

So I'm not really sure I think I'm agreeing with Greg but we never really pushed the point, you know, so that separation was a decision that was enforceable by the community.

We sort of hint at it but because we had no idea at the time this was written as to what would happen it remains somewhat nebulous thanks.

Jonathan Robinson: Thanks Avri. Chuck.

Chuck Gomes: Yes it seems to me that how we answer this question really greatly impacts how we will answer the really big question as to whether the conditions that we have on the CCWG results are met.

And so and I'm coming back to what Greg said and somewhat what Avri said too, you know, and the question that's running through my mind is should we be answering this question relative to what our proposal requires or and put

aside the fact that the board doesn't want the community to have final say or do we answer it in light of the fact that we know that the board doesn't support that.

But regardless how we answer this question will it seem to me will be - have a big impact on whether we can say the CCWG proposal meets our conditions.

Jonathan Robinson: Thanks Chuck. (Alan).

Alan Greenberg: I guess the question and I should know the answer. Did we explicitly put in our CCWG dependencies that there must be a mechanism to ensure that IFR decisions are enforced?

Jonathan Robinson: I don't know the answer to that and maybe someone can help with that answer. Greg says we did not. I thought that was the case. I think what I have a kind of connected point and that is we've I believe I have two thoughts at this stage.

One that we need to be very careful there that we respond in a way that clarifies our proposal but doesn't in any sense rewrite our proposal or modify substantially our proposal from that which is being supported.

I mean this is to the extent that there are ambiguities or lack of clarity we need to clarify them but not our opportunity now to rewrite the proposal. Second, as I said the outset in response to the comment my feeling here with the draft answer and this is a little off the top of my head but was that I quite like the draft answer even understanding Greg's concern because we will have other - should the board substantially disagree with the community mechanism and

proposals made by an IFR or special IFR that's when our other accountability processes kick in and we escalated into other areas.

So from my mind if we made it mandatory this was back stuff there whereas actually the opportunity is to have some wiggle room but also to have additional mechanisms we can then rely on in escalation.

So that's I guess my interpretation of it. (Alan) is that a new hand that you want to come back with?

Alan Greenberg: Yes, no it is as well it's an old hand I want to come back with. I think it's sufficient in that case that we say we have, we will have community enforcement mechanisms including ultimately the ability to remove the board.

Therefore yes we believe the IFR decision is enforceable.

Jonathan Robinson: Well precisely there is a form of hybrid answer here then that this goes along the lines of what we've already got and we've already said that this is the answer.

We have a little bit more clarification that we have to make clear that the community mechanism is that which is being relied on by the CCWG. I guess what we could go on to say is a variation of what you just said is we add a supplementary point in the event that there is substantial divergence between the community mechanism and the board and the recommendations by an IFR.

The community will have reliance on other mechanisms as being currently developed by the CCWG. I see a checkmark from (Allen) and a hand up from Greg. Go ahead Greg.

Greg Shatan: Thank you, Greg again. I think that formulation feels just a little opaque to me since we're not exactly saying although we're implying that if the board disagreed with the outcome that the community's mechanism and, you know, before that the IFR came to that we will basically force the board to agree or replace that board with a board that will.

Which if we want to answer the question perhaps more straightforwardly that the decision will be reviewed by the community and the board and if the community approves it it's really only subject to the approval of the community and if the board does not approve them we will, you know, we will, you know, use the enforcement mechanisms to enforce the approved outcome of the IFR process and those (unintelligible) are more adversarial.

But it seems to me if we're talking about enforcing the mechanisms, we're talking about enforcing something against something and in this case it's the decision approved by the community against the board.

Jonathan Robinson: So I understand that that is a tighter formulation and my question to you Greg and to others will be what was our intent because my sense is that our intent was perhaps a little looser at this level and that it could be come tighter at the next level up.

Avri you go ahead and make your comment and then Greg.

Avri Doria: Yes so this is Avri again forgive me for speaking to often today. First of all we have to realize that we treated the IFR or the, you know, either version of the IFR differently than we treated the results of the separation process.

At the time that we can trust it's the IFR we were patterning it off of other reviews are done which is that the review is done and then it's given to the board for going further.

Even if the recommendation is the creation of - is the initiation of the separation process. With the separation that's the one where we explicitly say depending upon what mechanism created by the CCWG it will be done, you now, using that method and the approval of the board.

We didn't necessarily say done in negotiation or together while holding hands but we did say that it was both. With the IFR we treated it like a normal one of the AOC type reviews at the time we were writing it.

So that's why we have to be aware that there is a difference in the way we treated the two of them even though the question seems to be somewhat more ambiguous.

You know, but for the IFR it was just a regular review. It's a separation request that's actually the joint decision. Thanks.

Jonathan Robinson: So the question as I understand it from the ICG is specifically raised to IFR or special IFR in this particular instance. So to your point that you just made Avri that our current draft answer or a variation of it that we've been working on is that still okay?

In other words or have we drifted into adding text that relates to the (unintelligible) review? Avri I think that was a question for you just to make sure that we...

((Crosstalk))

Avri Doria: Yes and I'm reading it and if it is really just talking about the IFR and the special IFR and no it is not actually under the joint because the answer that's given there and I think I'm the one that gave the original answer is making the confusion that I cautioned us against making.

So I was the first one to answer it more in relation to the separation process than the IFR process. The IFR is just a review like any other review that needs the board's approval and if they don't approve it goes into escalation.

Jonathan Robinson: Okay well that's helpful then. So it seems to me that some re-working of that answer is required but I would stick by the point that either I made or others have made is that we still need to make reference here to the escalation mechanisms.

It feels to me that a complete answer would make reference to escalation mechanisms. (Alan).

Alan Greenberg: Thank you. If we're looking at the recommendations from an IFR to make changes I think that is the right answer that it has to go to the board and the board has to implement.

If we're looking at the separation aspect of it I don't think, I think they're asking the wrong questions because all we're saying for separation is that we will form a cross community working group and we don't need board approval to form a cross community working group.

You know, if the community has decided to do it the community will do it. Now enforcing the outcome of that cross community working group may be a different issue but the outcome of the IFR, special IFR regarding separation is

just a form of CCWG and there is no restriction or requirement for board approval to do that.

Jonathan Robinson: It feels to me like and Chuck sent these questions whether we should point out a distinction between the IFR and the separation process. It feels to me like we could write and personally I'm going to suggest we stop that writing now.

I think we could ask our drafter to pull together an answer based on this conversation which deals with A, a direct response to the question. B, highlights the escalation and C, draws the appropriate distinction between this and the separation review.

So that for the avoidance of doubt that is also made clear to anyone reading the proposal or a variation of the proposal as updated by these responses.
(Grace).

Grace Abuhamad: (Jonathan) is there I mean I know Avri was working on this question, do we want to assign an action item specifically to a person or do you want this to just have anyone to put input onto the list?

Jonathan Robinson: No I think that's a good question. I was expecting in my answer there that there would be a star pin holder on this document to the extent that the original text is provided by members of the group, great.

But actually the group has discussed this and I think that it feels to me like there is sufficient content for staff to now draft that answer based on both the original proposal and the input provided here and thought that we could get that out in short order back to the list and ideally in a form that can be finally approved on Tuesday next week.

And Avri asked to volunteer to help and that would be great thank you Avri. Okay so let's - I think we have the structure of an answer there properly discussed not just (unintelligible).

Well I think what we'll do is we'll move back to question 2 which (Alan) is now willing and able to help us deal with and then thereafter we'll come back to 8. So let's go and deal with 2 now (Alan) if you are still in shape to give a response to that.

Alan Greenberg: Thank you just let me change, go to the right part of the document which I can't find right now. What we have here is a whole bunch of things that we're working separately at different points in time and were never pulled together properly.

All of this is covered in fact by the - I'm trying to find the right paragraph. Here it is, a reference to a standing committee. Sorry I scrolled away from it to look for the other item.

Okay its paragraph 150 Section 2. No, I'll provide the right paragraph. The bottom line is we have a standing board committee which is, will be charged with making any substantial architectural or approving any substantial architectural or operational changes.

That if the board has to approve them the recommendation will be done by the standing committee in conjunction with experts and for substantial things with community consultation.

So the answer is to their question is both. I had actually looked at this a week ago but I had forgotten about it completely. The answer is both. Certainly if

we are changing responsibilities between IANA and the route zone maintainer that is about as substantial architectural change and operational change as one could imagine and it is subject to provision of the paragraph number that I'll provide that includes both community consultation, expert consultation and board approval.

Jonathan Robinson: Thanks (Alan). So what I hear you saying then I'd just like to check that and see if there are any other comments is that the draft answer as currently stands would remain but be developed a little further in the question to cover those points that you just said?

Alan Greenberg: My recollection is that draft answer is a lot longer than it - no sorry I'm looking at a different one. Do we have a draft answer? On the screen what I see is the DTF members are requested to provide answers.

I'm sorry the draft...

((Crosstalk))

Jonathan Robinson: There is a very full draft response at this stage and when I heard you saying...

Alan Greenberg: No I would be a lot more definitive and I can provide wording for that.

Jonathan Robinson: Right that is much appreciated and I hope that will be helpful and hopefully others will then respond. And if I could just encourage everyone to talk closely into the microphone and make yourself as audible as possible.

I think there is a couple of us that are coming across a little quietly.

Alan Greenberg: Okay thank you.

Jonathan Robinson: Okay so I hear then that maybe I'm not coming across that audibly either.
Can you just confirm that because...

Grace Abuhamad: (Jonathan) this is (Grace) I hear you fine I think.

Jonathan Robinson: Okay but I will make sure I talk close to the microphone I'm not a telephone line rather than my usual computer line just to make sure that it's a reliable connection but maybe I know the microphone volume is slightly lower on this. I don't have the capacity to adjust it because it's a telephone.

Okay thanks Greg and (Grace). All right so next item then is question 8. This refers to the PTI board of directors and there is a draft answer and it's really a clarifying question that we were referring to that PTI board rather than PTI.

So this feels to me like it doesn't need a lot of work but if you could just check that, make sure that others are not unhappy with the draft answer which simply the ICG asks for clarification of the text.

In other words saying our text wasn't crystal clear and our draft answer and the question 8 attempts to do that. So if you have any concerns about that please make them be known otherwise I think I'll just more or less slide over that one.

Yes I know I'm sorry for the pause there, sorry for the radio silence I was just checking a note I made. There is a point in here where the ICG says, we note that the board composition and selection procedures have been extensively discussed and should be elaborated in detail during the implementation phase.

So my notes to myself on this one says can we check if we've got an appropriate point in the implementation that if anyone could help me by confirming that we do have.

But I think we probably do but I can check that that is one that's actually properly covered. Elaboration of board composition and selection procedures in the implementation chart.

So if we could just cross check that. We don't need to do that now but I would like to before in the next 24 hours before we send off the implementation work I'd like an action there to cross check question 8 from the ICG against the implementation list.

Thank you that captured that one. Question 9 is an interesting one. This is where the ICG asks if the PTI board will be - they're looking for who is ultimately responsible for the responsibilities under the IANA functions contract with ICANN.

Is it a PTI board or ICANN board? Now what we said in our draft answer is that the PTI board will be responsible for ensuring PTI fills its responsibility. And in our comment we said consider where the legal guidance is required here.

I gave this some thought and it may be that we do need to ask a little help from the lawyers here. In further thinking about it it struck me that yes that is the case. It is PTI board. And in the event that's a separation took place it's the buck would stop with PTI board.

But given that PTI is an affiliate or in normal speak a wholly-owned subsidiary I mean the PTI board feels to me like you could argue that the ultimate recourse does exist to escalate to the ICANN board.

So although ITG is trying to pin down well who's really responsible for this in my view it is the PTI board. But if the PTI board was performing unsatisfactorily one could have recourse to the ICANN board to the extent that PTI remains an affiliate of ICANN.

So that would be my answer. But it may be that this is something that we do want to crosscheck with the lawyer.

Any contributions or thoughts to that? Greg?

Greg Shatan: Hi. This is Greg Shatan. Hopefully I'm loud enough.

The - I think clearly our formulation of this as de facto a wholly-owned subsidiary even though, you know, technically if it's a nonprofit corporation it's not just it's not owned. But certainly it is the intent was that it would be controlled by ICANN and not be an independent organization in that sense.

So I think the answer is that there would ultimately be recourse to and given control by the ICANN board or, you know, by ICANN. And, you know, that ultimately in a sense means its board.

So that's certainly my and consistent with all the formulation about where we ended up clearly, you know, clearly the departed contract co would have been not subject to the ICANN board. But in this case the meteor got sucked into the orbit of ICANN and is now subject to its control. Thanks.

Jonathan Robinson: Thanks Greg. I think I understood that to be - this tends to be consistent with what I was saying. (Christopher)?

Christopher Wilkinson: Can you hear me?

Jonathan Robinson: Yes (Christopher). Thank you.

Christopher Wilkinson: Yes. Okay basically agree with Greg. So politically vis-à-vis the outside PT board, PTI board is a totally unknown of - in terms of stability, budget, staffing and public relations of I think it's for better or worse it has to be the ICANN board.

Jonathan Robinson: Yes thanks (Chris). And I sense there from you that's almost like a view.

I guess my interpretation it is not - this is not a view or how we might feel about this but it's actually a - in a sense a legal point.

So maybe we should just - I think I would feel more comfortable if we had a quick question via the Client Committee to the lawyers and say this is where we think our answer is settling on this.

Yes it's the PTI board is responsible. But since the PTI is a - an affiliate of ICANN ultimately it's the ICANN board. And that could be our draft answer which we run by the lawyers by the Client Committee.

So with your agreement I suggest we do that. (Martin) thanks. I see you agree in the chat.

Yes (Chris) so I hope I didn't come across in any way confrontational. It's just I wasn't suggesting you were planning it was a legal point. I was just speaking to clarify.

Would anyone like to comment? (Christopher) is your hand still up? Would you like to come back with any sort of response in addition to that in the chat which I just noted?

Greg Shatan: So this is Greg. I'm out of the AC room for the moment. But I do agree that we should take the question to the lawyer just to confirm that we're getting it right or not.

Jonathan Robinson: Right well thanks Greg. Let's take that as an action then that we will run our both the question and our draft answer via the lawyers, via the Client Committee and on that basis need to confirm our understanding and interpretation of what's intended here.

All right, that's good. So then we have Question 10, 11 and 12 which are in a sense in a family because they all say please confirm that the proposal only refers to the named portion of the IANA function, the names portion in relation to in the order in which the questions were asked. The IANA's function operator, the CSC in Question 11 and the IFR in Question 12 and special IFR

So our draft answer in all three cases said -- scroll into that -- that we confirm that item X only refers, you know, XY and Z in each of ten, 11 and 12 refers only to the names portion.

And I noticed that (Alan) helpfully provided text in relation to Question 2 in the chat so we'll add that to the document in addition.

Thanks for recording that Greg.

So any concerns with that limiting the scope of our proposal two in those three instances for questions in ten, 11 and 12 for the names function piece? You know let yourself be known if you have any in (unintelligible) those answers either now or shortly after on email.

And then the final question is Question 13 which the first of the after .after domain for special purpose and see if we clarify whether or not this domain will be included in the CSC and IFR processes.

And we have a draft answer there where we essentially say that that's up to .(arpa) to decide on CFC. And we don't have an answer on perspective IFR.

Any comments or points with respect to either this - the existing draft answer and/or the portion to be completed?

Those in the comment ask that former DT CSC or any members, anyone's got any views or input that it'd be helpful to have them.

Man: Thomas (unintelligible).

Jonathan Robinson: Yes, before going to - yes I'll just note that (Chris) has made a comment in the chat recommending a reference to decision on the INT where - and I note that in (Chris)'s written response he suggested to be relevant to recall the question of the.INT TLD being referred to the GAC for advice. Go ahead (Alan).

Alan Greenberg: Yes they didn't ask about .INT. I wouldn't added here. I, you know, keep it clean to the question.

I would suggest that we say that yes. I mean look the .(arpa) entries are part of the DNS. Clearly if DNS separates - if we move IANA, the IANA names function somewhere else that (arpa) goes along with it. So there's no question that whoever is responsible for .(arpa) -- and I'm presuming it would be the IAB -- has to be involved in the process.

So I think we should simply say that, you know, that a representative of the IAB or whoever the IAB designates will be involved in the process.

Jonathan Robinson: Thanks (Alan). I think (Martin) is supportive of that.

And can I ask for a volunteer (Alan)? But if you're so willing (Alan) for someone to just either draft or maybe we already captured that text in as suggested.

Alan Greenberg: I would suggest someone who's more familiar with the CSC section.

Jonathan Robinson: Any volunteers or is - absent a volunteer I'll ask staff to try and assist. But I do encourage the group to review that answer as carefully as possible to make sure that the group is satisfied with the text as we develop this tool with sign off on to you the next week.

Okay. I know it's early for many of you and (unintelligible) things very good and helpful contribution so thank you.

That brings the review of that list to a completion of this cycle of reviewing it. It feels to me like we are on target to sign us off on Tuesday without unduly rushing our answers.

So we will shortly after this circulate an updated version of the list and try and work through that.

So it looks to me like we've provisionally closed our answers on - let's have a look here - Question 3, 4 and 5 certainly, Question 6, Question 8 and Question 10, 11 and 12.

There is some additional work needed therefore on 1, 2, 7, 9 and 13 although some of those will be redrafted immediately following this call and we'll seek to highlight where further work needed beyond that.

(Grace) can I check if you've got enough to work with here both in terms of record of the call and the action items and so on? (Grace) go ahead.

Grace Abuhamad: Yes, (Jonathan), Marika and I were just chatting about how are going to break down the work. And I think we have enough.

We're little bit concerned about Question 13. But we will draft - I think I have an idea of what I can draft and then we will come back to the group with confirmation on that response.

Jonathan Robinson: Okay great. Well thank you very much for your help. I appreciate you stepping in and assisting us here. And so hopefully we can make good progress on this before the weekend and so we can head into next week with the view to signing it off.

Good, all right. I - there's a lot of been going on. So let's switch on then to Item 4 which seeks to any raise any relevant points from the CCWG accountability now.

Given that they've spent two days in LA and had a subsequent meeting and so on I mean it's - this - there's just a real lot to be said.

The question is what's relevant to this group and isn't - is being dealt in any event with the work there?

Certainly (Lisa) and I will talk with and catch up. We haven't had an audio catch up. We've had a couple of emails, plan to meet with the co-chairs on Friday again as part of our regular coordination work.

We are jointly involved in overarching program management type meetings that ICANN I think convening although one of those hasn't happened for a while.

My personal sense is that there's an attempt to get somewhere of some kind of compromise or variation on a proposal but I don't know where that's settling at this point.

We may, the chairs, the co-chairs (Lisa) and myself may be asked - there was one suggestion that we might get involved in some kind of facilitation or coordination. But I don't - I haven't received anything formal about that so that's probably speculative at this stage.

My sense is that the most important is we need to be vigilant and make sure that any changes or compromise or work that's being done we just need to make sure that it's - there is clear advice on the conditions that emanate from

this group, CWG stewardship condition and we keep aware of that and make sure that our requirements continue to be met by whatever variation of work the CCWG does. And that feels to me like what the scope of our work should be.

So I don't know if this - someone who's acting as a liaison or if anyone else would like to make any other comments in relation to the work of CCWG. It'd just be quite some work in progress at this stage. And I could say my sense is that we did have to remain vigilant that it continues to meet our requirement.

All right will please do - (Alan) go ahead.

Alan Greenberg: Yes just a comment for those who are not following the CCWG very closely. It's important to understand that there are certain people within the CCWG for whom the whole (raise on detra) is accountability and whether the transition goes through or not is irrelevant.

And, you know, that partially explains some of the huge difference in, you know, and in how people would like to go forward with this.

So it's just something to be aware of. It's, you know, there are - people are there for different reasons and that ends up influencing exactly how each of them wants to see the process going forward.

Jonathan Robinson: (Alan) thanks. That's a really - it's a helpful point to make I think because I kind of made it more obliquely but I didn't even know I was making it.

But in a sense I was with when I made reference to the overarching timing because you're right. To the extent that anyone is of the view and there seems to be a reasonably broad view that this is the case, if there is a window of

opportunity for this transition to take place and to the extent that that's - you buy into that and that's the least understood there is a timeframe within which to work.

Now we clearly as a CWG have requirements and that need to be met. And then there - and that's why I guess I made reference to the program management.

There's some - it doesn't do any harm to have a view of how the overall program fits together and where the dates might pan out depending on how long various bits and pieces of work take.

So the next call for that is on Tuesday. And I think that's probably a helpful - that's the - and what we should do is share that, certainly share that any - if there's a graphic some sort of (gan) chart we'll share that with his group.

And I hope to - I encourage the CCWG chairs to share that with their group because in effect that makes the point that (Alan) was making that there's - it's not just about accountability and isolation. It's the links and the impact on the transition that I guess we all need to be mindful of.

Alan Greenberg: You know, (Jonathan) if I make goes a little bit farther with that.

To the extent that any of us or anyone has a crystal ball and knowing what the NTIA will - and the US government will accept there are certainly people who believe that we want good accountability. And if it is a methodology which will force the US government to say no to the transition, that's fine.

And that, you know, so that partially explains some of the range of views that you see within the CCWG. Thank you.

Jonathan Robinson: Okay that's - thanks. And I see there's some sort of related comments in the chat about that as well.

All right well, I don't want to belabor the point on this one. So let's move them on to Item 5 which is an update on the legal work.

I think from my point of view there's three things that I'd like to say here. One is that there is work going on on drafting of the bylaws in particular as it relates to this group's work. And we haven't received an update as such on that but I do understand it's going on. And perhaps we can provide an update in due course.

There is the work that we've just agreed today which is check our interpretation of an answer of to one of the questions. And so we'll do that via the Client Committee and that's already recorded as an action.

And then third we made a point previously. And I'd just like to make sure that the group is aware of this point and understands what is proposed here and doesn't have any objection to it.

Throughout the process of using external legal advice it seems - we haven't had a fine detailed view of what - of billing and activity in any kind of broken down basis.

At the last meeting one of - the collective - the composite bill passed through the threshold required that it meant it needed board approval. And so it sort of came out into the open that there was some really substantial bill or composite set of bills.

And it's sort of embarrassed us a little I think or certainly I felt that it was coming out in this way and that we hadn't got proper insight of it.

And the tension between that full transparency on the bill is that the lawyers are reluctant and I think reasonably so to have their detail of their billing they see it as confidential and don't want to expose that publicly.

They are willing to share fine detail of their billing with the chairs of the group. And in fact that's what they are doing with the chairs of the CCWG and all in our case with the Client Committee providing the Client Committee doesn't then circulate that.

Now we had a very delicate discussion about the Client Committee when we set it up and made sure that the Client Committee was transparent and provided a very specific functional purpose which was to make effective management of the legal function but didn't - we didn't give it a kind of autonomy to fly solo.

And so I suppose what in a nutshell I have a request for this group. You commit the Client Committee to have full insight into the lawyer's bill and don't require if the Client Committee that that information is made transparent to the whole group but trust that that's part of the Client Committee's role in managing the lawyers and maintaining as reasonable as possible cost there.

So are there any concerns or objections, concerns with or objections to that?

I don't see any. I'm going to record that as a proposal to this group. And I hope that if anyone does have concerns that they'll raise them. And I see Krista Wilkinson put a check mark. I see a couple other checkmarks from Greg. (Alan) go ahead.

Alan Greenberg: Yes thank you. I - from what you're saying it sounds like we have two options, either the information is shared with the Client Committee and is kept confidential or the information is not shared with the Client Committee.

Jonathan Robinson: I think that's a...

((Crosstalk))

Jonathan Robinson: (Alan).

Alan Greenberg: I - in my mind the answer is really clear, sharing with a number of people on the working group is far better than not.

I mean the same was done in fact at the time when you were interviewing, selecting candidates and interviewing them it was kept confidential so...

Jonathan Robinson: Correct.

Alan Greenberg: I don't see any difference in having some people on the group privy to the details rather than none. Certainly in my mind it's far from perfect.

Jonathan Robinson: Okay and so this in no way changes the remit of the Client Committee say for this specific point which is getting insight into the granularity of the billing such that we can ultimately essentially better manage the lawyers and hopefully contribute to better management and control of any cost.

So thanks for the checkmarks up. I hope we have any concerns raised if and when they do come.

And Greg could hopefully put a link to how we - you know, you can track quite a lot of detail what's going on through the open work of the Client Committee. There's - and this is just a nuance that needs to be dealt with.

All right, so there we have it. That leads us - unless anyone else from the Client Committee which is great and I don't know if (Martin) is on the call. Just check if (Martin) is on the call.

Grace Abuhamad: (Jonathan), (Martin) sent his apologies for today. He's going - she's attending the Dutch IGS.

Jonathan Robinson: Okay thank you. You know Greg I'm sure you'll, you know, no wallflower and will raise your hand if need be and you've given some response in the chat was also helpful. Thank you.

So with that I think I'll move us on to Item 6 which is ARB for which I have no point I don't believe.

Has anyone got any ARBs that they would like to raise?

(Grace), go ahead.

Grace Abuhamad: Thanks (Jonathan). I just wanted to confirm for the group that we have been able to secure a slot for the CWG to meet in Dublin. This was not something that was requested at the time that the meeting schedule was put together or in development.

But considering the questions from the ICG and the possible need for a meeting the chair has requested that we look into that. And we have a slot now on Wednesday 9:00 AM I believe. I'll confirm the time in the chat.

But the - it's two - it's a 90 minute slot and we can use it for additional work on the questions if we're not done with them by then or any other work that the CWG may have or we can cancel the sessions. So we just have it as a provisional slot in Dublin if we need it.

Jonathan Robinson: Thanks (Grace). So I think it would be helpful then to publish again or for the first time as relevant both that slot and the forthcoming call and to let people know that to the extent we need them we will take advantage of those slots.

However we - to the extent we - were up to date and don't need them we will endeavor to free up your diaries either at the ICANN meeting or at the meeting beforehand.

So we'll remind you of that schedule of telephone meetings and the meeting in Dublin which depending on whether you're there obviously or not will be a face to face or a telephone meeting.

So thanks for that. Any other point anyone would like to raise on the ARB?

All right good. Well echo (Chuck)'s thanks on the list. Thank you to all of you for contributions on list and during the course of this meeting. We will say we will - I see there's a schedule of meetings. So it's not a bad thing to be aware of related to (transition) obviously in the chat.

Go ahead (Grace).

Grace Abuhamad: Yes, I will send this. I just wanted to put it up in the room. We've - we have a little slide with all the transition related sessions for Dublin. So I will send this

to the list and then I will also confirm the CWG specific meetings in the next couple of weeks.

Jonathan Robinson: Okay great. Thank you.

All right thanks everyone. Looks like you bought - or we have collectively bought half an hour extra of our days we may not thought we had previously.

Thanks for a productive meeting and we will see you all on Tuesday 1700 UTC. That's 6 October 1700 UTC for the next meeting. Thanks again.

Okay we can stop the recording.

END