

ICANN

**Moderator: Brenda Brewer
October 6, 2015
12:00 pm CT**

Grace Abuhamad: All right. We're ready to go. Operator, can we start the recordings please?

Coordinator: Recordings have started.

Grace Abuhamad: Thank you. Everyone welcome to the CWG Stewardship Meeting Number 68. We are Tuesday, October 06 at 1704 UTC. Before we start the call, I'd like to know if there's anyone on audio only today. Okay. Seems like we have everyone in the Adobe Connect room. That's how we'll do attendance. And then we'll turn it over to Lise who is chairing the call.

Lise Fuhr: Thank you Grace. This is Lise Fuhr. I will Chair this call. But I will have help from my co-Chair Jonathan Robinson to some of the issues on the agenda.

Jonathan and I discussed that we would try to keep this call to an hour. We think we can deal with the items pretty effectively hopefully and keep it to an hour since we guess everyone is suffering from a bit of meeting fatigue with all these meetings going on.

As you know, the numbers of calls have been raised to two per week. We have one at 1100 UTC and one at 1400 UTC with an option to cancel if not necessary.

You should all have received invitation to this list of proposed calls. So this is why we have this call today. At the end of this call we would like to evaluate with you if we need to the call on Thursday since there's some work that needs to be done and we might find it's not necessary to have the call. I've been corrected that it's not 1400 UTC. I'm sorry. It's 1700 UTC. Sorry to misspoke on that one.

On this call we aim to deal with the implementation list that we also discussed at the last call. There is an inventory list been developed by the ICG. We have the questions also been sent from the ICG. And we have an update from the CCWG.

There's a lot of things going on and I will get started right away with the update on the implementation schedule. But before that I'll just quick pause and ask if there is any additions to the agenda or any questions. Okay. Seems like there is none. I'll carry on.

The second item on the agenda today is an update on the implementation schedule. As you might know, the other communities have already responded to the implementation inventory from the ICG.

And from their responses its pretty clear who is responsible for the actual oversight of the implementation. The communities find that they themselves are responsible. So it's just to mention this, as we need to discuss this in this group at a later stage.

There is a draft inventory that's been shared with you (unintelligible) list. Jonathan sent it to you. And it is much more detailed than the list that we as a group discussed at our last call.

So actually we are - Jonathan and I have discussed to do a comparable draft inventory of our action items to the ICG inventory in order to have a coordination of our action (options).

Jonathan and I have had a conversation with (Lynn) and (Elisa) and actually this conversation confirmed that what they need is actually a consolidated (Board) list, a high level implementation list of ICANN's that's needed for the actual implementation.

And we actually did that in our proposal. So they can extract but we have also done the list that we discussed on our call last Thursday. And we need to find out if we have any updates from that previous motion.

Furthermore with discussions with (Elisa), it was clear that full schedule is desirable or a full inventory list is desirable. And they would need to have that during the meeting in Dublin.

So as Jonathan and I have discussed that we should ask the (CWG) staff to format out schedule into the same format as the other operating communities. And I see Jonathan's clarifying something in the chat. He's saying comparable (meaning) prepare our implementation inventory in the same format as those to - of the other operating communities. So they are directly comparable. Sorry if I wasn't clear about this.

The list that (Chuck) has done and you discussed at the last call was made in a different format. And Jonathan and I found that it would be better if we tied to

- we'll send this list as the first go of our items for implementation. But then we would ask staff to try and format our list - the list that you see in front of you into the same format as the one that (Lynn) sent to us.

Furthermore as we know, there is an implementation plan that's being worked on by ICANN staff and we also need to be sure that they're aware of the two lists that are being worked on. As I mentioned, the first is a high level implementation list and the other one is a full schedule and inventory of the implementation issues.

So the plan is that we would send the list you see in front of you - the actual action items only - the column that's named action items to the ICG by this Friday. And if you have any additional items, these should be sent to Grace no later than Thursday this week by 1200 UTC in order to have those included. But we think this is a fully comprehensive list and - but to make sure, please send it to Grace and the list if you have any additions.

Then the plan is to work on developing a fuller list. We talked about an inventory in the same format as used by the ICG. And send that to the ICG during or hopefully before the Dublin meeting if not during the Dublin meeting.

And then of course have the appropriate ICANN staff copied into our list so they can refer and know about the different lists in their planning. Any questions or objections to this plan? I don't see any. Okay. I'll move on to the next item then. And that's the ICG questions. And I will hand it over to Jonathan to walk us through this. Jonathan.

Jonathan Robinson: Thanks Lise. I think - I suppose there's one thing that we should do is when we transmit the points on implementation to the ICG, I think we should

just qualify it slightly that, you know, this is our best estimate of the implementation list and the associated items within it.

Clearly things may develop over time. So I think what we wouldn't want to do is find that we've absolutely closed the door on any other future comments or input on implementation. So it's a question of how we present that. But providing the group is - I think it just to be a good idea not to close off future options completely.

Lise Fuhr: I agree. And that's a very good point. And I guess during the next couple of months issues might come up. So yes. Completely agree. Good clarification. Thank you.

Jonathan Robinson: Yes. And then one other supporting point on that is that we had a - there was a group call earlier which involved the Chairs of both CWG and CCWG plus ICG Chairs I believe, various members of ICANN staff and it's a program management call that's been taking place I think once a month since Buenos Aires.

And on that the ICANN staff responsible for the project management work associated with the transition, which is a team headed by (Frank) working together with Akram, ICANN's Chief Operating Officer.

And those - that work - in that there was some (unintelligible) to flesh out from the plans. It includes key items of implementation and the timing of those implementations. So for me I think it's really important that we have an action item coming out of this call that - is that we transmit that this implementation list or schedule to ICANN staff working on implementation.

And in so doing we'll capture things like - well various bits and pieces but including elements like the work that's being done on the SLEs and make sure that that's all, you know, that common understanding across ICG, CWG and ICANN projects staff about how and when this gets done.

So sorry for those supplementary points but I think before we move on to ICG questions that's important. Right. So...

Lise Fuhr: No worries. Very good.

Jonathan Robinson: Okay. Thanks Lise. So ICG questions. What we are required to do here if possible of course is to get these to the ICG before their call on the 8th of October. And they gave us an (informal) deadline of 2359 UTC tomorrow.

It looks like we've made full progress on almost all of it. It's clear there's been quite a lot of traffic on the list over Items 1 and 2 related to the Root Zone Maintainer function. And I think we should come back to that in a moment.

And in fact - so I would - if we can do it in this way, I'd appreciate your indulgence. If we can just work through the other items on the list and make sure there are no concerns of those because my feeling is that we're pretty much clear on Items 2 onwards in the list.

So I'd just like to work through those and just call them out on a very sort of final way ideally to make sure there are no additional changes that others have come up with.

Clearly what you see on the screen in front of you and what was earlier circulated by Marika is - reflects the latest changes including in Items 3

through I think it is 5. And it's from memory we were - we had - just trying to remind myself I don't have the action items in front of me what we signed up.

I wouldn't mind if (unintelligible) we essentially dealt with - I think we decided on the last call. But let me just call them out. Are there any concerns of questions on Items 3 through 5, which were the ccTLD related points?
Okay.

If you do wake up and think that I should have said something, by all means come back to me on those as we work through. I think my sheet the one that's highlight, I - as far as I'm aware, we haven't made changes relating to the answers on Items 6, 7 and 8. They remain static.

What we did change in relation to PTI is we got the input from Sidley who were with a minor tweak. We're satisfied with the answer. And you look at the end of Item 9. So you have independent scrolling capabilities. I'm just going to scroll myself down and make sure it's highlighted in the same way as is on my offline copy.

Yes. It is of course down on Item 9 in the yellow highlighted area if you scroll right down. You see that here we said that if the PTI Board does not fulfill its oversight responsibilities with respect to the operations of PTI, the ICANN Board will hold PTI Board accountable by exercising the rights ICANN has as a member of PTI and as a counterpart to the IANA functions contract with PTI.

So essentially there's some legally satisfactory terminology which links and explains the linkage between the PTI Board and its accountability in respects of the contract and the ICANN Board. So hopefully that satisfies us and the ICG in that question (as we go).

Any questions or comments on that one? And this is - I mean I thought of different ways of expressing it but I would feel more sort of colloquial or comfortable to give out the (subsidence).

In the end I backed off and thought, you know, Sidley (knows) - read this a couple of times and the legal language clearly links the two and they are clearly satisfied that it's clear and answers the question. So therefore I feel satisfied with that.

Ten, eleven and twelve. So we've got - we had previously clarified our answer to ten on the terminology and the application of these to the names functions - names portion of the IANA functions only.

And then finally on Item 13 - 11, 12 are all limiting to the names portion of the IANA functions only. On 13 we had some language proposed to deal with the questions in and around of the domain.

So going back then to the real traffic we see has been in and around sort of scope and whether, you know, what and how much we should say on the Root Zone Maintainer function.

One of the things that struck me in all this is that in Question 2 they refer to our - the contradiction or minor conflict between - the couple of discrepancies as the ICG calls it between the two parts of the document. One refers to the draft proposed (term) sheet, which of course we've made clear in a completely different context.

That draft (term) sheet work - specifically that draft. Paul, I see you maybe want to bring us back to Question 7. So let's take that first and deal with that. Go ahead. Paul, we don't hear you on the audio yet.

Paul Kane: Okay. So thank you Jonathan. I apologize. I was talking to myself. So Question 7 if I may and I apologize if you've already gone through this in detail.

But I'm looking at one of the early drafts. And it was fairly - back to the original answer that was given the CWG Stewardship would like to confirm that compliance by ICANN and slash all PCI is square brackets mandatory slash not mandatory when decisions or recommendations are made by an IFR or special IFR process.

I'm trying to ask just for clarification because the words that are now before us are somewhat less - somewhat woollier than that. I would have thought that the IFR would have been mandatory because it's a community trying to give guidance or direction to ICANN.

Why have the words been changed to the format they have? And is there opposition to the IFR or special IFR process having a mandatory process on how IANA functions? Just a clarification. Thank you.

Jonathan Robinson: Well we did discussion this in reasonable detail on the last call. And as Marika notes in the chat, this was proposed by Avri. Some of the discussion was in and around - I'm trying to cast my mind back and remember what the critical points here were about IFR recommendations.

I think that the - yes. The answer gives the - actually gives the explanation here. What happens is you could - the enforcement of this is by - instead of it

being simply mandatory that it's enforced; the point is it's the review of the type something along the lines of ATRT.

The reviewer makes those recommendations. It would be reasonable to expect that the Board would follow such recommendations. But if for any reason they do not, we need rely on other enforceability mechanisms.

And so that's why it's got softer because it's not as black and white as it's simply mandatory. It's a recommendation coming out of the review function. And the community would then judge if the Board didn't satisfactorily implement those recommendations, there are separate mechanisms.

And so that's the kind of slightly inarticulate representation of where we got to. But if anyone else would like to supplement that or have any other comments, please feel free to do so.

Paul Kane: So again, if I may, and I apologize for not being on the earlier call. I think it would be helpful to the ICG to understand if mandatory is too strong a term. Bearing in mind we do not know where the CCWG accountability group is going to come out.

If we define or an expectation that the recommendations of the IFR or special IFR, if mandatory is an inappropriate term, possibly something a little stronger than making reference to the CCWG accountability group where we don't actually know what mechanisms they're going to be suggesting.

So I'm just thinking in terms of giving guidance to the ICG. It may be prudent to give a little more reference to a mandatory or an obligation or an expectation or something. But I'm guided by you particularly was you were one the call. Thank you.

Jonathan Robinson: Thanks Paul. And I'm speaking - I'm not personally averse to that and I see a couple of points in the chat. And (Milton) now has his hand up. So I'll come to him.

I'll just say one point in this regard. I think our objective here in responding to the questions from the ICG must be to clarify what is in our proposal currently, not rewrite or modify what's in our proposal.

So we're being asked to clarify what's in there or what the intent was. And I think that was the spirit in which that wording was crafted in response to this question previously.

So like I said, I'm not averse to turning up the wording. But let's make sure we aren't rewriting the proposal. The critical thing to do is clarify the intent or actual communication in the proposal. (Milton).

Milton Mueller: Yes. I just want to clarify that when you talk about requests from the ICG it may need to be clarified that these are not just questions that we came up with. These are questions that emerged from the public comments.

In other words, it's a community responding here, not so much the ICG. So if there are (substantial amount) of people who want to know whether this is mandatory or not, that's something we need to make clearer.

Now taking off my ICG hat and putting on my normal GNSO member of the CWG hat, I would say that nobody - I thought as we were developing this proposal, nobody thought that an IFR - special IFR recommendation would have the same weak status as an ATRT recommendation, namely that the

Board can do it or is it sort of take something into account, does (unintelligible) if it feels like it.

I think when they're talking about separating the IANA from ICANN, you're (playing a) very serious situation and it's a community review committee specifically appointed for that purpose recommends that it be separated or not that the Board is very much expected to follow that recommendation.

And I think - I thought that was in the proposal. If it's not, I'm very surprised that it isn't (because) I do think we need to make it clear that there is an expectation or presumption that those recommendations be followed unless there's some really strong reason why the Board insists that they're not. Then yes, then we do go into an accountability process, which unfortunately we don't know what it is yet.

Jonathan Robinson: Yes. Thanks for the added point. It's a very good point (Milton). That's a prior one to remind us that ICG is in effect channeling public comments to the competent proposal. Let's hear from Alan and see where we go with this.

Alan Greenberg: Thanks. Thank you. I think (Milton)'s position is the right one. It's essentially equivalent to the ATRT with regard to - rather than AOC's review team with regard to how the Board will treat them.

But I'll point out if separation is the issue as opposed to other recommendations that the IFR might have, the path to separation is perform a CCWG, which doesn't meet - even require Board approval. So there's two kinds of things that can come out of an - the IFR. One of them does go to the Board for implementation presumably. The other one is - at the first level is just a community action. Thank you.

Jonathan Robinson: That's a really good point in that the scope of the IFR is not limited in any way. The IFR could come up with numerous and varied recommendations, not in any sense simply limited to the prospect of separation.

But it does seem to be that there's a fairly clear view that we need to insert. (Similarly) I'm thinking of and letting know that I'm - this is incorrect. Feels like there needs to be a sentence in between the two existing ones.

Currently we've got the CWG (unintelligible) proposal requires the Board to come to an agreed upon resolution. And then we go on to say in the event (unintelligible) mechanism. Feels like we need something else but - that says along the lines of the sense of the CWG. I'm not sure I got the right words here. But the sense of the CWG is that there is a presumption that (trust) recommendations would be implemented.

And then of course we've got the next sentence. In the event - in the event that there is divergence, the committee will be able to rely. So I think covering something like that we may be able to architect that slightly better.

Does that satisfy those? I guess you'll tell me Paul or (Milton). (Other than) (Martin) seems to be in support of that. And so it seems to work if we insert that in the middle there that presumption of implementing a recommendation. Doesn't go as far as mandatory but makes it pretty clear that there's an - expectation is probably the right word. There's an expectation that such recommendations would be implemented.

Okay. Great. So there seems support from that. Let me just - we need to find the right form of words there to insert between the two sentences to cover expectation or presumption of implementation.

All right. Thanks for highlighting that point. Good point. So let's now take up - I'll back up to Questions 1 and 2 and see if - where we are with that. We have some draft answers. But like I say, I'm conscious of these being the subject of substantial discussion on the list.

So including most recently a proposal that (Chuck) put as to how we might resolve that discussion. Are there any comments? Would anyone like to open up the discussion or comments to this as to where we are currently or where we might go with Items 1 and 2? Go ahead Alan.

Alan Greenberg: Thank you very much. I don't think there's been any controversy on two at all. So I'm taking that one as done unless someone else - someone has a specific problem with it.

You know, we messed up in the drafting in that those sections were not properly referring to each other. But the section on the standing committee I think made it exceedingly clear that substantial changes had to go through a due process and reassigning responsibilities between the various players is about as substantial as I can imagine. So I believe that one is covered.

On Number 1 the question has been - the explicit question from the ICG was did the VeriSign ICANN proposal address what happens to the cooperative agreement in short form.

And the - may answer to that is no it didn't because it was never intended to and that in terms of Section 2 it requires the NTIA to take some action before we know what way forward. The counterpoint is we should be doing preparatory work and saying the way we want to see it mapped out.

On a coordination call this morning I explicitly asked the question of whether what we have is sufficient or should we be in fact trying to look into a crystal ball and either decide how the NTIA will go forward or say which way we plan to go forward.

Larry Strickling answered and he made it really clear that what we have is sufficient, that we need not and should not put any additional effort into refining that at this point. So from my position, these stand where they are right now. Thank you.

Jonathan Robinson: Thanks Alan. For the record, I was on that call. And I guess there was a supplementary point made by Akram from ICANN staff who talked about the fact that the ICANN team were working on a minimum possible change to ensure security and stability.

And second that for any future potential change there would be scope - plenty of scope for community participation and recommendation in any future change. So those were the two points that I picked up on that call. Go ahead (Milton).

Milton Mueller: Yes. I'm not sure whether to try to address both questions now. Whether it would be better to separate them. But on Question 1 - let me start with Question 1 and then I don't have to come back maybe on Question 2 after we address my comments on Question 1.

I think we can eliminate the statement that the proposal is not a vehicle for amending or replacing the cooperative agreement. Nothing about the question received from the ICG or from the community said that you are expected to amend or replace the cooperative agreement.

I don't know why this keeps coming up again and again in a dialog on that question. Nobody (unintelligible) asking about whether you're going to replace the cooperative agreement.

The issue had always been what is the relationship between (opposed) transition ICANN, (opposed) transition (TTI) and the Root Zone Maintainer and who is in, if you will, control of that relationship or how it is structured.

There are - there was an assumption based on the ICG's (unintelligible) of your proposal that there would be a written agreement between - that would somehow govern this relationship between the Root Zone Maintainer and PTI or the Root Zone Maintainer and ICANN.

And that again (shades) into Question 2 because if ICANN is indeed simply contracting out the Root Zone Maintainer function, then in principle it could - it might not even be considered a major architectural operation of change for it to shift that function to somebody else at will or based on whatever criteria it thinks necessary.

Again, nobody's talking about it happening immediately. Nobody's talking about, you know, at the moment of transition changing to a different Root Zone Maintainer but we're talking about the overall architecture.

And again, I want to emphasize this is not something that the ICG cooked up. This is a topic of a great number of public comments. And in particular there - some of the comments are - particularly some ccTLD community method that unless there is a principle that the Root Zone Maintainer not be ICANN, that they would not support the overall transition proposal.

And I know from being on the Drafting Team F that almost everybody on that team supported the principle that the IANA ICANN and Root Zone Maintainer should be separated.

And the only person who didn't - if I recall correctly - was Alan. And it seems to me that the overall thrust of the committee was not totally well reflected in the final report of Drafting Team F. So it seems both that there was support in the public comments and the Drafting Team F for permanent separation of the two.

And then you have the part in your draft in terms of reference that says that there be separate entities to provide these functions. So I don't think it's unreasonable for the community to be asking you to clarify this. And I also think that if your answer is simply that, you know, Paragraph 1155 answered these questions I'm not sure that people are going to be satisfied with that either.

Jonathan Robinson: Okay thanks Milton. Alan you want to come back with a response there.

And noting Keith Davidson's point in the chat on the principle of separation between root zone maintainer and ICANN. And the view is those didn't come through from Drafting Team F - or as well as they could have. Alan, go ahead.

Alan Greenberg: Thank you. For the record I was not supporting that they shouldn't be different. I (don't have) a particular opinion on it. The original recommendation that was discussed in Drafting Team F was that the two must remain separate. That got changed along the way and I can't remember whether it was in Drafting Team F or when it went back into the general CWG group.

I might be able to check from my mail records but it got changed to saying if there was going to be any such change it had to be subject to wide community - wide community comments and input. And I believe that is in the final recommendations. I don't have it in front of me but I believe that was one of the principles that we identified in that section.

With regard to the ICG question was not explicitly on the cooperative agreement but with regard to should we be looking at what the relation - no sorry, what the contractual arrangements are to ensure that Verisign honors in the absence of the NTA - honors what comes out of IANA as the root zone it publishes.

And again I did explicitly ask that question. And the answer was the same answer - that we should not invest any more time in that at this point. It is under control and it's not something that we should be looking at.

Specifically you said if people have any extra time on their hands we should be working on accountability to be fully accurate.

Jonathan Robinson: Thanks Alan. Come back in then Milton.

Milton Mueller: Yes I think that's really troublesome and problematic to say that we in the management of the root zone -- which is the core of what we're transitioning here -- we don't have to worry about how Verisign is required to reflect the changes of the new IANA. I think that's an extremely troublesome statement because if it means we don't have to worry about, that means that (he) is in charge of it.

And if the NTIA is in charge of it that means they will be playing a permanent role in the management of the root zone, which is what I thought the transition

was ending. And some of us may not look at it that way but I'm sure I can assure you there are going to be quite a few people in the world who are going to be seeing it as no substantial change if indeed the only thing that requires Verisign to do what IANA has edited - to implement what IANA has edited -- is the NTIA.

That's going to be a permanent contractual relationship between them. So I hope - I mean if that's your answer you've got to be very explicit about that and let the community know that's what you're saying. If that's not a satisfactory answer you better come up with another one.

Jonathan Robinson: Okay well as I say for me what's critical here is that we reflect accurately what we had in our original proposal and to the extent that it's not sufficiently clear we clarify it. We've got to be careful about not reopening either the work of the design team or what was agreed by the group. So there's a line to be trod here between - fine line between creating the clarity requested via - through the public comments and by the ICT and re-working what was done previously.

So I would really appreciate some help in trying to get that clarity. And if need be we may need to do additional work on this. But I'd love it if we could complete our work on this. Lise go ahead.

Lise Fuhr: Thank you Jonathan. I just want to echo because I'm a little confused from the comments in the chat saying that the group's has not been accurately recorded. I find it's a little late to come up with that if that's the case. And it's really a different thing to reopen the actual proposal because you don't think it's been accurately recorded in the actual proposal that we had a public comment period on. So let's tread carefully here. Thank you.

Jonathan Robinson: Milton go ahead.

Milton Mueller: Yes if I could respond to Lise. You know there was a lot of stuff going on and this is a very large (unintelligible) proposal with a lot of detail. And if in fact some people thought something was in there and upon close examination it turns out that it's not quite in there in the way that you expect it, that people have different interpretations of it, I don't know if that means you have to change your proposal to clarify it. Then I would say change your proposal - obviously not in any major way we don't want to change the proposal.

But if, you know, a substantial community thought that we were getting a commitment that ICANN would not be the root zone maintainer, it was a principle. And now Alan says he has no opinion and so I guess there's nothing stopping us from agreeing that there was consensus in Drafting Team F that that should happen.

And again I have to warn you against being very blanket about the root zone maintainer. The original NTIA statement does not say how a root zone maintainer role be addressed by a separate parallel effort. It says the Verisign cooperative agreement will be addressed by a separate but parallel effort. Those are different things. I don't see how - and again this is (reflected) in about 25 different comments when asked does this proposal maintain security facility in the root.

They're going we're really foggy about what's going on with the root zone maintainer. Most of that fogginess is not because of the cooperative agreements content. It's about a lack of clarity regarding the relationship between the roots transition arrangements and the (unintelligible).

Jonathan Robinson: So comment from Paul saying it seems the proposal is clear and we should be careful about what we change. The root zone management agreement is outside of our scope. Alan?

Alan Greenberg: Thank you. Milton is right in that it's fuzzy what's going to happen and exactly what arrangements will be in place. And we did address that by having two different alternatives that if the NTIA Verisign cooperative agreement is still in force then it must be changed to exclusively say that they need to honor the IANA request without NTIA intervention.

On the other hand if there is a replacement agreement, it must be of a form that it also provides the same assurance. So yes it is fuzzy in that we don't know how it's going to unfold and we tried to cover both eventualities. I'm not sure how we could make it clearer than that, again without knowing quite how it's going to unfold.

You know, many of us have expected the NTIA to get out of the loop altogether and not have an agreement with Verisign with regard to maintaining the root. But I have no control over that and we have no control over that.

And for all I know for political reasons they will maintain that for the next year. Not what I want but nevertheless it's not something that I have any real control over.

Jonathan Robinson: So we tried before...

Alan Greenberg: I don't know how we can be more specific but...

Jonathan Robinson: It would be very helpful to get some proposals - and it may be that we can't complete this on this call - but it would be very helpful to get some proposals. I mean Chuck was helpful in providing some concrete proposals which may be moot now given what we've heard earlier today from both Larry Strickling and Akram Atallah about what work is going on.

But it would be very helpful to the chairs to get some concrete proposals in here as to how we adequately and accurately answer Question 1. Chuck go ahead.

Chuck Gomes: Thanks Jonathan. And obviously I wrote my suggestions before I read the note from you and from Alan regarding what Larry said. And I responded saying that my suggestions may be moot. As I look at them a little bit more closely, I think some of them are moot now.

But I suppose we could still send a letter to request a little more clarity. My fear is that I wasn't in that call earlier today, but my fear is that it sounds like Larry was pretty emphatic and if we do write a letter I think we ought to be careful about not acting like we want to do something that he doesn't want us to do and just simply asking for a little more clarity.

It would be easy to modify what I suggested in terms of a letter to NTIA. Probably those that were on that call earlier today can read better than the rest of us whether or not he might be irritated by that, thinking that maybe we didn't hear what he said or are not listening to us.

So I'm the wrong one to make that call but just wanted to point out that some of what I asked could be put into a letter - or some of what I suggested we ask could be put into a letter then just for some written clarification. And I don't know whether that's a good thing to do or not.

Jonathan Robinson: Thanks Chuck. To the best of my knowledge that call is recorded and will be available. I don't think Larry could have been any more unequivocal. I mean he - his response was - maybe - I don't know how much he - how clear he was on what was being asked.

But he essentially asked that the community focus on - put all its energy into dealing with the outstanding issues on accountability and where we had got to in other areas was adequate was paraphrasing what I understood him to be saying. Well, I - Chuck go ahead.

Chuck Gomes: Thanks Jonathan. So maybe what we - an approach for our response for the ICG in Question Number 1 is as I suggested leave the first part the same. I think it's okay, the part that I quoted from our response, the first paragraph and I think the next sentence or something.

And then we could simply make reference to the fact that according to a statement by Larry the - you know, this is an area that he has directed the CWG - or has told the CWG that it will be taken care of and that the CWG should not do any more work on it.

Now whether that satisfies everyone in our group is a different question, but that would be a way that we could respond and get this piece of work wrapped up and delivered tomorrow as planned.

Jonathan Robinson: So the proposal idea is that we retain the first - in that draft response as currently stands is that we retain that first paragraph and we replace the second paragraph with some form of record of what was said today. Is that correct Chuck? Chuck is your hand up and you wanted to speak? Chuck I don't hear you. I'll go to Alan first and then come back to you.

Chuck Gomes: I'm sorry Jonathan, I was talking to myself as others have done.

Jonathan Robinson: Go ahead.

Chuck Gomes: It's more than just the first paragraph. I think we can retain the - I'm just looking at it now. It says - the second paragraph says the Verisign ICANN proposal addresses only Paragraph 1150, Section 1.

And Section 2 has not - to the CWG's (unintelligible) knowledge - been addressed. That part I think is okay too. It's accurate, okay? And then to that we could add a statement reporting what we've heard from Larry that you and Alan shared earlier. That's what I...

Jonathan Robinson: Fine, so I understand you to be saying we essentially - we put a full stop off to address - we delete. And this can be done by the NTIA and it can include...

Chuck Gomes: Right.

Jonathan Robinson:...some commentary from what was said today. I note Andrew Sullivan's concern with the U.S. government response being reflected in the community work here. Alan?

Alan Greenberg: Yes, thank you. We certainly can qualify that in sections - and I don't remember the exact section number - we do make it exclusively clear that an arrangement must be in place post transition that will require the root zone maintainer to honor the requests from the changes published by IANA. So that certainly we can reiterate that we are saying that.

And we can also add that we have been informed by the NTIA that a separate but parallel process will ensure that that will be done. I believe that is accurate...

Jonathan Robinson: I think it is (unintelligible).

Alan Greenberg: ...and I think addresses the concern that maybe it's going to fall through the cracks.

Jonathan Robinson: Yeah and I would rank it slightly differently just in order to accommodate in particular Andrew's concern. And then I'll come to Milton. We could say an arrangement - I would just use the wording something along the lines - your first sentence together - an arrangement must be in place.

And then we could say we understand that in a separate and parallel process the following is occurring - you know, what the following is.

Man: What does Milton's proposal say?

Jonathan Robinson: Looking at Milton...

Milton Mueller: Well I just want to - I mean the formulation that Alan proposed that the NTIA ensuring that something would happen is I think quite unacceptable to me for the same reason that Andrew cited. Basically this is no longer (unintelligible) process. We're letting the USG design and make the transition.

And you don't say that. What you need to say is what I think Jonathan suggested in his modification that wasn't written down. It sounded like he was saying we really will ensure somehow that there is an agreement between (PTI) and (RDM) - or between (PTI) and Verisign - for root zone maintenance

and that all (TAAs) have a parallel process going on which is sort of preventing us from (like) knowing exactly how to do that.

I think that would be much more acceptable to me at least, to people who filed comments on this.

Alan Greenberg: I'm - it's Alan - I'm fine with that.

Jonathan Robinson: Okay good. I think that's more or less captured in the last bullet under the ICG questions. I think with reference to that last bullet in the notes plus the audio we should be able to shape such a response. Milton and Alan can you check it - since you've been major contributors to this - that...

Sean to your point in the chat, you asked about - where's the reference to meeting? (Unintelligible) meeting with the (NTIA) but I don't think (unintelligible) CWG. Let's be really crystal clear what happened. Is an overarching community wide program management call that took place today. This is an ICANN executive initiative.

This deals with making sure that there is coordination amongst the different groups working on the various elements of the transition and insuring it all fits together in one big (unintelligible) (shot). And usually and I think uniquely today, the NTIA - representative of NTIA - Larry and possibly some other staff from NTIA were on that call with a view to providing any comments they might see fit to do so on timing, program management and so on.

And the point was raised in relation to this question and what - and that was what caused Larry to respond in that call and say really the rate limiting factor to the success of this transition is the work of the CCWG. (Leave) that be distracted by this. It's in hand. And I paraphrase it, but that was what I took

away from it. And Alan points out that normally ICG chairs are on that call but not today. Alan go ahead.

Alan Greenberg: Yes just to point out the issue was raised in that call because they presented a timeline of the various detailed implementation tasks between now and September 2016 and this was not one of them, which raised the red flag with me as to why was it something that was not listed as part of the implementation.

And we said what Larry's answer was. So presumably there will be some discussions between ICANN and Verisign or the three party's altogether or something. But it's nothing that is being announced at this point.

Jonathan Robinson: Good so I think we've worked that through hard and it seems to me that we can - we have enough time between now and the current deadline - the October 7 2359 deadline that we may be able to close this out.

Personally from a kind of chair and process point of view I'd like to do that. If we can't we could in principle leave Question 1 incomplete and return the rest of the questions to - the rest of the answers to the (ICG) by the deadline. But if at all possible - and it seems like we're in a pretty close place to being able to do so - I suggest we try and close it out on list with reference to the conversations that have taken place in this meeting today.

So that should be the objective and I suggest we do that. Thanks. I see a check mark from Chuck at least in the (unintelligible).

All right so I think - and Martin Boyle too. Thank you Martin. So that leaves us with a prospect of completing this list - and Cheryl too, thank you. That leaves us with the prospect too then of completing this list and returning it to

the ICG by their initial deadline and in time for their meeting tomorrow which is of course attractive in many ways.

And so I guess that leaves me in a position to - I was going to hand the agenda back to Lise but there is one other item then that we need to go on to beyond the ICG questions and that's any points on the updates of (CCG) (unintelligible).

So I think we are done with it at this point. Let me just pause and make sure no one else raises a hand. All right so we can call that item - the ICG questions, Item 3 on the agenda - closed and move then on to the update from CCWG Accountability. And I can do - of course we could talk all night in my turn or as long as we like on this.

But in essence it's really just a couple of remarks I would like to make with respect to CWG. It's clear that it's a very active program of work and it's one of the things in the minds of Lise and myself in thinking that if at all necessary we should not host a meeting on Thursday this week because there is so much activity going on in the CCWG work stream.

There is clearly and some form of attempt to wrestle out of the various inputs a solution, but it's very challenging. It's clear that it's challenging the chairs, the participants and everyone who's involved with that.

It doesn't look like there's going to be some form of facilitation or coordination exercise other than what's been going on already that Lise and I will be asked to participate in. There was some suggestion I think derived initially from Ira Magaziner's proposal back in L.A. which seems like a long time ago even though it wasn't.

And I think from our group's point of view - from the CWG's point of view - we simply need to be vigilant that any work that's done remains consistent with our requirements so that the proposal conditions are met. And we just need to keep a close eye on that. Chairs need to liaise and we need to be vigilant as the work continues.

But given the cross-coordination between the chairs, the legal representatives and so on, I trust that that should stay on track.

Like I say, one could talk a lot about the detail in their work, but I don't think that's the purpose of this meeting and what's going on here. So I'll close. Those are remarks I wanted to make on the CCWG accountability in relation to our work. And then I'll hand back to Lise at this stage.

Lise Fuhr: Thank you Jonathan. I'll give you a brief update on the legal (unintelligible). We have asked Sidley to give us a response to the ICG Question 9 and that's been dealt with under prior items.

We - Jonathan and I, the chairs - need to ask Sidley for a written update on the bylaws drafting. We have also received a request from Sharon asking us if her presence in Dublin is needed. There are some concerns if the accountability model is going to change or the work of the accountability is going to take another direction, well it might be helpful to have Sharon there.

Jonathan and I have talked about it and we're really not minded to have Sharon present in Dublin. We think it's very helpful to have her but that could be managed over the phone and e-mail. So with that in mind I would ask if you're all happy with this or any concerns about not having Sidley represented.

You know we should be mindful that we would have Holly who knows about our issues too. But we would still be able to reach out to Sharon by telephone or e-mail. Don't see any hands or concerns on the chat. Okay Greg your hand is up. Greg go ahead.

Greg Shatan: Just wanted to point out that since Sharon is West Coast U.S. she'll be eight hours behind the meeting. So I'm sure she'll be, you know, willing to sacrifice but in general, you know, we won't quite have - I don't know what her plans would be exactly for being available and monitoring what we're doing in that regard. Just a caution, but, you know, I don't think we - I don't think that means that we need to bring her to Dublin.

Lise Fuhr: Thank you Greg. Olivier?

Olivier Crepin-Leblond: Thanks very much Lise. Olivier Crepin-Leblond speaking. Can you hear me?

Lise Fuhr: Sure we can.

Olivier Crepin-Leblond: Okay thanks. With regards to having Sidley come over to Dublin, I wonder whether there is not to be an issue of cost because I do hear that the legal bill is probably mounting further. And having Sharon on the phone would probably be more cost effective than flying her over to Dublin. But I don't know whether there is any concern with that or whether we're clear.

Lisa Fuhr: Well I think it's both. It's do we really need her to be there? Is it necessary for us? And the other one is of course it's very expensive to have a legal advisor flown over to Dublin. For me it's also we don't have that many issues that we think she's needed or we might not need her at all.

So to have her go around just for a safeguard I think it's sufficient by being able to reach her by phone or e-mail. And as Jonathan is mentioning in the chat, Holly will also - she will be there and she knows our requirements.

Any other questions or remarks? Okay and I see support from Sean and Donna for having Sharon be reachable by the phone or e-mail. So if I don't hear any other objections we will get back to Sharon and say that she's not needed to be present but she should be aware we're having a meeting on the Wednesday. So...

Okay then I'll move on to any other business. And I only have one item under any other business and that's actually as I started the call with is to ask if the group feels that we need the (birthday) call. We have a call coming up next Tuesday at 1700 UTC. And to me it seems that no need for the (birthday) call and another thing is that that will give staff some time to work on the implementation (unintelligible) so we can hopefully have a look at that on the Tuesday call.

I don't know if that puts too much pressure on staff now. If so please protest. But I don't seem to - yeah. Any other objections or thoughts about that? Doesn't seem so. Any other issues for me under any other business? Now we almost managed to have this call closing in in an hour. Thank you.

For the closing remarks, just going to mention that we have the ICANN Dublin meeting coming up where we have a face-to-face meeting from CWG confirmed for Wednesday from 9:00 to 11:00 local time. And we'd also like to note that there is an implementation session on the afternoon of Wednesday the 21st.

So thank you very much for participating in this call. As Jonathan said we hopefully can close all the last minor details on the ICG questions for tomorrow. So please be aware of that and we will also send the implementation list on Friday. So if you have any further issues or items that should be included please send that to the list and to Grace.

And then I'll say again thank you for participating. Constructive discussions and if not before, talk to you on Tuesday. Bye everyone.

END