

**ICANN**

**Moderator: Brenda Brewer  
November 17, 2015  
1:00 pm CT**

Coordinator: Okay sir. The recording has started.

Thomas Rickert: Thanks very much sir. And with this I'd like to start this 68th for all of the CCWG on November 17, 2015.

And I'd like to welcome all of you to this call. It's going to be a two hour call with an agenda that we've slightly amended in terms of the order of the agenda items. But the content of the agenda remain as publicized on the CCWG list earlier.

As usual we will do the roll call based on those in the AC room. Can I ask who is on the audio bridge only? I understand the Kavouss is only on the audio bridge which is why we're going to add him to the list of attendees. Anyone else only on the audio?

Kavouss Arasteh: Kavouss and I say he's on audio only for 20 minutes.

((Crosstalk))

Thomas Rickert: Thanks Kavouss. We've already added you to the list of attendees.

Philip Corwin: I know but I'm not in the...

Thomas Rickert: So who is that? I'm sorry.

Philip Corwin: It's Phil Corwin. I am waiting to get in the chat room. I have a software issue so I'm just on the call for the moment.

Thomas Rickert: Okay. So let's add Phil to the list of attendees as well anyone else?

Samantha Eisner: Thomas this is Samantha Eisner. I'm also not in the Adobe room.

Thomas Rickert: Welcome Sam. Thanks so much for that. We're going to add you to the list as well. Anyone else? Okay so with that we should have a complete list of attendees. Can I ask whether there are any updates or statements of interest?

There don't seem to be any which allows us to move to the second agenda item. And the co-chairs would like to briefly give you some additional information on the publication of discovery document.

As you know there has been some communication on the list with respect to the status of the document, what the document's purpose should be.

There was some that saying that it would be premature to tag it was Summary Report. And this is why we have reacted to your concerns, to the concerns that have been expressed.

And we've now labeled this document and update document to reflect the progress that we've made during Dublin and afterwards.

And the purpose of the document is primarily to give the community an opportunity to familiarize themselves with our set of recommendations while clearly marking those areas of our report that still require finalization.

So there are only a few questions that are still outstanding and we're going to touch upon all of those during this call.

And for the remaining aspects of our report we think that our recommendations are sufficiently stable to be presented to the community.

You will remember that in Dublin there have been some in the community that have claimed that it was difficult to follow our group thinking without following all of the threats that it was difficult for them to read the report because the report is quite lengthy, talk about the second report we publish now.

And this is why we promise the community that we would come up with a document that explains our recommendations in plain language. And this is what we've now publicized.

We think or we hope to having sufficiently addressed all of your concerns. We would very much like to invite you to go through the document as it stands with your respective chartering organization in particular so that we can hopefully expedite the time needed to come up with comments in response to the third report which we are going to publish on the 30th of this month so that we wanted to make clear.

So just to for the avoidance of doubt again the summary document is not the summary report spelling out our final recommendations. But it is a snapshot

of where we are clearly highlighting those areas that are still pending final resolution.

We would also like to highlight that it's imperative for our work to get the support and the endorsement of chartering organizations. So I'm virtually looking at the members representing the chartering organizations specifically.

It is your duty and your privilege to liaise with the chartering organization and ensure that the chartering organizations can react to our third report in time that they can actually approve our recommendations, our final recommendations in time to be able to meet the overall transition timeline.

So we think that you can start this process now at least for those parts that are stable. And if you have any ideas on how we can sort of facilitate your respective chartering organizations or your groups' understanding of the report please do let us know.

And I think the whole leadership team including staff will be more than happy to help your respective groups understand what we're doing.

So with that I think we can move from the second to the third agenda item which is the continuation of the mission discussion.

And we would like to give the floor to Becky to present to us where we are. But before we do so let me just briefly respond to Robin Gross who's asked what did for the public comment period would be?

Let me say that this is agenda Item Number 7 on this call so we will discuss this later on during this call. And with that I'd like to hand over to Becky. Becky please.

Becky Burr: Thank you and let me first start by thanking all of the folks in the group who have been participating in the online discussion. I think that we have moved it all along.

Staff could I ask you to put up the slide that was - that I sent?

Great so on the left you will see the language that sort of in the immediate aftermath of Dublin we had circulated for discussion that the language that appears in black is the language that is in the second draft proposal.

And following that we had had some conversations in Dublin about clarifying ICANN's contracting authority.

Since then we have had another conversation last week in this call about how we might clarify what we are talking about.

And we have two alternatives here. So the first one on the right hand side thanks to Andrew Sullivan reads that ICANN shall not impose regulations on services meaning any software process that accepts connections from the Internet that use the Internet's unique identifiers or the content that such services carrier provide.

And then there is a combined compilation that I put together that reflects input from Greg and Milton Mueller and James Bladel.

And you will see that there's some square brackets. So the simplest languages ICANN shall not impose regulations and information services that use the Internet's unique identifiers or the content that such information services carry or provide.

There has been further back and forth on this but again the suggestion that if we feel the need to provide greater clarity with respect to information services meaning software processes that accepts connections that should be from the Internet.

And then there's another parenthetical the references other than those covered by the registrar accreditation agreement or the registry agreement.

And then for those of you who have been watching the list very carefully you will see that some folks have objected to the language says that are covered by the registrar accreditation agreement or the registry agreement and so that the language has been some suggestions have been made to more of the language a little bit.

And then finally we have two alternatives on the contract stuff on the contract provision. The first one and the one that well I guess I - the one that we've discussed most recently is that ICANN shall have the ability to negotiate enter into and force agreements with contracted parties in service of its mission.

And Milton has added an alternative that ICANN shall have the ability to negotiate enter into and enforce contracts with contracted parties insofar as these agreements are consistent with its mission.

So what I would like to see is whether we have agreement with the notion that the language suggested by Andrew which is designed to be technology neutral whether that language or some version of alternate to is the language that we want to go with. So...

Thomas Rickert: Thanks very much.

Becky Burr: Go ahead.

Thomas Rickert: Thanks very much Becky. I just had to get off mute. So let's open the discussion on this. And the first in line is Greg.

Greg Shatan: Thanks. It's Greg Shatan for the record.

You know, looking at these various drafts, you know, first I have I think general support for alternative one. I think it is clear and straightforward.

Alternative two kind of gets us into apples and oranges issues first by kind of switching what we're talking about when we use the term services kind of in midsentence.

In the first half we define soft services as any software process that accepts connections from the Internet. At least I think that is to clarify what we mean by services and then and that use the Internet's unique identifier.

And then other than those covered by the RAA and RAA as far as I know the RA and RAA don't cover software processes, Web services and the like services happening on the server.

They cover business service provider activity but not services in the sense of software processes that accept connections from the Internet.

So I think that that's one problem with the bracketed language referring to the RRA and RA.

The second problem is this I think ties us down. We would talk about trying to be technology neutral well this is kind of not neutral in a very different way. It ties is very much to the current and rapidly changing model of who ICANN may contract with.

So, you know, would not make that reference in any regard even if it was a logical reference. But I think for first and foremost it's illogical when joined with the concept of the as software processes.

So I would encourage us to stay away from it on both of those grounds.  
Thanks.

Thomas Rickert: Thanks Greg. Robin?

Robin Gross: Hi. This is Robin Gross. Can you hear me okay?

Thomas Rickert: Yes, we can.

Robin Gross: Okay. I wanted to support the first alternative up there. I think it's the most simplistic that we have that seems more technology neutral and does cover the intent of what we've been trying to achieve about prohibiting some content regulations.

So I think one would be good. And I also think that the third alternative up there would be a fallback that would be ICANN shall have the ability to negotiate and turn into and enforce agreements with contracted parties insofar as those agreements are consistent with its mission.

And I like that one because of the limiting clause there at the end insofar as those agreements are consistent.



So I think that that is something that we've been trying to create here all along which is a mechanism to prevent mission creep. And having that qualifier there will certainly help to make sure the ICANN stays within its bounds, stays within its mission and can't get outside of it.

So I would weigh in on those on the first alternative up there and the third one. Thanks.

Thomas Rickert: Thanks Robin. Milton?

Milton Mueller: Yes. Can you all hear me okay?

Thomas Rickert: I can hear you all right. Go ahead.

Milton Mueller: Okay. So I am okay with alternative one if it means what I think it means.

The reason I was trying to call out registries and registrars is because I thought the people on the other side of this debate were concerned about the prohibition being too inclusive that it covered everything and that they wanted to make it possible for ICANN which seems to be within its mission to regulate registries and registrars.

I have a - so in that respect the people who were concerned about this prohibition being too extensive are okay with alternative one then I am probably okay with it too.

I have a little bit of puzzlement about why we are defining services in this rather obscure technical way when, you know, what ICANN actually regulates is not fundamentally technical but legal and economic.

So maybe people could explain to me what exactly the thing that would be prohibited from regulating under this provision and what would it not be prohibited from regulating? Can you clarify? Can you give me some concretes?

Thomas Rickert: Becky I think it would be good for you to respond to that please.

Becky Burr: So I don't I mean I think that what we're talking about is the regulation of a particular kind of service which is a software process that accepts connections from the Internet.

And I understand that in the way in which Andrew - is Andrew on the phone? If Andrew is on the phone he could explain this.

Andrew Sullivan: Yes I'm here.

Becky Burr: It's technology neutral and it's - it is those two, the service as opposed to the nature of the business but the connections, the accepting connections from the Internet using the Internet's unique identifiers.

So I..

Milton Mueller: Could I come back in on this and ask a question? So that's my concern.

Are we going to get into some sneaky situation here where ICANN regulates something and they go oh, we're not actually regulating the technical mechanisms by which you connect to the Internet, we're regulating your entire business.

This is what makes me a little bit suspicious about these purely technical machinations.

Becky Burr: But Milton the what I will go back to and say is that we have a mission statement that sets - limits ICANN to services that are reasonably require coordination to preserve the openness and interoperability and stability and security of the Internet.

And so if ICANN tried to do something sneaky like that I would say under what circumstance what you're doing preserve the stability and security of the Internet and by the way we also have or the content that they carry.

So I at least read this as a for the avoidance of doubt but not something that replaces the absolute, you know, the very clear statement about what is within ICANN's mission statement above it.

Thomas Rickert: Great. Thanks Alan for your patience and allowing Milton to ask a follow-up question.

Alan before we hear you I see there is increasing agreement for alternative one.

And let me just ask Milton since he confirmed that he's okay with alternative one now after Becky's explanation whether there's anything that we need to tweak in terms of language to make alternative one more acceptable and agreeable to everyone?

But I sense that, you know, from what we've heard so far, you know, there seems to be a lot of sympathy for alternative one. Alan you're next.

Alan Greenberg: Thank you very much. My concern is not dissimilar from Milton's. There are for instance in the RAA clauses some negotiated some as a result of PDPs that registrars must display certain things on their Web site.

There is also the requirement for a Web based Whois. But I'm just looking at things there are paragraphs that we tell registrars you must display if you have a Web site.

So I don't really want to debate here the right wording. I want to make sure that we have instructions to our lawyers that whatever they draft cannot be used to invalidate those kind of requirements on registrars and registries.

So it really is a question of legal drafting to make sure that what we have is ironclad and that the results, the things that we have in our contracts will not be invalidated.

It might be a stretch to say that the requirement of a registrar to put a price, a specific price on their Web site would affect the stability or security of the DNS. But yet they are requirements and we need to make sure that these are honored and can't be invalidated because of this new text we're writing.  
Thank you.

Thomas Rickert: Thanks Alan. Steve?

Steve DelBianco: I think Andrew Sullivan is in front of me. Have we lost him? Okay.

Thomas Rickert: At least on my screen the hand is lowered but...

Steve DelBianco: Okay.

Thomas Rickert: ...Andrew by all means if you want to speak make yourself heard.

((Crosstalk))

Thomas Rickert: He wrote he thinks he can't un-mute.

Steve DelBianco: Okay.

Thomas Rickert: So (unintelligible).

Steve DelBianco: Great. So it's Steve DelBianco with the Commercial Stakeholders group. And within the CSG there are different views so I'm not going to express an opinion but ask the question about when we piece this together for instance alternative one and two will we then turn to the statement that ICANN shall have the ability to negotiate enter into and enforce agreements with contracted parties?

Or are you viewing that is only part of alternative two and it goes away if we pick one? Can you help us to explain the whole page so that as opposed to taking things one chunk of text at a time?

Thomas Rickert: Thanks very much Steve. Let me suggest you go to Greg now and let Becky answer or react to both of your interventions. I hope this is okay so let's move to Greg now.

Greg Shatan: Thanks, it's Greg Shatan. And I was going to actually comment on the sentence that's sitting there ICANN shall have the ability to negotiate enter into and enforce agreements with contracted parties and services of its mission.

I don't view that as part of alternative two. I think that alternatives one and two were alternatives to each other and not in any way, you know, getting rid of anything else there.

And I wanted to state my support for the first statement and not the alternative statement of that last sentence. So I think we have two, you know, alternatives to choose from in two cases. So I'm choosing the first alternative in each case. Thank you.

Becky Burr: Okay so Greg is absolutely correct.

((Crosstalk))

Thomas Rickert: Over to you Becky.

Becky Burr: The language ICANN shall have the ability to negotiate enter into and enforce agreements is - applies whether it's alternative one or alternative two.

Can we just I mean at least based on my reading we seem to have support for alternative one. And then - and I take Steve's desire to discuss this these holistically.

And I think that the answer is yes, you know, in either case we have I think agreement that ICANN should have the ability to negotiate, enter into and enforce contracts under some circumstances.

And I think the two choices on the table that we've heard are in furtherance of its mission or in service of its mission or the alternatives presented by Milton which is insofar as these agreements are consistent with its mission.

If I might invite, comment on this but before I do I'd like to just take my rapporteur hat off and say that as a company that enters into contracts with ICANN I am uncomfortable with the language that leads that insofar as these agreements are consistent with its mission.

Because although I want to be able to challenge ICANN whenever it attempts to step over the - its limited mission and exceed its limited mission by imposing obligations that are not reasonably need to be coordinated to preserve interoperability and openness and stability and security.

I also want to understand at the end of the day that I do have an enforceable contract that it is sufficiently clear and enforceable that I can enforce the terms against ICANN and that the community knows what it can expect with me.

Thomas Rickert: Thanks very much Becky. But I understand the Greg's hand is an old hand.

The request that I have for you Becky is you mentioned two alternatives. Milton has offered yet another alternative in the chat. I'm not sure whether you can see those while speaking but I'd like to invite you as rapporteur to suggest the preferred option so that we can then test the waters with the group.

Becky Burr: Well I think I have stated my preferred option is the language that it may enter into and enforce agreements with contracted parties in service of its mission.

Thomas Rickert: And have you seen the suggestion made by Milton just to make sure that everything was seen?

Becky Burr: I'm not sure. Would you...

Thomas Rickert: If you look into the notes section you find in red...

Becky Burr: In furtherance of its mission it's fine with me too.

Thomas Rickert: Milton your hand is raised.

Milton Mueller: Yes I was simply listing the alternatives that we were debating in service of, in furtherance of, consistent with. I think you must have interpreted that as me suggesting that we throw all three of those in the language which may not be a bad idea.

I guess I just have a question for Becky. It is what is it you don't like about consistent there? If...

Becky Burr: Well because...

Milton Mueller: ...in service of, you know, it implies that sure it's okay with me if it's in service of its mission and we define the mission. I could live with that probably. But it bothers me that you don't want the word consistent within there.

Becky Burr: Well so for example there's an arbitration provision in the registry agreement. I believe that's clearly in service being able to resolve disputes with registries and registrars is clearly in service of and in furtherance of ICANN's mission.

The question I have is is - is it consistent - is somebody going to argue that because ICANN can go to court it need not and the stability and security of the Internet is or the DNS is not preserved it should not have an arbitration provision?



I mean what concerns me is this conversation gets perilously close to treating everything in a commercial agreement as part of a policy. And those are the concerns that I have about it.

Thomas Rickert: Becky I think that what we should do now is, you know, we've heard a lot of views on this point. It looks like people do like the in furtherance language which is why I suggest we do the would I dive for it in the ditch test. You know, this is a process where we need to make sure that we come to consensus.

That might not be each and everyone's ideal solution but let's just hear from those who are absolutely against using the language in furtherance which I understood got a lot of traction.

Cheryl Langdon-Orr: Sorry Thomas, Cheryl here. You're asking us to declare the negative.

Thomas Rickert: I'm - yes I'm testing the waters whether...

((Crosstalk))

Cheryl Langdon-Orr: That we're definitely afraid we - we want to re-suggest the furtherance language?

Thomas Rickert: Correct. And I'm seeing...

Cheryl Langdon-Orr: Start off with a double negative yes.

Thomas Rickert: I'm seeing objections from Milton and Robin who don't like the in furtherance language. So just to be clear we have in service of and so far as the agreements are consistent with in furtherance and consistent with.

So let me then check who does not like. Oh Robin you wanted to speak?

Robin Gross: Yes please. Can you hear me okay?

Thomas Rickert: Yes.

Robin Gross: So my order of preference for these choices first would be the insofar as these agreements are consistent with its mission. I think that's the most clear and direct.

And then my the second choice would be the in service of its mission because that also helps to keep the activity on target and directly focused on the mission.

And the language that I have objections to is the in furtherance of because that could be, you know, just sort of anything that may be could be considered a booster or some sort of tangential beneficial activity.

And so that isn't constraining enough. And I'm concerned that's too broad for ICANN to resist the mission creep with that language. So that would be the order I would prefer. Thanks.

Thomas Rickert: Okay Robin thank you for that. From what I've heard then let's test the waters for the first option in service of which was ranking high on your priority list.

Becky is good with in service of. Alan supports it. Sebastien we'll move to you now but before we do let me just confirm that Kavouss has an issue with in service of. It's not clear in his view but there are a lot of green checkmarks in the chat. Sebastien?

Sebastien Bachollet: Yes it's just I don't know if it's a good time to do wordsmithing but just be careful when you use the same word for two different meanings just in the same documents.

We are talking about services and we say in service and I really think that it's not a good idea at least for me as a non-English first language speaker. Thank you.

Thomas Rickert: Thanks very much Sebastien. Kavouss?

Kavouss Arasteh: Yes I put in the chat I don't understand the meaning in service of its mission. I don't understand that what does it mean service of its mission? Thank you.

Thomas Rickert: Thanks very much Kavouss. What I suggest we do Kavouss and I hope this also addresses your concern.

My understanding is that in service means that it has to support the mission, you know, it needs to be supported by the mission.

But I think that Sebastien was exactly right that we should not try to make this a group wordsmithing exercise.

Let us conclude while confirming that this group's preference was in service of and let's ask the lawyers to come up with a confirmation whether this language would work.

They need to make sure that we avoid using the same term in different context. That might confuse the reader of the bylaws.

And let's also ask the lawyers to chime in on the validity of pick statements, grandfathered pick statements. That was also a point that was mentioned in the chat.

Steve you have the final word on this one?

Steve DelBianco: Thanks Thomas, Steve DelBianco. I have no opinion on the right words to pick to indicate this.

But to me the ultimate test will be if an applicant wanted his contract to include limitations on the behavior of registrants and that made its way into the contract would ICANN when it attempted to enforce that contract find that it - there may not be in furtherance of or fulfilling the mission.

And I don't think that we're asking the lawyers to write it so that that is an ironclad yes or no. I think we're asking our lawyers to write it so that the answer to that question would depend. It would depend on the circumstances.

And if an IRP was brought to make that decision it may or may not be within ICANN's mission to force a registry to honor its contract in those instances where that contract spoke to the qualifications of the registrants like they had the bank or in some cases are community applicants said the community members had to be registrants and couldn't engage in hate speech.

And some of those things will just tiptoe over into content. And are we seeking, are the folks on this call seeking to block that out forever more or are they seeking to say that under certain circumstances it could be permitted or is it a wide open exemption here to say that any registry can put anything it wants in its contract and ICANN has to enforce it?

And I'm interested to know what folks on this call believe we are doing here because we may walk away from this exercise Thomas believing that there is consensus on language but everybody walks away with a different belief of what the language is intended to accomplish.

And if we wait until the public comment period and the charting organizations to figure out that we all had a different impression then we will endanger our consensus and we will endanger our deadline.

And I know it's uncomfortable but isn't it better for us to have a better understanding of what we think these words would do? Thank you.

Thomas Rickert: Thanks Steve. And I would suggest we don't reopen the discussion on this. The lawyers are on the call. They are reading and hearing the concerns. And I'm sure that they will turnaround our request to come up with confirmation of the language pretty quickly.

So Alan if you could keep it brief we really have to conclude this topic and move on.

Alan Greenberg: I will keep it brief. I agree with Steve. I believe and I'll - I said it in an email a long time ago but I will repeat it very quickly here.

I believe ICANN must be able to put in its contract content related things at the request of the contracted party, the registry in this case. I believe those must be enforceable.

I believe ICANN would be crazy to accept such content requirements if it were the judge of the content.

So I wouldn't want ICANN to have to judge what is hate speech and what is not. But there are ways to get around that using external authorities which I believe ICANN would insist on. I don't think we need to put that restriction in the bylaws.

And there must be if there are content provisions in the registry agreement they must be enforceable. Thank you.

Thomas Rickert: Thanks very much Alan. And that's another comment that is heard and read by the lawyers and they're surely taking that into account when responding to our request.

So I think with that we can close this agenda item. It looks like we have consensus on the way forward. We're at that we're not doing the wordsmithing in this group. But I think that direction to lawyers would need to be and encompass by the language is sufficiently clear for us to declare this topic solved which is great news. And with that I'd like to hand over to Leon.

Woman: Oh that's funny.

Leon Sanchez: Thank you very much Thomas. This is Leon Sanchez and our next agenda item is an issue that was raised on the list recently. And there has been a couple of interactions on this topic which is PDP interaction with standard bylaws.

There is a specific scenario that Jordan illustrated in an email, in a very clear email to the list. And I think that we have had some feedback on that. And it seems that we might be able to tackle this issue in a very easy way as Jordan has suggested.

But I would like to hand it to Jordan so he can walk us through this email that he sent and of course the different feedback that we received on that so Jordan?

Jordan Carter: Thanks and Leon can you hear me on?

Leon Sanchez: Yes. We are able to hear you.

Jordan Carter: Okay. Hi everyone. This is Jordan Carter here for the record (unintelligible) and Working Party 1 rapporteur.

I'll just briefly brief you on the issue which is that we've got no intention with our accountability powers to interfere in normal policymaking that ICANN does to assess those (agreements). I think that's been a pretty widely held principle of the work that we've been doing.

And but it was drawn to our attention that there might be circumstances where a PDP process in developing some policy required some minor bylaw changes to implement it.

And the because of PDP process and by its comments and input from all the SOs and ACs and because ICANN structure is set up for each SO to be that policymaking body for us it didn't seem right to allow the accountability package to leak into that policy making process.

And so I was thinking about how you could prevent that leakage happening, how you could make sure the policy processes are - have the integrity that they've got today and that the accountability package of proposals we're putting together doesn't interfere in them.

And the simplest way seems to be to say that if a bylaw change is coming from a PDP and the SO that's initiated the PDP that ran it has to support the exercise any veto to those bylaw changes.

Now the reason that I came up with that approach and discussion with a few others is because it's the least possible change to our existing set of community powers.

So it doesn't say you can never have veto. It gives that SO the chance to block bylaws changes by expressing its agreement if the bylaw changes that are being proposed and if you do not actually meet what the PDP needed.

So say randomly the ccNSO does the PDP that requires the bylaws change. It all seems to be going well but actually people realize that the bylaws change is the wrong one and needs to be stopped. The veto does allow for that.

And it doesn't create a big problem I don't think with broader SO and AC rights and decisions because this is an unlikely scenario to emerge.

Because the scope of PDPs is relatively carefully controlled in bylaws already and because if a SO that is doing a PDP is trying to make massive significant changes to ICANN without consensus the board will rightly not agree to that PDP anyway.

And so we're not creating some kind of size mechanism by which SOs can grab control of ICANN if we make this change.

I considered a few other options and they were listed in the email but they didn't seem to deliver as well as the kind of approach that I have suggested in the email.



So the proposal is that any bylaws changes that come from a PDP have to be dealt with as a package. You can't mix up PDP bylaw changes with other bylaw changes to try and slip them through.

And that where the escalation process happened to another SO AC had concerns with those bylaws changes they could use the first escalation step to have a community call to discuss it.

But if there was to be a forum for a veto and the SO would need to support that for it to have any effect.

So this is a way to tidy up probably a hypothetical situation unlike which we used. But the conversations I've had with people and SOs particularly in my ccNSO area are the people that are very strong on wanting to preserve the integrity and independence of those policymaking processes and that not dealing with this hypothetical would pose some pretty serious challenges to the answer agreed to the package of accountability improvements.

And so that's kind of the proposal in the background and happy to see what the discussion is like. And back to you Leon.

Leon Sanchez: Thank you very much Jordan. I think this has been a very clear explanation. And I see that there is some support and some traction to the proposed way forward.

But I would however want to open up the floor to see if we have any feedback or comments.

And I see Steve's hand is up but I know if that is an old hand or a new hand.  
Steve? That is an old hand.

Okay so if anyone would like to comment or should we call for any opposition  
as to proceed in the way that Jordan has clearly described?

Okay so I see Milton is asking on whether the proposal is on the slide or on  
the list on the document.

It is on the list. It is on an email that was sent earlier today well depending of  
course on the time zone. But it's an email that was received at 1:37 AM  
Mexico City time so that would give you...

Thomas Rickert: It I sent and - Leon? It was sent...

Leon Sanchez: Yes?

Thomas Rickert: ...at 0732 UTC. And I guess that's today UTC so that 12 hours, 11 or 12 hours  
here.

The subject headline is PDP interaction with bylaws veto-proposed approach.  
I'm sorry I didn't put it into a document Milton. I probably should have. I just  
ran out of time.

Leon Sanchez: Thanks Jordan. So we have support on the chat so if unless some green ticks  
on the list of attendance. So if there is no opposition we could proceed with  
this proposed way forward by Jordan and incorporate it of course into your  
documents.

Okay so we have no opposition. Thank you very much.

And our next agenda item is the decision-making thresholds and support. And for that I would like to turn to (Michael) to (Matthew).

(Matthew) are you on mute?

Okay we seem to have a problem with (Matthew)'s sound. So okay so let's see if we can fix this technicality.

Thomas Rickert: Leon I think we should move on. It's...

Leon Sanchez: Okay.

Thomas Rickert: ...my understanding that (Matthew) can't speak now.

Leon Sanchez: Okay. Good okay so we can handle it. So would you like to comment on that Thomas?

Thomas Rickert: So we're moving to point Number 5 now and I think that Jordan would be best placed to introduce the topic.

((Crosstalk))

Leon Sanchez: Jordan could you help us here? Thanks.

Jordan Carter: Sure I can help you out yes, sure guys. Hi everyone. It's Jordan here again.

So the issue with decision-making and thresholds of support and there is no document. I apologize. I'll try to be as clear and concise as I can in describing what the issue is.

We've been seeing the discussion on the chat about levels of participation and regarding thresholds that are set out in the decision-making paper.

And that related to the fact that so far we think we're on reasonably recently firm ground and saying that the SSAC and RSAC aren't going to be participants in this mechanism in the community mechanism.

In other words they're not going to be listed in the bylaws as people we might express support or objection to the exercise of the community power by a consensus. So that leaves us with five SOs and ACs to our potential participants.

And we - the GAC is still examining it. And indeed all the other SOs and ACs haven't had to declare if you like a position.

Now you may recall from our earlier discussion the decision-making on a few calls ago that for some of our community powers we've said to exercising requires support of the three SOs and ACs and no objections to more than one of them.

And for some of the powers we've said that it requires the support of four SOs and ACs and the objections of no more than one of them to exercise the power.

And now people have identified and a problem, potential problem with this in that if - and we don't know the level of participation is going to be consistently across the SOs and ACs.

And we know that and the GAC has asked for the option to participate to be (on them) but hasn't decided in particular whether it would or not.

And some people have raised a concern about the idea that you'd end up with a threshold of four voting, four required to support the exercise of a power.

If the GAC wasn't participating that would require complete unanimity and unanimity is a principle that we've tried to stay away from. We've said that you shouldn't have complete agreement as a requirement for exercising any of the community powers.

So the Rapporteur is - I discussed this with (Steve Metz) and the co-Chairs and so and a few others that have been watching the email.

And one way we thought to get around this would be to make a note in the proposal that said for each of the powers that four SOs and ACs required to support that we could make an indication at the bottom of the table that if only four SOs and ACs are participating and that threshold would be three rather than four.

But if your normal five were participating then the threshold would be four depending the SOs and ACs rather assuming we didn't change the decision around too much it would still be four.

So the table would still list four SOs and ACs being required to (record) the exercise of the three powers. (So that sets it up). But we would have a situation where four SOs and ACs were participating only rather than five. And the threshold for those three powers that have got four would actually be three.

Now I was going to write this down and send it around in a document. But once again, time got the better of me. So my advice would be that we take this topic around and that we can see what the discussion is and then out of that I can write it up and we can have a second reading on this issue at the next call.

But anyways, that's the intro. Leon, Thomas, whichever of you is chairing. You might want to add a bit more if I've missed anything.

Thomas Rickert: No. I think that's going to - a very good summary of where we are. Alan, I saw your hand is up. Did you unintentionally take it down and do you want to speak?

Alan Greenberg: No. I'll wait to see this in writing. Thank you.

Thomas Rickert: Milton.

Milton Mueller: Yes. I just have always been puzzled and flabbergasted at the idea - excuse me. That's the Georgia Tech whistle going off. How is it that the GAC doesn't want to either be in or out? I just think this is kind of unacceptable; that they have to make up their mind and we have to judge their appropriateness in that mechanism on the merits.

And the idea that you can sit back and say we want to have the option but we don't know whether we're going to exercise it is completely inappropriate for a governance structure of this significance.

We have to know how many votes there are. We have to know what the overall complexion or constellation of the people voting is before we can design an appropriate mechanism.

I just think that, you know, who is - what is the problem? I mean what is stopping them from saying they either want to be in or out? And I see Steve saying it's not just about the GAC but who else is it about?

You know, the other two advisory committees are completely inappropriate to be in this mechanism and have both indicated that they don't want to be. I don't know who else it is. So can we clear that up? I mean what is the motivation for this kind of option approach to participation in the mechanism?

Thomas Rickert: Thanks Milton. I'm not sure whether any of the GAC members wants to speak to this. Milton, so far we have taken the approach that we would allow for the constituent parts of the ICANN community to let us know whether they want to be part of the consensus team and if so, in what fashion.

And therefore, you know, we never thought it would be appropriate for us to dictate how different groups should be dealing with the exercising of the community power.

So that's the situation that we're in. That's the approach that this group has previously taken. As much as you might wish to have a definitive answer to that today unless GAC representatives want to chime in, I think we have to live with the situation as it is at the moment. Kavouss has raised his hand. Kavouss and then Alan.

Kavouss Arasteh: Yes. Is it only relating to GAC whether participants or not or are there other things? Because one of the AC, you know, that does not participate. The other has not (announced). Are they just sitting with the GAC whether or not they participate (unintelligible) not participation? What is the options of that?

I think we should have two possibilities. One possibility they participate. (This would be) Option 1. And the other does not participate, Option 2. I don't think you get any answers from GAC immediately. They are still discussing and they have not yet announced what they do.

So I think you should make a provision that in one case they participate, which is the - they're awaiting a number of the vote. And the second option they do not participate, this is number of vote. And perhaps GAC would decide that they participate in some and not participate in others.

They have not yet announced whether they want total and withdraw from the participation or they would like to leave it for the case-by-case. So why not we have two options? Thank you.

Thomas Rickert: Kavouss, to respond to your question, the concern expressed by Milton was specific to the GAC. And this is why I invited you to respond to that. But certainly the question of participation is a broader one. Alan.

Alan Greenberg: Thank you. I said I was going to wait till the written document. But I think the direction this call - this discussion is going warrants a comment. I believe the issue - the issues is in the items where we had four organizations saying the want to exercise the power is problematic if we only have four voicing an opinion in (a given thing).

So I don't think it's the question of is the GAC in or is the GAC out. The question is how many organizations for the given power are expressing an opinion for or against.



The ALAC may sit out on some particular subject in which case we're not in the count anymore. So the real question is if there are only four organizations giving an opinion, then perhaps that's the threshold.

That's problematic because that lowers the threshold from four to three if some organizations sit out in a particular thing. So I - when Jordan writes this up, I think he needs to be really specific about what participating means because there are two different versions that could be used.

One is participating, you know, as in the SSAC is not and the other is active in a particular - on a particular issue. And I think it's a big difference between the two and we need clarity. So just as it's being written up, please be specific exactly what we're saying. Thank you.

Thomas Rickert: Thanks Alan. Milton.

Milton Mueller: Yes. Again, I think we're kind of playing word games when we say, you know, oh we might sit this out or we might participate or not participate in a particular exercise of the community power.

Either you have that power or you don't. Okay. If you - what I'm objecting to is the uncertainty about whether someone has it or not. For example, if I choose not to vote in my local dogcatcher election, I'm still part of the electorate. If I choose to not vote, it means I don't care or don't have any opinion or any preference but I'm still part of the electorate.

We need to know who is part of the electorate. Everybody needs to know that to have a predictable and stable governance structure here. You can't say oh, do we need this organization (on call) or do we need this level of support to get something through and then not even know whether particular

organizations then choose to count itself as part of the electorate. It's just crazy.

I don't understand - it's one thing to say that the GAC hasn't made up its mind yet about whether it wants to be in or out. But the idea that it doesn't have to say whether it wants to be in or out, that it can decide opportunistically at any moment in the future, that's just crazy. How can anybody take that idea seriously?

Thomas Rickert: Thanks Milton. Jorge.

Woman: (Unintelligible).

Jorge Cancio: Hello Thomas. Can you hear me?

Thomas Rickert: Yes, we can hear you all right.

Jorge Cancio: Hello. This is Jorge Cancio from Switzerland for the record. I just wanted to chime in because this discussion reminds me of Los Angeles discussions, (unintelligible) discussions, (unintelligible) discussions we have had lot of time.

And I think that we - with these numbers, with these number games we lose sight of the fact that we are talking about community powers. The community powers should only be exercised when there is very wide support from the community. And the community is basically the SOs and ACs we have.

So if the petitioner or the petitioning SO or AC cannot convince the other SOs and ACs to pose its position and they do not represent the vast majority of the community, the community powers cannot be exercised because it wouldn't

representing the communities. As simple as that. And I think that in Dublin we reached a good compromise on the necessary majority. So why do we keep on trying to tweak that? Thank you.

Thomas Rickert: Thanks (Arthur). Alan again.

Alan Greenberg: I would suggest the answer is simply if you have not explicitly said you're out as the SSAC has, you're in. Period. Thank you.

Thomas Rickert: Thanks Alan. Let me just check with Jordan is with us. Jordan, since you are going to put something in writing, are you okay with giving us a quick preview of what your findings would be, i.e., what you would like to put in writing so that we get an impression of what we can expect? And while you're warming up to this, I see that Kavouss hand is up. (Arthur), I understand your hand is an old hand. So Kavouss, fire away.

Kavouss Arasteh: Hello. Can I talk?

Thomas Rickert: Yes, please do.

Kavouss Arasteh: Yes. I raise a question. Suppose only three SOs attending or participating? What should happen? What is the threshold? It is (unintelligible) that would not assent in participating one or several of the issues. Only remain three. What should happen in that case? What will be the threshold? Thank you.

Thomas Rickert: Thanks Kavouss. Maybe Jordan, you have a perspective on that?

Jordan Carter: Yes. I think that if you - you would never go lower than three is my view. So if there are only three participating, if they weren't all in favor or using the power then you would have a problem.

So what I would write up is the same as before. I'd write up the assumption about participation. I'd be clear that the way we have to write the bylaws has to make the electorate very clear and, you know, remind people that they've got an (exception) of support for these sort of community power and with expression of our position to its use or objections to its use and the decision to not (pay) anything. Those are the kind of three things that SOs and ACs can do.

They can also offer advice on the question without saying anything to the community forum or instead of issuing some kind of decision on their view. And the proposal I'll make is the same as I outlined at the beginning of this discussion that with the powers that kindly require four SOs or ACs to support their use.

That if there are only four offering any kind of input - in other words, if they couldn't - if an SO couldn't even decide or an AC couldn't decide anything about a comment that that threshold might be lowered to three. And you have it in writing and we can debate it on the next call. So that's the (unintelligible). And we can also have a WP1 call later this week to discuss the defense (of it).

Thomas Rickert: Thanks Jordan. Do you have an idea of what date we can expect your written summary to go out to the group just for planning purposes?

Jordan Carter: In about six hours.

Thomas Rickert: That's awesome. And I would suggest that we wait the - (keep that) from the group on your proposal and if need be we're going to schedule another call later this week. So with that, I think we can close this topic. Thanks all for a very interesting and engaged discussion.

Kavouss Arasteh: Just one moment please. Just one moment. One more comment for Jordan.

Thomas Rickert: Okay. I thought that was an old hand Kavouss. I apologize.

Kavouss Arasteh: No, no. It's new hand. Could Jordan also end with (unintelligible). In case that the number is below certain SO or AC together there would be no possibility to exercise community power. For instance, the three. If it is three or equal to three, less or equal to three, it may not be possible to exercise the power. So we should foresee that situation for further discussions. Thank you.

Thomas Rickert: Thanks very much Kavouss. Jordan has heard your comment and I'm sure that he will take that into account. And he confirms in the chat that he has noted your point.

So with that, I'd like to thank Jordan in particular for presenting and providing guidance on these topics, Number 4 and Number 5 on the agenda. And with that, I think we can move to the Stress Test 18, the subgroup update and for that I'd like to hand over to Mathieu.

Mathieu Weill: Thank you very much Thomas. This Mathieu Weill speaking. And I apologize for the - for joining this call late due to some housekeeping issues.

This update is a follow up on the update we had last week on the Stress Test 18 discussion, which is one of the outstanding discussions. Since our last call there's been a lot of work. And we've held the first conference call of our subgroup. And it - I can say that it was a very constructive call and everyone was really open and listening to everyone's perspectives.

Our work is looking at the various options that have so far been considered. And there are four options being looked at more closely. Of course there's the current bylaws. There is the option that is described in our current report in the second CCWG report.

There is the proposal by Brazil who - which was circulated after Dublin on our mailing list. And there is another proposal, which was put forward during the last few days by Denmark and which is very much work in progress. It is currently being fine-tuned on the list.

The discussions are not surprisingly focused on the definitions for at least the level of flexibility and the definition of what is a consensus GAC advice as well as discussions on levels of Board support for a decision that would lead to acting in a manner that's not consistent with GAC advice. And that's - those are the key aspects of those - that will differentiate their different options.

However, I'd like to stress that there are a number of common views expressed in this group. There are significant commonalities here. So a discussion is I think showing some encouraging signs.

The gaps are not reached; definitely not. We are not in a position right now to report on some form of agreement that could be reached and time is very short. So we're working at an extra - another call, which is scheduled tomorrow. So Wednesday at 13 UTC.

And we know that our deadline to come back to the CCWG is something where the - as co-Chairs we could assess whether we have a way forward. For our third report our deadline is certainly next Monday in time for the Tuesday call at the latest.

So that's the update on this item where a lot of work is being undertaken at this point. And obviously feedback is welcome during this call. And we are listening to everyone and would convey any input to the subgroup so that the call that takes place tomorrow can take that into account if need be.

And that's my update and of course I would like to open for questions or comments if there are any. So I see a question by (Arun) in the chat who is asking whether the subgroup is working on a definition of consensus.

There are - in the different options we are considering there are different approaches to definition of consensus. So in a sense I would say yes but it would be wrong to say that the group itself is trying to find the definition of consensus but there are different options with different levels of different ways to assess consensus. And Steve is next in the line. Steve, please.

Steve DelBianco: Thanks. It's Steve DelBianco. (Arun), there is no attempt to instruct the GAC or any AC and SO of what its internal rules are. But there is a lively discussion to tell our Board of Directors what to look for in advance as far as a level of consensus that should drive our Board to have to go to a 2/3 vote to reject it or require our Board to enter into negotiations to try and find a mutually acceptable solution.

So we do talk about consensus in the Stress Test 18 group. But we're talking about instructions to our Board of Directors leaving it to the GAC to do whatever it wishes but reserving the extra special deference and the 2/3 only for when a certain level of consensus was reached on that particular piece of advice.

So it's more complex I think. And yet at the same time there's no attempt to tell any AC and SO what it must do but instead giving an incentive for that

AC or SO to have a higher level of consensus to get a higher level of deference from the Board.

And it's a complex decision and there's a lot of discussion in depth on the Stress Test 18 subgroup. So I want to be sure and invite, you know, everyone on this call who's interested in this topic to, you know, to please enroll in the Stress Test 18 subgroup or (failing) that at least to make sure that you understand what time we're having a call tomorrow and please join the call and participate. Thank you.

Mathieu Weill: Thank you Steve. Next is Kavouss. Kavouss, we can't hear you.

Kavouss Arasteh: Yes.

Mathieu Weill: Okay. I can hear you now.

Kavouss Arasteh: Can you hear me now? Is okay?

Mathieu Weill: Yes.

Kavouss Arasteh: Can you hear - okay. First of all, as I mentioned in my email, I would like to express my condolence, my sympathy and especially to you, your organization, your people, all of them that have suffered from this very Barbarian attack in your country and your people and so on so forth.

This is something very important. We are a member of the (lim) and we have to be really alerted of all of these things. So we are connected to each other. This is Number 1.



Number 2, I don't understand some people that they are not aware of what is the public policy, which is for the government. Why Milton wants to exclude GAC to give any advice - that's if ICANN objects the advice, (I can get) to the negotiation in order to find multiple solutions. What is wrong with that?

Negotiation is everywhere. Why Milton is against negotiations? He's a one sided man. He doesn't want any negotiations. Dictatorship. This is - this you like, you don't like it, that's all. Negotiation is everywhere. In every organization we have negotiations.

Why he doesn't want that the ICANN get into the negotiations with the GAC to see whether or not they could a workable solution. At the end, ICANN may not adhere with that. But that is that. But why keep talking about privilege. It is not privilege.

The public policy issue explicitly for the government and it's for - it has to work it out. This is from the very beginning that you encourage the GAC to remain advisory committee, not being the decision makers. So I don't understand why we are going to say that thing - opposes that.

What's the position (is need)? This is anti-GAC emotion, anti-GAC orientation. I don't understand the CCWG. I don't understand this sort of - this sort of thinking. Let us work together. I don't see this is valid - this is value of a - this is logical. Thank you.

Mathieu Weill: Thank you Kavouss both for your first point and your intervention. Jorge.

Jorge Cancio: Hello Mathieu. Can you (hear me).

Mathieu Weill: Yes Jorge. Please.

Jorge Cancio: Okay. Thank you. This is Jorge Cancio, Switzerland, for the record. I just wanted to concur with what Mathieu was explaining about this subgroup. I think there has been a very constructive atmosphere in the discussions so far. We are trying to see what's the requirement concerns of each (party) and to analyze them and see what responses we can come up with.

So I really would invite all interested members of the CCWG to take part in the discussions because if we keep it on a rational and requirements based level, I think there could be a (unintelligible) for a good consensus. Thank you.

Mathieu Weill: Thank you Jorge. Milton.

Milton Mueller: Yes. Just wanted to respond to the repeated invitations to join the group. Point out that there's also another group going on in relation to the intellectual property of IANA. And there have been some conflicts between those calls and the Stress Test 18 group call that I have been unable to really straddle both of them in connection also with my day job.

So I don't want to make it seem as if my inability or unwillingness to participate in that is really some kind of irresponsible attempt to, you know, not deal with the (unintelligible) simply that it's not possible to be on that and do all the other things that are being required at the moment.

I do want to - I guess I do need to respond to Kavouss. The business about negotiation is all very fine and good. Let's say that the GNSO could offer advice to the GAC and the GAC had to negotiate with us as to whether they could actually issue their advice. I think that would turn the tables a bit, wouldn't it?

And I think you'd find that the very burdensome requirement is simply - the problem with GAC advice under the current system is that the bottom up process develops a very painstaking consensus about something, which the GAC typically is not part of.

And then the GAC can issue advice to the Board, which may be completely contradicts what the consensus that was reached by the actual community. And then we are in a very unstable situation where we have to renegotiate in effect the consensus.

So this bylaw consensus under the present system is very powerful because it's basically (unintelligible). It prevents anything from moving forward until whatever differences the GAC has with a policy and the Board are reconciled.

And I think, you know, apart from how good an idea that is in the existing process, it's something we cannot have happen in a community enforcement mechanism because that again would cripple it. It would make it impossible for the community to reach a consensus in a timely fashion on any matter.

Mathieu Weill: Thank you Milton. Jorge, is that a new hand? No. It was an old hand. Okay. So thank you all for this input and we are - we certainly apologize for the conflict on the calls.

But given that our time is very limited before we can come to a conclusion, we haven't been as rigorous as usual in avoiding conflicts. And that puts an extra burden on us in the group to provide feedback to the CCWG about the requirement approach we've taken as well as the rationale that put us into - in a position to consider the proposals when we are ready for that.

And hopefully we can do that and bear in mind that you will probably hear from our group a little before the next CWG call and be asked to consider options at that meeting next Tuesday. And we won't have much time to regroup after that. So that's going to be an important agenda item.

And with that, I'd like to move to the timeline discussion, the next agenda item. Leon, is that you chairing this part or is it Thomas?

Leon Sanchez: I can do that if you want. So our next agenda item is on the timeline. And we have received of course feedback from many of you in regard to the tight timeline we are moving on these days. And just as a reminder, we have - of course we have published the formal update.

And the staff is working on delivering a full proposal for (decision and need) to review. This is scheduled to happen on November the 20th by midnight UTC.

And from there we will have from the 21st to the 23rd to gather feedback from working party groups and by we I mean the Chairs and Rapporteurs. And then we will have the final comments on the full proposal content due from the CCWG by midnight UTC.

So the three - from the 20th to the 23rd for the full CCWG to comment on the proposal. And in the meantime we will be running a parallel timeline with the Chairs and the Rapporteurs to gather feedback from working party groups.

Then on the 24th and 25th of November we will be of course going back and forth and finalizing the content between staff and the co-Chairs and the writing team that is holding the pen. And on the 25th we will be concluding the formatting of the content due for translation.

And on November the 30th we would begin the public comment phase too, which would of course enable everyone to comment on the full proposal. And we will also begin in parallel the professional proofreading and final editing of the detailed proposal. And we will be sending this also to translation.

And we expect to have this translation - translated document by the December the 12th and also to receive the final proofreading and editing by December the 20th. Then on December the 21st we would be closing the public comment period. And by December the 24th staff would have ready summary of the public comments for review of the CCWG.

So this is the timeline as it stands. And we are aware that is a very ambitious timeline. We are aware that we're working on a lot of pressure here and with very little time. But we do feel like we can achieve the deadlines that I have - that I have gone through. And I think that you'll have this timeline on your emails. I am not sure if you have it but if you don't we will be sure - we will make sure that you have it on your inbox.

And at this point I'd like to open the floor for comments. And I see Steve DelBianco's hand is up. Steve.

Steve DelBianco: Thank you Leon. The first two documents we put out we were very attentive to what we called public comment but we were also hoping that the six chartering organizations would take a very careful look at the proposal and give us whatever the recommendations that that chartering org had particular concerns about.

That is even the way we phrased the second public comment. We said are there elements in here that might prevent your chartering organization from supporting the recommendation?

And I think the document we published this past weekend was careful to delineate the recommendations, a dozen or so explicit recommendations. And I think that tees it up very well for the six chartering organizations to quickly run through and focus on which of these recommendations do you have further questions and concerns about so that when the details emerge in about two weeks they can dive in and understand whether they can support it or not.

So I'm really making this point to remind everyone that we have to focus on the chartering organizations. It's their support or opposition to the recommendations that matter most. If there are individuals out there in the global Internet public that want to provide individual public comment, they can do so. We never turn that away.

But it's most important for those of us on this call to work through our own chartering organizations, not - for me it's the GNSO. For Milton and (Robin) it's the GNSO. For Alan it's the ALAC. It's all of us who are chartering (works) that have to come to the decision. It really isn't about another round of public comment where individuals lob comments in and we tally them up and do a public comment analysis. I think those days are done.

Our charter calls for us to get the approval of the chartering organizations and that's really where we need to focus our efforts.

Leon Sanchez: Thank you very much Steve. And yes, you are right. We are hoping that of course the chartering organizations will be able to provide us with feedback of

course from the document that we have provided. And there have been also requests in this call for some Webinars.

And I think that as Thomas said, we will be able to of course provide those Webinars so we can better engage with the different chartering organizations so we can all be in time with any feedback that we want to provide after the publications of these documents. So (Thomas). (Thomas).

Thomas Rickert: Thanks very much Leon. And I'd like to add to this that the burden is very much on the members from the chartering organizations at the moment to liaise with their respective groups at different levels.

First of all, a lot of what's going to be in our final recommendations is not new. So you can already educate and populate the defined recommendations that are (stable).

Secondly, you can help make the finalization of the report so efficient that there is little or no risk of friction when it comes to the approval. And you can do that by chiming in when it comes to finalizing the report.

Please do make sure that you monitor what we're putting in the report and that you chime in when we are actually finalizing. And when it comes to finalizing, what we can offer is to hold specific calls where we discuss with you your comment on specific sections of the report.

So we would streamline the process of soliciting feedback from the whole CCWG and we could have dedicated calls. So think about that. We're standing by to offer that.

And thirdly, when it comes to the publication of the report, you can help your respective groups understand what the final tweaks are that we made. So at these levels you can help us not needing as much time as we would if all the materials that's going to be in the third and final report is brand new.

And the participants that are in our group can specifically help make all this very efficient because you are not encumbered with duty of liaising as a member with your respective groups. So you will play an equally important part in this process.

So let's please make this a group exercise. Let's not forget that while we made important changes to what we had in our second report, I would say that like 90% or even more remain unchanged. And this is what you can already discuss and (high dive) with your respective groups.

I think it's perfectly possible to deliver on the timeline that you see in front of you and on the overall public comment period if we use our time efficiently. And with that, I'd like to thank you all for your continued commitment to this process. Thank you.

Leon Sanchez: Thank you very much Thomas. Next on the queue I have Holly Gregory. Holly.

Holly Gregory: Hi. Hi Leon. Hi Thomas, Mathieu and CWG. We just wanted to know whether you're going to want legal review of the draft. And if so, when we should be prepared to set aside time to do that.

Leon Sanchez: Thank you very much Holly. Yes, we will be getting in touch with you and coordinating if we do need the legal review from your side. I guess it will not be a full review but rather only on those points that are new on the document.



That would of course need to go through you in order to be checked on the legal side.

So yes, we will definitely get back to you and have of course a formal confirmation on whether we (actually be) engaging with you to have this review on the document. Next in the queue...

Holly Gregory: We ask that - I mean we would appreciate a heads up in advance so that we can make sure that we have people available.

Leon Sanchez: Of course Holly. Thank you. We will make sure to give you that heads up as soon as possible.

Holly Gregory: Okay. Terrific. Thanks.

Leon Sanchez: Thanks Holly. Next in the queue I have Milton Mueller. Milton.

Milton Mueller: Yes. I'm going to be urging you to be a bit more realistic about this timeline and to change it. And somebody in the chat (has) already suggested that you need to add about seven or eight more days to this. And since that pushes you past Christmas into close to New Year's, it's not like that's going to make a big difference in the overall schedule of - the real bottleneck here, which of course is what happens in Washington, D.C.

So you have only I guess three weeks here for the public comments from November 30 to December 21. I think also the staff summary of public comments and review maybe you can do that in three days. I think that's a bit tight.

You might want to add a day to - for the - between the proposal content and the final comments for a greater discussion. I suspect there will be a few problems here and there that people will catch.

Generally I just think I have to completely disagree with Steve DelBianco when he's questioning the entire need for a public comment. You have to understand that one of the NTIA criteria is widespread public support.

And since you have deviated significantly from the last plan - the proposal that was circulated, the CWG has to certify that this meets its needs. I just don't see how you cannot have a very important commitment to another public comment period and a careful review and summary of those public comments.

You have to demonstrate to the NTIA that what we're proposing has widespread public support. And that doesn't mean the chartering organizations. That means the public.

Leon Sanchez: Thank you very much Milton. I think that (we will) be actually analyzing what can be done in terms of timeline. I mean it might be - it might come to the point in which we actually need to rearrange some dates.

But we would like to also have all members to actually buy into delivering our - well the chartering organizations support around January - mid January as it has been - as it has been stated. And we wouldn't like to actually extend the timeline if it's not something that actually needs to be done.

So as I said or I'm trying to say here, these - that we would pretty much like to stick to this timeline that you are seeing here in the - in your screen. But we don't - we're not close to the fact or to the possibility that we might actually

have or we might actually need to extend it for a couple of days more or some days more. And I see that Athina has her hand up. Athina.

Athina Fragkouli Yes. Hello. This is Athina Fragkouli. I agree with you Leon. As a matter of fact, we would like to express a very strong opposition to an extension of the timeline.

(Unintelligible) timeline but - well, we were anticipating for the final proposal to be ready for November and we're hoping later on for December. We (accepted) January to (learn) the state of the discussions. But we cannot wait any longer because the whole IANA transition will be jeopardized and this is very crucial.

Also with regards to Steve DelBianco comment, of course I cannot talk on his behalf but the way I understood his comment and that's why I supported it, it was not that there won't be a public comment period.

I think what he meant or what I would support was that the public should channel their comments through the SOs and ACs instead of having individual contradicting let's say comments from the same area of a certain - of a certain community of SO and AC. Thank you.

Leon Sanchez: Thank you very much Athina. And I see some comments on reviewing the whole proposal by the lawyers. And while we very much appreciate the comments from our lawyers, I think that there are some parts of the proposal that have already gone through all types of reviews not only from our lawyers but from the larger community.

And I think that we would need to focus any reviews on the new elements that are being drafted in this final version of our document. And as the chartering

organizations make their consideration for this final proposal, then we would be able to carry this review of these new elements in parallel.

So I think that this could enable us to stick to our timeline while we also receive the always valuable feedback from our lawyers on these new elements.

So at this point I see different reactions on the chat. And I believe that we could go to having this timeline as a compromise for our group. And of course, as I said earlier, we would be close to actually considering some flexibility at a certain point but of course trying to stick to this timeline as best as we can.

So I'd like to turn now to our next agenda item, which is any other business. And this would be something for Thomas or Mathieu. I'm not sure Thomas (are you).

Thomas Rickert: Sure. And maybe this is going to be a quick and easy one. Does anyone have any other business to discuss? So I understand that Holly's hand is an old hand. And (Greg) is suggesting that we're going to have a musical exercise in Marrakech to maybe celebrate our achievements. Let's see what we can make out of that.

So there don't seem to be any volunteers for any other business so that we can actually give back 17 minutes of your valuable time and finish this call early. Next steps has been laid out clearly by Leon in the previous session timeline. Thanks everyone for your constructive participation in this call and have a great day, have a great evening. Bye bye.

Woman: Thank you very much.

Man: Thank you. Bye.

Man: Bye all.

END