

ICANN

**Moderator: Brenda Brewer
February 25, 2016
10:00 am CT**

Coordinator: The recordings are started.

Grace Abuhamad: Thank you. And everyone welcome to the 77th Meeting of the CWG on the 25th February. It's now 16:05 UTC. We have Nathalie Vergnolle and Seun Ojedeji on audio only. Is anyone else on audio-only at this time?

David Conrad: David Conrad.

Grace Abuhamad: Hi, David. Thank you. With the rest, we'll do roll call through the Adobe Connect Room and we can get started. Thank you.

Jonathan Robinson: Thanks Grace, just getting with a couple of things here, right. Hello everyone, it's Jonathan Robinson speaking. I'll be leading most of the call today working together with my co-chair Lisa Fuhr and ICANN Staff who you've heard from already.

You can see the agenda up in front of you. We've got a plan to deal with a brief update on the INRIPR to have the implementation update from ICANN

Staff working on the implementation in close coordination with ourselves. To of course deal with the work from the cross community working group on accountability where we will review and make sure that our letter which deals with the dependency of our work on their -- and that has been prepared, circulated to you and reviewed and revised.

So we'll go through that and sign that off. We'll provide an update and next steps on the work with regard to the ICANN finals. And those are the main items we need to deal with -- there's a couple of other minor points on the AOB.

So this - in terms of - there was something we discussed on the previous call and that is an ongoing concern which is they're being dealt with in the background to some extent. But I just felt your minor updates on the work of the costs of the transition program.

There was a following meeting -- I think post out last call -- that took place on the 9th of February where there was a discussion between the Board Finance Committee, some members of the ICANN Board, the chairs of the supporting organizations and Advisory Committees -- many of whom are chartering organizations to our work and that of the accountability group.

And there has been no further discussion on that, but I guess there's one directive relevant input to our work and that is that we are simply often (privy) to provide an estimate of their costs for any future work they will do on our behalf. And we did that for other clients this year. I think first we could capture first action to communicate those cost estimates back to this group in the interest of transparency.

So Grace, if we could capture that as an action and make sure that happens. And then that will also be communicated to ICANN Finance and Legal for their input. And that will be used as part of their forecasting, which will then be transmitted to the ICANN Board, of course, so that they could use as accurate forecast as possible of the ongoing work and to the extent that we're contributing to this. Key reason being that in any organization, what - it's not great having high expenses, but it's really worse if the expenses run badly out of sync with what has been forecast -- and that certainly seems to be the case with the IANA transition costs.

There are some good reasons for that, but nevertheless the Board Finance Committee is rightly trying to make sure that it exercises the right and the appropriate level of oversight and control on that. And we will work with them with your help as necessary.

So obviously the CWG accounts for this year are (past) -- not obviously if you've missed it -- but they did reduce their final report. Simply have worked in parallel and in the background to work with preparing our - the letter from our Chairs and from the co-chairs of this group and from our group as a whole to sign off on the dependencies -- which you would have seen.

And really that's the objective for us to complete the work on that letter so we can send that really to three different places. One to the accountability group, two to the chartering organizations who may be relying on that and three to the IPG who will also be wanting to know about that as part of their complete circle of work.

So any questions or thoughts on those opening remarks before we push on with main components of the agenda?

Olivier, go ahead.

Olivier Crepin-Leblond: Thanks so much Jonathan. (Unintelligible) speaking and I am a bit concerned about the tone of the letter regarding this finance over on somehow. Which seems to be pointing the finger at the co-chairs of the UCWG and I gather at the Chairs of the CWG -- the co-chairs of the CWG as well for not being attentive to the amount of money that is being sent.

I just wanted to bring it to the record that I personally do not think it's down to the co-chairs of the CWG or the CCWG to deal with this. It should have been a staff member of ICANN that -- an accountant or someone -- that would be able to keep track of this. And I hope that in the future that will be the case.

The amount of pressure on the co-chairs -- both of the CWG and CCWG has already had enough with all the public (unintelligible) and all the concern to get work moving forward without them having to start doing accounting as well.

Thank you.

Jonathan Robinson: Thank you, Olivier for that and (unintelligible) I had a similar concern -- and possibly still do have -- I do think there's an implication that this has been down to somehow to the co-chairs -- so either one or both of the groups.

The agreement is -- to the extent that an agreement exists - is that -- which is not about looking back -- but about looking forward and making sure that this is done as effectively as possible within this work of these groups that are incurring the costs. And should any other group incur similar costs -- that that is the case.

I mean for the record, it's also important to note that many of the costs attributed for transition do not occur directly as a result of the work of the CWG or the CCWG. But I think we, you know, the short point is -- thank you for that -- for noticing that and for making sure that you go on record to indicate your view -- so thank you for that. Good, and I note that a check as well in similar (veins) from Cheryl Langdon-Orr -- thank you Cheryl.

And I guess I should say to our group -- I mean we fought hard -- and not all of us agreed at the outset for some quite significant structures to be in place -- in particular the client committee -- and the systematic channeling of work through the client committee and instructing of lawyers only through that client committee -- and at a later stage when initial murmurings of cost concerns were coming to us of seeking estimates from the lawyers working on our behalf.

So in my view, this group has been quite diligent in its work and has done - has made reasonable efforts to control expenditure. But nevertheless, overall there is a problem -- and it is said the problem exists really at the Board level of ICANN in the sense that there is a budget -- a budget that's been signed off and a cost - a set of costs that have been incurred which does correlate to that budget.

So somewhere in there there's a problem which is why the Board Finance Committee got involved and the spirit does seem to be -- and I hope it remains as such to say, "Well, what's gone is gone -- what's done is done -- but let's make sure we do it better going forward."

And I know that recognition of those points, Greg, in the Chat as well -- thank you. Greg Shatan for the record -- one of the four members of the Client Committee Team together with the two co-chairs and Maarten (unintelligible)

checking if Maarten's on the call as well -- we have Maarten Simon on the call as well. Thank you and I note your checkmark as well, Olivier thank you.

All right, so the key area that we've worked on has been to work with the other operating committees as to how to deal with the INRIPR and we've worked well on that in coordination both with our own efforts -- and then coordinating that with the other two. I think the - it's most elegant if I simply hand over to Greg -- if you're so willing Greg -- and just -- I really think we just need a brief update.

There's no significant movements at the moment, but I think it's worth -- it is (taking) over and we're making steady progress on that -- so perhaps, Greg, you could give us a brief update and we'll see if there are any questions or comments from the group as a whole.

Greg Shatan: Thank you, Jonathan, Greg Shatan for the record. Probably the first time I have ever been introduced as being elegant, but I guess that's better than being called excessive. In any case, moving on to the INRIPR, you may recall that on the 17th I believe Jonathan circulated an email with the notes from the committee dealing with the IPR, plus a link to the proposed Principle Terms document which is a Google doc and that link will allow you to view the document that's in place.

The next meeting of the IPR group is - has now just been scheduled for 0600 on Monday, so midnight Sunday for those living in Eastern Standard Time. And at this point - I would say we are up to a second draft, if you will, of the document. A number of changes that were not particularly controversial that were intended for clarity or to deal with issues that we all recognized needed improvement have been taken care of.

And we probably have a handful of issues that need to be worked through further. I would say the group is working well and in common purposes. And I would expect that after the call on Monday, they'll be a -- probably a further advanced draft where the few issues that are still being dealt with can be kind of advanced.

I think the issues that are still being figured out mostly have to do with risk breach issues -- what happens when there is a breach or lack of performance on the behalf of, you know, by the licensee by, you know, what will be ICANN and PTI in the first instance -- and how that should be dealt with. And the communication between the different communities and the IETF Trust and how that should be - should take place.

But by and large, I think those issues even are -- I wouldn't call them controversial anymore -- it's just a matter of finding the right balance between the various different parties within the structure. Making sure there aren't any inadvertent imbalances.

So I think the general structure overall is -- I would say stable. It has not, of course, been viewed by one of the other significant parties in this, which is ICANN -- the corporation -- which will be a party to two of the agreements -- the assignment of the IPR to IETF Trust -- and a license from the IETF Trust, as well as a third license which will be a sub-license down to PTI.

This structure while - is dictated in part by the fact that while we, if you will, the names' sector have, you know, are dealing with PTI essentially. The other two communities are really dealing with ICANN in their MOUs and how ICANN deals with things below that is to some extent a secondary issue.

So the structure we've taken is kind of a - taken into account the concerns -- or postures of all three communities. I think that pretty much covers it -- happy to take any questions. I invite you all to go to the link which Grace has posted in the Chat and - or you can go back to Jonathan's email of the 17th which I can just re-send for the convenience of the group -- and that's about it.

Jonathan Robinson: Thanks, Greg, elegant or not -- I know you've been diligent on keeping an eye on what's going on here and working together with myself and Lise as part of this - in connection to the named community representation on the (cross-committee) as we seem to be going in the right direction. So I note appreciation from Cheryl Langdon-Orr in the chat as well.

So any questions or comments or issues arising for Greg on the IANA IPR work? Okay, with that then I think we'll move on to hear implementation updates from staff and I expect that will be led by Trang -- so Trang, please go ahead.

Trang Nguyen: Thank you Jonathan. Just wait until I get to the slide to get loaded. Okay, all right, so hello everyone. Looks like we have a full agenda today, so let's just get right into it. If you can go to the next slide, please

For the (IGMA) update, I just wanted to provide you with an update that we've had several conversations and discussions with various (unintelligible) since our last update to you at the beginning of the month. And we're continuing to work with them towards finalizing (RZMA).

Once finalized -- as a reminder that all of them -- they will be posted for public review. Regarding the (IGMA) update, we're still on track to deploy the (RGMS) code changes at the end of the month. Actually, I think the deployment date has been scheduled for March 1 -- so that's still on track.

And then with regards to the names -- (SLEs) -- we previously communicated to you the CWG that the (RT) and (RGMS) systems currently do not collect data in the way that the (SLEs) have been defined in the CWG proposal. So for example, the (SLE) categorized the Change Request into five different categories.

The current system expresses - is expressly designed to not - to treat all of the TLDs the same in the way that the CWG has defined the categories of the (SLEs), there's separate categories for (CTTOD) Change Requests versus (GTOD) Change Requests.

So that's just one example of how the current systems and we currently do not collect data in the way that the (SLEs) have been defined. And so because of that, what we communicated as what we need to do is we need to make code changes to get (RCMS) in order to be able to collect (matrix) the way that the (SLEs) have been defined.

So when I said earlier that the (RGMS) code changes are scheduled for deployment on March 1 -- was that in reference to is deployment of the (RGMS) as code changes that would allow us to then collect data in the way that the (SLEs) have been defined.

Once the codes have deployed, we would enter into the next phase of work which would be a period of data collection and then deciding of the performance targets using that data. And then of course the final phase of the work will be to put those performance targets into the ICANN PTI contract.

So what we've been told is that six months' worth of data would be needed in order to be able to set the performance target. From a timeline perspective,

what this would mean is that March through August would be the date -- the six month data collection period. And then we would have the month of September to finalize the performance targets and then put them into the ICANN PTI contract -- which is very tight, but possible until recently.

What we've learned from NTIA is that NTIA is now requiring it - requiring us to provide them with an implementation report in mid-August of all of the implementation items so that they have time to review and get (comfort) to allow the IANA contract to lapse at the end of September.

So what that means is that we eventually have to get all of the implementation items completed by mid-August -- including having a final form of the ICANN (PTI) contract (update) by then.

So obviously that's not going to work, you know, with the six-month data collection period. So what we'd like to propose is that we do a three-month data collection period which would take us through the end of June for data collection. And that would leave us with a month and a half to finalize the performance targets and put them into the ICANN (PTI) contract.

That way, we can meet the CWG's requirements of having the performance targets in the ICANN (PTI) contract -- meet the transition timeline -- and, you know. And put - from the continuous improvement perspective -- what we could consider -- is that that can be considered as an initial feed of the performance target. And then the performance targets can be monitored and reviewed and tightened over time as appropriate.

So one thing to note is that the (CSG) which is the body that is to be formed in order to monitor the performance of (PTI) -- one of its -- one of the items in this charter is that it is -- it can review and recommend changes to

performance targets at any point in time. You know, so the fact is that once a (CSG's) formed, one of the first things that they could do is to start the review process of the (SLEs) so that's in the ICANN (PTI) contract -- and proposing these changes as appropriate.

So that's sort of proposal that we like to put on the table in order for us to allow to - in order for us to meet the NTIA's requirement of having all implementation items completed by mid-August -- and also meet the CWG's requirements.

So Jonathan, at this point I could pause for comments and/or questions on this particular item or if you like, I can continue on for the rest of updates and then take questions at the end. How - do you have a preference on how to proceed?

Jonathan Robinson: I saw Paul's hand up. I'm sure he has specific points on this, so we might as well deal with these now if that's okay with you, Trang, and then take it from there.

Trang Nguyen: Sure Jonathan.

Paul Kane: So thank you very much, Trang, for the update. Obviously, we're somewhat disappointed, but the historical raw data hasn't been made available. But let's move on. I have to say one of our customers actually commented very favorably as to IANA's performance following a very recent (unintelligible) update -- so well done to the IANA team.

And just to test things out, I have actually in my capacity as Registry Manager filed three Change Requests -- one which was perfectly clean -- one which had a deliberate error to see if it spotted it -- another one which actually had a

human error that I submitted -- so, and it correctly spotted that as well. So the system is working well and I have to say this again -- well done to the team.

With respect to dropping the number of months' collection of data to three months. I hope when you're in Marrakech, you will have the opportunity of having a meeting with the other members -- of the working group. I'm certainly not opposed to reducing it from six -- six was what was originally proposed -- having consultation with ICANN staff and the DTA members.

Three, four months would be fine -- the big concern is to make sure that there is adequate data collected over the period so that the thresholds are meaningful -- and either neither weak, nor excessive. So certainly from my perspective, shortening the period to make sure that we can complete this work as timely as possible would be welcome.

And I'm delighted to learn that the code changes necessary will be completed ahead of schedule and we'll start it with effect from the 1st of March. Can you just assure us that that - we will as members of the working group -- have access to the raw data that is collected following the code changes?

David Conrad: As I mentioned in - sorry, this is David Conrad. As I mentioned in my email, the raw data contains information that registries often consider confidential. As such, we cannot provide the raw data -- that has always been the case. Moving forward, we can provide the data that has the confidential bits scrubbed out and that will be in the form of, I believe, (Jayson) log files.

And that will be made available once we have some confidence in the accuracy of what we're actually outputting.

Paul Kane: Okay, that's fine. So as I mentioned on email, I think members of the group would be happy to sign an (NDA) if there is concern over that, but also have no concern with the TLD in question being reductive so that if there is perceived to be a problem, that at least everything is open and transparent as possible.

You know, once this work is done -- and Trang did touch on that -- certainly sort of three years down the road -- or whenever was (envisioned), this (SLE) document -- the draft that we will devise to the transition period will be up for review. We need to make sure that things are done in an open way and so there's not an opportunity for stuff to be massaged -- not that you would do it - - I'm, that I'm confident.

But I'm just trying to make sure that there is a high level of transparency and so (reducing) the TLD in question might be a simple way of meeting the need.

David Conrad: Unfortunately, it's not simply the TLD. And if you had read the report from (Mark), he did indicate that we have to parse through email exchanges in order ascertain the desires of the requestor. The question isn't about timing (NDAs). The problem is that we have upwards of a thousand individual customers who would have to grant us the authority to enable us to release that data.

The competitors of yours and the other members of the (DP1) or (DPA) would need - would have access to information that the registries may consider confidential. As such, we cannot release the raw data.

Paul Kane: Okay, that's a deviation from what we've been assured on past calls, so...

David Conrad: No (Paul), that is not the case.

Paul Kane: I'm just going to - I hear you David and I have to say I've - I'm quite upbeat with the progress that's being made...

Akram Atallah: Paul?

Paul Kane: Yes.

Akram Atallah: Paul, this is Akram, if I may. It may be a solution and we should not do this over the call, maybe in the - Marrakech we actually had discussed this. But maybe a solution to give you confidence that the data is correct is another of the data and the calculations and something like that. Because what (David) is saying is that there are people that feel that their data is confidential and they don't want anybody to see it -- which means they don't want somebody else that might be a competitor to see it.

And this is the right of the data owner even if the reviewers are seeing the data, they - that might not be sufficient for the owners of the data to grab. So let's look at solutions that give you the confidence without actually creating a - an issue for the owners of the data as well, okay?

So let's discuss the system in Marrakech -- I'm sure we can find a way to get you the confidence you're seeking.

Paul Kane: Thank you, Akram, let's take it off line and discuss in Marrakech -- appreciate it.

Jonathan Robinson: Okay, so we've got monitoring Jonathan Robinson, we've got monitoring period -- we've got raw data and then the prospect of review on an ongoing basis. Perhaps all of this needs to be dealt with and reported back to the group

immediately post-Marrakech to make sure that we -- it's working as (envisioned) and meeting the requirements of the customers or perspective customers.

Okay, let me let you carry on, then Trang -- please continue with your implementation update.

Trang Nguyen: Thank you Jonathan. All right, as for the update on (PTI), we've completed the draft of the implementation plan and it's undergoing review right now. We do plan on sharing with you the approach that we had sketched out in Marrakech once everything is - has completed the review process.

And one thing that I did just want to make sure I note here in case there are any members of the (DTO) that's on the call is that we have been working in very close coordination with (unintelligible) through this process because of the interdependence (is) featuring (PTI) and the FY17 -- but getting a (plan) in process -- so we are coordinated there (intern) only.

We've also selected a name for the (PTI) entity. There are a few things that we have to do before we can share the name with you. So we're going to go to steps now and then I hope that we'll be able to share - to review them with you in Marrakech.

Next slide please. Regarding the (CSCR) (unintelligible) processes, we are working on the implementation plans and will provide you with those updates in Marrakech on those items as well.

So I think that's it in terms of updates for this week. And before I end and take any questions that you may have, I just wanted to note that we are holding a transition implementation session in Marrakech on Monday, March 7 at 10:30

am local Marrakech time in the Atlas Room. And we hope to see you there -- either in person or via remote participation.

So Jonathan, I will pause there and take any questions.

Jonathan Robinson: Thanks, Trang. I see that (Max) has shared some questions -- what this is about -- the new name for (PTI). I think this is very (unintelligible) potentially a legal and identifying term as opposed to what you might call a legal entity and also how we will come to know it. It's - that's the intention of the naming isn't it?

Trang Nguyen: Yes, that's correct, Jonathan.

Jonathan Robinson: Good, thank you. So Trang, as we go through this call I think there's a couple of other points -- as we go through this meeting that's related to implementation -- but I'm sure you'll pick those up or they'll come out of actions as we go. But I'm not seeing any other hands up or questions in relation to this. So thank you very much for a professional update, as usual, and we'll move on.

So the next slide from then which is a recently substantial one -- at least in concept if not in time we need to take on it -- is to sign off on essentially the letter that has been prepared on behalf of this group to be signed by the co-chairs. And to be sent to the CCWG on accountability -- as well as the chartering organization and the (ICT).

This letter was sent to you in draft -- was prepared by Sibley on our agreed instructions -- sent to you in draft on 23rd of February and ready with - is an update actually on -- to be clear -- on a previous draft that dealt with the -- what we thought -- what we then thought was the final proposal by the

CCWG. But as you know, the accountability group then went on to prepare a supplementary proposal (to) be worked with us to prepare our letter. That letter was reviewed by the group based on circulate - following circulation by Lise on 23rd of February.

And the main comments came through from Chuck Gomes and (Paul Kane). In essence, (Paul Kane's) comments -- I'll deal with those first -- were responded to and really (Becky Burr) came back and concerned that these were understood and would be in essence absorbed during the implementation process.

And Chuck's comments were really more on making - on presentation from (memory). Certainly the second one was about the way in which the letter was structured and there was detailed points on wording. And so those are both being absorbed into the final draft letter now. And in fact you see a red line or blue line document - a -- an updated version of that in front of you now.

I believe you have scrolling rights and you will have seen this circulated to this group's mailing list earlier today. The - I was going to say the main change is a formatting one where it's on the suggestions, Chuck -- and without any disagreement from the group -- we highlighted under Reached Points our requirements -- the applicable PCWG recommendations and the conclusion in each case.

And Grace -- concerns you have scroll controls -- to see that's the most -- that anything, it's not substantial -- but rather in essence formatting. And I'm trying to locate -- I'm trying to remind myself of that other relative -- the proposed by Chuck and it's here and if - anyone else is welcome to (help) me on that if I - clarify -- that would be helpful.

Go ahead, Paul.

Paul Kane: Thank you very much and I apologize, it's me again. I think the letter is certainly pretty good -- it's heading in the right direction. Can I just take you to Page 4 -- and let me get to Page 4. Not the last paragraph, but one before the last paragraph with respect to the budget.

And just that - not the one - this page - what I want - what I think it would be safer to say is the final proposal - halfway through the (unintelligible) paragraph of Page 4 -- the final proposal notes that the CWG stewardship. I think rather than may, which is a bit vague, it would be better to use word, "will" which to - have detailed planning predecessors.

Just simply because -- again I want to highlight history has shown that IANA under ICANN has worked fine. But what we're trying to do is make sure that there is clear (delimitation) between ICANN's budget. So - and (IANA's) budget. So the IANA staff -- (PTI) staff can be assured that they sufficient resources to undertake the tasks that are placed before them by the community.

So I'm really trying to make sure that they have the money to do what they want, rather than having to refer to ICANN all the time for the resources that are needed. So I would propose we change "may wish" to basically "may wish to" to the word "will" but that's only such a small change -- other than that -- I'm happy with the letter. Thank you.

Jonathan Robinson: So in essence, that's changed to just by Paul would - I mean we were going to work on the implementation and the essential change will be best instead of us being in a position where we may wish -- in other words we have the opportunity to detail the planning process. We're in essence committing

ourselves to detail the planning process. Are there any concerns with that change? Would anyone but me -- objections or concerns with that change? Any comments or points on that?

Don't seemed concerned - places - any - it makes a little more work -- so that's my concern -- but that's not the end of the world. I think we can certainly deal with that. And so I - I think that - that's reasonable that we could scope out that and turn that out then if there are no objections.

So let's agree that that's a minor change then. And has anyone else got any questions or comments about the structural content of this letter? It should come as a surprise -- it's been through various (durations) before and so that should be familiar to you largely.

Any other comments or questions?

Woman: I just wanted to know that the - what Chuck was suggesting was to have separate (IMS) budget under another budget or just to mention that it's a - it's separate budget and it doesn't seem to be consistent with what we wanted to - what's the aim of the text. Thank you.

Jonathan Robinson: Lise, is that satisfactory dealt with in the letter as it stands?

Lise Fuhr: I think it might have been changed in the second - in the revision, yes it's been -- sorry.

Jonathan Robinson: Okay, good. So there's no other change proposed on that basically -- just confirming the checks -- the second request was dealt with?

Lise Fuhr: Yes.

Jonathan Robinson: Okay. So what will happen next then is this letter will be finalized. I note - okay so is the - with the point on supplementary versus third and final supplementary -- is it covered -- is that terminology satisfactory -- covered? And it should also be surprised if it isn't. Grace, you responded - can you confirm on audio that that's (unintelligible) properly or anyone else who's familiar with it?

Grace Abuhamad: Jonathan, I think that they refer to the final proposal, which is - I think is fine, but if we wanted to be extra precise, we could change it to "final supplemental proposal." I'd leave it up to you to decide.

Jonathan Robinson: Okay. And how does the CCWG refer to it in its publication of the proposal -- how does it refer to it -- is it called "the final proposal?"

Grace Abuhamad: In - for short hand, it does refer to the final proposal, but just for accuracy it says, "The Final Supplemental."

Jonathan Robinson: Okay, well we'll check that and make sure it's consistent and that's a good final check. So if you could say "action" just to check wording around final supplemental before we transmit it -- that's the second point -- just make sure it's consistent. I'm sure it's - if we define it properly -- if they had a couple of letters - it'll -- all else can follow. Thanks Grace.

Okay, so (unintelligible) picking that up -- that's helpful. Okay, so this (unintelligible) circulated and was presented to this group will become our final letter and with that we will sign off that the (CPWG) has done its work and has met our requirements. And this is a - this is a pretty historical point in our work, so let's just pause a moment and recognize that.

This is a key point and I'm sure will stop a few people holding their breath -- if we can transmit this letter. So I expect this letter will be transmitted tomorrow and we'll just tidy it up today and then send this out to the CCWG and copy it to the relevant chartering organization, as well as the (ICG).

And those of you who are being diligent on this would have noticed that - and this chair of the (ICG) has made a request to us to offer this was transmitted as soon as possible -- and in any event no later than I think the 1st or 2nd of March. So we'll meet that deadline by transmitting it tomorrow. Yes -- big moment and (David) (unintelligible) going on in the Chat -- so thank you.

So the next topic is to deal with this on the ICANN finals and the work that we've been doing there. And so well let me hand that over to Lise actually -- so I'm sure you can manage this one -- so let me pass that straight over to you to introduce and run this part of the call.

Lise Fuhr: Thank you Jonathan. As you know, Sibley one of those from the table with some question in relation to the actual bylaws. And we had a process where the relevant DT leads reviewed and gave a first go at answering the questions from Sibley.

Now we've had ICANN staff to look at the table and they have finalized the last outstanding - issues are not finalized, but they have drafted some answers to the last questions. But there are also some key issues that we need to discuss within the CWG in relation to these questions because there are some issues that we've become aware of that we need to discuss.

We don't have to discuss them today, but Jonathan and I have agreed that we will like to have Grace to present the key issues and we will also - this call - then send you a list of issues and together with the revised table. So if

(unintelligible) has Grace to go through the different issues and then I'll explain our ideas to the way to go forward with it. Thank you. Grace.

Grace Abuhamad: Thank you Lise. Thank you. So we - Marika and I have gone through the document with the edits proposed by the DT leads, as well Martin Boyle who went through and did a redline himself. We - we've concluded that there's about five issues that need to be address, but they can grouped into three big kind of (schematic) areas.

So the first one -- and I will ask Marika to come in and help me with this one if I present it incorrectly. But the first issue would be an issue of threshold. In the documents, Sibley is looking for assistance on defining the thresholds in certain cases. And the current responses that we have suggest that a super-majority of the GNSO (Council) ccNSO (Council) would be appropriate in certain cases.

And staff noted that right now the current practice for the GNSO and ccNSO (Councils) is not the super-majority vote. So we would either have the option of defining higher thresholds for the ccNSO GNSO (Councils) or proceed with existing operating procedures. And that's something that the CWG would, you know, would want to have the CWG give feedback on -- especially the GNSO and ccNSO representatives and members on the call.

So Marika, did you have anything to add for that point? Go ahead.

Marika Konings: This is Marika. Just to add that, you know, for the GNSO and am I assuming ccNSO may be similar, but I'm not too familiar with how their bylaws look and if that would be defined as a super-majority vote. But the GNSO -- that would also require change to the ICANN bylaws because I mean voting

thresholds that are not the super-majority voting thresholds are defined in the ICANN bylaws for the GNSO.

Grace Abuhamad: Okay. So the next point -- we can come back on questions if you have them -- I just go through the three issues. The next point is the timing of the first IANA function review. So right now, we have two contradicting paragraphs -- one that says that the IANA function review would not commence until two years after the transition.

And the other that says that the IANA function review would be completed by the two-year anniversary. So there's just a little bit of ambiguity there. We could choose either option one that, you know, this would commence after the transitions here -- after the transition -- or be completed by the anniversary of the transition. I think we just need to try to, you know, clear up the ambiguity around the issue.

Avri noted however that in Paragraph 194 we do confirm that the special IFR could be launched sooner than two years if needed. So if there was a need to launch a special IANA function review, that could happen before the two-year period.

And the third issue is the use of the empowered community mechanisms for the special IFR and the separation process. So when we were drafting the proposal, we had the expectation -- I think we were working in coordination with the CCWG that they would help us define sort of a form and a process for launching the special IANA function review.

We just need to confirm that process if we still believe that the empowered community and the process defined by the CCWG accountability is sufficient for the sort of escalation process that would lead to a special IANA function's

review -- or a separation process. I believe this would be an easy one for the CWG to resolve, but if there's objection to using the mechanisms established by the CCWG accountability, we would need to know that now.

And of the five points I mentioned earlier, three of them are related to using the CCWG accountability mechanisms in Issue Number 3. So that seems to be an easy fix, but just requires confirmation across three areas in the bylaws (matrix).

Marika Konings: Thank you, Grace. Now I know these three or five issues just been presented to you and I would like us to actually send these out to the group and then have the discussion on - at a later stage. I see Jonathan has his hand up and I don't know if you'd disagree with this, Jonathan, go ahead.

Jonathan Robinson: I disagree with what Lise thinks, so I don't...

((Crosstalk))

Jonathan Robinson: ...the group.

Marika Konings: No, going to the group and have the discussion afterwards. So now the - we take some questions and clarify things, but we don't go into actual decision on this. Thank you.

Jonathan Robinson: Yes - no problem at all. That seems sensible. The - I guess the only issue is one of timing. We'll need to - because I - but I think we can work with this and you just need to check and also from the implementation point of view is the next time we'll meet -- to then deal with this would be after Marrakech. But actually my point was more about - on the threshold I wonder how we

deal with this because does anyone have any recollection where the - I don't off the top of my head recall where the super-majority point came from.

It feels to me like the changing of CFC charter -- it's not a massive point. This is not something like separation -- this is something which may need to be changed relatively - don't know how regularly we'd want to change it - so let me just hear from Grace and then perhaps respond.

Go ahead Grace.

Grace Abuhamad: Thanks, Jonathan. I just want to note -- there's no reference to super majority in our proposal -- it was just a suggestion by the -- in the responses we received on the (matrix) by the DT leads and Martin Boyle- the - there was suggestion that the super-majority could be used. But I think it was just a suggestion and not based in anything in the proposal at this point.

Jonathan Robinson: Okay, so it feels to me like this - in one sense it's relatively easy to accommodate this -- thanks Grace -- because actually we're changing the bylaws right now. So we, you know, the bylaws are all going to be updated -- that's part of this process. So in principle, it could be done. The question is -- is it sensible? It is the right thing to do?

So I do think it could be useful to discuss this a little and see what really makes sense here -- what's practical and logical. Because it's not clear to me that right now why we would go one way or the other. Although I do see that it's been a suggestion, so I'm - don't know -- perhaps it's - it was...

((Crosstalk))

Lise Fuhr: (Donna's) putting in the Chat that she thinks that it should be super majority and (unintelligible) adding that change as little as possible. And (Donna's) not on audio since she can't - I also saw that Matthew Schneller wanted to circulate this document to the (list) -- that's certainly the plan. And we will try and give you some time to think about this, but also we can have it - some clarification or discussion now.

Jonathan, your hand is still up -- do you have a new issue?

Jonathan Robinson: No thanks Lise, but I - it's very useful to get that sentiment, so we won't take that as conclusive, but it seems like the sentiment right now is that we may not need the super-majority, so that's - at least I get this information out to the group to see that some of the key issues communicate - there's a sequence of communication to be done and developed in these bylaws and we'll take it from there. So I'll drop my hands and thank all for giving me the opportunity there.

Lise Fuhr: Okay, any other questions or remarks to these three issues? Then now I'll go on with the plan because the plan is to send this document together with an updated table of the questions to the group. It's been updated quite a lot, so we'd like you to review it again.

At the same time, we will send it to the ICANN implementation team to have them provide input and actually not to have anything delaying this -- we're doing it in parallel. We just wanted the ICANN implementation team to highlight if they see any issues with our responses or they have any questions.

So to have as many as possible in the loop -- we think it's important. After having this reviewed by CWG and the ICANN implementation team, we will send the table back to Sibley and get an updated draft from them regarding the

bylaws. And we will then review the updated draft of the bylaws before it's being handed over to Sibley Legal for review and possible simplification.

And then we'll have Sibley to actually help us to review again what's been done by ICANN Legal. It's a lot of back and forth, but it's the bylaws are going to be of course important and the devil is going to be in the detail regarding this, so we think it's important to have these different iterations also attached.

So we'll send these out for you to review and to discuss on a next call if Jonathan say (sic) it's going to be after the Marrakech meetings because we don't have any before. If there's any issues in relation to we need to be faster in responding, we will let you know and see how - what we can do about that. But for the time being, it's going to be sent out to you after this call -- right after -- and you'll have time to review -- and before the next call.

Thank you. Any questions to this before I hand over to Jonathan? I don't see any -- I'll hand it over to you, Jonathan.

Jonathan Robinson: Thanks Lise. Looks like we're doing an efficient job here. I hope everyone's feeling what they need after things. I mean - so then really under AoC, I can fix on the agenda. We have - just a reminder -- they said there's no meeting for the CWG in Marrakech. Although there will be various sessions going on potentially of interest to members of this group. And so I'll have volunteers to send us out a list of relevant meetings such as the implementation update and the CCWG accountability session.

So that will be very helpful to guide those of you to areas of the meeting's program which may be directly relevant. Our next call will be afterwards and so I think we'll - from now you should be expecting to see this accountability

method on - go out. So on behalf of the group and signed by (unintelligible) and myself, we should be getting with various other bits and pieces on the implementation -- and of course on the bylaws. So of the work that you saw for the first time today on the bylaws -- which is of course is development of things you see before it will go out.

So prior to then - getting to the other conclusion to the meeting, let me see if there are any other questions or issues. And I see a hand up from (Paul). Go ahead, (Paul).

Paul Kane: So thank you very much and I'll be very brief. Just as a matter of (error be) and the bylaws -- I have raised this before -- and I understand it may be too late to actually do anything about it. But my goal is to ensure that post-transition -- the IANA -- has the funding to be able to ensure robust operations for the benefit of the global community for multiple years.

The IANA staff -- as I mentioned at the start of this call -- are already doing a good job. They have the resources they need by the good grace of ICANN. We don't know what's going to happen in the future. Within the ICANN bylaws already there is a reserve -- a provision for a reserve budget.

What I think would be ideal -- and I don't know if there's a bylaw issue -- I think actually from a corporate governance perspective it is a bylaw issue. But it could be addressed in the implementation aspect, but it's weaker in implementation.

Just to make sure that there is discreet budget set aside for the stable operation of IANA -- preferably for multiple years -- as part of that reserve fund -- and I'm going to leave it at that -- but I just would like to raise it and leave it with those significant more qualified that aren't able to deal with it. But my goal is

to ensure that those that operate post-transition IANA have the resources on the long-term basis to deliver service to the community.

Long-term meaning multiple years so that if something happens -- because change seems to be so slow -- which is a good thing unless you've run out of money. And I think this transition process is highlighted -- it can be expensive when lawyers are involved and they're at dispute. We just want to make sure the IANA works.

So if it is possible for the bylaws to accommodate it that would be great. Certainly it needs to be addressed and implementation -- but I'd just like to put it for the end for the bylaws. Thank you.

Jonathan Robinson: Thanks (Paul). We - I think we had previously at least provision that agreed to be dealing with something along these lines as part of our implementation because we looked at whether it was appropriate to put it into the letter to the CCWG. And so that - it was not appropriate because we could not -- at this point -- modify CWG requirements for dependencies because we had - that ship had sailed.

But in principle we agreed that this should be (unintelligible) in implementation and maybe that's something that you want to comment on or something different. But Akram, go ahead. Akram, your hand is up please. Come in. Akram, we still do not hear you.

Coordinator: Akram, it looks like your microphone may be muted.

Jonathan Robinson: Okay, we'll just wait for some (unintelligible) in with - for Akram - given there seems to be an audio issue there. I know that Matthew Schneller, of course, also agreed that - with (Paul) that it would be good to somehow

safeguard or (ring-fenced) elements of the IANA funding. I think to my mind having thought about this a little and I would quite like to go back to what we talked about a while ago. I think we got some advice from Sibley quite some time ago about the protections afforded to an affiliate in the event of financial difficulties or even bankruptcy at ICANN.

So it would be interesting to know what's both legally and practically possible there. So that is an important point. And I think it's very firmly on the radar of the implementation team and this group. So hopefully that - that's something that we will be able to keep it - track on and understand best efforts for doing so.

Akram, just to be crystal clear, though, what is proposed here and what's being discussed is that a portion of the reserve of ICANN's reserve fund is segmented in some way (ring-fenced) for the future running IANA. And the proposal or the amount of the discussion is three years running costs of IANA.

So for example, it's the training costs in this case of 2015 was let's say -- just for round numbers was \$1 million. The argument would be that a portion of ICANN's reserve fund -- \$3 million -- three times last year's costs -- were ring-fenced and set aside in each ongoing budget.

So that - exactly - and (unintelligible) helpfully points out that Chuck and the DTO - so let's - I think that's the right way to do it. Is let's put this back to the DTO -- which was well-led by Chuck -- he's very familiar with the financial and budgeting and related issues. If these other two were not part of DTO wish to join that, they should feel free to contribute there.

So that seems like the most practical way of doing things that's (asked) and that's - it appears that that's underway anyway. Let's ask if the former DTO continue to deal with this as part of the implementation and if everyone --

anyone -- is particularly interested to join that or make sure that its meeting their expectations.

Sounds like possibly (Paul) might -- that makes sense. Okay, Akram, I'm assuming that your (old hand) - that you were unable to speak to - and I see a new hand up from Olivier, so Akram retain the hand up. If you do want to speak (gone now) thank you. And Olivier come in.

Olivier Crepin-Leblond: Thanks very much, Jonathan, (unintelligible) speaking and it's just to close off on this. Indeed DTO is discussing this and the last message that we do have is one from Chuck -- who unfortunately I think is not on the call today -- where we agreed that we do need to identify the objectives.

And that was in response to (unintelligible) who would - because we're effectively looking at doing things at implementation and digging deeper into this at implementation. But looking at what we want to achieve -- what are the objectives we want to achieve and working backwards from that?

And the - indeed the discussion about having an escrow account and so on has already come on a number of discussions. The solution would be - the escrow account -- the objective would be to achieve financial sustainability. So what can we do to have financial sustainability -- and what are the options?

And so far we've only looked at the escrow account - there might be obviously other ways to have financial sustainability in the case that (Paul) was mentioning. And I - it might be helpful if (Paul) joins us on this and DTO continues work on that. Thank you.

Jonathan Robinson: Okay, thanks Olivier. So it seems like we've (dropped) that on the hand - on the hand - in hand. Thanks for reminding us of that, (Paul), Chuck is not on

this call, as (Greg) notes in the Chat -- but it's clearly being noted and captured.

So good, all right. Well it sounds like we've done a job and it - we - that we haven't taken nearly the two hours that we might have taken and there's no need to fill the time unnecessarily. So it seems like we've come to the end of agenda and the answers to what we need to.

Thank you everyone for your time and for helping us to come back to an efficient meeting. We'll be seeing you soon -- hopefully many of in person in Marrakech -- and we will get this group together shortly afterwards again.

Thanks again everyone and we can stop the recording at this point.

END