

ICANN

**Moderator: Brenda Brewer
March 31, 2016
3:00 pm CT**

Coordinator: The recordings are now started. Thank you.

Chuck Gomes: Okay, since the recording started, this is Chuck. And this is the Design Team meeting on the 30th of March, 2016. Welcome to everyone. Appreciate you joining the call. Let me first ask if there's anybody who is not in Adobe. I would appreciate knowing that. Please identify yourself if you're not in Adobe so we can add you to the roll call, otherwise we'll just use Adobe for roll call. Not hearing from anyone. And also not seeing any other comments in that regard.

Let me turn it over to Alan who has his hand up before we start.

Alan Greenberg: I don't know why my hand is up but it shouldn't be up so it isn't anymore.

Chuck Gomes: Oh okay. All right, Alan.

((Crosstalk))

Alan Greenberg: I think I was trying to mute my speaker and I raised my hand instead.

Chuck Gomes: Yeah.

Cheryl Langdon-Orr: Chuck, we all know Alan always has his hand up, come on.

Alan Greenberg: That's the truth.

Chuck Gomes: Okay. All right so looks like everybody is in Adobe so that will be our roll call. And let me just ask if there are any suggested changes or additions to the agenda. Okay. Let's then go ahead and go to Item 3. Now we agreed in our call – and this is Chuck speaking again – we agreed on our call last – in our last call that we would work offline on the wording of the financial objective. And you can see on the screen in front of you both a redline and a clean version of the paragraph on the financial objectives for PTI.

And so let's try and finalize that on this call. I didn't see any responses to what I sent around so we're going to just have to go from where we're at here. And I don't have any particular rigid position on the language I proposed. I was just trying to be – do what we said we would do and try and work offline.

I noted in my message that I sent out last Friday that I decided to go ahead and refer to PTI instead of the IANA functions operator or some other generic term because based on what we concluded last week in other fora we – I think PTI is going to be performing all the IANA services so that seemed to make sense. But I throw that open for discussion. In fact all of the wording here is open for discussion. So let me be quiet and see if anybody wants to comment.

And I assume people are – this is Chuck again – I assume people are reading it if they hadn't already done so. So I'll just pause for a minute or two. Okay, Paul, you're first.

Paul Kane: So I think you did a great job, Chuck. But I want to emphasize that, as we've always said, PTI does multiple things, naming is just one of them. And the service level expectation document just refers to the naming element. There is also service level agreement for the numbers and I believe there'll be one for the protocols. So it's just a very small tweak but certainly much better – certainly on the right lines, let's put it that way. Thanks.

Chuck Gomes: Thanks, Paul. This is Chuck. That's why I said in the last sentence, "as defined by service level expectations approved by each of the three operational communities." Is there something in there that refers just to naming in terms of SLEs?

Paul Kane: No, I just need to read. Sorry. Apologies. Thanks.

Chuck Gomes: That's okay, I fully understand. I just wanted to make sure. Thanks. This is Chuck again. Thanks, Paul. Any other comments, suggested edits, changes, whatever. I see Olivier is typing so we'll take a look and see what he says. Okay, thanks, Olivier. Alissa, please. Glad to have you on our call. Are you on mute, Alissa? We're not hearing anything. Okay so apparently there's some problem with Alissa's ability to speak so she's typing. If staff could check on that to see what's going on there that'd be appreciated.

Oh good – thanks, Alissa. This is Chuck again. That's a good point. Should we – maybe we should say service level expectation slash – let's see, it's SLEs and SLAs depending on which group we're talking about. That certainly

seems like an easy fix. Service – so it could be service level expectation/service level agreements. Does that work?

It's – I'll defer – this is Chuck still speaking. I'll defer to the rest of the group whether this is a distinction we need to make or not. It doesn't seem to cause any problems to make the distinction there. So if anybody has a strong feeling on that please speak up. Thanks, Cheryl. So let's just, you know, do a service level expectation/service level agreements as you can see in the notes there. Any other suggestions on the – on this paragraph that defines the financial objectives? And again, it's not – I mean, we're finalizing it so that we can send it to the full CWG. It obviously can still be changed going forward as we work together with the full working group.

Okay, any objections to this statement please speak up now. So the action item then would be to share this – this with the full CWG to see if there's any feedback on that. I don't know that this needs to be talked about on the call tomorrow but I suspect it would be fine to send it out today so I can do that after this call. All right well very good. We took care of that agenda item, Agenda Item Number 3.

So I was hoping on Agenda Item 4 to give an update in terms of the multiyear funding bylaws recommendation that we made in the – in our last DT-O call and that I communicated to Becky Burr, who was at the intensive bylaws drafting session that was going on in Los Angeles last week. But I didn't hear back from Becky. I guess I've been on a call, I guess I should really quick look at my email. No, I have not heard back from Becky. I don't know if anybody on this call has any update in terms of whether language was drafted or not. I know I don't know.

Greg Shatan in the IOTF call, that just ended before this one started, shared on that call that the negotiation seemed to go well but he didn't have any – didn't share any insight with regard to the language that may have been developed. So maybe we'll have that for the call tomorrow.

Lise did confirm – Lise Fuhr did confirm in the IOTF call that just ended that this will be brought up in the full CWG call tomorrow. And get the approval, hopefully, of the full working group in terms of the recommendation we made in our last meeting so – and communicated to the bylaws drafters. So that will come up in the call tomorrow. And maybe we'll even get some insight in terms of what was decided in terms of that.

So I don't think there's anything – unless somebody has a question or comment, and I'll pause just a few seconds before we move to Agenda Item 5 to see if anybody has any questions or comments on this item. And for those that weren't on the previous call, Lise supported the bold step that we took last week without CWG approval so she thought – because of the timing sensitivities that that was a good action that we took last week.

Okay let's go to Agenda Item 5, and the – this is a message I sent out last Thursday – or it relates to a message I sent out last Thursday. And I have no idea what the members of DT-O think about this so I'd really like your reaction. I sent out a copy of the main part of the fiscal year '17 draft ICANN budget and operating plan last Thursday with some notes that I added.

And I also highlighted in blue areas of the document, with a few comments I think, that specifically relate to the implementation of the CWG recommendations on the transition. So there's nothing that says that either DT-O or the CWG as a whole should comment on the budget document, the draft budget.

But I would hope that at least all of us on DT-O would take a quick look at the blue highlighted text in that document so that we make a conscious decisions of whether either DT-O and/or the CWG might want to submit comments in that regard.

So I'll ask everybody to do that. If you haven't at least look – it's a big document and I'm fully aware of that. But if you'd at least look at the sections that are highlighted in blue which is not too large a subset of the whole document, I think that would be a good idea. And then on our call later this week – if you can do that before our next meeting for DT-O then that would be appreciated because of the – so we get an idea whether we want to start developing some comments and how to do that. Paul, please go ahead.

Paul Kane: So thank you, Chuck. And let me, again, confess that I did quickly look at your comments. And I do not have any comments on the budget. I am a CC registry operator and have never had any comments on ICANN's budget, namely because many CCs have their mini-ICANN within their national jurisdictions.

The point I'm raising, and I thought actually the budget which I did skim read, I thought it was pretty clear, and it was fairly well put together with respect to the IANA element. The point I'm raising actually was raised first by Seun on the list.

And it really just – there's always been a – and historically there's always been the belief that IANA services are free at the point of delivery. So the was no one differentiated against by how much they pay or whether they pay. And I think it would be sensible to ensure that that continues both for naming, numbering and protocols. And I see Alissa is on the call.

Seun, who's a member of the CWG, raised this on the mailing list some weeks ago now (unintelligible) reply mainly because I think it got lost. Are we correct in assuming that IANA services will continue to be free at the point of delivery, those people that use the IANA services.

Chuck Gomes: Thanks, Paul. This is Chuck. Let me respond and if somebody else wants to jump in they are more than welcome to. As far as the whole budget is concerned there's nothing in the budget that proposes any revenue for the IANA services. So I think from that we can assume, at least the way the budget is proposed right now, is that there's no intent to charge for IANA services. Okay?

Now that's what the draft budget says right now. That doesn't mean that can't change in the future. If our design team thought that we want to make that point that they should be continued – be offered without any fees, if we think that's an important point to make we could make that point. I'll defer to the group as to whether we want to recommend that. And then we might want to take it to the full CWG if we wanted to do that to see if that's a point that should be made.

Now the cost, the expenses of operating PTI, are obviously a part of the budget. And that's pretty well laid out, although certainly there's still unknowns that are being worked with implementation. So that's the best I can respond to that. Anybody else have a comment in that regard? Does anybody think – and some of you haven't looked at it yet but if any of you think that we might want to consider making the comment, as Paul mentioned, please speak up. Olivier, please go ahead.

Olivier Crépin-LeBlond: Yeah, thank you very much, Chuck. Olivier Crépin-LeBlond speaking. Can you hear me?

Chuck Gomes: Yes.

Olivier Crépin-LeBlond: Okay excellent. Thanks. I think that – well Paul was mentioning a note from Seun Ojedeji – and the question actually that Seun was asking is it went a little bit further than this. He noticed that in the discussions on the VeriSign agreement changes that will take place, there is no mention of some kind of retribution of VeriSign in the contracts. Whilst it was understood, or he understood that the service that VeriSign was providing to I guess IANA, or is it ICANN, I don't even know now, that service was provided free of charge.

So he then asked whether if that was the case would then there – would then this mean that the cost would then be passed on and therefore there would be an actual change in the current status quo. That's where I think we need to really think whether we want to put down in the current system that this should be – that the services of post-transition IANA should be provided at no charge to its community.

Then if that was the case I'm not quite sure how that would then work with ICANN and post-transition IANA since PTI would be funded by ICANN. So I don't know, it's – I felt I need to sort of share this with you. And I don't know what the answer is. Thanks.

Chuck Gomes: Thanks, Olivier. This is Chuck again. And thanks for the clarification because that really is what Seun was talking about as I understood it as well rather than charging for other IANA services. So that's – and that doesn't minimize Paul's point at all; we can still talk about Paul's point.

But Seun was talking about the fact that ICANN announced that – and I think, Olivier, unless I just heard it wrong, you didn't mean retribution, you probably meant compensation for the root zone maintainer function.

((Crosstalk))

Cheryl Langdon-Orr: I thought retribution was a wonderful Freudian slip.

Chuck Gomes: I'm not surprised you would think that. So...

Olivier Crépin-LeBlond: I keep on getting both mixed up. It's terrible. I'll...

Chuck Gomes: That's all right.

Olivier Crépin-LeBlond: I'll deal with this a bit later on. I do apologize profusely.

Chuck Gomes: And if you think – there needs to be some retribution for VeriSign we can talk about that offline, okay. All right so good clarification, Olivier. And even though I'm with VeriSign I am not involved in the negotiations between VeriSign and ICANN in terms of a possible agreement for those services.

And I think I do have the impression that there may need – for contractual purposes there may need to be some compensation. But I can't say that emphatically because I'm not involved in that process. So we'll have to check that out further with others.

So I note, back to Paul's point, that he thinks it would be prudent to make it very clear and let's defer further discussion of – well we can have more discussion on that now. But let's certainly put that on – make sure that's on

our agenda for our next meeting this week because – and that'll give more people a chance to look at least the blue highlighted items in the budget document that I sent around.

So – thanks, Alan. I see your point. And I assume that's what – I'm not sure if that's what Cheryl is agreeing to or what I just said so hopefully it's what I just said.

Cheryl Langdon-Orr: I was agreeing to what you just said. Not the retribution part. Come on.

Chuck Gomes: It just happened at the same time. This is Chuck speaking again. So I couldn't resist that.

Cheryl Langdon-Orr: I know you can't.

Chuck Gomes: So okay thanks for joining us, Paul, and thanks for bringing up your point. And we'll come back to that in our meeting later – our second meeting later this week so appreciate that.

Okay any other discussion on that? If not we'll just – we'll move on to the – and by the way, I sent two documents around when I – to DT-O along with others last week. And one of them was just kind of a brief overview of the budget structure and hopefully Xavier will set me straight if I got anything incorrectly.

But for those that haven't looked at the budget in detail that document will help you understand the structure a little bit and the use of things like portfolios and projects and so forth. Those are important terms in the budget. And if you look at – for those of you that are familiar with the budget you probably don't need to look at that. But if you're not I sent that to try and be

of assistance so that it's easier to look at the full document. So I encourage you to do that.

That's okay, Alan, you don't have to be serious, we – the humor is appreciated, okay.

So let's go on then to the next agenda item. And we'll come back to the operating plan and budget. Again, please come to the call later in the week, I think it's on Friday, with some thoughts on whether you think we should submit comments including the thought that Paul shared that he thinks it might be good to make the point he made.

All right and by the way, with regard to Seun's actual comment on the root zone maintainer compensation issue, I don't know that we can talk about that since it's – the root zone maintainer function is kind of out of scope for CWG. So I – again, we can pursue that further if people think we should. But we can – we probably can't do a whole lot with that particular issue, at least the way I understand the scope of the CWG. And, again, not having the information with regard to the negotiations that are going on.

So going on then to Item 6...

Alan Greenberg: Before you do, Chuck.

Chuck Gomes: Sure. Oh okay, Alan, go ahead.

Alan Greenberg: Sorry. I have no insight at all into this either and I have no confidential information. It's always been a nice touch that VeriSign has done this at no cost. But given that it's now no longer the US government that's requesting it, and given that there is another relationship between ICANN and VeriSign, I

think it makes some sense that it should be fairly compensated because it takes any perception out that there's hidden agendas, and that if we went somewhere else we would have to pay and therefore we're going to stay there and things like that.

So I think it makes it a lot cleaner, the overall arrangement a lot cleaner if it is compensated. And as I said, I have no idea if that's, in fact, the motivation for it, but at some level it makes some sense. Just a thought. Thank you.

Chuck Gomes: Thanks, Alan. This is Chuck again. I appreciate the comments there. And I have no idea – I have no indication on my side that VeriSign was actually looking for compensation, okay? But your point is well taken. So – and my understanding is – and this isn't on our task list as DT-O – but my understanding is that once an agreement is finalized between ICANN and VeriSign that it will be posted for review by everyone and at that point we will at least be able to see the agreement.

But I don't even know when that's going to happen. I think Trang has shared – and – that in her updates on implementation issues and, Trang, you're welcome to jump in if you have anything. If you don't – oh I see you posted there. I'll take a look at that. So when that might happen, I don't have a clue. Trang probably knows more on that than I do. And please note what Trang wrote in the chat. I am aware that it's still under negotiation, or at least that's the last I've heard.

And notice that she says that there will be a nominal fee paid and Akram's blog, of course, mentioned that. Many of you may have read that blog. If you haven't – thanks, Trang, for putting it in there.

Okay now going to Item 6 on the agenda, Alissa, it's great having you on the call. I had put in the agenda that Xavier may give an update here because he said you and he were going to meet and talk about how you or your team want to be involved in the development of a PTI budget development process. Let me just ask a simple question first, Alissa, have you and Xavier had your meeting yet? I know he was on vacation so I perfectly understand if that hasn't happened yet.

Okay so your – thanks for posting that. So, Alissa, hopefully you understand what we're looking for in this regard. We're – the CWG is supposed to develop a budget – or CWG or whatever designated group we want – is assigned – develop a process for developing an approval for the PTI budget each year.

And I made the assumption, I think probably most of us if not all of us in DT-O made the assumption that we should work with you and your team on that. And I – the question that Xavier was going to take back to you, since you weren't on the previous two calls, was basically how do you want to be involved? How should we proceed? And I'm perfectly comfortable with letting you and Xavier have that conversation.

But what would be really helpful if we could doing – if we could have some sort of a feedback so that we can get started on that after our second call this week on Friday. So if you can be prepared for that I would appreciate that. So we can put that as an action item there. That'd be great.

And, Cheryl, I see you want to return to a previous matter. That'd be fine under any other business. That's perfectly good.

So we can go on I think, unless there are any questions or comments on Agenda Item 6. I don't think Item 7 we can do much about either. I just put that in there in case Xavier had provided any of his ideas yet.

He had said that he will provide both to us in the CWG as well as to – and it'll start with Design Team O, I assume, and also to the members of the CCWG Accountability people that are working on budget-related items for implementation of the CCWG recommendations. He has some ideas with regard to caretaker budgets.

One of the things I think that was made clear in our last call is is that there really need to be two independent caretaker budgets, one for PTI and one for the – for ICANN – the ICANN budget itself. So we – I don't think there's anything we can do on that now. But I did want to at least flag the fact that Xavier has some ideas and he will be communicating those.

And we agreed in our last call when representatives – or last call or the call before, I don't remember which, that the – we will work independently between the CCWG and the CWG on this – on the caretaker budget, but we'll come together because they will have some similarities and so forth.

If there are no other questions or comments on Agenda Item 7 then we will go to any other business and, Cheryl, you're first on that.

Cheryl Langdon-Orr: Thank you very much, Chuck. Cheryl Langdon-Orr for the record. Okay as you know the – or maybe you don't know – but the bylaws group is ensconced, entrenched, encamped, however you want to refer to it, working at the moment. So I back channeled into Becky and got a response from her re your question earlier on what we did last week with the multiyear budget and making a proposal.

And I have not heard back from her again to my response back, which was can I let the DT-O meeting know that? So I'm going to anyway before we close. Right, so ladies and gentlemen, as we have been told, there is a great level of cooperation and working together that's been happening in the bylaws right in the room.

It would seem with the exception of what we have suggested. I am now quoting Becky. "ICANN is pushing back saying multiyear budgeting is not part of the CWG proposal," and yada, yada, bada, bada, ba, ba, da. Close quotes.

So I thought we were pretty clear that DT-O and its work on implementation was ongoing work with Xavier and his team had always been looking at clever and smart ways to ensure financial stability and sustainability for the essential services for the IANA operations.

And I think we need to get CWG, via a recommendation from us, Chuck, to get a big stick and tell ICANN legal that it may not have been ironclad black and white text but the intent has always been clear. Thank you.

Chuck Gomes: Thanks, Cheryl. I appreciate you sharing that. That was news to me. And it's good to have a heads up on that. I suspect it's possible that the CWG proposal was not as clear on this and – as it might have been. But I think it was pretty clear that the CWG or some designated group would develop a process...

Cheryl Langdon-Orr: Yeah.

Chuck Gomes: ...for this. And that certainly the proposal was very clear that there needed to be I think even though we've formulated the objective with new words, and

finalized that today, at least from our point of view, we were pretty clear that there needed to be financial stability and with regard to PTI. And my own personal feeling is that it could be argued that financial stability for PTI is a must. And certainly comments that were submitted to the CWG by registries certainly emphasized that.

And I guess I'm a little bit taken back by the fact that ICANN would be pushing back on some stability like that. So now maybe they have some justifiable reason but I guess it's an issue we're going to have to work with them.

Cheryl Langdon-Orr: Thanks, Chuck. And I think it may very well be a matter of, you know, it's not (unintelligible) is writ in the proposal but it is as – it is clearly intended and with a clear and unambiguous declaration of that from the CWG that will empower the discussions to go along our way that we foolishly thought that merely talking to chief financial officers and staff may have trickled down the intelligence of our proposal through to ICANN legal, but that clearly hasn't happened.

Yes, I'm cranky. Can you tell?

Chuck Gomes: Thanks, Cheryl. Again, I really – this is Chuck – I really appreciate the heads up because it's good to – we all can do a little bit of homework in terms of our CWG proposal...

Cheryl Langdon-Orr: Yeah.

Chuck Gomes: ...to make the case that needs to be made and possibly the attorneys have already – from Sidley – have already looked at that for us. But it will be nice to get that – get an official update in terms of what was done.

Cheryl Langdon-Orr: I think we still need to work on it.

Chuck Gomes: Okay so, Alissa, this is Chuck again. Thanks for the update. You told me you were on planes all the time so it comes as no surprise. But if you could – if it's possible if you could let us know maybe via an email or something in advance if you have some ideas as how we can work with you or someone from your team or multiple team from your team to do this because it seems crazy for us to develop a process in terms of the development and approval of the PTI budget without your input.

So we're dependent on you on that because we don't think we can do a good job without your input. So if you can give us some initial ideas or something before that meeting on Friday that would sure be helpful.

Okay I see she's typing and we'll look for that. Does anyone else have any other business that we need to cover on this call today? Okay. All right and that's what we're hoping for of course is that you and Xavier – we'll work with you on that. We're not trying to do it without you, in fact we don't want to do it without you.

All right, not hearing from anyone in terms of other business, I think we've finished our agenda for today. Our next meeting is on Friday, I believe, let me take a quick look at that just to confirm that, on the 1st at 2000 UTC. So...

((Crosstalk))

Chuck Gomes: ...same time as today which is probably – is that the weekend for you, Cheryl?

((Crosstalk))

Chuck Gomes: Okay. All right no other business? Very good. Thanks, everybody. You get 15 minutes back. And for...

Cheryl Langdon-Orr: Thanks, everyone.

Chuck Gomes: ...those that have had consecutive meetings, glad we can...

Cheryl Langdon-Orr: Coffee.

Chuck Gomes: ...give you 15 minutes.

Cheryl Langdon-Orr: Coffee. Coffee.

Chuck Gomes: Okay.

Cheryl Langdon-Orr: Bye, everybody.

Chuck Gomes: All right. Thanks and bye.

Cheryl Langdon-Orr: Bye.

Paul Kane: Thanks very much, Chuck. Thank you. Bye-bye.

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