

**ICANN
Transcript
New gTLD Auction Proceeds CCWG Charter Drafting Team
Thursday, 21 April 2016 at 13:00**

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On page: <http://gnso.icann.org/en/group-activities/calendar#apr>

Attendees:

ALAC
Alan Greenberg

ASO
None

ccNSO
Will not be participating in the drafting team

GAC
none

GNSO
Jonathan Robinson

RSSAC
Brad Verd
Kaveh Ranjbar

SSAC
Russ Mundy
Lyman Chapin

Board
Board Liaisons
Erika Mann

Board appointed staff advisors

none

Apologies:

Asha Hemrajani - ICANN Board
Tony Harris – GNSO
Nora Abusitta – Board appointed staff advisors
Olga Cavalli - GAC

ICANN staff:

Marika Konings
Lauren Allison
Melissa King
Julie Hedlund
Glen de Saint Gery
David Tait
Terri Agnew

Terri Agnew: Thank you. Good morning, good afternoon and good evening. Welcome to the New gTLD Auction Proceeds CCWG Charter Drafting Team call held on the 21st of April, 2016.

On the call today we have Alan Greenberg, Russ Mundy, Jonathan Robinson, Lyman Chapin, our Board liaison is Erika Mann. I have listed apologies from Asha Hemrajani, and Tony Harris. From staff we have Glen de Saint G ery, Marika Konings, David Tait, Melissa King, Lauren Allison, Julie Hedlund and myself, Terri Agnew.

I would like to remind all participants to please state your name before speaking for transcription purposes. Thank you very much and back over to you, Jonathan.

Jonathan Robinson: Thanks, Terri. It's Jonathan Robinson, I'll be chairing today's meeting. And we have – you've hopefully all seen the agenda. I'm sorry I was unable to be at the last call. I understand there's a couple of items being worked on

in the interim. And so we hope to get some updates on that and then make some further progress.

So any comments or questions regarding the agenda before we start to work our way through it? And I note we are waiting to be joined by Sam Eisner from ICANN staff.

So what I suggest we do is – because once we’ve done the roll call and we’ll record everyone who’s here, which we’ve done, we’ll more straight on to Agenda Item 2 which of course involves Sam. So I think I suggest we go on to Item 3 then and hopefully we can get an update from Erika and/or Russ regarding their work that they were – kindly offered to do to review the public comments and identify key elements which we should be considering as we start to develop the charter for this group.

So I don’t know, Erika, or Russ, if either of you have had a chance to talk with one another. I believe there were some updated posted to the list. But are either of you in a position to talk through those and highlight any points you would like to make on that?

Russ Mundy: I can or Erika can. I would be fine either way. Do you have a preference, Erika?

Jonathan Robinson: It sounds like Erika is struggling with audio. So, Erika, if you can hear us just come to us in the chat for the moment while you try and set up your audio input. Okay so Erika confirms she hears us. Well, Russ, why don’t you start and Erika can join as soon as and when her audio is in shape. So if I could invite you to start talking us through what’s done and any points or issues you’d like to discuss and then we can take it from there.

Russ Mundy: Okay. Certainly, Jonathan. Thank you. And I had a similar audio problem last time so I guess the dial-in decision this time worked better for me. But hopefully Erika will be able to vocally join us at some point.

We had a – I guess it was about an hour and a half meeting between the two of us. And we had David Tait and Julie Hedlund from staff supporting. They did a absolutely superb job of not only keeping us organized but helping us move along and then David put out the – put out the revised listing very quickly afterwards.

So one of the things that I'd like to just mention as an important overview is that many of these comments fell into the category of not being what I would describe as cleanly handle-able in either the drafting team or the subsequent CCWG.

And we've noted what we believe that case is for all of those in the subteam review comments and the charter. And I'm hoping that as folks do get an opportunity to read through all of these and formulate their own position that it will at least make it easier for others to say yes or no I agree with that or not. But a number of the things were long lists that said, you know, the following things should be considered and listed 4, 8 or 10 things. And so some of those would apply, we think, to considerations and various parts of the charter. Other things (unintelligible) would apply to the work of the CCWG itself.

And the other fairly broad spread I'll say major grouping of comments that came in we felt needed to have some addressing by our legal – ICANN legal staff support so that we as a drafting team understand what the legal parameters are that might be constraining handling some of those comments that came in.

Otherwise there were just a number of things that we indeed walked through some were, we felt, easily assignable to drafting team; other were easily assignable to CCWG. But hopefully the first cut will help others. And my hope by the first cut was that it would significantly lighten the burden of others having to read through the comments and look and see how they appeared.

I'm not sure how much we were able to lighten that burden. I hope so. But I'm convinced that most all the drafting team will also need to read all of the comments and see (unintelligible) with the subteam view or not.

So that's really what I would describe as an overview of the comments without trying to explicitly get into the details of any of them. Hopefully that was about the granularity that you were wanting at this point, Jonathan.

Jonathan Robinson: Russ, thank you, that was very helpful. I'm just going to check if Erika, who is now on audio I believe, would like to add or say anything before I give some responses or remarks also.

Erika Mann: Maybe, yeah, I know – can you hear me now, Jonathan and everybody else?

Jonathan Robinson: Yes.

Erika Mann: Wonderful. Sorry, apologies for this. So Russ did a good summary, excellent summary of that we discussed. So I think maybe just to add and give a little bit of flavor so there is – the recommendations included which we put under the bracket of the question, “Shall the DT have guiding principles?”

So what we did we reviewed all the comments and all of the comments which really I think we tried to find under, you know, some of the umbrellas which we think the DT should look into. So one – are guiding principles. And for example, these are openness and transparency, shall be the reference to the mission statement and to core values, shall it be accountable financial oversight measures included, many comments raised, for example, diversity question.

This could be another example which could fall under guiding principles, many ways (unintelligible) that it shall be lean and effective. Again, we think this would be part of the – or could be part of the guiding principles. So this is one bracket which we thought.

And then as Russ said, we had some question – and I hope that Sam is on the call now – which we thought they need to be further evaluation by legal and legal should come back to us and make recommendations. These are, in many comments which we received which relate either to legal constraints or fiduciary restraints and constraints which we do have as an organization. So that then we are clear about what we recommend and what we, you know, argue which shall be part of the charter in the future.

Other questions were raised as well, so I'm not going into detail. But just to give you a little bit of flavor how we approached the work which we were asked to do.

Jonathan Robinson: Okay, thank you Erika. And I'm glad you were able to join us after the initial glitch. And thanks, Russ...

Erika Mann: Yeah, apologies again.

Jonathan Robinson: No worries. So I think that's very helpful. But it does feel like others on the drafting team need to give their own follow up. And as Russ said you probably set us off on the right direction. But it feels like we might need to do some more work. Sorry, it doesn't seem that Sam is with us at the moment so that's a key part of all of this is making sure that those that you identified with needing additional legal input would be useful.

Can I just check a practical point (unintelligible). I mean, I do notice that staff were able to help you here. And I think especially with such a small team as we've got we might rely on some of that. I wanted to check before going to Alan next is this document available on a Google docs document at this stage? Have we got it uploaded as a Google docs document to be able to edit and to comment on?

Russ Mundy: I don't know if David is on. I don't think so. He did most of the handling of the document. And at this point the versions that I have seen are strictly in Microsoft Word. He might have one as a Google doc. I don't believe I have seen it though.

Jonathan Robinson: Yeah, thanks Russ. Marika confirms in the chat that it's not currently set up. So, Marika, can you remind me what your preference is in terms of both kind of staff support and us dealing with this. Because it feels to me like we've got to take the platform that – of the initial review that Russ and Erika have set up and then do something more with it. And that's contingent of course on either doing it by redlining or commenting back to staff and/or using a Google doc. Do you have any preference from the sort of staff point of view?

Marika Konings: This is Marika. From staff side we're happy to support either way. Just to note that, you know, the last Google doc we set up actually didn't get a whole lot of input or through the Google doc system. So I think it's really up to, you know, what the group prefers. You know, we're happy to take note of any comments you may have now on the call or that you send in by email and then redline the document.

We're also happy for you to send in redlines and we can then, you know, reconcile those. And in fact we're also happy to put it up as a Google doc so everyone can go in there and either do it through making additions or by commenting on the document and then, you know, again we can take that and, you know, produce a redline. It's really whatever way the group prefers to work.

Jonathan Robinson: Well as we feel our way into working let's put it up as a Google doc so it's available for those who might prefer to work that way and if you have a preference it's perfect okay to send comments or points to the mailing list and staff can then update the document. Sorry for all that preamble. Alan, if you

still did want to make a point come in, if not I'll just pause for a moment to check and if not I'll go to Erika.

Alan Greenberg: No I don't know how my hand went down but I didn't put it down. Two things. In terms of Google docs or not, to the extent that we're still going to use a paper doc or a Word doc, can we have a version with line numbers? For someone who only wants to make a small number of comments it's a lot easier to reference line numbers than to start editing the document and putting comments in it and things like that. It's also a lot easier for Marika to integrate them into a final document that way I think. So I would appreciate if that could be distributed.

I had a question though, well sorry, three things. The second one is although it would be nice if we give the CCWG a nice list on a plate of things they should consider out of these comments, I think our focus needs to be at this point what do we need to consider. And, you know, what advice has been given and certainly a number of things were referenced that are clearly on our plate. So I think we need to start summarizing that and extracting that into a smaller document.

The question I have is since this is ICANN I would have expected at least some people to say whatever you do make sure it can't be gamed. And I didn't hear that. Did that show up in any of the comments?

Jonathan Robinson: Marika, you may be responding to Alan's point so come in if you are.

Marika Konings: Yeah, this is Marika. This is just to make clear that the comments that are in this document are only those that were flagged in the initial list of comments as potentially being relevant to the drafting team when it will be developing their charter. This is not the whole array of comments that were submitted.

You know, having said that, I don't remember on the top of my head whether that was a comment that was as specific as that although I think several

people did point out, you know, make sure there's no conflicts of interest that's addressed as part of the charter and other comments ensure that, you know, proper process would be set up. So just to make sure that this is not the whole array of comments that were submitted...

Alan Greenberg: Okay. Understood.

Marika Konings: ...that were flagged as relevant to the drafting team.

Alan Greenberg: Okay, what Russ summarized, he said some of these clearly are to be passed on to the CCWG which is why I assumed there is a combination within this group. I just find that interesting on – if you look at how ICANN handled the community applications or the financial support process it was let's put in place so many rigid rules to make sure it can never be gamed. And of course that also – potentially eliminates good uses of it. And I was just curious if anyone had suggested that here. Thank you.

Jonathan Robinson: Yeah, I'm not quite sure how to capture that, it's a really interesting...

((Crosstalk))

Jonathan Robinson: ...the principle there is set a standard such that you aim – seek to reduce gaming while not eliminate legitimate applicants for funding. But that's a challenge.

Alan Greenberg: It's Alan speaking. Certainly in the past we've overreacted to the potential of gaming I think to the extent that we eliminated – probably eliminated all the good applications also and I'd like to make sure in this case we don't do that so I was just curious if it was already on our list of things to worry about. Thank you.

Jonathan Robinson: Okay thanks. Well let's keep that in mind as we go through. Next in the queue is Erika.

Erika Mann: Thank you so much. Two points, so concerning the document and how to read the document I think the document is very well done from – so the staff I think did an excellent job. And when Russ and I reviewed it we really went from point to point so really viewed the complete list they put on this document. And on the very right side are the recommendations which we made so it's very easy to read.

And I think it would be good if maybe we just add another column and, you know, so everybody who wants now to read the document and wants to send comments to it we just have another column on the very right side where these comments could be added so that the document stays clean and it's easily readable and it becomes a process document. So it's very well done.

And I reread before the call all of the comments concerning Point 2, the one Alan raised. So I read all the comments which we received just again and gaming, I did – I don't remember that I saw it. And I would have seen it. So what I think Marika is right, it would fall under the (unintelligible) conflict of interest, accountability, so then different transparency even the different connections to the broader topic of gaming.

And I think we should maybe put this in the document with a question mark and then see if, you know, we could capture the topic of topic through these approaches which are already sent to us and recommended to us. Because gaming in itself is an abstract and it needs to be – it needs to be clarified what it really should mean in our environment.

So maybe we could approach it, you know, through these already mentioned approaches and if not we might have to add something. This would be at least my advice.

Jonathan Robinson: Okay so thanks, Erika. I just want to check what the proposal there is on the additional column. So because at the moment we've got comments,

we've got who, we've got how addressed, we've got DT opinion. So what is – where would that – just to be very clear, if staff hasn't already captured properly...

Erika Mann: I mean, if I would – if I would – I would add another (unintelligible) column to the very right side.

Jonathan Robinson: Okay and that really offers the opportunity...

((Crosstalk))

Jonathan Robinson: ...for drafting team members to comment prior to us just spelling out the drafting team opinion which is why you wouldn't want the comments to go into the opinion.

((Crosstalk))

Erika Mann: Correct because then it's easier, you know, when we want to evaluate it further in the future. We have the full chain of, you know, how the document was (unintelligible).

Jonathan Robinson: Yeah, I'm okay with that. That makes – that seems to make sense. And then I guess the practical question, which you don't need to answer necessarily yourself, is do we do this offline or do we try and walk through the document in the meeting? I'm not sure we've got time to go through the document. So – but I do worry that if we don't do something in the meeting it just gets left until the next meeting. But we could give it a go and let people have an opportunity to do something on it.

Erika Mann: I mean, I found it – I mean, just my advice, I mean, I found it very effective in working on the document with Russ. We were actually quite fast and I found it very effective. And we did it online together in a call with Marika and the rest of the team.

Jonathan Robinson: Okay well that may be the way to go then. Let me go to Russ and then we'll see where we go from there.

Russ Mundy: Thanks, Jonathan. First I wanted to respond to Alan's question earlier about the broad – whatever is done don't let it be gamed. I don't – I did not see any comment that was explicitly of that nature although there were, I think, several that contained what might be termed as an inference that sort of were pointed that way.

And most of those I believe we ended up in our initial review as identifying certain things that should be listed as principles or principles of operation for – or objectives for where the CCWG – the things they should consider. So there wasn't anything like the explicit thing that often shows up in public forum kind of comments and so forth.

As far as timing and reviewing each of the comments, the first time a careful read through takes I think a person a bit of time and it would be very useful for folks to individually try to carefully read all of the comments and what we suggested prior to having a discussion. But Erika's suggestion I think was very good in terms of trying to have a meeting whether it's face to face or on the phone, where we would literally go through each one.

We spent about an hour and 15 or 20 minutes actually going through the comments I believe. And we – if we decide to do that and take that approach, and I personally think it would be very good way to do it, I think we should at least have a couple hours scheduled because if we look – sort through and we find some take more time than others, we don't want to short comments that would be discussed further down the list on a time availability kind of basis.

So I would also support a separate meeting focused explicitly on walking through the comments. But I would also hope that people would prepare in advance and then we could reach conclusions in that meeting on all of these.

Some of them may take more time than what Erika and I gave them in our team – subteam review because where we said some of these things need to be considered by the drafting team, some need to be considered by the CCWG, those especially lengthy comments we probably should look at each item in the comment and make an explicit decision. Because some of them are not clear which group should be handling them. So that's my comment. Thank you.

Jonathan Robinson: Thanks, Russ. Erika, is that hand of yours up again or is that – that's an old hand.

Erika Mann: No, it's an old hand. Apologies. But I support what – good idea.

Jonathan Robinson: Yeah thanks – thanks, I saw that in the chat. So I think we've got sort of three parallel things going on at the moment. We don't know yet what input we'll get from legal staff and that's a little unfortunate but we will hope to get that. It does seem like there's a recommendation to go through this.

It strikes me that here's what I suggest we do, that we go away as a group and we go through and do the homework that Russ suggested which is run through your work and look for where we really the most important is if we disagree with any assessment you have made. But equally we could comment on if we agree.

But I guess the presumption should be we agree and we look for areas of disagreement or alternatives – disagreement is perhaps a bit strong but alternatives or modifications. So we go away and do that. And then we come together and review.

And to the extent that there are no disagreements we should be able to parse through those items quite quickly. Now I understand Russ's point about giving up to two hours. We may need that. But that seems like a very practical way forward if I understood it correctly.

The other thing is what we need to start to do is not simply look at this in isolation but try and link it across to where this is going to go in the charter. Because after all, the purpose of this group is to produce a charter for the working group. So we really need to think about as going through this document it seems that it's either – you either agree or disagree with the input that's been made before or have something supplementary.

And also, where does this fit in in the charter? Where should this go in the charter? So it strikes me that putting those set of filters on might be the action for the group. So the takeaway would be review Russ and Erika's comments, agree, disagree or supplement, and reference where you think they should go in the charter. The value to us of that will be we start to further develop the charter and develop our familiarity with the charter itself. So that strikes me as a way forward on that one.

We'll come to next meetings and whether or not we can schedule a two-hour meeting next time or the following time or how we deal with that. But in the absence of you disagreeing or raising your hands I'll assume that you're happy to work along those lines.

The challenge for all of us, and I include myself in this, is taking the time out to go to look at those documents outside of a scheduled meeting. But it does seem like that could be very valuable exercise. And thanks for your support there, Erika.

So that feels like the most practical thing we can do with this document for the moment. And therefore I suggest we move on in the absence of Sam to come back to Item 2, we move on to Item 4 which of course is the charter

document. And you'll see, if you've had a chance to look at this, this is also nicely structured because we've got a template for the charter here. We've got the sort of draft content from the cross community working group on such groups that's currently out for public comment.

And so it gives us a very nice opportunity start to populate this. It feels to me like the right way to do this next is for either a subteam and/or individuals to go through and start to put strawman comments in the same way as Erika and Russ did with this and to start to populate it. I don't know if anyone has got a better or alternative idea how to deal with this charter. But prior to reviewing it within the group it seems like it does need some sort of straw man or draft content in here.

Marika, go ahead.

Marika Konings: Yeah, this is Marika. I think that there are probably various ways because for any subteam probably to start, you know, putting some draft in here and maybe helpful to at least have some kind of initial indication of what the group thinks.

And, you know, we could consider maybe having some different email threads on these questions or maybe use, you know, part of this call or a future call just to kind of brainstorm around some of these themes and that may then give, you know, sufficient ammunition to, you know, whoever is willing to hold the pen to prepare some draft responses which would then help guide the language development.

And, you know, as you mentioned what we tried to do is take relevant sections from either existing cross community working group charter or the template that has been developed by the CWG on CWG Principles as a potential starting point. And, again, you know, of course the feedback on the responses will help determine what changes, if any, need to be made to that

example language to, you know, fit with what the drafting team believes should be in there.

Jonathan Robinson: Thanks, Marika. And, I mean, I'd be happy to start to do that work now. I mean, we have an hour scheduled for this call. We could easily put in 20 minutes now to just try and make some initial progress to at least get this going. I think that could be very good use of our time. I'm just looking at the first page on the deliverables. Oh I guess you put the work plan there.

So it strikes me that, yeah, I mean, in some ways I'd be tempted to just sort of – if I was doing this myself I'd be looking to copy and paste and edit from your example language and populate that in. But let's – let's try and see if there aren't any other suggestions, I just say, I think it's not a bad idea to just start to get a feel for some of these – the group's views of these key points that will shape the charter.

I guess I'm one of those people that prefers just some language to work against rather than these blank spaces of – putting me off a little bit in some sense is that they're available down below.

So just casting my eye down and see what – does anyone think we could usefully work with the blank document as it is now and start to discuss those blank – filling in those blank spaces or would you feel better to work with having had these, in effect, prepopulated by an initial pass which is, you know, there's a pre pass going on by putting the example language in. But I feel that that needs to now be converted to relevant language to the group.

I saw Erika's hand up but I'll defer to Marika first and then come to you, Erika.

Erika Mann: Sure.

Marika Konings: Yeah, this is Marika. Just a suggestion what might be helpful is – and I know there's a lot of blank space now but staff can maybe provide is, you know,

what is the default or what are most CWGs doing in that regard? So for example, you know, deliverables anticipated. I think the default is that the requirement is to have an initial report and a final report. So I think the real question to the drafting team is do you anticipate anything more for this specific effort?

So maybe that's helpful in kind of framing the conversation, you know, what is status quo so that may help the group decide, you know, are we happy with status quo or do we actually need something more or different from what is the kind of standard approach within CWGs at the moment.

Jonathan Robinson: So I think that's what I was grasping for. But before taking hold of that, Marika, let me go to Erika.

Erika Mann: Jonathan, I was thinking along the line the question you raised shall we populate the document or shall we start working. And I had something similar in mind like Marika recommended because I think we need to have the – we really need to have an understanding for each point and each topic, you know, how is it approached in the current CCWG proposal. Because otherwise we might be part – too far away from it.

I mean, we all have been part of the process but nonetheless it would be good to have the correct language included first. I would like this what Marika is recommending.

Jonathan Robinson: Thanks, Erika. I feel like I would also appreciate that as sort of default language. And it will be much easier for me it seems to then push against that and say, look, that really is – that might have been appropriate for the previous CWG but in this case there's something quite specific or reason why not or why it needs to be supplemented or alternative or modified.

So I agree, I would be happy with that in essence default language going in, taking from the example, to populate those right hand columns and then we review that systematically.

Erika Mann: Yeah.

Jonathan Robinson: Yeah, and Marika talks about that in the chat then, the default approach, exactly. Are there any concerns or issues with that? Alan?

Alan Greenberg: No concerns. And I was – I certainly support it. And I'll give an interesting example. I was looking at the – at, you know, at subjects. Number 2 is, is the CCWG expected to as a first step, develop a work plan? I suspect this CCWG, and we may want to direct it to, that its first step is not to develop a work plan but to decide whether its output is a specific recommendations on how to use the money or whether it is likely to come up with a process to how to decide to use the money.

In other words, you know, put together a group of wise people who over the years will decide how to use the money or whatever it is. Now I don't know whether they're going to be able to do that or want to do that but I think that's their first consideration is do they want to do that before going into the work plan because the work plan is quite different. It comes out of that decision if indeed they can make the decision quickly.

So there will be changes I think from what we're normally doing but I think it's far easier to comment on text than to start inventing it from whole cloth when we're in the middle of the meeting.

Jonathan Robinson: Yeah, that's an interesting point, Alan. And immediately, as you raise something like that it sparks off. I mean, that strikes me as being the sort of – the scope of what we'd expect the CWG to cover. Personally I'm in the camp of the latter. I'm expecting that we'll set the scope for the CWG and it would produce a mechanism for the allocation of funds rather than to allocate the

funds. I think it's about setting up, in my mind, the structures and processes in order to do that.

And so – but, you know, that's clearly what we have to discuss and make sure we have a common view of that in this drafting team.

Alan Greenberg: Yeah, certainly – it's Alan – certainly if we had enough money that we thought this would be going on for decades, because, you know, there's either more money coming into it or there's so much that the investment income has value, then clearly the latter – that would be how we do it. It's not clear that we're in that mode so I think the – both options are on the table. But I would think that the group should have to decide moderately early which direction they're going on.

Jonathan Robinson: Well a quick response to that, that's a really good point as well. And it happens – and I don't want to get too much into expressing personal opinions from the chair but I think it's useful to workshop a couple of initial thoughts because it stimulates then other discussion. And in my mind I think this is quite an interesting topic. And maybe it's again something we need in the charter to direct the CWG as one of the key outputs is to decide whether or not this is a finite sum of money or whether the group wants to look at mechanisms by which it will not be finite.

Now clearly as we come into it, it's going to be a finite path. It's the output from the auctions. But whether or not that could be added to in future is an interesting question. So, you know, it would be useful to warm up our thinking on that and what needs to be covered in the charter as far as that's concerned.

Alan Greenberg: Yeah.

Jonathan Robinson: Russ, go ahead.

Russ Mundy: Thank you, Jonathan. One thing as I was reading through these questions and just listening to this discussion here that struck me is that as a drafting team we might want to have at least a short list of principles that we want to follow with respect to things that we direct or ask of or suggest of the actual CCWG itself. And one that comes to mind that we've talked about previously was that we should, as a drafting team, not put anymore constraints on the CCWG than we felt were really essential.

And that may impact the answers that we actually put in in a number of these. So as we go through and look at – and I like the idea of having some suggested text to start from. If we realize or that – or one of us says that one of these ideas of not restricting or if there's other ideas that we want to make sure we maintain that we note those in our comments on our draft as we put the pieces together here.

So and I don't – I couldn't think of another sort of drafting team principle other than that of least restriction on CCWG but there may be some but I just wanted to mention that I think that's something we all need to keep in mind.

Jonathan Robinson: Thanks, Russ. I mean, I think that's a – it strikes me that there's a very good point there using Alan's example. It may be that for legal or other reasons we are – we believe that the CWG is constrained to consider only the initial and finite sum of money. If that is the case it would seem appropriate to put that into the charter.

If it's not the case it would seem appropriate to ensure that the CWG addresses that issue at the outset as one of its key initial questions that we could put to it. So, you know, I think it's either a constraint imposed by the charter or a requirement of the drafting team, I mean, requirement contained in the charter to make that decision early on.

Because clearly from that then follows some key points. So that's, you know, helpful stimulation from – to the thought process from both you and Alan. Alan, did you want to come back again?

Alan Greenberg: Yes, thank you. It dawned on me as you were talking a few minutes ago that one of the things we could do – and I'm not necessarily proposing it but I think we should think about it, is one of the things we could do is indeed say that – and of course anything we do has to be ratified by the chartering organization so we're not isolated here. But the charter could say that the mandate of the group is not to dispense the money and find good uses for it but to come up with a process by which that can be done.

That is something that we could decide ahead of time. That would make the CCWG a finite group that could complete its work in a reasonable amount of time and not start haggling over who gets the money. And I suspect it's the preferred way going forward in any case of doing it. So I think we need to consider whether we in fact direct the CCWG that that is the path it takes. Thank you.

Jonathan Robinson: I don't know where I have this opinion from but it certainly feels to me like that's what we should be doing. I can't reference that in fact, I mean, but you actually make a good rationale point for why that is the case because it would, by definition, in a sense limit the life of the CWG whereas the other potentially makes the CWG open ended.

Notwithstanding that sort of process or practical point it was my understanding or is my understanding so far – and I'm happy to be challenged on it of course, that the job is to set up the processes and mechanics by which the money might be managed rather than to manage the money.

Alan Greenberg: Yeah, if – Jonathan, if I – I have a follow on. It scares me to think that we have a CCWG which essentially will have – almost certainly have open

attendance from anyone who wants be the place where people come to campaign for how to use the money. That process should be something that is done under a far more controlled environment. So I think that's an extra argument for why we might want to actually make that decision and not let the CCWG make it itself. Thank you.

Jonathan Robinson: Yeah, okay good. Erika.

Erika Mann: Yeah, I agree with you. I like the discussion very much because I think it helps to framing to concentrate on the process and the mechanics. Plus I think it helps us as well to understand the limitations as well because I am still to some degree concerned because we haven't gotten the answer from legal and we will have – and the board is meeting in Amsterdam soon. And we will have a discussion in the audit committee with our auditors about these kind of topics.

Because there might be still limitations we haven't fully understood because we are working so hard and we sometimes don't have the time to focus to understand all the limitations for such kind of fund and the money how it will be allowed to be distributed because there might be, you know, limitations stemming from legal requirements and – or audit requirements. So we will look into this. And I ask – I asked our finance team to get a good overview and a good understanding about this as well.

So I like this approach very much. So I just would add – a lot to add in our thinking to understand the limitations as well if there are some, and if there are some which are serious and are referencing back to legal requirements to list them as well.

Jonathan Robinson: Erika, you've helped me think of something here and that is very useful is actually there are – we've phrased our initial question of this agenda, number one, which was the legal constraints or issues. But actually they are probably slightly broader than that and so I think we can put – if you'll accept it – an

action back onto our board liaisons to come back to us with not only the legal, you know, with the help of ICANN Legal, not only the legal constraints that this funding might be subject to, and that's applicable law plus ICANN's constitutional documents, but also the tax and other constraints.

So any constraints need to be defined, and they're not simply legal. They're legal and financial or tax-based constraints. So we need to know that because our charter needs to constrain the work of the CWG accordingly. And so that would be very helpful to understand that and you raise a good point.

Erika Mann: Jonathan, let me add to this quickly that's exactly the questions I raised to Xavier to the team working on this. And I asked them already at the last audit meeting which we had to foresee this and plan exactly to answer these questions at the next audit meeting which we are going to have in May in Amsterdam.

So what could be – help us as well if when you review, you know, the question Russ and I raised or any other points you have in reference to our work if you would send this to me and to this team here then I can send this or Marika can do it – send it early to Xavier so that he can put this forward as well to the auditors and to anybody else who needs to send these questions to. Totally agree with you.

Jonathan Robinson: Okay thanks very much. So let's go then to Alan next.

Alan Greenberg: Thank you very much. I may have missed it at the beginning. Do we have a prognosis when we're going to get something from Sam? If not I have...

Erika Mann: Marika, can you answer? You had I think a discussion with her or (Lauren). She's still so much busy on the bylaws draft. She just came out of a drafting. So I think we have an early draft. Marika, is this true?

Marika Konings: This is Marika. I haven't seen anything. I do know it's on Sam's radar screen but I also know indeed that she's absorbed by the work on the bylaws. (Lauren) actually may have a further idea of where the work stands.

Jonathan Robinson: (Lauren), feel free to come in if you'd like to.

Alan Greenberg: Regardless of the answer – it's Alan – I would like to suggest that even if we don't have a document for the next meeting that Sam try to find 15 minutes out of her schedule and talk to us.

Erika Mann: No she has one. So I spoke to (Lauren) today and we have an early draft. They are internally reviewing the draft. I don't know how far they are. But I'm pretty sure we will have the next meeting.

Alan Greenberg: Okay but I'm just asking...

((Crosstalk))

Alan Greenberg: ...if per chance we don't have one could we have someone to talk to about it? I'll give you the reason why. In her first comments Sam said we are constrained by some very carefully drafted language in the Applicant Guidebook. That carefully drafted language is in two footnotes – is in a footnote when it's described. And as I read those footnotes, there's two paragraphs, the paragraphs are in conflict with each other. And I think it's really good that we get some clarity. And even if we don't have the document at least if we could have a discussion about it I would appreciate it. Thank you.

Alan Greenberg: Okay thanks, Alan. Let's hear from (Lauren) then and see whether she can help us out here.

(Lauren): Hi, this is (Lauren) for the record. I had spoken with Sam briefly yesterday and I think she was intending to make this call. But they did get held up quite

a bit with the bylaws work. But there was an initial draft that her and Xavier from finance, just to your earlier point, were working on together for discussion draft of all of the different restrictions. So I know that there is a draft that is forthcoming. So I will touch base with her after this call or Marika can indeed just to get an update. And I'm sure it will be circulated very soon.

Alan Greenberg: Thank you.

Jonathan Robinson: Okay, (Lauren), we'll rely on you then to come back to us and help with that as much as you can that would be very useful. That feels like as much as we can do for now. So let's try and capture where we are. We've got the good work that was done in trying to review the public comment and the issues as to how they might relate to the charter that as done by Russ and Erika. The plan here is for us to go through those as members of the drafting team, seek to agree or disagree or supplement those points and ideally flag where they might fit into the charter.

In addition staff will then go through the charter itself or the draft – the charter template and start to assist us with – I'm trying to think of the phrasing we used here, the kind of example or default content for the charter so that we can start to have something to test our views against. And we will go back via staff to try and ensure that we do get any legal and/or other constraints that might exist for our work. And with that, we should be able to start to make good progress on the charter document itself or at least on the – on this template.

It feels therefore that we need a – we're talking about having a longer meeting to work through one or more of these documents. Now our schedule is to meet every two weeks, but having skipped a week and then put this – or skipped last week and then put this in. Our next scheduled meeting is for one hour on 28 of April, next week.

As it happens, that's a very – that's a difficult time for me. So can either go ahead with Alan in the chair or we could skip to the next week and make it a two-hour session, which may be more practical in fact. So let me take any advice you have on that. So currently we're meeting every two weeks with an objective to try and have something reasonably substantial in place I would think by Helsinki or that's starting to – I think that's probably doable. That certainly feels like the objective.

At the moment just to put you in the picture, we don't have a scheduled slot in Helsinki at the ICANN policy forum meeting. So those are my thoughts. What do you think about skipping next week and doing a two-hour meeting the following week or do you feel it's necessary because we do need to balance this by getting some momentum. Any thoughts on this?

Alan Greenberg: It's Alan. I support the two hours in two weeks. My gut feeling is if we have the rough draft moderately quickly, and knowing Marika we will, I would say – and we do our homework so we go into it having read it and already thought about it, I think we're going to come out of that meeting with something moderately close to a draft of the charter. So I strongly support that method.

Jonathan Robinson: Okay and I see from Lyman and Erika also support and Russ in fact. So that feels like where we're going. Now a couple of things there, one of things we'll have to decide is, as you say, Alan, it depends partly on the quality and depth of our homework whether our focus of that meeting – originally that meeting was suggested to deal with the document and work that Russ and Erika have done.

We could even have got so far that we are reviewing the charter template. I guess we can hold off on making that decision for the moment and just prepare ourselves for that. As the work gets done by staff to put the proposed content in – or default content in the draft – in the charter template and the rest of us review the work of Russ and Erika, we may find that the obvious path comes out of that.

Alan Greenberg: I think it's going to go faster than we're expecting at this point. If we do a bit of homework.

((Crosstalk))

Jonathan Robinson: Yeah, exactly, let's hope so. Before going to (Lauren), one other point I would like to say that I don't believe – I just quickly checked my diary and there didn't seem to be something in there so I'm not sure a diary invite – so if staff could make a note of that please put to calendar the next appointment if they're aren't – I've got one for the 12th, I was looking for the 5th because two weeks from now – I was expecting one to be on the 5th. Maybe someone can help orient me and the one I see in my diary is in the 12th now at 2100 UTC. I guess 12th and 26 are the next ones.

((Crosstalk))

Erika Mann: Wouldn't we be talking about the – maybe the 4th of May?

Jonathan Robinson: Fifth of May.

Erika Mann: Or the 5th. So 5th is difficult isn't it?

Alan Greenberg: The 5th is two weeks.

Jonathan Robinson: Why is it difficult?

Erika Mann: Isn't the holiday in some countries? For me it's fine but I know that some colleagues might have difficulties. I don't know where it would be a holiday Ascension day so could be holiday in some countries.

Marika Konings: Yeah, I believe it's only a holiday in some of the European countries but looking at the list of members I think, Erika, you're probably the only one directly affected...

((Crosstalk))

Erika Mann: I'm working so for me it's fine.

((Crosstalk))

Jonathan Robinson: Look, that could be really good then. We meet in two weeks time on the 5th and then a week later on the 12th even and that might give us some real momentum. I happen to have difficulties with the 19th so let's go ahead with the – leave the 12th as scheduled, meet in two weeks time as proposed. And then see where we go with those two.

Erika Mann: Yeah, I like this.

Jonathan Robinson: Yes, two hours on the 5th of May. Correct, Marika. So we just need a time for that now. Now normally it should alternate from this time, it should be probably a 2100 UTC which is not the happiest time for those of us in Europe but it does accommodate better Asia and US. So I guess that's the alternative time, we agree, we agreed to swap between the two. Although it turns out that the 12th is scheduled for the 2100. So I guess the one option we could do is stick with the 2100 on the 12th and bring in another 1400 now on the 5th.

The only one...

((Crosstalk))

Marika Konings: Yeah, this is Marika. Just to note on the 12th it was actually indeed put on at the 2000 UTC otherwise it would conflict to – with the Council meeting. So if

there is a time that you want to change to provide alternation it would need to be on the 5th as otherwise there would be a conflict if you move the 12th call to the other time.

Jonathan Robinson: All right, I know Asha is not going to be very happy about this. Is anyone else on this call not happy with the 1400 on the 5th followed by the 2100 on the 12th?

Alan Greenberg: Little bit early for those on the West Coast of the US but only a little bit – 7:00 am which is not an unreasonable start for meetings given the time some of our meetings start.

Jonathan Robinson: All right well let's go with that and then we'll continue to alternate thereafter. So it fits with the alternation and there isn't an easy way to change the – there is a reason not to change the 12th. So let's go with 1400 on the 5th, 2100 on the 12th and continue to alternate thereafter, the 19th of May is a question mark for me and we'll make that decision a little bit further along.

Marika Konings: Jonathan, this is Marika. Just to confirm we're currently rotating on 1300 UTC, you're suggesting to change it...

Jonathan Robinson: I'm sorry.

Marika Konings: ...to 1400 or you want...

((Crosstalk))

Jonathan Robinson: No, no it's my error. I'm just making...

Marika Konings: Okay.

((Crosstalk))

Jonathan Robinson: ...1400 my time, I'm sorry, it's my error.

Marika Konings: Okay so 1300 okay we know that.

Jonathan Robinson: Apologies, yeah. Okay let's call it a day at that stage. Thank you very much, everyone. I feel that was productive and we have a plan also to continue with getting a bit of momentum behind us.

Alan Greenberg: Thank you, Jonathan.

Jonathan Robinson: Thanks, all. Thanks, Alan.

Marika Konings: Thanks, all. Bye.

((Crosstalk))

Russ Mundy: Thanks, everyone. Bye.

Erika Mann: Bye.

Terri Agnew: Again, the meeting has been adjourned. Thank you very much for joining. Please remember to disconnect all remaining lines. And have a wonderful rest of your day.

END