ICANN
Transcription
New gTLD Auction Proceeds CCWG Charter Drafting Team
Thursday, 16 June 2016 at 13:00 UTC

Note: Although the transcription is largely accurate, in some cases it is incomplete or inaccurate due to inaudible passages or transcription errors. It is posted as an aid to understanding the proceedings at the meeting, but should not be treated as an authoritative record.

The audio is also available at: http://audio.icann.org/gnso/gnso-new-gtld-auction-proceeds-16jun16-en.mp3

The recordings and transcriptions of the calls are posted on the GNSO Master Calendar page http://gnso.icann.org/en/group-activities/calendar

Attendees:

ALAC
Alan Greenberg

ASO
None

ccNSO
Will not be participating in the drafting team

GAC
Olga Cavalli

GNSO
Jonathan Robinson

RSSAC
Brad Verd
Kaveh Ranjbar

SSAC
Russ Mundy

Board
Board Liaisons
Erika Mann
Asha Hemrajani

Board appointed staff advisors
Samantha Eisner

Apologies:
Lyman Chapin
Tony Harris
Sylvia Cadena
Marika Konings (staff)
David Tait (staff)

ICANN staff:
Lauren Allison
Julie Hedlund
Glen de Saint Gery
Vinciane Koenigsfeld
Terri Agnew

Operator: The recordings are started.

Terri Agnew: Thank you. Good morning, good afternoon, and good evening. Welcome to the New gTLD Auction Proceeds Call taking place on Thursday, the 16 of June, 2016. On the call today, we have Alan Greenberg, Jonathan Robinson, Brad Verd, Russ Mundy.

Our board liaisons are Asha Hemrajani and Erika Mann. Our board staff adviser is Samantha Eisner. We have listed a policy from Lyman Chapin, Olga Cavalli, Tony Harris, Marika Konings, and David Tait. From staff, we have Julie Hedlund, Glen de saint Gery, V Koenigsfeld, Lauren Allison, 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, Johnathan.

Jonathan Robinson: Terri, hello, everyone. We've got (unintelligible) 90 minutes allocated to this call, and I think we will need to do some more work before the ICANN meeting in Helsinki. I will try and work with you to make this as effective and as short as possible, but as long as necessary.

So let's see what we need to do. We've had the Item 1 under the agenda, the roll call and statement of interest. You should have seen from circulated to you, an updated briefing note on the (unintelligible) and legal constraints.

And so we get (unintelligible) here, I hope, from Sam on what modifications have been placed there. My immediate question to myself was where does this fit into the chart, and I remind myself, and just for those of you who may not have remembered, as I didn't, it is linked from the principles section of the charter, and so we do make a direct link to this.

We don't try and summarize it, although elements of it are probably encapsulated in the charter (unintelligible) to this briefing note. So Sam, let me switch over right away over to you to just highlight any changes, revisions, or modifications that have been dealt with in the latest version of that note that was circulated to us.

Samantha Eisner: Thanks, Jonathan, and good morning, good afternoon, good evening to everyone. So a couple of weeks ago, I forwarded around an update to the initial fiduciary memo that we had provided. If you - the memo - much of the content is largely the same.

I did some changes to the structure so that we didn't lead off with the discussion of what was in the applicant guidebook, but rather, included in there but went into a little bit more of the purpose of the memo and the purpose of the group because I wanted to make sure that for the other readers is it would be attached to the charter had a sense of what we were looking for and try to make clear what limitations this memo was trying to discuss.

And then it's about how ICANN - or the types of considerations that could guide the CCWG in its work and the types of things that ICANN would have to consider at the end when it was making decisions about the ultimate - the recommendations coming out of the CCWG regarding a process for the disbursement of the funds. So with that - for structuring, I then went through and we've received comments on the memo on the earlier version from Jonathan, from Alan, and from (Sylvia).

And so I went through and provided updates that - I updated the memo so that it could address the different - the comments that had come in. So we wanted to be a little bit clearer about the types of things that we were discussing. We - some areas that I was very careful, the update for things that would help make clear that we were not trying to use this memo to limit the auction proceeds discussion to U.S. entities.

So either in the limitation or in the suggestion round, the use of 501C3 - the organizations that look like 501C3 -- that - I wanted to be clear that it was not a limitation, did not present a geographic limitation for things like that -- the lobbying and the political candidate support -- that those were not just U.S. limitations. So that - this could be (unintelligible) in a bit more broadly of a view.

And there were multiple items that I think needed to be cleaned up throughout the document. I think that it - with the revisions, it looks much better. There was a lot of new text added, but really not much of the substance changed. So I don't know if there's been an opportunity for the group to review it, if anyone has additional questions.

I'd be open to hear it if anyone has other, further edits or anything they'd like to send back to me. I'd be happy to take those on and then consider those to see if we can put them back in.

Jonathan Robinson: Thanks, Sam. I read it; I didn't do a detailed review like - and my impression was positive. I wouldn't mind having the opportunity to do that - a fuller review prior to the next call.

And has anyone else got any comments or questions from Sam - for Sam that they would like to…

Man: (Unintelligible).

Terri Agnew: And Jonathan, this is Terri. If you're speaking, I see that your mic is now muted. And (Erika), I see you have your hand…

Jonathan Robinson: (Unintelligible).

Terri Agnew: Oh, but your mic is not activated, (Erika). If you could please select the telephone icon on your top toolbar to activate your microphone. And (Erika), this is Terri.

I see that you tried to activate, but it's not giving you any options once you select the telephone icon. Would you like me to have the operator dial back out to you?

Erika Mann: Yes, (unintelligible).

Terri Agnew: Oh, (Erika), I think your mic is active now, if you want to go ahead and try.

Erika Mann: Exactly. I think it is working now.

Terri Agnew: Yes, it is. I confirm.

Erika Mann: Can you hear me? Good, wonderful. Thank you so much. Hi to everybody. I have one point that I just wanted to maybe confirm briefly that everybody is (unintelligible) on the page - they're on the page numbers, I think.

So I think more to the end, there is a reference under the - we supplement final output and then comes the mission of CCWG recommendation to the ICANN board. So I just wanted to confirm that we do have a discussion about this topic and on the board, in Helsinki. And if I'm not mistaken, it's one - it's a very early meeting.

I don't have - couldn't find the schedule now, but it's a very early meeting that we do have on the board in Helsinki about this topic -- just a confirmation that you're aware of this. Jonathan, can you hear me?

Jonathan Robinson: Yes, thanks, (Erika). Thanks a lot. I was just - were you saying, just to be clear, that this - the topic for the board is the CCWG on auctions proceeds or for…

Erika Mann: No, no, no, no.

((Crosstalk))

Erika Mann: It's a full report about the work we have done and it is not just one topic; it's a full report.

Jonathan Robinson: Thanks, (Erika).

Erika Mann: (Unintelligible).

Jonathan Robinson: Let's move onto other. That's good to know. (Unintelligible).

Terri Agnew: And Alan, this is Terri. If you're speaking, we're not able to hear you.

Alan Greenberg: No, sorry, I wasn't speaking because I didn't hear anyone call my name. There must have been a gap in the sound. Just a comment that if the board is - ends up in its deliberations, even if it's not a formal resolution of having any

input into the process, it would be good if that was fed back to us even as an informal sense of the board prior to the public meetings.

Thank you. Was I heard now?

Jonathan Robinson: Yes, you were, Alan. I'm just thinking about that when, you know, there's this - so (Erika) confirmed she will do that. You know, for the board meeting on the 24, I suppose, yea, that would be quite useful if anything that comes out of that could be said to (Bruce) -- any thoughts or input.

Go ahead, Asha. Yes, and I note in the chat that Asha said (unintelligible) before the drafting team (unintelligible).

Asha Hemrajani: Can you hear me?

Jonathan Robinson: (Unintelligible).

Man 1:   Yes, we can, Asha.

Jonathan Robinson: Yes, we hear you.

Asha Hemrajani: Okay, great. Yes, okay, no, I already typed it. I was basically - I was saying - going to say that since we - board will meet before the next GT meeting, so the news, we would be able to informally report back. So I just wanted to ask, actually, when is the next meeting for the GT - the one that will be in Helsinki?

Do we have a date and time for that? Apologies if that's already been made known, but…

Jonathan Robinson: Yes.

Julie Hedlund: Yes, we do. This is Julie Hedlund.

Jonathan Robinson: Yes, (unintelligible).

Julie Hedlund: Oh, go ahead. I'm sorry.

Jonathan Robinson: Go ahead, Julie.

Julie Hedlund: Yes, the meeting in Helsinki - while there's a cross-community session, that one is the afternoon of Tuesday. I can put this into the chat as well. That cross-community session is 3:15 to 4:45.

I don't think there is another meeting, but rather than take up time here, let me go ahead and put that into the chat and also into the note. But I'll also note that we do have a meeting scheduled prior to Helsinki right now.

At any rate, it is supposed to be on the 23, as noted here on the side -- 23 at 11 UTC.

Asha Hemrajani: Yes, so if it's 23rd, that will be before our 24th meeting. Then I was talking about the meeting prior - as subsequent to the - our board meeting on the 24th.

Jonathan Robinson: (Unintelligible) Julie (unintelligible), we have a plan to meet as a drafting team, currently to be confirmed during the course of this meeting and the Item 4 of the agenda -- a proposed time of 23 of June at 11 UTC. Subsequent to that, our plan is to have the workshop where we share our latest and (unintelligible) a near-final version of our charter with the community and get feedback at Helsinki.

So…

Asha Hemrajani: Thank you.

Jonathan Robinson: Thanks, Asha. So then, on the - moving on, then, through the agenda, there is an idea that we get, at this point - other note and I've just - taking it that there are no other questions relating to Sam's memo. Please do go over it in further detail or just read through it carefully beforehand so that you are able to provide any comments or inputs ahead of the 23 of June meeting of this group in case of the (unintelligible) point or - you'd like to make.

Sam, go ahead.

Samantha Eisner: One thing I didn't do, Jonathan, was provide our redlines to document just because there was a lot of stuff changed though not much substance changed. If that would be helpful for the group if I circulated our redline, I'd be happy to do that.

Jonathan Robinson: Sam, it will do no harm, so please go ahead and do that and, you know, those that are just - can do so. But primarily, from my personal point of view, my focus will be on reading the document and just reviewing it in its current form. But nevertheless, the redlines could be helpful to some, so please do that.

Samantha Eisner: Okay, thanks.

Jonathan Robinson: Thanks, Sam. So the next point in our agenda, having reviewed your notes, you were going to hear back from (Erika) and or/for Asha on the are there any other constraints or issues that they have - that have come up in discussions with external advisers to the board and (unintelligible) to our tax advisors if there's anything else.

My sense is that (unintelligible) or the finance - ICANN finance team has worked with ICANN legal on this, so there should be no surprises, but go ahead (Erika). Tell us this (unintelligible).

Erika Mann: I doubt - and (Summer's) on the call, so she can add as well, and Asha - I doubt there's much more to say at this state. We have finalized an internal - a document that Asha and I and (Stephanie) will present the day - topics we discussed including the ICANNs which are - might signal more need for, you know, commitment from the board.

So we will know more on the 24. We haven't had a chance, actually, to discuss this a lot with board members. We have talked about it with Steve, but even with Steve, because there's so many items in the moment going on, it's an - not a very in-depth discussion at this stage where I could - we could signal use - something to use.

So if you don't mind, instead of talking about, you know, vague feelings, I would rather reserve debate until the 24, and then we can give you a clear indication about the thinking of the board with regard to the more problematic topics which are related to legal judiciary and fiduciary responsibility. And they're - most of them are covered by, I would say, (unintelligible) covered by the document that Sam sent.

And it was done in cooperation with (unintelligible).

Jonathan Robinson: Thanks, (Erika). So I think that's fine. The only concern I have is a sort of mechanical one. Your meeting with the board is on the 24. We obviously have - I think that's the Friday - we have the weekend (unintelligible).

My mic seems to be coming up, okay. (Erika), if you could just (unintelligible) your mic (unintelligible) mute it for moment (unintelligible). Thanks. So the point being that it's just a logistics because what we'll want to do is try and pin down the draft of the charter and - ahead of the meeting and, ideally, circulate that.

So that's a logistical point we have to do. I guess we get a meet on the 23 and, ideally, we would be publishing the current state of the charter, even that

late before an ICANN meeting. But given that we're meeting on the 23, that's all we can do. I just - we won't have an opportunity to review anything with the group, so I guess, although you can give the group a preview of the outcome of your - or some kind of indication of your outcome of your 24th meeting, it won't impact unless it's a risk of emergency.

It won't impact the charter that's presented to the community at the workshop. So I guess that input may need to be given. It's really - what you'll be giving this group is a sort of forewarning of the inputs you are likely to add into the workshops.

How does that sound, (Erika)? Your hand's up anyway and so let's go ahead with that.

Erika Mann: No, I think this sounds good. And I mean, the topics, you know, which might weigh some concerns - or not concerns of where the board probably would want to look into - I would want to understand in particular from our legal team and from (Savier) on the questions which carry - you know, to know which kind of liabilities the board might carry and responsibility.

And this will actually will depend, of course, how this future structure of the auction proceeds will be structured and what kind of legal character it will have, who will be responsible for the allocation of the money. So these kind of things which I sense from - and I'm sure Asha and Sam and you can confirm this - these are the questions, you know, when we have informal discussions (unintelligible) what we sense where board members are concerned about and the same of the - which we discussed when Alan - with Alan who weighs similar topics.

You know, how do you interpret the mission statement? So it is the - and (unintelligible) indication of the borders of the mission statement for, you know, the distribution of funds. So these are the issues which are very similar to what we discussed already in the past.

But these are very early indications, and I think Asha would love to come into. Yes, the diversity she mentioned, this might raise some points as well. I don't know if he can talk.

Jonathan Robinson: Thanks, (Erika). (Unintelligible). Go ahead and talk if you are…

Asha Hemrajani: And (unintelligible), this - I'm - can you hear me now?

Terri Agnew: Yes, we're able to hear you.

Asha Hemrajani: Okay, great. Sorry, yes, I'm in a very noisy place so I'm just muting myself all the time. The - I think (Erika) summed it up really nicely. So in addition to what she just mentioned, there are three or four other areas we will be discussing it with the board, which I've typed out.

And I think - sorry, Jonathan, you summed it up also. You were spot-on in that whatever we are able to glean from the meeting with the board on the 24. We - that will serve as preliminary input for the workshop, but unfortunately, not for the 23rd.

So I just wanted to say that - make that very clear in terms of expectations. Thank you.

Jonathan Robinson: Yes, thanks, Asha. I think the balance there is just - is to be and appear to be coordinated on this. And I think we're okay. I mean, as you've rightly pointed out, I think (Erika) pointed out, we would reasonably expect to stand note based on the input of the ICANN finance and legal team is going to cover significant substance and to the extent that there are other additions we can obviously hear those and giving us forewarning of those will be great, but it's not - we've been pretty coordinated as we go up (unintelligible).

All right, so let's move on then, as far as the agenda's concerned, and (unintelligible) can probably move onto ICANN 3 now and look at the latest draft of the charter and just cover up any additions or modifications that are being made or hear any other inputs that the group would like to make at this stage. Okay, thank you for sharing that. It should be shared in all of your screens now and it looks to me to be nice and clear.

I must admit I have a decent-sized screen, so those of you on a smaller screen may have difficulties. But what we have in front of us is the latest version with some recent comments. So let's try and pick these up and thank you, Julie.

You've (unintelligible) that if we can move the document as we keep it. So under the very first section - oh, I see, I'm quite far down the document. Let's go back up then (unintelligible) and see where we get to there. All right.

So what I will do is I'll try and highlight to you clearly where I am in the document and, therefore, where we could and should be discussing. I - you know, there have been variations. And if you want to pull me back to a particular section, say, look, I don't agree with or would like to see change, let me know.

But my sentiment is the first thing we need to discuss is under scope where (Sylvia) puts a comment in and she seeks to change the use of the word "furtherance" there with - "in-line with" - or I thought we had discussed this before actually because I would have used consistent with ICANN's mission or in line with ICANN's mission. So yes, I'm on page 3 on the very top bullet where (Sylvia) comments.

I would like clarification about how much we will - how much will the use of this word will widen the scope. And she seeks to replace "furtherance" with "in-line with" or - and I'm suggesting - or "consistent with ICANN's mission",

which I think has the same meaning. And personally, I'm in agreement with that change and would like to see - I'm supportive of that change.

If anyone is not, let me know, otherwise I suggest you head with (Sylvia's) change.

Jonathan Robinson: Thanks, (Erika). I note your plus 1 in the chat, but I'll take agreement as red unless you come back and object. So Asha supports "in-line with" and (Erika), too, so let's put that wording "in-line with ICANN's mission" and go ahead and Russ, thank you for your check right there as well.

So moving down through the document, then, I'm accepting the various changes are given - are taken as a red unless you call back to me and say, look, hang on, I've got a concern with a change. I'm really looking for comments here where comments have been inserted.

But if you do have concerns with the changes, these should reflect what we have previously discussed. Let us know. And you haven't.

So right now, I'm on page 5 where we talk about the appointment of the chair. I'll give you a moment to get there.

And (Sylvia) notes that she added Alan's emphasis to anyone taking on a leadership role, that they should be - they'll be taking on substantially higher levels of commitment than regular members or participants in the group, which is a useful not to anyone taking on that level of responsibility as ICANN's well-attested to.

And then we come to a point on page 6 under Group (unintelligible), Dependencies, and Dissolution. The last paragraph is described - it describes dissolutions and it's - there (unintelligible) the CCWG will be dissolved indicated by the charting organization prior to completion can be requested

by the CCWG chair. My question, whether we meant CCWG chairs or charting organization chairs, yes.

CCWG shall be dissolved following the completion of its work as indicated by the chartering organization. Further, dissolution of the CCWG prior to completion of its work can be requested by the CCWG chairs. I actually think we do mean CCWG chairs.

It does seem at this - but I guess it's - you know, you wouldn't - that does seem like we mean CCWG chairs. If you're imagining the CCWG chairs are running the groups, they find that they really can't make progress. They're absolutely stuck and they then make a request to dissolve the group.

Now, that dissolution would - could only happen on the - with suspension of the SO and AC. So they would be - their request would be going back to the charting organizations. But it would originate with the CCWG chair, which is what it says here. So (Erika) asked that I read the full text, and what is says here is that the CCWG shall be dissolved in completion of its work, as indicated by the chartering organization.

And furthermore -- separate sentence, new sentence - dissolution of the CCWG prior to completion of its work can be requested by the CCWG chair. Such a request could be a result of deadlock, changing circumstances, and/or lack of volunteers. So we're really saying it's not a big thing; we're just saying that the CC - under certain circumstances, we empower the CCWG chairs to request dissolution.

And so I think that's a red herring and I think we can simply go ahead with that, unless someone feels otherwise. Go ahead, Alan.

Alan Greenberg: No, I think it's quite appropriate. The one option that is not explicitly mentioned is to be blunt incompetence of the CCWG chairs. And the

chartering organizations may well decide to change the chairs and go and say (unintelligible) try again.

So there's all sorts of possibilities, and I think the wording we have is fine.

Jonathan Robinson: Yes. They could just simply - the chartering organization could reach out to the group with (unintelligible) there are other possibilities; you're right. Russ Mundee.

Russ, go ahead.

Russ Mundee: Yes, thank you, Jonathan. I guess the - my concern with the wording here is not so much lack of clarity of what there as lack of completeness, if you will. And that is if the chairs would decide to make that request, I'm assuming it would be to the chartering organization.

And the questions that I have, though, is do the chartering organizations have to approve that or does de facto making the request essentially dissolve a standing CCWG itself? So it seems like it would be good to have at least a little bit more wording there that would say what was the result of the request or did it have to be approved or when they requested it, that - you know, the dissolution occurred at that moment and it was back to the SOs and ACs to do something, whatever.

So I think it's somewhat incomplete about what happened. Thank you.

Jonathan Robinson: Thanks, Russ. Thank you, Russ. In my view, it is made complete by the next sentence which says before deciding whether to dissolve the CCWG, the chartering organizations I expect to consult with members or participants. In other words, it was clear that not only is it not the CCWG chair's prerogative, but it is the charting organization's prerogative.

They have an obligation to undertake some due diligence. So in my view, it is covered by that subsequent sentence. Alan, did you have a further response?

Alan Greenberg: No. In the same line that the - the very last phrase, that they have to make sure there is no other alternative to - then dissolution which implies they do have options to not dissolve. I don't mind if it's further clarified, but don't - I think it's sufficient as it is.

Jonathan Robinson: Okay, well perhaps that (unintelligible) that was - is sufficient for us, and all of us, come back to us if you need it. Go ahead.

Man 1: Thank you. As long as others feel that it's sufficient, I'm fine with that. I just wanted to point it out if others were seeing a bit of incompleteness, but if others are fine with it, so am I. Thank you.

(Unintelligible)

Jonathan Robinson: Going to move us on, then, in the absence of any further comments on that, on to the next session, which is that on Expert Advisors. And here it says if the (ccW) needs additional educational briefings, it should identify such requests.

And (Silvia) comments that she doesn't think it will be up to the (ccW) to determine that they'll need expert advice. It's key that they actually seek it. So that's a good point, (Silvia). It is a good point, and so maybe we could – what we could do is put a further sentence in here.

Well, I think we should leave it to (ccWG) to determine it. But we could do something like, "Strongly recommend that for specific areas of expertise, such as financial, legal and otherwise that the (ccWG) does seek relevant expert input."

Would that meet your concern? (Silvia)'s not here. Do others feel that that's a necessary addition and would meet with (Silvia)'s — (Erika) says she thinks it's a good point, and Asha is okay with it; well, she suggests, actually, using "strongly recommend" rather than actually forcing the (ccWG), which I happen to think is also the correct way to do it.

Alan, go ahead.

Alan Greenberg: The only potential issue is if such expert advice comes at a price, and there is pushback from the Board, for instance, that we shouldn't be spending real money on this. And for that reason — and of course, in this case the money could come from the auction proceeds. And we may want to think about whether we have a provision to allow that to happen, for instance.

But having an explicit provision saying we recommend it gives the (ccWG) a stronger position to say we may need to pay for it. My personal opinion or thought is we will likely be able to get all the expert advice we need without actually paying for it.

But there, you know, we don't know exactly how this will play out, so I am happy with this suggested change, and we may want to think about whether we should be silent or not on whether if there are expenses, where do they come from. Thank you.

Jonathan Robinson: (I'd rather not) come to you — as your next subject, would like while people respond on this point, I note that last sentence, and I hadn't picked this up before. The last sentence says, "If additional costs are involved, prior approval must be obtained from the chartering organizations."

I'm not sure where that comes from and whether that is appropriate. And really have fully developed mechanisms for how to deal with the incurrence of costs by (ccWG) and the processes for dealing with that. It's a sticky hot topic, given the extent of expenditure on the IANA-related work, so I do want

to think about that last sentence. But let me get back to Asha for the moment. Asha, go ahead.

Asha Hemrajani: Yes, thank you, Jonathan. So I wanted to address a little bit of what you just said as well as what Alan just said. So I do agree – I think there would be outside expert advice that would be required; mostly legal, finance and — I mean this can take several forms.

First, the first priority would be to get that advice and expertise in-house, so that we do not have to go outside and spend a lot of money.

However, if we do realize that we — if not we, but rather the (ccWG) — feels that they need expert outside advice, the issue there about – and to address Alan's point, which I'm very, very focused on myself, because of my work in the Finance Committee, is that if there's a proper budget done and the budget is sent to the SOs and ACs…

For instance, the (ccWG) feels they need Expert X, and Expert X will cost Y dollars, and this budget is approved, discussed and agreed with, all parties concerned, and that budget is not surpassed, then I don't see there being an issue.

I don't – I think there would be a possibility that advice would be needed from areas apart from Legal and Finance. It could be, for instance, on how to spend – how to give money well, or philanthropy or, basically, learning from people who have run other foundations. It could be something like that.

I don't want to restrict it to only Legal and Finance, but I just want to emphasize that A) if we need – if they need advice, we should try to look for it in-house; and B) if outside advice is required, if a proper budgeting is done and it's agreed with all around, I don't see an issue with that. Thank you.

Jonathan Robinson: Now before we move on, I'd like to try to capture that, and if it turns out that others disagree with it, then let me know, but we've only got two key points we need to capture here.

It's first that the (ccWG) should have in its prerogative the opportunity to determine that it need either additional educational briefing or expert advice. So it should have that.

Second — and this deals with that last sentence and the point that Asha made — if additional costs are involved — and here I take issue with the second part of the sentence. It says "Prior approval must be obtained from the chartering organization." This isn't correct.

I think we should say, "Prior formal approval must be obtained via the appropriate mechanisms." And the reason I say "by the appropriate mechanism," because it may or may not be, at the time of the formation of the (ccWG), because we have a specific mechanism in place for funding at the (ccWG), but absent that, we would use the normal budgeting process as Asha referred to.

So I just it feels to me that those two changes would give the scope for the (ccWG) to be able to get the relevant expertise it needs and for it to do things by the appropriate sort of (processing). So let me go now to Sam Eisner, who's been waiting patiently. Go ahead, Sam.

Samantha Eisner: Thanks, Jonathan. First I think that that's a really great suggestion on the modification of that language.

I raised my hand to address a comment that I heard from Alan, which is a suggestion that maybe there should be an inclusion in here that the funds could be available from – maybe from the auction proceeds themselves, to just (fund) the expert work if external paid expert work is needed.

And I just wanted to raise a cry of caution that I think everyone around the community has been very careful to not spend the auction funds yet. I mean, we've (agreed that funds) within ICANN we haven't allocated it anywhere.

And so I think there would even have to be a community discussion about whether or not those types of expert funds could be used from the auction proceeds. So I'd encourage the drafting team to not include any suggestion that the auction proceeds funds were available for expert work of this type as this point.

Jonathan Robinson: Thanks, Sam for that input. I'll go straight to Alan then.

Alan Greenberg: Thank you. On Sam's point, I actually agree on it. I was just pointing out that it's something we hadn't mentioned before, and perhaps we should mention whether we want to identify it as a possibility, as not allowed — as Sam is suggesting — or something else.

On the more general case of experts, ICANN has been using the term "experts" for AOC reviews and for other groups for a very long time now. And I think we've been blinded by the experience with external legal counsel on the CWG/(ccWG).

We have had expert advice in many, many groups — including the (ccWG) — and all we've ever paid is travel expenses. So it's not an alternative of in-house or paid. There may well be alternatives of people who will volunteer their time, perhaps in exchange for just some travel expenses if necessary; perhaps that's not even needed.

So it's not a binary decision between the in-house versus paid, and let's just keep that in mind. We've had lots of experience that there are people out there willing to volunteer, and the people volunteering on this chartering group are an example. Thank you.

Jonathan Robinson: Thanks, Alan. I believe the existing language covers that, and I think, thanks for reminding us. I think we take the occasional briefing and/or expert advice, and we simply say "if" additional costs are involved, prior approval must be obtained by the appropriate mechanism. We don't presume that there will be costs involved.

Alan Greenberg: Jonathan, it should be clear that the words were clear; the discussion we had wasn't. Thank you.

Jonathan Robinson: Thanks, Alan. Russ, go ahead.

Russ Mundee: Thanks, Jonathan. I am in agreement with that concept that yes, we get from the ICANN perspective a lot of help from people on a volunteer basis, and in terms of the sort of philosophy of our drafting team here, it seems like the current proposed wording is the right type of thing to include in our charter, where essentially the way I parse the words, "We" –the drafting team – are instructing the (ccWG) that they have to address this question.

And a part of appropriate approval is "they" – the (ccWG) – need to address the question of appropriate approval, if it is required, but it's the (ccWG), not us, and it doesn't identify the source of funds at all. And I think the general wording is real good for what we have now. Thank you.

Jonathan Robinson: Thanks, Russ. (Unintelligible). I'm going straight to Asha.

Asha Hemrajani: Can you hear me?

(Unintelligible)

Jonathan Robinson: Yes, we can.

So we can't hear you now. We did hear you when you asked…

Asha Hemrajani: Can you hear me? Can you hear me?

Jonathan Robinson: I hear you now.

Asha Hemrajani: Okay, sorry. All right. Thank you, Jonathan. Yes. There's a very slow reaction with this mute – on mute button.

But I wanted to go back to what Sam had mentioned. So Sam, did I hear you correctly? You were saying about that the idea of using the funds – a portion of the funds – for funding the outside experts would be something that we shouldn't consider in the beginning, or would be an area of sensitivity?

Samantha Eisner: What I was saying is there would be an area of sensitivity, and so any decisions to use the proceeds themselves to pay for expert – that might require – might be requirement on the paid basis should be subject of a community discussion and not just entered into the charter by the drafting team. That was my suggestion.

Asha Hemrajani: Yes. So Jonathan, if I may just continue on for that. I really, just wanted to clarify that's what my understanding was and I definitely agree with what Sam has just said. I think that would be an area of sensitivity, so we have to be careful about that. So I would support what Sam just mentioned.

And I want to go back to what Alan said earlier. I totally could not agree with you more about it's not a versus; it's not an internal expert versus outside counsel thing. It can be only – it can be leveraging our wonderful expertise that we already have in exchange for travel costs, for example. So I have no issue with that.

But even if there are travel costs, everything has to be budgeted from a – to avoid the scenario that we had with the (ccWG) accountability. Part of the shock we got with the massive costs that we incurred there was because we

had no visibility a year ago, or 18 months ago, as to how much we would end up spending. Thanks.

Jonathan Robinson: Thanks. So your first point, Asha was consistent with that from Sam, and from what I understood Russ to be saying. So I think we're in good shape there.

All right. I think I'm going to nudge us on, then, to the next. We seem to have dealt with this adequately now.

So the next point is the bottom of Page 6 on Staffing and Resources. And here there's this – I guess what we could insert here, I just thought, given the conversation that's taken place here, we should probably insert at the bottom of this, and I'm proposing an insert here now.

The very bottom of this paragraph it says, "The (ccWG) is encouraged to identify any additional resources beyond the staff (finds) the group at earliest opportunity, preferably as part of its workplan development, to ensure that such resources can be identified and planned for."

And then I guess I would be tempted to put the same sentence that we had previously: "If additional costs are involved, the appropriate processes must be followed for approval." So that ties into what we said previously. That, of course, is not the comment that we were going – (Erika), go ahead.

Erika Mann: I wonder, Jonathan, if we should not maybe go a step further and make a recommendation that "proper methods must be established following established procedures."

Jonathan Robinson: The reason I was keen to put appropriate processes (unintelligible).

Your mic is still live, I think, (Erika), thanks.

The reason I was keen to put that on was because we simply don't know what those processes are. There's no, as yet, as you'll be well aware, there's as yet no clear appropriate process relevant to (ccWG).

So at the moment all we have is the regular ICANN budgeting processes. So in my mind, it's important to put – have a generalized recognition, "a process must be followed," rather than simply ad hoc incurrence of expenditure. And that's what I was trying to achieve.

Erika Mann: Jonathan, can I continue?

Jonathan Robinson: Sure. Go ahead.

Erika Mann: I agree with you. I just was saying these processes shall follow well-known procedures. Without going into detail, just to say, you know, there are giving indications that in principle, all funding environments – in expenditure environments – there are well-known procedures already in place.

So not just saying they shall be established, but they shall follow. You know, you could say "state of the art," or they could follow proper procedures. Something like this just to add to what you are saying. You just repeat maybe your sentence. I can't see what is written on the right side. And it would be nice if you could read this…

(Unintelligible)

Jonathan Robinson: Yes. Just cut the microphone, (Erika), and I'll respond. Thanks.

Yes, so what I was saying was, the reason I worded it as I did was to say that that the use — that if additional costs are to be incurred, such costs need to be approved by appropriate processes. It's simply not clear to me right now what the appropriate process will be for this group. So it's hard to proscribe what that is.

Typically, the only process we've had for the approval of funds at ICANN in the past has been the budgeting process. And that's the only basis on which approval of expenditure has taken place.

But as you know, there's been significant expenses incurred in other (ccWGs) and it's now caused some work to be initiated, which is not yet concluded, as to how expenditure is budgeted for and managed within (ccWG).

So it's just that's why I wanted to use the words "appropriate processes." That was why I was suggesting that. I'm not sure we can specify any further than that at the moment. Thanks, (Erika).

Alan, go ahead.

Alan Greenberg: Thank you. I just wanted to support what you were saying. As an AC Chair, and Jonathan, as the CWG Co-Chair, there is nothing to (bear). It's often been nothing but obfuscation about how one gets an expense approved that was not predicted a year ago. You know, typically you ask someone, and that someone asks someone, and a vague answer comes back saying "No" or "Yes."

So to say that we have well-known procedures, I don't think is accurate. And I fully support what Jonathan is suggesting though. Thank you.

Jonathan Robinson: Okay. Thanks both, then, for that.

So let's go on to this point then. And I think this is yours, Alan. If it's one about the operation in English, and (Silvia) then agreed with you. And have we covered this now? Has this comment been adequately addressed? The fact that the group will operate in English, and therefore that participants should be sufficiently fluent, and so on. Is that adequately dealt with or not on this Staffing and Resources?

Alan Greenberg: Jonathan, to be clear, has a change been…

((Crosstalk))

Jonathan Robinson: Sorry, Alan. I don't believe a change has been made. I think the comment is there. And perhaps it's up to you to suggest relevant language in the next iteration of the document to deal with that, because at the moment, there's a comment that no (unintelligible).

Alan Greenberg: Yes, may I speak, Jonathan? A little bit of background. We were just talking about expenses. That's an interesting example. In the CWG, we had at least one person who was not fluent in English, and her contributions would have been significantly enhanced if we had had Spanish translation – or interpretation, rather. And the answer when that was requested, again, from this vague entity somewhere in ICANN was "No."

So it – presumably, based on financial implications. So I'm not sure we're in a position to say that ahead of time. You know, I have no clue right now what it would cost if the CWG or (ccWG) that's going to run for a year with meetings once a week, what simultaneous interpretation would cost. So for us to mandate it, I think, is completely out of order.

On the other hand, we do have to set expectations when we're going to do a call for membership. So I'm not sure the way forward. And I guess I'd like some input from our Board members, or whatever.

Clearly, we have a push for internationalization. That implies language issues. But we've never really wanted to step up to it other than translating paper documents or what we do at our public ICANN meetings. Thank you.

Jonathan Robinson: Any comments or responses?

Man 4:   (Unintelligible) deal with these people.

Jonathan Robinson: (Erika) (unintelligible). Go ahead.

Erika Mann: Yes. I'm always concerned about this topic because translation – these kind of translation costs – of really, interpretation costs, are very high. I have to deal with them all the time. So they're very intensive, and you need very good people. And typically, you know, it's not just one person you need for language, but you obviously need two. So it is a big factor.

So why don't we write something where we say, "Ideally, the working language shall be in English." And then this word, "ideally," there is an openness, and then it has to be discussed later what we do. And in case we will, the (ccWG) will have to consider it.

But I'm obviously concerned because even if you do, you have to work properly. For such a topic, it just slows down everything as well. It's not just the cost factor, but I agree to Alan's point. If you want to internationalize, that's part of the things you have to accept, of course.

Jonathan Robinson: Yes. And I know these are (unintelligible). But I see that Asha already made a suggestion, "Would this be an issue to be pondered off in our membership?" So the one thing we could say is something along the lines of the (ccWG) should give consideration to accommodating, on review of the membership – of the final membership – (ccWG) should give consideration to accommodating – to how to best accommodate non-native English speakers.

Something along those lines, so we put it in that there is a deference given and a recognition of the fact that there may be non-native English speaking members, and we need to look at that at the time. How does that sound? Go ahead, Russ.

Russ? Go ahead.

Russs Mundee: I'm sorry, I just had an emergency come up at home. I have to drop off the call now. Sorry.

Jonathan Robinson: Okay, good luck with dealing with that, Russ. Thank you. Then we're going straight to Asha Hemrajani:

((Crosstalk))

Asha Hemrajani: Okay. I'm unmuted. Can you hear me now?

Jonathan Robinson: Yes.

Asha Hemrajani: Yes, sorry, it takes me a while to unmute. So bear with me.

Okay. Wonderful. So I made this suggestion about making this – coming to this, or rather, pondering this issue after (though) we know the membership. But that's chicken and egg, because I reread what Alan wrote, and really the point is whether or not we make this a prerequisite at this stage.

If we make a prerequisite that we specify that members should be able to operate in English, then we are effectively shutting the door to non-native – to many non-native speakers, or to people who are not comfortable using English.

And on the other hand, so on the other hand, if we ponder this issue afterwards, it might be too late. So for instance, if we get non-natives – people who are not comfortable with or not fluent in English – we end up getting members of the (ccWG) who cannot use English very well, then we would have to figure out how we would accommodate them, and as (Erika) pointed out, the costs for translation is – can be prohibitively high.

However, I think I would still stick with my idea as to pondering the situation after we know who the members are, because maybe we would then figure out to what degree we need the translation. Maybe it's not all six UN languages; it could be just one or two, which would make things cheaper; a lot cheaper.

And/or maybe some other means of supporting that person who cannot work well in English. But the other challenge is that even if there is live translation, the documents we will be working in will be still in English. I don't see – I'm not sure — whether we have the possibility of translating that document into six different languages. It would be the documents at the (ccWG) we'll be working with.

So that's another issue to be taken into consideration. Thanks.

Jonathan Robinson: Thanks, Asha. We'll go straight to Alan.

Alan Greenberg: Thank you. To be clear, I don't think we were ever talking about the six UN languages, but if we allow –if we are not explicit in this charter, I can virtually guarantee we will have people appointed, or at least one person appointed, who will not be fluent in English at all and will need Spanish, and perhaps one in French. And those are the two key languages.

In the other regions, we're likely to find English speakers will be appointed. In those regions, that is not the case and people will jump on the opportunity if we leave a (hole in) for it.

So just to be clear, we will then either be in the position of funding simultaneous interpretation or telling these people that we are rejecting them. So just so we all understand where we sit. Thank you.

Jonathan Robinson: Thanks, Alan. I have a proposal for you and others and I would like to see if you will accept this. I think you make a - you're giving us an appropriate caution here.

And so here's what I would suggest - that we give the guidance that ideally, along these lines, and I have informed of the words completely here, but at the - in line with - we say something along these lines - in line with a CCWGs, and mindful of costs of running such groups, when we anticipate that - the drafting team anticipates that the work of the CCWG will be conducted in English. (Full stop).

However, the CCWG should review its membership at the outset and give consideration to appropriate facilitation of additional languages - additional language contributions.

I think, in my mind, that would both - that walks a careful line between being mindful of costs yet not being entirely exclusive and tries to walk that line because it's an impossible line to walk. We run some risks, but that's my suggestion. Alan, how does that - what's your response to that?

Alan Greenberg: You will get Spanish speakers and possibly French speakers as a result. I'm writing an advisory committee whose formal rules say we operate in English and people must be fluent and we have to have simultaneous interpretation of Spanish and French on all of our calls and all of our meetings.

We're dealing with groups that, at some level, are trying to push the points and I'm just making people aware that that is what will likely happen. So we can say whatever we want but be prepared for the results. Thank you.

Jonathan Robinson: Okay, so would you just feel comfortable with being firmer on that and saying, actually this group is going to run in English?

Alan Greenberg: If ICANN is not likely to say, yes, sure, we'll do French and Spanish interpretation on all calls and all the working groups within the call, then I would suggest we be firm, yes.

Jonathan Robinson: Okay.

Alan Greenberg: It's a judgment call on ICANN's part and we're talking him behalf of ICANN.

Man: All right, I mean, I (unintelligible).

Woman: Hello?

Man: I'm waiting - I (should come) off mute.

Woman: (Unintelligible).

Jonathan Robinson: I was waiting for Asha but I haven't heard her yet.

Asha Hemrajani: Hello. Can you hear me?

Jonathan Robinson: Yes, Asha.

Asha Hemrajani: Did you call Asha? Is it my turn to speak, Jonathan? Or - I didn't hear what you said earlier.

Jonathan Robinson: Yes, please go ahead, Asha.

Asha Hemrajani: Okay, thanks. Jonathan, thanks. So coming back to what you said about giving due consideration in the suggested text that you read out, the other thing would - the thing is, when you talk about giving due consideration, we have to talk about money.

So if we say that that we will work in English but that we will give due consideration to people who don't work in English or cannot work in - or are not fluent in English, there has to be somewhere written - something written along the lines of estimating what the costs will be in in getting that budget approved through the appropriate mechanism because before the budget is approved, we cannot say that, yes, we would accommodate these people.

So I'm leaning towards what Alan is suggesting about making - about a firmer line on this because if we're not, we're going to have that flexibility, then we have to have the - we have to write - say something about there being a budget and that budget being approved before we can say, yes, we can offer simultaneous translation.

The other point I want to make, is even if we do have simultaneous translation, it does not help us with the documentation. Thanks - the written documentation.

Jonathan Robinson: Thanks, Asha. I'll go straight to (Erika) and then try and capture this. Go ahead, (Erika).

Erika Mann: I wonder if you could not do the following. I mean, I'm - as I said before, I why they prefer to have this, like what Alan is recommending, to have an English because it's a focus group and it's a group that show work relatively fast and it's obviously difficult, this translation.

So I wonder if you just not put this in and then we will get responses back anyhow by the community. (See), the (reactions) are very, very strong and people are absolutely against it. We still can - I mean, it can then still be changed (the text).

Jonathan Robinson: Thanks, (Erika). A checkmark from Alan, and in fact, that's where I was heading as well. So we revert to or stick with the existing language which says - which - well, we need to get that into the text to make sure that (Lia) at

the CCWG plans to operate exclusively in English and that this is a consideration driven by costs and operational efficiency considerations.

So I think it sounds like we're there. We will include that in the text of the charter and we will see where that goes when we put that to the community when we test it - share it with the broader community.

(Operational) language of the CCWG in English and will capture that into the (staffing) and resources section of this charter as discussed. All right, thanks for your checkmark there, as well, Asha.

Let's move on. So here we look at - I don't see any other significant comments in the charter beyond that. So I will ask if there are any other comments or points people would like to make on the (charter).

And I will remind you of the (unintelligible) documents and the opportunity which many of you have taken advantage of to provide further edits between now and when we next meet. Sam, go ahead.

Sam Eisner: Sorry, coming off mute. I like the flying that one point that will be addressed, that will be discussed at the board workshop is the board consideration of the CCWG - of the (auction) proceeds CCWG recommendation section.

The - sorry, I know that there is a line in here that says to be confirmed by the - or - I'm not sure what that to be confirmed me by the ICANN board means in the highlighted, but I didn't want to confirm that this is still an item that's under discussion because this isn't - there has not been a default process will developed for the CCWG in general and how the board would consider those.

And the CCWG on accountability was a very - a specific issue and the board resolution on that was addressing a specific issue. So this is clearly one of those items, Jonathan, that you request at the beginning after the board

workshop in Helsinki to provide quick feedback to the group on the board position on this.

Jonathan Robinson: …Sam. So you're saying that this is not clear how the board will deal with the output of such a group.

Sam Eisner: Yes. So the CCWG on accountability, there's a very specific call for the board to identify how it would feel with the recommendations coming out of that group.

And so that led to a board decision in October 2014, a board decision based on the PDP process essentially and how the (board) considers the recommendations coming out of the GNSO and ccNSO.

And so that threshold itself actually creates a lot of deference and it creates a very high bar and a lot of process, and that's okay, right. It is what needs to be for certain groups, but the board needs to have a look, you know.

From the CCWG on, CCWG there was not a default recommendation of what the board should do with outputs of the - of various CCWGs. You know, there is a concern that, at least from my standpoint - and I don't know - I'm not speaking for the board.

I'm speaking from my view as legal counsel with the organization, that is not always appropriate to put that - to put the board into that level of deference. But there are things that really could help the group and the board in moving forward.

You know, the benefit, from what we understand, the reason is this was included in a charter as a suggestion was that there would be a benefit in having some sort of process that the people would understand what the expectations were of the board in the community in the board sticking on a recommendations and considering them.

And I think that that goal is something that we should all share, right? It's - it doesn't benefit anyone to have a charter that's silent on that or have expectations (support) that are silent on that.

Because the question is, does the importation of the process that was developed for a very specific group that was concerned that the board would, in wholesale, reject or just ignore it, recommendations, should that be the level that's brought in as a default or should there be - could we maybe incrementally move to what a default position could be in identify when the higher type of deference would be needed.

So I think that there definitely should be something in the charter and I would fully support something being in the charter that creates expectations between the group, between the board, the community, the participants on the CCWG about the types of steps that would be taken and whether or not the board should have any freedom to change the recommendations are not, right.

Because one of the hallmarks of the CCWG resolution was that the board agreed that it would not change in the resolutions, it would not supplement its (unintelligible) or for the community's judgment and recommendations and that doesn't require, you know, deference or anything.

That's just a statement, right. If the community's making a recommendation, the community should make a recommendation. But there could be other things, other principles like that, they can be taken.

And that would still give a lot of (unintelligible) the recommendations could be taken on well the board could consider whether or not that high level of deference that's reflected in the accountability resolution is appropriate as (maintaining as a) default. So that's really - those are the issues that the

board will be discussing or we anticipate the board will be discussing in Helsinki on that.

Jonathan Robinson: Thanks, Sam. I think I understand that. Your concern is about the (precedent) from CCWG and the level of deference that the board would take. In my thought is on this is I'm not sure we want to include this in the charter. But - and I'm not sure it's appropriate to go in the charter. (Erika), did you have a further from one point on this?

Erika Mann: I'm (split-y). On one side, I would love to see something mentioned in the charter at least saying that something needs to evolve or needs to be clarified describing the concern summaries because I think she's right, in particular, because of the known history of the CCWG in the mixed feeling from the board between being - wanting to be an observer or asked to be an observer but then seeing more involvement that's actually required.

So the on clarified situation, the board (itself) it wasn't particularly good and I think it's something we would want to avoid in the future. But I agree with you. I'm not sure if we can capture it in the language. But maybe we could frame a kind of sentence that that shall be clarified in the near future.

Or if we can't - if we don't want to write it in the charter, we might want to say it and want to mention it somewhere maybe in the workshop we're having so that we then get the feeling from the community and then we can - the group that is going to work on it can find a way of describing it in the future.

Jonathan Robinson: The (opinion is), this is more matter (to the cause) than for the CCWG. That's my opinion. I think it is potentially risky to get into this. I mean, it's clear that this is the community's group.

It's unusual, in the first instance, to have ICANN legal in such a group. It's unusual to have active participation of board members in such a group. Personally, I think they're both welcome and it's great to have.

But I would caution against attempting to restrict or (unintelligible) or in any way limit how the outcomes of these, apart from the precedent that Sam talks about, or the CCWG, in my mind, at least, that the board doesn't have to follow the recommendations of this group.

My sense is that providing they're reasonable recommendations, they would be well advised to follow them. But why would you want to get into a sort of tug-of-war now of the politics of whether or not, and to what extent the board should follow the recommendations of the CCWG?

My sense is, let the CCWG do its work. Hopefully it produces a reasonable set of recommendations and the board (unintelligible) accepting them. That's my thought on the matter.

Any other comments or thoughts on that? I mean, my suggestion is that the board - well, of course I can't - the board can do whatever the board will do and we'll almost and we want to discuss this but from a CCWG perspective, I'm not sure we need to set an expectation.

This is the community doing its work in this new - that we work in this cross community working group, so any thoughts or comments? (Unintelligible) typing in the chat. Thanks. You're very diplomatic. It's good to know my perspective. Go ahead if you'd like to (have) the mic.

Asha Hemrajani: Can you hear me?

Jonathan Robinson: Yes.

Asha Hemrajani: Okay. Yes, I didn't know whether this was on. So okay, yes, it is good to know your perspective and I'm glad we're having this discussion now. I am in (two) minds. I am not - I see pros and cons, both ways.

But I'm leaning more towards what you're saying which is, why do we need to be explicit? And maybe the sort of statement would necessarily - would be better placed of it was in the document.

I don't know what the - in the charter for the CCWG on CCWGs which means the document that the CCWG on CCWG is - I don't know what the appropriate or the correct term for that group is.

But there is a group that's looking at the role in the function of CCWG. And maybe that's where it would be stated that the output of a CCWG a recommendations for the board in the board has a prerogative to not follow those recommendations.

((Crosstalk))

Asha Hemrajani: But like I said, I'm leaning more towards what you had suggested and - or recommended. Thank you.

Jonathan Robinson: Thanks, Asha. And just to know Sam's chat in the background, is also the new empowered community and empowered with the community to raise their concerns of the future board actions.

In other words - yes, exactly. So I'm mindful of that as well, Sam, although I didn't mention it. I'm mindful of that as well. Let's pass the microphone to Alan Greenberg. Alan.

Alan Greenberg: Thank you very much. The board always is empowered to reject. They have to provide a rationale according to current practices and perhaps view bylaws. But there are always empowered to reject.

The only question is, are they empowered to change the recommendation as opposed to referring it back to a group? In the general tendency over the last

few years is for the board to shy away from making policy of its own and, instead, referring it back.

So I don't think there's room for a lot of controversy here. It's not always cast in concrete in formal rules. That certainly is the overall methodology that's being used for a while now. Thank you.

Jonathan Robinson: Right, thanks. Well, I think that's a useful discussion and just to - I mean, I do see - to Asha's earlier point, that it's - I think it was Asha. It's worth going back to a group looking at the rules for cross community working groups, their principles of operation in the public comments on the report recently and see how that - but from what Sam said, I think they're currently silent on this. So - but nevertheless, I'm not sure - it feels like we've had a useful discussion and that's helpful anyway, in this area.

Asha Hemrajani: (Yes, it is).

Jonathan Robinson: Thanks, Asha. Julie, we've got five minutes ago and I think we're about to come on to point four, then, to look at the date and time of the next meeting. Go ahead, Julie.

Julie Hedlund: Jonathan, this is Julie Hedlund. Just a quick question with regard to this discussion. So I'm looking at - and just because I haven't, you know, I am sort of filling in here and perhaps I missing something - I'm looking at the section and I have this (synched) now so you can see where I'm at - external decision-making.

And then I see, then underneath that, board consideration, interaction with CCWG and chartering organizations. And I see the highlighted text that says to be confirmed by the ICANN board. Is this the section that's discussed - that this discussion was referencing in this language here or am I completely off board?

Jonathan Robinson: To be honest, I hadn't known exactly which - we get into the discussion but, yes, I think it is and in accordance with (I'd say) that process. Personally, my (temptation), actually on the basis of the discussion, I would simply put a (unintelligible) the report and delete the rest.

And I think that's consistent with what we've discussed. In other words, we'll consider the proposal contained in this report will stop. We'll give due consideration to the proposals contained in this report.

That's what the board is - I mean, the board has no obligation and one sense, apart from its overarching obligation to the community. And so I think we can reasonably assume that the board will give due consideration to what's contained in this report.

I don't think we have a process to refer to at this point. So that's my proposal to this group, that we just sort of pull stuff off of the - we add that the ICANN board (direct) will give due consideration to the proposal contained in this report, (post off).

Thanks, Julie. And if others think I've misinterpreted that, please come back. But that feels like an appropriate perspective outcome from this discussion. And, of course, this is in the last word on any of this but it will be - we'll still review the charter further over the next week and try and - so just to be clear, then, as we come into the last couple of minutes of this call, our next meeting is scheduled for the 23rd of June at 11:00 UTC for up to 120 minutes.

Please do let us know if that represents a significant problem for you. And second, let's talk about what the objective of what that meeting would be. My understanding is that we will have made some edits and the forthcoming weeks to the document.

Will review those edits and essentially (unintelligible) the final draft of this charter to be circulated to the community at Helsinki for discussion and presentation - presentation and discussion of our workshop.

What states will be saying that the charter, is (out of that) point is, it's really - the group has done its work and while this isn't a formal charter for public comment, we're seeking to present it to the community, receive input and then modify it prior to submitting it to the chartering organization.

Can someone give me some guidance? I don't think we will be expecting to put this charter out for public comments, or will we? That's one process point I'm not sure of.

I'm expecting we put it out for discussion with the community. We take that feedback and in this group, simply submit it to the chartering organization. Alan, go ahead.

Alan Greenberg: I do not believe in the past we have put these out for public comment. I don't recall that the framework CCWG is looking - is suggesting as the future path, but my recollection is we have never put these out for public comment before. I could be educated on that if I'm wrong.

Jonathan Robinson: Thank you, Alan. Thank you, Alan. So absent sort of - or alternative guidance, I would expect that we agree on our charter as of next week, the 23rd of June. We submitted to the broader community for comment by view - by use of the workshop at Helsinki.

And we can expect that the board may come back with some comments of its own and some input into that. We then further refine the charter, and ideally submit it to the chartering organization shortly after Helsinki for prospective approval. And Julie confirmed that she - (so) she confirmed that that is correct, with no public comment. Alan, is your - that a new hand now?

Alan Greenberg: Yes, it is a new hand. My recollection is, however, that in the past, the draft charter has been submitted to the chartering organizations for comments and then further refined if necessary.

So that is a formal step, I believe, we have always followed because up until then, I may give informal feedback to - but my AC has never really seen the charter. So I believe we do have a step in the middle of forwarding it to the chartering organizations for their comments, I think. I'm pretty sure we have in the past.

Jonathan Robinson: Okay, well, we'll confirm the process in the next week and will be sure about that next week, and noted that we've effectively got an advanced apology from Sam Eisner for next week's meeting given the transit.

Okay everyone, I think that's a wrap. If there are any other comments or questions that you would finally to make prior to closing the call, please do let us know right now.

Okay, thank you very much everyone. Thank you, Julie, for standing in for your colleagues in doing a very good job of taking the notes there. And thanks, everyone, for your participation. With that, we can stop the recording and complete the call.

Woman: Thank you. Once again, the meeting has been adjourned. Thank you very much for joining. Please remember to disconnect all remaining lines and operator, (Angela), if you could please stop all recordings.

END