ICANN
Transcription
New gTLD Auction Proceeds CCWG Charter Drafting Team
Wednesday, 27 July 2016 at 12:00 UTC
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Attendees:

ALAC
Alan Greenberg

ASO
Sylvia Cadena

ccNSO
Will not be participating in the drafting team

GAC
None

GNSO
Tony Harris
Jonathan Robinson

RSSAC
Kaveh Ranjbar

SSAC
Russ Mundy

Board
Board Liaisons
Erika Mann

Asha Hemrajani

Board appointed staff advisors
Samantha Eisner

Apologies:
Marika Konings (staff)

ICANN staff:
Julie Hedlund
Vinciane Koenigsfeld
Lauren Allison
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, taking place on the 27th of July, 2016. On the call today we have Kaveh Ranjbar, Tony Harris, Alan Greenberg, Sylvia – pardon about that – Sylvia Cadena, Jonathan Robinson and Russ Mundy. Our Board liaison is Erika Mann. Our Board staff advisor is Samantha Eisner.

We have listed apologies from Marika Konings. Joining us a little later in the call will be Asha Hemrajani. From staff we have David Tait, Julie Hedlund, Lauren Allison, V. Koenigsfeld and myself, Terri Agnew.

I would like to remind all participants to please state your name before speaking for transcription purposes. With that I'll turn it back over to you, Alan.

Alan Greenberg: Thank you very much. It's Alan Greenberg. I'm leading the call for about a half an hour until Jonathan is freed up from another call. And I believe the agenda item is to continue on the comment tool and see how far we can get.

I kicked things off last night be putting some personal comments in and they have been added to, I understand, by Jonathan and by Lyman. Do we have the version – we have the version up with all three in I see so we're okay.

The first one, I think, if staff can correct me, but I think the first one is Number 7. The issue there is the commenter said it wasn't clear in the charter whether the funds can be used within ICANN itself. And my comment was I don't see anything that precludes it presuming the decision is made either by the community and some mechanism in the CCWG itself, or through the mechanism of the CCWG prescribes.

Clearly, we have had discussions, at least I have informal discussions on whether part of this money, especially if it's augmented by any new addition, can be used, you know, perhaps to add to the reserve or something like that. And I could easily conceive of other things happening within ICANN that would be good uses of the money. So from my perspective I don't see anything precluding it.

There are actually some comments later on which almost make it desirable or attractive to do it that way but I guess I'd like to open the floor. Tony.

Tony Harris: Yes, this is Tony Harris. I agree with Alan. I think that's a good idea to say this because there could be very useful needs for some of these funds within what ICANN is already doing. A good example would be the universal acceptance project, which is now flying and will need a lot of support.

Alan Greenberg: Thank you, Tony. Erika. We heard you before but I can't hear you right now.

Erika Mann: Alan, are you talking to me?

Alan Greenberg: Yes.

Erika Mann: Erika.

Alan Greenberg: Yes.

Erika Mann: Sorry, I just had a police car passing by. And I – it was so loud, apologies. I agree with you both. I don't think should have any language included that would prohibit this, in particular when you look ahead and you see that there will be probably more auction money coming into this fund and there will be more goals ICANN will have to fulfill in the future. So I think we should be very flexible here, fully agree.

Alan Greenberg: I guess one of the questions I have is should we be explicit that it's allowed? I mean, one of the suggestions was if we get, you know, for example, $150 million, an additional $150 million, coming in for, you know, a particular domain, should we put all of that money in the pile or are we perhaps looking at a decision before we get to the CCWG to cut some of it off?

The way I envisioned is that would be a decision of the CCWG to exclude some and not a prior decision, but maybe others have other ideas about that. Russ.

((Crosstalk))

Erika Mann: Can I continue?

Alan Greenberg: Yes, Erika, go ahead and then Russ.

Erika Mann: …wants to say something as well. She should be on the call. My understanding is I think there are two phases. So the first phase, we are in the process of practically talking about the $100 million. So our obligation is to get this right for the $100 million. But you are right, we do know that there will be more money coming from the auctions to this fund. So we – the first thing I think we have to see that we are having two phases, because when this started, we didn't imagine that the likelihood that so much more money will come to the fund – will occur – so that's one issue.

The second then what you said, I think it's very important to understand, shall already in the drafting team phase something be said about the possibility that the money can be used for other operational money ICANN might need. Personally, I think it would be good to say this but I think we have to find very good language. So I would recommend a language between – a good language, and it must be an English speaker doing this – so which would be maybe not explicitly talking about allowing but not using the language of not prohibiting either.

So it must be a good formulation which captures that we want to allow it but to say it in such a way it might be – it might seem not right. I'm not sure if you understand what I mean. So these are the two points I made. But in principle, I think we should allow it.

Alan Greenberg: Okay thank you. You said someone else wants to speak? Who is that?

((Crosstalk))

Alan Greenberg: Sylvia, okay, we have Russ and then Sylvia.

Sylvia Cadena: Sorry, I just – I'm on my phone only, I don't have my computer with me so I cannot raise my hand so apologies if I just turn off the mute and say something. But I just think that, you know, well, I can understand that there might be a scenario where it is (unintelligible) use of the proceeds money to go towards some sort of operational expenses at ICANN, there was a document – I can't remember – at the beginning that we used to start the work for the drafting team. I can't remember the name of the file at the moment.

But it was about having that clear distinction that anything that was related to the fund, to the auction proceeds fund, was, you know, separate from the operational expenses from ICANN, but any cost would be covered by the fund, by itself and things like that.

So I think that I guess it's worth asking the legal department to see if they can see any (unintelligible) there, but if we say something about using the funds for some operational expenses then we might be actually shooting ourselves in the foot because we said at the review there was a document that said that we shouldn't. So I think it's worth reviewing that.

And if that's the case I think that the – if it is possible to use it there must be some language to actually – to write some framework about how to use – I have said that in previous comments that I have made about how difficult it is to kind of sell technical projects to the common normal development donors or (unintelligible) it is a very unique opportunity for technical organizations that are – or for projects that are for the benefits of the Internet to have access to funding from a community that actually understands what they are trying to do and how to do it.

So to – I think ICANN has many other avenues to support its operational expenses and if there is any risk for ICANN in the future to be able to continue that then trying to put some part of the reserves or whatever, but to a minimum extent so it's not money that can be actually used to support the development of the Internet in some way. Thank you.

Alan Greenberg: Thank you, Sylvia. Samantha has added in the chat that this possibility of using some of the funds but not – but using all of them – would jeopardize ICANN's status. I think what you were referring to before was that the costs associated with dispersing the money has to come from the fund and not be funded by ICANN's operational funds.

Russ, you're up. Sorry for not honoring the order.

Russ Mundy: That's not a problem, Alan. Thank you. I am in support of what has been said before in terms of the draft should not be a drafting team imposed constraint

to say specifically one way or the other if the funds could be used for ICANN, if you will, direct activities of some nature.

One of the elements or related piece that did come to mind, as listening to the discussions, was at first related to the – that if – if that activity were to occur it seems that it would be good to have in the encouragement section that the activities should be in conjunction with or in support of, you know, the general posture and structure contained in the related budget activities of ICANN.

So it's not something that people would just come up with totally off the wall things that ICANN would execute, even if it came in from the community that had no real relationship to other things that ICANN might be doing. So that seems to be something that might be good to try to get into the words if we do want to put words in the charter to explicitly address this one way or the other. Thank you.

Alan Greenberg: Thank you, Russ. What I was going to suggest words that essentially say assign to the CCWG the responsibility of deciding to what extent and if so, how, any funds could be used internally within ICANN. That is nonspecific, it doesn't say whether the money is carved off the top before the money goes into the auction fund or whether ICANN itself or some process can apply for the money on an ongoing basis, ICANN or some entity within ICANN.

But simply says it's part – it's not precluded and the CCWG needs to discuss it. Does that sound like it addresses the concerns that we have or concerns and addresses the issue? Erika, go ahead.

Erika Mann: Yes, Alan, I like your proposal. My other question was the Number 1, the first one, so the drafting team, and this was practically created for the $100 million. So does this mean that this fund will practically continue and will continue to include further auction money that comes from the auction proceeds? Is this a fund which is going to be bigger than the $100 million we

were supposed to manage – not to manage but supposed to do the draft – the drafting team recommendation for the charter.

Alan Greenberg: I can certainly give you my view. I was viewing that we were – we are tasked with using the auction money from Round 1. Now that doesn't – that doesn't mean that the money is frozen is where it is right now. If there are still auctions that are pending, and presumably will happen either within before or during the lifetime of the CCWG, that those are included. They are not – it's not including some rollover from future funds or future funders. It's looking primarily at the auction funds out of Number 1

I would not want to preclude it because we, for instance, delayed this team until after the CCWG/CWGs because people were just too committed. Otherwise we might have started it earlier. And so the timing of this group – of this group and the follow on CCD is somewhat unrelated to the position the auction funds are in right now. So certainly my assumption is we were looking at Round 1, which may or may not be finished at this point.

Sylvia Cadena: (Unintelligible).

Alan Greenberg: Erika, you want to follow on?

Erika Mann: Yes, I'm thinking, Alan.

Alan Greenberg: Okay.

Erika Mann: I think it's a very valid point and a very valid observation. And I think if we have sufficient flexibility that ICANN will have access to a certain portion of this fund, in particular if it continues to grow to adapt to possible needs, I think I would have no concern about this. I just would be concerned because I – the ICANN which is emerging in the future will be a different ICANN organization than the one we know now at least after the IANA transition. So

there might be so many more challenges coming up which we can't imagine yet.

So, yes, including the reserve fund. Yes. I will review – yes, I will review my thinking and will come back to you if I have further points. Thank you so much, Alan.

Alan Greenberg: Yes, I mean, I can even imagine – right now we're talking about, you know, something in the order of $100 million. If that number were to double three months from now I could even imagine the ICANN Board recommending, with appropriate community involvement, that we take $50 million and put it into the reserve and simply fix the reserve problem and take it out as a nagging problem.

Alternately, the CCWG could make that recommendation as part of its determination. So I don't think we need to limit things at this point. So I am happy. I don't know, David, did you catch the words I used or I presume if you didn't, we can pull it out of the transcript. But essentially we're saying the CCWG should consider to what extent and how ICANN itself could be the beneficiary of some of the auction funds.

And with that let's go on to Number 8. As soon as I can find my mouse. Number 8, funding should not be allowed for anything that distorts competition within the ICANN organization. Now I don't know quite what that means, distorts the competition. Is that the competition that we normally see between the ACs and SOs in their discretionary funds, which is a pretty small pile of money? Or is it just how ICANN normally does its budget? So I'm not quite sure what the concern is…

Sylvia Cadena: Sylvia here – can I make a comment there?

Alan Greenberg: Yes, in a moment. So it sounds like it might be at odds with the previous one so I'm not quite sure. Sylvia, go ahead.

Sylvia Cadena: Well, from my experience receiving proposals for (unintelligible), my – and reading from where that comment came from, I think that they were referring to let's say in a scenario where the ICANN proceeds funds go to support projects that increase the competitive advantage of a registrar, for example. That will create an unbalance in the market. That is something that donors normally also consider when development money is allocated you don't distort the market giving a competitive advantage to.

So that can be balanced, for example, saying solutions are freely available, is not (unintelligible) that is developed for the funds. There are things that the CCWG can add into the wording or the, you know, the way the funding is allocated to make sure that they don't distort the market with – when the funds are finally allocated. Thank you.

Alan Greenberg: Thank you. I guess I'm at – I don't see how that matches the phrase "within the ICANN organization" but let's go to the queue. Erika.

Erika Mann: Yes, I understand now what Sylvia means. I think the – what she's talking about that for business purposes, so distortion shall not happen to support particular business which are part of the ICANN environment. I think she's right in the sense that it relates to registrars and registries. So I would support her in this but we have to reframe it because the current wording will not function and will not work.

Alan Greenberg: Yes, I'm just worried that we're answering a different question than what the commenter was raised. Tony.

Tony Harris: Yes, my comment is pretty much in line with what the previous one about the registrars. I think there's a lot of pushback against the concept that ICANN should help developing regions to become registrars, for example. And if the funds were used to ease the burden on somebody in a developing region who wants to become a registrar, this immediately raises a lot of complaints

from the registrar constituency. I've seen this happen. So I think that that is probably where this is coming from. And I agree with Erika, that the wording needs to be clarified.

Alan Greenberg: All right, anyone else? As I said, I'm still concerned that we're answering a different question, which may be a valid concern, but not the one that seems to have been written there. But not knowing where it came from I'm not quite sure. David, do you have something that you can put in at this point or do you want some additional words provided?

David Tait: Yes, I think some wording would be useful there, please?

Alan Greenberg: All right, as I said, I cannot come up with an answer that addresses the specific wording. If it is then it is completely at odds with the previous one. If the meaning is that we should not fund projects that distort competition in the marketplace I think that is a valid statement. I have a personal concern that things like trying to help the market in developing countries is one of the very things that I thought these funds could be used for.

So if now we're precluding that kind of funding, I'm a little bit worried that we are chopping at the wall and cutting out things that indeed, this, you know, might have been valid projects. Erika, go ahead.

Erika Mann: Alan, why don't we clarify this point? I don't know whose comments or what, why don't we clarify it, because you're right, there's no need to include a reference to a potential concern if the concern maybe is not even relevant. So let's go back and let's check and then let's move on on this topic. I agree with you.

Alan Greenberg: All right. I agree. So let's flag this one for Marika if she can identify where it came from or who it came from. Because at this point I have a problem certainly.

Number 9, I do not agree with the words non-inconsistent when used – this is from Sylvia so maybe she wants to speak to it. We had changed originally that the mission – that the projects had to be consistent with the mission and changed it to not inconsistent with the mission. And Sylvia felt that that is opening things up too wide.

My personal position, and I understand it is pretty opposite to Sylvia's, is that the drafting team level we should not be putting constraints on, we should keep things as wide open and then the CCWG must decide just where the walls are on the constraint, obviously in conjunction with what the Board be willing to ratify. So I wouldn't like to see things that may constraint it artificially past what is ultimately decided is allowed under US tax law and the other conditions. And I'll open the floor.

Let me add Jonathan's comments, sorry, I didn't realize there were some. "Personally, I can see the concern here, not inconsistent with is the broadest and consistent…" sorry, doesn't quite parse. "It will be helpful to get the whole drafting team's current views." And Lyman says, "If not inconsistent with where the only criteria concern would be about growing corn." And that was referenced by somebody else I think in a later thing.

So I agree not inconsistent with is too vague because there's a whole world that has nothing to do with outside of ICANN. But I don't feel comfortable about constraining it more than ultimately we may decide is absolutely necessary based on tax law and whatever. And we have a queue. Tony.

Tony Harris: I'd just like to say that I like Sylvia Cadena's comment on this. We should keep it a little constrained and, you know, be well away from any projects that involve building wells in villages or things like that.

Alan Greenberg: Well I – my reading is that adhering to the mission may be more constrained and the question is how far do we want to go at this stage? Erika.

Erika Mann: I mean, that's an interesting point because I think we might look at it – and I think we have – I would assume we all have the same understanding. The Board – when we had our discussion, the Board would love to have it quite a narrow understanding really related to the mission. But my understanding is from the Board discussion. And from our discussion as well that we still need to have a debate and a dialogue about the interpretation of the mission statement in the context of the funds.

So I think we should have a narrow understanding but we should not exclude a future dialogue about, you know, what shall be or what can be funded from this auction fund. That's the way I would see it. I would love to have Sam's position on this one as well because he was part of the discussion we had on the – we had in the Board. So if I remember this right, what I just said, I think it reflects pretty precisely what we said.

Alan Greenberg: All right, as we're going forward, consider the words "consistent with the mission" but the CCWG must decide exactly what that means. Russ.

Russ Mundy: Thank you, Alan. That was very much in line with what I was thinking about presenting here. And that is that the drafting team, in, you know, as we've taken the stand on a number of things, should not be overly restrictive. But we can be, yes, I think prescriptive in terms of how we think the CCWG should approach this such as including a requirement for the CCWG to make such a determination of not only what the specific mission was with relationship to the fund dollars or the dollars and the proceeds, but how broadly that could be interpreted that that is, I think, a very appropriate question for the CCWG itself to ask rather than us in the drafting team trying to make it too broad, too constrained from the drafting team perspective.

Alan Greenberg: Thank you, Russ. Sam.

Sam Eisner: Thanks. This is Sam Eisner. You know, it's a very interesting conversation to listen to. I guess I'm not as concerned between the difference between

consistent with and not inconsistent with because in the end, there's still going to be the same test put on it, right? There's still going to have to be the time made between ICANN's mission and the way that the funds are being spent.

I agree with what's been said on the call that that discussion of what the mission means and how things serve the mission is something that is going to be part of a later conversation where the drafting team – to solve it at this point because the community conversation about what our new mission might be considered to allow or not allow. And so it's clearly not the work of the drafting team to make those decisions now.

I think that there should be, as Alan has suggested, a – some direction to the CCWG that they should consider how any of their proposed uses support the mission. And I think that that's going to be a really key consideration to provide to the Board when the Board ultimately considers the proposal.

I think giving the Board a very clear direction on how the community sees the mission being fulfilled or not fulfilled for various uses, will really give the Board some ability to see some of the proposed uses in the way that the community is envisioning them. So I would – I would highly support Alan's suggestion of the CCWG level.

Alan Greenberg: Thank you, Sam. I was never worried about the – is not inconsistent with because growing corn and digging wells is never going to match up with the ICANN mission or anything relating to it. So ultimately there will be constraints that will stop those projects from going forward.

Sylvia Cadena: Sorry, Alan, I disagree. This is Sylvia here.

Alan Greenberg: I understand, Sylvia. May I finish first?

Sylvia Cadena: Yes.

((Crosstalk))

Alan Greenberg: Thank you. What I was going to suggest is instead of debating the words "consistent with" or "is not inconsistent with" that we use wording something like that the use of the money must be aligned with the ICANN mission and the CCWG is charged with deciding and defining exactly what that means. So aligned is a less – is I think is a more generic term but still says we are looking at the ICANN mission as the guiding post.

Sylvia, go ahead.

Sylvia Cadena: What I was going to say is that is not that I disagree with the idea or changing the wording we use or suggested the word "aligned" before and for some reason also got dropped. What I was saying is that if we (unintelligible) to frame how long, how far, how wide, how tall on the projects go that's (unintelligible) groups, but if there is no framework for that then there is actually projects that is going to get through the cracks because it happens. The wider the terms, the crazier the things that we can get and then gets more push from (unintelligible) angles to actually get those projects approved.

I have seen it happen. And I can't tell you how many times. But there's people that re very good with words to just tweak things the way that they will get accepted. And then the projects in the end are not what they were supposed to be. So I really encourage the group to consider that as things might change in the future then the more protected ICANN is to make sure that the funds are allocated in a way that supports whatever mission that ICANN has now or in the future it will serve ICANN's best interest if we do this.

If we don't, it's – you might end up saying I don't think the projects about corn but maybe (unintelligible) for corn or (unintelligible) studies, not really directly related to what ICANN does, although there are things that are (unintelligible)

that you might be able to squeeze in. But it's not necessarily what the community can benefit from. So I think that what I am trying to say is that what I disagree with the idea that there will be some guidance along the way that somehow these projects will not go through (unintelligible). I don't think it's a good approach at this stage to (unintelligible) that.

Alan Greenberg: Thank you, Sylvia. I don't think we're assuming, I think we're charging the CCWG, we are prescribing that it must come up with guidance. Sam has some words in the chat that I'm certainly happy with. She said she'd recommend language that the CCWG is required to deliberate and make recommendations on how the use is aligned with the ICANN mission. And certainly decide implies they have a final choice as opposed to recommend. So I'm happy with Sam's wording. Is there anyone who is not at this point?

Then let's go ahead on the next item. Item Number 10, again, this is a not inconsistent with. And I think we've already had this discussion. I don't think this is substantially different than the previous one and I think the same answer applies. Comments? Nothing?

Number 11, the Board recommends that the drafting team add a new guiding principle that recommendations should be designed in a manner to support ICANN's nonprofit status and the primary guiding principle is implicitly stated through limitations and consideration identical in the charter -identified in the charter but an explicit statement of the key tenant is important.

I think we have just addressed that already. I'm a little bit troubled in the wording of the Board's statement in that there's a difference, in my mind, between supporting the nonprofit status, and not endanger it. My understanding was our fear was that if we go too far we endanger the status and I would think that if that's the concern, we should state it explicitly and not use some other word inferring that.

Erika, go ahead.

Erika Mann: Alan, I think the Board will be fine with this in my understanding, from what we discussed in the Board.

Alan Greenberg: Fine with what we just said or my comments saying change "support" to "not endanger"?

Erika Mann: Fine with what you just said, yes.

Alan Greenberg: Okay, thank you. Any other comments? And Number 12, David, if we're going too fast and you don't feel comfortable please speak up and let us know. Number 12, again, Board comments, "The Board confirms the auction proceeds should be used consistently with ICANN's mission. It'll be important that any proposed uses of the proceeds be tested against ICANN mission." Again, I think this is reiteration of the same thing.

I have some concerns – and I raised them in the comment here – that if all we're doing are things that essentially is consistent with the mission which implies ICANN could be doing it itself if it had the money. But we're going to – but external agencies will do it instead. That's one of the reasons that I said ICANN should be able to use the money if all we're doing is things that ICANN would do if it had more revenue, then it's not clear that we need extra infrastructure to – for someone else to do it to keep it segregated, which is why I suggested that perhaps internal use of the money is acceptable. So…

Sylvia Cadena: Sorry, Alan, can I make a comment? It's Sylvia.

Alan Greenberg: Yes, please. Go ahead. But we do have a queue but go ahead, Sylvia.

Sylvia Cadena: Sorry, I don't see the queue. Apologies if I'm jumping ahead (unintelligible).

Alan Greenberg: Go ahead.

Sylvia Cadena: I think that's in one of the versions of the charter that we have before. We said something along the lines of being aligned with the mission and the communities that ICANN serves or something like that. That was trying to reflect that it was the ecosystem to which Erika referred from time to time in her interventions as well.

So I think is not referring to the ICANN organization as a whole, and say oh, this is what the monies that ICANN will use and then it's kind of operational money, and we don't know what to do with it, that's not necessarily the case. It could be introduced from the community that ICANN even with (unintelligible) and resources will not undertake because (unintelligible), you know, something of interest, aligned with its vision or its mission. But necessarily in the core of what ICANN does.

So I guess it's more like an ecosystem thing. So we may be in the wording we can say something along the lines of the ICANN mission consistent what is served or something like that. I don't know exactly what the wording would look like. That probably a little bit more inclusive but still in priority to technical support for the Internet (unintelligible) and things like that. Thank you.

Alan Greenberg: Russ.

Russ Mundy: Thank you, Alan. I'm in agreement with your response to this particular comment. I earlier, in the earlier discussion where we were talking about tasking the CCWG itself with defining and understanding the relationship between mission and the fund and how the fund would be used, I put a comment in the chat room there about also extending that requirement to the distribution mechanism that would be established, that part of what that mechanism would also have to do is look at each of the things that it was considering funding and show what or how the – this relationship with mission existed in those.

Hearing this last discussion it – I'm wondering if maybe the term "relationship" might be better than aligned. In other words, how these activities are related to the ICANN mission, which at least in my mind, would infer that there – that is has to be something that does tie and relate to the ICANN mission but wouldn't necessarily be an explicitly stated core thing that ICANN itself and the ICANN mission is focused on addressing.

I didn't know what others thought about that but wanted to toss the suggestion out. Thank you.

Alan Greenberg: Yes, Russ, I think your words are closer to what I originally meant with not inconsistent with than those words actually described. Erika.

Erika Mann: From my understanding and from the discussion from the Board, the concern is maybe twofold. So if the allocation of the fund is not guided by the mission statement then it becomes totally unclear how the funds can be in the future allocated. So then it can be – can become so broad and everybody can apply it for the fund that it might not be helpful or the work we are doing.

Second topic is the understanding is not – about the mission statement in a very narrow sense. And we discussed different variations which are very similar to what we are discussing here in the drafting team group. And I think we need to have in the CCWG later a discussion about the interpretation of the mission statement because there will be things – funds coming in which – and my – the term I used in the past which is used in different funds environments similar to ours, is – and Sylvia referred to as the ecosystem idea.

So that, yes, you have a core mission which you can't go beyond. But the core mission still has a variation of gray areas. And these gray areas are important because they support the core mission. So they're not contradictory to it. Quite the opposite. They support it. So I think we have the same

understanding between Board and what we are discussing here. I think we just need to find the right way and the right language for expressing it.

Alan Greenberg: Thank you, Erika. I've put myself in the queue because as opposed to being moderator I'd like to say something. We keep on going back to if we don't constrain ourselves to the mission then the whole thing is wide open. And I guess I don't see that at all. I've been associated with a number of groups that give out funds. And they are not constrained by the mission, the nontax – non – the charitable status of the organization and being aligned with the mission.

But that doesn't mean that those decision processes were not constrained. We could completely – if we were told that we had no worry about tax status or anything else, that doesn't say we're going to be unconstrained, it just says we're not constrained by that particular constraint. I'm presuming that regardless of what we do we will go forward and have some very specific constraints.

Steve Crocker has suggested that we not go forward in a completely open-ended way but actually have two or three very narrow funding targets that are for projects. And so we can have all sorts of constraints even if we're not constrained by the mission. So I wouldn't equate not being constrained by the mission or less constrained by the mission as implying the world is wide open and we are subject to any kind of request that come in. We still have an obligation to put reasonable constraints on it, which may be different from the mission. So I just wanted to make sure that we're not presuming one without the other.

And with that, again, I think all of these are really centering around the same issue. And I think we're homing in on words that are closer to what many of us feel comfortable with. Any further comments? The next one is indeed different.

The comment was "The text about diversity was modified and the mention of the three community that ICANN serves was removed. I do not support the change. It is very important that diversity focus also applies to the communities ICANN serves." And I must admit, I didn't go back to the original charter document and I'm not sure I understand what the statement is so maybe Sylvia could come in and give us the context of what the statement said before that she disagreed with having it changed.

Sylvia Cadena: Thanks, Alan. When the text was removed we agreed in our conference call and then in the next one it was gone and there was no conversations on the mailing list so I didn't understand why the text wasn't there so I made the point, okay, you're preparing a presentation for Helsinki, we approved or discussed things that we were supposed to be in agreement. And then it wasn't there.

So I wanted to know why and that's why I said I don't agree with going out and say that we are not including any text on diversity because I'm sure it was something that people were concerned about or at least from the side of the world that I am, we are. So I don't have any explanation about why that happened. It might be some clerical (I) oversight but it was in the previous slide and I also haven't had the time to get back to the original one and record it and move it back.

Alan Greenberg: Yes, thank you, Sylvia. What I was asking is what did it say before that you liked or maybe David can pull up a previous copy. I just don't know the context so I may be supporting you 100% but I don't understand the exact context of what we lost.

Sylvia Cadena: You were supporting it before so that's what I'm a little concerned.

Alan Greenberg: Well I don't know. I don't know what the context is. Can David help us? Can you pull up a previous copy or tell us exactly where the diversity was

mentioned that it is not mentioned anymore? Or anyone else on the call who remembers?

Sylvia Cadena: Well, I can try to dig the documents and send it back and see what was not there for the Helsinki presentation again. Yes, I can do that and (unintelligible) mailing list, sorry, is on writing.

Alan Greenberg: Erika says, "Lauren is saying that the following focus on diversity of process rather diversity of the use of the proceeds."

Erika Mann: Lauren is online, maybe she can say something.

Alan Greenberg: Maybe because now I'm totally confused. I didn't think this was in relation to a Board comment.

Erika Mann: Neither did I. Lauren, can you say something maybe?

Alan Greenberg: Well she's talking about Point Number 14 I think, not Point Number…

((Crosstalk))

Lauren Allison: Hi, this is Lauren. Can you hear me?

Alan Greenberg: Yes, go ahead.

Lauren Allison: Hi. No, sorry, I was just clarifying that it was in relation to, yes, to Point 14, it was just clarifying that it was the difference between diversity and the way the CCWG works, etcetera. The diversity of the eventual use of proceeds so it was different from what Sylvia was talking about.

Alan Greenberg: Okay, yes, and I think on 14 everyone agrees, at least everyone who commented offline agreed. Okay on 13, let's put that on the shelf for the moment and we need to understand the context of what was said before and

what was changed to see whether this group still agrees with whatever change we made at some point.

Item Number 15, "The Board recommends to the drafting team that the charter should include specific direction to the CCWG to develop or identify a governance policy to be used to guide the distribution of the funds. The Board also recommends that the specific measures of success should be considered for reporting on the use of the proceeds."

I guess my take on it was I don't see how we could not end up with the CCWG defining a governance structure. And in terms of the success rate, I think it's absolutely mandatory that we build into this testing to make sure that indeed the money is being used well. Now we don't want to spend half the money on studies to see whether the money is being used well, but I think we need some level of auditing and reporting back and certainly on major projects we may well have to spend money to study whether indeed the project was successful or not.

So I think that's…

Sylvia Cadena: Sorry, Alan.

Alan Greenberg: …a mandatory part of it.

Sylvia Cadena: Alan, is Sylvia here. I think we addressed those comments in the list of – the list of recommendations that we added for the CCWG. But to what extent (unintelligible) reporting, to what extent to, you know, governance, we probably we didn't use the word "governance" but there was a list of topics for the CCWG to actually go through that we had in the charter in the actual Word document, not this PowerPoint file that was used in Helsinki.

So I think that's the drafting team has already discussed that (unintelligible) not in the (unintelligible) make the comment but I think we already discussed it.

Alan Greenberg: Erika, next. Erika, you seem to be muted.

Erika Mann: Apologies, I was already talking. Sometimes so funny. I agree with your point. That's largely the understanding of the Board as well the way you framed it. What is very difficult of course, to specific precise measures if something is going to be successful, I think this is an understanding which will evolve over time. So it would be good to have a general understanding that the funds shall, in the future, identify a way how to – how maybe not to measure success but to find a way to understand what success can mean in the future. But do we have to say this right now? Maybe not.

But we need definitely an understanding that we need to have measures in place. So I agree with your language.

Alan Greenberg: Okay, thank you very much. Just a side comment, any time you have a funding project like this you have to accept the fact that probably a significant number, not majority but a significant number of projects will not be successful and that's simply the luck of the draw. And, you know, failure is not necessarily a – something that we can avoid but we do need to understand how well we're doing.

Next – that's the end of Section Number 1. I haven't gone forward on my comments. Jonathan and Lyman have, however, so we'll continue on it. Do we have a status on Jonathan, by the way? I haven't been watching the chat.

Erika Mann: No, I haven't seen him popping up yet.

Alan Greenberg: Okay.

Russ Mundy: Excuse me, this is Russ. I did see a note from Jonathan about – I'm sorry – about 30 minutes ago saying his company meeting had continued longer than expected he will try to join if possible.

Alan Greenberg: Okay. So I may be in the seat – how long – this meeting is a two hour meeting I believe?

Terri Agnew: Confirmed, two hour…

((Crosstalk))

Alan Greenberg: Yes.

Terri Agnew: Confirmed two hours.

Alan Greenberg: Thank you, Terri. Next item, item Number 16, how to avoid conflicts of interest. Is statement of interest sufficient? Jonathan said, "It really is vital to get to the bottom of the conflict of interest issue in particular the same positions apply throughout the process," sorry, "do the same provisions apply throughout the process or do they vary from the drafting team to the CWG to the eventual disbursement entity?"

Lyman adds, "Maybe do some research on how other organizations have handled this. It's a problem that must have been solved by others before."

Open the floor. Erika.

Erika Mann: I mean, I worked on many different but funds but all capital market related and bigger funds than what we are overseeing in the future, but nonetheless, I think what you typically do is that you clearly separate the phases. And if you get closely to the allocation of the funds you want to ensure that there is definitely no conflict of interest. So the persons which are at the end phase, disbursing the funds, there shall be no conflict of interest allowed, 100% not.

And the – in the phase when we get more (unintelligible), you know, when we define the scope and develop the policies, I think there needs to be a transparency – clear transparency about potential interest in participating in the fund because keep in mind that in the shaping of the process if you're not clear about a potential conflict you might have in the future, you might shape the process in the sense that, you know, somebody in your system can profit from it and even if it's not yourself. So I think transparency is super important.

Do we have to go beyond transparency in this phase? I'm less certain about this. But I think there needs to be an absolute crystal clear formulation, in a legal sense, that if you have a knowledge about – first of all you have to declare your interest in the CCWG participating in this. And then you need to be clear if you want – if you already know that you want to participate in the process.

Alan Greenberg: Let me ask you a question, so we don't have a queue, Erika. Let me ask you a question. Is it sufficient to the CCWG for people to declare that they have no current interest and plans to be an applicant? That says they are declaring that they have no current interest but it doesn't preclude them from taking a new job in the future with someone who may in fact be a potential applicant.

Erika Mann: I agree. That's what you typically, when you declare typically, again looking back to other environments where I have done this. So you declare an interest for the organization or for the company or for whomever you are talking on behalf. Now if you're talking as an individual it's a different case. But many, many who will talk about this and will approach a fund will do it on behalf an organization. So I agree with you that situation can change certainly.

Alan Greenberg: Okay. So…

Sylvia Cadena: Alan, can I make a comment please?

Alan Greenberg: Yes. We have Russ and then you.

Sylvia Cadena: Okay.

Alan Greenberg: Russ, go ahead.

Russ Mundy: Thank you, Alan. this is Russ. I wanted to point out that at least in my mind
we have a somewhat different environment in the ICANN realm than we do in
maybe some of the other realms where this type of fund and application and
process exists in that there are a number of individuals that are part of the
ICANN community that participate in the community as individuals.

And there are times when it's unclear whether or not those individuals are
speaking specifically as individuals, and expressing their views as individuals,
or expressing their views as part of an organization they're associated with
whether it's an employer or, you know, if it's a consultant, somebody that's
funding them or whatever.

And I didn't know whether or not it would be necessary or appropriate in our
case, to ask for a differentiation or a statement from each participant as to
whether they were speaking as an individual or speaking as a representative
of some other larger entity because there are, indeed, people that participate
as individuals. And I can state that definitively because lots of the time I am
one of those. Thanks.

Alan Greenberg: Yes, thank you. That raises an interesting point of whether we should –
whether someone who says they are speaking purely as an individual and
has no interest and has no job function related to something relating to
disbursement of funds, but a distant part of their corporation and some
people work for very large corporations, may well have some interest. But it's
nothing that they have any direct involvement in. So that's a variation I think
we're going to have to consider as we go forward.

Sylvia.

Sylvia Cadena: Thanks, Alan. I think that probably the way to address this issue, as Erika mentioned before, to try to have the different stages defined because probably there are more – the more closer to the actual monies you are, the more transparent you need to be. I agree with that statement.

There are a lot of us, in my case, for example, that we have an interest to have more funding available for Internet development because that's the work I have been doing for 20 plus years is in that area. So I want to see more funding coming (unintelligible) these issues. I have an interest to make sure that this works and (unintelligible) the community but that doesn't mean that I have an interest – an economic interest about this. The fact that the funds are allocated to benefit me personally.

So I think that there are clear distinctions between how, you know, you yourself align with the mission ahead and the challenge ahead and what can possibly benefit the community. And the fact that you are benefitting all your business and benefitting economically or politically or in terms of (unintelligible) because you are participating in the process or use the funds. So I think that there are going to be a lot of distinctions for the conflict of interest depending on the stage. And I think that it's important to just make sure with what people are starting that journey, right? I don't see that there is – that there is someone that can say I don't have absolutely any interest in this.

If you are not interested, you will not be participating. So the fact that you are asking people to express that clearly is – has to be asked in a way that people clearly understand that this is the same to benefit (unintelligible) economically or politically or, I don't know exactly the wording to go with it. But make sure that it's clear that it's referring to the money in terms of transparency and how that funding is allocated. Thank you.

Alan Greenberg: Thank you, Sylvia. Jonathan.

((Crosstalk))

Alan Greenberg: Jonathan, your hand is up but I don't hear you speaking.

Jonathan Robinson: Sorry, I had neglected to connect my microphone. I was listening but I had neglected to…

((Crosstalk))

Alan Greenberg: Okay.

Jonathan Robinson: Well first, thank you for taking over at such notice. I haven't followed all of the particular conversation, but I've given it a lot of personal thought and, you know, I've spoken with Board members, heard various things. And it feels to me like this is one of the toughest nuts we've got to crack. And certainly there does seem to be a prospect, at least, of – well, there seem to be a strongly held view from the Board that the conflict of interest provisions should prevail throughout the process. That's clear.

This seems to run counter to the way we've done things in the past. And in my opinion, the way we've done things in the past isn't – hasn't dealt with matters where there's a large and substantial sum. So I can see why we need to do things differently than we have done in the past. But I'm not sure we need to go all the way right throughout the process, which is why the comments that I'm hearing on a sort of phased approach seem to make sense.

So, you know, along the lines of perhaps what Sylvia was just saying that – and what we've generally talked about, a form of specify enhanced disclosure for the work of the CWG. And clearly, the CWG then has to put in place very

strict conflicts of interest provisions (unintelligible) disbursement of funds which is the work that will ultimately follow that of the CWG. Thanks.

Alan Greenberg: Thank you, Jonathan. Erika.

Erika Mann: Yes, listening to Jonathan and to everybody I think what we – we have a common understanding that we want to have, in the phase where the CCWG shapes the policy for the future allocation of the funds. We want to have broad and sufficient transparency. But we want to separate the phase from the allocation phase where I think there can't be any conflict of interest.

But maybe we can do the following to allow us to move forward if you would agree. Maybe we finalize now – we try to finalize the language we think is the right one and then you allow Asha and I just to go back quickly to the Board, not in the sense that, I mean, this is – it's a unique process which we develop to – the way we work together and Board members can participate already now. So I don't mean it in a rigid sense. But it would be nice if we then can go back to the Board and have a quick – we have a small group can quickly check this with the Board members which are part of this group.

Alan Greenberg: Thank you, Erika. I put myself in the queue because as people are speaking - we seem to have an echo, if someone can mute microphones. It dawned on me that we are taking a radically different position here than ICANN has in the past.

There's no question that the actual disbursement of funds we're going to need strict conflict of interest guidelines. You know, I don't think that's debated by anyone. But at the level of the CWG, I find the situation quite – I guess amusing is the term I'll use. When we look at the design of the new gTLD program, there were people who individually had ultimately it was obvious that they had as much at stake in the decision on setting the rules for the new gTLD project as we're talking about for this whole auction funds.

Never mind the size of an individual grant we're going to be giving out. The total bundle is in the same order of magnitude as what some people invested or some people oversaw the investment of. And yet, all of these people were active participants in designing the program.

Because we're actually touching the money here, as opposed to touching a program, which will have money associated with it, we are suddenly ultraconservative and worried about it. And I think that at some level it's warranted but at some level all of our processes, all of our policy processes, which allow interested parties to discuss the outcomes, and to help shape policies so that they're own corporations may benefit from them, is a little bit at odds.

So I think we may be going a little bit overboard because we're actually seeing the dollars in real values as opposed to a policy that will govern the use of some – the – that will, you know, govern the spending of money. And so I think we're going a bit overboard. I think about all we can do at the CWG level is make sure people declare interest and we could prohibit people from participating if they have a clear current interest that, you know, that might help – that may encourage them to shape the process.

But I don't – I think that's as much as we can go – as far as we can go. And even that is really at odds with how we treat the – treat the development processes throughout the rest of ICANN. So I think we have to acknowledge the fact that we're taking a very different tact here and do it consciously and not try to do it too heavily handedly. We have a long queue – no, we have a short queue built up. Jonathan and then Erika.

Jonathan Robinson: Thanks, Alan. I'll be explicit. I mean, having given this thought I'm in favor of a mandatory and enhanced disclosure of interest that is unique to this particular constituency. In other words, what we've done previously is we've said, well GNSO, you've got your statement of interest, other participating

group, you've got yours. Do what you do in the ICANN thing and come along and participate in your own way. We're not going to control that.

I think given the sums at stake and the issues, we could reasonably say we've got an enhanced protection in here and our enhanced protection is we want a mandatory statement of interest with particular disclosures. And through this drafting team we set that out.

I would feel comfortable with that. I don't know how it's going to go down, if and when we send this back to the chartering organizations, but certainly personally, I feel that I could stand by that and rationalize that.

I think going beyond that and actually saying to people, if you have or may have a conflict of interest, when it ultimately comes to applying for funds through a completely different body, you can't participate in this policy making exercise, I think that would be too far.

And so it feels to me like there is a – there is a line to walk. And I guess there's one other thing. And this boils down to this is also kind of by definition, the way in which the multistakeholder process works. And if we're saying, I mean, we operate to some extent on trusting the process and trusting the checks and balances within the process and the self-regulatory nature of it. People will, by putting our disclosures out, we're obliged to test ourselves against one another.

And so I think we potentially enhanced the multistakeholder approach by asking for enhanced disclosures and mandatory disclosures for all participants and members. And in so doing, we raised the bar but we don't raise it so far as to cut our participation.

So my thought is that Erika came back with a good suggestion, to take that back to the Board and say, look, you know, it's been discussed in the drafting team, there's pushback against complete ruling out of people for prospective

or potential future conflicts of interest. This is what's being proposed. And see whether – because at the moment it is the Board that is pushing this substantially high bar. Thanks.

Alan Greenberg: Thank you, Jonathan. A clarification. Our normal expression – statements of interest are pretty free form. It sounds as if you might be asking here, but I'm not sure, that we explicitly ask, do you or your employer at this point, have – think you will have any interest in applying – ultimately applying for funds. In other words, simply asking for that to be put on the table in the statement of interest.

Jonathan Robinson: Yes, thanks Alan. I think the next step will be to define what is in that mandatory disclosure if we agree to the principle of it. But in – what you just said would seem reasonable to me. But I haven't – I'm not going so far as to presume what exactly would go in there but I do think the drafting team should do that as a next step if and when we get to that point to say, right, we are going to set a mandatory disclosure and here are the things we expect to be disclosed. And that, for example, might be one of them.

Do you have any intention of participating either individually or through the organization you work with in applying for funds? Something like that so that ultimately that can be – people can be held to account to those disclosures…

Alan Greenberg: Yes.

Jonathan Robinson: So that's – yes, I'm not defining it now but, yes, that would be a reasonable representation of what I was saying.

Alan Greenberg: Thank you. That's what I thought but I wanted to make it clear. Just as a point of background, we insist that everyone participating in working groups have a statement of interest but if you ever look at some those, some of them are amazingly thin. So I think this time we're going to have to be a little bit more specific. Erika.

Erika Mann: Yes, I agree with Jonathan. And I like your addition as well, Alan. I think that's a good way to move forward, mandatory – besides disclosure statements will be very important and help (unintelligible). And then thank you, Jonathan, for picking up my point. It would help Asha and myself if we then can go back to the Board, again, not to, you know, to say only what the Board is saying is the right path but in the sense as to allow us to have a quick check with your group.

I'm very much in favor of the language but I do know that in the Board there will be members who want to have a much more rigored approach. So this would help us. Thank you so much.

Alan Greenberg: Asha.

Asha Hemrajani: Thank you, Alan. can you hear me? Hello? Can you hear me?

Alan Greenberg: We can.

Asha Hemrajani: Okay great because I just got – I just got kicked out of the Adobe again. All right, so thank you. I wanted to first apologize for not being able to join the call at the beginning of this meeting. I had an engagement at the IGF. And the second thing is I wanted to say – and wanted to say something that both you, Alan, and Jonathan said before me, which is the first point was the – on what would be in the – so I agree with the approach that Erika mentioned, which is, you know, we take some word back – some language back to the subset of the Board that's helping us with this.

What would help is if we could have in that language something about what would be in the mandatory enhanced disclosure, even if we don't have the detailed text now, if this is something we would – we would all agree on that that's something that the drafting team would have to come up with that means at this stage we come up with some sort of points or some sort of list

of items that would be in this mandatory enhanced disclosure, that would be helpful.

And the second thing is, okay so say there is a mandatory enhanced disclosure and potential members of the CCWG fill that up, and declare it's a form of sorts for example, instead of a freeform thing it's a predefined form and they fill that up. And there is something in there which raises alarm bells, so to speak.

If we can think about what sort of criteria the CCWG would use to decide, whether or not this person would be included or excluded from the CCWG. Is that something we can discuss now briefly?

Alan Greenberg: Let's go through the queue but, I will tell you right now that you're discussing – you're suggesting something very different from what Jonathan and I had suggested as – you're presuming there is a decision process after the expression of interest, which I don't think either of us presumed. But, Russ, you're next and then Jonathan.

Russ Mundy: Thank you very much, Alan. One of the questions that I had about this particular aspect, and the obvious question about whether or not an individual ever anticipated with what they know now, for applying for funds eventually is that a qualifier or disqualifier that would be applied not only to the general participants in the CCWG, but how about the appointees from the SOs and ACs?

Would someone care to comment on that? You know, however we – how do we anticipate these statements being used? And will they also apply to the SO and AC appointments? Thank you.

Alan Greenberg: I'll put myself in the queue. Jonathan, you're next.

Jonathan Robinson: Thanks. I put my hand up initially to respond to Asha in the same way as you did, Alan. And to be absolutely clear, the purpose of the disclosure is exactly that, to disclose and make clear any interest or perspective interest you may have, not in any sense to exclude you from then participating, but in order to qualify and color any input you might make.

So that would be my view of the intention. There's no further action apart from going on record as to confirm your personal or professional interest in the process.

And then to Russ's point, I think the group will be made up, my understanding, is of members and participants. I would expect members to be appointed by the chartering organizations and participants to be those who sign up to participate. And I would expect both to be subject to exactly the same level of disclosure requirements. And again, for the avoidance of doubt, no restriction on their participation subject to them having filled out the mandatory statement of interest comprehensively.

Alan Greenberg: Yes, thank you. The implications of that are someone may well be completely honest in their statement of interest – expression of interest – and say I plan – I and my organization plan to apply for lots and lots of money and, yes, we clearly have an interest in tailoring the program so that we will be successful and our needs will be met.

That may sound offensive but that is how our whole multistakeholder process is built. It is clearly true in the GNSO where we have contracted parties who have money in the game and other business people who have money in the game actively participating. It was tacitly true in the CCWG Accountability where there were people there who were clearly pushing for things that their organization wanted to see coming out of it whether there was direct money involved or not they clearly had a very strong interest in seeing the outcome.

So if we're moving away from that model we have to be really careful about it because we spend most of our lifetime praising that model. Thank you. Erika.

Erika Mann: I think both you raised very valid points, Jonathan and Alan. and I see the others who made comment as well. But as you can see in the discussion did you have – we have in the Board and Asha agrees to this, we have in the Board a very intensive discussion about this point. And there is concern that the shaping of the process might be problematic. So let's go back to the – I don't think that we need to discuss this longer.

But I think it will be important that we have the language, that we have an understanding about doesn't have to be super precise but an understanding about what mandatory disclosure will mean and then we can go back to the Board and we can have a discussion with the members which are part of the group.

And I'm pretty sure – a similar debate will then come up again and we will have to make up our minds on which part of the spectrum the Board wants to position itself then.

Alan Greenberg: Thank you very much. We have Asha next. Erika, in response to what you just said, it would be really useful if instead of the Board having this debate and then sending back a missive, if the Board members who have – who disagree with what we're proposing actually come and talk.

Erika Mann: Yes, I agree.

Alan Greenberg: There is this concept of talking to each other which sometimes can resolve issues. Asha, please.

Sylvia Cadena: Alan, sorry, can you add me to the queue?

Alan Greenberg: Is that Sylvia?

Sylvia Cadena: Yes.

Alan Greenberg: Yes, okay I will add you to the queue. Asha next.

Asha Hemrajani: Thank you, Alan. So, yes, I was typing something in the chat and I got kicked out so I wanted to make two points. One is in reference to Jonathan's comment in the chat which is, "Asha, I'm okay with us working out – fleshing out the mandatory disclosure in the drafting team." And the next message is, "Be good to get the message to the Board." Yes, so that's something we should have in the language before we go to the Board.

Now the second question I had was related to the second point I made. So you were saying, Alan, that that's different from what – which is what happens after disclosure. And if there's any decision or any subsequent steps or action taken. So you're saying – Alan was saying, no, there isn't. But this question begs to be asked. So if there is a person who very clearly says that he or she may wish to apply for funds later on, what do we do – what does the CCWG do in that particular circumstance?

Are you saying that the CCWG will let this person continue on as a member of the CCWG? Or there has to be something done with that mandatory enhanced disclosure. Or are you saying that they are allowed to continue their work as a member of the CCWG but with everyone knowing that this person's vision may be shaped by the fact that he or she may apply for funds later? Is it we do nothing and we just know or we take action? I think this is a fair question that Board members may ask.

Alan Greenberg: And my answer is if we do anything other than just no, and take it into account, then we are moving away very strongly from the model that we are using for everything else and…

Asha Hemrajani: I agree that it's…

((Crosstalk))

Alan Greenberg: …and potentially in dangerous territory. But I see Russ has his hand up. Go ahead, Russ. I'm sorry, we had Sylvia first and then Russ.

Sylvia Cadena: Thank you. Thank you, Alan. What I responded to say is that I agree with your comments and your (unintelligible) comments about the need for more information, enhanced or not about what's going on in terms of what are the expression of interest that a person might have to participate in the group.

It is very important to consider what is the impact of that in the whole participation process. And I think that probably one issue that can help us to navigate through is that when that expression of interest, enhanced expression of interest is requested somehow, we always try to encourage the wording about how this information can be used to build trust and gain confidence.

And I – you said it really clearly when you said that if there is a Board member (unintelligible) please come and talk, is the same thing. It is the fact that you say where we stand from, you know, what part of the fence are you in. I don't think it excludes you from participating in any sort of process.

And I agree that it will take the whole working group away from how they have worked in the past because of the nature of this specific one that is about money. But one thing that I have envisioned since we started (unintelligible) drafting team is that if the CCWG as we have said in the (unintelligible) will be working on the mechanisms to do this. They will not be the actual ones disbursing the funds. Right?

And that might be something that can preclude or exclude (unintelligible) conflicts of interest in the future about oh, you (unintelligible) in this direction and that's the direction where your proposal is going. And things like that.

And maybe there is something there that when the mechanism is decided, let's say, it's a (unintelligible) and then the foundation needs a Board and things like that, then – or a selection committee or whatever, then the aspect for the expression of interest for that specific mechanism of allocation of the funds is done in a way that matches the rest and keeps the (unintelligible) but at the same time help us to build trust and confidence. Thank you.

Alan Greenberg: Thank you. Russ.

Russ Mundy: Thank you, Alan. I just wanted to comment from my perspective in terms of a long time member of the SSAC. And there is – that group is made up of individuals and it's identified explicitly as individuals. And I think I can say that most of the individuals that are members of SSAC have in fact changed their job position if not the company that they work for, more – maybe some more than one time while they've been participating as an SSAC member.

And I think we can expect the same sort of thing to occur on the CCWG for – in this particular instance because I don't expect it to be a very short time period. And as people do move into doing work on the process development itself, I would expect that a number of them would change positions. And so it's very important to not only have the transparency but to make it – also stress the importance of any changes in status need to be identified almost as immediately as possible because – but not have any exclusionary statements.

So that will, I think, get us the people that are best and most qualified and yet not exclude those that would have potential conflicts were they on the distribution mechanism. So I think transparency changes and the individual's affiliation are really important and need to be noted quickly and carefully.

Alan Greenberg: Yes. Thank you, Russ. And that is in line with our standard practices where at the beginning of every meeting we ask for changes in statement of interest.

This case we may be more prescriptive in what that statement is but I don't think it changes the overall concept.

I guess I'll just have to make one comment that having participated in a very large number of working groups, some of which involve decisions which ultimately do map to large amounts of money, even large compared to the amount that we're talking about here when we look at what individual grants are going to be, and we regularly deal with people who clearly have financial interest in the outcome. And we trust – sometimes reasonably and sometimes without the results we hoped for, we trust the process to balance their interests with those of others.

Sylvia Cadena: Agree, Alan.

((Crosstalk))

Alan Greenberg: Sorry, Sylvia, you want to get in? Jonathan, you said you wanted to take over at half past the hour. Do you still want to or do you want me to continue?

Jonathan Robinson: Alan, no, I'm happy. I thought we were only running for 90 minutes actually so (unintelligible) I thought we were coming to the end anyway.

Alan Greenberg: Oh. All right now I understand your comment better. All right, I'll stay in the chair. Sylvia.

Sylvia Cadena: No, I just wanted to say that I agree with your comments…

Alan Greenberg: Okay.

((Crosstalk))

Sylvia Cadena: …one way and then don't trust the other way.

Alan Greenberg: Yes, so I think the way going forward is everyone agrees that, Asha, I'll go to you in a moment, everyone agrees that we're going to need strong conflict of interest guidelines that the CCWG will have to define for the ultimate disbursement mechanism that what this group is talking about at this point is a strong statement of interest, including perhaps explicit statements on their future involvement and that's that's what we will likely put forward to the Board.

Clearly we have wording work to do. But that's, at this point, what we're talking about. And should there be Board members that, indeed, are strongly disagreeing then we encourage them to come talk to us and see if we can come to some common ground. Asha.

Asha Hemrajani: Yes, thank you Alan. So I just want to clarify what I meant earlier. I was not – when I mentioned what would happen after the disclosure, there's two extremes. One is complete ban, a complete exclusion. The other extreme is just a simple noting of the disclosure. So I'm not suggesting a complete ban or exclusion at all. I'm just asking the question if there is a disclosure that raises alarm bells would there be any prescribed next steps?

And even if the prescribed next step is we will do nothing, it is still a prescribed next step. I mean, I just – I wanted to just ask this question because I think in all likelihood there should be some next steps. And what those next steps are is as exactly what Russ mentioned on the chat, he has a concern about those next steps would be. I don't have the answer to that but I'm just saying that something we may want to discuss.

But I just want to make it very clear, I'm not talking about the extreme situation where there is an exclusion. Thanks.

Alan Greenberg: Okay thank you, Asha. Jonathan reminded me that we agreed to book 120 minutes but actually only use 90. At that point, where are we? I think we have now addressed Number 16, effectively addressed Number 17. I think we've gone a fair way into this section.

And we have 20 minutes to go on the full two hours. I'm happy to stop at this point. I think we've come to a good point and we will continue next – next week or two weeks from now? David or Terri?

David Tait: Hi. It's David here. I think my understanding is that we've got to put a poll out to find out when people are next available (unintelligible).

Alan Greenberg: I thought we had decided regularly Wednesdays at this point this time but I'm not sure if it was every week or two weeks.

Terri Agnew: Hi, this is Terri. From my understanding it was going to be every two weeks. And last I knew we were going to determine time by Doodle each Wednesday.

((Crosstalk))

Terri Agnew: Unless this time works well for everyone then I'm happy to continue scheduling it at this time.

Alan Greenberg: All right. Jonathan, I'm going to turn it over to you at this point to make an executive decision on how we go forward. I'm happy – this time is not the best one for me but it seems to work for most people and I'm happy to go ahead with it. But other people may want to speak up.

Jonathan Robinson: Thanks, Alan. I'm happy to pick up on that at this stage. We've obviously – you've taken us to a decent point. We've had some good discussion and it's down to the practicality of the timing. We did, as Terri said, agree to meet every two weeks at a time to be determined on a case by case basis.

I guess what was anticipated there was that we would settle on something comfortable for everyone or not and recognize that we needed to alternate. Which is what we were doing before. But, I mean, what happened when we

were alternating slots before, there was a certain presumption that it was good for some people in the morning and better for others in the afternoon. And in fact that doesn't necessarily hold. Some might have a regular job all day and prefer things to be done in the evening. Some go why are you eating into my evening? Which is why we settled with a smaller group like this on proposing the Doodle method of dealing with it.

Asha, did you have a legacy comment on the previous points or did you want to come in on the timing issue? Your hand is up.

Asha Hemrajani: Oh sorry, that's a old hand. And I'm not able to bring it down, sorry.

Jonathan Robinson: No problem. Thanks.

((Crosstalk))

Asha Hemrajani: Okay, somebody help me. Thank you.

Jonathan Robinson: So good. So but I do think we need to be straight with one another and it's very important that we hear from anyone who feels prejudiced by us – if we do coalesce around a particular time. It would be most convenient I think if we could run at a specific time, whether it's the time we began today or not. So let's try for a couple more sessions where we Doodle it. So immediately after this call, Terri, we put out a Doodle for the one in two weeks' time. And it's sufficient warning and sufficient opportunity to have input.

But just go on record and remind people if you do feel that you're being sort of voted out and you happen to be in a minority time zone or something, let us know and we'll do our best to accommodate you.

Alan Greenberg: Thank you. Jonathan, if I may go back to the substance of the work. May I suggest to David that for several of the answers, several of the comments that were made in the previous section on essentially alignment with mission

and then the ones here on conflict of interest, instead of trying to answer the comments together – individually – I think you can eliminate the horizontal lines in that – in the column of answers and simply answer all of the ones on conflict of interest with a single statement instead of trying to reply to them individually. And the same is true in the previous section on alignment with mission.

Because I think we tried discussing them on a point by point basis but the whole thing really we ended up having one major discussion on the overall interest and I have no problem if the responses are framed in the same way. That may make your life a little bit easier.

David Tai: No that's great, Alan. Thank you.

Alan Greenberg: Jonathan, back to you to close.

Jonathan Robinson: Thanks, Alan. And you and I can work with ICANN staff to try and assist if there's any work to try and synthesize the work coming out of here. So I guess what we're expecting is a further pass of this document and then coming back to the group and we'll work on the second half of it next time. And also online, you know, as we did this last time by sharing revised versions of it. And then ultimately we'll map that back into the charter.

Alan Greenberg: Yes, and I didn't – I did some comments late last night which Jonathan and Lyman contributed to. This time we'll try to do it a little bit earlier.

Jonathan Robinson: Yes, exactly. Thanks, Alan, particularly for stepping and thanks, everyone, for participating.

((Crosstalk))

Jonathan Robinson: We'll talk in a couple of weeks' time and as Alan says, let's try and be a little more proactive on the email in the meantime. I certainly missed the

Doodle poll originally. I'm not quite sure why you didn't see it, Erika, but hopefully we'll all see the Doodle. Keep a look out for the link and fill it in as soon as possible so we can settle on the time for the next meeting.

All right, good. Talk with you all soon.

Alan Greenberg: Thank you, all. Good call.

Erika Mann: Thank you.

((Crosstalk))

Russ Mundy: Thanks, bye.

Terri Agnew: Thank you. Once again the meeting has been adjourned.

END