LEON SANCHEZ:	Good morning, good evening, good afternoon, good whatever you are in the world, to everyone. And this is our CCWG Work Stream 2 Plenary call. Today we have, of course, a full agenda and I would like to remind everyone—
THOMAS RICKERT:	Hi, everyone. I think that Leon's line has dropped because obviously, we can't hear him anymore. So we would like to welcome everyone to this call. We would like you to prepare or present us with SOIs, if you have updates to SOIs or if you haven't signed your SOI so far. Also, please mute your microphones when not speaking because otherwise, we're going to get a lot of echo which it makes it very difficult for everyone to follow the call.
	I'd like to do the roll call based on the attendees we see in the remote participation room. Let me ask who is only on audio. We heard that Jeff Neuman is only on audio and not in the Adobe Room. Since there are more folks just on the audio line, please make yourself heard so we can add you to the roll call. To anyone else just on the phone line… Okay.
	That doesn't seem to be the case and Leon [saw my work] because I wanted to mention to you that Mathieu is on holiday well deserved so excused, he's not with us today and Leon and I will chair this call jointly. I hope that Leon will be with us shortly again.

Note: The following is the output resulting from transcribing an audio file into a word/text document. Although the transcription is largely accurate, in some cases may be incomplete or inaccurate due to inaudible passages and grammatical corrections. It is posted as an aid to the original audio file, but should not be treated as an authoritative record.

Also, I'd like to remind every one of the ICANN Standards of Behavior, expected Standards of Behavior which will make it much easier for everyone to interact. That's agenda item number one.

Let's now take a look at agenda item number two and that is the review of the agenda and I understand that Alan Greenberg has asked to deal with first reading of Lori's team, the Standards a little bit earlier on the call. I do not think Lori is with us already. Let me just check. Lori, are you with us?

I think it will be difficult to deal with this topic without Lori. I'm not sure whether Lori has appointed someone to step in for her. Has anyone been appointed by Lori to present the paper? That doesn't seem to be the case but let me say that we will try to honor such requests as we can logistically so we will file such a request. We will try to our best ability to honor that.

I think our limitation for this request is that Lori is not yet there so we can check with her. I would suggest that we keep our eyes open to see if and when Lori joins and once she's with us we will ask her whether she's ready to deal with her part of the agenda so that we can then move her slot up in the agenda; hopefully, taking place before the top of the hour.

Alan, I hope that is acceptable. Are there any further comments or requests with respect to the agenda?

GREG SHATAN: It will be good if we could deal with the jurisdiction slot before the top of the hour as well.

THOMAS RICKERT: Okay. Let me suggest this. Let's move to the Administration section, which is agenda item number three and before we move to the Legal Committee update, we're going to deal with Jurisdiction update, which is going to be very quick anyway but, Greg, let's do it then and then I think we have enough headroom before the top of the hour so that we can even squeeze in Lori's paper as well.

Legal Update is going to take place before we move to agenda item number four.

Okay. Let's now move to the third agenda item which is going to start with the Action Items. So from the previous call, we had a couple of action items the first of which was Good Faith Subteam 2 Review and present to the Plenary as first meeting at the next plenary, which, in fact, is this meeting. This is going to be dealt with so the Action Item can be deemed closed.

Then we have the HR SOI [inaudible] to meet the SOI to public comment and advise the Plenary when it goes up. That's on hold for this meeting so I hope that we're going to be able to resolve this when we get to that point in our agenda.

The third Action Item is relating to the Jurisdiction Subteam and that is for Staff to prepare a publication of the questionnaire and advise plenary when it shows up. The response from staff is that it should go

up this week so I hope that is acceptable for everyone. Then we have Transparency Subteam — actually two Action Items for that subteam, first one of which is [inaudible] rapporteurs to share the list of open discussion items for consideration on the January mailing list and staff to set up a joint meeting between the Ombudsman and the Transparency Group to review Interdependencies.

So that is completed and as you will have seen in preparations for this call the Transparency Subteam has prepared its report for first [reading] so we're going to get to that in a few minutes later during this call.

Last Action Item on this is the timeline we ask the rapporteurs to submit revised timelines to the co-Chairs. We have not received feedback to this from all subteams. We know, for example, that Avri and team are slipping over by like two weeks but we would like to encourage those who have not yet provided feedback to us to do so as soon as practically possible because we would need such revised timelines in order to plan our resources and also to be transparent with chartering organizations and the community about the additional time and results we might need to complete our task.

Then, last thing or the next item in the administrative section is a quick update on ATRT 3. We do know that some chartering organizations have already dealt with this, some are about to deal with this so if memory doesn't fail me and I would like to encourage all of you to chime in if I get this wrong. The ccNSO has planned to deal with this during its upcoming cause.

I see that Leon is with us again. So Leon, would you like to speak to the ATRT [restated].

LEON SANCHEZ: Thank you very much, Thomas. I'm back on the call. Yes, we have received agreement from target organizations as to the limited scope that we purposed from ATRT 3 and if I'm not mistakenly have received agreement from three of the [inaudible] organizations these being the ALAC, gNSO, and the SSAC, I think, I'm not sure. Please do correct me, Bernie, if I'm wrong here. We will be only waiting for the GAC response in order to proceed with this limited scope.

Yes, the ALAC, gNSO, and SSAC. We are on track with that and if we could, of course, encourage our friends from the GAC and the gNSO to provide with a reply to our recommendations that will be great. I believe that gNSO will be speaking on these on their next call and I would hope that the GAC could also be doing this and soon.

That is where we are standing in regards to our recommendation with ATRT 3. And we have also another item on travel [funding] and for that, I would like to hand over the floor to Bernie to remind us where we stand on [inaudible] for ICANN 59. Bernie, could you please take the floor?

BERNARD TURCOTTE: Thank you, Leon. Very quickly, if we're going to meet the ICANN travel timeline for funding, we have to begin the month-long process Friday next week for ICANN 59 in South Africa.

The proposal will be to have the same rules as we had for ICANN 58 and now that we're planning properly and should not have a timing issue there should only be one round. Basically, looking for approval from the Plenary to go forward with the same rules as ICANN—funding for ICANN 58 and only one round. Thank you. Over to you, Leon.

LEON SANCHEZ: Thank you very much, Bernie. Time passes by really quickly and we need to work on this as soon as the timeframe is open for applications. Of course, we will provide you with more information in a timely fashion but as Bernie said, the rules will be the ones that we have been applying so far.

In regard to our working methods, we have dropped our [inaudible] calls in order to leave more room for people to do—think that they need to do on a day-to-day basis and we're only having these when we have some urgency or some urgent matter.

One thing we have adjusted in our working methods is that in order to be able to have first and second readings, the rapporteurs should get a formal okay from their subgroups on whatever document they will be submitting to attorneys and these documents should be sent to the Plenary at least seven days prior to our plenary. Of course, we encourage all the rapporteurs from the different subgroups to plan, of course, ahead and be able to send whatever documents you want to submit for our plenaries with these [inaudible] so everyone can have look at the documents and when we get to our plenary everybody seen the same page in regards to discussion that we will have.

I guess that concludes our administration portion of the agenda and next we have a very brief update on the Legal committee update and we have no pending requests in regards to the Legal committee. We are pending, however, one answer from ICANN Legal in regard to the Transparency Group. They have replied that they are working on it. We have no estimated time for a reply but I expect that this would be sooner rather than later. That's all we have in regard to legal requests.

Our next agenda item would be the updates from the subgroups. First, I would like to confirm whether there are any objections to the proposed new working methods that I highlighted. I mistakenly went to the Legal Committee update before asking for any objections on this issue. If there are no objections on the proposed working methods and the anticipation that we should be providing with the documentation for the Plenary then we can move forward.

And I see no objections as to the proposed working methods. So I guess we are all in agreement with the proposed way forward.

Our next agenda item is the updates from the different subgroups and at this point, I think we can squeeze in the first reading on Good Faith [inaudible].

[inaudible] but we don't have Lori on the call yet so I don't think that's going to be possible. We'll [inaudible] the team to wait for Lori and then I would like to turn to Niels ten Oever for the Human Rights Subgroup update. Niels, can you please provide us with a quick update on the Human Rights Subgroup?

NIELS TEN OEVER: Yes, I'd love to. Hello, everyone and hello, Leon.

So, first of all the subgroup would like to thank the co-Chairs for their guidance provided on our work especially the guidance we should follow Annex 12 of the CCWG Work Stream 1 report because that gives us a lot of hold to see where we need to go because that Annex says that considerations should be part of the framework of interpretation.

That means that for clarity sake, our subgroup decided it might be better to not submit a framework of interpretation separate from a considerations document but since Annex 12 there should be one document. We should also present it for public comment as one document which means that we need a bit more time to work on the considerations and that work is likely already going forward. We had a call on that yesterday as [inaudible] Drafting Team is taking the lead and we're discussing it weekly.

Therefore, we would like to ask the Plenary to disregard the framework of interpretation that has been shared with the Plenary before and of which we have already had two readings. We would like them to disregard that and then we hope to come back—we expect to come back soon with an integrated document which integrates the considerations and the framework of interpretation.

Finally, we would like to ask staff to hold off on publishing the public comments. We hope that that plenary can find itself in this proposed way forward by the subgroup and we do not think this is going to affect any deadlines and we will be able to propose this to the Plenary well in time before May.

LEON SANCHEZ: Thank you very much, Niels, for this update. This is very good news and I see that you are already working on it and that this would not impact your timeline. I see Kavouss's hand is up so Kavouss, could you please take the floor?

KAVOUSS ARASTEH: Yes. Good time day or night to everybody. No problem with the suggestions of Niels but I have two comments to make. In the plenary, I would like that the secretary also include in the note. At this stage of the work, we should avoid to inject new ideas into the process.

Last night we had an idea. Somebody said that ICANN community and ICANN organization. I don't understand this at all, this issue. We don't need such distinction and we don't need to get into unnecessary discussion and generate hours and hours of disagreement. This is number one.

Number two, again last night, we have discussed the issue of implications or application of human rights to the policies of the ICANN and we talk, people talk that all policy, PDP policy of the gNSO is not subject to any human right when it is considered by ICANN court. However, on the contrary, people maintain that the GAC advice is subject to examination of conformity and consistency to human rights. I totally disagree with this course of action. We must treat all them equally. I did ICANN Board with respect to the [contemplation] of GAC advice and gNSO and ccNSO recommendation has to seek the consistencies of them with the human rights or not.

But we do not want to exclude gNSO and include GAC. This is not a proper course of action. Once again, GAC should not be marginalized and should not be put in a disadvantage. Unfortunately, there are not sufficient GAC number participating in many of the groups, only one or two. That's all. That we are surrounded by the considerable number of the gNSO people and they push for something and the Chair does not listen to us. Thank you.

LEON SANCHEZ: Thank you very much, Kavouss. The notes have been taken and I think that this will reflect, of course, on the notes from this call but I would definitely advise that we keep this discussion for now at the subgroup level. This is something that I think that the subgroup needs to thrash out and to sort out. While we do encourage the rapporteurs and the participants of the subgroup to reach an agreement as to the comments that you have made which are, of course, very constructive. Thank you very much, Kavouss.

I see Greg Shatan's hand is up and that is perfect because I will then jump to you, Greg, on Jurisdiction questionnaire. But please do take the floor for whatever comments you have.

GREG SHATAN: Thank you, Leon. Just to remark briefly that there seems to have been some miscommunication. I don't recall, I was on the same call as Kavouss. I don't recall anybody suggesting that gNSO policy recommendations are not subject to the Bylaws including the Human Rights Bylaw. Clearly, any policy recommendations to the Board would

be considered with regard to the mission, commitments, and core values. So it would be folly for a clear disregard for any of the mission, commitments or core values to be inherent in gNSO policymaking. So there just seems to have been some, perhaps, miscommunication or misunderstanding on that idea.

Also, as far the distinction between ICANN the organization and ICANN the community and ICANN the ecosystem, I would note that our CEO makes that distinction. I would say that distinction is generally helpful where there are different actors or acts that are taking place and consider who's taking the lead on things. Obviously, there's a lot of interrelationships. These are not bright lines, necessarily, but I think it's a concept that has been advanced in good faith and in terms of analysis of the document we're preparing.

I just wanted to clarify prior remarks for those who were not able to or are not part of the Jurisdiction—or rather the HR call. Thank you.

LEON SANCHEZ: Thank you very much, Greg. And as I said earlier, I would definitely encourage the group to continue this discussion at the subgroup level and continue with our agenda [inaudible].

I see Tijani's hand is up. Tijani, if this is to continue the discussion on the issue that's been started by Kavouss, I would definitely encourage to have this discussion at the sublevel group. If it is some other comment, please you are welcome to take the floor.

TIJANI BEN JEMAA: Yes, it was only to confirm that I do think that this is something that we have to discuss in our working group—in our subgroup. We started speaking about that last night and there is two different points of view. I don't think we decided anything. We don't have to bring anything to the Plenary if we don't have something from the group. Not from the parts of the group or from another parts from the group. Thank you.

LEON SANCHEZ: Thank you very much, Tijani. So I would now like to move to our next agenda item which is the Jurisdiction questionnaire. For that, I would like to hand over the floor to Greg Shatan to present. Greg, you have the floor.

GREG SHATAN: Thank you. The Jurisdiction Subgroup has, as you all know, prepared the questionnaire which has been approved by this plenary. A final version along with an announcement blurb, if you will, was forwarded to the ICANN Translations Team I think early last week, early to mid-last week.

My understanding that we should be receiving it back from the Translation Subgroup as early as today. That would be translation into each of the ICANN languages. As soon as that is back to us and we double check that to whatever needs it. Every [inaudible] needs to be checked for those who might be native speakers of those languages but I don't necessarily expect that we would go into some extended round of checking.

That would be published on the Public Comment page of the ICANN website or rather a link to it would be published on that page and then a page with the questionnaire would be presented. There will be a mailbox, a special e-mail address, and list created to receive those comments.

In order to give adequate time after the Copenhagen meeting for those who may learn about this questionnaire at the Copenhagen meeting and also to allow discussion by the GAC in their face-to-face sessions, which is the primary working method of the GAC and to allow GAC members in turn to communicate afterwards to their Stakeholder communities we are keeping the questionnaire response period open until April 17th.

We are encouraging people to submit their responses to the questionnaire at any time which hopefully will mean that we will get some earlier in the comment period and our working method will be to review those comments or responses as they come in and then, of course, we will review all responses equally regardless of when they come in. But in terms of working method, we do want to get a head start, if you will because this is a longer period than we were initially intending to have and then our timeline is under pressure because of the extensions of the timeline into mid-April.

For the same reason, of course, this will not be extended for any additional period of time after the April 17th date because that would have even greater effect on our timeline and ability to stay anywhere near the overall timeframe of our work.

Once the questionnaire is published, we will all be notified of that. I encourage everyone to publicize it within their groups—within groups outside of ICANN as well and we hope they interact with people on matters related to ICANN Internet governance and the likes. I'm sure that you will all look forward to doing that and the jurisdiction subgroup looks forward to receiving responses. And responses, of course, can and should come from any member of this plenary as well so I would ask you all to consider responding or if you are interested it's never too late to join the Jurisdiction subgroup.

Of course, the scope of our discussions is broader than the scope of the questionnaire. The questionnaire is designed to get some fairly specific input to our work but it does not define the scope of our work. So with that, I will yield the floor. Thank you.

LEON SANCHEZ: Thank you very much, Greg, for this very useful update. I'm happy that we've finally reached an agreement on publishing the questionnaire and the date set for the deadline and that you and the subgroup had in mind the different working methods from the different organizations. It's good to see that you left room for the GAC to be able to respond to this questionnaire and this is will be adopted methods.

Kavouss has his hand up. Kavouss, would you like the first comment on this?

KAVOUSS ARASTEH: Yes, two small things. The first one. The openness or opening of this group to everybody should be included in the note of this meeting because one Chair of the GAC I was asked her why she is not participating. She says that she's not allowed to participate because the group is already decided. I said, "No. Anytime you can send a message to the co-rapporteur or rapporteur, whatever name and you could be included so there is no limit at all."

And also in one of the outside ICANN meetings, somebody mentioned that the meeting is closed and I mentioned that not at all. This is not closed. So please put in the note of this meeting that all meetings of subgroups are open to everybody provided that the Chair is informed and he is properly [registered] to the mechanism.

The second question is that plenary needs to request the Jurisdiction group to study the ways and means, how the responses will be analyzed and put them together and assemble in order to be associated to the questions. We have spent nine weeks to this question and you will not spend another eight weeks to the method how to discuss that. So that should be an exception or request from the CCWG community. In the meantime, this methodology how to analyze and tell them the question and associate the reply to a question or if there's need for [any particular decision], how it should be handled.

This must be put in the agenda of the solution meeting of the subgroup. I thank you very much.

LEON SANCHEZ: Thank you very much, Kavouss, and your comments have been replanted in the notes and, of course, all the subgroups are open for anyone who wants to join to work. And if there's anyone who wants to join, please feel free to contact our [MSSI] staff and they will be happy to add you to whatever discussion lists we have for any given subgroup and, of course, anyone is free to join any closed or any meetings in any of these subgroups.

I will now turn to our next agenda item as I see no other comments on this subject. For that, I would like to hand over the floor to Lori Schulman for our first reading on Good Faith Principles Guidelines and I think that we have Lori on the call. We will also go to a very short update from the Ombudsman Group with Sebastien Bachollet. I would like to continue with the first reading of these guidelines on Good Faith [inaudible] and as soon as we finish that we will come back to Sebastien for the update on the Ombudsman Group. Lori, you have the floor.

LORI SCHULMAN: Thank you so much. Can you all hear me?

LEON SANCHEZ: We can hear you loud and clear.

LORI SCHULMAN: Good. Thank you. We had a first peak a few weeks ago, I'll call that a first peak at proposed recommendations. Our group has submitted this report for the initial read. It includes a proposed guideline. Some standalone recommendations that came out of discussions that we had.

We thought there might be some useful organizational framework-type recommendations that we could put forward to help the community when it is engaged in the powers even if it's not for Board removal. So that comes after our most formal proposed guidelines.

We also ran the proposed guidelines through ICANN Legal. We asked two questions of ICANN Legal. The first question was whether or not ICANN Legal to see any conflict with them giving an opinion on these guidelines given that there are times when ICANN Legal may, in fact, represent the Board. We wanted to make sure that there was no issue regarding that and that we wouldn't move on to need some sort of independent review.

The answer that we received ICANN Legal is that no, that ICANN Legal is working for the entire organization – I'll use organization – and that it's important that these guidelines for Board removal comport with good corporate governance which is where ICANN Legal is responsible for overseeing.

That made sense to our group so we decided then to question two. Are the guidelines—do they comport with California law? If we were to implement these guidelines, do we see any possible legal challenges were we to actually use them?

We got a very short answer in one sentence. These comply. So we didn't a full sum explanation but we did get the thumbs up and that was, again, for the group that gave us enough confidence to feel that we could move forward.

This issue of Good Faith is very subjective, I believe, to our community and as long as we have guidelines and that we are following them that should be sufficient to demonstrate good faith in a broader legal context.

I'm happy to take questions now or we can go through each guideline and I can explain the rationale. I'm happy to do it either way but presuming that people did read it, I think answering questions from the broader plenary would certainly be welcome.

LEON SANCHEZ: Thank you very much, Lori. I agree with you that it would be best if those who have questions can raise them now. The reason for having sent the documents seven days in advance is, of course, that everyone is able to go through them and focus on the questions that everyone has in our plenary. So I see that the first hand is up and that is Kavouss. Kavouss, could you please take the floor?

KAVOUSS ARASTEH: Yes. Sorry. No specific question but just one simple one. Why you call them guidelines. Guidelines is with a statement of something. Is this not sort of the requirement? Why guideline? Guideline may be applied or it may not applied. We have, in other organizations, outside ICANN, many document-type guidelines. When we discuss, people say, "Uh-huh, this is guidelines." That's all. It doesn't mean that they have to implement that. Thank you.

Is there any reason why you call them guidelines?

LORI SCHULMAN:	Thank you, Kavouss. We took the word guidelines from the report itself from Work Stream 1. That we wanted to use the word that would allow flexibility in terms of how things are implemented. These aren't hardened fact rules. What these really are, are a framework for certain behaviors. If you look at the wording itself, even though there is a requirement that the guidelines must be filed, as you look at each requirement there's a lot of latitude for each SO/AC to do what they feel is in their best interest in terms of what would be a good procedure for entering into a Board removal discussion.
	This is just a word that community chose. Thank you.
LEON SANCHEZ:	Thank you very much, Lori. This is correct. This word comes from our Work Stream 1 report and the explanation that you've given, I think it's perfect.
	Next, I'd like to move to Alan Greenberg. Alan?
ALAN GREENBERG:	Thank you. I guess this is really in response to Kavouss. They are guidelines. If you choose or if an AC/SO or a participant chooses to libel a director and make false claims which can—where the director could take them to court. Then, since you did not follow the guidelines, you are not indemnified by ICANN and you take personal responsibility for it.

So from that perspective, they are guidelines. Anyone could choose not to follow them. They'd be rather foolish to do so but we're doing—the group has done its best job to identify what if you follow these guidelines then you will be indemnified by ICANN and presumably its insurer.

So from that perspective, they are guidelines but you have to use judgment call on whether to follow them or not. Thank you.

LORI SCHULMAN: I support Alan's recommendation on that. That's exactly right. This is only about the indemnification. To remind the Plenary that this is about indemnifying the representatives and there is a legal definition of the exact individual that this would cover. But if an SO/AC decides that it wants to ignore it, it's really advice, in a sense, that you know, go your own way but then there is no guarantee of being reimbursed for legal costs or any other expenses that might [inaudible] or accrue to you based on any action.

LEON SANCHEZ: Thank you very much, Lori. Thank you very much, Alan. So I see no further questions nor hands up. As we have come to these first reading, I would now like to call for any objections on the document that we have reviewed and if we don't have any objections, we could have this concluded as a first reading for our Good Faith Guidelines report. I see Alan Greenberg's hand is up. Alan, you have the floor.

ALAN GREENBERG: Thank you very much. This looked like a pretty simple task and we came into it thinking we knew how to go ahead on it. It took an awful lot more discussion and revision of the documents to get to a point where we were all happy with. And I'd like to thank Lori for the amount time, effort, and energy she put into this. Thank you.

LEON SANCHEZ: Thank you very much, Alan, and I think that we all acknowledge the efficiency by which Lori has adopted this work and, of course, the collaboration from all members of the subgroup. So we thank you all for your work. As I see no objections on the document that we've just reviewed, I would now the end this section of our call and declare that we have successfully made the first reading on these guidelines on Good Faith of Conduct in participating for formal discussions.

Thank you, Lori, for your participation on this call. I will now turn to Sebastien Bachollet for an update on the Ombudsman Group. Sebastien, you have the floor.

SEBASTIEN BACHOLLET: Thank you, Leon. It's very short. It's to tell you that the external review request for proposal T7 answer from different part of the world and staff is working on evaluating those responses and we will deal with the Ombudsman ICANN Office on which during our next call to that.

And to add to the question of the timeline, I will not be able to give any real feedback on where and when we will be able to finish our work because I think that it will really depend on first, the external review,

how they will do the work, and if they will stick with the proposal timeline.

We are doing well for the moment. Thank you.

LEON SANCHEZ: Thank you very much, Sebastien, for this update. And I think that the timeline issue relates actually to action item number six that we will be reviewing a little bit later in the call. Thank you again for this update.

So now I would like to turn to our next agenda item or our next point in the agenda which is the Transparency Subgroup second reading and for that, I would like to hand the floor over to one of the rapporteurs, either Mike or Chris. I think we have Chris on the call. I don't see Mike, so Chris, could you please take us through the document.

CHRIS WILSON: Thanks, Leon. Actually, Michael is available. He's in the chat room now. Michael, go ahead.

MICHAEL KARANICOLAS: Chris, why don't you… because I know you might have to leave a bit early, do you want to go through your change first?

CHRIS WILSON: Sure. Real quick. I'm sorry, I do have to leave at the top of the hour for other ICANN call. But, real quick, Michael and I since we've last spoke with you on the last plenary call received some feedback both on the

plenary call as well as the e-mail for the subgroup. But, in particular, on the last plenary call I know we did receive feedback from some members of the Plenary with regard to a recommendation concerning transparency into government ICANN interactions. And there were some discussion specifically regarding the sort of exception to that transparency requirement concerning critical formalized interactions between governments and ICANN.

In response to that feedback, we have revised that particular part of the recommendation to make it clear that the transparency recommendation and requirement does not apply to government ICANN interactions that directly relate to ICANN policy and administrative matters. An example would be a PDP Working Group, for example, on a particular issue. The goal is not to open the door for reporting requirement for interactions with regard to such things. That doesn't seem reasonable or necessary. And so, the attempt was to better clarify that for folks so when there are interactions in the hallways in the ICANN meeting, etc. regarding ongoing policy work at ICANN or even administrative matters with ICANN that those aren't what we're talking about that needed to be disclosed.

So we hope that that clarification satisfies the concerns that were raised in the last call and makes it clear for all what exactly the transparency disclosure requirement really does and does not cover. So that's really what I was wanting to talk about and I know Michael had a few other things. I'm also happy to take questions either now or offline if folks want about that. But, perhaps, maybe I'll turn it to Michael to go over other changes that were made since our last call.

LEON SANCHEZ: Thanks, Chris. Mike, you have the floor.

MICHAEL KARANICOLAS: Thanks for that, Chris. So hopefully you can hear me. I'll just mention a couple of issues in terms of amendment to the document and then we can hope a bit of a discussion about where we stand in the process. In the last call it was suggested that we should follow up with the Human Rights and Ombudsman Subgroups to see about making sure that there was no overlap between them or conflicts between what we were discussing.

I reached out to Niels at the Human Rights Subgroup first who indicated that he didn't really think that there was any issue of overlap or conflict. I reached out to Sebastien and as a result of that we had some discussions on the list.

We received some feedback suggesting that for two of the recommendations, specifically the recommendations for monitoring and evaluation of the system as a whole. So sort of tracking statistics on requests and the like and for the recommendation regarding an oversight or review function of the exception for frivolous or vexation requests. Both of those the recommendations have structured it as recommending that the Ombudsman take those functions on and we got a bit of feedback suggesting that it should be the Complaints Officer instead. So I shifted the recommendations in response to that just saying the Complaints Officer or the Ombudsman partly because the role of the Complaints Officer is still being formed.

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So I wasn't sure how those two roles would interact and I wanted to leave a bit of flexibility there. But I wanted to open up a little bit on that particular issue because now I've received feedback in both directions with some people objecting to the idea of potentially having those rules performed by the Complaints Officer rather than the Ombudsman. So I wanted to take the temperature of things a little bit here to find out if there are thoughts one way or the other. And maybe following that we can have a brief discussion where we stand in the process.

So is there any thoughts about that particular change? I see Kavouss's hand up. But I'm not sure if that's a new one or an old one.

LEON SANCHEZ: It is a new hand and I would like to hand the floor to Kavouss at this point, so Kavouss you have the floor. Kavouss, might you be on mute?

KAVOUSS ARASTEH: Okay. Sorry. I don't whether the title of the document is what I see on the screen. ICANN CCWG Transparency Report or title will be different. No problem, but I think this is not a joint report by ICANN and CCWG on the transparency so titles should be different. But this is not the question I'm asking.

I'm asking that is it possible that the part change with respect to the [GAC] that was mentioned by Chris or by Michael should be shown on the screen that they will see exact wording because I have [no] time to read that and [inaudible] seconding reading, I would appreciate if you could expose it to the screen for one or two minutes. Thank you. The

portion has been changed after the last meeting that was commented by somebody from, I don't know, it was from Denmark or from [inaudible]. But I want to see what are the changes. Thank you.

MICHAEL KARANICOLAS: Okay. So there's been two… The only changes to the document thus far… Sorry?

KAVOUSS ARASTEH: Can you show it on the screen?

MICHAEL KARANICOLAS: So the only changes to the document thus far have been in terms of… If I move this, does everybody see it or is that just me? Are you guys seeing it move now?

KAVOUSS ARASTEH: Yeah. Please move it to the area that you have changed. Thank you.

MICHAEL KARANICOLAS: Okay. I'm just moving it to the recommendations. These are also reflected in the body of the piece. But the recommendations is really the important part. So you can see number—

THOMAS RICKERT: You would need to point [inaudible].

MICHAEL KARANICOLAS: It's Recommendation #13 on page 20. So just look on top of page 20. So just to read it out. Previously, it said the exception for informational request which are "not reasonable, excessive, or overly burdensome, not feasible, abusive, vexatious or made by a vexatious or [inaudible] individual." Previously it said, "Should be amended so that the Ombudsman automatically reviews any decision to use this exception." And now it says, "So that either the Ombudsman or the Complaints Officer automatically reviews any decision to use this exception."

And then moving down to the bottom of page 21, previously it said, "Either the Ombudsman or the Complaints Officer should be tasked with carrying out reasonable monitoring and evaluation procedures such as publishing the number of requests received. The proportion of which were denied in whole or in part the average time taken and so on." So previously that said the Ombudsman should do that and now it says the Ombudsman or the Complaints Officer should do that.

In terms of the change that Chris just mentioned, it was basically clarified so that's just underneath the DIDP Recommendations under ICANN's interactions with government. It says, "In the interest of providing the community greater clarity," there's a footnote that's been inserted that says, "In terms of the disclosures of the interactions with government," to clarify it says, "Such disclosure is not meant to encompass government ICANN interactions directly related to ICANN administered from policy matters such as a PDPWG. And, otherwise disclose statutory 'lobbying activities'." So those are the only changes that have been made.

KAVOUSS ARASTEH: Okay. Thank you.

LEON SANCHEZ: Thank you very much, Mike. Kavouss, I thought that you had raised your hand again. Are there any other changes that you would like to go to, Mike?

MICHAEL KARANICOLAS: Right. David just mentioned that. So I wanted to take the temperature of those changes first and then to discuss where we stand in terms of the process itself. So David mentioned the process. But, we are going to discuss that in a sec, but why don't we just finish this discussion first. I see Sebastien's hand is up potentially with regards to the Ombudsman thing.

LEON SANCHEZ: Sebastien, you have the floor.

SEBASTIAN BACHOLLET: Thank you. I have no problem with leaving the comment like that. I think it can go to the public comment period. But I want to highlight that if we take all the different subgroup or at least some of them are requesting something specific about an independent body. Today's the only independent body is the Ombudsman's Office. At the end we need

to consolidate all the subgroups and I think that there are three ways to enter new function or new action or new facility.

One is to include that the ICANN Ombudsman's Office. The second one could be to create another independent body different from the Ombudsman's Office and with different responsibility. That's not an easy task but it's a possibility that at the end of the work we decide that it's something we as a plenary we would like to go.

And the third possibility is, of course, to ask staff to do some of those actions inside staff there will be the Complaints Officer obviously. But there could be other places within staff that some action could be done or some activity could be done.

Then I think that we will need to have the discussion later on and I have no problem with leaving the document like it is today. I just want to raise this issue to have that in mind for all the subgroup and I'm ready to discuss that with any subgroup who wish to do so. Thank you.

LEON SANCHEZ: Thank you very much, Sebastien. At this point I think that we've come to the document and, of course, some concerns that many have pending. But I guess that this wouldn't keep us from publishing this report for public comment. So Mike, if you're done with the review of the document, I would like to, of course, call for any objections to have this document has come to the second reading and for us to publish it for public comments. Mike, are you okay with this?

MICHAEL KARANICOLAS: Well, I am. But I know that David has raised something in the chat and also on the list. So David has mentioned previously that he would like to get input in from ICANN staff regarding the changes that we've recommended as well as any resource constraints that would impact that, etc. We reached out to ICANN Legal as a result of that, got confirmation, I think this morning that they received it but haven't really gotten any timeframe for when they might get back to us.

My inclination is that feedback on that front can be worked in during the public comment period. But I know that David has expressed his own reservations, so for me, I'm a bit uncomfortable holding that up especially without any defined timeline for response. But I think that David might feel differently as he's expressed. So I don't know if he wants to weigh in.

LEON SANCHEZ: Thanks, Mark. So I guess we have David's hand up. David, could you please take the floor.

DAVID MCAULEY: Yeah, thank you. Michael characterized it correctly. In the document, there are certain obligations that the Transparency Subgroup will be putting on ICANN. And, they cause me some concern but at some point I came of the view that I believed independently that ICANN was going to submit some comments. So it just occurred to me why don't I see if this is okay with ICANN? If it is then any concern that I had would go away. And so that's the nature of my concern. With respect to putting it out for public comment, I frankly think that would be a matter for the Chairs

and the co-Chairs or the CCWG to decide. I really have no position one way or the other except to say that when those comments come in from ICANN, they may prompt some additional comments from me. Thank you.

LEON SANCHEZ: Thanks, David. So I guess if there are no objections, of course, I guess we could publish it for public comment. And having in mind that we are pending some comments from Mike and Legal that might impact, of course, the way that the final document might look. But I guess then any other comments could also affect this, so I guess we can go for public comment at this point. So are there any objections from anyone to publishing this document for public comment and having this being read for the second time?

Okay. So I see no objection. So Scott, please be so kind to prepare these documents for publication for public comment and we will continue with our agenda for this call.

Now I would like to turn the mic back to Thomas Rickert for the next agenda item. Thomas, you have the floor.

THOMAS RICKERT: Thanks very much, Leon. The next agenda item is going to be a review of the schedule and timeline. And, I think that we have some slides prepared for that. They're not yet in my Adobe. It may only be me, but let's just pass for another couple seconds and then continue. It may only be me, but I don't yet see the slides in the Adobe. I might need to leave

the Adobe Room and then come back in to resolve this. So Bernie, can I ask you to speak to the slides and then for the discussion I will take over.

BERNARD TURCOTTE: Probably the best on this one since we have Nathalie to have her walk us through the slides quickly, if you're okay with that, Thomas.

THOMAS RICKERT: Certainly. Certainly. Nathalie, I apologize for not going to you immediately.

NATHALIE VERGNOLLE: Hello, everybody, can you hear me?

THOMAS RICKERT: Yes, we can hear you, Nathalie.

NATHALIE VERGNOLLE: Good, thank you. So very briefly just going over the dashboard here, the first [graft] at the top reflects the monthly activity in the subgroups and in the Plenary. So the month of December and January have both been a little low. The e-mail participation has increased quite a bit mostly due to the traffic on the Jurisdiction Subgroup. In terms of participation by affiliation things are pretty stable month after month, nothing particular to report there.

In terms of the overall timeline, we are now at the beginning of February with the intent to be done by the end of June. The objective is for the subgroups to have reached consensus on their draft recommendations no later than the end of February so that we can then proceed with two readings in the Plenary over the month of March and, in particular, during the face-to-face meeting in Copenhagen. Then have enough time for a 42-day public comment and after that analyze the comments and revise the output if necessary before we can conclude the work by June.

Thomas, would you like to take it from there?

THOMAS RICKERT: Thanks so much, Nathalie. Any questions from the group on this? There was a question from Jorge in the chat and Bernie responded that he will share with the list the methodology on how we come up with the figures you find on these charts. So that's a good thing to be shared with everyone.

But apart from that I guess what becomes clear is that we will not be able to make it and complete our work by middle of this year. We know from a few subteams that they need more time. So Albert's group, for example, said they likely step over by two weeks or so. Sebastien's group cannot give a prediction of how much additional time they might need at the moment. So we think for the sake of transparency and accountability for that matter it is important for our group to reach out to the chartering organizations early to give them a heads up that we will need more time to complete our work.

The good news is that at the moment we will likely not need additional funds because we have not exhausted the funds allocated to this project. But we need to be clear with the chartering organizations, likely the Board and the rest of the communities that we will need more time. So let me pause here and ask for instant reactions from this group.

So there are no hands raised. Are there any objections to the co-Chairs preparing correspondence to the chartering organizations to inform about the delay? Okay. So there doesn't seem to be any objection to reaching out to the chartering organizations.

Then I guess the bigger issue in terms of process is that there are rules that describe how we can manage our budgets in terms of reallocating certain budget positions from one to the other. So we can reallocate funds within our given budget, but there is no rule at the moment that allows us to take money from the current fiscal year to the next fiscal year. So we do have potentially an issue with taking money into the next fiscal year, but something that we would need to check with the chartering organizations as well as with the Board as well.

I would suggest that this group try to come up with a solid budget to complete the whole task. And also with a split [ideal] estimate of how much money we will likely need in this fiscal year as well as how much funds will be needed for the coming fiscal year. But I guess we all need to be very clear that any revised budget estimation about additional timing that will need to be the real thing.

So I think there is one opportunity for us to ask for an extension. But we can't do that multiple times, otherwise I guess we would lose credibility

and also we would lose potentially this huge opportunity for community working groups as such to manage part of the budget that is needed to do community work. You will remember that this CCWG is actually the first CCWG in ICANN's history that was given budget responsibility for its work and we shouldn't jeopardize this privilege as I would call it, because there's a responsibility coming with it.

Let's pause here and see whether there are any reactions from this group. So I think Kavouss's hand is up. Kavouss your microphone might be muted, we can't hear you.

KAVOUSS ARASTEH: Do you hear me? I am saying do you wish or do you expect to have an announcer at this meeting or you explain or describe the situation [inaudible] perhaps what you said orally, you put it a little bit in a [inaudible] might have some consequences. But not having any quick reply now, yes or no. Both of them may not be appropriate. So why don't you wait for another meeting and put your questions, suggestions, options in a paper. Thank you.

THOMAS RICKERT: Thanks very much, Kavouss. Certainly, this very meeting was not the meeting in which we have to come up with this updated plan. But we want to get agreement from this group that everyone is okay with us reaching out to the chartering organization to inform about the delay. We also need to get your approval that we can reach out to the appropriate teams inside ICANN to start with the PCST to talk about how we can move budget from one fiscal year to the next and how we

can potentially ask for additional money if need be. So we just want to be fully transparent that we need to give this heads up and talk about procedural aspects so that this group doesn't feel bypassed by us doing these managerial, if you wish.

But at the same time this is also a discussion that shall pave the way and alert everyone of the seriousness of the situation that we all need to put some thinking into revised time plans. So even though it might be difficult for a group such as the one led by Sebastien Bachollet to come up with a complete planning. I think we can't just be silent and say nothing and say there's no possibility for us to give a prediction. But I guess we have to potentially build in a little bit of buffer or additional time that might be needed in case, let's say, this other work is delayed. But we need to come up with something that is sustainable so that we can seek approval for moving the budget, getting additional time, getting additional budget, if need be, getting the human resources our excellent team to support us with this and then share with the community when they can expect our work to be finished. Because I think transparency is key in all this.

So I see some support for this in the chat and there's a queue forming with Sebastien and Kavouss. And Sebastien before you speak up, let me clarify that I was just using your example to illustrate where we are. It was not in any shape or form meant to criticize your approach. And I actually sympathize with the way that you say you can't really give something finer during this meeting because of the uncertainty in other areas that might impact your work. But, let's hear you and then Kavouss.

SEBASTIAN BACHOLLET: Thank you, Thomas. No worries. I have no problem with what you say and thank you. One of the reasons I don't want to give the schedule right now is I don't want to come back in two weeks or in one month to say, "Hey guys, I was wrong. The discussion with the [external] reviewer is now asking for three more months." And then I come back with something different.

It's why I would like to ask you to give me the time to know who will do the review and be sure that they will stick with the purpose timeline. If they stick with the purpose timeline, my goal as a rapporteur of the ICANN Ombudsman Office is to produce a document for your [perusal] as a plenary by the end of June. Because I think we will need some weeks after the reviewer give us a report to include that in a comprehensive report taking into account all the issue we have to take into account.

It's why it will be after June in the next fiscal year to do the first reading, second reading and the public comment period. That's my goal today. But I want to be able to come back to you with more certainty as soon as possible. I will try to do this job quickly. Thank you.

LEON SANCHEZ: Thanks very much, Sebastien. Kavouss?

KAVOUSS ARASTEH: You raised many, many questions. First of all, I didn't think that Sebastien's group would take longer time. I told you it would be

[inaudible]. So any extension for seeing should be given with logic, rationale and reason. Why is it that? Why it could not be achieved with the amount of time available by changing the arrangement [inaudible] working so on, so forth, this is number one.

And number two, transfer of budget from one year to other year, that is one issue, appropriation of the budget is another issue. So we need to have some [inaudible] with the various options that you propose concerning the charter organization I don't see any problem, you consult them. But before you inform them of the delay, you should explain why you have such a delay and knowing that there is no unlimited time to do these things.

The last question is only Sebastien who has been delayed or were there others as well? From the [inaudible] apart from those who have [inaudible] will be delayed. I don't know. Maybe Jurisdiction would have the same problem maybe or may not. So I would like to have one global arrangement but not as you mentioned every time coming for any [inaudible] a sort of suggestion and what you [inaudible] we should maintain the credibility of the group. So we need a written form and we need a more detailed analysis of the situation and proposal and so on, so forth and a good time to go to the chartering organization because sooner or later they will meet. Thank you.

THOMAS RICKERT: Thank you very much, Kavouss. Kavouss I guess we're trying to do exactly that. We're trying to seek or get this group's approval to reach out to chartering organizations and other parts of ICANN to inform

about what we're doing and why we are facing delays. We've had various discussions as you know with the rapporteurs and the impression that the co-Chairs got as well as staff is that there is no way for us to finish all the work by mid of this year.

So I think that your suggestion that we might change working methods and get the job done in time is a good one. I just think that it's not realistic for us to push and pressure the subteams and the broader community that needs to chime in in comment periods so that we can get that achieved.

However, having said that, if the CCWG feels that we can accomplish the task, that we can get the job done including all the steps that are required for us to complete our work as such, then please do speak up, let us know and we will do what we can to support this group. So we don't want to be roadblocks hindering the group from achieving its goals.

So I think we can leave that discussion open and should there be ideas to change working methods or otherwise expedite the process so that we do not need to go into overtime, please do share that on the list. And the absence of agreeable changes to our working methods, we will not take the group's response or lack of objection as an indication that this group wishes the co-Chairs to prepare such communication and prepare the charting organizations as well as the Board to working beyond the end of the project as it was envisioned in our original planning. So I see Kavouss's hand is up, Kavouss, please?

KAVOUSS ARASTEH: Yes. It is certain the main group is a working method. I'll give you two examples. We discussed one meeting, what is the meaning of respect to Human Rights? We discuss another meeting, what is the meaning of to address. These are not necessities. This is [inaudible]. Address is [inaudible]. Did the people bring me? The other [inaudible] those that community and ICANN organizations. These generate [inaudible] discussions and take your time. Or looking at the framework of interpretation, why only be limited [inaudible] at the beginning [inaudible] discuss Annex 12 [inaudible] together and now we have to say wait until we discuss Annex 12 and come back. I think we need to review our working methods. There is a decision period. We have to accept to [inaudible] ourselves. It is not the fault of any individual. It is our collective fault. So we have to review that. So before asking for any extension, I think you have to see what are the measures, ways and means that they have to take into account in order to achieve the [inaudible] within the period unless [inaudible] accepted [that]. If [inaudible] everybody could see if it's discussed then more time, then more discussions and budget and see the budget is limited and so on. I don't think the [inaudible] that one. I have no problem. You open an e-mail or you open a mail [inaudible] and people [inaudible] to comment on that. I will do some comment and the others and then we go ahead with this. But I think working methods should be [placed]. It is not an efficient one. Totally that is [inaudible]. Thank you.

THOMAS RICKERT: Thanks so much, Kavouss. Kavouss, I think everyone would agree in retrospect certain parts of our work could have gone faster. But as you know the work in the multistakeholder community sometimes is

cumbersome and sometimes groups need robust debate before they come to consensus. Kavouss, what I would like to ask you is whether we should note your intervention as an objection to the proposed way forward or whether this is an encouragement to review what we have and how we can expedite things, because I do not see any other objection or criticism to the way proposed, i.e. to reach out to the chartering organizations and to prepare for the asking for an extension of time and potential budget. Kavouss, please?

KAVOUSS ARASTEH: No objection and no criticism to anybody. It's just comment, we need to ultimately prove our ways of [getting the market]. I have no objection. You can go ahead. But I think you should not open the door that the unlimited extension and so on, so forth. It's not only money, it is some other thing. But please kindly also not to object to reviewing the working methods. I am not objecting to your proposal nor criticizing you or any individual. I am criticizing ourselves, a collective criticism. Thank you.

THOMAS RICKERT: Thanks very much, Kavouss. I much appreciate your comments. In fact, I guess, we are all fully in favor of streamlining our working method. And actually I think sometimes we should remind ourselves of the now famous die in the ditch test that we've applied a couple of times in Work Stream 1. But sometimes the discussions seem to linger on and on and on. And we might need to bring them to closure earlier in a more stringent fashion as we move on.

Sebastien, your hand is raised, please?

SEBASTIAN BACHOLLET: Just to remind everybody that in addition to Work Stream 1 decision that what we need to do for Work Stream 2, we had an addition of duties taken from the ATRT2. And at least for my group it changed a lot, but we were supposed to do and how we will do it. It's just a reminder. Thank you.

THOMAS RICKERT: Thanks so much, Sebastien. So there are no further hands raised, which is why I think that we can end this agenda item and I would like to thank the whole group for their support for us to take preparatory measures to ask for an extension of time and resources. We should also note as an action item for the subteam rapporteur to come up with a revised time plan, let's say, within the next 10 days, if possible so that we get the opportunity to finalize what's hopefully going to be a robust and reliable plan to complete our target.

With that we can move to the last agenda item which is Any Other Business. So let me ask if there's any other business that you would like to discuss? Kavouss, your hand is raised.

KAVOUSS ARASTEH: Yes. The confirmation of what was said at the beginning of this [meeting]. Do we understand that now there would be a face-to-face meeting in Johannesburg for the CCWG one day before the start of the ICANN or not, just for the confirmation?

THOMAS RICKERT: I think the best answer we can give you at the moment is that most likely we're going to have a face-to-face meeting before the Johannesburg meeting starts. Let me virtually look at staff to confirm this or specify. I think we don't have a precise date, do we?

KAVOUSS ARASTEH: I think that sometimes this should be a little bit more effective if [inaudible] that some people they have a ticket and so on, so forth, they might have problems because to reserve the ticket longer time you have the benefit from the very, very low price. If you leave it to the last two months before you'll have a higher price. So why is this difficult that at some time you decide, one, do we have face-to-face, two, and what time. Usually it was before the ICANN meeting, one day before. What is the difficulty that at your next meeting you cannot decide on that? Thank you.

THOMAS RICKERT: I guess the best answer we can give you, Kavouss, is that we can't just create the meeting agenda ourselves, that we need to consult with the ICANN meetings team. So Leon, if you have a better answer to this, please chime in. Otherwise, I would not as an action item for the co-Chairs and staff to reach out to the meetings team for ICANN 59 and try to get a definitive answer on a meeting day for this group as soon as possible.

LEON SANCHEZ: Thanks so much. Well, I just want to follow up on what you said and, of course, address Kavouss's question. We cannot assure that we will hold a face-to-face meeting yet, but we, as Bernie said at the beginning of the call we are beginning to plan on travel issues for ICANN 59 and I would guess that we most likely will have an answer before the travel planning gets open. I have been told that staff is working with the meetings team to determine the date before the travel application opens up next week. So I guess we will be doing, of course, an announcement on the list if there is room for holding a face-to-face meeting prior to our Johannesburg meeting.

So I guess everything will just turn out fine, Kavouss. You will have the dates soon enough to plan your travels and we will let all know in a timely fashion whether we will be holding or not a face-to-face meeting before the official meeting in Johannesburg. So that will be all for me, Thomas. Thanks.

THOMAS RICKERT: Thanks very much, Leon. I don't see any further hands raised, which is why I think we can adjourn early. So I'd like to thank all of you for this productive call, particularly the hard working subteams and their leaderships. So now we could actually get two papers advance and two of the Plenary check, if you wish. Thanks, everyone. Let's talk at the next plenary call or a subteam call. Have a great day or evening. Bye-bye for now.

[END OF TRANSCRIPTION]