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>> DAVID MCAULEY: Hello, everyone. It is David McAuley speaking and it is the top of the hour. And let's wait two minutes in anticipation of some additional folks coming on. Thank you.

Hello again. It is David McAuley speaking and it is two minutes passed the hour. So I'm going to ask that the recording please be started.

Thank you. As has been mentioned in previous calls there is a rough five by five rule, that is we have five participants by five minutes passed the hour. I believe we are there. Kate, with your indulgence you always hear me say this, that for purposes of counting that quorum, we don't consider you, though we are happy to have you here. With that being said I think we have enough to proceed. Aubrey, myself, Kavouss, Malcolm and Liz. So Liz, I'm asking you are here as a participant, is that correct?

>> LIZ LE: That's correct.

>> DAVID MCAULEY: Welcome back. I saw from your e-mails that you have been away for awhile.

>> LIZ LE: Thank you. Thank you. Good to be back.

>> DAVID MCAULEY: So I would like to press on and begin despite the low attendance, but as a consequence of that we will probably not have the full hour of time on the meeting. Let's begin by asking if there is anyone on the phone bridge who is not in the Adobe room, would they please identify themselves now. Not hearing any, let me then say if there are any updates to statements of interest that anyone has -- wants to bring to the attention of the group right now. Again not hearing any, we can proceed to item No. 2, which is the status of the timing issue. And as I mentioned on last week's call and as we discussed on last week's call the timing issue has been well discussed. There are legal inputs from Jones Day, from Sidley. There are inputs from Malcolm and from Sam and from Greg. Sam indicated last week there are further thoughts that will be coming from ICANN, either a proposal or at least further thoughts. And Sam said they would probably be here in two weeks. And we encouraged to get them here more quickly. Liz, do you have that body of further thoughts? Are you able to present that?

>> LIZ LE: We are still working on it. And we expect that we should be able to circulate something probably in the next -- if not by the end of the week, then at the beginning of next week. Sam is currently traveling right now. She is attending the board workshop in Geneva. And she is actually on a plane. So I think that she is -- would like to work and develop on that a little bit more before we circulate something.

>> DAVID MCAULEY: Thank you. We can finish with the status of timing issue. It is pretty much what I just said. That is we will await further input from Sam. And when that comes in we will take the time to consider it and I think we should be in a position to try and make a decision as a group where we stand on the timing issue. That being said, item No. 3 on the agenda, we can move to that. Unless there is anybody that wants to make a further comment on the status of the timing issue. Hand up from Bernie. Bernie, go ahead, please.

>> BERNARD TURCOTTE: Thank you. Liz, for the action items what day should I put in as the outside limit on that?

>> LIZ LE: I guess -- are we having another call next week?

>> BERNARD TURCOTTE: I believe so.

>> DAVID MCAULEY: I think there is one, Bernie, on the 11th.

>> BERNARD TURCOTTE: That's correct.

>> LIZ LE: So I think if we can put the 11th I think that would be a safe outside date. Should be able to get something to you, to the group by then.

>> BERNARD TURCOTTE: Well, if it is on the 11th it is

the -- the call is at 9 a.m. Eastern. So no one is going to have a chance to read it. Can we make it on the 10th?

>> LIZ LE: Right. Okay. That's fine. That's fine.

>> BERNARD TURCOTTE: Okay. Thank you.

>> DAVID MCAULEY: Okay. Thanks, Bernie. And thanks, Liz. And without further comment on item No. 2, we will move to 3 which on the agenda is an update on our assisting supporting organizations and advisory committees in an effort to stand up a standing panel.

As we left this last week Sam mentioned that ICANN legal had reached out to the policy team at ICANN and the policy team was making contact with all of the SOs and ACs. Part of what Sam and I had spoke about and floated to the group was doing a webinar hopefully some time soon and other steps to help get the SOs and ACs to get ready for this. And then in Copenhagen at ICANN 58 I briefed a couple of SOs and ACs about this as well. And I spoke to other SOs and ACs about this. It is becoming known. And Liz, let me ask you, do you have any further information about this topic for us other than, you know, the policy team is working on it?

>> LIZ LE: No. That's the last update I have as well. And I -- I just returned back in to the office on Wednesday. And unfortunately Sam was already out of the office. So we haven't been able to touch base on this. But as far as what I have seen in terms of e-mail traffic that's the most current information that I have.

>> DAVID MCAULEY: Okay. Thanks, Liz. Anybody have anything they would like to say or any questions they would like to ask about agenda item No. 3? That being the case let's move on to No. 4. I see that Greg has joined the call. Welcome, Greg. On the joinder issue, Brenda, I think you have some slides on joinder. And what's going to be shown in the slides is I mentioned last week in a call that I was going to try and consolidate or pull together the input on joinder in to items that we might be able to agree upon or at least to prompt some discussion around.

And so there you see, this is one of two slides. One of four points on this and I think this -- I think I sent this to the group. I can't remember. It was either yesterday or today. But there have been comments on joinder that as I mentioned before when I spoke about joinder the first time and then I spoke about it in a meeting and on list Greg gave some comments on list as Sam did, too. Sam had posed some very good questions about making sure that joinder, the notion of joinder didn't lose the concept of parties being tied to the IRP in the sense of what an IRP is. That is harm having been occurred in the nature of a breach of bylaws or Articles and that joinder wasn't

an opportunity for parties to settle other kinds of claims. I think that's all well understood. I will read these out quite briefly. Slide -- the first slide, No. 1, one suggestion that all those who participated in an underlying proceeding as a party, using that term in its formal capacity received notice from a claimant, now these are IRPs under that section of the bylaw that is cited which deals with expert panels. That the claimant of the full notice of IRP and the request for IRP, two separate documents, including everything that comes along with them, contemporaneously with the claimant bringing the claim to ICANN's attention.

Two, that such parties have a right to intervene in the IRP. That is to take part in the IRP as a matter of right. How that right would be exercised would be up to the procedures officer who may allow the intervention through granting IRP party status or by allowing parties to file Amicus briefs as the procedures officers determine in his or her discretion. No interim relief or settlement could take place without allowing those giving Amicus status to file an Amicus brief on the requested relief or terms of settlement.

And the next slide, in reviewing these applications the procedures officer will endeavor to adhere to bylaw 3.43S, hopefully within six months. And then point 4 says that parties that participate in the capacities as Amicus participants would be considered parties for the limited purposes of bylaw 4.3R which means if they bring frivolous arguments they might be tagged with costs. That's a suggestion I came up with as a participant and to the group. I see that Malcolm has his hand up. Why don't you go ahead.

>> MALCOLM HUTTY: Thank you, David. I was just asking about the procedures officer. Certainly in determining whether or not somebody should be a party or should be a -- should be entitled to be a party or should be Amicus, isn't procedures officer and ICANN officer, the assistive process and essentially a clock function rather than a -- I don't want to use the word judicial but you know what I mean, a judicial function. So I am really raising the question, these issues be taken by the procedures officer.

>> DAVID MCAULEY: There won't be a panel at this time because the claim will just have been filed but the procedures officer is actually a member of the standing panel under the rules. And that's why I put that term in caps. That's how that term appears in the rules.

>> MALCOLM HUTTY: Okay. Thank you for clarifying my misunderstanding of the status of that officer. Thank you.

>> DAVID MCAULEY: You are welcome. Good question. Any further comments on this? And I say that with this in mind, it

is on the list and it will be here in the call. So probably within this coming week if there aren't further comments I am going to sort of put out on the list a request that we consider this issue for first reading and second reading as part of the rules. Again trying to wrap things up as best we can. If there are other comments, please speak now. Malcolm, is that a new hand? Oh, thank you.

>> MALCOLM HUTTY: Sorry, no.

>> DAVID MCAULEY: Okay. Thanks. So I need to get back to the agenda. Item No. 5 is challenges to consensus policy. And I have to say -- just one moment. I have to say that with respect to challenges to consensus policy, I had hoped to come to the list with a set of slides like these. And I just haven't had a chance yet. So my apologies on that. I'd like to move the discussion off of this right now and move on in the agenda and maybe come back to it, but I will ask in the meantime if anybody has a comment on the consensus policy on the mail that's taken place on the list.

Seeing none I'll move on to the next item on the agenda which is a discussion of recently posted issues. And what I mean by that is I had sent some e-mails on trying to draw together not only the joinder but an issue on retroactivity and panel conflict of interest. And so if I could ask Brenda to pull those slides up and again I tried to be economical with the slides. And present -- present what I was suggesting in the slides. And here you see panel conflict of interest issue. And if I -- I don't believe I have sent these slides to the list. I will do that after this call. But each of these two slides will indicate that this is simply a subset of something I sent in a certain e-mail. And it will have a link to the e-mail. With respect to panel conflict of interest I expect that you have all seen my mail where I sort of go through who made the comment, what the comment was and what the rules provision currently is. And then I get to my suggestion and there were three suggestions with conflict of interest. One from a law school in Delhi and one from .music and one from .registry. And the letter from -- the comment from the law school first basically spoke about term limits and read the bylaws as requiring us to create term limits. And they went back to the final report of the CCWG where there was language that said it will be a five-year term, no renewal as I recall, but the bylaws didn't capture that no renewal language but they did encourage us to come up with a rule on term limits. My suggestion would be that term limits make sense but it makes sense that panelists become familiar with term limits. There is not that many IRPs that someone may participate in. I guess that's not a good term to use. But IRPs have not historically been counted in the hundreds. They

are less than that. That may change with the new standard. It is unclear but I thought that two terms of five years might make sense to allow people to get an understanding of ICANN, become comfortable in that and proceed on. Not that panel members would serve two terms but they could. But I also asked what do we think because maybe no term limits make sense or maybe as the law school in Delhi said one term of five years make sense. Malcolm, you have the floor.

>> MALCOLM HUTTY: I must say I haven't checked how this CCWG report has been incorporated in to the bylaws on the specific point. But I had previously been very supportive for there being no renewal. And I was happy with longer terms for much reasons you said, David. But the band on renewal is a significant Bastian to the independence of the IRP. The panelists know that they are not potentially eligible for renewal and there is no reason for them to give other than their best judgment. And there is no incentive for them to make themselves popular with those that might be selecting people for renewal and so forth. I prefer not to have renewal. If there is a five-year limit in the bylaws so be it. I would have been content with a longer period, but no renewal I think is -- assists the -- supports independence and I support that strongly.

>> DAVID MCAULEY: Thank you, Malcolm. I take your point and I believe that Aubrey agrees with you with her green check and I think you make a good point. And so my expectation is when we come to bring this to closure is that you will repeat that point and for all I know that is what we will agree. Kavouss, your hand is up. So you have the floor.

>> KAVOUSS ARASTEH: David, I'm sorry, I have an opposite view of some of you. I am not in favor of the long term. I am not in favor of two terms of five years because the person dealing with a very, very sensitive important issue, if there is a long term and if they put the mandate up to five years it is difficult to judge who does the work properly or not. Because he or she may do what she wants. He will be there for two times or five years. So at the beginning I am in favor of shortness. Two terms I have no problem. But, first of all, we should make an arrangement that half of the people would be changing the first (inaudible) in order to have a contribution, but look at end of term to have a complete change. We make it mini Parliamentary elections. They have midterm or half of members, half of members, that you keep the (inaudible). So please kindly consider that. I am not in favor of two times five years. I am in favor of -- if you are going to have two times, two terms, not more than three years or maximum four years but to be renewed -- we do not renew all at same time. Thank you.

>> DAVID MCAULEY: I was talking to a muted microphone. Thank you, Kavouss. Good point. I personally as a participant could easily see two terms. But I think that Malcolm makes a good point. I don't have any hard and fast feelings about it. I suspect when it comes to closure on the list I'll agree with what Kavouss and what Malcolm said. There is a good question about what happens to a panelist whose term ends and a case is hanging or a case is pending. I would think if we do have or that when we finish this rule we should perhaps -- perhaps say that any ongoing IRP the panelist would not be replaced. I think that makes sense. But so I think those are good points. And my -- I would ask does anybody -- anybody else want to make any comment in this respect? And again this is -- oops, before I get there Malcolm has raised his hand.

>> MALCOLM HUTTY: I did raise -- it hadn't occurred to me the situation of a panelist whose term expires when they are in the middle of a case. If the bylaws permit I would be in favor of allowing panelists to continue until the conclusion of any cases that have started during their term. And simply when they should not be assigned to any new cases once their term has expired. I don't know if the bylaws permit but that's what I think would be the best outcome if they do.

>> DAVID MCAULEY: Thanks. Real credit for that point goes to Bernie who mentioned it to me online. So credit where credit is due. It is a good question. And Malcolm, you have mentioned a couple of things of bylaws, terms are five years. We have to come up with rules on term limits. And I think it would be easily within our remit to under the latter provision to say anybody sitting on a case can continue on that case but cannot take new ones at the end of whatever their term is. So it is a good point. And I think it is handled. And Kavouss, you are next with your hand up. So you have the floor.

>> KAVOUSS ARASTEH: Yes. Suppose that candidate is there the first years is finished but there is a case and would it be eligible for the second term, if he is not maintained -- continue for length, one year or six months until the case is finished. Suppose somewhere cases where they finish and the new member comes in the middle of the term. Should we have some sort of rule that on exceptional cases, in cases that we have only one panelist, but in case of three panelists which the end of the term should pose any problem. There is two people there. In all cases or we have one single panelist dealing with a case. Do we have a case that only one single panelist or in all cases we have two panelists?

>> DAVID MCAULEY: Well, I have to look at that. But my understanding there will be three panelists on any one case and as exists in the current rules and as we saw the case, the

absence of a panelist would require the replacement. I personally think that if we have one five-year term and the term ends and the case is still proceeding, we should keep in mind that under the bylaws the panelists are supposed to try and wrap it up somewhat expeditiously. And I don't think it will be a big issue, even the three panelists would still hang on to finish that one case. So I think we do need language in the bylaws addressing this. I can't -- I just think that this will probably be able to be well handled. That's all I can say really right now. Malcolm, is that a new hand that you have?

>> MALCOLM HUTTY: No.

>> DAVID MCAULEY: Okay. Thanks. And Kavouss, is that a new hand from you?

>> KAVOUSS ARASTEH: Yes. Can you imagine that a problem is -- that the case is -- issue -- does it have a procedure that he or she continue the case that -- then we have a little bit program -- how is it possible to control that the -- they know -- willingness of continuation that the case without -- can you imagine that? Somebody knowing that if the case is continued -- so you continue the case and just -- so there is only -- how long it should be continued? Six months? How long it could be -- it goes beyond the term, the time that you have really established. I think it was six months. Wasn't it six months?

>> DAVID MCAULEY: The rules suggest that the panel should try and wrap a case in six months.

>> KAVOUSS ARASTEH: How long they continue with the case, if the case is continued for how long? Another six months?

>> DAVID MCAULEY: That will be up to the panel, Kavouss. And I -- I mean they will have some discretion here. One thing that we have to keep in mind, too, is that the -- the IoT is an ongoing body. The rules are -- the rules are subject to adjustment basically. And once a standing panel is in place under the bylaws they will participate in rule making and that will be -- that would be good because these will be the people that are experiencing the rough edges of the rules of procedure. All rules would have to be proved by ICANN in the way that they are now. I actually think what we are talking about would make sense in the rules and that polishing them with concerns that you have, legitimate concerns, Kavouss, is something that can be provided for in the rules going forward. I don't know that it is going to stop us right now. At least that's my sense of it. Does anybody have anything they want to say about any of this conversation? If not, I think we can move on to the next point on this one slide on conflict of interest. And note that the law school in Delhi suggests that we make reference to the conflict rules of the International Bar Association. And they

are extensive like you would imagine in such a case. I thought that that would better be handled by an adjustment to the rules going forward. And it is not something we should get in to now for one reason among others just on the ability to get the rules out there. But as I did go through the rules I suggest that the language in red on this line, on this slide would be a good addition to the rules. This is from the International Bar Association rules that the school in Delhi pointed us to. And what that addition would be is a statement as follows: Every arbitrator shall be impartial and independent at the time of accepting appointment to serve and shall remain so until final rendered on the proceedings finally terminate. If anyone has a comment to add in on the rules or weigh in on this issue, please do so. Liz, you have your hand up. So you have the floor.

>> LIZ LE: In terms of the word arbitrator, can we change that to panelist?

>> DAVID MCAULEY: I don't think that would be an issue. I probably should have done that myself.

>> LIZ LE: Okay. Thanks.

>> DAVID MCAULEY: Is that it, Liz?

>> LIZ LE: Yes.

>> DAVID MCAULEY: Thank you. Anyone else have -- I was speaking to a muted microphone. Thank you, Liz. Kavouss, you have your hand up. You have the floor.

>> KAVOUSS ARASTEH: Do we insert internationally (inaudible) in the rules or make a cross-reference to that or we quote that? If we make quotations of that and we just share that without indicating that various contracts.

>> DAVID MCAULEY: Thank you. My suggestion is to insert this as a quote and not as a cross-reference. I think that we certainly entertain the idea of a cross-reference in future work, perhaps in the next iteration of the rules but to insert it as a cross-reference would be -- would entail a lot of time right now. That's one of my concerns. And so I'm suggesting putting it in as a quotation. Kavouss, you have your hand back up.

>> KAVOUSS ARASTEH: Yes. Perhaps we should -- instead, consistent with and then you -- with what and then end quote.

>> DAVID MCAULEY: Consistent with the International Bar Association rules, sure.

>> KAVOUSS ARASTEH: Yes.

>> DAVID MCAULEY: Okay. I'll put that in my final treatment of this. I don't have any problem with that. Thank you. Anyone else on this particular matter? If not, I'm going to scroll down to the next slide which deals with retroactivities.

>> On that slide, what I'm comfortable with the basic

approach in the proposal, I think actually trying to incorporate a body of other things potentially would require a lot more careful examination than we have time to do so now. So a cross-reference, I think, even in the acknowledgement that the text comes from their rules might direct the panel to seek to applied body of those rules in a way that we are not -- I don't think we are ready to decide upon that yet. So I suggest that whatever we write we write because we like those words in their own right because we found them rather to say in accordance. That incorporates if you like a foreign body of precedent which we are not ready to examine.

>> DAVID MCAULEY: Thanks, Malcolm. What I -- I think you make a good point but I didn't envision it quite that way. What I was suggesting that I would do in response to Kavouss' point was in our final report basically say that, you know, consistent with language in the International Bar Association conflict rules, we request outside counsel to insert this phrase in the rules of procedure and just this phrase. It wouldn't be a cross-reference in the rules of procedure themselves.

(Talking at the same time).

>> DAVID MCAULEY: If the panel ever gets to what is called, you know -- if they ever went passed the rules of procedure and looked at how they were developed maybe it will become an issue, I tend to doubt. That's it. That's all we are asking for.

>> MALCOLM HUTTY: That's fine. You are not putting the consistent with in the proposed rules of procedures themselves.

>> DAVID MCAULEY: That's the way I envision it.

>> MALCOLM HUTTY: I support the way you propose. Thank you.

>> DAVID MCAULEY: Thank you, Malcolm. So let's take -- let's take a look at the retroactivity slide. And the business constituency actually talked about retroactivity of substantive bylaws and the other commenters spoke about retroactivity of the rules. And that's what this second slide gets after. Before I talk about it, let me just mention one more thing that I just -- I forgot to about the slide that we were just looking at and that is there were comments with respect to panel conflict of interest from .music and .registry and I spoke about them in the e-mail I sent. I will send you these slides right after this call, but it was my opinion that what they were asking for was beyond the bylaws and therefore was outside of our scope. So please take a look at that. And if anyone has a comment on it, certainly make it on list or if you do now, make it in the call now. Malcolm, is that a new hand?

>> MALCOLM HUTTY: Sorry.

>> DAVID MCAULEY: That's all right. I encourage people to raise their hand. Retroactivity, you can see that my recommendation is -- the text is quite small underneath that. Sorry about that. But my recommendation is against making the substantive bylaw provisions applicable to IRPs that were -- that were filed before October 1st of last year. In my view that's just not something that we agreed in the workstream 1, at least not as I recall and I was pretty much there throughout workstream 1. And it would have generated I think a lot of discussion and perhaps a lot of attention by the board. I just don't think this is something within our power and I state that position as a participant. Kavouss.

>> KAVOUSS ARASTEH: I have no problem with that provided that the justification for that. Usually no provisions has that (inaudible). It says that the way that I started and know -- with new provision. Now you have a new provision that's very good. But sometimes we had these two plans, but if you want to say this applies from the case -- before the 1st of October 2016, we want justification. Provide that justification, why we do that. Thank you.

>> DAVID MCAULEY: Thank you, Kavouss. Anybody else have a comment or insights on that bullet with respect to retroactive application of the substance? If not we will go on the final bullet of the slide that deals with retroactive application to the procedural rules that are now pending. And it was my recommendation that we send this over to the panel. Part of my motivation of this is there can be any number of circumstances that can underlie something like this that we can't anticipate. And this may be a decision, I don't know if this is part of Malcolm's rule but maybe not a decision we should make at this level. My suggestion is that we send the panel. If it is unfair to a party and they make that case that should be a limitation. If -- if it is an undue increased cost, et cetera. You can see the standards that I put in there. So that would be my suggestion as a participant in this group and I'm asking now if anybody has any comments they want to make about that, any insights to it, I would be happy to hear them right now. And I don't see any hands. So there it is.

Let me then say we pretty much have gone through the agenda. I did as I mentioned before on the consensus issue not have time to put together some slides like this that help or at least if I did, I don't recall doing it. And so I will bring something to the list in the next day or two or three on the consensus issue, but I think we have enough to chew on consensus right now. On these other issues I'll try and wrap them on lists in the nature of asking for a first reading in the part of the rules and take in to account these discussions that we have had now and move

forward. So we are just about to any other business. And I'll ask if there is anything anybody wants to bring up under that item. We may be able to finish this quite early. Kavouss, please go ahead.

>> KAVOUSS ARASTEH: Just a clarification, once you finish the two readings and what we will do -- what do you do with it after?

>> DAVID MCAULEY: Once we finish these discussions and come to agreement on the rules this is what I envision and pretty much as a participant. So I am open to other thoughts on it but is to write up a report, not a long report, but basically a distillation of what we have done and discussed and say that we believe this rule should do whatever we agree and send it to our outside law firm, Sidley, with a request that Sidley read this and amend the draft rules that people commented on, provide back amended rules and we take in to account whether we agreed that they correctly stated it. Since we are on this now, and Liz has her hand up, let me ask if Liz could take the floor.

>> LIZ LE: I'm sorry, I was just a little bit confused in terms of the last point that we were talking about the retroactive application of the rules. I know you asked for comments. And are we given that there were no comments that were stated on the phone right now, I know we only have a few participants, have we closed that issue or what is the next step?

>> DAVID MCAULEY: No. Liz, the issue is not closed. What the next step and for the reason that you just pointed to, that is not everyone is here. What has to happen I have to go to the list and say this is the treatment we have been discussing for these particular comments and these particular rules. And that -- that at some point soon I will come to the list with an e-mail that's in the nature of a first reading asking for, you know, acceptance, rejectance, comment, whatever. Whatever people want to say. No, that's not done. That's simply done for purposes of this call unless you want to make comment on it now?

>> LIZ LE: No, I wanted to get clarification on what our process was. And then secondly I do want to get clarification on what you were envisioning in terms of providing the rules to currently pending IRPs for the panels to have some discretion in terms of retroactive application. I wanted to get kind of a framework on that.

>> DAVID MCAULEY: Well, I'm not sure how to answer. What I was suggesting or what I am suggesting is that there is a pending IRP with -- once the new rules are in place, once they are done, dusted, accepted by everyone that has to accept them, and they are officially updated procedural rules, when that

happens, when they are available to parties it seems to me that there then may be existence of pending IRPs and some party to one of those IRPs may want to say to the panel we should apply those new rules. I think it should be up to the discretion of the panel to apply them or not. It is in our -- we have to live within these parameters. If somebody objects on the basis of cost as being undue or something like that and they make that case then the panel would not apply new rules. That was my suggestion. But it is just a suggestion as a participant. So it is open for people to react to.

>> LIZ LE: Okay. Just in terms of trying to envision from an ICANN standpoint how that would play out, is the concern of how far along an IRP could be in this process. And the impact of applying the new rules, it is further down the line in the -- in the IRP stage itself and what that impact could be.

>> DAVID MCAULEY: That's a fair point. In my thinking, Liz, and I'm just speaking as a participant again, in my thinking the beauty of putting it in the panel's discretion is that's a consideration that the panel would undoubtedly weigh. And we at this end would be probably not well advised to try and set a, you know, a time limit within the existence of any IRP, but again that's just a participant's view. When I come out on list ICANN and Sam and you will have a chance to react to it. When I come to list with these suggested treatment I guess I'll be asking people to comment within a certain period of time, hopefully within a week. We still have that May 29th date I would like to meet. There is a lot of work. But in any event there will be time to react to it.

>> LIZ LE: Thanks for that clarification.

>> KAVOUSS ARASTEH: I have been thinking of the situation. And I think the national perspective of any country I have seen no cases that have this active unless very, very specific case when provide danger and if not apply retroactively. Should not be (inaudible). Moreover I don't know how many cases are pending. I am not informed like you and Malcolm. I could not join you because there might be cases that some people might have some impact and they want to have retroactive. If you say you know their activity is more neutral, what is the justification of that? Even if you say just propose and give it to the panel but what are the reason that (inaudible) applied if we don't apply, what will happen? What will happen. What -- financial damage? Whatever procedures damage? What are the damages if we don't apply them retroactively? Thank you.

>> DAVID MCAULEY: Thank you. That's a good point. I can't answer you right now except to say I hope that you will remember this and put it in a response on the list. I take your point. And I guess my experience or my limited understanding of

the body of law here is which one country is usually substantive changes in many cases don't go backwards but procedural changes might if there is no prejudice worked and if applying the changed rule might help move things more quickly or, et cetera, but you raise a very good point. And I do hope that you will make that point when this comes out on list. Because there is no -- there is no, there is nothing stopping us from saying neither the substance nor the rules are retroactive. Please do make that comment when you see this mail come out. Is there anybody that would like to make any other comments, any other business? If not let me do two things. We can wind up this call -- I will ask if there is anyone that can volunteer to take an issue and maybe use this kind of a template to treat the issue with suggestions, please go to the comments forum and pick one out and go ahead and take a swing at it. And I'm going to try and move some issues forward and wrap these ones up with an e-mail as I said that might be in the nature of a first reading. Kavouss, your hand is up.

>> KAVOUSS ARASTEH: I'm sorry. I forgot two times to raise a point. When we stated for the first reading, I don't think that the five or six speakers are sufficient to put their confirmation. What we -- how we could have more people participating. Because I think a part, we are only six tonight. How will we -- it would not be sufficient that six people confirm first reading. Thank you.

>> DAVID MCAULEY: Thank you. And you raise an excellent point. That's why I'm talking about doing a first reading on list and maybe I need to put in bold letters at the beginning of list please weigh in. We need everyone's participation. I'm trying to find a way that we can -- as you point out to real consensus on IRP and IRT. I think others would come. You raise a good point and I will try and address that in the mail. And I will encourage folks to join. I ask those on the call, encourage those that they know in the group to please join in. And as I said there is a lot to do in the month of May and the clock is ticking. Hopefully we can move on. Thank you, Kavouss. That's a good point.

And if there is no other business, volunteers are welcome. The list will be active. I know it is -- I know there is a lot that's coming out on list. And it's good work that will help make for a better IRP process. And hopefully that will be in a process that provides fair treatment and fair handling of disputes. That's what we are after. Thanks to you all on the phone call and to Bernie and Brenda and staff. And I think that wraps it up. That's the end of it. So thanks very much. We will see you next week and see you on list.

>> KAVOUSS ARASTEH: Thank you, too. And bye-bye.

(Session concluded at 2:52 p.m. CST)

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