

**ICANN
Transcription
CCWG Auction Proceeds call
Thursday, 16 November 2017 at 14:00 UTC**

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AC Recording: <https://participate.icann.org/p5ovv4nox5n/>

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Julie Bisland: Well good morning, good afternoon, good evening everyone. Welcome to the CCWG new gTLD Auction Proceeds Call held on 16 November 2017. In the interest of time there will be no roll call. Attendance will be taken by the Adobe Connect Room. If you're only on the audio bridge could you please let yourself be known now? Okay hearing no names I would like to remind all to please state your name before speaking for transcription purposes and please keep your phones and microphones on mute when not speaking to avoid any background noise. And with this I'll turn it back over to Erika Mann.

Erika Mann: Thank you so much and hello to everyone. Let's get ahead with our agenda so let's have the point to any update for the conflict of interest check? No, not the case? Then let's move forward to Point 3 of our agenda which is completing Stage II. And we do have today (Jokivar). She's actually always with us but she is today replacing Marika. (Jokivar) thank you so much for having you with us today and for helping and guiding us. So can we please see the documents.

(Jokivar): Hi Erika. This is (Jokivar).

Erika Mann: Have I lost you?

((Crosstalk))

Erika Mann: Hi (Jokivar).

(Jokivar): Hi.

((Crosstalk))

(Jokivar): Yes I'm sorry I'm pulling up the document as we speak.

Erika Mann: Wonderful. So we are looking at the document. If you remember these are the potential projects. And the potential projects the idea was basically to identify projects that would fall within the mission statement or that would fall out of the mission statement. It was not to trigger a debate about the project itself or to recommend that anybody should put forward such kind of projects is an idea to be funded in the future. These were just informal gathering of ideas to understand between our self better what would be covered by the mission statement and what would be not covered by the mission statement. So just keep this in mind please when we review the list and when we talk about the different projects which we have put forward.

Now there are some and if you would scroll through the different projects you will see that we received actually quite broad examples. And in most cases we were able and capable of putting them either in the basket. They would fall within the mission statement or they are out of the mission statement.

There's two where they meet your guidance and this would be Number 1 and Number 12. I will come back to them in a second. And then at the very end we need your guidance as well and this relates to point 19, 20 and 21 and 22. So in these cases they are new and you might not have seen them so I would

love to draw your attention to them and would want to hear your opinions about them.

So let me go back first to the – and then I will open question. So let me go back first to Point 8 which is highlighted and maybe if this just can be shown on the screen this would be lovely. So eight and 12 are indicated yellow. We are not totally certain if they would fall in or without. So let me retell you - give you an idea about what they are about.

So eight is start up received as one to support an innovative low cost device that combines an open hardware and open software solution to interconnection issues in developing countries. As an example of potential impact benefit of this project the idea is piloted and deployed in 49 countries with funds from the auction proceed.

As the design is released and open license to support for such project benefits the Internet community as a whole the startup organizes their own business model based on services and technical assistance to the grantee sustainability. Can you hear me or do I have a bad connection?

(Jokivar): Yes.

Erika Mann: Somebody wants to talk.

(Jokivar): Hi Erika. This is (Jokivar). We can hear you perfectly fine.

Erika Mann: (Jokivar)? Wonderful. So our understanding in it's a noble thought but it probably will not fall and will not be covered by ICANN's mission but again we need your guidance here. The second is 12, Example 12 projects that alert Internet users particularly in developing countries of the availability of generic TLD so that it can equip them with a unique online identity not a co-branded identity such as Facebook or Instagram for example provide.

This may be of particular interest to small and medium business or farms and entrepreneurs. Again our understanding is it's a good cause and it's an important cause but it would probably not fall within the ICANN mission.

So let us talk first about if you agree about eight and 12. I want to keep it very short because we have a super long list what we need to do today and I would love to and hope we can get this all done today. So just if you could give us maybe a quick understanding what you think about these two examples?

I see Marilyn and I see Alan. Please Marilyn go ahead. Marilyn can't you hear us? Okay if this is not the case Alan why don't you go first and then I try again Marilyn later.

Alan Greenberg: Thank you very much. I'm – I've gone on record a number of times been a strong supporter of interpreting the mission as widely as possible. But eight I as way outside of that mission. Moreover for those who think it might even be within the mission I would suggest that the costs associated with developing a device and the risks of it actually being an economic success are such that this would be rather inappropriate use of our funds anyway.

And on 12 I've heard this suggested a number of times. I personally – I'm not sure it's whether it's within the mission or not but I think this smells too much of trying to make, you know, of marketing. And I don't think that, that would be appropriate. Thank you.

Marilyn Cade: Erika?

Erika Mann: Yes. Is this Marilyn?

Marilyn Cade: It is Marilyn. Let me say very quickly that...

Erika Mann: Is this (Sue)? Sorry.

Marilyn Cade: Yes it's Marilyn Cade. I don't support eight. I think we cannot be launching new businesses. Our purpose according to the mission of ICANN is to focus on policy. On 12 I also can't really support that. I think that marketing new gTLDs is up to the new truck. That's not what this – that's outside of our scope I think.

Erika Mann: Thanks Marilyn. I see similar comments in the chat room. Next is (Rhonda).

(Rhonda): Yes this - hi everybody. This is (Rhonda) speaking. Well I do not support, you know, dedicated promotion for a branded or whatever but information about in the layered community there is a possibility to have names in general. It's quite important because in those regions like South America for instance we have a lack of knowledge that people can have any name even in second level. So I do believe that it's a different aspect. But, you know, information in general I'm agree. This in particular I don't. Thank you.

Erika Mann: Okay thank you so much (Rhonda). You raise an interesting point a bit not identical but a bit similar to (Alan)'s to keep an open mind and to not be too narrow in our understanding of statement which might cover then or might be able to come either this point or a similar point. But in principle I think we agree that eight and 12 are questionable. I want to take next Kavouss and then (Sylvia) and then if I don't see or maybe (Ching) as well then we should maybe conclude the discussion about these two points. Kavouss please.

Kavouss Arasteh: Yes good afternoon, good morning good evening. I have heard the comments. I suggest that perhaps these two maybe we have - I don't know if you hear because I understand the list is not closed is examples. We might have similar situation.

So let us create two categories. One those are within the mission concept or mission mandates and the others are not. But it's useful in order for the general aspects of the general objectives of this project. So for the time being

that deleting them maintain them but in a separate list because it might be others that they are not strictly speaking within the region but they may be useful for the development of the - of project and objectives of this project. This is by way of suggestion. Thank you.

Erika Mann: Yes we can do this Kavouss. We can keep the gray, so-called gray areas, we can keep them as examples at the very end. Good idea. (Sylvia) please?

(Sylvia): Thank you Erika. I just wanted to point out that in the example of the startups in Number 8 if we decide for comments that it is fine for those (states) to have some (unintelligible) we might actually be listed in projects in terms of (unintelligible).

So one of the things that most grant programs or donors are always asking is that project have a business plan or an exit sort of a strategy where an owner can say, "Look we supported you, didn't deserve (unintelligible) or something like that and you have a strategy to move on and to sustain (unintelligible). So any project whatever (unintelligible)...

((Crosstalk))

(Sylvia): ...research or however names or something like that could be (unintelligible).

((Crosstalk))

(Sylvia): ...one of the questions that are an application process asks so (unintelligible) like this that are (unintelligible) that actually are opening that kind of approach I don't think that is - we should get scared about supporters will have a commercial value because the - or an application because there are many other organizations that are doing social work or supporting social development that do accept or support social enterprises or other types of organizations that actually are looking to support (unintelligible) that can be - see to the future development of (unintelligible). So I just wanted to call the

group not to discard that I think earlier or (unintelligible) maybe. Someone else in the chat mentioned the we should not discuss this for the risk or the financial implication.

And the other part is that many of the civil society organizations or private (tech) organizations are doing a lot of work that is for the (unintelligible) of the (unintelligible) and actually (unintelligible). And I already said that I do not support on this one so you can explain the reasons why. That's my 2 cents. Thank you.

Erika Mann: Thank you so much (Sylvia). So what are we doing now with this? So let's do the following because I think we have a general understanding than eight and 12 fall more within a more questionable area with certain caveats. Like what Alan said we are (unintelligible) so we will keep this in mind. But we will put these questions till the end. We will not delete in these examples we will not delete them. We will keep them on the list. But we do have an understanding between us and we will highlight this on the right column that they do not fall either within a result but they more out but there are still some certain questions related to certain parts which were raised today and we have this on record. Can we have an agreement about it?

Good. I don't see anybody opposing. Somebody is saying is not agreeing for the record. Yes I understood (John) you're not agreeing. In general we are not agreeing but certain questions were raised which we want to keep - which we don't we want to keep in mind with these questions which were raised today. (John) do you want to say something? I see you raised your hand? And (Yost) as well do you want to make a comment?

(John): Sure I'll make a common. I have a hard time understanding why 12 would not be included in the mission when we're talking about an awareness campaign or perhaps a new round in developing areas to apply a - for a top-level domain when the Applicant Guidebook which is the source of this funding actually uses that as an example for potential uses. So while we may or may

not agree that that's a good use I don't see how we could agree that it's not an acceptable use under the mission of ICANN. Thank you.

Agree. That's why we are not deleting it but we're putting it with a comment on the right column to the very end or we keep it where it is. It doesn't matter what we do but we will have a long and a comment on the right column. So we will highlight some risk involved probably that we will on the other make a reference to the applicant guide point and then we'll see how we will take this forward.

Let me go to (Yost) spoon first. I think he was next on the line and then I see Alan and Marilyn. So (Yost) please. Okay, okay he was simply agreeing okay fine. Alan please and (Sylvia) is it a new hand or is it an old hand? Okay Alan please.

Alan Greenberg: Yes thank you very much. I understand there is a strong question on whether 12 is within the mission or not. And as (John) pointed out it's been suggested by a number of people that it is not only within the mission but suggested. I don't agree with that but that's beside the point. I have - I don't think I've heard any strong supportive of eight however so I'm not sure why we're putting that in the same category?

Erika Mann: Okay. Let's come back to this in a second. Marilyn please?

Marilyn Cade: Thanks, Marilyn Cade speaking. I'm going to speak first of all I don't see any support for eight but I hope we can eliminate that. I will just say that and this is going to be fairly direct but that's what I' known for. We cannot take on marketing by ICANN on behalf of anyone. And so any discussion about 12 to me that is engaging in ICANN during marketing for someone. That would be - I think that would be really, really negatively viewed by antitrust authorities and by others about ICANN's mission.

So I'd like to make sure personally I don't support it but if others do support it then I would suggest there has to be antitrust investigation and legal investigation about whether that is within scope or if we are in fact violating ICANN integrity and other issues. We cannot take on marketing within ICANN in my view but let's ask the legal question. Ask the antitrust guys.

Erika Mann: Marilyn thanks. Kavouss would you like to come back to a point or did you take down your hand? Okay then let's make the – oh there he is. Kavouss please? Kavouss?

Kavouss Arasteh: Do you hear me please? Hello?

Erika Mann: Now we hear you.

Kavouss Arasteh: Yes.

Erika Mann: Yes we do.

Kavouss Arasteh: Alan said that there is no strong support. I have not heard a strong objection. So if you hear a strong objection plus other objections then you delete that. If not put it at the end to be revisited. Thank you.

Erika Mann: Good. Okay let's since these are only examples these are not concrete projects I don't think that we shouldn't go too much into detail and fight too much about them. It's more to get an understanding between us and to identify critical or problematic area which we I think today. So let's delete so we will take our point 12 and we will make with regard to the example of 12. We will put in a few comments on the right side the one which I mentioned today and we will review the comments which were raised today and I will put them in with (Jokivar).

We will send this document anyhow back to you for further comment so this is not a debate which is finalized today, just to get an understanding between

us. So if there's no objection I'd like to move on to the last question. I don't want to have a debate today because I think we need time, a little bit more time for other topics.

So I just want to raise these questions then and I want to make a recommendation actually to take out the last one which is 22. Let me read and I need your agreement about it. So this is about the reserve fund.

I believe we should just take this out here because it has nothing to do actually with a complete project. And if we are going to decide one day and receive a formal request from the board and we will take a decision upon this then it is not a complete project but it's something which will be done ahead of any kind of project which will be ever granted funding. So I think we should take this all out here so you're all aware that this might come as a request from the board. But it's outside of the typical funding procedures that is something which will have to be debated between the CCWG and the ICANN board. I'd just like to get your agreement on point 22 and have your agreement or not agreement that we can take this out from the list of examples. Alan is this you?

Alan Greenberg: I think Marilyn was first.

Erika Mann: Okay no - okay she's back here now. Marilyn please.

Marilyn Cade: Hello? Sorry can you hear me?

Erika Mann: Marilyn I can hear you.

Marilyn Cade: Oh, thank you. I need to speak on this. Business Constituency has submitted a supporting comment in our submission on the budget that supports the idea that in fact this would be supported by the auction fund. I will forward it. It's still being finalized but it has strong support within the BC. And so I need to document and state that for us we from the Business Constituency here is an

individual that I'm reporting on work from the BC. We believe that Item 22 should be supported.

Erika Mann: And just to clarify again that we don't have the confusion in taking it out we are not saying it shall be not supported. Like none of the other examples we say they are going to be supported or not supported we just think they're outside of this particular list of (unintelligible). They will be dealt between the board and between the CCWG ahead of any establishment of any foundation. It's a pre-decision that will be done ahead of the - any project, complete projects time. So thank you so much Marilyn, good to know this and Alan please?

Marilyn Cade: Erika I need to clarify. While you were saying...

Erika Mann: Yes Marilyn?

Marilyn Cade: Yes you are saying it's between the board and we are saying at the BC that we as the community may also have a recommendation. That's what I just need to be clear about.

Erika Mann: Yes totally. That's what I meant to say board and CCWG and SO and ACs, of course. Okay let's move - absolutely right. Alan please.

Alan Greenberg: Thank you very much. The only rationale I would have for keeping it as a project is if we wanted to allow - I'll use a rather negative term double dipping or, you know, going back to the amount afterwards and, you know, saying let's take some more in for the reserve two years from now if we haven't spent the money. But I believe a more rational approach to do that if we decided that was a good thing to do would be to have an oversight committee within ICANN that might adjust the amount of money that the funding agency whatever it is, is allowed to disperse and do it that way. So I do not think it should be a project that will be approved by the funding process going

forward. So I strongly support not making it a project but noting that we're not taking out of consideration through some other mechanism. Thank you.

Erika Mann: Yes. (Elliot) is this you next or is it (Nadia) first? (Nadia) please. I have lost my contact lenses so apologize everybody. (Nadia) please.

(Nadia): That's fine. Okay fine thank you. I just wanted to present an option for Item 22. What about exploring the possibility of think the reserves, ICANN reserves and then when and if ICANN, the organization has the resources or the money then the money can go back to the bucket of the auction proceeds. I think this could be a possibility and this could be an option but I'm not sure how to put it in here. And also I'm not sure if you think that this is an option.

Erika Mann: (Nadia) can we discuss this when we receive the formal request from the board? So let's put - let's park your point and let's park Alan point. I think you both made very good recommendations but we should not discuss this right now. So (Jokivar) can we ensure that we have to do noted both from Alan is a recommendation for kind of advisory oversight and the point (Nadia) just mentioned? We just park them but we park them under the topic of reserve fund so that we don't lose them and we have to debate them in futures? Yes (Nadia) yes what did I say? Okay, oh yes please.

(Jokivar): Okay. Okay thank you.

(Elliot): Yes hello. I wanted - Marilyn, I wondered if I could ask you if, you know, and I should start by saying I don't recall whether you were here when we discussed this point in some detail in an earlier meeting. Did the BC at all discuss this point around the reserve fund in relation to the excess litigation reserve and the, you know, significant pool of money? I think that we had staff agree it was somewhere in the \$60 million \$70 million range at this point. So I'm just wondering if that was part of the BC's dialogue at all? And if you want me to be more specific I will.

Erika Mann: I think most of us probably didn't know the background but (Elliot) can we...

((Crosstalk))

(Elliot): So that was...

Erika Mann: ...park this discussion as well?

(Elliot): Sorry that was a question for Marilyn.

Erika Mann: (Unintelligible) debate it. Yes I know but can we have this outside of this discussion today? It's an important one but can we take this outside...

(Elliot): Sure.

Erika Mann: ...of our day? Wonderful.

(Elliot): No problem.

Erika Mann: Thank you so much. We put this as a follow-up so that it is not forgotten and then we will come back to it. Marilyn please keep this in mind as well and we put this on our to do list and action point as well. Kavouss please?

Kavouss Arasteh: Yes I think (unintelligible) that we understand this (unintelligible).

Erika Mann: Kavouss we can't hear you. Kavouss we can't hear you.

Kavouss Arasteh: (Unintelligible).

Erika Mann: Okay Kavouss I think we have an understanding what you're trying to say. So let's delete. I think we all agree we check off 22 with regards to this particular list. We are aware of the topic. We will very likely face the topic and then

there are many related questions which we will park for the moment and we will come back to them. So none of them will be forgotten.

And (Elliot) I shall let you know from Marilyn because you're probably not in Adobe that it might be good if you would contact her probably by phone. So I hope you can hear what I'm saying otherwise (Elliot) I don't see a confirmation from you. I will send you a quick note afterwards. Okay there you are, perfect.

So there are two other items if I'm not mistaken still off the list. So what I recommend you do us a favor and (Jokivar) we will when we send the notes of today please ensure that we attach this document again so that (Police) could have a look at it and can look in particular to the examples which we received 19, 20 and 21 which we are not reviewed yet. So we would appreciate if you would spend the time and would review them and would tell us they're inside or would regard them as being inside or outside of the scope. And please (Jokivar) be so kind to send the Google document, a link to the Google document as well.

Okay let's conclude the discussion here if you all agree. I'm just looking at the chat room if somebody has an open question or something else? Okay in an ideal situation I hope we are able at our next call totally to finalize this point and not to have to come back to it again. I see Judith. Judith do you want to raise...

Judith Hellerstein: Yes, yes.

Erika Mann: ...a comment here?

Judith Hellerstein: Yes. This is Judith Hellerstein for the record. I have a question on 15. I'm wondering on 15 why we would think that it's not totally under ICANN's mission and have the sentence like we have for all the other ones being it's consistent with ICANN mission? It seems all these activities are pretty much

consistent with ICANN mission and with the preamble. So I was just confused on why we have to add this extra line saying as long as it's directly related when it is directly related? So that was just my confusion.

Erika Mann: Can you read 15 please?

Judith Hellerstein: Sure. This is Judith again.

Erika Mann: Can somebody read it? (Jokivar) can you read it?

(Jokivar): Yes.

Judith Hellerstein: All right if you want I can read it or someone else can read it.

Erika Mann: Okay. It doesn't matter whoever. Please.

Judith Hellerstein: It says support work done by W3C on areas of common interest. Horizontal activities are broadly recognized as an important part of the value of W3C. The following endeavors could be undertaken with more means. Enhanced Web security and privacy, work with handling Web related IDN and universal acceptance issues, more guidelines and tools for Web and Internet users, better education programs and open Web standards, more open APIs for mobile apps and social network platforms, to ensure strong hyperlink paradigms, more involvement in open standard advocacy and in solving IPR issues, more resources protecting Web standards critical to providing an open environment. These are all standards related.

Erika Mann: So what is your argument?

Judith Hellerstein: So the question...

Erika Mann: What is your argument?

Judith Hellerstein: ...why we're saying on here as long as your focus is on standards that are - standards that directly relate to ICANN's mission most standards relate to ICANN mission. So why are we singling out this one as opposed to any other one?

Erika Mann: I'm - this is just an example that (unintelligible). There can be others as well which are not related to W3C. This is just - and keep in mind these are just examples to clarify our own mind. There are not more. There can be others. We're just saying they fall within the mission. That's all.

Judith Hellerstein: But...

Erika Mann: So just to have some examples now not more so...

Judith Hellerstein: Right. So the point that...

Erika Mann: Does that help you?

Judith Hellerstein: Well the point just says support work done by W3C. It's going to look at other organizations then we can say that. But if we're just only looking at W3C then that's my question.

Erika Mann: Oh I got your point. So okay we will take this and we will - we might just talk about standards. Okay fine so we will correct this point. But Judith please correct it yourself. You will receive the same document as well. Please look at the Google document and make your...

Judith Hellerstein: Yes.

Erika Mann: ...comments there. You help us if you do it yourself. Please be so kind.

Judith Hellerstein: We had yes. I guess this...

Erika Mann: Wonderful.

Judith Hellerstein: ...I was trying to do that but I didn't know if I could do that before our meeting.
So that's why I didn't.

Erika Mann: Go ahead. The document is still open. It is not concluded. Please go ahead. I have (Ching) who came out side of the Adobe. He's not on Adobe. (Ching) please go ahead.

(Ching): Actually Erika I will pass it. It's related to Question 22 so I think we have the agreement on that. But thank you.

Erika Mann: Okay wonderful. Okay so I think we have an understanding you received the document back again as an attachment and both in this format that you're familiar with and of the Google Doc. Please be so kind to review it again. If you have, like Judith to assisting judgments be made please feel free to add them again or and please be in particular careful with regard to point 19, 20 and 21.

Great, let's move to the next item of the agenda. I see nobody objecting. And this would be – I would love to hand this over and this is about the endless - our endless story about the open and interoperable Internet preamble. Who is taking us to the document? Is it Marilyn or is it (Robin)? Who is it? (Jonathan) who is it? (Jonathan)...

((Crosstalk))

Erika Mann: ...or Marilyn?

Marilyn Cade: Well I can but I actually think we should have Marika take us through it.

Erika Mann: Yes Marika will be not able to take us through it because she is not with us. I mean I can take you through it but I think it's better if somebody does it from the group.

Marilyn Cade: Okay.

Erika Mann: You can do it?

Marilyn Cade: Happy to.

Erika Mann: Keep it short. We will keep it open. Just guide us through the most recent changes after the meeting we had in Abu Dhabi. Thanks so much.

Marilyn Cade: Okay. Fantastic. Thank you Erika. It's Marilyn speaking. Marilyn Cade speaking. I just made a couple of changes and I want to just quickly go through them and explain what the changes are.

You all have the document in front of you because Marika does fantastic work. We have to have a round of applause for her later, seriously. But I ask that we clarify that the auction proceeds are about those from the ICANN New GTLD Program. And so that's the first change.

Then the second change -- in the next paragraph -- is just clarifying that we're talking about ICANN's mission statement and core principles. We - all of the other changes are language that are clarifying that we're trying to put our work under the ICANN mission.

The third paragraph -- again -- the change is auction proceeds from the New GTLD Program, blah blah blah. Then we go on to - I'm going on to the last segment, which is - starts with "Therefore the CCWG". We probably actually -- I didn't do this -- but we should probably -- Erika -- we should include dash AP there for Auction Proceeds since there are other CCWGs.

And then we have just a few small changes. One editorial to make it applications. I see we still have a spelling error there for applications. Seeking auction proceeds funding. And then we go through "be aligned with ICANN's mission and core principles". That's longstanding support -- second bullet -- longstanding support.

Third bullet, we've added a change based on the input received during our last face to face meeting that says we will create benefits for the Internet community. And then we've changed the fourth bullet to ensure that we are spelling Internet correctly, with a large I. And we speak again to the benefit of the Internet community.

The final addition was a bullet that Marika provided so we are clear that we are focused on the generic top level - the new generic top level domain program option funds. We're not interfering with any funds that are perhaps taking place in the secondary market. And Marika did a fantastic job.

I turn this back to you, Chair.

Erika Mann: Thank you so much Marilyn. (Jonathan), do you want to add your point? Okay. Hadia, please.

Hadia Elminiawi: I don't - yes. So I had comments with regard to the first paragraph and the last paragraph. That's - I think that this group should be providing guidance. The allocation of funds and the selection of projects. And not guidance to applicants or putting guidelines for applications.

I think that the guidelines for applications and for the applicants should be put not by us -- this group -- because our scope is limited. You know, guidance on the allocation of funds. We should not be addressing applicants or applications.

The group that is to follow -- whatever form it has -- will be entitled to put the guidelines for the application. To address the applicants. (Why address the) - but I don't think that it is within our scope to address - to put guidelines for applications or address applicants.

Moreover also, it is not possible for applications to be aligned with ICANN mission or support ICANN community. What needs to be aligned with ICANN's mission or support ICANN's community are the projects. The applications itself cannot do that, nor the applicants.

So my suggestion is to change the first paragraph. Say that we provide guidance for the allocation of funds or for the selection of projects and not for the application (group). And also -- at the last paragraph -- would be to provide guidance for the allocation of funds. And need to say -- for example - - that projects are funded or commanded to abide by or follow the following. So that's my suggestion, thank you.

Erika Mann: Hadia, this is Erika. I think you raise a valid point. This was not to be understood from the very beginning as guidelines for the applications, but guiding the (unintelligible) in the sense they have - when they face projects which are more questionable.

And then of certainly now they have some guidance, not guidelines. But I understand your point. Marilyn or (Jonathan), you want to comment on this point? Marilyn, go ahead. Marilyn I see that you raised a hand but I can't hear you.

Marilyn Cade: Okay, let me try this again. Marilyn Cade. I think there's a difference in the term guidance and guidelines. That perhaps doesn't translate easily. Just as the word governance doesn't translate in all countries. And in some languages it's interpreted as government. But by offering guidance, that's not the same as guidelines. It is ideas that can guide the decision.

And I think that's what - was what we were trying to achieve. But I would welcome (Jonathan) and anyone else's comments. I think we need to be a little bit careful here about over interpreting what we're saying. Because we have to put this out for public comment. And if we spend too much time just talking to ourselves, we're avoiding then gaining the benefit of the public comment.

Erika Mann: Thank you Marilyn. (Jonathan), would you love to comment on this point? He's saying good point Marilyn. Overarching guidance, not strict guidelines. Okay, I would recommend we do if you agree, I don't see anybody else who wants to make a point. Oh, Alan. Alan, please.

Alan Greenberg: Thank you very much. There is a distinction between the guidance -- or guidelines for that matter -- to the selection process and to applicants. But at this stage we are just trying to convey what we think is reasonable versus what we think is not reasonable. And I don't think the distinction matters at this point.

But I think where you were going -- or where Marilyn was going -- that we need to put this out for comment and don't want people to misunderstand and belabor the point. Maybe we need to add some extra words to make it clear that we are providing - not providing firm guidelines or for that matter even guidance.

We're - if we're not careful we're going to get hung up on the nomenclature and not convey the idea that these are examples of things that we think would be reasonable going forward. So the wording here matters only to the extent that we don't want people to get hung up on it. Not which word we pick. So maybe we need a third one that's neither guidelines nor guidance. Thank you.

Erika Mann: I think the team will find a solution here. I see that either Joke or Marika would love to make a comment. I'm - I can't see Marika, so it's either one of them. Joke, please go ahead.

Joke Braeken: Thank you Erika. This is Joke. Marika is not on the call today, but I just want to make clear that the idea behind today's presentation of this definition is really to flag any red items. So any language that you really cannot support.

We would like to be able to finalize the description for now, recognizing indeed that further work may be needed based on the inputs that may be received from others at a later stage in the process. Thank you.

Erika Mann: Thank you Joke, that's very helpful. Let's conclude the discussion here. We will attach the document again and you will receive it with the memo of today's call. And please feel free to send to the group further comments.

But keep in mind, we will conclude the discussion really and finalize it at our next call. Because I think this is such an important point that we have to consult informally with the board. And to - with legal team, because we don't want to face any issues in the future. So it would be good to send it to them as - after our next call.

And then we - if we receive feedback which is arguing against certain points of this preamble we can continue to change it. So keep this please in mind. We will attach it again. Send your comments and add your comments to the current document or send comments by email.

Ideally just make it in the document itself. And then we would love to distribute it after our next call formally to the board. We don't have board members today with us, I already checked. So we will give it to the board and to - will ask our legal team. In particular Samantha Eisner -- who's always with us -- to have a look at it.

And to give us their comments so that we have a common understanding about what we want to achieve with this preamble. Can we agree on this and can we then move on? Okay. Perfect.

I would recommend we skip - I practically discussed already the next steps. So let's move to the next item of our - the agenda, which is the points we want to discuss with our external experts. And so please let us - Joke is telling me something. Joke, what are you telling me?

Joke Braeken: Hi Erika. I see that Mary Uduma has raised her hand in the Adobe Connect room.

Erika Mann: Oh, I can't see it. Interesting. Mary, please go ahead. Mary, can you hear us? No, no we can't hear you. At least I can't hear you. Can somebody else hear Mary? No. Okay. Mary can we park your point - or can you put it in the chat room? Are you able to use the chat room? Okay.

Let's move on. Let's go to the next item of the agenda. So this is about review and refine questions for experts. See - we sent you the - we sent the document. And you can see the document again on the screen. So if you remember, we - the - this document, Joke, do you want to take us through the document?

Joke Braeken: Hi Erika, this...

Erika Mann: Or do you want me to do it?

Joke Braeken: As - if you wish. Both is fine by me.

Erika Mann: Please, go ahead Joke.

Joke Braeken: So this document is actually - well it's - it is based on what was discussed during the brainstorming session that took place in Abu Dhabi. And it's just a

summary of what was included in the Google Documents that were created at the time.

The conversion from the Google Document to a Word file didn't work properly. So you - what you will see is actually a synthesized version of - with further analysis conducted on the questions that need to be addressed by the experts and or the CCWG.

So it would be good to review those questions to determine whether these accurately convey the points that have been made in Abu Dhabi. And to see whether indeed those questions are, yes are accurately reflecting what was intended. And if there are any questions missing.

Moreover, we also need a little bit further context. It doesn't need to be high level. Well it needs to be high level but not really too abstract. So the review of the questions is the first priority, and then we also need to decide which questions are for the CCWG, which need to be dealt with by ICANN, and which are open for experts. Is this helpful, Erika?

Erika Mann: Yes. Joke, this is helpful. Let me maybe extend a little bit because not everybody might have been in Abu Dhabi and might not have participated in the work we have done there. And I am hopeful that Ching and (Jonathan) -- and everybody else who was participating actively in this session -- that you might want to comment on this point as well. And I just see that Ching - Joke, Ching was just saying that he's off and he needs to be dialed in again.

So this is an - it's an overview about what we did there. We worked on white boards. And we defined and we worked in different groups related to the potential scenarios in the future. How the future organization might look, the foundation might look like.

So you will find -- when you scroll through the document -- you will find the different scenarios sketched out. So the possible - one of possible scenarios

-- we call it mechanisms -- is number one, new ICANN Proceeds Allocation department created as part of ICANN. So inside of the ICANN organization.

And then when you scroll further down you will find the scenario two -- or possible mechanism as we call it -- new ICANN Proceeds Allocation department created as part of the ICANN organization that would work in collaboration with an existing charitable organization.

And then when you scroll down further you find option three, a new structure would be created outside of ICANN, potentially called the ICANN Foundation or something else. And then further down on Page Eight you find the scenario four. An established entity or entities, foundation of funds are used - that's a long sentence. Are used, ICANN would organize the oversight of processes to ensure mission and fiduciary duties are met.

So you have four scenarios practically. And all the questions and the topics you see below these different scenarios, these were all comments made by colleagues in Abu Dhabi. So the only thing we did, we typed them down and these are the original wording. So nothing is changed here. But then when you go back and you scroll back to the very beginning, you will find the overall criteria related to the - to such kind of future mechanisms.

And they are all consistent and they all have to be looked at. So cost of setting up and implementing the mechanism for example. Ease of implementation. Knowledge of ICANN's mission. Engagement of stakeholders, et cetera, et cetera.

So there at the very first page -- number one -- and then to the right, this is the point where we need your advice now. Because I think we will have to continue to debate it. We are not clear yet what is the ideal scenario. And what is the ideal mechanism for this organization, what do we need. So we will have to continue the discussion.

All the options remain on the table, but now we like to -- as Joke said -- we need to identify the questions we want to ask. Questions we want to ask CCWG. Questions we want to ask ICANN the organization. And questions we want to ask to the scheduled meetings we will have with outside experts. So experts which come from a funding environment.

And here we do need your help. There are already questions we identified which you see on the right column. But when you will review all the different points made with regard to the different scenarios, you might want to raise different questions. So we need your help and we need your guidance here again to identify the right questions.

I'm waiting. I'm looking as comments are coming in. Yes, Marilyn, we do (want to push) both forward, we really have to move forward. We don't have so much time anymore. It's Erika. Because we want to send this back to you. We don't - if you don't want to comment on it right now, that's fine. We will send the document and attach the document to the memo which we will send to you anyhow. And it would be lovely if you could then send your comments back.

There's no need to finalize it. We just want to have a quick understanding if you agree with this approach. And if you feel okay that we attach the document to the next memo. And that you would be so kind to have a look at it and comment on it if you already can comment on it. Let me check Joke is saying. (Sylvia), please. Go ahead.

(Sylvia): Sorry Erika, I'm a bit confused about when to ask for external advice. So the way I see it -- which will - on one of the messages that I sent to the list -- like, is if we ask external experts to come in and ask a bunch of questions that from the financing, like around 20 or 30 questions. That's pretty much a consultancy job, right?

That will require a lot of thinking when addressing several mechanisms at the same time. So the way I think it surely might be more useful to have (unintelligible) external experts is if we have a more clear indication from the group about what is the one preferred. Based on the (unintelligible) options that we discuss before.

You know, if it is asked a department of ICANN or a new foundation or external foundation or a (unintelligible) foundation. I think it's - those were the four things I'm remembering correctly. Neither of those are qualified. But it keeps ask - they are some sort of framework with to work.

If we do all of these questions for each and every one of those four and ask external experts for their advice, it will never end. So I think that the group has to narrow at least first. And then gather external input from organizations that are actually working on similar environments. If not, it will be very long and complicated.

And my second point what will be the conflict of interest or in what way these experts will be engaged? Because the whole point of being part of this group and disclosing if you are not going to participate in the future, apply for funds or things like that.

These organizations that might be holding up experts might actually be considering to apply in the future. And they didn't join the CCWG, you know, to exclude themselves, let's say. Right? So is there any conflict of interest conversation happening with these experts? Or are they excluded straightaway, or how that will work?

I'm not saying it's a good or bad thing. I just want to, you know, know what the group thinks about how we should manage this. Is external input I would actually push the group in a specific direction, I just want to know, you know, how are we going to let that happen. Thank you.

Erika Mann: This is Erika. Looking, checking comments. No. Sylvia, I think both of your comments we will have to investigate. Definitely the conflict of interest. Legal needs to be looked into. Into this, and probably they need to be in agreement. Signed a kind of contract signed between the two parties.

But that's something we should discuss with Samantha and maybe she wants to raise a comment. I see she is on the - on this call. Concerning your first point, I like this very much. And I think we need some indeed a bit more clarity how we want to arrange and organize our cause with the experts.

If you could agree I would recommend that the leadership team, that we make a proposal to you how to organize it. Taking your points and other points which we heard before into consideration and just make a proposal.

And then you can have a concrete look at it and can decide if this is a good one or something you would rather prefer to be seen changed. Because I think you're right, we want to ask only those questions related to certain experts with very - we really want to have their opinion.

On the second point, I'm not so sure though if we want to wait until we have taken a position about the ideal scenario before we have scheduled the calls with experts. This then might narrow us down too much in our own thinking. So I'm looking at you for some guidance now and see if more comments are coming in or if somebody wants to make a point.

Sam, would you like to comment on the conflict of interest point Sylvia made?

Samantha Eisner: Sure. I - thanks everyone, this is Samantha Eisner from ICANN Legal for the record. I think that Sylvia raises a really important point as it relates to conflict of interest.

I think we need to get a clear statement of interest from the -- not in terms of the form that we have for the group -- but we need to make sure that the

experts that come in haven't already been contacted by people who are working with the - who are considering applying for funds whenever the ultimate vehicle is. Or haven't been consulted as it relates to the auction proceed funds.

And we can also ask them if they believe that they have any conflict. And identify any clients or other people that they work with that are integrally related to the ICANN space, like contract parties for example. And then Sylvia, I saw your note in the chat that there might be a request for an NDA. I think that that's something that we could expect to happen.

Depending on how deep the questions go I think that the first level of discussion with any experts would probably be at higher, more information gathering exercise. So any group that would agree to come talk to us I think would be prepared to give a certain level of information.

If we were going to the point of needing an NDA I would imagine that's a point where we'd actually get into an actual consultancy with the group, as opposed to just asking them for some inputs in the initial work. So I think that's something to keep in mind.

But I think if any of the experts who are invited agree to come, that they would come without the expectation of an NDA. So that we could have a full conversation on the record in a transparent fashion. And back to you Erika.

Erika Mann: Thank you Sam. This is Erika. Indeed, thank you so much. This is Erika. Thank you Sam. Indeed, the original idea was to do it without a contract and without payment. So no consultancy contract, but to have a discussion - a friendly discussion about their experience in their own organization. And so to give us some guidance what works and what doesn't work.

But Joke, can we put this topic about a conflict of interest and a potential NDA on an action point? Just for to keep this in mind -- under the header of

discussion with experts -- so that we don't forget and don't lose this point.
Somebody else who wants to raise something? Okay.

Then let us do the following. We will attach this document to the memo from today. And we will send it both to you -- I think we have it as a Google Document as well -- so you can - you are free to make comments. And we will - I would recommend that the leadership team -- Ching and I, Marika, and Joke -- we will sit together.

And we will -- based on the discussion today and some comments we heard before -- we will make a recommendation how we think this procedure will (unintelligible) questions to the CCWG, to ICANN, and to the external experts can work.

We will look into the time table as well. We already have scheduled a time but I think this might not work actually. We will come to this point when we discuss the work plan. And then we will send this back to you ahead of our next call so that we can focus on this topic then again. Is this something you can agree on?

Just be so kind to give me either some support or no support. Okay, I take your silence -- Judith is typing something -- I take your silence as okay. If you don't agree, you will have to leave now. Okay. At least some support is coming in. Thank you so much for this. Hadia, is it you? Or who is it? Oh, is it Marilyn.

I have to apologize, I can't see the tiny script. I lost my contact lenses and I'm practically blind on the screen. No, nobody is raising anything anymore. Okay, let's move on. Joke, and I need you to pull up the next point on our agenda. It should be the work plan if I'm not mistaken.

Joke Braeken: (Great) Erika, I'm pulling it up right now.

Erika Mann: Okay. This is Erika. Can you all see it? Okay, I have to enlarge it to see something. So if you scroll through it you will find on Page - I can't see the page actually. Is it - Joke, I need your help to read this, which page we are on now.

Joke Braeken: Hi Erika, this is Joke. What exactly would you like me to check?

Erika Mann: I would love to - when you scroll through all the grey pages, all which is grey it's practically what we have done. And then come - we come to a point which blank white. And these are the ones which we still have to do.

Joke Braeken: Indeed. I temporarily stopped the scrolling option, so you now should be able to see the start of the white tables. People are putting in the chat that it's Page number Four. So in the left column you can see the date of today, 16 of November. I'll make...

Erika Mann: Okay, wonderful.

Joke Braeken: ...again so that you can make it bigger if needed.

Erika Mann: So what we want to do, you will see here that we still have few open points with regard to the what we call Task Two. So we still have some open points here which we discussed today. And which we will have to come back to. Which is Phase Two. We want to ideally finalize these at our next call.

And then we have scheduled for the Phase Three -- which is what we debated today as well -- which is the list of experts. Hopefully we can have a better understanding at our next call. We already have a list with experts. Joke, it would be great if you could attach this list as well to the memo. The list of experts. Not just the list we have seen a few minutes ago, but the original list of experts.

And then - so hopefully we can conclude this at our next call November 30. And then we want to be starting practically to look ahead to the next phases, which would be Phase Four and Phase (Five). Where we have to determine the mechanism -- which we discussed today already -- so the - we will have to look at it.

Is it -- for example -- an option outside of ICANN? Or shall it be inside of ICANN? So we have to determine which mechanism has the greatest potential and has - is the best option looking at it from a legal and fiduciary point of views. And then we have to move to Phase Five.

Answer the - have to review the original charter question -- which we have done -- once we have a clearer understanding about the mechanism to see and understand do we actually - do we have to review them? Or are they still sufficiently capturing all the topics which we have to review.

And then when you continue to look at the work plan to the more to the end of Five - Phase Five. And then coming to Phase Six you will see that we will - we have a pretty tight time table because we would love to have a draft document ready ahead of our next meeting in Puerto Rico. So that we can have a final meeting hopefully in Puerto Rico. And then can publish the communication.

So that's the current idea which we have. We will have to - and let me come back to the point -- which based on the expert -- (can't we have only) one call scheduled with the expert. Which I'm not mistaken is on December - somewhere in December. I think September - December 12. If I have this in my memory correctly. So this might be not sufficient. And we might have to schedule based on your input which we receive for these experts.

We might have to schedule either more calls or we have a very long call where we have one call after another with the different experts. So that's the current work plan. And would be wonderful to hear with you if you -- first of

all -- if you would be willing to have either a longer call with the experts or to schedule maybe weekly calls.

Or if you -- and if it's okay with you -- to agree on the final date, which would be Puerto Rico. To conclude our current work. Comments please? Do you need -- this is Erika -- do you need some further explanation? Or is it self-evident? And would you - do you feel that we can just continue with the current work plan and can -- based on the plan which we have in front of us -- can continue to work?

Maureen, are you asking? Maureen, do I see you - are you raising your hand? Or is it just support? Okay. Judith is saying okay. Elliot is okay. Okay. No further comment then. Let's base - let's work on this on the basis of this work plan.

And we will review it again in the - on the leadership team based on the discussion we had about experts. And in particular the comments raised by Sylvia today. And the recommendation we will send to you concerning the questions we have to put forward to ICANN and to the CCWG and to the outside experts.

And in case we have - do have the feeling that certain adaptations are needed for the work plan, we will send you a recommendation for a redrafted work plan. Okay. Okay, then no further comment. Twice a month? Yes, twice a month, Judith. Okay.

Then let's move to the next item of the agenda, which is practically confirmation, next steps, and time date for our next meeting. So the next call is on Thursday 30. Three zero. Again at 14 UTC. Thank you so much everybody, and have a rest of day or good evening or good morning. Thank you so much.

Woman: Well thanks everyone for joining. Today's meeting's adjourned. You can disconnect your lines. Have a great rest of your day.

END