

**ICANN
Transcription
CCWG Auction Proceeds call
Thursday, 11 January 2018 at 14:00 UTC**

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Coordinator: Recording has started.

Julie Bisland: Great. Thank you so much. So good morning, good afternoon, good evening everyone. Welcome to the CCWG New gTLD Auction Proceeds call held on Thursday the 11th of January 2018. For today's meeting attendance will be taken by the Adobe Connect room. If you're only on an audio bridge would you please let yourself be known now?

(Trixie Simha): This is (Trixie Simha) from ARSAC.

Julie Bisland: Okay thank you (Trixie). All right hearing no more names I would like to remind all to please state your name before speaking for transcription purposes. You can 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. Thank you.

Erika Mann: Thank you so much Julie Bisland. Hi everyone. This is Erika on the call. Wish everybody a Happy New Year. And this is not part of your (cycle) then

whatever suits your cultural background. So let's have a look at it what we have to do today.

We have quite an intensive program on our list so let me just go to point one or point two, apologies. Any update on the conflict of interest declarations? Somebody wants to make a comment I would love to raise a point or update us of about change in their conflict of interest declaration? No? Okay then let's move to point three on the agenda and can we maybe see the work document?

So can I maybe just - this is still Erika maybe I remind you about what we have done. So when we parted and I think in this big group in December at the beginning of December if I'm correct we decided that we would have a smaller subgroup of members working on the identifying the best organization. We would love to send the questions and the organization we would identify as the number one we want to have a call with. So we have done this. And Marika will guide you in a second and explain to you the conclusions we came to.

So the first thing I'd love to do I'd like to thank all of these members because it was still a huge amount of work and in a time of the year which is not always easy to schedule additional calls so let me thank them for all their commitment and their work. So we have finalized the list and we will explain it to you in a second. And we have as well identified the questions which we want to put forward to them. When you look at the list of questions which you will see presented in a second these are questions which we have identified over the time as a group.

Staff always has recorded what kind of questions we thought would be best to put forward. And then we have run through these questions again in the subgroup in the - over the last few days. Then the leadership team we have cleaned up some of these questions because there were still some

duplication and some of them probably were not even needed to put forward. So we have cleaned the document.

So what you see in front of you it's a review of questions now which ran through the subgroup members and then again through the small leadership team and now we need to again to review this because you might still believe that maybe there's some questions which we haven't put forward which are important to us.

And we would love to give you time again until next week. Marika and I and Cheng we were thinking all about Wednesday next week would be a good time until we would love to get your replies back. And then hopefully we can finalize the work and our staff can send out the question to the experts we have identified.

Talking about the experts you will see in the document there's still many which have no name and no contact details. Please be reminded that all of these names were put forward by you. So we need your help to identify the people you think we should contact. It's pretty useless just to send to an organization, you know, a request for – to answer and participate in our questionnaire if we don't have an exact name. So please be so kind and review the list of names and the list of organizations you have provided us with and be so kind to identify the person you would recommend us to contact.

That's it Marika. Would you want to go through the document in details or if you have a general question somebody please feel free to raise the question now. Otherwise I recommend we continue and Marika will explain the document to you in more detail. Kavouss please? Kavouss can you hear us?

Kavouss Arasteh: Yes can you hear me please?

Woman: Yes we can hear you.

Kavouss Arasteh: Hello?

Erika Mann: Yes.

Kavouss Arasteh: Okay. Thank you.

Erika Mann: Yes Kavouss?

Kavouss Arasteh: Yes thank you. Happy New Year to all of you. And I think the timing of the activities done was not quite a suitable time. On one hand was difficult for the small group lots of pressure for them to find out this very good work that they have done. We really appreciate very much what they have done at this very particular time of the year.

Second for us as a region we didn't have time to go through that it required some time to reflect. But I have one general question. I would like that the name of the small group who made this activity be published as a transparency manner with their affiliations who was the member of the team and what are their affiliations? This is number one.

And number two, what were the criteria that they used to select these experts or companies, first select companies and second the experts? Expert from the company was automatically the CEO or they have contacted the company or the enterprise and asked them who is more suitable to reply to these type of questions, not necessarily always say oh he's the best one who replied to that.

This is one. The second point and the third point you have some general question in two bullets at the beginning of document. When you come to that I have one comment to make. And I think you very much for that and I need more time to review the document. It's (original) document and I think you

have in a very short time in January not be sufficient to do this important job.
Thank you.

Erika Mann: Thank you Kavouss. This is Erika. I agree with you. We will put the names on record of the members who were part of the small subgroup of course. Second, please be reminded we haven't added any name of new organizations not to my knowledge and I was participated in all calls.

So these are still the organizations which were provided by all of you. I can say in a moment who forwarded these names but this was the large group. This wasn't a small subgroup. We just the small subgroup really cleaned up what more the work to clean up the document and not to provide any kind of new recommendations. And if I'm not mistaken we haven't done this either. So this is all the work which we have done in the big group and not in the small subgroup.

So we will yes we will put in the names of the members who joined the subgroup. And second there's nothing added from this small team. And we will have the time now, we will review the document. You are right to review it from yesterday until today. Time is very short and it's a quite complicated document as well. So that's why we will take the time today to explain it and then you still have time until next week Wednesday to reply to it. So we're not concluding the work in presenting the document today. Thank you so much Kavouss. Marika would you be so kind to guide us may be through the first part first and then we take a break and have a discussion and then we come to the questions? Thank you so much.

Marika Konings: Sure, thank you very much Erika. So this is Marika. So as Erika already alluded to and the names that were provided that went over quite a bit of time there was a Google doc that is still open where a number of you made suggestions of organizations that could or should be approached. To Kavouss' question I don't think we kept record of who suggested what, although for some of them I think people did indicate who put it forward. But,

you know, the group did review the names and also took some of the names off where they thought it wasn't either appropriate or where there was already sufficient diversity in the group of external experts identified. So basically the approach that the small group took was to first of all take that list of organizations and individuals identified and categorize those along different categories that you see here in the document on the first few pages.

So the group thought it was possible to divide that, the list in a number of different categories and they wanted to make sure that, you know, from each category input would be received so that there would be a good balance of the information provided. So the first category that was identified were advisors or consultants so those types of organizations that advise others on for example how to set up a philanthropic organization and provide advice to organizations in existence.

Then secondly the group identified foundations, small foundations and managing less than 50 million of \$50 million. The third category was foundations, large foundations managing more than \$50 million. Then we also identified a category of ICANN experts. And I think you're all very familiar with (Osam) and (Xavier) who've been actively participating in the CCWG.

And then we also identified a category of organizations that manage and/or distribute government funds. And last but not least organizations or foundations that are active in a ICANN environment again the idea behind there being to make sure that there would be diversity and responses provided and sufficient expertise available in these different categories.

What the small group did then was to look at each of those categories and identify a kind of top expert or organization where they felt they probably would be either more suitable or able or qualified to also participate in a meeting with the working group as it wasn't deemed feasible to invite all these organizations and experts to meetings. And the small group thought it would be helpful to identify one top expert or organization per category and

start there with inviting them to a call in addition to the questions being sent. And again the questions would go to all the advisors identified assuming that we'll be able to get a point of contact for each of those.

But in addition to that the top or the first name that you see identified in each category would also be invited to join a meeting so that, that would allow the CCWG to go more into detail and follow-up on some of the answers that will hopefully have been provided in writing.

And so that's it with regards to the experts identified and the approach taken in categorizing those. And the small group does realize that certain cases it may not be possible for the organization that has been identified as the first on the list to participate. So I think they have kept the option open to then go down the list should organizations not be available or not be willing to participate.

So then following that they discussed as well the approach how to go about and engage these external experts. So the idea is to draft an outreach message that would include some information about ICANN because the group also realized that quite a few of these organizations or individuals may not be familiar with what ICANN does or what this group is tasked to do. So probably there's a need for a bit of explanation about that. The message to the external experts would also request an identification of any possible conflict of interest and, you know, does the expert or his or her organization will be likely to apply for auction proceeds or would they potentially be interested to partner in one of the mechanisms that are outlined? So at least, you know, if there is an awareness around that that it is communicated and, you know, the CCWG can factor it into any kind of responses that are received.

When we go to the questions you'll see that the small group has made an attempt to assign each of the questions to either one or more categories. The idea behind that is that is part of the outreach message. We would

specifically call out those questions that we definitely think or we definitely would like the external expert to respond to. But at the same time all the other questions would also be included but more in the form of an annex so that if the external expert would be willing and able they could also provide input to the other questions. But the small group really wanted to focus on, you know, the specific questions that they believe are either, you know, relevant or where there will be a knowledge and - or information available that those are the focal point as, you know, we do realize that the list of question is not short.

We further discussed in the small group, you know, the time that should be given to these experts to provide responses. And although I think we realized that it's a relatively short timeframe we do hope that a three-way timeframe would be reasonable and recognizing that some flexibility may need to be in place to allow for an extension of that three week timeframe. But the way that the schedule is currently set up is that we hope to get your feedback and input at the latest by next week Wednesday as Erika previously indicated following which we would go ahead and start sending out the outreach messages.

That would then give everyone hopefully three weeks to come back to the CCWG with responses. Then there would be basically a week period in which the CCWG would have time to digest responses, review responses. And then the idea would be that in the week of 19th of February and the week of 26th of February calls would be scheduled with the one expert from each category. And I think in one case we actually had two as there was a sense that they would provide some different perspectives that they would be invited to join a call with the CCWG that would really be focused on asking any clarifying questions the people might have after reviewing the responses as well as any follow-up questions that might have come out of that review.

So that is basically the approach that's being suggested that the hope is then as well that based on all that feedback that is provided the CCWG would be

able to basically compile an overview of those responses and make an assessment which of the mechanisms would best meet the criteria that were previously identified by the CCWG as being the most important for selecting a mechanism.

So if you then scroll further down you'll see that under the heading of proposed questions on Page 4 there are a number of questions that have been identified as general questions so basically questions that would apply regardless of which mechanism you would be looking at. And I think the idea is that those questions would be shared with all the expert as there's the hope that they would all have an opinion or a view or expertise in regards to these questions.

And then if you look further down you'll see and, you know, this table should look very familiar because it was originally developed as a result of the face to face session that the group held at ICANN 60. As you may recall we had a bit of a brainstorming session where everyone was asked to identify, you know, clarifying questions that they would need information on in order to be able to make an assessment or an evaluation of whether a certain mechanism would be desirable or not. So as Erika noted, you know, the small group went through these questions added and edited as they deemed appropriate and you're now all requested as well to look at these questions. I think everyone's very cognizant that, you know, this is a bit of a one chance that we have to reach out to these people so it's really important that, you know, you ask all the questions that you want to ask as well as making sure that the questions are understandable.

And I think from that perspective it's very important that you read through these and make sure that, you know, we're not speaking in (ICANNese) there are no concepts in there that may not be understandable for someone that has not been involved or are part of these conversations. So again second, third, fourth pair of eyes will be very helpful in making sure that, you know, the questions are clear as well as that we've identified all the relevant

questions for the different mechanisms to be put forward to the experts identified.

As noted, you know, another point where you may all want to provide input on is the categories we've identified and the questions that have been assigned to those categories. And you'll know that, you know, for some quite a few of the questions will likely go to all the categories identified. So it is likely going to be quite a list that is going to be provided. So hopefully it will be doable for people to respond in the time that has been allocated. But again if you believe that a certain question has not been assigned to the appropriate category or someone is missing then we should be providing input on that question do feel free to provide that input as well. I think that's all I have at this stage so hand it back to Erika.

Erika Mann: This is Erika. Thank you so much Marika for this comprehensive overview. And please everybody who is on the Adobe please watch that we have a quite intensive discussion on the Adobe chat as well. (Glen) is making recommendations and recommending an organization. He put the address forward. (Glen) I was wondering if you would have a name as well which would be great. It's much easier to contact an organization if we have a name.

And Kavouss is concerned that we might be not regionally balanced sufficiently. Kavouss we had a long discussion about this topic and keep in mind these are only organizations and expert we talked to to get some more advice to check if we have something forgotten. They're not influencing us or impacting us in our final decision. They're just there for us, you know, to test if we have thought about everything once we start setting up this fund.

But we tried our best. We tried to have a regional perspective in mind and we tried to have organizations on the list which are either nationally oriented so that we have some which only operate on a national level and then we have organizations which are operating on the global level including developing

countries. So we tried to be as, you know, in our recommendation as diverse as possible. But again keep in mind these are suggestions from you. So if something is missing then we all have overlooked something it's not just – not a smaller group which set up the names which you find on this list but this was done by all of us. So I have two, Marilyn first and then followed by Kavouss. Marilyn please.

Marilyn Cade: Thank you Erika, Marilyn Cade speaking. I was a member of the small group so I'd like to respond for 30 seconds on the small group was based on inviting individuals from diverse groups that had particular expertise. And so perhaps we can – and I would certainly volunteer to do this Erika. And Marika we can just have three or four sentences from each of us who were on the small group to answer the question. So that's my first comment.

My second comment is that actually I am a member of the Business Constituency at ICANN. And our greatest challenge is always decoding what ICANN is. I wonder if a few of us might help to work with staff on – because I think Kavouss raised a question of do people really - maybe I'm crediting this to you Kavouss and I apologize if I'm wrong but do people really understand what ICANN is, what does it do, what does it not do and, you know, what is this?

So maybe we should have a FAQ, Frequently Asked Questions and we could work on those together. And that would help our help brief our respondents hear the FAQ from all of us. And all of us could contribute to that and I think it would address most of the questions. I'll just go finally to when...

Erika Mann: Can I check with everyone? Have we lost Marilyn or Marika and I lost are you back Marilyn?

Marilyn Cade: Yes. I'm just saying to Kavouss' question I think we should look at those we've invited and see what countries they cover and then we can figure out if we have gaps.

Erika Mann: Erika on the call. Marika you want to respond to it because we have done a checklist concerning the geographic spread? Marika.

Marika Konings: Yes thank you Erika and this is Marika. It's something I forgot to mention. What you see actually if you go back to Page 1 is that in the table that includes the categories for the different experts we also started with a checklist. And again that was to ensure that there would be a fair balance between organizations that would be national, regionally or globally focused as well as making sure that there would be an appropriate balance of experience between your small medium-sized or large grants projects.

And I have to say, you know, you see some information there but it hasn't been completed for all the organizations or experts identified. So I again as you identify contacts if you have indeed that information that would be really helpful as well. And that will then definitely allow us as well to make sure that there is an appropriate balance between, you know, the focus of the organization as well as the size of projects or grants that they may cover and work with.

Erika Mann: Okay next on the list is Kavouss. Kavouss please.

Kavouss Arasteh: Yes Marika I think we should be mutually looking into the matter not in all optimistically saying that everybody's okay, everybody is faithful, everybody in ways neutral no. I don't think so. There is a good appetizer -- \$350 -- well \$35 million which may go to qualify those may - will go up. So there should be an important element that these people that you invite whoever it would be must be very clear from the very beginning that they shall not be any potential funds seeking for this project at all. And that provides a good balance. They should not have any -- a tendency in the future to request any application for the fund from this process at all.

In that case their advice would be neutral. Directly or indirectly they should accept that as a conflict of interest as a statement that they and the people that they know working for should be clear that they would not ask for any application at all. So that is it, one of the important questions.

And then you set the development country. There might be some big company going to a developing country and they start working there under that country and that does not mean the developing country. The fund uses mostly some of them are also developed through countries but not a company, not this in a developing country. So that is important to distinguish. So I am a little bit doubtful about this issue. Be very careful about this issue. Be very careful about this company or this consultant or so on and so forth and this (unintelligible) shall not be any potential fund-seeking of this process and we shall have a table of the geographical distribution to see that who is coming from where and what affiliation and what is the model company and so on so forth. Somebody may be country A but is a (unintelligible) company would be in country B so assured it is country B. So I'm a little bit doubtful maybe we have a combination of particular country or countries. Thank you.

Erika Mann: Thank you Kavouss. This is Erika. Kavouss I mean you have to be realistic as well. We will always miss a country. I mean we forget how many countries we have on the globe so we can only be representative and trying to cover, you know, large regions of the world.

And keep in mind they're only replying to our questions. They have no influence and impact on what we are trying to do. We're just trying to identify if there is something we are missing which we should look into and where we can learn from their experience.

The first point you raise it's actually a very important one and we will have to discuss this. And this is a potential conflict of interest because indeed there might be some organizations on the list which might want to apply in the future for funding. And they definitely have to make a strong conflict of

interest declaration. And if you remember we have asked Sam Eisner from ICANN to look into this point in particular. And I'm – I don't see her in a moment on the list but I'm pretty sure she will come up with a good proposal how we can handle this.

In the moment we will wait the question and the letter which we will send to them and we will ask them to provide us information about this point if they are considering to participate in the future. And then we will have by then we will have the answer from Sam how we shall deal with such kind of issue.

You're absolutely right we have to be super careful there. Thank you so much for this. And let me go to Alan and then I go to Peter. Alan please.

Alan Greenberg: Thank you very much, Alan Greenberg speaking. A couple of points, first of all on conflict of interest. There is a big difference between someone saying they have no current interest and no plans and being forbidden from applying if they should choose to answer questions at this point. And I think we need to - I'm not trying to lead the discussion which one way or another but I think we need to be really, really clear that if by answering the questions which as you point out are there to help us and guide us they are restricting themselves from ever applying or their organizations from ever applying I think we need to make that really, really clear. I'm not really sure we want to do that but that's if we're going to do that we need to make it very, very clear.

The second is that for a fair number of these organizations they're not going to apply. They don't apply for funds. But they do partner with people in many cases. And we need to be really clear if we are talking about applying as a recipient or approaching us to say we have an interesting project, it's right up your line, would you like to partner with us in some way or another to, you know, to match funds or to, you know, whatever the issue is I think that's very different from applying and may well be more aligned with somewhat some of these groups do. Thank you.

Erika Mann: Thank you so much, Erika again. Thank you Alan, two good points. Just to remind us we have taken this in the past and we approached this topic about conflict of interest. We haven't taken a decision yet if they will be allowed to participate or not. But if I remember it right we asked Sam Eisner and she confirmed that she would look into it what is the best policy would be for this. So this is a decision we probably still have to make.

With regard to your second part may they partner with somebody else and then indirectly participate or match funds, that's a different topic. I would love to ask our staff and Marika in particular to put this on a to do list for us and check with Sam again. That's a point we have to check with her. Peter please. Peter can you hear us? Peter is he...

Peter Rodrigo: Okay is this better?

Erika Mann: Yes. Now we hear you.

Peter Rodrigo: I'm sorry, something was wrong with my audio. Hi Erika. Hi all. This is Peter Rodrigo from (WE). And I would like to thank Kavouss for bringing this up the point about whether or not the organizations and the people on the documents would have to declare not wanting to take benefit from a project or from a specific front or whatever. But I would like to echo the remarks that Alan made just earlier. We need to be realistic. I was thinking of suggesting the name of a Belgian organization that which we work together and that has quite significant knowledge of the industry where we are working in. And so their experience could be very useful especially because there are mostly active in a part in a region in a continent where there is absolute need for funding and for projects. So but that being said if I know that there is a remote risk that I would deprive the organization from ever participating in a mechanism to obtain funding then I'm very reluctant to suggest their name here because I might ruin some opportunities for them.

So I would plead that we make a firm decision on the point that Kavouss raised preferably in the coming weeks and absolutely before we finalize the document that was presented here today because if we do it the other way around I think that we will end up in problems. And I don't feel that this group should be making decisions on behalf of the organizations that we seek forgiveness advice and insights in their experience. Thank you.

Erika Mann: Thank you. I will come to - back to some points you raised. This is Erika but I want to ask first Alan is this a new hand or an old had?

Alan Greenberg: This is a new hand with a follow-up.

Erika Mann: Please go ahead.

Alan Greenberg: Yes thank you. Erika based on your summary you may have misunderstood me or I misunderstood you. I wasn't talking about these organizations partnering with someone else to apply for funds. I was suggesting that there may be opportunities for them to partner with us as equals to go and look for projects in a certain area or in a certain target that if they would contribute some money we would contribute some money to specific types of projects where there's synergy between the two. That was the partnering I was talking about, not them partnering with a third-party to come apply for money. Thank you.

Erika Mann: Alan this is Erika. Thank you for clarifying your point. But even in your case I would say we have to - I think we will have to take not really a decision about this because there might be all kinds of other scenarios and potential models which cannot cap up how organization might want to work with this fund or might contribute. It's very hard to imagine at this stage. I think the key decision we will have to take - and Peter was right in saying we have to take this decision before we send out the questionnaire to these experts. So we will have to - the decision, take the decision until next year - until next week

because I really want us to get these questionnaires out because otherwise we have no work plan anymore and we can't prolong our work endlessly.

So my, if you want to hear my personal opinion my personal opinion would be I would be in favor of a strong interest declaration of conflict of interest. But I think we shouldn't exclude anybody who might want to consider to participate in the future because the questions we are asking them are questions we are asking many other experts in the same way. So they – and I'm very doubtful that the way they will respond to it will be able to impact us in one way or the other.

As long as we have a declaration of a potential conflict of interest and they might have and that they like to participate maybe or don't want to exclude a participation personally I would be satisfied with this. And we might want to ask Sam as well that she looks into the question, the additional point Alan just raised. And maybe she has an idea how we can deal with them once we sent out the letter with the attached questionnaire to these experts. Then we can maybe frame it in a way that it's - makes sense at this stage.

Alan Greenberg: Yes say Erika...

((Crosstalk))

Erika Mann: Yes...

Alan Greenberg: ...one final word.

Erika Mann: ...go ahead Alan.

Alan Greenberg: he main gist of what I was saying was not to recommend that we make restrictions or not but you're right we do have to make those decisions but that what if we make any restrictions at all that we be crystal clear in the

solicitation that we are making those restrictions and by answering them they are accepting them. That was the main part that I was saying. Thank you.

Erika Mann: Yes. Thank you Alan. I think I understood you now and we will discuss this with Sam as well. I think you're absolutely right. Peter this is a new hand or an old hand? It's old yes? Yes. Kavouss please I think you have a...

Peter Rodrigo: Yes sorry Erika. It was an old hand.

Erika Mann: Okay thank you Peter. Kavouss please.

Kavouss Arasteh: Yes Erika, let me give you a very simple example. Suppose that you have a job to be fulfilled and that you employ someone. Do you ask the people who wants to apply for job to write the job qualifications? So they're writing in a way that they will be qualified for that. So we should avoid that.

The example given that if you make a distinction (unintelligible) reply no problem. Those people who are technically and (unintelligible) and legally and faithfully reply to the question they reply. But those that they reply with the hope that they will get in future benefit from the reply given to us and give sort of the bias to us it is better not to reply. So I prefer not to receive any reply from those people who have some future intention to apply for the fund. I don't think that would be the end of the world. We can finally find some way to get out of this situation but not putting our self in hand of the people that they make it (unintelligible) for us for future. So please can we reconsider the situation?

Faithful people won't reply from their knowledge, from their understanding. If you want to pay them, pay them. But I don't want that they do something for the future fund and so on so forth restriction should be there with that (terminal) restriction or the restriction will be in place three years or five years for six years. At least there should be something to push them to the more or to more neutral manner to reply. Thank you.

Erika Mann: Thank you Kavouss. This is Erika. I'm just checking who else is on the list. So we don't have any further comments.

Kavouss I would just like to add maybe one point to your argument. When you review the names put forward and the organizations put forward you will see that some – the closest which are the closest to ICANN and which have the best expertise about ICANN might want to apply in the future. So I wouldn't be as, you know, rigid as you are because otherwise you only get replies from organizations which have no understanding or very little understanding about ICANN. So I think we need both perspectives.

But let's not have a discussion today because we have time to consider this until next week. But we need to take a decision from now until next week about this point, do we want to exclude any organization and expert who might want to apply for a fund in the future or are we fine if we have a strong declaration of interest so we can judge their comments in a more insightful way? Marilyn and Kavouss again. Please Marilyn please?

Marilyn Cade: Thanks Erika, Marilyn speaking. I think we're debating a non-activity that I'd like us to move past. Frankly I'm just going to use myself as an example. Today I do not have a client that will be applying. But I can't forecast that in the future. I'm here because I want to learn from all of these organizations in an educational way. So I propose we have a two-phased approach.

We have a firewall. Anyone who wants to help educate us we're going to listen to them if they meet our criteria. And then we should have a declaration of interest with people who already know what they might do in the future but we should also have some flexibility to allow someone to post, I don't know yet so you – because you have not established the criteria. But I think we need to be listening.

And Kavouss I'm going to be very direct about this. By now I don't think we're listening enough to informed parties who can educate us. Some will respond to our questionnaire, others will not. I'd like us to get the data in and then analyze the data. And I know all of us are committed to getting that data in.

So let's have an agreement we have a clear DOI and we have also an updated SOI and we have two phases. And we cut-off – we've listened, we've learned, we've not given anybody any additional favorability. Thanks.

Erika Mann: This is Erika. Thank you for your clarifying words. Sam are you on the call? Can I ask you maybe from your point of view and from your oversight and how to handle conflict of interest issues from a legal point of view? Would you like to comment on it or is it too early...

((Crosstalk))

Erika Mann: ...and you would like to reflect more?

Sam Eisner: This is Sam Eisner from ICANN legal. I would like to reflect more and I really appreciate the fact that the conversation's been raised. I'll take this back and come back to the group. But, you know, when I look at the questions that have been posed for the experts they are very general. And I think there's – I do have a question about how much specific knowledge is required about ICANN to have an expert come in and give us best practices and answer the questions from a very neutral best practice view.

And I think that we don't need to look for people who are versed in ICANN or gain a really big understanding of ICANN. I think, you know, the situation itself can be very neutrally explained. And so there might not be a need to tap into people who are well-versed in the ICANN system. And that might actually serve the group better for getting a much more agnostic point of view on this.

So that's just one of my initial reactions. But I'll take it back and see if we can get some better guidance and recommendation to you guys on guidelines to give to the experts. And I think we're going to have to be very careful when we communicate with them about – it's more so the CCWG process I think that people need to get some input on so that when we're reaching out to these experts they understand we're not trying to engage with them or asking to actually take any funds under management but that it's really an information gathering exercise for the benefit of the community so I'll be coming back to the group. And Erika I don't know if you can hear me but I'm done with my intervention.

Erika Mann: Oh apologies, I was on mute. Sam thank you so much. This is Erika. I was just saying it would be good if you can find a way of taking the decision by next week. I really don't want to postpone this much longer so your help and your support in looking into this would be greatly appreciated. And any advice you can give us.

I wouldn't want personally I think it's not helpful to exclude somebody who potentially might want to participate in the future because as you rightly said these questions are very neutral and once we have a declaration of their potential interest I can't see any, you know, anybody from us, you know, would be impacted by the answers. And take for example nominate which we have on the list it's good to hear from them and to exclude them because they might potentially participate. I would see might be may be problematic too but I take your point.

And in a moment I see the comments more in favor of staying open with the exception from Kavouss. But we have to find a way ow we can take the decision together until next week. Kavouss is this a new hand or an old hand?

Kavouss Arasteh: Yes it is a new hand.

Erika Mann: Please Kavouss.

Kavouss Arasteh: This is – listen Erika I - people knows me. I have no interest. I am not connected to any organization and so on so forth -- totally neutral. But some of the people participating they have not been in other activities of ICANN and all of a sudden come in super active (unintelligible) also because of this appetizers.

So but I have been the old group. I have no interest. We – I have no doubt about total exclusion. You may have exclusion for the first six years. You may have exclusion on the condition that your company enterprise may be excluded from applying for a fund depending on the application type and the relation of that application with the advice you have given. We should make it clear for them so there are different color, different black and white we could try it to put in some qualifier.

Second I want to reply to one of our colleagues is that we'll be educated. I'm sorry I don't educate anyone and I don't want to be educated. The information sharing principle. We share our information.

We are not educating each other. We exchange the information, share the information but not education. This is not in a school. So I don't understand that people think that we'll be educated. By who educated?

So put something and it - to qualify that maybe so on so forth depending type of the application and relation of the application with the advice was given. So I don't want other people prefer ground for themselves in the next two years or three years applied for the big or a small part of this job. So please don't put me as Kavouss is the only one. This is the reality. This is the fact and we have to reflect on this fact. Thank you.

Erika Mann: Kavouss thank you, Erika. Thank you for clarifying your point because I think we're much closer together as a group than I originally understood. So your

comments were very helpful, your last comments Kavouss. Thank you so much for this. So Sam you are so kind and you come back to us with some kind of consideration you make from a purely legal point of view so that we have taken all aspect into consideration before taking this decision.

But I think as a group we can summarize in a moment that the majority of people would accept that organization would be able to participate who potentially might want to consider the future to request funds under certain strict conditions. Many of them are mentioned today and we have them on the protocol. I'm not replying them now but we will have to by email then to confirm this once we have seen what Sam is sending us. We will have to confirm this by email exchange next week. Marika we can handle this by email can we? Yes, Marika is giving confirmation we can do this.

So I am watching – I think we have an agreement here. So please when you review this list please be so kind to do the following. First look at the experts we have selected and the organization which we would love to have on the call. So the call this group is going to have with these different experts. So please just have a look. It's always the first organization and the first name which shows up on the list on the different categories which we have identified and the ones Marika presented.

And then all of the other names we will just send them the question that they will not be on the call but we will ask them to reply. Please review the names on the list of the organization and if you have a contact detail please send us the contact details so that we have a person we can identify clearly.

(Glen) thank you so much for having done this already. And I saw I think it was (Carolina) she mentioned three or four organizations that she has – the concrete and she sent it already. Thank you so much for this (Carolina).

If there is something really important missing when you review this please be so kind to put this on the list or send it by email to Marika so we can add this.

Kavouss if there's somebody which you have a particular where you believe it's really important for a particular part of our regions around the globe please be so kind to review the list as well and to send us recommendation.

So Marika can we go to the questions now? Can you maybe present a question and explain how we handle this, the document? You need to...

Marika Konings: Yes.

((Crosstalk))

Erika Mann: I think just again the - how we set up the document, how we identify the questions we don't go through the questions one by one. You have time to do this home but just maybe the structure and how we want to send out the question to the experts.

Marika Konings: Yes this is Marika. So as I noted before so basically for each mechanism a number of questions have been identified. Similarly a number of general questions have been identified that apply to overall apply but regardless of which mechanism you may have in mind. So the idea would be to send the general questions as well as the different questions that have been identified for each of the mechanisms for each category to the experts that have been identified for each category. So again as I said before the idea is there are quite a few questions on the list. And, you know, we do plan to send the experts an annex with all the questions so they also have a complete overview of all of the questions that are being asked. And we aim to pull out those questions that have been deemed specifically relevant for a certain category of experts to make sure that they focus on that – on those specific questions and if they have time. Last they could of course also respond to any other questions that are on the list. And so I think that is the approach that's being proposed.

Erika Mann: Thank you so much Marika, Erika on the phone. I hope this is pretty straightforward. I think the questions are quite general. We haven't gone into any areas which are problematic of which are only understandable by ICANN people. And we hope we can get some insight more in how other organizations handled a similar fund. And we don't want to hear anything from them how they judge what we are planning to do. It's just – and that's the way we identified these questions.

So if you would be so kind to review them, see if you feel confident with them. There's nothing new you will find. It's cleaned up versions of the questions which you have seen many times. Sometimes we have turned them around in the documents so some show up, may show up in a different order but we haven't - and we have cleared the language. Sometimes questions were very hard to be understandable so we have cleared them up as well. But that's all we have done. So please look at the questions, see if you can support these questions so that we can get them out as soon as possible.

Please keep in mind and Marilyn mentioned this rightly so, the letter will give some explanation as well about what ICANN is, how ICANN functions, will explain a bit about the core values and the mission statement and the bylaws. We will not go into detail but just to explain to the people we are talking to in the future some of the background and some of the gating environments we have to take into consideration.

But again keep in mind for most funds this is typical. Most funds have some – have goals they have to achieve and they have prohibitions in areas where they can't invest so they will understand our mission driven and bylaw driven environment pretty fast and pretty well so I wouldn't worry too much about it but we have to explain it.

So they have to understand that we are not completely free investing in everything but that we do have some kind of constraints. Cheng would you want to add something or Marilyn or somebody from the small group,

(Brenda) somebody else may be who would want to add something, (Olga)?
No?

Okay, Kavouss sorry apologies. I didn't see you. Please go ahead.

Kavouss Arasteh: Yes this is a question I raised to before. I would like to know as far as the group that made the effort for finding these people I would like to know whether they had any criteria to find out the organization enterprises or institutions they can do this job. What were the criteria that they used or were just looking through the - a list of somewhere? I can go to the Google which we will find in list and so on and so forth. I can go to the other sources or was there some criteria would be happy if in addition be the name of the people that you put it in the – on the chat or on the record you put it in the document directly also put in the criteria of selecting these companies or these people.

And my only question is that selecting institution A does that mean that the CEO of that institution is the best person? We should look into that organization to find the best expert to come.

And the last issue is that when we talk about the call I would like to point out that we don't want that the people participate in the call and dominate the whole session by their speech. I have a very bitter experience of the CCWG accountability that the expert put a lot of time explaining and converging the session to sort of a lecture and so on and so forth. There should be limitation of what they want to say and then they should not dominate the whole discussion. This is important issue should be taken into account. Thank you.

Erika Mann: This is Erika. Kavouss again thank you for your advice. I think we will be very cautious and very careful. Keep in mind as well these are not experts in the traditional sense of experts. We are only asking them to – for us, you know, for ourselves and this was the work Marilyn and took, you know, educate just for our self to find the right path and not to have forgotten something because

keep in mind this is a new fund and like all new funds you have to learn from those which are already on the market.

And this was all we tried to do so don't take the - I wouldn't take the word experts in the sense like we want them to talk on the call the whole time. But your caution so we have taken this into consideration. So can you do this until if it's feasible for everybody to ask to review this until next week Wednesday? Is this something you feel comfortable with?

All right from your silence I take this as a yes because I'm pretty sure if you couldn't do this you would already all scream. So let's take the Wednesday later I would say Marika? Yes so very late California time it's maybe probably the best time very late in the evening and then we can in the smaller team, the leadership team we can review your points and then again can make a recommendation how we carry this forward.

In the meantime we will get a response back by Sam as well. So Sam is looking more at the more tricky part of the legal question shall they participate those which might have a conflict in the future and how would a – the wording of a potential conflict of interest declaration could look like, maybe but we could - Sam if you could see this from your end as well so that we then take a decision in this group we can take an informed decision. And then we will take ideally until the end of next week as well a decision about – and we will do this by email but we will take a decision about the question whether they shall be allowed to participate or they shall not be allowed to participate if they have a conflict of interest.

So if there is no further point to discuss here I would - and then please be so kind we are now looking at the work plan and I want to keep this quite short because I like us as well to talk a little bit about ICANN 61 and about our planning. So the work plan we changed a bit because we had - we need to get a little bit of more time and Marika would you be so kind to explain the work plan document?

Marika Konings: Sure Erika. So what you see up on the screen which was also circulated together with the agenda is an updated version of the work plan which factors in the timeline that has been proposed with regards to outreach to the external experts. So if you look at Page 5 of the document that's where you see where we're basically currently at the idea or the hope is that by the end of next week we'll be able to start sending outreach messages to the external experts.

I do know that there's still of course input and comments that we expect to receive from you all, the input we received from Sam. So of course there is a potential the further conversation may be needed but at this stage we're hoping that by the end of next week we have clear guidance and direction on how to move forward. So we start sending out the outreach messages.

And we have potentially here a call on 25 January which in principle is scheduled but it is dependent on feedback from (Xavier) and Sam. And they may need to think about it and look at the questions to see whether they would potentially be ready to have a conversation with the group in regards to the questions that have been identified specifically for them during that meeting.

But, you know, I do want to say up front that of course it's relatively little time and I know especially is (Xavier) is probably tied up on a lot of work in relation to preparing the budget documents. So I think that meeting for now is tentative and we just need to wait and see until we get their feedback to see if it's feasible to go ahead with that call or not.

Then there's another meeting that was in principle scheduled for the 8th of February but the proposal is to cancel that meeting. And then there would be a pretty intense two week period during which we would try to schedule all of the calls with the different experts. Again of course this is dependent on the

availability of the experts and our availability and our ability to identify sufficient slots to have these calls.

That would then basically take us up to the week of 5th of March which takes us straight up until to ICANN 61. So that basically would give the leadership team relatively little time but hopefully sufficient time as of course as some thinking and work can be done in parallel to summarize the input obtained and identify, you know, whether there are any gaps or further follow-up that may be needed as well as prepare for the discussions at ICANN 61 both the face to face meeting as well as the community session that is being planned.

So again as that pushes out our timeline a bit as you may recall that the latest version had foreseen that shortly after ICANN 61 we might be in a position to publish an initial report for public comment. This actually now gets pushed out a bit further. The hope is though that, you know, if indeed all the input is provided by experts by ICANN 61 it will allow the CCWG to really review and digest that information and hopefully make a determination with regards to which of the mechanisms shows the most potential to meet the expectations and criteria that were set as well as meeting legal and fiduciary constraints. So that the one model or two models regardless of depending on what comes out of that conversation could then be further worked out in detail through the different charter questions that will need to be answered.

So the hope is then again this is of course still a pretty tight deadline and, you know, dependent on your input and participation and engagement in the conversation both on the calls and the mailing list. And the hope is that that would take the working group to ICANN 62 where we would hopefully be able to present the initial report and publish that in conjunction for public comment. So that is what is currently being proposed based on the proposed timeline with regards to outreach to external experts. And again of course there's some caveats here and, you know, dependencies which may require further changes further down the road but this is at the timeline we would propose to work against.

Erika Mann: Thank you Marika. This is Erika. Kavouss do you have a comment? Was this an old hand?

Kavouss Arasteh: Yes I have a comment. This is very ambitious plan. I hope that we could reach that. But I have a general question to raise. Suppose that we finalize the questions that we want to send out to these people. There would – should be an introductory part of that. What is the subject based on these (three) questions I raised? So not all of the enterprises, companies, institutions are familiar what is the situation when just asking the question. But you should have some introductory parts one or two basis which claiming what was the basis that we come up with this sort of reaction that we (unintelligible) organization institution to give consensus to answer or give advice to us or share their views with them.

So where is those two or three pages? I don't think that we should have a ten page (unintelligible) thing (unintelligible) something suggested report based on that (unintelligible) question I raised. So who prepares that and where that (unintelligible) is? Thank you.

Erika Mann: This is Erika. Thank you Kavouss. We discussed this before but I'm – you're absolutely right and other colleagues mentioned this today as well. We will have an explanatory statement before. It – of course the expert they need to understand what the background is, why we are asking these questions. I mean the primary goal is it's a new fund which has a quite limited potential outreach and so we will explain what ICANN is and we will give a short background about the – why the money was raised, why the money is there, et cetera, et cetera. So we will do this.

You're absolutely right the team, the staff we worked on a document and as soon as the document is ready maybe it's already ready by the end of next week. We can just review the draft and then this group will start working will

review the draft by email and then we will hopefully have it relatively soon ready so we can send it out together with the question.

So if there's no further point please review the work plan. Just be aware we will need a little bit more time unfortunately but I hope they will all come to a good end this whole exercise. Then let's have a look Marilyn. What you want to this point or another one? Marilyn please?

Marilyn Cade: Yes (unintelligible). Yes I'm not sure if it's this point or later. When I looked at the work plan we had the face to meeting in March and I'm just trying to figure out do we have our (covernet) also on this schedule?

Erika Mann: I – this is Erika. I did not understand the last part of your sentence.

Marilyn Cade: Sorry. We have our face to face meeting which is the working session but I didn't see our public event which I thought we were committed to during the ICANN meeting.

Erika Mann: Yes. So this is Erika. We move now to the ICANN 61 planning. Marilyn was already moving one step further. And I think we concluded the discussion of about the work plan. Just please have a look. And Marilyn identified that there might be one topic missing about ICANN 61. Marika will explain to you in a second how we are planning our sessions in Puerto Rico.

So there are two meetings we are going to have there. There's one CCWG Option Proceeds meeting in this group which will be a public meeting as well so others are invited but it's our team. And then we do have a real public meeting and one meeting is if I'm not mistaken is on Sunday and the other one is on the Thursday. But Marika you can explain this much better please.

Marika Konings: Yes thank you Erika. And Marilyn this is Marika. And Marilyn just to explain I think why you don't see it on the work plan. The work plan really focuses on

our working meetings and not necessarily kind of outreach or public sessions although I can definitely add it to avoid any confusion in that regard.

And as Erika noted we're currently planning and I do have to say it's still tentative because (fours) discussions with regards to this schedule are still ongoing and, you know, changes may need to be made to accommodate or avoid conflicts. But what is currently being planned is to have a 90 minute session at the end of Sunday. As you may recall we had a poll to see whether Saturday or Sunday would be better suited for the CCWG members and participants. And as a result of that we found that Sunday seemed to be working better so a slot is being requested for Sunday afternoon to have a face to face session and then another slot is being requested for Thursday morning, again a 90 minute slot to have a public consultation.

And I guess we probably need to see the closer to the date how that session will look or what we'll be focusing on. As to a certain extent it will of course depend as well on the feedback that will have been received by day. But of course there are already a number of work products that the group has produced with regards to objectives, examples. So there will definitely be some items that can be presented and discussed.

And again there may also be specific questions that the group may want to put forward at that stage for discussion and conversation. So that is what's being planned at this stage. I said that's still tentative as, you know, we're waiting to scheduling process to complete and make sure that everything fits together but hopefully we'll be able to stock with those two meetings.

Erika Mann: Alan please.

Alan Greenberg: Thank you. Sorry I had to step away for a moment while Marika was talking. What day is the public consultation scheduled?

Marika Konings: Thursday morning at this point in time and I believe it's the first slot of the day which I believe it's the – I think it's the 8:30 to 9 – 10:15.

Erika Mann: Ten-fifteen.

Alan Greenberg: Okay thank you. What I was told by our staff people was it was supposed to be Tuesday which didn't make any sense at all since that constituency day. So I'm glad to hear it as Thursday. Thank you.

Marika Konings: Yes, definitely not Tuesday.

Erika Mann: Do we have some other comments with regard to the ICANN 61? We will talk about how we will present this at the public meeting. We will take some time to talk about it and I'm pretty sure we will do it in a way that many of us can be – can participate in the presentation. But is there any other aspect you would love to discuss or add to the ICANN 61 debate? No? Okay.

Then we are coming to the end of our meeting today and we have to confirm our next steps and our next meeting. So the next steps I think we discussed. It's the review of this document which we need - which we are waiting to hear back from you until late California time on Wednesday next week. We are waiting to get replay back and recommendations from Sam. And then we will take a decision whether companies or organizations shall be included who potentially want to participate in funds in the future. But we will postpone this discussion until we have seen something from Sam but we have pretty much an understanding about it I think we reached today. Anything else we have to discuss Marika?

Marika Konings: No this is Marika. I think just keep your eyes out for now. We'll go ahead and confirm the meeting for let me just check what is that, the 25th of January just so you have it on your calendars. But it may get canceled dependent – depending on the availability of Sam and (Xavier) to participate in that meeting or be ready and prepared at that point in time.

Erika Mann: Okay Happy New Year again to everybody and have a good rest of the week.
Thank you so much. Julie back to you.

Julie Bisland: Thank you Erika. Today's meeting has been adjourned and (Dennis) can you please stop the recording? And everyone can disconnect you lines, hope you have a good rest of the day.

END