

# WP1 Meeting #13 (13 June)

## Attendees:

**Sub-Group Members:** Avri Doria, Farzaneh Badii, Fiona Asonga, Greg Shatan, Jonathan Zuck, Jordan Carter, Kavouss Arasteh, Par Brumark, Roelof Meijer, Steve DelBianco (10)

Legal Counsel: Holly Gregory, Ingrid Mittermaier, Rosemary Fei, Tyler Hanson (4)

**Staff:** Adam Peake, Berry Cobb, Kim Carlson

**Apologies:** Matthew Shears, Robin Gross, Alice Munyua

*\*\*Please let Brenda know if your name has been left off the list (attendees or apologies).\*\**

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## Transcript

[Transcript WP1 #13 13 June 2015.pdf](#)

[Transcript WP1 #13 13 June 2015.doc](#)

## Recording

The Adobe Connect recording is available here: <https://icann.adobeconnect.com/p8p1v70dyu3/>

The audio recording is available here: <http://audio.icann.org/gnso/gnso-wp1-13jun15-en.mp3>

## Proposed Agenda

1. Agenda review
2. Content Review
  - Summary of Question 8 (above comment 268 - Jordan summary, Robin content)
  - Summary of Question 9 (above comment 290 - Jordan summary, Robin content)
  - Summary of Question 11 (above comment 327 - Fiona)
  - Summary of Question 12 (above comment 350 - Fiona)
  - Updated comments in AOC section and in First section (Steve, Roelof)
3. Agree approach for 14 June call, and work outputs to suit by 0600 UTC on Sunday
4. Any other business

## Notes

notes WP1 - Call # 13, 13 June 2015.

### NOTES & ACTION ITEMS:

These high-level notes are designed to help you navigate through content of the call and do not substitute in any way the transcript.

How are summaries been written, checking how these are being drawn up ready for the CCWG mtg on Friday in BA

Fiona has covered 11 and 12. If time look at the updated comments from Steve

Agenda accepted

Looked at WP2 for consistency of approach. Present an overall impression of the comments and the an overview of the comments: No negative operational impacts, and did want a budget and plan that takes into account of all relevant community input. This a first draft review.

Roelof: what are we seeing in the document? All comments of WP2 or a part?

Only a summary of the 22 comments lodged for Q8. Suggest to prepare the same style of comment for each section of questions.

Q. And additional elements that could be helpfully added?

Next. Question 9. Any comments?

Was there a more strongly worded objection in the previous - and suggest need to not bury such strong divergence. Surface and deal with out-right opposition, and address.

When summarizing, please highlight outright divergence.

Anyone noticing such an issues/omission, please go in and enter a note using track changes.

For example 278 stands out.

There areas where the commenter may have mis-understood our question. But an example, R Hil, the staff summary does not capture the whole of his comment and the level of divergence. How to capture that?

Reading the comments reveals subtleties that are otherwise missed from the summary documents.

Summary of Q11.

The comments have been tagged, but more detail to summary impression would be helpful. Yes, will do before next call.

335. USCIB. Talking of spilling of entire board at 80% so is misplaced.

Not about removal of individuals.

If in the wrong place then highlight in yellow. And inform Adam/Alice/Jordan and where to move it to.

Summary of Q12.

Noting that this was a mechanism of last resort. Will go back and add summary for each of the comments.

Reasonable for the drafters to add a CCWG response for each comment. We will be publishing a review document.

359. Concern was around the issue of threshold.

AoC material. Steve second draft that expands on the material. Q13 and comment 373.

Retaining Avri's language and took additional from the proposal. Summary at the top yet added.

R Hill, if CA does not law give full powers then US may not be best location?

Yes, to a person who is member and a legal person.

So not a disagreement or concern, there is no problem with CA location.

Differentiation between what Richard means about full-powers and what we mean of the 5 things we want to do.

376, mistaken notion, that reviews are not proposed as being brought in as they are. And misunderstanding about the timing.

379 Govt of Spain. Termination of AoC after the transition. Do we make changes in our next draft? And this may be an issue for the agenda item for Friday in BA.

Reg group. Inconsistencies. Want the ability to sunset reviews, with WHOIS a good candidate.

Do we think a community driven review is sufficiently bottom-up? Trickiness on full bottom-up process, to some means the PDP process rather than the review and AoC process. Check what registries mean.

381. JH. Mistaken notion. And mistaken notion that 8b was driving changes, when it's in the current bylaws. Not a disagreement or a concern.

382. explicit. 383. Increase the time between reviews - does UK want further apart?

USCIB. Not feasible and appropriate, those words are from the AoC. Do we cut words as we bring them over from reviews

386 - mistaken notion

Action: Avri and Steve will continue.

Action: Request to begin on the summary area.

223. Asked for words from Sidley, and been provided. Clarification added. individual persons are legal persons

Once the summary is completed the collective process is more useful. Review this content on Sunday 18:00 UTC call. Agree?

Sunday: Look at AoC in corporation. Look at summaries on Director remove section. Look at the bylaws material. And proposal section for CCWG to look through in BA

AoB?

If you need to work in Word Doc, please work in track changes.

END

## Action Items

## Chat Transcript

Kimberly Carlson: (6/12/2015 14:16) Welcome to WP1 Meeting #13 - 13 June! Please note that chat sessions are being archived and follow the ICANN Expected Standards of Behavior: <http://www.icann.org/en/news/in-focus/accountability/expected-standards>

Kimberly Carlson: (22:53) Hello, Kavouss

arasteh: (22:55) Hello Kim

arasteh: (22:55) How you are doing.

Kimberly Carlson: (22:55) Very well, thank you

arasteh: (22:55) Nice early morning Geneva

Roelof Meijer (SIDN, ccNSO): (22:56) Good morning / good day all!

Adam Peake: (22:57) Please mute your lines

Holly Gregory (Sidley): (22:59) greetings all

Ingrid Mittermaier (Adler Colvin): (22:59) Good evening from California!

Jordan Carter (.nz, Rapporteur): (22:59) hi everyone

Jordan Carter (.nz, Rapporteur): (23:00) We will start in a few minutes

Jordan Carter (.nz, Rapporteur): (23:00) I am waiting on a dial up, which I only just asked for

Roelof Meijer (SIDN, ccNSO): (23:00) I think I hear someone making coffee... Please mute

Jordan Carter (.nz, Rapporteur): (23:00) Staff: would it be possible to show the live Google doc in the screen, as last time?

Jordan Carter (.nz, Rapporteur): (23:00) Here also is the proposed agenda

arasteh: (23:00) Hi every body

Berry Cobb: (23:00) @Jordan, yes I can share my screen.

Greg Shatan: (23:01) Hello, all.

Jordan Carter (.nz, Rapporteur): (23:01) Thanks Berry

FIONA ASONGA (ASO): (23:01) Hallo Everyone

Adam Peake: (23:01) yes

Rosemary Fei: (23:01) Yes, I can hear you.

arasteh: (23:01) Is it possible that in showing the doc. we do not move so rapidly allowing the participant to be able to look at that

arasteh: (23:02) Could people kindly speak more slowly separating syllables one from another.

arasteh: (23:02) Some of us speak too fast

arasteh: (23:02) THANKS

Jordan Carter (.nz, Rapporteur): (23:02) I have circulated a draft agenda on the Email list

Jordan Carter (.nz, Rapporteur): (23:03) could staff add it in the notes module please?

Rosemary Fei: (23:03) Jordan, I don't believe I got an agenda -- did that go to counsel?

Adam Peake: (23:04) brilliant. good to know

Kimberly Carlson: (23:04) Jordan, just let us know when you're ready for the recording to start

Holly Gregory (Sidley): (23:04) @Jordan, is it possible for you to speak louder?

Rosemary Fei: (23:05) Thanks!

Rosemary Fei: (23:06) You're right, counsel does not want/need to be added to the main CCWG list, but it does put the burden on you to remember that we don't get those emails. Sorry.

Roelof Meijer (SIDN, ccNSO): (23:06) Audio seems to be going off and on, or is that only on my side?

Holly Gregory (Sidley): (23:07) I'm having difficulty hearing as well

Kimberly Carlson: (23:07) better now

Berry Cobb: (23:07) Much better now

Greg Shatan: (23:07) Better.

Roelof Meijer (SIDN, ccNSO): (23:07) @Jordan: better now!

Rosemary Fei: (23:08) Audio is better, Jordan

Holly Gregory (Sidley): (23:08) Yes, much better @Jordan

Holly Gregory (Sidley): (23:11) excellent summary format

Rosemary Fei: (23:12) Roelof, can you speak louder/closer to mic, please?

arasteh: (23:13) Excellent works done

Roelof Meijer (SIDN, ccNSO): (23:15) I have no scroll control

Greg Shatan: (23:15) All of the above.

Roelof Meijer (SIDN, ccNSO): (23:15) Hand raised

Adam Peake: (23:16) [https://docs.google.com/document/d/1ViLPAuc\\_80PEgSqJ2sFJhwyM1gJ7HSIN115kT0YjUHM/edit?usp=sharing](https://docs.google.com/document/d/1ViLPAuc_80PEgSqJ2sFJhwyM1gJ7HSIN115kT0YjUHM/edit?usp=sharing)

Avri Doria: (23:17) I hear ok. that is not my reason for being quiet. still waking from my nap.

Greg Shatan: (23:17) I hear fine as well.

Greg Shatan: (23:17) Just not speaking so well.

Roelof Meijer (SIDN, ccNSO): (23:18) Looks good, this summary

Farzaneh Badii: (23:18) yes

Jonathan Zuck (IPC): (23:21) Berry can you go to the previous one?

Steve DelBianco [GNSO - CSG]: (23:21) Per Jonathan's point, the comment from Richard Hill was "124: the membership, and only the membership, should have the power to change the bylaws."

Adam Peake: (23:23) it reads

Adam Peake: (23:23) We are doubtful of the value or effectiveness of the power to reconsider/reject the Budget and Strategic/Operating Plans, but we are not strongly opposed to this power as designed. We would be opposed to greatly strengthening it.

Jonathan Zuck (IPC): (23:27) agreement AND divergence

Berry Cobb: (23:27) Jordan, you may be on mute

Jonathan Zuck (IPC): (23:29) agree ideal process

Steve DelBianco [GNSO - CSG]: (23:36) Good question, Jordan

Steve DelBianco [GNSO - CSG]: (23:37) So just move the flagged text to question 12

Greg Shatan: (23:39) Actually there is no row for USCIB for Q12, so it will need to be added and given a bis number perhaps.

arasteh: (23:40) The issue of higher threshold was intensively discussed

Adam Peake: (23:43) USCIB, was an editing error, their response was clearly about the whole board. Will move it in the master document.

Steve DelBianco [GNSO - CSG]: (23:43) Agree with your CCWG Response on this one, Jordan

Berry Cobb: (23:45) One thing to note for you to consider is on the CCWG response, if you think there should be a specific changes to the latest draft of the proposal, it might be wise to list the page # and paragraph #

Jordan Carter (.nz, Rapporteur): (23:45) Agree, Berry

Jonathan Zuck (IPC): (23:47) +1 Berrry

Avri Doria: (23:48) isn't the split a concern?

Steve DelBianco [GNSO - CSG]: (23:48) Agreed, Jordan

Steve DelBianco [GNSO - CSG]: (23:49) Fiona, how many commenters said the percentage should be higher than 75% ? Do you know?

Adam Peake: (23:50) There was a reason why 80% was not favored in the document, perhaps that wasn't clearly explained? (about the principle that no single SO/AC could block?)

Holly Gregory (Sidley): (23:50) Good point @Adam

arasteh: (23:50) Fully agree with your summary JAORDAN

Jordan Carter (.nz, Rapporteur): (23:53) Yep, accept no summary there. Look forward to the two of you perhaps preparing the summary together? :-)

Jordan Carter (.nz, Rapporteur): (23:53) ("the two of you" meaning Steve and Avri, in this case?)

Jordan Carter (.nz, Rapporteur): (23:53) )

Rosemary Fei: (23:55) "Full powers" meaning the 7 powers that counsel has been asked to consider?

Jordan Carter (.nz, Rapporteur): (23:55) Rosemary: that is indeed a challenge with Richard's comment. It is a little recursive in some ways

Rosemary Fei: (23:56) If that's what full powers means, there's no problem if we have members (who must be legal persons) under CA law.

Avri Doria: (23:57) ok

Rosemary Fei: (23:58) Agreed, Holly -- it sounds like he's referring to the 6 powers (plus the one added as a requirement by CWG)

Adam Peake: (23:59) I think Hill is proposing that a membership, I think individual members, should have all powers. He goes beyond what CCWG is proposing.

Avri Doria: (6/13/2015 00:00) Adam, that is what i understood by full powers.

Avri Doria: (00:01) But i am willing to be wrong.

Jordan Carter (.nz, Rapporteur): (00:01) Unless we have a specific driver to move jurisdictions, I don't think we should investigate theoretical jurisdiction changes personally

Holly Gregory (Sidley): (00:01) @Adam and Avri, could you explain further? I don't understand what other powers he means by "full powers"

Adam Peake: (00:02) I think he is talking about individual members.

Adam Peake: (00:02) And that those members should control

Greg Shatan: (00:02) He never uses the term "fundamental."

Greg Shatan: (00:03) when it comes to bylaws.

Adam Peake: (00:03) But I might be understading his comment as a whole

Greg Shatan: (00:03) He is going down a whole different path.

Holly Gregory (Sidley): (00:03) @Adam, I am not following -- but it could be lack of sleep in middle of night :)

Adam Peake: (00:03) ok... giggle

Avri Doria: (00:03) which of us is chicken little?

Greg Shatan: (00:03) Middle of the night? I'm going clubbing after this!

Jordan Carter (.nz, Rapporteur): (00:04) a few smiles are no bad thing huh? :-)

Berry Cobb: (00:05) P3 of response is "CCWG Response:"?

Jordan Carter (.nz, Rapporteur): (00:06) Berry - P3?

Berry Cobb: (00:06) Paragraph 3

Adam Peake: (00:09) giggle response to Jordan not to Holly! Context lost too easily. Apologies Holly

Holly Gregory (Sidley): (00:11) all good @Adam

Steve DelBianco [GNSO - CSG]: (00:16) Can do.

Steve DelBianco [GNSO - CSG]: (00:16) Sure, Avri.

Jordan Carter (.nz, Rapporteur): (00:16) So an Action Point on Avri and Steve

Jordan Carter (.nz, Rapporteur): (00:17) to complete the comments, with Steve on initial, Avri to review

Steve DelBianco [GNSO - CSG]: (00:20) question Jordan?

Holly Gregory (Sidley): (00:21) rather than "give extensive powers to members" consider "provide ability for members to exert broad oversight"

Berry Cobb: (00:22) It won't be "sent back" per se to the commentor, but if they choose to read the response to see how they are considered is the nature of the response.

Greg Shatan: (00:22) natural persons (i.e., people) are legal persons....

Greg Shatan: (00:23) unnatural persons are a different question. zombies, vampires, etc....

Jonathan Zuck (IPC): (00:24) @Greg, part of the premise of True Blood is what rights should be accorded to vampires versus "natural" persons

Greg Shatan: (00:24) Is that a multi - stake - holder process?

Rosemary Fei: (00:25) oooooohh, ouch

Holly Gregory (Sidley): (00:26) there is an interesting effort arising in the animal rights world of asserting that animals should be legal persons --

Avri Doria: (00:26) zombie status

Rosemary Fei: (00:26) A well respected law review article is entitled, "Should trees have standing?"

roelof Meijer (SIDN, ccNSO): (00:27) @Jordan, all: it's not me that was saved, it's you guys!

Steve DelBianco [GNSO - CSG]: (00:27) True, Roelof!

Rosemary Fei: (00:27) I do not believe that trees can be members under CA nonprofit corporate law, however. Even if they can sue.

Steve DelBianco [GNSO - CSG]: (00:28) But you deserve a chance to get your revenge on me for reading thru my analysis !

Holly Gregory (Sidley): (00:28) @Rosemary +1

Jonathan Zuck (IPC): (00:30) Thank you!

Greg Shatan: (00:30) Trees should control the root zone.

Rosemary Fei: (00:31) Ow!

Jonathan Zuck (IPC): (00:31) Greg has to get out to the club

Holly Gregory (Sidley): (00:31) Appreciate the extra half-hour. Very impressed by this process. Much to learn from you all and the effort toward consensus and respect for divergent views

Rosemary Fei: (00:31) Agreed, Holly -- the CCWG's process in addressing comments is impressive

arasteh: (00:31) Jordan

Steve DelBianco [GNSO - CSG]: (00:31) Truly awful in Google docs. 2 second latency in seeing the characters I am typing !

arasteh: (00:31) thanks

arasteh: (00:32) pls send that word doc.

arasteh: (00:32) TKS

Steve DelBianco [GNSO - CSG]: (00:32) THnaks

roelof Meijer (SIDN, ccNSO): (00:32) Thanks Jordan, all, "see" you tomorrow!

Pär Brumark (GAC Niue): (00:32) Thx all!

Adam Peake: (00:32) Thank you

Rosemary Fei: (00:32) THank you, Jordan and all.

Greg Shatan: (00:32) Thank you Jordan and all!

Adam Peake: (00:32) Will add the RIR comments

FIONA ASONGA (ASO): (00:32) bye

Jordan Carter (.nz, Rapporteur): (00:32) thanks everyone, great work