

IANA CWG Meeting #73 (15 December @ 16:00 UTC)

Attendees:

Members: Cheryl Langdon-Orr, Eduardo Diaz, Elise Lindeberg, Graeme Bunton, Greg Shatan, Jaap Akkerhuis, Jonathan Robinson, Lise Fuhr, Olivier Crepin-LeBlond, Paul Kane, Seun Ojedeji (11)

Participants: Alan Greenberg, Allan MacGillivray, Andrew Sullivan, Brenden Kuerbis, Chuck Gomes, Gary Hunt, Greg DiBiase, Harold Arcos, James Gannon, Jorge Cancio, Manal Ismail, Martin Boyle, Milton Mueller, Sabine Meyer, Sivasubramanian Muthusamy, Thomas Rickert, Tracy Hackshaw, Wale Bakare (18)

Legal Counsel: Holly Gregory, Sharon Flanagan (2)

Staff: Alain Durand, Akram Atallah, Alice Jansen, Bernie Turcotte, Berry Cobb, Brenda Brewer, David Conrad, Grace Abuhamad, Marika Konings, Trang Nguyen, Yuko Green

Apologies: N/A

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

Agenda

1. Opening Remarks
2. CCWG Dependencies
 - Presentation from Sidley
 - Questions and Remarks from the CWG
3. Implementation
 - Staff Update
 - DT-IPR
 - Creation of PTI
4. Bylaws
5. AOB
6. Closing Remarks

Notes

Eduardo Diaz, Holly Gregory, and David Conrad on audio only

1. Opening remarks

- Status of CWG-Stewardship letter concerning implementation: ALAC confirmed during last meeting that there were no objections to the proposed approach, ccNSO Council discussed the letter last week and concluded that it was a natural and sensible approach and will confirm support in writing, GNSO Chair confirmed that no objections have been received to the letter, SSAC - still reviewing but no objections so far, GAC - still deliberating, call coming Friday to discuss further.
- Client committee met with Sidley last week to discuss letter to CCWG-Accountability concerning requirements, instruction to simplify the Bylaws (see also item 4), implementation of PTI (see also item 3).
- Two calls with CCWG-Accountability Co-Chairs since last meeting. Thomas, CCWG-Accountability Co-Chair has joined this meeting to answer any questions there may be.
- Co-chairs call with other operational communities later today to discuss IPR issue.

2. CCWG Dependencies

- See Sidley Draft circulated to CWG-Stewardship Mailing List
- Proposed contribution to CCWG-Accountability as well as the chartering organizations to help inform their deliberations on the proposal
- Input received from various members of the CWG-Stewardship
- Responding to proposal that is static but open to public comment which makes it slightly challenging. Comments may or may not impact final output of the CCWG-Accountability. CWG-Stewardship input has to be based on proposal as it stands as it is not possible to anticipate possible changes at this stage, but acknowledge at the same time that there may be further changes that may impact the identified dependencies.
- Section 1 - Community Empowerment Mechanism: Why should there be a limitation on the use of an escalation process to remove a director to once during a director's three year term? Not necessarily a show-stopper, but not clear why it needs to be there. The use of the escalation process could be very limited by the time constraints proposed, especially in a MSM environment. Proposed limitation is fine balance found between the

different positions in the CCWG-Accountability - so probably something the CWG-Stewardship may need to live with. Does anything in the Board comments change the nature of the response? At first sight no fundamental issues or show-stoppers identified from a dependency perspective.

- Section 2 - ICANN Budget and IANA Budget: Note for CWG: Confirm that the limitation of the ability of the community to challenge a budget as described in the draft proposal. Transparency key aspect for cc-community. In the event of separation, it would be helpful to know how much a contract is costing. Sufficient funding to ensure staffing of IANA, even in case of dispute with ICANN. Does the caretaker budget apply to IANA budget as well as overall ICANN budget? Can be related, but there should be separate processes for the two. Is it possible to challenge / reject the IANA budget, if the CWG-Stewardship process proposed is not followed? Nature of reforms are not being reflected - which part of the budget is being rejected, names or all, names shouldn't be able to decide on the budget assigned to other communities. Budget would cover all communities so a rejection would affect all. Issue could be further dealt with in implementation? See also suggestions made by Chuck / Greg to request certain changes from CCWG-Accountability. Careful with use of IANA and PTI where appropriate in the document - to avoid ambiguity letter should specify PTI or naming functions when applicable. Some functions will be provided to PTI by ICANN. When referring to budget always use "PTI" rather than IANA; when referring to reviews of IANA functions, always refer to naming-related IANA functions.
- Section 3 - firm up the recommendation that right to reject can be exercised an unlimited number of times.
- Section 6 Separation Process: if Board must approve creation of review CCWG, would it be possible for the Board to block the initiation of a review? Inaction should also be seen as a decision and as such falling under the enforcement mechanisms.
- Section 7 Appeals Mechanism - is it possible to be more explicit with regards to what is required by CWG-Stewardship? Could add to Bylaws that ICANN needs to enforce contract with PTI - failure to enforce would also be subject to enforcement and escalation or to make the sole designator a third party beneficiary to the contract with PTI. Consider adding these as possible examples for dealing with this issue.

Action item: Sharon to draft language in relation to section 7 and will send to Grace.

- Changes to be made: change "recommend" to "require", change terminology as discussed.
- Intention is to submit the letter in time for the closing of the public comment period. Objective is to be as specific as possible with regards to any possible changes that are being requested / suggested to the CCWG-Accountability.
- Need to be careful not to open up other elements of CWG-Stewardship work.

Action item: Staff to produce revised draft based on comments and input received within 24 hours (Wednesday 16.00 UTC).

Action item: CWG-Stewardship to review updated draft within 24 hours (Thursday 16.00 UTC) - Chuck to suggest language concerning timing issues and conditionality of a working escalation mechanism.

Action item: Sidley to review final draft and produces final version by Friday 18 December

3. Implementation

- Staff Update - see slides shared during the meeting. Project plans are in draft form - staff aiming to clarify with NTIA what can be done prior to final approval. Comments: limited time available to develop budget process in the proposed plan. May be worth starting that earlier. What is the reason for the delay on the info concerning SLEs? Current info is not exactly suitable for new SLEs, staff is reviewing how to make these more suitable. Data comes from two different systems. Taking more time than initially anticipated, also as the result of external contractors being involved.
- DT-IPR - see document circulated in CWG-Stewardship mailing list. Take specific note of the decision points as outlined in the document such as what type of neutrality does the naming community find acceptable - structural or functional neutrality? Which relationship form will the names community require? Funding questions.

Action item: All to review document and contribute to the list with any comments / feedback you have. To be further discussed at the next meeting in January.

- Creation of PTI - written update to be provided

4. Bylaws - further discussed with Sidley. Further updates to be provided. Responses to open questions to be developed by relevant DT leads for CWG-Stewardship review (DT-M (Escalation -- Chuck) , DT-CSC (Donna) , and DT-N (Reviews -- Avri).

5. AOB

6. Closing Remarks

- Next call scheduled for 12 January at 16.00 UTC.

Action item: written update to be provided on those items not covered on the call.

Action Items

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Transcript

- [Transcript_CWG IANA_15 December.doc](#)
- [Transcript_CWG IANA_15 December.pdf](#)

Recordings

- Adobe Connect recording is available here: <https://icann.adobeconnect.com/p3ecjymih0j/>
- MP3 recording is available here: <http://audio.icann.org/stewardship-transition/cwg-iana-15dec15-en.mp3>

Documents

- [CWG Comment Letter.pdf](#)
- [Transition Implementation High Level Plans_CWG_15Dec2016.pdf](#)
- [DT-IPR Draft of December 14 2015.pdf](#)

Chat Transcript

Lise Fuhr: (12/15/2015 09:57) Hello All

Sabine Meyer (GAC - Germany): (09:58) Hi Lise!

Sabine Meyer (GAC - Germany): (09:58) Hello everyone

Lise Fuhr: (09:58) Hi Sabine

Lise Fuhr: (09:58) Are you ready for the last call the year? :)

Thomas Rickert, CCWG Co-Chair: (09:58) Hi all!

Sabine Meyer (GAC - Germany): (09:59) What? Haven't had enough webinars this week, Thomas?

Sabine Meyer (GAC - Germany): (09:59) :D

Sabine Meyer (GAC - Germany): (10:00) And Lise, I would be very ready for the last call this year, but for me that time hasn't come yet.

Thomas Rickert, CCWG Co-Chair: (10:00) There is always time to squeeze a CWG call in :-)

Milton: (10:02) Hello all

Greg Shatan: (10:03) Still waiting and listening to the smooth sax stylings of the Conference Calling Centre

Sharon Flanagan (Sidley): (10:03) I am waiting for an operator on audio

Sabine Meyer (GAC - Germany): (10:03) oooh, I had that tune, too! Haven't heard it in a while.

Alan Greenberg: (10:03) Also waiting

Thomas Rickert, CCWG Co-Chair: (10:03) I had that, too - Greg. Alto sax, although I guess you prefer baritone, don't you.

Greg Shatan: (10:04) I definitely prefer bari sax, but it doesn't get much play in the "smooth jazz" world. Not smooth enough I guess.

Sabine Meyer (GAC - Germany): (10:05) Still deliberating!

Thomas Rickert, CCWG Co-Chair: (10:05) I'd prefer no smooth jazz in the first place :-)

Gary Hunt - UK Government: (10:06) I am a drummer if we all want to form a CWG Jazz quartet?

Sabine Meyer (GAC - Germany): (10:06) Drum-off!

James Gannon: (10:06) Afternoon all

Thomas Rickert, CCWG Co-Chair: (10:06) Once this is all done, we should put a band together :-)

Milton: (10:06) "we like to watch" <---SSAC

Martin Boyle, Nominet: (10:08) resolution – "The ccNSO Council has no objection to the CWG-Stewardship to proceed with overseeing the implementation as described in its letter November 2015 to the chartering organisations."

Grace Abuhamad: (10:09) Thomas gets all the glory

Thomas Rickert, CCWG Co-Chair: (10:10) :-)

Milton: (10:12) thanks for ignoring my comments, Jonathan

Grace Abuhamad: (10:14) Wait, I thought those were about the banana functions operator

Paul Kane: (10:14) Could you resend the Paper 0 or which date was it first sent please?

Grace Abuhamad: (10:14) I'll post the link here @paul. one moment

Grace Abuhamad: (10:15) <http://mm.icann.org/pipermail/cwg-client/2015-December/000362.html>

Paul Kane: (10:15) thanks

Grace Abuhamad: (10:15) Also on the Wiki: <https://community.icann.org/x/8g8nAw>

jorge cancio (GAC Switzerland): (10:17) Could we have a short summary of the aspects where there are concerns with the ccwg proposal?

Lise Fuhr: (10:21) @Jorge this is what Sharon is giving us now - including the areas that are unproblematic

jorge cancio (GAC Switzerland): (10:23) Dear Lise: I would think more of a crisp and short email with 3 or 4 bullets - this explanation is rather long...

Andrew Sullivan: (10:23) Surely the limitation is to prevent a case where one unpopular director is forever under attack

Sharon Flanagan (Sidley): (10:24) Jorge - the best summary of this item is Recommendation #2 page 11 of CCWG proposal

Lise Fuhr: (10:25) @Jorge I know but I believe if you read the conclusions you will have the short version

jorge cancio (GAC Switzerland): (10:26) fine - I'll try with a compilation of the conclusions... but such info on an email, instead of a 7 page letter would certainly help people with less time

Lise Fuhr: (10:26) @jorge point taken

jorge cancio (GAC Switzerland): (10:27) :_)

jorge cancio (GAC Switzerland): (10:27) :-)

Chuck Gomes (RySG): (10:28) Thanks Thomas.

Cheryl Langdon-Orr ALAC APRegional Member: (10:29) sorry to be arriving late

Cheryl Langdon-Orr ALAC APRegional Member: (10:29) late

Chuck Gomes (RySG): (10:29) I agree that the mechanisms need to be very timely but they also need to be feasible.

Lise Fuhr: (10:30) Hi Cheryl just in time for the dependencies discussion

Lise Fuhr: (10:30) @Cheryl happy birthday :)

Cheryl Langdon-Orr ALAC APRegional Member: (10:31) Thank you Lise

Martin Boyle, Nominet: (10:32) @Alan +1

Milton: (10:33) I didn't understand Alan's point. how does looking at the entire timeline alter the feasibility of the SOs/ACs making a decision in a short time?

Chuck Gomes (RySG): (10:35) @ Alan: I agree with your continuum point but it still must be feasible for each diverse group to get specific feedback on a specific and very significant decision

Jonathan Robinson: (10:37) @Chuck. How do we (as the CWG) get this point across. Does it reasonably impact our dependencies? If so, then we may need to find a place to integrate it into our response to the CCWG.

James Gannon: (10:41) Agreed Chuck

Chuck Gomes (RySG): (10:44) Thanks Sharon.

Paul Kane: (10:45) Good point - Transparency of NAMES PTI

Paul Kane: (10:45) agree

James Gannon: (10:45) Hmm

Olivier Crepin-Leblond: (10:45) The IANA Budget, though, is one that incorporates running all of the functions

James Gannon: (10:45) I don't know if that is right, I think that the budget is integrated

Andrew Sullivan: (10:46) My understanding, actually, is that we don't know

Andrew Sullivan: (10:46) but it doesn't matter

Andrew Sullivan: (10:46) because the ICANN community still has power over the whole budget

Milton: (10:48) I see no reason why the names budget cannot be separated out

Alan Greenberg: (10:49) @Milton, we can separate to whatever extent we wish, but ALL of the PTI money comes from ICANN.

Milton: (10:49) Yes, it does, but ICANN contracts with IETF and Numbers

Milton: (10:49) if they are unhappy with the budget their services are getting there are mechanisms to do so

Olivier Crepin-Leblond: (10:50) @Milton: common premises, infrastructure, personnel etc. ? I think it would be really hard to detail it separately.

Alan Greenberg: (10:50) With a sufficiently liberal definition of the IANA caretaker budget, much of this goes away.

Milton: (10:50) Most personnel are devoted to specific operational communities, although obviously some are shared.

Cheryl Langdon-Orr ALAC APRegional Member: (10:50) exactly Alan

Chuck Gomes (RySG): (10:51) I think it is okay to deal with some of the budget issues during implementation but I think there still needs to be an accountability mechanism that can be used to enforce the implementation plan.

Paul Kane: (10:52) Agree Chuck. It is a transparency issue which seems to have been removed

Jonathan Robinson: (10:52) @Chuck. In your view, do we have that accountability mechanism?

Chuck Gomes (RySG): (10:53) @ Martin: I don't think the community has approval rights to the IANA/PTI budget; only veto rights.

Chuck Gomes (RySG): (10:54) @ Jonathan: I am not sure. Could we veto the budget if the process was not followed? On what basis would we do that?

James Gannon: (10:54) I dont belive we could Chuck no

Chuck Gomes (RySG): (10:57) That is my concern James.

Paul Kane: (10:57) Andrew - Transparency was requested and now removed CWG asked for Details on the Caretaker budget has been removed.

Sharon Flanagan (Sidley): (10:58) We are requiring that it be added back in to final (change from "recommending")

Paul Kane: (10:58) Yes - require

James Gannon: (10:59) I have to run to a train sorry for dropping early

Andrew Sullivan: (10:59) I don't myself care whether we use "IANA" or "PTI" here: I'm ok with what Milton is asking.

Andrew Sullivan: (10:59) And I suppose Paul is right that there was a transparency request. I don't recall it as a hard requirement, but ok

Milton: (10:59) Could the note takers at least wwrite down what I proposed?

Chuck Gomes (RySG): (11:00) I support Milton's suggestion. To avoid any ambiguity we should specify PTI or naming functions when applicable.

Chuck Gomes (RySG): (11:01) PTI may not be under contract with the other organizations. The contract may be with ICANN for them.

Milton: (11:02) Marika: when referring to budget, always use "PTI" rather than IANA; when referring to reviews of IANA functions, always refer to naming-related IANA functions, as that is all the CWG has the authority to do

Martin Boyle, Nominet: (11:04) @ Chuck "approval rights to the IANA/PTI budget; only veto rights". Perhaps not, but if the budget is devised in consultation with the community, it then would seem perverse to allow that budget to be vetoed in the ICANN mechanism

Marika Konings: (11:04) Thanks, Milton, I've added it to the notes.

Greg Shatan: (11:05) If Contracts are with ICANN, PTI will be the subcontractor under those contracts. The consequences of one model vs. the other should be relatively modest.

Chuck Gomes (RySG): (11:05) @Martin: The Board is not required to adopt all of the budget recommendations made by the community.

Martin Boyle, Nominet: (11:06) no, but i thought we agreed that it should not have the option in this case?

Chuck Gomes (RySG): (11:07) @ Martin: I am not aware of that.

Martin Boyle, Nominet: (11:10) am i inventing things again?

Chuck Gomes (RySG): (11:12) It's a good invention! :)

Milton: (11:14) OK

Martin Boyle, Nominet: (11:14) obviously i did inhale then

Milton: (11:15) Martin the inhaler. Companion of Vlad the impaler

Sabine Meyer (GAC - Germany): (11:15) with Milton the Bard singing of their conquests?

Sabine Meyer (GAC - Germany): (11:16) (someone should crosspost your song to the CWG list)

Milton: (11:16) Yes! poesy all around

Paul Kane: (11:17) Thanks ...

Paul Kane: (11:17) Does there need to be one...

Andrew Sullivan: (11:20) If we don't have a view about this, then it could be noted that there are at least two ways

Andrew Sullivan: (11:20) that'd get the suggestion in there

Paul Kane: (11:22) Using examples is a good suggestion.....

Grace Abuhamad: (11:24) Staff > CWG > Sidley

Grace Abuhamad: (11:24) Is that correct?

Grace Abuhamad: (11:25) ok thank you

Harold Arcos: (11:26) Apologies, I should drop off

Cheryl Langdon-Orr ALAC APRegional Member: (11:29) could that issue not be an implementation focus proposal Jonathan> >> implementation???

Sharon Flanagan (Sidley): (11:30) shall I drop now?

Sharon Flanagan (Sidley): (11:31) Thanks all!

Cheryl Langdon-Orr ALAC APRegional Member: (11:31) thx Sharon Bye

Holly J. Gregory (Sidley): (11:31) I'm dropping as well.

Cheryl Langdon-Orr ALAC APRegional Member: (11:32) bye Holly

Lise Fuhr: (11:32) Bye Holly and Sharon thank you

Alan Greenberg: (11:41) 9 months before the fiscal year is already past by September!

Chuck Gomes (RySG): (11:43) @ Alan: I think we would be talking about FY18.

Grace Abuhamad: (11:49) Sorry Greg!

Andrew Sullivan: (11:53) the reason for this is that it'd require full IETF consensus to change. It's not going to happen in time

Andrew Sullivan: (12:00) I sort of don't understand how a forced divestiture would work, myself.

Jonathan Robinson: (12:04) Thanks Greg & DT-IPR. Sorry that you were a little tight for time.

Cheryl Langdon-Orr ALAC APRegional Member: (12:04) thanks indeed

Greg Shatan: (12:04) @Andrew, I think it's fairly straightforward, but probably we don't have the time at -4 of the call to do so.

Andrew Sullivan: (12:04) oh, for sure

Grace Abuhamad: (12:06) DT-M (Escalation -- Chuck) , DT-CSC (Donna) , and DT-N (Reviews -- Avri)

Grace Abuhamad: (12:06) Lise said DT-O, but she meant DT-M. Chuck lead two DTs :)

Gary Hunt - UK Government: (12:07) Happy holidays everyone from London!

Allan MacGillivray: (12:07) Thanks everyone.

Cheryl Langdon-Orr ALAC APRegional Member: (12:07) thanks everyone... good call / progres IMO talk again soon... Seasons Greetings to you all... Bye for now...

Elise Lindeberg, GAC Norway: (12:07) thanks

Trang Nguyen: (12:07) Thank you, everyone. Happy holidays.

Andrew Sullivan: (12:07) bye

Sivasubramanian M: (12:07) Thank you.

Jaap Akkerhuis (SSAC): (12:07) bye all

jorge cancio (GAC Switzerland): (12:07) bye all