

CCWG ACCT Meeting #73 (22 December @ 12:00 UTC)

Attendees:

Members: Alan Greenberg, Athina Fragkouli, Becky Burr, Cheryl Langdon-Orr, Izumi Okutani, Jordan Carter, Jorge Villa, Julia Wolman, Julie Hammer, Leon Sanchez, Mathieu Weill, Olga Cavalli, Pär Brumark, Robin Gross, Roelof Meijer, Samantha Eisner, Sebastien Bachollet, Steve DelBianco, Thomas Rickert, Tijani Ben Jemaa (20)

Participants: Aarti Bhavana, Alissa Cooper, Andrew Harris, Andrew Sullivan, Anne Aikman-Scalese, Avri Doria, Barrack Otieno, Carlos Raul Gutierrez, Chris Disspain, Christopher Wilkinson, David McAuley, Edward Morris, Erika Mann, Farzaneh Badii, Finn Petersen, Greg Shatan, Jonathan Zuck, Kavouss Arasteh, Keith Drazek, Mary Uduma, Megan Richards, Mike Chartier, Peter Van Roste, Phil Buckingham, Philip Corwin, Rinalia Abdul Rahim, Ron da Silva, Rudi Daniel, Sabine Meyer, Seun Ojedeji, Suzanne Woolf, Tatian Tropina, Tom Dale, Tracy Hackshaw, Vidushi Marda (35)

Legal Counsel: Holly Gregory, Ingrid Mittermaier, Rosemary Fei

Guests: Asha Hemrajani, Konstantinos Komaitis, Lito Ibarra, Manal Ismail, Nigel Hickson

Staff: Alice Jansen, Bernie Turcotte, Brenda Brewer, Hillary Jett, Tarek Kamel, Theresa Swinehart,

Apologies: Malcolm Hutty, Eberhard Lisse, Giovani Seppia

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

Transcript

- [Transcript CCWG ACCT #73_22 Dec.doc](#)
- [Transcript CCWG ACCT #73_22 Dec.pdf](#)

Recording

- The Adobe Connect recording is available here: <https://icann.adobeconnect.com/p3frlmdagbl/>
- The audio recording is available here: <http://audio.icann.org/accountability/ccwg-accountability-22dec15-en.mp3>

Agenda

1. Welcome, Roll Call, SOI
2. Public comment period on Draft Proposal
3. Update from the Chartering Orgs
4. Work plan for CCWG
5. Mission, Commitments & Core Values - Summary of status quo
6. Stress Test - Summary of status quo
7. A.O.B

Notes

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

Public Comment Period

Staff update: 80 replies. 4 of COs sent in comments (GAC, ALAC, ASO, SSAC). Input from a number of constituencies received. Staff uses spreadsheet.

Discussion

- Input on geographic regions needed.
- **ACTION ITEM:** staff to provide geographic statistics
- On number of comments: less individual responses as requested to channel feedback through SO/ACs

Update from Chartering Organizations

- ALAC: ALAC has 5 YES, 4 YES but with restrictions, and 3 NOs.
- GNSO :The GNSO aims to have a consolidated position statement by the middle of January. The GNSO Council will have 2 calls in early January and plans to have a motion by January 14. Most GNSO SGs and Cs have submitted direct comments, but these will be consolidated in early January.
- ASO: Positive feedback - we support Draft Proposal: model and recommendations. We intend to participate in community structure. Rec. 3: specify that talking about naming function. Rec 5 important to have reference to MoU. Rec 8 excluded Rec 11: support text that clarifies today's practices and can be supported by NTIA.
- ccNSO: Call tomorrow. Possible to have input in next few days.

- SSAC: SSAC has submitted one-page comment and deliberately not commented on individual recommendations as cannot comment outside limited scope. SSAC anticipates it will be able to support the final proposal on understanding that nothing changes between now and then.
- GAC comment - <http://forum.icann.org/lists/comments-draft-ccwg-accountability-proposal-30nov15/msg00070.html>

Work plan for CCWG

Review of proposed work plan.

Issues will require substance discussions to identify common way forward

We will focus on easy-to-fix issues as a priority and then focus on complex issues. Draft analysis will help us structure our work.

Per our Charter - we will need to consider whether supplemental draft, public comment needed.

We should not wait for January 14 (foreseen GNSO submission) to conduct assessment. We already have received a number of submissions from GNSO constituencies.

Irrealistic to expect that potential supplemental report will be published by January 7. We will need to consider whether there is a need to increase frequency of calls or need to set up subgroups to address topics.

Discussion:

- Supplemental report should go to public comments.
- Flexibility needed to start discussing
- In favor of plenary discussion and more calls. Content for plenary discussions should be concise
- Discussion to be continued on list.
- Treat Board comment properly and timely.

Response on GPI question on Board members' criteria is pending. We are considering asking Advisors for input. Input on how to address Board comments is welcome. Intent in addressing Board comments is to be as constructive as possible. Board has two roles: 1) chiming into consensus discussion; 2) Adopting report. We need support of COs first to evaluate impact on consensus and to assess whether final form of recommendations raise concerns with Board. It would be premature to edit recommendations now. We need to think how to deal with GPI and understand Board's concerns. We need to offer rationale why we think GPI is not affected.

Discussion:

- Agree with comment that we should examine Board comments objectively. Agree with approach to categorize Board comments. There may be varying degrees. Clarify with Board on how strongly they feel with these suggestions
- Disagreement with proposed approach.
- There is agreed definition of public interest. It will be endless discussion.

ACTION ITEM: Remind Bruce of this request and provide an assessment of Board comments

CONCLUSION: Plenary of the CCWG-ACCT will need to discuss outstanding items.

Mission, Commitments & Core Values - Summary of status quo

With respect to Board comments, we have fundamental divide about potential unintended consequences. Bruce requested to see there is language the Board could offer to help us close this.

ALAC comments boil down to unintended consequences of what this language will do with respect to renewal of registry agreement, ability to sign those agreements after language is adopted and PICS specifications.

GAC has been asking for legal opinion.

Two key questions: (1) what does the prohibition on regulation mean; (2) what is the scope of grandfathering

Discussion:

- Careful analysis of sensitive PICS was done.
- Grandfathering: difference of opinions whether long term/short term. Policy vs implementation come into equation.
- Determine whether limited to grandfathering.

Different camps: 1) ICANN should not engage in any activity related to content regulation; 2) ICANN must be in a position to do so. How can we reconcile these differences? Suggestion to consider attempt mitigation friction by adding language that limits risk of ICANN exercising monopoly. Where contradictory voluntary offers limits.

ACTION ITEM: Co-Chairs/Becky to discuss with external counsel whether there are ways to use competition law in trying to mitigate friction.

ACTION ITEM: Becky to send update to group next week

ACTION ITEM : Request Advisors' input on GPI

ACTION ITEM: Add GPI rationale to report

Stress Test 18 - Summary of status quo

Public comment period: We have softer support. Objections are dissenting. Discussion will be needed

Discussion:

- Current Bylaw should remain as it is - sentence should be added: should GAC change consensus to majority then the text by CCWG could apply.
- Revise language to clarify that all we are changing is 2/3
- In previous bylaw no mention was made on rejection. The Board may not always have used a formal decision.

CONCLUSION: Only way to obligate Board is to have decision locked into consensus.

ACTION ITEM: [Steve del Bianco to follow up](#)

AOB

Clarifications on CRISP notification on timeline: Board comments were listed as a specific example. Note intended for CoChairs but shared with full CCWG for full transparency

Action Items

ACTION ITEM: [staff to provide geographic statistics](#)

ACTION ITEM: [Remind Bruce of this request and provide an assessment of Board comments](#)

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ACTION ITEM: [Add GPI rationale to report](#)

ACTION ITEM: [Steve del Bianco to follow up](#)

Documents

- [Milestones.pdf](#)
- [CCWG Draft Proposal_Annex05_Nov.30.2015.pdf](#)
- [Stress Test 18.pdf](#)

Adobe Chat

Brenda Brewer: (12/22/2015 05:47) Welcome to CCWG Accountability Meeting #73 on 22 December @ 12:00 UTC! 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>

Kavouss Arasteh: (05:52) Hi Brenda

Kavouss Arasteh: (05:53) Hi every Body

Jonathan Zuck/ACT: (05:53) Greetings and salutations

Vidushi Marda: (05:53) Hello. I'm Vidushi from CIS India.

Aarti Bhavana: (05:54) Hi All!

Sabine Meyer (GAC - Germany): (05:55) Hello everyone!

Kavouss Arasteh: (05:57) Somebody doing what pls?

Holly J. Gregory (Sidley): (05:57) greetings everyone and all best wishes for a very happy holiday season!

Rudi Daniel: (05:57) greetings ALL

Bernard Turcotte Staff Support: (05:58) hi all - is this dedication or what, Dec. 23rd...

Anne Aikman-Scalese, SCI Chair (IPC): (05:58) Thomas - please sing Oh Tannenbaum

Rosemary Fei (Adler Colvin): (05:58) Good morning, day, evening, night, all.

Mathieu Weill, ccNSO, co-chair: (05:58) Greetings everyone

Sabine Meyer (GAC - Germany): (05:58) it's not Festivus yet, Bernie.

Kavouss Arasteh: (05:58) brenda

Kavouss Arasteh: (05:58) I AM DISCONNECTED

Bernard Turcotte Staff Support: (05:58) Sinterclaus....

Thomas Rickert, CCWG Co-Chair: (05:59) Anne, I am sure that would bring attendance lower than we want it to be.

Athina Fragkouli (ASO): (05:59) Hello all

Anne Aikman-Scalese, SCI Chair (IPC): (05:59) :-)

Thomas Rickert, CCWG Co-Chair: (06:00) Zuck is an excellent singer, he should do it :-)

Anne Aikman-Scalese, SCI Chair (IPC): (06:00) True - Zuck should bless us all at the close of this meeting with a song of his choice!

Anne Aikman-Scalese, SCI Chair (IPC): (06:01) Now it sounds like Ocean - someone is on vacation

Pär Brumark (GAC Niue): (06:02) Greetings everyone!

Olga Cavalli - GAC Argentina: (06:02) Hello from Buenos Aires

Jordan Carter (.nz, WP1 rapporteur): (06:03) hi all

nigel hickson: (06:03) good afternoon

Greg Shatan: (06:03) Hello all

Anne Aikman-Scalese, SCI Chair (IPC): (06:03) Hi Olga and everyone...

Keith Drazek: (06:03) Hi everyone

Tatiana Tropina: (06:03) Hi all

Jordan Carter (.nz, WP1 rapporteur): (06:04) great to be online at 01h local :)

David McAuley (RySG): (06:04) at least it is summer Jordan

Becky Burr: (06:06) good morning

Alice Jansen: (06:06) <http://forum.icann.org/lists/comments-draft-ccwg-accountability-proposal-30nov15/>

Kavouss Arasteh: (06:06) Staff, pls advise whether you have received from me sent through CO-CHAIRS AND gRACE AND aLICE ON 11 rECOMMENDATIONS

Kavouss Arasteh: (06:07) Sorry for cap

Kavouss Arasteh: (06:09) The no. of reply is very low and not representatives

Chris Disspain 2: (06:10) greetings from a barmy 20c late evening in Melbourne

Kavouss Arasteh: (06:11) Staff, pls advise whether you have received from me comments sent through Co-Chairs, Alivce and Grace?

Julia Wolman GAC Denmark: (06:11) Just to inform you that unfortunately due to our internal processes taking longer than expected, the Danish Comments to the CCWG Accountability 3rd Draft Proposal are delayed. We expect to send the Danish Comments as soon as possible. We are very sorry for this!

Jordan Carter (.nz, WP1 rapporteur): (06:11) Melbourne is often barmy, Chris. :-)

Chris Disspain 2: (06:12) as am I Jordan, as am I ð

Alice Jansen: (06:12) We received 93 comments on the Second Draft Proposal

Avri Doria: (06:12) is regional representation among respondents known.

Sabine Meyer (GAC - Germany): (06:13) well, one should also take into account that we were asked to discuss within the chartering organisations this time around and not necessarily give an individual comment

Alice Jansen: (06:13) There is a download all page for comments on Draft proposal - see <https://community.icann.org/pages/viewpage.action?pagelid=56984613>

Anne Aikman-Scalese, SCI Chair (IPC): (06:13) its barmy unwieldly

Kavouss Arasteh: (06:13) Sorry. nothing is impressive, we are dealing with drastical change and 80 reply does in no way represent the entire community

Jordan Carter (.nz, WP1 rapporteur): (06:13) I think it is deeply revealing that so many people made their own comments

Anne Aikman-Scalese, SCI Chair (IPC): (06:14) @Jordan - agree with you

Jordan Carter (.nz, WP1 rapporteur): (06:14) Chris: I wouldn't agree with that. At least it's only 11pm there.

Kavouss Arasteh: (06:14) Geographic distribution is an important elements due to the fact many comments might have been received from very few countries

Greg Shatan: (06:14) We only had 59 comments on the First Draft....

Jordan Carter (.nz, WP1 rapporteur): (06:15) The tactic of trying to push discussion into an approval or rejection mode, and from the COs, hasn't been a fruitful one

Anne Aikman-Scalese, SCI Chair (IPC): (06:15) Shouldn't we be getting fewer and fewer comments?

Alan Greenberg: (06:15) The comment from ALAC includes MANY countries and all regions. We have explicitly reduced number of individual comments.

Kavouss Arasteh: (06:16) How many users are in Asia and how many responses we have received from that super populated area

Keith Drazek: (06:16) please mute phones and laptops if not speaking

Alan Greenberg: (06:16) Sebastien

Roelof Meijer (SIDN, ccNSO): (06:16) @Anne: that depends what comments they are. if they are supportive; more and more. If they are unsupportive; less and less

Phil Buckingham: (06:17) Apologises for my lateness on the call.

Peter Van Roste (CENTR): (06:17) The CENTR comments represent the view of 51 ccTLDs.. Same for other orgs sending in response.

Anne Aikman-Scalese, SCI Chair (IPC): (06:18) People tend o comment les when they agree and support I think - I may be wrong.

Mathieu Weill, ccNSO, co-chair: (06:18) Is my sound cut off ?

Alan Greenberg: (06:18) Have we lost our co-chair?

nigel hickson: (06:18) no sound!

Olga Cavalli - GAC Argentina: (06:18) im off sound

David McAuley (RySG): (06:19) audio?

Chris Disspain 2: (06:19) silence

Jordan Carter (.nz, WP1 rapporteur): (06:19) no noise

Anne Aikman-Scalese, SCI Chair (IPC): (06:19) I lost audio

Kavouss Arasteh: (06:19) Dear Sebastian, No that is not true since SOs and ACs would still have time to respond till 21 of January. we need to examine the reaction of Public to the major changes. If we just admire ourselves that the number of comments " is not BAD" in fact we may not be realistic

Sabine Meyer (GAC - Germany): (06:19) the Germans actually have a word for that, Anne.

Olga Cavalli - GAC Argentina: (06:19) back

Megan richards, European Commission: (06:19) should we not be looking for quality rather than quantity ? and as Sabine and others have noted the chartering organisations will or have commented without necessarily each of their participants adding their own additional comments

Athina Fragkouli (ASO): (06:19) Please note that the ASO submission also represents the 5 RIR regions

Sabine Meyer (GAC - Germany): (06:19) for that silent agreement thing

David McAuley (RySG): (06:19) Thanks Bernie and staff for this diligent and ongoing work through holiday period

Kavouss Arasteh: (06:19) Do you have a criteria to measure the quality? Who is the authorized examiner of the quality?

Anne Aikman-Scalese, SCI Chair (IPC): (06:19) @Sabine Welches Wort?

Keith Drazek: (06:20) The GNSO aims to have a consolidated position statement by the middle of January. The GNSO Council will have 2 calls in early January and plans to have a motion by January 14. Most GNSO SGs and Cs have submitted direct comments, but these will be consolidated in early January.

Sabine Meyer (GAC - Germany): (06:20) "Fahrlehrerlob", ie. "driving instructor praise"

Sabine Meyer (GAC - Germany): (06:20) *Fahrlehrerlob

Anne Aikman-Scalese, SCI Chair (IPC): (06:21) Danke schoen.

Sabine Meyer (GAC - Germany): (06:21) :D

Philip Corwin: (06:22) Keith's summary of GNSO status and plans is accurate.

Kavouss Arasteh: (06:23) Leon

Kavouss Arasteh: (06:24) pls kindly ,if you agree, not discuss the number agreed or not agreed . let us use this call for more important issue .We nevertheless would have all these statistic later on

Leon Sanchez (Co-Chair ALAC): (06:24) Thanks Kavouss. Will ask for concise participations from speakers :-)

Kavouss Arasteh: (06:25) Tks a lot it was just for efficiency and productivity of the call

Leon Sanchez (Co-Chair ALAC): (06:26) Thank you Kavouss :-)

Alan Greenberg: (06:27) SOrry for the confused answer. For clarity, ALAC has 5 YES, 4 YES but with restrictions, and 3 NOs

Megan richards, European Commission: (06:28) Could ICANN staff correct the notes in the discussion page regarding the ALAC position (as communicated in the chat by Alan for ALAC)? many thanks

Keith Drazek: (06:29) Thank you, Leon.

Leon Sanchez (Co-Chair ALAC): (06:30) Thank you Keith

Anne Aikman-Scalese, SCI Chair (IPC): (06:31) @ Alan - which Recommendation Numbers are "no" for ALAX?

Megan richards, European Commission: (06:31) by the way for the co-chairs - I nearly forgot - Mark Carvell asked us to pass on his apologies for not participating but he had a funeral to attend

Anne Aikman-Scalese, SCI Chair (IPC): (06:32) sorry ALAC

Anne Aikman-Scalese, SCI Chair (IPC): (06:33) QUESTION: How does this timeline fit with the fact that GNSO will not comment until January 14?

Alan Greenberg: (06:35) Anne, 2, 5 and 6

Anne Aikman-Scalese, SCI Chair (IPC): (06:35) Thank you Alan

Seun Ojedeji: (06:35) There is also no comment from GAC yet, do we have any idea on when theirs will come?

Alice Jansen: (06:36) GAC comment - <http://forum.icann.org/lists/comments-draft-ccwg-accountability-proposal-30nov15/msg00070.html>

Seun Ojedeji: (06:38) Thanks Alice, was looking at the discussion notes instead.

Aarti Bhavana: (06:38) How are the Board's comments being treated?

Kavouss Arasteh: (06:39) do you hear me?

Kavouss Arasteh: (06:39) I am disconnected again

Tatiana Tropina: (06:39) As far as I understand, the ALAC no for 6 is only for the 1-year deadline, if it is changed, ALAC reserve the right to say "yes"?

Seun Ojedeji: (06:39) I suggest that GAC update be recognised under the (Update from Chartering Organizations) section of the AC

Kavouss Arasteh: (06:39) pls connect me

Alan Greenberg: (06:40) @Tatiana. Correct. In that case, we made it a no instead of a yes with restrictions because we felt that it might be controversial and objected to by some.

Seun Ojedeji: (06:41) Good question @Aarti

Seun Ojedeji: (06:42) A follow-up to that question is also whether there is any intent to look at other comments apart from those sent by the COs

Jordan Carter (.nz, WP1 rapporteur): (06:42) there is time pressure

Anne Aikman-Scalese, SCI Chair (IPC): (06:42) GAC has thus far made no comment on Recommendation 11 and may not do so until January 22

Tatiana Tropina: (06:42) @Alan, thanks a lot for the clarification. Indeed, the deadline is ambitious.

Farzaneh Badii: (06:42) There has been always time pressure. I don't know if we ever gonna slow down ...

Greg Shatan: (06:43) Diamonds are created under great pressure. Also earthquakes...

Andrew Sullivan: (06:43) Surely, if there are drastic changes in the next round, that will be a sign that the proposal has not been accepted

Seun Ojedeji: (06:43) +1 to @Farzy

Anne Aikman-Scalese, SCI Chair (IPC): (06:45) Agree with Tijani - plenary is best at this stage

Jordan Carter (.nz, WP1 rapporteur): (06:45) Alan, do you mean that all drafting changes have to come through the plenary? we will create unworkable rods for our backs if we try for that.

Tatiana Tropina: (06:46) +1 to Jordan

Kavouss Arasteh: (06:46) Alan+ 1 but the small group should be fairly representative to prepare a working doc. for Plenary

Jordan Carter (.nz, WP1 rapporteur): (06:46) Andrew: one could reasonably assume that that's correct

Anne Aikman-Scalese, SCI Chair (IPC): (06:47) wouldn't it be best to discuss the issues plenary first and then send to drafting?

Alan Greenberg: (06:48) @Jordan, not drafting changes but HOW issues that have been raised will be addressed. Not all of us can attend every WP meeting and only finding out about a change when the draft is published is problematic, particularly when a change is placed in an unexpected part of the document.

Phil Buckingham: (06:48) + Andrew . There is simply no time left for another public comment period .

Jordan Carter (.nz, WP1 rapporteur): (06:48) why isn't Bruce on this call?

Anne Aikman-Scalese, SCI Chair (IPC): (06:49) The Board has asked GNSO to work on definition of "global public interest" - I think in relation to gTLDs - not sure.

Philip Corwin: (06:49) What will the process be where for any issues where a compromise is not possible -- that is, a binary yes/no issue where some groups will not have their objections resolved? While not the best outcome, that may well be the case for some issues.

Mathieu Weill, ccNSO, co-chair: (06:50) Good question Phil.

Philip Corwin: (06:50) Thx Mathieu

Tatiana Tropina: (06:52) There was a statement that the comments from the board will be treated like any other comments. Or was it too optimistic?

Philip Corwin: (06:52) Agree that Board's comments need to be given extended consideration and firm decisions, as they are the only commenting entity with the power to assert that a Recommendation is not in the GPI upon receipt of final Report. They are not just the same as any other comment.

Alan Greenberg: (06:53) @Phil +1

Philip Corwin: (06:54) That is not about being confrontational, that is about being thorough and this CCWG having a firm consensus position vis-a-vis what Board has requested in way of changes.

Tatiana Tropina: (06:54) Of course board's comments are not just the same so I was wondering why there was a notion on the last CCWG call that no special treatment will be given

Anne Aikman-Scalese, SCI Chair (IPC): (06:54) Is it a problem that the Community does not have a definition of Global Public Interest?

Tatiana Tropina: (06:54) I think board doesn't have the definition either

Anne Aikman-Scalese, SCI Chair (IPC): (06:55) Agree Tatiana - no one has such an agreed definition

Jordan Carter (.nz, WP1 rapporteur): (06:56) we sure need to understand that. Why normal style inspection rights or the limited human rights commitment could possibly be seen as contradictory to that will indeed need to be talked through

Anne Aikman-Scalese, SCI Chair (IPC): (06:56) So if Board says not in GPI, that means they are defining "on the fly" in this process?

Tatiana Tropina: (06:57) As it was already said on the mailing list since concerns about GPI was raised with regard to such things as transparency and human rights it will be really interesting to see board's definition of GPI

Farzaneh Badii: (06:57) how do we decide on whether the board's concerns has global public interest interest, when we clearly don't know what the definition is

Andrew Sullivan: (06:57) The idea that there is a good way to define "global public interest" in a way that is at once true and adequately comprehensive strikes me as, uh, optimistic

Tatiana Tropina: (06:57) + 1 to Jordan again

Kavouss Arasteh: (06:57) This is the point that I made to ask the Board what is their inception from Global Public Interest as in CCWG WE DID NOT SUCCEED TO COME UP EVEN WITH A VERY HIGH LEVEL DEFINITION FOR pi

Tatiana Tropina: (06:57) and +1 to Fazry

Mathieu Weill, ccNSO, co-chair: (06:58) @Kavouss: that question was formally sent to the Board.

Tatiana Tropina: (06:58) I wonder how independent adviser will help with their view on GPI in this context really

Tatiana Tropina: (06:58) but we can try of course

Keith Drazek: (06:58) I support the approach described by Thomas.

Edward Morris: (06:58) Agree with both Jordan's comments and the approach outlined by Thomas.

Jordan Carter (.nz, WP1 rapporteur): (06:58) Good suggestion, Thomas.

Kavouss Arasteh: (06:58) Thomas we should be defensive nor offensive

Aarti Bhavana: (06:58) Lot of background noise

Kavouss Arasteh: (06:59) we must take a reconciliatory approachj

Philip Corwin: (06:59) For our purposes, the GPI is what the Board says it is. Nonetheless, if we disagree with and will not accommodate a Board request we should strive to articulate why the Proposal position is consistent with GPI as we see it.

Tatiana Tropina: (06:59) GPI has been brought as a topic for discussion in Marrakech and also on the special mailing list by the ICANN. I think it rather says there is a long way on the road to understanding what GPI is

Jordan Carter (.nz, WP1 rapporteur): (06:59) The global public interest is served by Internet identifiers being able to be registered and resolved with integrity

Kavouss Arasteh: (07:00) pls kindly ask the Board in a formal manner what is their definition of GPI?

Anne Aikman-Scalese, SCI Chair (IPC): (07:00) Good point Tatiana

Kavouss Arasteh: (07:00) I do not categorize any comment as being "nONSENSE"

Thomas Rickert, CCWG Co-Chair: (07:00) Kavouss, we have asked the Board exactly that question.

Thomas Rickert, CCWG Co-Chair: (07:00) I am sure they will respond shortly.

Farzaneh Badii: (07:01) +1 Tatinana, and the efforts to define GPI until now has yielded no outcome

Tatiana Tropina: (07:01) @Thomas I am sure we are all looking forward to their reply :)

Greg Shatan: (07:01) Jordan, I think that is a "necessary but not sufficient" definition of GPI.

Kavouss Arasteh: (07:01) I request all distinguish colleagues to kindly refrain to make a value judgement of any comment. It would further divide us and certainly does not coverge us

Tatiana Tropina: (07:01) +1 to Greg, In the context of accountability I think the dimension of GPI might be a bit different. Even has to be

Brenden Kuerbis: (07:02) If we must include a GPI standard, it must be tied to bottom-up policy making process, not one group (i.e., the board) using it as a standard. I believe counsel stressed this in their comment as well.

Jordan Carter (.nz, WP1 rapporteur): (07:02) Greg: I think it's the core of it

Edward Morris: (07:03) +1 Brenden

Jordan Carter (.nz, WP1 rapporteur): (07:03) but nor do I think I have the right to define it ;-)

Thomas Rickert, CCWG Co-Chair: (07:03) Kavouss, you may have misunderstood. I have not called any comment "nonsense"

Farzaneh Badii: (07:03) who said "nonsense" ?

Tatiana Tropina: (07:03) Who called any comments nonsense? Did I miss something? :)

Farzaneh Badii: (07:03) I didn't hear that ...

Tatiana Tropina: (07:03) Neither did I

Kavouss Arasteh: (07:03) Farzaneh

Kavouss Arasteh: (07:04) Read the Chat and you will find who said that

Cheryl Langdon-Orr: (07:04) indeed I did not hear such a term used by our leadership

Finn Petersen, GAC - DK: (07:05) Support to Thomas' way forward

Greg Shatan: (07:05) @Jordan, I think that is the core of the ICANN mission as well.... But we have other "layers" and facets that are part of this.

Greg Shatan: (07:06) and thus part of any GPI analysis/definition.

Jordan Carter (.nz, WP1 rapporteur): (07:06) from a ccTLD perspective and in respect of what we need, I definitely don't want ICANN adding any layers to that

Seun Ojedeji: (07:09) @Kavouss, Philip Corwin use the word "Nonetheless" which is the closest i could find when i used a find and got to "non..." so that may have been miss read. As you commented immediately after that

Philip Corwin: (07:10) I did not and would not characterize any other participant's views as nonsense. That is not how I operate.

Greg Shatan: (07:10) @Jordan, If all we were dealing with was resolution, we'd be done and you would be asleep....

Jordan Carter (.nz, WP1 rapporteur): (07:10) ;)

Greg Shatan: (07:11) +1 to Seun, I also went back and read the chat and found no use of the word "nonsense" or any dismissal of any comment in a similar manner.

Seun Ojedeji: (07:11) There you go, seem Philip also seem to think what i just wrote implied that he said "nonsense". Maybe the 2 words are closer than i thought ;-)

Steve DelBianco [GNSO - CSG]: (07:11) A parting thought about GPI. For purposes of ICANN, the GPI is teh availability and integrity of registrations and resolutions. Nothing more, nothing less.

Philip Corwin: (07:12) @Seun--they are not in any way close beyond using some of the same letters of the alphabet. In meaning they are unrelated.

Seun Ojedeji: (07:14) Exactly my point(re: the starting letters), so we are in sync then. ;-)

Philip Corwin: (07:16) Asserting that 'nonsense' could be perceived from reading "nonetheless" is a non sequitur ;-). So yes we are agreed.

Kavouss Arasteh: (07:17) Becky, If you remember, there were a lot of intensive discussion on the regulation of content. Then would it be possible that you kindly continue to take the lead on the Core Value and Mission Statement to find a satisfactory resolution of the matter

Andrew Sullivan: (07:17) The IAB's comment was that it looked forward to the final bylaws language "consistent with" the discussion in the draft

Greg Shatan: (07:18) @Steve, in that case, most of what we're doing seems irrelevant to GPI.

Jordan Carter (.nz, WP1 rapporteur): (07:18) yeah - do we have to perfect this in this report/proposal? Or can we do so through the bylaws drafting process?

Andrew Sullivan: (07:18) Since the draft clearly marked itself as guidance to counsel for writing the actual bylaws

Tatiana Tropina: (07:18) I agree that from that GPI point of view most of accountability measures are irrelevant to GPI

Andrew Sullivan: (07:19) So, to the extent that the board comments don't require inconsistency with this instruction to the drafters, I think there'll be no problem; otherwise, I can't say

Tatiana Tropina: (07:19) from narrow perspective I mean

Becky Burr: (07:19) Kavouss, I will continue to try to find a resolution of this - I just mentioned that my comments in the list were offered in my personal capacity, rather than as the rapporteur

Andrew Sullivan: (07:19) (speaking informally and not having polled the IAB on this.)

Izumi Okutani (ASO): (07:19) On the numbers part, we expressed support for the existing 3rd version of the CCWG proposed Mission text. I note Bruce as clarified the Board would be OK with reference to the ASO MoU (while in the Board's public comment, it suggested to remove this reference).

Cheryl Langdon-Orr: (07:20) we did the

Becky Burr: (07:20) yes, two key questions: (1) what does the prohibition on regulation mean; (2) what is the scope of grandfathering

Finn Petersen, GAC - DK: (07:20) This is still VERY unclear

Becky Burr: (07:20) thanks Andrew and Izumi

Izumi Okutani (ASO): (07:20) (in short, it wouldn't cause issues for the Board on the numbers part even if their comment is not incorporated on the ASO MoU reference, from what Bruce has explained)

Becky Burr: (07:20) Finn, I understand

Greg Shatan: (07:21) I was a member of the Policy & Implementation Working Group....

Becky Burr: (07:21) I will try to write up something for the group

Becky Burr: (07:21) as an aide to understanding the situation

Seun Ojedeji: (07:21) @Izumi (re:MoU) yes I think Bruce agreed to referencing in the bylaw, not clear whether it's the mission statement section or scope section or other section. However I guess one can assume it's mission for now unless otherwise stated.

Greg Shatan: (07:21) Grandpa got run over by a reindeer....

Alan Greenberg: (07:21) The Policy-Implementation result was that if anything even smells slightly of policy, it must be addressed as policy and that would put it back to us.

Cheryl Langdon-Orr: (07:22) I also had the pleasure Greg, we should refer to that work I guess ;-)

Cheryl Langdon-Orr: (07:22) Yup Alan much worthy of reference that included

Holly J. Gregory (Sidley): (07:22) +1000 for Becky

Izumi Okutani (ASO): (07:23) @Seun he commented to me privately he meant the mission while he said Bylaws

Jordan Carter (.nz, WP1 rapporteur): (07:23) I have to leave folks - go well on the rest of the call, speak with you next time, and if it's holidays for you, have a peaceful day

Seun Ojedeji: (07:24) @Izumi thanks that's helpful

Izumi Okutani (ASO): (07:24) @Seun no worried glad it helped clarify

Holly J. Gregory (Sidley): (07:24) I also will need to leave the phone connection soon but will continue to follow on adobe

Chris Disspain: (07:25) I'm dropping off now. thanks all

Tatiana Tropina: (07:25) @Thomas: a very good point about monopoly/competition regulation

Greg Shatan: (07:25) As a recovering antitrust/competition lawyer, I caution against an antitrust-based analysis/rule.

Tatiana Tropina: (07:26) @Greg this is always the difference in approaches of US/European competition lawyers :D (am also recovering)

Sabine Meyer (GAC - Germany): (07:27) competition or regulation? (Seconded from the telecoms regulator *g*)

Tatiana Tropina: (07:27) Sabine. LOL I first wrote and then thought "I can't put them together". Of course. Regulation vs. competition

Becky Burr: (07:27) both are problems Andrew, you are correct.

Tatiana Tropina: (07:28) @Sabine - I wrote the whole Master thesis on this while doing my MBA :D

David McAuley (RySG): (07:28) on mute?

Sabine Meyer (GAC - Germany): (07:28) @Tania: I've LIVED it. That has to count for something ;)

Tatiana Tropina: (07:29) @Sabine oh me too, but before doing the MBA. 6 years as telecom lawyer. Still have some nightmares.

Greg Shatan: (07:31) Still a lawyer, just recovering from 12+ years of antitrust practice.

Mathieu Weill, ccNSO, co-chair: (07:31) Is this the Competition LAWyer Anonymous meeting ?

Mathieu Weill, ccNSO, co-chair: (07:31) ;-)

Tatiana Tropina: (07:32) @Greg I am afraid we are also still lawyers. Once a lawyer - always a lawyer

Tatiana Tropina: (07:32) @Mathieu, sorry, we try not to discuss our traumas here :D

Sabine Meyer (GAC - Germany): (07:32) And not that anonymous either.

Keith Drazek: (07:33) I'm not aware of any existing registries (with or without PICs) who expect to eliminate existing PICs.

Andrew Sullivan: (07:33) Steve's example there is rather the sort of "someone wants to use ICANN as a regulator" problem I was trying to mention. And that's just exactly what the opponents of "ICANN regulates" are worried about

Andrew Sullivan: (07:34) ICANN's power to enforce such contractual terms is regarded by the critics as an attractive nuisance

Philip Corwin: (07:34) ICANN has tremendous leverage at time of initial registry contract approval or renewal to extract "voluntary" commitments from registry operators.

Greg Shatan: (07:34) All contract terms are by definition enforceable.

Greg Shatan: (07:35) Unless proven otherwise.

Kavouss Arasteh: (07:35) i am disconnected thus was not able to listen to the reply to my suggestion

Greg Shatan: (07:35) Based on an applicable legal standard.

Tatiana Tropina: (07:35) I am on "support: side - at least to look at

Kavouss Arasteh: (07:35) Pls reconnect n me brenda

Andrew Sullivan: (07:36) @Greg: yes, and I think an opponent of that sort of thing would therefore like such contractual terms to be outside the mission

Avri Doria: (07:36) Those applying as community string have made commitments to their registrant and the community. The registrants and community should be able to count on enforcement of those promises.

Andrew Sullivan: (07:36) thereby making such contracts subject to IRP and so on

Kavouss Arasteh: (07:36) Dear Brenda

Andrew Sullivan: (07:36) @Avri: yes, and that seems to be the tension here :)

Keith Drazek: (07:36) Agree Avri, thus the grandfathering.

Brenda Brewer: (07:36) Kaavouss, we are calling you now

Kavouss Arasteh: (07:37) MAY YOU I PLS ADVISE TO REDIAL ME

Avri Doria: (07:37) Those commitments are not restricted to the terms of a single contract period.

Keith Drazek: (07:37) Agreed.

Brenda Brewer: (07:38) I have computer issue..apologies

Greg Shatan: (07:39) Agree -- grandfathering is not a temporary or transitional concept.

Greg Shatan: (07:46) That may be the intent (of some) in revising the "GAC Bylaw". But I disagree with Steve on the effect of the change.

Jonathan Zuck/ACT: (07:47) Happy with the current situation, worried about a future one

Keith Drazek: (07:48) We've also lived with simple majority of Board for many years, and not 2/3.

Edward Morris: (07:53) Greg is slowly convincing me as to his position.

Greg Shatan: (07:53) Yes, there is no mention of voting in the current "GAC Bylaw".

Greg Shatan: (07:54) And the Bylaws are full of voting requirements. The use of a unique phrase here is intentional and meaningful.

Greg Shatan: (07:54) Steve, happy to discuss.

Greg Shatan: (07:55) I expect IPC's comments to elucidate at length on this subject....

Keith Drazek: (07:57) NTIA has made it clear they want (need) the hard-coding of current GAC consensus practice in the bylaws. Let's not lose sight of that requirement. Suggesting a deferral of this issue could undermine the transition.

Steve DelBianco [GNSO - CSG]: (07:58) "in the event that the ICANN board determines" is referring to the board making a determination. And the board makes its determinations based on resolutions that are subject to majority votes

Olga Cavalli - GAC Argentina: (07:58) happy holidays to all

Bernard Turcotte Staff Support: (07:58) Happy solstice to all nothern people

Philip Corwin: (07:58) Happy Transitional New Year!

Rudi Daniel: (07:58) happy xmas everyone

Tatiana Tropina: (07:58) happy holidays! Bye all

Asha Hemrajani: (07:58) Happy Winter's Solstice Festival

David McAuley (RySG): (07:58) Thanks all

Pär Brumark (GAC Niue): (07:58) Happy Holidays everyone!!!!

Andrew Sullivan: (07:58) thank you all, and happy solstice

Greg Shatan: (07:58) Steve, I thinking you are misreading that. If they meant vote they'd say it.

Julia Wolman GAC Denmark: (07:58) Happy holidays!

Olga Cavalli - GAC Argentina: (07:58) summer here!"

Seun Ojedeji: (07:58) Thanks and Bye. Merry Xmas and happy new year in advance!

Izumi Okutani (ASO): (07:58) thanks all and happy holidays to everyone

Athina Fragkouli (ASO): (07:58) thank you all!

Rudi Daniel: (07:58) thank you

Asha Hemrajani: (07:58) Bye

Olga Cavalli - GAC Argentina: (07:58) bye

David McAuley (RySG): (07:58) Steve it seems you are saying it reads as the only way to "obligate" while Greg is reading it as only way to "reject"

Greg Shatan: (07:59) Goodbye and Happy Holidays!

Megan richards, European Commission: (07:59) happy holidays to all

Anne Aikman-Scalese, SCI Chair (IPC): (07:59) goodbye

Phil Buckingham: (07:59) Happy holidays

Brenda Brewer: (12/22/2015 05:47) Welcome to CCWG Accountability Meeting #73 on 22 December @ 12:00 UTC! 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>

Kavouss Arasteh: (05:52) Hi Brenda

Kavouss Arasteh: (05:53) Hi every Body

Jonathan Zuck/ACT: (05:53) Greetings and salutations

Vidushi Marda: (05:53) Hello. I'm Vidushi from CIS India.

Aarti Bhavana: (05:54) Hi All!

Sabine Meyer (GAC - Germany): (05:55) Hello everyone!

Kavouss Arasteh: (05:57) Somebody doing what pls?

Holly J. Gregory (Sidley): (05:57) greetings everyone and all best wishes for a very happy holiday season!

Rudi Daniel: (05:57) greetings ALL

Bernard Turcotte Staff Support: (05:58) hi all - is this dedication or what, Dec. 23rd...

Anne Aikman-Scalese, SCI Chair (IPC): (05:58) Thomas - please sing Oh Tannenbaum

Rosemary Fei (Adler Colvin): (05:58) Good morning, day, evening, night, all.

Mathieu Weill, ccNSO, co-chair: (05:58) Greetings everyone

Sabine Meyer (GAC - Germany): (05:58) it's not Festivus yet, Bernie.

Kavouss Arasteh: (05:58) brenda

Kavouss Arasteh: (05:58) I AM DISCONNECTED

Bernard Turcotte Staff Support: (05:58) Sinterclaus....

Thomas Rickert, CCWG Co-Chair: (05:59) Anne, I am sure that would bring attendance lower than we want it to be.

Athina Fragkouli (ASO): (05:59) Hello all

Anne Aikman-Scalese, SCI Chair (IPC): (05:59) :-)

Thomas Rickert, CCWG Co-Chair: (06:00) Zuck is an excellent singer, he should do it :-)

Anne Aikman-Scalese, SCI Chair (IPC): (06:00) True - Zuck should bless us all at the close of this meeting with a song of his choice!

Anne Aikman-Scalese, SCI Chair (IPC): (06:01) Now it sounds like Ocean - someone is on vacation

Pär Brumark (GAC Niue): (06:02) Greetings everyone!

Olga Cavalli - GAC Argentina: (06:02) Hello from Buenos Aires

Jordan Carter (.nz, WP1 rapporteur): (06:03) hi all

nigel hickson: (06:03) good afternoon

Greg Shatan: (06:03) Hello all

Anne Aikman-Scalese, SCI Chair (IPC): (06:03) Hi Olga and everyone...

Keith Drazek: (06:03) Hi everyone

Tatiana Tropina: (06:03) Hi all

Jordan Carter (.nz, WP1 rapporteur): (06:04) great to be online at 01h local :)

David McAuley (RySG): (06:04) at least it is summer Jordan

Becky Burr: (06:06) good morning

Alice Jansen: (06:06) <http://forum.icann.org/lists/comments-draft-ccwg-accountability-proposal-30nov15/>

Kavouss Arasteh: (06:06) Staff, pls advise whether you have received from me sent through CO-CHAIRS AND gRACE AND aLICE ON 11 RECOMMENDATIONS

Kavouss Arasteh: (06:07) Sorry for cap

Kavouss Arasteh: (06:09) The no. of reply is very low and not representatives

Chris Disspain 2: (06:10) greetings from a barmy 20c late evening in Melbourne

Kavouss Arasteh: (06:11) Staff, pls advise whether you have received from me comments sent through Co-Chairs, Alivce and Grace?

Julia Wolman GAC Denmark: (06:11) Just to inform you that unfortunately due to our internal processes taking longer than expected, the Danish Comments to the CCWG Accountability 3rd Draft Proposal are delayed. We expect to send the Danish Comments as soon as possible. We are very sorry for this!

Jordan Carter (.nz, WP1 rapporteur): (06:11) Melbourne is often barmy, Chris. :-)

Chris Disspain 2: (06:12) as am I Jordan, as am I ð

Alice Jansen: (06:12) We received 93 comments on the Second Draft Proposal

Avri Doria: (06:12) is regional representation among respondents known.

Sabine Meyer (GAC - Germany): (06:13) well, one should also take into account that we were asked to discuss within the chartering organisations this time around and not necessarily give an individual comment

Alice Jansen: (06:13) There is a download all page for comments on Draft proposal - see <https://community.icann.org/pages/viewpage.action?pageId=56984613>

Anne Aikman-Scalese, SCI Chair (IPC): (06:13) its barmy unwieldy

Kavouss Arasteh: (06:13) Sorry. nothing is impressive, we are dealing with drastical change and 80 reply does in no way represent the entire community

Jordan Carter (.nz, WP1 rapporteur): (06:13) I think it is deeply revealing that so many people made their own comments

Anne Aikman-Scalese, SCI Chair (IPC): (06:14) @Jordan - agree with you

Jordan Carter (.nz, WP1 rapporteur): (06:14) Chris: I wouldn't agree with that. At least it's only 11pm there.

Kavouss Arasteh: (06:14) Geographic distribution is an important elements due to the fact many comments might have been received from very few countries

Greg Shatan: (06:14) We only had 59 comments on the First Draft....

Jordan Carter (.nz, WP1 rapporteur): (06:15) The tactic of trying to push discussion into an approval or rejection mode, and from the COs, hasn't been a fruitful one

Anne Aikman-Scalese, SCI Chair (IPC): (06:15) Shouldn't we be getting fewer and fewer comments?

Alan Greenberg: (06:15) The comment from ALAC includes MANY countries and all regions. We have explicitly reduced number of individual comments.

Kavouss Arasteh: (06:16) How many users are in Asia and how many responses we have received from that super populated area

Keith Drazek: (06:16) please mute phones and laptops if not speaking

Alan Greenberg: (06:16) Sebastien

Roelof Meijer (SIDN, ccNSO): (06:16) @Anne: that depends what comments they are. if they are supportive; more and more. If they are unsupportive; less and less

Phil Buckingham: (06:17) Apologises for my lateness on the call.

Peter Van Roste (CENTR): (06:17) The CENTR comments represent the view of 51 ccTLDs.. Same for other orgs sending in response.

Anne Aikman-Scalese, SCI Chair (IPC): (06:18) People tend o comment les when they agree and support I think - I may be wrong.

Mathieu Weill, ccNSO, co-chair: (06:18) Is my sound cut off ?

Alan Greenberg: (06:18) Have we lost our co-chair?

nigel hickson: (06:18) no sound!

Olga Cavalli - GAC Argentina: (06:18) im off sound

David McAuley (RySG): (06:19) audio?

Chris Disspain 2: (06:19) silence

Jordan Carter (.nz, WP1 rapporteur): (06:19) no noise

Anne Aikman-Scalese, SCI Chair (IPC): (06:19) I lost audio

Kavouss Arasteh: (06:19) Dear Sebastian, No that is not true since SOs and ACs would still have time to respond till 21 of January. we need to examine the reaction of Public to the major changes. If we just admire ourselves that the number of comments " is not BAD" in fact we may not be realistic

Sabine Meyer (GAC - Germany): (06:19) the Germans actually have a word for that, Anne.

Olga Cavalli - GAC Argentina: (06:19) back

Megan richards, European Commission: (06:19) should we not be looking for quality rather than quantity ? and as Sabine and others have noted the chartering organisations will or have commented without necessarily each of their participants adding their own additional comments

Athina Fragkouli (ASO): (06:19) Please note that the ASO submission also represents the 5 RIR regions

Sabine Meyer (GAC - Germany): (06:19) for that silent agreement thing

David McAuley (RySG): (06:19) Thanks Bernie and staff for this diligent and ongoing work through holiday period

Kavouss Arasteh: (06:19) Do you have a criteria to measure the quality? Who is the authorized examiner of the quality?

Anne Aikman-Scalese, SCI Chair (IPC): (06:19) @Sabine Welches Wort?

Keith Drazek: (06:20) The GNSO aims to have a consolidated position statement by the middle of January. The GNSO Council will have 2 calls in early January and plans to have a motion by January 14. Most GNSO SGs and Cs have submitted direct comments, but these will be consolidated in early January.

Sabine Meyer (GAC - Germany): (06:20) "Fahrlehrerlob", ie. "driving instructor praise"

Sabine Meyer (GAC - Germany): (06:20) *Fahrlehrerlob

Anne Aikman-Scalese, SCI Chair (IPC): (06:21) Danke schoen.

Sabine Meyer (GAC - Germany): (06:21) :D

Philip Corwin: (06:22) Keith's summary of GNSO status and plans is accurate.

Kavouss Arasteh: (06:23) Leon

Kavouss Arasteh: (06:24) pls kindly ,if you agree, not discuss the number agreed or not agreed . let us use this call for more important issue .We nevertheless would have all these statistic later on

Leon Sanchez (Co-Chair ALAC): (06:24) Thanks Kavouss. Will ask for concise participations from speakers :-)

Kavouss Arasteh: (06:25) Tks a lot it was just for efficiency and productivity of the call

Leon Sanchez (Co-Chair ALAC): (06:26) Thank you Kavouss :-)

Alan Greenberg: (06:27) SOrry for the confused answer. For clarity, ALAC has 5 YES, 4 YES but with restrictions, and 3 NOs

Megan richards, European Commission: (06:28) Could ICANN staff correct the notes in the discussion page regarding the ALAC position (as communicated in the chat by Alan for ALAC)? many thanks

Keith Drazek: (06:29) Thank you, Leon.

Leon Sanchez (Co-Chair ALAC): (06:30) Thank you Keith

Anne Aikman-Scalese, SCI Chair (IPC): (06:31) @ Alan - which Recommendation Numbers are "no" for ALAX?

Megan richards, European Commission: (06:31) by the way for the co-chairs - I nearly forgot - Mark Carvell asked us to pass on his apologies for not participating but he had a funeral to attend

Anne Aikman-Scalese, SCI Chair (IPC): (06:32) sorry ALAC

Anne Aikman-Scalese, SCI Chair (IPC): (06:33) QUESTION: How does this timeline fit with the fact that GNSO will not comment until January 14?

Alan Greenberg: (06:35) Anne, 2, 5 and 6

Anne Aikman-Scalese, SCI Chair (IPC): (06:35) Thank you Alan

Seun Ojedeji: (06:35) There is also no comment from GAC yet, do we have any idea on when theirs will come?

Alice Jansen: (06:36) GAC comment - <http://forum.icann.org/lists/comments-draft-ccwg-accountability-proposal-30nov15/msg00070.html>

Seun Ojedeji: (06:38) Thanks Alice, was looking at the discussion notes instead.

Aarti Bhavana: (06:38) How are the Board's comments being treated?

Kavouss Arasteh: (06:39) do you hear me?

Kavouss Arasteh: (06:39) I am disconnected again

Tatiana Tropina: (06:39) As far as I understand, the ALAC no for 6 is only for the 1-year deadline, if it is changed, ALAC reserve the right to say "yes"?

Seun Ojedeji: (06:39) I suggest that GAC update be recognised under the (Update from Chartering Organizations) section of the AC

Kavouss Arasteh: (06:39) pls connect me

Alan Greenberg: (06:40) @Tatiana. Correct. In that case, we made it a no instead of a yes with restrictions because we felt that it might be controversial and objected to by some.

Seun Ojedeji: (06:41) Good question @Aarti

Seun Ojedeji: (06:42) A follow-up to that question is also whether there is any intent to look at other comments apart from those sent by the COs

Jordan Carter (.nz, WP1 rapporteur): (06:42) there is time pressure

Anne Aikman-Scalese, SCI Chair (IPC): (06:42) GAC has thus far made no comment on Recommendation 11 and may not do so until January 22

Tatiana Tropina: (06:42) @Alan, thanks a lot for the clarification. Indeed, the deadline is ambitious.

Farzaneh Badii: (06:42) There has been always time pressure. I don't know if we ever gonna slow down ...

Greg Shatan: (06:43) Diamonds are created under great pressure. Also earthquakes...

Andrew Sullivan: (06:43) Surely, if there are drastic changes in the next round, that will be a sign that the proposal has not been accepted

Seun Ojedeji: (06:43) +1 to @Farzy

Anne Aikman-Scalese, SCI Chair (IPC): (06:45) Agree with Tijani - plenary is best at this stage

Jordan Carter (.nz, WP1 rapporteur): (06:45) Alan, do you mean that all drafting changes have to come through the plenary? we will create unworkable rods for our backs if we try for that.

Tatiana Tropina: (06:46) +1 to Jordan

Kavouss Arasteh: (06:46) Alan+ 1 but the small group should be fairly representative to prepare a working doc. for Plenary

Jordan Carter (.nz, WP1 rapporteur): (06:46) Andrew: one could reasonably assume that that's correct

Anne Aikman-Scalese, SCI Chair (IPC): (06:47) wouldn't it be best to discuss the issues plenary first and then send to drafting?

Alan Greenberg: (06:48) @Jordan, not drafting changes but HOW issues that have been raised will be addressed. Not all of us can attend every WP meeting and only finding out about a change when the draft is published is problematic, particularly when a change is placed in an unexpected part of the document.

Phil Buckingham: (06:48) + Andrew . There is simply no time left for another public comment period .

Jordan Carter (.nz, WP1 rapporteur): (06:48) why isn't Bruce on this call?

Anne Aikman-Scalese, SCI Chair (IPC): (06:49) The Board has asked GNSO to work on definition of "global public interest" - I think in relation to gTLDs - not sure.

Philip Corwin: (06:49) What will the process be where for any issues where a compromise is not possible -- that is, a binary yes/no issue where some groups will not have their objections resolved? While not the best outcome, that may well be the case for some issues.

Mathieu Weill, ccNSO, co-chair: (06:50) Good question Phil.

Philip Corwin: (06:50) Thx Mathieu

Tatiana Tropina: (06:52) There was a statement that the comments from the board will be treated like any other comments. Or was it too optimistic?

Philip Corwin: (06:52) Agree that Board's comments need to be given extended consideration and firm decisions, as they are the only commenting entity with the power to assert that a Recommendation is not in the GPI upon receipt of final Report. They are not just the same as any other comment.

Alan Greenberg: (06:53) @Phil +1

Philip Corwin: (06:54) That is not about being confrontational, that is about being thorough and this CCWG having a firm consensus position vis-a-vis what Board has requested in way of changes.

Tatiana Tropina: (06:54) Of course board's comments are not just the same so I was wondering why there was a notion on the last CCWG call that no special treatment will be given

Anne Aikman-Scalese, SCI Chair (IPC): (06:54) Is it a problem that the Community does not have a definition of Global Public Interest?

Tatiana Tropina: (06:54) I think board doesn't have the definition either

Anne Aikman-Scalese, SCI Chair (IPC): (06:55) Agree Tatiana - no one has such an agreed definition

Jordan Carter (.nz, WP1 rapporteur): (06:56) we sure need to understand that. Why normal style inspection rights or the limited human rights commitment could possibly be seen as contradictory to that will indeed need to be talked through

Anne Aikman-Scalese, SCI Chair (IPC): (06:56) So if Board says not in GPI, that means they are defining "on the fly" in this process?

Tatiana Tropina: (06:57) As it was already said on the mailing list since concerns about GPI was raised with regard to such things as transparency and human rights it will be really interesting to see board's definition of GPI

Farzaneh Badii: (06:57) how do we decide on whether the board's concerns has global public interest interest, when we clearly don't know what the definition is

Andrew Sullivan: (06:57) The idea that there is a good way to define "global public interest" in a way that is at once true and adequately comprehensive strikes me as, uh, optimistic

Tatiana Tropina: (06:57) + 1 to Jordan again

Kavouss Arasteh: (06:57) This is the point that I made to ask the Board what is their inception from Global Public Interest as in CCWG WE DID NOT SUCCEED TO COME UP EVEN WITH A VERY HIGH LEVEL DEFINITION FOR pi

Tatiana Tropina: (06:57) and +1 to Fazry

Mathieu Weill, ccNSO, co-chair: (06:58) @Kavouss: that question was formally sent to the Board.

Tatiana Tropina: (06:58) I wonder how independent adviser will help with their view on GPI in this context really

Tatiana Tropina: (06:58) but we can try of course

Keith Drazek: (06:58) I support the approach described by Thomas.

Edward Morris: (06:58) Agree with both Jordan's comments and the approach outlined by Thomas.

Jordan Carter (.nz, WP1 rapporteur): (06:58) Good suggestion, Thomas.

Kavouss Arasteh: (06:58) Thomas we should be defensive nor offensive

Aarti Bhavana: (06:58) Lot of background noise

Kavouss Arasteh: (06:59) we must take a reconciliatory approachj

Philip Corwin: (06:59) For our purposes, the GPI is what the Board says it is. Nonetheless, if we disagree with and will not accommodate a Board request we should strive to articulate why the Proposal position is consistent with GPI as we see it.

Tatiana Tropina: (06:59) GPI has been brought as a topic for discussion in Marrakech and also on the special mailing list by the ICANN. I think it rather says there is a long way on the road to understanding what GPI is

Jordan Carter (.nz, WP1 rapporteur): (06:59) The global public interest is served by Internet identifiers being able to be registered and resolved with integrity

Kavouss Arasteh: (07:00) pls kindly ask the Board in a formal manner what is their difinition of GPI?

Anne Aikman-Scalese, SCI Chair (IPC): (07:00) Good point Tatiana

Kavouss Arasteh: (07:00) I do not categorize any comment as being " nONSENSE"

Thomas Rickert, CCWG Co-Chair: (07:00) Kavouss, we have asked the Board exactly that question.

Thomas Rickert, CCWG Co-Chair: (07:00) I am sure they will respond shortly.

Farzaneh Badii: (07:01) +1 Tatinana, and the efforts to define GPI until now has yileded no outcome

Tatiana Tropina: (07:01) @Thomas I am sure we are all looking forward to their reply :)

Greg Shatan: (07:01) Jordan, I think that is a "necessary but not sufficient" definition of GPI.

Kavouss Arasteh: (07:01) I request all distinguish colleagues to kindly refaian to make a value judgement of any comment. It would further divide us and certainly does not coverge us

Tatiana Tropina: (07:01) +1 to Greg, In the context of accountability I think the dimension of GPI might be a bit different. Even has to be

Brenden Kuerbis: (07:02) If we must include a GPI standard, it must be tied to bottom-up policy making process, not one group (i.e., the board) using it as a standard. I believe counsel stressed this in their comment as well.

Jordan Carter (.nz, WP1 rapporteur): (07:02) Greg: I think it's the core of it

Edward Morris: (07:03) +1 Brenden

Jordan Carter (.nz, WP1 rapporteur): (07:03) but nor do I think I have the right to define it ;-)

Thomas Rickert, CCWG Co-Chair: (07:03) Kavouss, you may have misunderstood. I have not called any comment "nonsense"

Farzaneh Badii: (07:03) who said "nonsense" ?

Tatiana Tropina: (07:03) Who called any comments nonsense? Did I miss something? :)

Farzaneh Badii: (07:03) I didn't hear that ...

Tatiana Tropina: (07:03) Neither did I

Kavouss Arasteh: (07:03) Farzaneh

Kavouss Arasteh: (07:04) Read the Chat and you will find who said that

Cheryl Langdon-Orr: (07:04) indeed I did not hear such a term used by our leadership

Finn Petersen, GAC - DK: (07:05) Support to Thomas' way forward

Greg Shatan: (07:05) @Jordan, I think that is the core of the ICANN mission as well.... But we have other "layers" and facets that are part of this.

Greg Shatan: (07:06) and thus part of any GPI analysis/definition.

Jordan Carter (.nz, WP1 rapporteur): (07:06) from a ccTLD perspective and in respect of what we need, I definitely don't want ICANN adding any layers to that

Seun Ojedeji: (07:09) @Kavouss, Philip Corwin use the word "Nonetheless" which is the closest i could find when i used a find and got to "non..." so that may have been miss read. As you commented immediately after that

Philip Corwin: (07:10) I did not and would not characterize any other participant's views as nonsense. That is not how I operate.

Greg Shatan: (07:10) @Jordan, If all we were dealing with was resolution, we'd be done and you would be asleep....

Jordan Carter (.nz, WP1 rapporteur): (07:10) ;)

Greg Shatan: (07:11) +1 to Seun, I also went back and read the chat and found no use of the word "nonsense" or any dismissal of any comment in a similar manner.

Seun Ojedeji: (07:11) There you go, seem Philip also seem to think what i just wrote implied that he said "nonsense". Maybe the 2 words are closer than i thought ;-)

Steve DelBianco [GNSO - CSG]: (07:11) A parting thought about GPI. For purposes of ICANN, the GPI is the availability and integrity of registrations and resolutions. Nothing more, nothing less.

Philip Corwin: (07:12) @Seun--they are not in any way close beyond using some of the same letters of the alphabet. In meaning they are unrelated.

Seun Ojedeji: (07:14) Exactly my point(re: the starting letters), so we are in sync then. ;-)

Philip Corwin: (07:16) Asserting that "nonsense" could be perceived from reading "nonetheless" is a non sequitur ;-). So yes we are agreed.

Kavouss Arasteh: (07:17) Becky, If you remember, there were a lot of intensive discussion on the regulation of content. Then would it be possible that you kindly continue to take the lead on the Core Value and Mission Statement to find a satisfactory resolution of the matter

Andrew Sullivan: (07:17) The IAB's comment was that it looked forward to the final bylaws language "consistent with" the discussion in the draft

Greg Shatan: (07:18) @Steve, in that case, most of what we're doing seems irrelevant to GPI.

Jordan Carter (.nz, WP1 rapporteur): (07:18) yeah - do we have to perfect this in this report/proposal? Or can we do so through the bylaws drafting process?

Andrew Sullivan: (07:18) Since the draft clearly marked itself as guidance to counsel for writing the actual bylaws

Tatiana Tropina: (07:18) I agree that from that GPI point of view most of accountability measures are irrelevant to GPI

Andrew Sullivan: (07:19) So, to the extent that the board comments don't require inconsistency with this instruction to the drafters, I think there'll be no problem; otherwise, I can't say

Tatiana Tropina: (07:19) from narrow perspective I mean

Becky Burr: (07:19) Kavouss, I will continue to try to find a resolution of this - I just mentioned that my comments in the list were offered in my personal capacity, rather than as the rapporteur

Andrew Sullivan: (07:19) (speaking informally and not having polled the IAB on this.)

Izumi Okutani (ASO): (07:19) On the numbers part, we expressed support for the existing 3rd version of the CCWG proposed Mission text. I note Bruce as clarified the Board would be OK with reference to the ASO MoU (while in the Board's public comment, it suggested to remove this reference).

Cheryl Langdon-Orr: (07:20) we did the

Becky Burr: (07:20) yes, two key questions: (1) what does the prohibition on regulation mean; (2) what is the scope of grandfathering

Finn Petersen, GAC - DK: (07:20) This is still VERY unclear

Becky Burr: (07:20) thanks Andrew and Izumi

Izumi Okutani (ASO): (07:20) (in short, it wouldn't cause issues for the Board on the numbers part even if their comment is not incorporated on the ASO MoU reference, from what Bruce has explained)

Becky Burr: (07:20) Finn, i understand

Greg Shatan: (07:21) I was a member of the Policy & Implementation Working Group....

Becky Burr: (07:21) I will try to write up something for the group

Becky Burr: (07:21) as an aide to understanding the situation

Seun Ojedeji: (07:21) @Izumi (re:MoU) yes i think Bruce agreed to referencing in the bylaw, not clear whether its the mission statement section or scope section or other section. However i guess one can assume its mission for now unless otherwise stated.

Greg Shatan: (07:21) Grandpa got run over by a reindeer....

Alan Greenberg: (07:21) The Policy-Implementation result was that if anything even smells slightly of policy, it must be addressed as policy and that would put it back to us.

Cheryl Langdon-Orr: (07:22) I also had the pleasure Greg, we should refer to that work I guess ;-)

Cheryl Langdon-Orr: (07:22) Yup Alan much worthy of reference that included

Holly J. Gregory (Sidley): (07:22) +1000 for Becky

Izumi Okutani (ASO): (07:23) @Seun he commented to me privately he meant the mission while he said Bylaws

Jordan Carter (.nz, WP1 rapporteur): (07:23) I have to leave folks - go well on the rest of the call, speak with you next time, and if it's holidays for you, have a peaceful day

Seun Ojedeji: (07:24) @Izumi thanks thats helpful

Izumi Okutani (ASO): (07:24) @Seun no worried glad it helped clarify

Holly J. Gregory (Sidley): (07:24) I also will need to leave the phone connection soon but will continue to follow on adobe

Chris Disspain: (07:25) I'm dropping off now. thanks all

Tatiana Tropina: (07:25) @Thomas: a very good point about monopoly/competition regulation

Greg Shatan: (07:25) As a recovering antitrust/competition lawyer, I caution against an antitrust-based analysis/rule.

Tatiana Tropina: (07:26) @Greg this is always the difference in approaches of US/European competition lawyers :D (am also recovering)

Sabine Meyer (GAC - Germany): (07:27) competition or regulation? (Seconded from the telecomms regulator *g*)

Tatiana Tropina: (07:27) Sabine. LOL I first wrote and then thought "I can't put them together". Of course. Regulation vs. competition

Becky Burr: (07:27) both are problems Andrew, you are correct.

Tatiana Tropina: (07:28) @Sabine - I wrote the whole Master thesis on this while doing my MBA :D

David McAuley (RySG): (07:28) on mute?

Sabine Meyer (GAC - Germany): (07:28) @Tania: I've LIVED it. That has to count for something ;)

Tatiana Tropina: (07:29) @Sabine oh me too, but before doing the MBA. 6 years as telecom lawyer. Still have some nightmares.

Greg Shatan: (07:31) Still a lawyer, just recovering from 12+ years of antitrust practice.

Mathieu Weill, ccNSO, co-chair: (07:31) Is this the Competition LAWyer Anonymous meeting ?

Mathieu Weill, ccNSO, co-chair: (07:31) ;-)

Tatiana Tropina: (07:32) @Greg I am afraid we are also still lawyers. Once a lawyer - always a lawyer

Tatiana Tropina: (07:32) @Mathieu, sorry, we try not to discuss our traumas here :D

Sabine Meyer (GAC - Germany): (07:32) And not that anonymous either.

Keith Drazek: (07:33) I'm not aware of any existing registries (with or without PICs) who expect to eliminate existing PICs.

Andrew Sullivan: (07:33) Steve's example there is rather the sort of "someone wants to use ICANN as a regulator" problem I was trying to mention. And that's just exactly what the opponents of "ICANN regulates" are worried about

Andrew Sullivan: (07:34) ICANN's power to enforce such contractual terms is regarded by the critics as an attractive nuisance

Philip Corwin: (07:34) ICANN has tremendous leverage at time of initial registry contract approval or renewal to extract "voluntary" commitments from registry operators.

Greg Shatan: (07:34) All contract terms are by definition enforceable.

Greg Shatan: (07:35) Unless proven otherwise.

Kavouss Arasteh: (07:35) i am disconnected thus was not able to listen to the reply to my suggestion

Greg Shatan: (07:35) Based on an applicable legal standard.

Tatiana Tropina: (07:35) I am on "support: side - at least to look at

Kavouss Arasteh: (07:35) Pls reconnect n me brenda

Andrew Sullivan: (07:36) @Greg: yes, and I think an opponent of that sort of thing would therefore like such contractual terms to be outside the mission

Avri Doria: (07:36) Those applying as community string have made commitments to their registrant and the community. The registrants and community should be able to count on enforcement of those promises.

Andrew Sullivan: (07:36) thereby making such contracts subject to IRP and so on

Kavouss Arasteh: (07:36) Dear Brenda

Andrew Sullivan: (07:36) @Avri: yes, and that seems to be the tension here :)

Keith Drazek: (07:36) Agree Avri, thus the grandfathering.

Brenda Brewer: (07:36) Kaavouss, we are calling you now

Kavouss Arasteh: (07:37) MAY YOU I PLS ADVICE TO REDIAL ME

Avri Doria: (07:37) Those commitments are not restricted to the terms of a single contract period.

Keith Drazek: (07:37) Agreed.

Brenda Brewer: (07:38) I have computer issue..apologies

Greg Shatan: (07:39) Agree -- grandfathering is not a temporary or transitional concept.

Greg Shatan: (07:46) That may be the intent (of some) in revising the "GAC Bylaw". But I disagree with Steve on the effect of the change.

Jonathan Zuck/ACT: (07:47) Happy with the current situation, worried about a future one

Keith Drazek: (07:48) We've also lived with simple majority of Board for many years, and not 2/3.

Edward Morris: (07:53) Greg is slowly convincing me as to his position.

Greg Shatan: (07:53) Yes, there is no mention of voting in the current "GAC Bylaw".

Greg Shatan: (07:54) And the Bylaws are full of voting requirements. The use of a unique phrase here is intentional and meaningful.

Greg Shatan: (07:54) Steve, happy to discuss.

Greg Shatan: (07:55) I expect IPC's comments to elucidate at length on this subject....

Keith Drazek: (07:57) NTIA has made it clear they want (need) the hard-coding of current GAC consensus practice in the bylaws. Let's not lose sight of that requirement. Suggesting a deferral of this issue could undermine the transition.

Steve DelBianco [GNSO - CSG]: (07:58) "in the event that the ICANN board determines" is referring to the board making a determination. And the board makes its determinations based on resolutions that are subject to majority votes

Olga Cavalli - GAC Argentina: (07:58) happy holidays to all

Bernard Turcotte Staff Support: (07:58) Happy solstice to all northern people

Philip Corwin: (07:58) Happy Transitional New Year!

Rudi Daniel: (07:58) happy xmas everyone

Tatiana Tropina: (07:58) happy holidays! Bye all

Asha Hemrajani: (07:58) Happy Winter's Solstice Festival

David McAuley (RySG): (07:58) Thanks all

Pär Brumark (GAC Niue): (07:58) Happy Holidays everyone!!!!

Andrew Sullivan: (07:58) thank you all, and happy solstice

Greg Shatan: (07:58) Steve, I thinking you are misreading that. If they meant vote they'd say it.

Julia Wolman GAC Denmark: (07:58) Happy holidays!

Olga Cavalli - GAC Argentina: (07:58) summer here!"

Seun Ojedeji: (07:58) Thanks and Bye. Merry Xmas and happy new year in advance!

Izumi Okutani (ASO): (07:58) thanks all and happy holidays to everyone

Athina Fragkouli (ASO): (07:58) thank you all!

Rudi Daniel: (07:58) thank you

Asha Hemrajani: (07:58) Bye

Olga Cavalli - GAC Argentina: (07:58) bye

David McAuley (RySG): (07:58) Steve it seems you are saying it reads as the only way to "obligate" while Greg is reading it as only way to "reject"

Greg Shatan: (07:59) Goodbye and Happy Holidays!

Megan richards, European Commission: (07:59) happy holidays to all

Anne Aikman-Scalese, SCI Chair (IPC): (07:59) goodbye

Phil Buckingham: (07:59) Happy holidays