

**ICANN**

**Moderator: Brenda Brewer  
January 12, 2016  
10:00 am CT**

Marika Konings: Hello everyone. This is Marika. We're going to get started now. I would like to welcome everyone to the 74th call of the CWG Stewardship on the 12th of 1600 UTC.

And as per usual we'll take the roll call from the Adobe Connect.

We have noted on audio only (Eduardo Dea). Are there any others that are audio only?

Alan Greenberg: Alan at the moment.

Marika Konings: Alan I have you noted as well. And with that I'll hand it over to the chairs.

Jonathan Robinson: Thanks Marika. It's Jonathan speaking. Welcome everyone. Lise and I will jointly chair this meeting. I'll deal with Sections 1, 2 and 3. Lise will deal with 4 and 5 and then I'll pick up again for the close of the call 6 and 7.

So we've got a lot to try and get through back at the start of the new calendar year. It's nice to see so many of you on the call with barely hopefully can hold your interest. And we've obviously got some important things we need to cover.

So we intend to start with an update on the implementation work that's been going on. And we'll try and keep that to within 15 minutes.

And really a key objective of the call is of course to make some decent progress on this IANA IPR issue which has been hanging over us for some time for which there is at least some reasonable pressure if you like or some desire to get - to make and be seen to make progress within this group so that we can in a sense catch up with where the other two operating communities are.

We certainly need to provide you and Lise will lead us through that part of the discussion in Section 4 on the latest work going on in the CCWG accountability but in particular how that work relates to obviously the obvious interdependencies that we've been working with that group on for some time.

We will do our best to get to the bylaws work which has been responded to by those - the design team leads or former design team leads or former design team leads who were persons who were previously design team leads and responsible for those areas.

And so thank you for those - that work. And we hope to make some progress on that. And if not we'll pick that up on list and in our forthcoming call.

We will be joined at some point by one or more members of the CRISP Team. Now you'll know that the CRISP Team dealing with the numbers - numbering

operational community RRs their responses to the ICG RFP have had a fairly clear view on how to deal with the IANA IPR and have been diligent in tracking where we are and in coordinating with us. And we can expect to have some input later in Section 3 from members of the CRISP Team.

I think those are the major points I wanted to make in opening that Lise and I have previously discussed. So I think without further ado we'll move straight into Section 2 and hear an update from the ICANN staff who are working on the implementation of our work. And we will try and keep it as I said to within 15 minutes. Let me hand over to ICANN staff.

I would expect that that's probably Trang. But I'll leave you to introduce yourself. Thanks.

Trang if it's you we're not hearing you right now. Maybe it's an issue with being on mute.

Trang Nguyen: Can you hear me now?

Jonathan Robinson: Yes Trang we hear you now.

Trang Nguyen: Terrific, thank you. Well hello everyone. Happy New Year to those that celebrate this holiday and this calendar. Jonathan I understand has a packed calendar so we'll try to keep the - this update to within your specified time frame of 15 minutes.

For today's update in celebration of the New Year we've created a new dashboard to provide transition implementation status update to you. It's a bit more comprehensive than the format that we previously used. And as always we welcome any feedback that you may have.

So (Brenda) if you could please - oh, please move to the next slide.

All right, well let's start with the dashboard for the RZMS, RZMA and names as (we) work.

Let me just spend a quick minute explaining this new dashboard to you.

The top table provides the name of a project, a brief description and the planned completion date. It also has a status signal and a percent complete for each of the projects.

The little table provides you with some key dates, some select key dates. Not all of the dates for all of the tasks in each project but just some select key dates for each of the projects.

The color coding of the bubbles in this table correspond to the color coding to the left of the project name at the top of the table.

And then at the bottom table provide, you know, update, upcoming activities and any open items for the projects that are listed on the top table.

So let's take a close look at the projects. With regard to the RZMS changes to remove the RCA role we - we've completed the code changes to RZMS to remove NTIA's approval process actually ahead of schedule.

That work was previously slated to be completed at the end of this month. It is now in fact done.

But in order to begin parallel testing there are two more things that need to happen, the first being that we need to write some code to systematically replicate (depicted) and processing it and the parallel system.

And the second thing that needs to happen is for trying to complete, making changes to its RZMS to in order to support parallel testing.

We currently estimate that it's going to take us about a month to complete the remaining work that we have to do to support parallel testing. And VeriSign anticipates that it's going to complete its work at the end of March.

So that means if we complete our work in a month which will be early February we still would have - we still wouldn't be able to start parallel testing until beginning of April when VeriSign is done with its work.

And so what we've done is we have re-prioritized our development efforts. We are putting off the remaining work that we have to do to support parallel testing until February with the expectation that we'll be able to complete our work at the same time that VeriSign completes its work.

In the meantime we directed all of our development efforts to making the necessary code changes to the RZMS to support the SLEs. And we anticipate that by doing so we will be able to complete the SLE's related work, at least the code portion of it by the end of February which would put us a month ahead of schedule on the SLEs.

So Yuko would you mind moving to Slide 8 so we can take a look at - so this slide - sorry for the formatting there. The bottom table looks like some text got cut off.

So this slide now shows the new timeline for the activities that I just - that we just talked about.

As you can see we have a checkmark by the task to make RZMS code changes to remove to RZA role indicating that it - that that is now done ahead of schedule.

We're showing a one-month estimate for the RZ with the additional code changes to replicate the ticket and processing in the parallel system and then parallel testing now beginning in April instead of at the beginning of February.

The other track of work on the SLE front is parsing of the existing data which you can see on this slide as illustrated in the dark blue column.

The contractor that we have engaged to do this work has started to look at the data.

And of the 11 SLEs that have been defined he has completed working on two of them. And three more are in progress.

And he expects that the remaining work significantly less time now that he has a better understanding of the system of the data and of the various states in the RZMS and RT ticketing system.

So we hope that the remaining work will be, you know, will take significantly less time.

And just as a clarification when we mean completed what we mean is that what he's working on is he's working on determining what existing data there

is in the RZMS and the RTT (unintelligible) system that would best approximate what's being asked for in the SLE.

So we're - we think that we're still on track to be able to make this determination by the new timeline of the end of January. So you can see that reflected here on this slide. And you can also see the port in of the RZMS code changes for the SLE stuff to the end of February.

There is one - also one new task that we are showing now on this slide which is the dashboard to provide reporting of the SLA for the requirement of the CWG. We anticipated that work will start once RZMS code changes for the SLAs are completed.

Yuko could you move us back to Slide 3? Thank you.

So that covers the RZMS changes to remove RZA role and the names SLE update.

On the RZMA we are continuing to work with VeriSign on completing the draft of the RZMA and the previously commuted - communicated planned completion date for that work is at the end of this month.

Next slide please.

On the PTI front what we have been working on is drafting the PTI implementation plan including as I - this was mentioned on the last call the Articles of Incorporations and PTI bylaws, et cetera.

The goal is to have those ready for the CWG and the communities review fairly soon. So we're still working hard towards finalizing document and

having - and going through all of the internal reviews required before we share that with you. So that's what we've been working on on the PTI front.

Next slide please.

On the IPR RZERC CSC and escalation processes project the project has not started yet. Obviously on the IPR we are awaiting implementation requirements from the community.

On the RZERC front, RZERC is a new name that we have selected for the previously called RZMS committee.

We believe that this name better reflects the nature and the scope of this committee. It stands for Root Zone Evolution Review Committee.

And then CFC - so on RZERC and CFC we are looking at beginning drafting of the implementation plans for these two projects fairly soon and we'll give you a place of the status on those.

With regards to the IANA operational escalation processes that work involves updating its IANA operational complaint and escalation processes.

And we anticipate to start that work I believe I want to say once the proposals are approved in the US G with the intent on completing all of the required work necessary in time for transition.

Next slide please.

On the ICANN bylaws front obviously the - we'll have a discussion on that slide once we - later on on this call. I won't say much now regarding that.



The green light status here is reflective of how we're tracking against sort of the previously communicated bylaws timeline in the context of the larger transition timeline in terms of when the proposals are expected to be delivered to the ICANN board, you know, when it needs to go out for public comment and when they need to be adopted.

So the green is necessary just at this point reflecting that timeline. They're not necessarily any of the specific work at this time.

And I believe that completes all of our dashboard status reports. Then is there another slide? Yes.

And then the detail project high level project plans for all of these projects are provided here in the appendix for you for review. I won't go through them here in detail right now. But if you have any questions as you look through them please let us know.

So Jonathan that is it for me in terms of a status update. I'll turn it back over to you to - for maybe any questions if you'd like to do that now.

Jonathan Robinson: Okay Trang. That's very neat, compliments for the quality of the presentation. That's a very clear and effective slides. I think that's my view at least and you - neatly on time as well so thank you for that.

Are there any questions or comments? There has been a little bit of dialogue in the chat I see and with a couple of questions. But those seem to have been dealt with adequately within the chat.

Does anyone else have any questions, issues or comments in relation to this implementation update? Chuck go ahead.

Chuck Gomes: Okay sorry about that. I was on mute. Just a quick question, who are the members of the RZERC?

Trang Nguyen: Hi Chuck. I believe the, if I'm not mistaken, the CWG proposal indicate that it would be the chairman of the ICANN board, a representative from the SSAC, RSAC, a potentially a representative from the IETF and a representative from the root zone maintainer in this case it would be VeriSign.

And there may be one or two more that I am missing. But I believe that that's the composition that's been specified in the CWG proposal. Oh I'm sorry, so...

Chuck Gomes: Thanks.

Trang Nguyen: ...I now have the list.

So in addition to those that I've just mentioned it's also a senior IANA functions operator administrator or delegate, a representative of the GNSO RYSG, a representative of the ccNSO and a chair or delegate of the ASO in addition to those that I just specified.

Chuck Gomes: Thanks.

Trang Nguyen: You're welcome.

Jonathan Robinson: Okay thanks Chuck. Thanks Trang. Any other comments or issues on implementation?

Okay well I expect this to be a regular item. So we will of course have Trang and anyone else from her department or group available at future calls.

I think it's - so that's - that looks like we're in reasonable shape there. Thank you Trang. And of course the item on which you currently have no formal progress checked in your area the implementation of the IPR changes is the next item that we need to get on with.

Probably worth making a couple of background comments. The list, our CWG's list as we move onto this Item 3 has been obviously had quite a bit of traffic over the last while, last few days in fact dealing with this and of course previously.

As you know our regional response to the ICG request for proposals was essentially silent on the IPR. There was some concern that we had (unintelligible) to various points.

And we made it subsequently clear that in fact we were essentially silent and dealing with this was an issue for implementation.

Notwithstanding that the CRISP Team had a specific proposal to deal with this. That is the transfer of the IANA IPR to the IETF trust. And there was no objection from the protocols community. And the trust was willing to accept that.

However we in the names community, the CWG needs to confirm our position. And hence we sought legal advice first of all from our advisors Sidley Austin. And we have that paper. And that paper was shared with you again recently as well as previously when it was - when it was undertaken.

And we also sought to our own work with the work of a design team to look at the IPR which has been led by Greg Shatan who is on the call and able to talk us through that in a moment.

In fact that work was shared with the group immediately prior to our last call of 2015 at which point we were then able to look at it but only very briefly in that final call of 2015.

In the meantime and in fact previously going back, quite a while back into 2015 Lise and I have worked together with the other operational communities, mostly the co-chairs of the CRISP Team and members of the IANA plan team to make sure there was ongoing coordination between the groups as to how this work was progressing.

And to be clear there is some pressure for us to make progress here make no mistake. This has been an issue. And the timeliness of our work was first flagged I think at least as far back as August 2015. And it's also clear that the numbers group at least prefers to stick with the IETF solution.

But we now have an opportunity to properly discuss the BT, the work of DT-IPR since it was as I said only briefly introduced late last year.

And so in order to lead us through that work and provide the background for that discussion we've got Greg is obviously on the call. And we'll try and deal with the key questions and issues that arose out of that.

So I think I'll invite staff to put up the output from design team IPR and in just a moment to get Greg to walk through the key issues there.

We also expect to be joined by one or more members of the CRISP Team as I said in my original introduction. And they will give us their own views on the work of DT-IPR and how compatible that is or not with the CRISP view.

We also hope to be able to share and discuss with you the example terms, some terms that were prepared by members of the IETF I believe it was that we can have a look at that.

But that moves us quite a bit further on from where we are at the moment.

The first - in the first instance we're at the level of the principles work done by the Design Team IPR. And I think it's probably appropriate to simply let Greg introduce those to you and highlight for you and get feedback from the group what as to the key issues and questions raised in that.

I think you'll have the opportunity to scroll through the document yourself as it's now in the Adobe Connect room and also to magnify if it's not in a large enough format.

With that I'll hand over to you Greg. Go ahead.

Greg Shatan: Thank you Jonathan and good morning, good afternoon, good evening everyone. If there are any problems with my audio just let me know.

Just too finally have the chance to, you know, have a substantive discussion of this in this group and to - we'll just dive right into the document.

And, you know, Section 1 is a draft of the actual principles and requirements, or, you know, potential principles and requirements for the post transition own owner of the IANA trademarks and the domain name of.

So really Item Number 1 kind of jumps into I think the most significant of variable which is the first principle is proposed as the owner must be neutral.

However the DT-IPR did not come up with a single definition of neutral. There were basically two forks if you will or maybe it's one fork with two tines that came up in the group. And these are both expressed here.

Not sure what I can do about the (game). It's just a phone. If it's bad I'll turn it up - I'll pick up rather.

So the two types of neutrality that were identified and we need to pick one really before making any further judgments not -- we don't need to pick it at this point in review of the document but it is kind of the gating factor -- is whether what we are looking for as a community is what we've called structural neutrality which is that the new owner cannot have any structural ties to any operational community to the exclusion of any other operational community.

In other words if there is a structural tie to one community that same structure, structural tie needs to be reflected in the other two communities. You know or the owner would have no structural ties to any operational community.

And by structural ties, you know, question of ownership, control in the case of a trust appointing the trustees, the beneficiary for whom the trust is established if the trust is the site that has a beneficiary and so forth.

The second type of neutrality is functional neutrality which basically overlooks any structural issues but instead the principle is that the owner has to operate such that effective control over its action at least with respect to the

IANA IPR is not dominated or steered or captured by any of the operational communities to the exclusion of any other that in other words each community must have approximately the same functional relationship to the owner.

So this is really a decision point. And Jonathan do you think we should open the floor for discussion now? I think that probably makes somewhat more sense.

But let's actually just go quickly, let's just take a little preview at some of the other points and then come back to this one because I think we need to discuss it first. But maybe there's a little more context...

Jonathan Robinson: Yes Greg...

((Crosstalk))

Greg Shatan: ...for the other point.

Jonathan Robinson: Thanks for that. I think it'd be useful to highlight the key. I mean this is clearly an - a sort of original bifurcation point that needs to be decided and on.

But I think it doesn't do any harm to remind people because not everyone would've had the chance I believe to have read all of the documentation in detail as to the key four or five decisions that need to be made. And clearly this is one of them.

And we at minimum need to make some progress on these as Andrew says. We, this - you know, there's a sense from and as I said in my introduction that of some pressure to be making some progress and be seen to making some progress.

So I think go ahead, talk us through at a very high level the key decision points and then let's come back and try and see if we can hear people out properly on some of these points.

Greg Shatan: Yes and I think just to answer Andrew the whole point of this exercise is for the CWG to make up its mind. So the only way we can do that is by going forward but not necessarily by just arriving at a conclusion by a leap of faith.

So number two briefly a principal not really related entirely to neutrality that the trust would either be a newly formed trust or the IECF trust.

We could also have a non-trust owner. But given that that's a - and trying to limit the number of variables here and given that the trust has generally been considered appropriate we're limiting the principle to discussion of what type of trust and not moving beyond that.

So next point Number 3 how we in the names community relate to that owner will end up being dictated by the type of neutrality we require.

So in other words a number one is critical. In its context of a trust that means either that there would be a in essence a joint trust, a symmetrical trust with all three communities having essentially an equal say and stake in that trust, would each appoint a trustee or trustees of equal number to the trust and presumably all three would be beneficiaries or in the case of a charitable trust the beneficiary as - isn't even needed. But that's probably getting too far down into the weeds for this.



Alternatively if functional neutrality is all that's needed then there can be a contractual relationship between trust and the names community and the other two communities,

One proposal that was proposed back in October included an advisory board composed of the three communities that would essentially advise the trustees on the proposal I think from the IETF trust is a little bit different but that with no advisory board and just single points of contact.

Again if it's the IETF trust there's the names community doesn't appoint any trustees. The IETF would remain the sole beneficiary of the trust.

The next point again kind of coming back to neutrality whether this meets the definition of neutrality or actually there's no definition of neutrality but whether this meets the concept of neutrality by the board in its August 15 statement that ICANN is prepared to transfer full ownership of the IANA related trademarks to a neutral third-party mutually agreed among the operational communities.

Still not entirely clear and would probably like to get an answer as to whether IETF trust would be considered a neutral third-party by the board as a whole speaking as a board.

Moving beyond kind of strict neutrality concepts Number 5 is a requirement that the owner must be responsive, responsible and accountable to the three communities.

Next level below that high-level principle we will put the required discussion of how responsive the owner needs to be and how much influence the three operational communities would have over the actions of the owner. And also

how the owner should be accountable to and held accountable by the names community. And to the extent we're looking at the whole ball of wax the other operational community as well.

So next point just briefly that the owner has to have necessary funding somehow to carry out these responsibilities.

Next the owner must be prepared to facilitate separation that is the change in an IANA function operator if requested by any operational community.

Number 8 notes several disadvantages and some advantages that Sidley cited. We can visit that in more detail kind of in the course of the discussion as I think going through each of their concerns right now is the - putting the cart before the horse.

Section 2 here deals with requirements of the owner in the event of separation which really just flushes out Number 7.

Again I think that these maybe kind of next level principles, the overall principles that the owner has to be prepared to facilitate separation kind of stands I think at a level on its own.

There is a question at least raised in some of the discussions over the last few days of whether separation can be driven by the new owner whether or not the operational community wants to separate. So that I think again is a question that needs to be resolved.

Last really I think for trademark related or overall relationship issues is the principle and requirements in the event that there are disputes between the

operational communities or I should say among them or between any operational community or all operational communities and the new owner.

First principle is that there should be some sort of a process relatively straightforward type of engagement and escalation process to resolve any such disputes. And that's followed by really by Number 1 and by Number 2.

And Number 3 here is potential remedies. And the ultimate in essence nuclear option here would be to divest, to have an operations community or all the operation communities more likely divest the IANA IPR from the owner, the post transition owner to a new owner if that's not seen as a - if the new - if the post transition owner is not performing.

Next and I think we'll just look at these more briefly; there are principles and requirements relating to the iana.org domain name. The first principle is that stability of iana.org is of paramount importance, seems fairly noncontroversial.

Second is the registration must be held by the owner of the trademark. And I'll note that that does seem to be somewhat controversial or at least there if not it's something we need to discuss because there appears to be varying opinions on that.

Third that the technical and operational control of the domain must remain with ICANN as the current IANA functions operator and for so long as they conduct that function.

Then there are couple of kind of more technical issues here I think about changes in the technical contact and the domain registration avoiding essentially forms of capture or hijacking in 4 and 5.

And Number 6 that operational arrangements can be made by ICANN as it wishes including having PTI performed the day to day operation of the domain and obviously the databases that make the domain relevant.

Number 7 kind of related to number one that functional stability of the operation of the iana.org domain is important.

Number 8 contemplating (separability) or separation concept that at the appropriate time. There will be a splitting probably by sub domains to allow different IANA function operators for different communities to each access the domain.

Number 9 again that there needs to be dispute resolution issue or process if there any disputes over kind of domain issues would pretty much track the IPR dispute resolution mechanisms but with always keeping in mind the operational stability being of paramount importance and also that - an IFO once it has authority, its authority been removed cannot continue to publish to that domain or to, you know, a Web site found through that domain.

Briefly there principles proposed and required with regard to the IANA trademarks that the trademark cannot be invalidated that as a result of the transition there'll be a license to ICANN to use the trademarks. There'll also need to be a license to, you know, with regard to operational control of the domain as well.

And the owner needs to carry out the basic responsibilities that are required of any trademark owner. You know, there are number of different ways that that can be done.

Quality control over the services offered under the marks, terminating the license if requested or if approved by the operational community, control over use of the marks and policing unauthorized users and maintaining trademark registration.

Another principle is that recognizes that there is a difference between the IANA trademarks and the new owner and that of a normal commercial entity since the owner is holding the trademark solely for them to be licensed to the IFO.

And as such the owner would not exploit the trademark in the - in more traditional senses.

So there is the principle is the owner must have experience in owning and managing trademarks and experience with issues relating to Internet matters which could be through employees or advisors or the like.

Number 7 is a kind of more detailed discussion of quality control which I don't think we need to run through until we kind of get to it. Basic question there is how to take advantage of the quality control efforts that will be undertaken by for instance the CSC for the names community and use those to leverage quality control efforts that are required to be made by the owner.

Number 5 again touches on policing and enforcement against unauthorized third parties and infringers.

And Number 6 conveys that the - that being a licensee of the trademarks is - does not convey the right to publish an IANA Registry that that right really stems from the operational community's decision to make that licensee the operator of those registries.

So last but not least expectations of the ICG, the number community - and of other operational communities. The number community would like all relevant parties to agree to the expectations of the numbers community not surprisingly.

And last that ICG expects us to continue to coordinate and implement this so that the ICG requirements are met.

So those are kind of that is the - a high level walk-through. And I know of the discussion in the chat I don't mean to in any way say that management of the domain names or domain name issues is less important.

Clearly in the operation of the registries and using the domain is really what's more important. There is however more kind of legal issues around, you know, trademark matters and also in terms of the structural issues and the control issues over the owner, those really relate to both the trademarks and domain names. So it would be a little bit narrow to look at those only in issues as trademark issues.

Really the issues in number one relate equally and importantly to in relation to managing the owner if you will with regard to the domain names and with regard to the trademarks.

So I hope that clarifies that point.

With that...

Jonathan Robinson: Great.

Greg Shatan: ...I think we can come back to the discussion of what kind of neutrality it is that we would find appropriate as a CWG and whether it is of the structural type or the functional type and then, you know, what - whether and how we evaluate, you know, future, any particular proposal against those kind of is the next level issue.

But I think this is probably a good time to open the floor. And I see a hand up from Alan Greenberg.

Jonathan Robinson: Yes thanks Greg. It's Jonathan. I'll just come in a moment there.

So clearly you and the DTI - you (ordered) a well-structured thorough and rigorous piece of work. And we now are at a point where we need to at least get into some of the substance and make some - which we have done on the list.

There's a limit to how much we'll be able to go into all of the detail here. I mean this took you hours and hours of work to get this to point. So I think we have to focus the group on the substantive issues which clearly at least one of which revolves around this primary bifurcation around the structural function on neutrality.

Let's give some others the opportunity to come in as you suggested. Alan you have a question or comment and let's take that.

Alan Greenberg: Thank you very much. Greg has clearly analyzed at this from a theoretical point of view to the - in the extreme. I am unfortunately not going to address any of the questions that Greg has answered. I'd like to take it, look at it from a different point of view.

I think what is missing in this theoretical analysis is essentially a risk analysis of what are we talking about, what if everything goes to hell in a handbag to use a perhaps inappropriate expression?

The IETF is probably the only group that has a real operational need for the stuff we're talking about. And I use the term stuff advisedly and specifically with domain name.

We don't want to use the name IANA but companies rebrand themselves all the time. Most of them survive.

The numbers community and ICANN could live without the domain name. We've talked about this. Yes it would be a pain in the butt. Yes it would be inconvenient but we could survive it.

If we have a fracture between the IETF and ICANN and I'm not talking about PTI an IANA. I'm talking about a real fracture. ICANN relies on the IETF for so many things other than IANA that it would be mind boggling how we're going to continue the work that's going on regarding Whois replacements IEN. There's a whole host of other things that where the linkages and connection and cooperation between the IETF and ICANN is essential.

We're going to have a real problem if we have a risk. The least of our problem I think at that point would be the trademark and the domain name.

So I think we need to understand that yes there are risks. We need to go ahead and come up with something practical and then work operationally to make sure it works.



It is not failsafe. It is not guaranteed for life. But it's good enough to get us forward at this point. Thank you.

Jonathan Robinson: Thanks Alan, noted checkmark in the group from Avri. I think it would be very interesting to hear from others. I know some of you have spoken up on list but it will help if you make (unintelligible) your views either in the chat or in the group here.

I think really is this at a fundamental level I think I think Greg poses the first question is in and around question one.

And I - Greg and I talked about this beforehand and I'd be willing to chair this session so that - because he clearly has unique and specific expertise and what Alan has called theoretical. And Greg has a knowledge of the law in and around trademarks probably more than any others of us. And so he's uniquely qualified to advise on that.

But nevertheless there are some practicalities and some issues that it would be good to hear the news on.

I see a couple of other hands come up so now I see one from Alissa and then followed by Greg. Go ahead Alissa.

Alissa Cooper: Thanks Jonathan. I fully agree with what Alan said. But I actually got in the queue to ask a question about this - the concept of neutrality because the concept itself seems to presume that the operational communities are situated in an oppositional manner towards one another.

That is, you know, if you - as it says the owner must be neutral that basically assumes that the communities will be at odds with each other or making requests that, you know, will not be in each other's interests.

And I actually think in reality it's actually the opposite of that that out of, you know, all the different constituencies involved within IANA and in the transition the ones that are most tightly coupled and who have worked together and whose interests are bound up with each other are the operational communities who need their parameters to be available at iana.org.

So I was sort of wondering like if there's some evidence that is driving this the principle that, you know, the owner must be neutral because I actually, you know, to my mind I would much rather have, you know, an owner that is deeply embedded in any one of the operational communities since they're so, you know, they've been working together to make sure that the, you know, the registries themselves are coherent and make sense and the boundaries between, you know, what exists in the numbers community and the names and the rest of the parameters, you know that all of that works well.

And so I don't really understand where the concept comes from that the owner needs to be a part and neutral from all of them with the idea that they will be sort of fighting with one another. Thanks.

Jonathan Robinson: Thanks Alissa. So Greg conveniently had his hand up to make a point in any event. But I think it's something that he may wish to respond to. So let me hand the mic over to you Greg.

Greg Shatan: Thanks. I was going to go on a different point but I'll touch on this one first so it can kind of have more question and response.

This is actually the first time I've heard anybody make that assumption about this question or this concept. So I'm having a little trouble wrapping my head around it I think at all points.

We in DT-IPR we're looking at the three communities as essentially being collaborative. And the idea would be that they would, you know, if there was a new trust most likely it would be controlled by the three communities in essentially an equal fashion much more likely than that there would be some trust set up that would be kind of out of the control of any of the communities.

So I think really it was neutrality. And again it's not a word that we coined but rather one that we picked up in this regard was intended be, you know, a question first of whether the essentially neutrality I think could be looked at more and a question of equality, in other words that it's relationship of the operator is neutral, kind of sits in kind of equally - an equal relationship rather than a non-relationship.

So I don't think there was any - ever any discussion or concern really of adversarial type of relationship. I think there was a concern that if anyone community tended to predominate in this decision-making, you know, as a structural matter or since maybe using that word slightly differently that that would be a potential concern.

I mean if there's a thought that any one community could manage this equally well for all three but that would really control our input that is, you know possible.

But I think the idea was that there should essentially be no - nothing favoring one community over another in the way that the documents that the owner was set up whether, you know, in terms of relationships or its structure.

So I think, you know, that's where we are coming from, not from some idea of being - of trying to deal with an adversarial relationship.

I think just to respond briefly to what Alan said prior, you know, this is not uniquely my analysis. So it shouldn't be seen as such because I'm the one walking through it.

And principles and requirements tend to be somewhat theoretical or at least somewhat abstract.

It's really when we apply those principles or requirements that we get pragmatic. And it may be that some of these principles are relative rather than absolute, in other words that we may need to or want to be flexible about them whereas others I think, you know, are need to be absolute requirements either for legal reasons or because the community believes practically that there is a point which past which things can't go.

So I think you know, ultimately we don't want to get - or not ultimately. We want to get quickly to pragmatic issues. And, you know, the question, you know, these requirements should be viewed through the lens of pragmatism, not as abstraction. Thanks.

Jonathan Robinson: Thanks Greg. I'll just venture a comment because this - both your comments on neutrality and this is original question that was in the chat.

I mean the way I understood it originally, the original introduction of neutrality - and this is the way I had understood - was to be independent of the IANA functions operator.

However a further concept has emerged through the work of the DTI PR which is this unbiased if you like in favor or unbiased towards any one operating community over another. And that's the way it seems to exist in this output of DT-IPR. Whether or not that's relevant or necessary is an open question but that's the way I understand.

So I think both have existed in the work of in and around IPR for the CWG.

Let me go to Andrew next. Andrew you're on the mic. Go ahead.

Andrew Sullivan: Hi there, thanks. Yes so the - on this topic of neutrality I don't want to speak for Milton Mueller because that would be too uncomfortable. But I would I'd maybe channel it here because he has said I think repeatedly in the Design Team discussions that the neutrality that we got started with was just neutrality with respect to the IANA functions operator.

And this additional kind of neutrality that we seem to be spending a lot of time on I think what Alissa has been saying is primarily an issue in theory rather than in practice.

So ultimately I believe the IETF trust doesn't care whether people want to use it. It's offering to do this as a practical matter.

Speaking for myself I care that we make a decision about this and that we close this off fairly quickly because we don't have a lot of time.

It's January. We need this done by the end of September in order to make this work because this has to be in place for the transition to happen.

So it seems to me that just as a practical matter we need to figure out what things we can live with and what risks we're willing to undertake.

Because the risk of picking the greater neutrality here that requires, essentially requires us to set up a new organization is that we can't get the organization set up in time.

As I said on the list in order for the IETF to join some new organization we're going to have to run a consensus call there. And in order for to be a low risk joining we're going to have to run a consensus call and get past all of the possible appeal mechanisms within the IETF. I think that takes six months.

So if you think that there's a major issue here around neutrality ask yourself which risk is bigger. And then try to figure out whether you're willing to live with the possible risk that the IETF wants to steal our trademark that it doesn't care about or whether the risk is that the entire thing is going to fall apart because we can't set up a new trust in time.

And I think that that's the stark choice that is really before us, not the theoretical one about which kind of neutrality we want. Thanks.

Jonathan Robinson: Thanks Andrew. I will hand straight over to Jari.

Jari Arkko: Yes thank you. And I guess I agree first with everything that Andrew said particularly about the need to make a decision.

I also want to move forward. I have no particular attachment to any solutions. But I just wanted to go briefly back to the discussion between Alissa and Greg. And I like the word that Greg used, pragmatic. I don't think we need to think about this in the abstract.

So for the purposes of a neutrality the pragmatic aspect that is actually that is actually that, you know, we are - the OCs are be able to direct for instance the use of the IANA org domain name as required for our operations or our choice of the IANA operator.

And I think that's achievable quite easily actually in both of the possible implementations that we're thinking of.

So I don't think we have a problem. We could actually just decide and move forward. Thank you.

Jonathan Robinson: Thanks Gary. I think I've got Greg's hand come up again after that. So go ahead Greg.

Greg Shatan: Thanks. First I think the choice that Andrew offers while it's stark it's not necessarily accurate.

I think that at least in the view of the board and it may not be the view of the CWG or the other operational communities the transfer of the domain name and the trademarks to the new owner does not need to be simultaneous with the transition but just needs to be essentially agreed to in some fashion before the transition and could take place, you know, some point not too long thereafter.

And I think that, you know with regard to any choice we make, you know, we'll need to run through our own consensus. Hopefully we do it faster than that timeline.

But regardless I think we need to take a step back which is to say that all of these principles and requirements are drafts for discussion.

We may decide not only that, not merely which type of neutrality we think is appropriate, we may decide that the concept or the principle requirement of neutrality is expressed in number one that the owner must be “neutral” is not a principle noting that, you know, that separate from the concept that it’s going to be separate from the IANA functions operator. Just try to keep our words straight.

But we may decide that it doesn’t matter whether there is a predominant, you know, control or relationship between the new owner and one community, which, you know clearly leads us, you know, straight to the IETF trusts since numbers has no interest in setting up an entity which it predominates in and neither I think does names. So we’re, you know, left going there.

So if we want to discard entirely the idea that we care about neutrality and that whatever risks come from basically, you know, putting ownership in the hands of the trust controlled by one community set up for the benefit of that community that we can do that through other matters you know, to avoid extremes.

And I’ll admit that as a lawyer risk mitigation and, you know, downside scenarios do tend to take on, you know, a significant part of planning. You know, and if it all goes to hell in a handbag, you know, is always part of what needs to be taken care of because it does from time to time.

So none of this is graven in stone and, you know, if it’s the will of the names community and actually not to say that, you know, that we’re not all part of one big ball of wax but, you know, other than Alan I’m not sure whether any



of the other speakers but I would identify predominantly as being part of the names community it would be good to kind of get a more broad opinion of whether people care and, you know, what people's concerns are and then, you know, try to kind of get on to other issues.

It, you know, and I just - actually I should say I just saw quite a bit from Avri in the chat so that, you know, not entirely, you know. Alan's not entirely unique in that regard.

So I think, you know, the idea is to have a full and free discussion, not to feel that some there is a - an attempt to have a concept of neutrality introduced which is not the will of our community. Thanks.

Jonathan Robinson: Thanks Greg. And again I as I said before well I think one thing, you sort of introduce the possibility that the transfer could take place post transition. And indeed the board did offer that that was a possibility in my recollection.

I also note that as I said that the numbers community in particular would like to see this sealed prior to or at the point of transition.

I'll note that in our coordination calls we talked about aiming to get the high level principles agreed ideally by the time the transmission of the ICG proposal by the time the transmission of the ICG proposal to the US government and thereafter to iron out and work on all of the implementation details in the run up to the transition.

It strikes me I see Paul Kane has a hand and then I think we need to subject to Paul or anyone else raising any point I think we need to be clear here.

As we stand at the moment we've got some words of caution or at least some a highlight as to the distinction between so-called structural or functional neutrality.

But I'm not hearing any arguments that are strongly, you know the people not speaking up for a need to have something other than what is being proposed at the moment.

So where I would think we'll go subject to any other points from - well I see a couple of hands so let me not prematurely conclude this.

But I'd like to hear then from others in the names community here (unintelligible) now (unintelligible) a suggestion. And that's Paul and Chuck. So let's go to Paul and then Chuck and see where that leaves us. Paul?

Paul Kane: Thank you Jonathan. I'll be very brief. My concern if I have a concern is we're spending an awful lot of time on the this IPR issue, a little bit too much time.

I think we have identified a path forward that seems to address everyone's concerns and I don't think we should try to overcomplicate it.

My main issue is this is - the IPR issue only becomes a fundamental issue if and when the (PTPI) has failed to deliver service to the naming community. And that is dependent on the SLE that the SLE has been breached in some way.

But I wish a higher priority was given to the SLE or a higher priority was given to the development of the SLE as has been given to the IPR issue.

So I think we're over engineering this beyond belief. We have a mechanism that potentially the three communities are happy with. Let's try and keep it as simple as we can. Thank you.

Jonathan Robinson: Thanks Paul. Chuck?

Chuck Gomes: Thanks everyone for the good discussion.

As you all know this is an area way beyond my area of expertise. But it seems to me that what's critical is that - is Roman III in these sets of principles.

Because I think several people have made the point that the chances of the three operational communities really digressing in terms of the use of the IPR is probably very slim.

And we do need to have principles and requirements in the event there is a dispute. And if we can establish that and the way the principles are written -- I'm looking at 1A under Roman III if that's true a fairly straightforward procedure can be adopted to disrupt address disputes then that's where our focus should be rather than all these other things.

If we have a procedure to deal with the rare case that it might - that there might be a dispute and if that's fair then I think we're in good shape and I'll leave it at that.

Jonathan Robinson: Thanks Chuck. And of course the other thing is the arrangements that are in place prior to the disputes. And that's something else that's been highlighted.

So it's - so I am not - I have to say I'm not hearing anyone speaking strongly for a - an independent newly formed trust say for Greg has provided us with the options and opportunities and the appropriate words of caution from someone with his substantial expertise and experience in this area.

So subject to hearing that I think it feels to me like we need to at least park this first part of the discussion and provisionally conclude that there is an acceptance that we do not need the structural neutrality that essentially enforces us to preclude in favor of an independent trust. And I say that simply because there doesn't seem to be any strong argument in that case.

So my suggestion is that we provisionally conclude that I don't want us to finish this meeting with an absolute conclusion. We've worked on the principle. But when we make conclusions throughout our work that we will revisit them for a second reading a point some point. And that seems to be a very effective way of working.

But I think we need a provisional conclusion here. And that seems to be the case.

And I'll call for the question. Does anyone essentially object to that or feel strongly differently to that?

And I guess I - in some sense I should probably exclude Greg in that it's self-evident that he has some view there. But Greg feel free to come in as part of this - the answer to this question if you would like to.

And Gary I think that's an old hand so I'll go straight to Greg.

Greg Shatan: Thanks. It's Greg Shatan. I think first no matter what we decide there's a way to get this right. That's my pragmatic going in.

I have no ultimate desire to see things one way over other. Although I do think that there are advantages or, you know, perhaps principles that, you know, that it could be a bit better one way than the other.

But as I think Sheryl Sandberg said done is better than perfect. And we're looking for done. And nobody looks for perfect. That just gets your eyes poked out anyway.

So by and large while I have, you know, some affinity for the idea of a neutral trust whether the IETF trust were to be re-jiggered which it won't be or a neutral trust taken I have no problem in seeing us only, you know, have a functional neutrality or at least a, as Chuck put it a way to deal with issues if things somehow cease to be neutral and if there - it seems like there's, you know, a problem stemming from either, you know, the operation of the - basically from the operation of the owner. That's all that really needs to happen.

So my - ultimately I, you know, one of the things I enjoy most about ICANN is coming to consensus even when I don't start out with the going in position in support of where that consensus might be.

I tend to come in - I tend to leave with a going out position that supports that consensus. I don't think I've yet contemplated drafting a minority position in anything, you know, personally not speaking for any organization of which I'm a member or, you know, even a leader but personally.

Basically that's a long-winded way of saying I go with the consensus of the community and let's move on. Thanks.

Jonathan Robinson: Thanks Greg and I have to say I mean intuitively my - notwithstanding that the issues raised about the risk of complexity and work it certainly seemed to me early on that there was some value in a purpose built entity.

So when the argument has some sympathy. Clearly as a chair one has to try and follow where the group is going. And just say that's where my reading is. But thank you for that response. Alan?

Alan Greenberg: Thank you. I'm going to commit a sin and go practical again.

We don't of the time for a full discussion of some of these things. I don't think we're hearing a lot of push to do this in the proper way as opposed to doing it in a way which sets the risks at a reasonable value and move ahead.

I think we really have to make that decision and we need to make it soon. And from a personal point of view there's no way I'm going to sit through another two hours of discussion about this. Thank you.

Jonathan Robinson: Thanks Alan. And I think you - I mean I think we're getting there. So I wouldn't - I think we're being practical and in many ways it feels like we have dealt with in some - in both one and two of this document under point one. I mean this seems to be where we go with this.

So let's check if we have anyone from CRISP at this point just to make sure because originally that was the idea that we would be joined by someone, (Nurani) or (Izumi) from CRISP at or around 1700 UTC.

I don't see anyone. I guess the co-chairs or staff we flag with me if we are joined.

Greg where do we go next as to the critical decision points? I mean if we accept this issue around the fact that structural neutrality as defined in this document is not a necessary condition and that becomes our provisional conclusion and in essence what I'm - I think we're hearing is that actually there is a - there is no objection to or - and no firm requirement for anything other than the IETF trust.

So if that is the case and we make those our provisional conclusions, you know, are we at the position where we really need to focus in on the arrangements between the different operational communities and the trusts and the point that Chuck raised about the dealing with the potential disputes? Where do we go if indeed that's the case?

Greg Shatan: Thanks Jonathan. I think that, you know, if we, you know, looking at the document quickly basically if we say we're not taking 1A, if we're going to take 1A off the table structural neutrality and go with 1B that leads unless there is some problem that we uncover as we discuss it that I think leads to choosing 2B which is the IETF trust.

And I think that we're better off in terms of pragmatism and not, you know, taking too much time to discuss this and basically just looking at the IETF trust and its potential application here rather than discussing abstract principles and concepts. There's just no point in that.

I think this document still, you know, creates a roadmap that can be applied that way as long as we - and then we can decide, you know, again how much we care and then really start looking quickly and specifically at how we can

implement a relationship and, you know, what concerns we have about how it could be set up.

And again I think in the interest of pragmatism looking at the proposal or example terms that were advanced by the IETF trust and discuss, you know, whether, and to what extent we would want different terms.

So I don't think we need to spend a lot of time wondering in a garden, in a theoretical garden where the flowers don't actually smell. We need to get our hands dirty in the earth.

But I think given that that really takes Number 2 down to the IETF trust unless proven otherwise.

And Number 3 I think that takes away as well. That's the way this was arranged. So all the A's kind of lined up and brings us to B which is a contractual relationship of some sort, you know, potentially that, you know, proposed by the IETF or something, you know, somewhat different. But there are only so many ways to set up contractual relationships as well. So I think that's kind of a next level issue.

Number 4, well if the board comes after this and says we don't like what you're doing and we really by neutral we meant something entirely different well we'll - I think we'll hear that in fairly short order though I don't believe we have any board members on this call. But I could be wrong.

I think we have Lise but I was multitasking and it's not working.

So I think that again, you know, kind of takes us I think to rather than a - an abstract principle of responsive, responsible and accountable though that's all



kind of mother's milk or mother and apple pie. I mean we can kind of take that as a given.

And as we look at, you know, shaping the - a particular proposal if we feel like it's, if we don't like where it's going then, you know, we should just say so but again in the context of that proposal.

Jonathan Robinson: Okay Greg so that is very practical. And I've seen that Jari's got its hand up so perhaps we should give him an opportunity to come out on that.

But it feels to me like we take this provisional conclusion. We work up the practical consequences of that as you described and present that to the group at the next meeting. That - and some of that is - will be past founded on those - that document that was shared by Jari and then potentially adapted and developed with yours and others input.

So let's yet let Jari come in now and then we can look at the practical way forward.

I'm very mindful of time. We're an hour and a half in and we do have some other items on the agenda as well. Jari?

Jari Arkko: Yes thank you. And I raised my hand before Greg and you spoke so I pretty much agreed with what you said and those were the right things.

But I was just going to say that I think the key part of the work is working forward from the example terms for the agreements that we circulated and trying to come up with the next round or a more realistic version perhaps.

And also it might be useful to set up a team. And I think we already have a team where Greg and you Jonathan and Andrew and me and so forth are participating like between the different organizations following up on the (unintelligible) issue.

So maybe that team could also work to, you know, make the next steps or design the, you know, the first proper proposal on what the contract should be and so forth. But I think we could (get a little) from this group.

Jonathan Robinson: Yes thanks Jari. Certainly that starts to point a way forward. Greg, come back?

Greg Shatan: I think I agree with Jari and I think that's where to go next.

I think you know subject to any objections from people not on this call and I think if they wanted to object they'd probably be on this call.

I think we have in fact made that breakthrough which is to - that we are, you know, essentially going to make the best effort to make the IETF trust proposal work. And that, you know, pragmatically speaking, you know, whatever issues we find we're going to try to overcome them in a way that works for everybody.

And I think that's kind of the going forward basis. And I think for the principle document can be really parked at this point of, you know, maybe referred to of as we think through particular issues that were raised at the more pragmatic level.

But in terms of high-level principles I think we're - we kind of have our antennae set in one direction. And I think we just need to move on from there. Thanks.

Jonathan Robinson: Okay so one of the key issues then is how do we do this practically, what happens? Jari mentioned the fact that there's this coordination group that is actually been working between the different operational communities.

And clearly in many ways this starts to become an issue for the different communities because we now start to converge and require ways of working together.

I wonder if there's any future role for DT-IPR as the current action item suggests or really whether this all stays within the - now within the coordinating group.

And I should note for the record that Greg has participated in the work of that coordinating group over the - in the past couple of meetings. And I see no reason why he couldn't continue to assist since he has the obvious expertise to do that.

So that may be the most practical solution that the cross community, Cross Operational Community Group works with this and continues to report back to this group perhaps even with Greg as rapporteur and we work in some way along those lines.

Any comments or I see a tick from Alan.

If anyone has any objections to that though it feels like a premature conclusion let me know. But certainly DT-IPR did a good job of presenting us

with the options from the names community point of view. We've given it a decent airing and it feels like this quite a hunger to just move this forward and work effectively together amongst the communities.

Greg Shatan: Jonathan if I - this is Greg, if I could just come back very briefly.

((Crosstalk))

Greg Shatan: I think that works. I don't think - the only possible role of DT-IPR would be to have kind of a, you know, kitchen cabinet if you will as, you know, to just kind of provide the CWG feedback, you know, from those working in that coordinating group.

But frankly I think its fine just to do that as a part of the plenary. There's I think those who are interested will respond. And those who aren't, won't. And there's no reason to set up a sub group that, you know, other people that people aren't part of.

So I would frankly scuttle DTI PR or rather retire it and just, you know, as issues arise bring them back, you know, to the group.

Last statement I'll make and I'll kind of put on my lawyer hat for a moment which is in my view of the lawyer is once you've advised your clients and you've hammered out a way of moving forward you listen to your clients.

And I clearly - I've listened with big ears on this call.

So going forward I have a I'd say a clear sense of the will of this group and I'm not going to bestow on it the name of any particular community. That was

clearly a botched attempt. But I just want to kind of assure you all that I hear where this group wants to go. And my job now is to get us there. Thanks.

Jonathan Robinson: Great. Thanks Greg. So your willingness to always spend time timeless effort on this is much appreciated. And let's - that feels like we have a way forward then. I know to Alissa's point and if we could record that as an action.

And I think Alissa I don't want to just conclude this without talking to the others. I see no reason why it should be the case but if we could record the actions as operational communities, coordination groups to consider working with the public mailing list.

And like I say I can't see why that won't be possible but let's just, you know, take that to the group and make sure there's no concerns or issues. And we provisionally we have a way forward here.

Yes and to Jari's point we can do that. We - I think to Jari's point and Greg's point we don't need to retain the DTI PR per se. Those members of the group all have access to our main CWG mailing list and can provide adequate and effective feedback on that to the extent that they are interested.

And then thank you (Suzanne) for your note that you'll draw this discussion to the attention of the board.

So just to be very clear on the process, we have a way forward. I think we can pragmatically begin to work with this way forward. For the sake of formality I expect that we will prepare this air this way forward again at the next meeting of this group which I expect to be in approximately ten days' time. We'll come to logistics at the end of the call. But I don't think that stops us getting on with things in the meantime.

We have a provisional conclusion. It seems to be pretty strong. We're not hearing any objections to going down this route. And we all seem committed to making it work. So there seems no reason not to get on with the work.

Greg if I could ask you both to lower your hands and then with that I think I'm going to suggest that we move on to the next item in the agenda which is item 4, the work of the CCWG accountability in relation to the dependencies raised by this group. And for that I'll hand over to Lise to lead us and give you an update and select the issues involved.

Lise Fuhr: Thank you Jonathan. As you know we have throughout our work with this working group and with the Accountability Working group Jonathan and I have calls with the accountability chairs on a regular basis.

And we had a call this week. Actually that was yesterday with the - all the chairs in order to discuss issues in relation to our interdependency between the group.

And well we also got a status of where the accountability is.

And I know many of you are of course following both groups. But those of you who are not well the Accountability group is very busy right now. They're actually working with the two meetings a week each meeting taking three hours.

They have no delivery date on an actual proposal to the ICANN board. So the timeline that was sent to you with this agenda invite is outdated.

Instead they have actually started a new process. And I forwarded you the work plan they have. And as - I don't know if you've had time to see it but the work plan is actually working on a lot of our recommendations. And they, in the work plan they are having a first reading of their issues and then they have a second reading on every subject.

So as you know we send out some input to the CCWG in December 21 on their proposal that they send out for public comment. And we gave them some input on issues that we thought were needed some more work or there was a difference between the second draft and this third draft.

And so these issues are being worked with right now from the accountability working group. They're looking at their response we gave them in December and trying to work with to align with the response we gave them.

And those comments were on the budget. They were on the appeal mechanisms. And furthermore there's also the separation issues that we need to follow.

But during the call we had with the accountability chairs they asked us to actually provide feedback to their work as they are in progress. So they want us to provide input along the way and not when they have finalized the proposal as such. And that's going to give us some challenges.

And we would really Jonathan and I discussed the best way to do this in order not to delay any - anything for the Accountability group.

So we asked them to because they had this first and second reading to actually send us the issues they want us to respond to after the first reading as soon as possible.

And some of it, actually the budget is going to have the second reading on Thursday so that we will not have time to look at before after the second reading.

But the plan is actually to view the issues after the first reading even though that this means that we might need to view the issues twice.

But we find that it's very important that we follow the process really closely and in order not to delay anything by coming in when they have a final version and saying, "Oh you're missing this point."

So Jonathan and I propose to primarily have a discussion on these issues on the list in order not to delay any part.

And of course with respect of the work plan of the Accountability group we might be able to discuss any, discuss any issues on the call that Jonathan announced that we have in ten days.

We will be careful to put as much on list as possible. And then we will try and catch up on the call we have. But it's very important that we actually are working in a more proactive way on this in order to help the Accountability group in getting back their feedback on if we find that they're in alignment with our requirements.

So we would like to ask if there's any objections to this procedure. If not we'll actually start it as soon as possible and start giving you, sending out email.



And you have to remember this is feedback not on the whole proposal. It's only on the issues that we had - only on our requirement. So it's not going to be on the accountability proposal as such.

And I don't know if there's any questions or comments to this.

I see none. I - and Jonathan please chime in if I forgot anything. But...

Jonathan Robinson: Seems like there's a plus one from Paul and Martin Boyle.

Hearing no objections well I will go on to the next issue on the agenda.

And that's actually the ICANN bylaws relating to the CWG. And as you know Sidley prepared a draft of the bylaws that related to the CWG. And while preparing this draft they had quite a few questions in relation to three areas.

And we actually asked the leads of the different design team that were involved with this, Avri, Chuck and Donna to do a first drafting of the answers to the questions.

I believe we have received the first draft from the three design team leads. But I would ask if you could give us an update Avri, Chuck and Donna on your respective area and to - in order for us to decide on how to proceed on this.

So Avri will you take the first go on this?

Oh I see Chuck had his hand up and I don't - no, but Avri go ahead.

Avri Doria: Okay, okay. Sorry. I can defer to Chuck. I was fiddling about trying to find my headset and microphone.

But okay. It seems almost fair that I go first since I was the last one to get the work done in the last couple minutes.

So anyhow what I did was go through all of the comments that Sidley listed as having DTN relevance.

And by doing a fair amount of comparison between the documents that we've put forward some of the earlier stuff I mean the proposal and the questions came up with my first take of solutions of answers rather to your questions.

And I think that most of the questions were answered in the intent but do agree that there was a certain amount of ambiguity. And in one place there the ambiguity actually got all the point, all the way to the point of contradiction.

For example in some places where we say the first IFR will occur no more than two years later, it will start one year later, it can start two years later. And we really hadn't - and it actually looked like we contradicted ourselves or came awfully close to doing so in the dark document.

So made some recommendations on those but also felt that the others recommendations things that the CWG would have to look at and decide that my first guess and the CWG view of what should be were consistent, you know, on that kind of issue.

I didn't find any major issues that were, you know, required some structural change of some sort to move it.

So, you know, I don't know if you want me to go through the specific question and answers. You know, basically the proposed answers from

Donna, Chuck and I are all in the same document. And that needs to be looked at by this group and needs to be talked through. But I don't know whether this is the time for the talk so thanks. Tell me if I should say more.

Lise Fuhr: Thank you. No Avri this was just to give a brief update from each of you exactly what you've done and if there are any major issues. And then we'll discuss it more thoroughly on the next call.

So thank you and Chuck had his hand up for before so let's go on to Chuck.

Chuck Gomes: Thanks. And my response is pretty similar to Avri's in the sense that I provided my personal responses to the questions relating to Design M which was on escalation procedures.

And I did send those to the Design Team M list of people but I didn't get any feedback. Not too surprising I guess since it's a long time since we met. And I think Avri did the same thing for Design Team M.

But what Avri said is right. I think we're at a point now where we need the full CWG to take a look at what each of the three of us did and provide feedback, corrections, edits, questions -- whatever.

And also I think it would be helpful if Sidley since they asked the questions could provide us some feedback in terms of whether the questions are answered adequately or whether they have additional questions.

So I think feedback from the full CWG is needed now and feedback from Sidley to make sure that what we've answered assuming the rest of the working group supports our answers is sufficient for them to continue their work in drafting the bylaws and simplifying them.

Thanks.

Lise Fuhr: Thank you Chuck. And that's I agree. It's important to also have Sidley in the loop because we might decide that we find out answers are fulfilling. But if Sidley can't understand them we need to work with them some more.

Okay Donna you're up next.

Donna Austin: Thanks Lise, Donna Austin for the transcript.

So similar to Avri and Chuck I went through the questions that related to the Customer Standing Committee questions. I have not had a chance to have the Design Team review them mostly because I think Martin's the other one left standing with myself for that team or as far as the CWG goes.

I would, similar to Chuck I think it would be good to get fit Sidley's feedback. Obviously the full CWG considering them would be helpful as well.

But I will also ask that once Sidley has considered the feedback and revised the bylaws accordingly that we get another chance to have a look at the bylaws to make sure that, you know, the bylaws kind of capture the intent of what we had hoped when we were designing these pieces of work as well.

Thanks.

Lise Fuhr: Okay thank you Donna.

And I also read in the chat that Avri is saying that we need to do some work on the answer to the questions that were not specific and not fulfilled.

So as Jonathan said we have some action points. One is to actually create we need the feedback from the group. And we need the feedback from Sidley.

And last but not least we also need to look at the action - to capture the questions that were not answered by the design team leads.

So it looks like we have another very full item for the next meeting. And it seems of course we're not as busy as the Accountability group but I must say we're not off the hook yet. We need to do quite some work still in order to actually reach the final and the more wrapped or more final proposal.

Thank you. With that I'll hand over to Jonathan to AOB and closing remarks if there is not - I forget - actually I forgot to ask if there are any questions for the Design Team lead.

But I don't see any so I'll hand it over to you Jonathan.

Jonathan Robinson: Thanks Lise and thanks in particular to Chuck, Donna, Avri for picking this up. There's quite some work in there. And we need to help you now by reviewing those as you said and potentially getting Sidley's feedback on that as well that satisfactorily deals with what they require.

Thinking about further work then currently I certainly have in my calendar and expect you all do have in your calendar a meeting for Tuesday week.

Lise and I have discussed this and our original plan was to meet on Thursdays. And so we propose that the next meetings will be Thursday 21st of January and Thursday 4th of January. We will come back to you shortly on those.

One of the things we're trying to do his work with a single meeting time. Now clearly in a global situation there's no perfect one or even two times.

What I think we'd like to hear is if anyone has strong concerns or objections in this particular slot which is what we're trying to work to please let us know.

I know that this may be particularly - I see from Donna there's a GNSO Council meeting 2100 on UTC on 21st. This is 1600 UTC Donna and not that we would propose to continue that.

So currently that's the case. And really we'd like in particular any objections to the time slot, the 1600 time slot. Please let us know if that's a serious concern or issue for you particularly if you have been a regular participant.

Because we were finding that the 11 UTC was very poorly attended meeting in general and whereas this slot was much better attended which is why we've done so. But if it's a serious concern please let us know.

I note that I think we're still missing a ccNSO appointed member to replace (Stefan). So I don't know if anyone's able to assist in addressing that.

And I certainly don't think we want to be meeting every week. We will try and work with this two-weekly slot and of course cancel any meetings that aren't required.

Currently we have no plans for any formal sessions of this group in Marrakesh at the meeting in Morocco early March.

If you feel strongly that we should have please let us know although we may struggle with facilities at this stage.

But we hope to make the kind of progress we have been making through the course of these meetings.

Paul Kane, your hand's up. Please go ahead.

Paul Kane: Thanks (unintelligible). I was just writing in the chat. You've just asked with respect to ccNSO a representative to replace (Stefan). If I understand the ccNSO is in the process of selecting a substitute representative. I don't have any news but I would've thought probably by the next call in two weeks' time if not that one the one following a replacement will be identified who has been active, I hope been active in the work of the CWG to date. Thanks.

Jonathan Robinson: Thanks Paul. We'll look forward to that update being formalized. And it sounds like that will be on Jan 21. So maybe those you are ccNSO reps or connected to the ccNSO if you could make it known that the first relevant meeting is Jan 21 at 1600 at this stage.

Correct, Greg that's absolutely right. There is no intention to - and I think I made clear but let me reiterate that.

With regard to Section 3 of this meeting on the IANA IPR we made some decisions. We that's we - what I suggest that we do is continue to work with those in the interim. And you're right, we need to pick them up in the meantime and formally give that a final and second reading with any additional detail at the January 21st meeting but in the meantime progress further on any relevant detail and work that we can do in the meantime.

But I sincerely hope that this is good and good news as far as the other operating committees are concerned that we are making decent progress and committed to working with them.

Paul I think that's your hand from previously. And I'll just pause for a moment to see if anyone else has any other comments or points they make. And thank you Andrew for that noting that it is good news in your view.

All right well thanks for a productive meeting. It's great to have everyone back and to be working with you. We do need to be active on this. We were very active in the recent discussion on the IPR.

And if we could help with respect to Sidley's questions on the Design Team work anything relating to the CCWG those two areas if you could be vigilant on the list and provide your contributions and assistance as much as possible that would be very helpful. So let's do that. And we'll publish shortly a confirmation of those next meeting dates and times.

Okay seeing no other hands raised well thank you all for your participation and engagement in this and we'll be seeing you on the list and at the forthcoming meeting. Thanks again.

And with that we can conclude the meeting and stop the recording.

END