

**ICANN**

**Moderator: Alice Jansen**  
**August 15, 2010**  
**11:00 pm CT**

Coordinator: Excuse me. This is the conference coordinator. The conference is being recorded. If you have any objections you may disconnect at this time. Speakers, you may begin.

Brian Cute: Thank you very much. This is Brian Cute. This is the August 16 conference call of the Accountability and Transparency review team. And welcome to all of you on the call and those listening.

First for the review team members, has anyone not received a copy of the draft agenda? Okay, hearing none. Any suggested changes to the draft agenda? Hearing none let's proceed through the agenda.

This evening's call we have 90 minutes budgeted. We have a few items to get through. Most importantly though since this is our last call before we go to our face-to-face meeting in Beijing it's important that we tie down any loose ends or issues going into the Beijing meeting.

And Mr. (Jang) and (Feng) are here present. If there's anything that you need from us please speak up on this call and we'll make sure that you get it before we all head off onto the planes to come join you in Beijing.

(Feng): Also, hi operator. How are you (unintelligible) first are asking. I ask to go through some experience for China meeting, our Beijing meeting. Is this for the vote?

Brian Cute: Absolutely.

Man: (Unintelligible).

Brian Cute: Certainly. Did you want to present some information now, (Feng)? Or do you want to wait?

(Feng): Yes. We have - we are preparing for the Beijing meeting. And I think Alice have proposed to kind of a call to discuss the logistics issues with us. And we will say which time is still go for both sides between Alice and us to discuss issue this week.

Man: (Unintelligible).

Brian Cute: Very good. We're still hearing a significant echo. Could that be regulated please?

Woman: Yes. Apparently it's coming from (Fabio)'s line so they're trying to fix this. We'll - from coordinating (unintelligible), operator.

Brian Cute: Okay. Thank you. So (Feng), you're setting up a call with Alice to work through the logistics of the support for the meeting, I understand. Is there

anything that you need from any of the review team members? I know you're coordinating transportation.

(Feng): Yes.

Brian Cute: Anything at all that's outstanding?

(Feng): Thank you. Thank you very much. You're welcome. And I think that I was - all of the invitation letters have been issued. And we are now arranging the hotel, airport transportation, upon the request of the review team member.

Brian Cute: Very good. I know we're jumping ahead a bit on the agenda because we have the Beijing face-to-face meeting at the end. But while we're on topic at the opening is there anybody on the review team who needs a visa, who hasn't gotten a visa or is having a problem on that issue? Okay, hearing none.

Okay. (Feng), I'll leave it to you and to Alice to have a call and go over any of the logistics. And if there's anything, any problems or questions, feel free to contact me and I'll help to coordinate the resolution.

(Feng): Okay.

Brian Cute: Thank you. Okay. Tonight we've got Item Number 2 which is an update on the working group's respective progress. And in the Adobe room we have the four working teams up on the screen. So why don't we just go in order and let's get a report on progress in from each of the teams in order?

Team Number 1, Olivier Muron, if you would, Olivier?

Olivier Muron: Yes. I'm here. So I don't see the Adobe room, just concerning the composition of the team as decided last meeting. (Chris) and I will co-chair the team, the other members being (Fabio), Willie, Brian and Mr. (Feng). Okay?

Concerning the scope there was one point that we discussed with (Chris) is that in the Berkman statements, you know, that you released, Brian, you included in the scope of the Working Group 1 dispute resolution and complaint auditing. And I think it should be within the Working Group 4, right? (Chris) and I think it should be with the Working Group 4, right?

(Chris): I...

Olivier Muron: Okay?

(Chris): Olivier, it's (Chris). Brian, I thought that - maybe I misunderstood but I thought that had already been agreed. Or is that something else...

Brian Cute: Yes. But this...

Olivier Muron: This problem is that in the segment it wasn't written like that.

(Chris): Well...

Olivier Muron: In the Berkman statement.

Brian Cute: It was a drafting on that - in that statement on my end.

Olivier Muron: Thank you. So there's no problem? We agree it's in Working Group 4, right?

Brian Cate: Yes.

Olivier Muron: Okay. So co-signing the work done, we have still a phase of an analysis of the comments that I received and sorting them by topic. And then we work on the draft proposal on the selected list of topics.

Concerning the analysis of the topics the - we had the list. We said (unintelligible), selection and composition of the board, necessary skill set, accessibility, decision-making and we have a communication with the community.

When we read the comments there are three topics that seems to stand out from the comments. One is the board composition and the role of the nominating committee. There were lots of comments on this topic.

Second topic that's coming out quite strongly and it's related to two set topics that we are mentioning in our scope, that is decision-making and the communication with the community. And this topic that's coming out very strongly is the transparency of the decision-making of the board and the explanation of the decision to the community.

And the third topic that's coming out very strong but I don't think it's fully from in Working Group 1, it's the question of (unintelligible) language. So I think I understand it. It would be handled by Working Group 3, right, because I would recommend on the question of the language barrier...

Woman: Yes.

Olivier Muron: It's something that...

Woman: That's where I think...

Olivier Muron: Maybe working group that it's acting, it's Working Group 3, right?

Man: Right.

Woman: Correct.

Olivier Muron: Okay. And now there are some topics that are very difficult to sort in categories. And I want to mention them just to put them on the table.

There was one comment for example from the Internet Society of China on the IANA contract. They say the existence of the IANA contract means the possibility that ICANN can be fully accountable and transparent. So this is a question and I don't know within which working group it should be under.

Other topics that I - was within all in the question for example of IP addressing. There are comments about the are not broad enough inside the ICANN context.

Most of the work is on the domain names and the - not all - address or move it appear from the topic and for example in the meetings, in ICANN's meetings. So these are example of topics where I don't know where - in what working group this should be handled. And I'm open to hear your comments on that.

Brian Cate: Thank you for doing that, Olivier. I think that's something I hope each of the working groups can report out the topics and the comments that were relevant to their area of study that don't seem to fit cleanly because we really should do an inventory of those. They're issues raised by the community and they should be treated in some manner. So if you can...

Olivier Muron: Yes.

Brian Cute: Have you documented those in writing?

Olivier Muron: No. We - not yet.

Brian Cute: I think that would...

Olivier Muron: There...

Brian Cute: Be helpful.

Olivier Muron: There are more than two examples and the question that shouldn't be offered that the (unintelligible).

Brian Cute: Right...

Man: Brian?

Brian Cute: That would be very helpful.

(Chris): It's (Chris). Olivier has actually done a document looking at them from Working Group 1 but it hasn't - we haven't considered it as a working group yet. But absolutely we will provide a note of those things that we don't think fit within the scope of this working group but might fit somewhere else.

Brian Cute: Very good. Thank you.

Olivier Muron: And we have - yes, last we have a meeting tomorrow at 1:00 UTC where we're going to decide about the - we're going to work on the draft proposal on the important piece that we have already detected. And we also - we've finalized the list that (Chris) mentioned.

Brian Cute: Very good. Olivier, (Chris), have you had any discussions yet about the forward-going fact finding as you, you know, gather the relevant facts to the questions posed and then build towards an analysis and ultimately some conclusions or recommendations as a working group?

Olivier Muron: Once we have selected the topics that seem to be more - most important from the comment then we will do it. And for example concerning the composition of the board there is some - a lot of background information like the (PCG) report and things like that. And (Chris)...

Brian Cute: Okay.

Olivier Muron: (Chris) has written also a bit on the composition of the board. I mean we have created some materials.

Brian Cute: Okay. So the composition of the board, the nom com, decision-making by the board, both transparency and explanation of decisions is the - is your provisional list of potential issues, not finalized.

Olivier Muron: No, so finalized.

Brian Cute: Okay.

Olivier Muron: Concerning the decision-making and the communication with the community, (Fabio) has mentioned already something in Brussels. And I'm sure we will condition this idea.

Brian Cate: Okay, very good. Anything else to report out, anything else?

Olivier Muron: No. I don't think so.

Brian Cate: Okay. Thank you Olivier.

Olivier Muron: Just that we have a meeting of the group tomorrow morning, tomorrow at 1:00.

Brian Cate: Yes. Any questions for Olivier from the review team? I don't see any hands. Okay. Then thank you Olivier.

Let's move to Team Number 2, Willie Currie.

Willie Currie: Yes. Thanks Brian. Well we are not as quite as advanced as Working Group 1 in the sense that we haven't been able to fully analyze the public comments or the output from the meetings in Brussels.

Oliver Muron: No. We are mostly work -- sorry, Olivier speaking -- we mostly work on the recent comments. So we have some extra work to finish on the comments. Don't get the impression we organized all of the comments.

Willie Currie: Yes. Thank you. Okay.

But we do have before us a second version of the work plan. And I put together a document of extracts from key documents which we would need to consider in reviewing the GAC and its interaction with the board.

And in a way what we're dealing with is a - what could be seen as a double articulation in the sense that we are also needing to review how ICANN assesses the role and effectiveness of the GAC. And in that regard the work of the board, GAC joint working group will be quite important in the sense that its mandate is to review precisely that interaction between the board and the GAC.

So in a sense what seems to be coming through is that the comments generally are fairly supportive of the importance of the GAC's role but do point out certain concerns around how its advice is put together and inserted into the board's deliberations and the policy development processes of the (unintelligible).

And I think what's interesting is that this issue of advice and the nature of advice as we saw in our meetings in Brussels is fairly central. And I think that's probably where most of the energy or focus of the working group will need to be directed.

And I think the three areas that are likely to be important in that respect would be the new gTLD process and the IDN ccTLD process as well as the .xxx decision. But in addition to that I think we do have concrete examples from the GAC communiqués and principal documents and a number of letters of exchange between the board and the GAC or GAC and the board that will be useful to analyze and look at.

So I think in terms of process I had thought that we could have a face-to-face meeting in Beijing to try and finalize the plan and do the analysis. But that's perhaps leaving it too late. So (Manal) had suggested we have a teleconference before Beijing to do a preliminary analysis of the comments and meeting input and finalize the work plan so that we get to Beijing with that sorted out.

That said I think it was probably important to find some kind of face-to-face time for the working group to talk through some of the sort of conceptual issues related to the topics.

Brian Cute: Willie, at the outset of your comments were you suggesting interaction between Working Group 2 and the joint working group, the GAC and board joint working group or just Working Group 2 utilizing the documents generated by the joint working group as a foundation for the work?

Willie Currie: No. I think the way we have it in our work plan is that first we need to do our preliminary assessment and analysis and then develop a set of deeper questions that we would need to take to the board or the joint working group for, you know, to dig in a bit deeper.

So first Beijing, I think we would spend most of September trying to deepen that analysis and do interviews or some form of discussion just to clarify what we need to know there.

Brian Cute: Okay. Thank you. Any questions from the RT for Willie?

(Peter): Brian, (Peter) here. Can I just compliment...

Brian Cute: Yes.

(Peter): ...Willie on the approach? I think we really have to make sure that we turn Beijing into the most useful possible session. And the work that Olivier's group's done beforehand and Willie's suggestion that they'll have another - have - that that group will have a teleconference beforehand, I think that's what we have to do so that when we get to Beijing we can get as much done in the face-to-face time as possible.

Brian Cute: Thanks (Peter). I agree wholeheartedly with that. Any other comments from the review team or questions for Willie? Okay, hearing none.

Let's move to Team Number 3. Cheryl Langdon-Orr, please.

Cheryl Langdon-Orr: Sure. Thank you Brian. Building on our last report we've had the opportunity and mainly would be the summary of the public comments now coming in to look at those with the template that was previously provided for it.

We have however got a challenge that we need to make in this next week or so before we head off to Beijing. And that is how we integrate the relevant comments that were selected during the Brussels meeting. So there's a number of PDFs of transcripts of meetings.

And I would like to think that if we make the template, once we put those highlights that affect the work of Team 3 into our template that we might also ask the general IDR team members if there are any notes or comments that they might have captured during the Brussels meeting that haven't been captured in exactly the same way as we have.

The only other thing I was a little concerned about and one that I haven't raised with the rest of the team yet is a couple of missing bits, one which I was very aware of. And that was because Alice received an email on the 21 of June from (unintelligible) from the at-large staff passing on the statement which should be equal to a response from public comment or certainly equal to a formal proposal or statement from the meetings in Brussels.

And that hasn't been captured either in the records of the Brussels meeting or to my knowledge since the IDR team met. So I think we just need to each of us have a little careful look to make sure we have in fact properly captured all the input.

Another piece that's slightly missing although this fits into what was raised earlier when we were discussing the work of Team 1 and that is how we capture things that don't fit into our particular team work program. And that was the critical comment that was raised in Brussels regarding fellowship and of course the responses that Mandy Carver and her team gave to us at the time.

And I just think while we're running that audit, Brian, we need to make sure that we're capturing those things that - and on particular in Brussels where we need to find the (unintelligible) and mainly just, you know, not built within the work teams but mainly just around - out here and that we haven't ignored them.

Other than that we'll be hoping that we get a hell of a lot done between now and meeting in Beijing. We did suggest that we would have face-to-face meeting in Beijing. That was, I think, probably now looking at this a little bit too late. We need to do a lot more in terms of getting the transcripts reviewed before we get there on the ground.

But if we can use our face-to-face time in Beijing to have the rest of the team establish that we captured those parts of Team 3's work properly from their memories and notes at least -- Brussels meeting in particular -- that would be most helpful. That's about it.

Brian Cote: Thanks very much, Cheryl. And I'm going to echo everything that you just said. I think it's very important for each of the working groups that we arrive in Beijing with as much of our review of the comments and review of the meetings in Brussels.

And you're quite right to point to the meetings in Brussels as being an important source of information for us as we get into issue identification and fact finding that we need to accomplish as much as we can in terms of issue identification, fact finding, having our analytical approach lined up as working groups and be moving smartly toward developing conclusions or recommendations as working groups when we head out of Beijing.

And I'll talk to Alice after this call and see if we can't devise an organized way to make the Brussels meetings' calls, transcripts available to the respective working groups and report something back to you all as soon as Alice and I have had a chat on that front.

Any questions for Cheryl from the review team members? Hearing none, thank you Cheryl.

Moving to Team Number 4, Warren Adelman unfortunately is absent. James Bladel, I know that you're here. Are you in a position to just summarize - there was a working group call of Team Number 4? Can you just give a high-level out - summary of the outputs of that call please?

James Bladel: Certainly, Brian. I can. This is James speaking. And Warren had asked that I extend his apologies as this time conflicts with a board meeting.

So since our last conference call for the ATRT, Working Group 4 has met as a team. And we've produced three separate documents: a framework for outlining the approach, an evaluation matrix that outlines the different accountability mechanisms and what the criteria was that will be used to evaluate them. This document pretty much tracks the framework.

We're going through (Fiona)'s index of the public comments and aligned them to the tasks of Working Group 4. And we have a draft timeline as well.

There is one item that we will be working on here pretty closely which is submitting a - an RFI, request for information, on some of the use cases of these mechanisms to ICANN staff and to the ombudsman. And Brian, I think that you would probably prefer we work that request through you.

Brian Cate: Yes.

James Bladel: And so we're going to be working on that. And finally on our last call (Larry) raised an issue that we may have overlooked. Probably I won't do it justice. (Larry), if you'd like to speak to that briefly you're welcome to. Otherwise we're just going to continue on in this path.

(Larry): Well just very briefly it was the issue of the extent to which California law might limit the options that are available for review of board decisions. And I just had indicated that I would undertake to gather some more information on that to help inform our deliberations.

James Bladel: Thanks (Larry). I knew I would probably fumble that. So that's where we stand, Brian.

Brian Cute: Okay. Thanks James. Question: were those documents that have been developed by Working Group 4 shared just with Working Group 4 or are they on the list? Are they on the ATRT list?

James Bladel: I believe so. I believe they were sent out on Friday of this last week.

Brian Cute: Okay.

James Bladel: They were...

(Peter): And I have a question about one of them if I might add. I couldn't read it. Either my eyesight or my laptop, the make of the spreadsheet, James, doesn't - does not compute.

James Bladel: Okay. I'm hearing that the - that's multiple reports now that folks are unable to open that spreadsheet. So I will respond to Warren's message with a clean copy and hopefully that one will work. If there are further troubles I'll upload it to Google Docs.

(Peter): Thank you.

Brian Cute: And I'll encourage other working group members. I'm not going to try to impress uniformity in approach and document management to each working group but to the extent that those documents provide any useful guides to follow or copy as you organize your own work please let's all share our respective work amongst each other. And if that's useful please feel free to use that as a guide.

Any questions with regard to Working Group 4 from the team? Okay, hearing none.

Any other questions with regard to the working groups before we move on to Item 3 on the agenda? Okay. Hearing none let's move to Item 3 on the agenda which is an update on Berkman's progress.

We do have Caroline Nolan on the call I hope. Are you there, Caroline?

Caroline Nolan: Yes. Yes I am. Hi Brian.

Brian Cate: Hi Caroline. Welcome to the call. I had sent out to the list earlier today a working outline of Berkman's suggested deliverable work plan for Beijing.

Caroline, if you wouldn't mind walking the review team through that work plan for Beijing deliverables and the thinking behind it, let's have a fulsome discussion on that. And that after we're done with that if you could give the rest of the team an update on the overall work of Berkman to date and the direction that's heading.

Caroline Nolan: Sure. I'd be happy to. So thank you all for having me on the call. As Brian noted I did share an updated timeline and deliverable for the midterm report for discussion and certainly for your input based on the last call that we had a couple of weeks ago.

As discussed and as outlined in this document we've outlined the deliverables in terms of three areas. The first would be an update on the working case studies. We have made quite a good deal of progress in the past couple of

weeks on developing fact finding and other analysis related to the three case studies including the xxx case, DNS search and introduction of new gTLDs.

We expect for the August 30 to 31 meeting to have working drafts of those case studies. And we hope to allot some time for full discussions with all of you.

In addition we will expect to present a progress report detailing the activities thus far, some of the outputs, (unintelligible) to date. We'll also provide an update on what the process has been for fact finding related to the case studies, analysis of public comments and also an associated interview process.

So as intended with the case studies we've been developing questionnaires to deepen our analysis and understanding of the cases themselves. And we hope to present the initial findings there.

In addition as discussed and recommended in the last call we'll present some working hypotheses which I hope that we will have the opportunity to work with the working groups or to discuss with this group where you are in your own working hypotheses and to make sure that we are working from the same vocabulary and have a similar approach. And to that end we hope to focus and count on your input to help structure our thinking for the next stage of the process.

The final piece of the deliverables for the Beijing meeting would be a public input memo. So this will be the deeper dive in the analysis of the public solutions process and in particular utilizing two to four case examples.

The three that we've outlined thus far connect with case studies I mentioned previously. The response to your call for public comments and (unintelligible)

this conversation's been very useful. As we seek to do our own analysis and review the comments we certainly look forward to hearing more on how we can integrate the findings from the meeting in Brussels as well, the expression of interest proposal and some of the IRT team.

So those were the three pieces that we have outlined for the Beijing report based on the previous conversation and certainly our desire to work closely with you on the progress that each of you are making in your working groups and finally because in each of the case examples that have been a recent weeks we'd like to be able to utilize that time to go over those cases with you and determine how we can structure our path going forward from there.

Brian Cute: Thank you very much, Caroline. Before we get to substantive questions - and I'm jumping ahead a bit but in Beijing - we'll go over the proposed agenda for Beijing in detail later. But I had I think as we discussed, Caroline, suggested that the morning hours of Monday the 30 be the time where we could interact with Berkman telephonically. I think with the time difference that's probably the better window for you is the morning in Beijing as opposed to the afternoon, Beijing.

Is that going to work on your end? Have you had a chance to consider that agenda?

Caroline Nolan: Yes, absolutely, absolutely. Yes.

Brian Cute: Okay. And we've got a - I've got a four-hour block set out there so we should be able to get a lot of work done.

Caroline Nolan: That's - that sounds great.

Brian Cute: Turning to the substance of your work as you're getting into it have you started outreach in terms of setting up interviews with ICANN staff and members of the community and getting your questionnaire and other tools pulled together? How is that effort coming along?

Caroline Nolan: No. So we have in the past with the work that we've done in addition to the case studies we've been doing quite an extensive review of literature, blogs and other types of commentary in - with the goal of really broadening our approach and making sure that we address a number of different viewpoints with regards to the case studies.

We have in terms of each of the case studies developed a questionnaire that we hope to refine by the end of tomorrow in which case we have a list of potential interviewees. We've begun some initial outreach. And we'll plan to ramp it up tomorrow in the hopes to get as many underway as possible and to finalize it and prepare it and integrate it into the case studies in time for Beijing with the hopes that coming out of that discussion we'll have identified the next round of people where the jobs are and how we can proceed most effectively on deepening our analysis.

Brian Cute: Very good. Any questions from the review team for Caroline?

(Peter): It's (Peter). I know I'm looking particularly at Paragraph 3, the draft public input memo. Is it the case that all of that work sort of falls into our Working Group 3? That is - it's data analysis and public submissions process so that all of that is looking at the public response side of stuff that Question 3 is looking at.

So you're not proposing to look at anything to do with Working Groups 1, 2 or 4. Is that a fair reading of that?

Caroline Nolan: I would say that this - when we talk about the dramatic one we identified this one as, you know, one of the priorities to be looking at. But within each one particularly as we look through the case studies there will be certainly overlap with each of the working groups.

So by the time we come to Beijing I think we'll have a set of questions related to the draft case studies for each of the working groups. To the extent that they intersect with your work and working hypotheses we'll have prepared accordingly. And this was the first area that we thought to do more of a broad-based memo in the hopes of generating conversation on that front.

(Peter): Sure. I didn't really understand that. So Working Group 1 is looking at the composition of the board and how it might be structured. So I'm not quite sure how any of the stuff that appears in three for example has anything to do with that.

Caroline Nolan: Yes. Three is a deeper dive specifically into the public input memo process. If there are ways that we can restructure it I'm happy to do that.

I think that in looking ahead to the next two weeks we had thought that - it best to choose one area to focus on in particular and to start doing analysis via three case examples. But I'd welcome the input of this group if you thought that we should approach it from a different perspective.

(Peter): Well I'm not sure there's anything wrong with it. I'm just wanting to be clear that's what it is. And equally it doesn't look like it's attempting to analyze the board, GAC relationship or the use of GAC advice for example or how to deal with possible appeal from board decisions. So I guess the answer is if that - if

you're going to do a deep dive into the work of what falls into three is there time to do - to get back and look at some of the others in the timeline.

Caroline Nolan: I think - I would love to go back and talk with my team. And I'd be happy to provide an update on that front.

I think the way that - yes, we had really focused in particular on the public input process in this particular memo with the hopes that some of the findings from the case studies and the aaa - xxx case and the gTLD case we'd be able to interact with and interface with the other working groups. But yes, the - it - with this particular proposal we have prioritized this area.

(Peter): Okay. Thank you.

Caroline Nolan: But I'm happy to go back and speak with the team and see if we can spread it out more fully.

(Chris): Brian, it's (Chris). Can I ask a question please?

Caroline Nolan: Oh yes, please.

Brian Cute: Please.

(Chris): Sorry. This may be a function of me not having been around for the whole time. But I just - for clarity, Caroline, I'm not clear how Paragraph 3 refers back to the scope, the three case studies and the scope of what it is that you're doing, the work scope. Can you just give me a very brief overview of that?

Caroline Nolan: Sure. I think as far as how we had conceived of this memo -- and again it's really a starting point for thinking about the analysis -- in an effort to start to

do - I guess - sorry, with each of the key studies we've done our initial fact finding and started to develop a more detailed questionnaire to reach out to various people who would be able to help highlight the different ways that the manage areas that each of the working groups is focused on relates as far as a case study goes.

And in this case we thought that we would choose three specific examples through which to analyze one of the particular areas. So that would be the public input process.

But again I think it's going back and forth between these mantels and the schematic analysis to try to come up with a starting memo which would be one piece of a broader - obviously of the broader report but a first opportunity to do the deeper analysis and in that case determining how our work best aligns with yours and to see if our hypotheses at least in that particular zone align with yours.

Is that useful? Is that helpful?

(Chris): Yes. Thank you.

Brian Cute: Caroline, let me ask the question another way I think I'm hearing it. A thread to this is you're not - Berkman's work is - in some form may tie back to each of the four working groups. But that's certainly within the ambitive (sic) of the work that you're undertaking. You're not just choosing Workgroup 3 to focus on exclusively, correct?

Caroline Nolan: Oh absolutely. I think our goal here is certainly to do as much work as we can toward each of the working groups with an - with a goal towards being as specific as possible and trying to I think maximize as much as we can the

opportunity to interface directly with the working group teams. And I think Beijing is a wonderful opportunity for that.

I think we'll have much that we've already done as I said, I think, in staging our own process. So we expect to have quite detailed working drafts with each of the case studies. And I think that that will generate quite a bit that relates to a number of different working groups. And we'll present it as such.

And the goal with Number 3 or the third item was to start to do a deeper analysis with the goal of certainly having us do one piece of the (unintelligible) of the final report.

Brian Cute: Okay. Thank you very much. Other questions for Caroline? Any questions for Caroline?

Okay. Let's then move to Items 4 and 5. And I think both of these have threads, Caroline, into discussions that we've had.

The survey tool, Number 4 on the agenda tonight, they - our review team has looked at a survey tool crafted by BigPulse. We've talked about whether we might use it as a review team.

I asked you about it. And I'm not sure if you retrieved it from the website or if it's just the recent email that you've got it. But the question was: could the review team make use of this survey tool in collecting data for itself or likewise could Berkman make use of this survey tool? Would it want to make use of this survey tool in collecting data?

Caroline Nolan: I'm sorry...

Brian Cute: Caroline?

Caroline Nolan: Brian? Yes. Sorry. I - could you please repeat that? I'm sorry about that. I just dropped off for a second.

Brian Cute: Was Berkman...

Caroline Nolan: I...

Brian Cute: The survey tool that was identified, the BigPulse survey tool, is that a tool that would be useful to Berkman in collecting data as well in addition to the questionnaire you developed? Or is that something that you might not use because the review team was debating itself whether or not to use it?

Caroline Nolan: Sure. Well I - actually we didn't have a chance to review it. And thank you for pointing us to it.

It would be great to hear the thoughts of the review team as far as how you were thinking of utilizing it. It does seem like it would enable some type of low-cost feedback from the community during the process. And it would be great to hear your thoughts on what kind of understanding or how you might utilize it as a team.

Brian Cute: Well the farthest we've gotten -- and Cheryl, please feel free to jump in -- the farthest we've gotten is mapping the elements of Paragraph 9.1 in the form of questions as a survey. And it - when you get a chance to open the link you'll see that it runs as a survey question. And the thought was we'd put this out to the community to get yet additional feedback in process from the community.

One of the operating questions for us was: is the form of the questions correct, accurate, well-structured? Does it need to be better structured to be, you know, an accurate survey collection tool?

Cheryl, did you want to add some thought to that?

Cheryl Langdon-Orr: Yes. Thank you Brian. I did.

I think most importantly, Caroline, is when we were toying with this as a concept we were looking at something that would give us a point or a line we'd send -- for want of a better word -- that will give us then a point to measure from in any future follow-up work. So you'll notice when you get into it that it's one of those how do you feel, you know, on a scale of one to five about this, that or the other.

I'm only concerned, Brian, at this point that unless there is value in giving this and it is recognized and put into place fairly early there's going to be something that's going to be just run too late to be giving us the necessary input that we desired when we were back in Marina del Rey talking about measurables.

So I'd actually value the feedback from the professionals at Berkman's to see whether we've wasted our time and energy going down this path and whether it should be put on the futures list.

Brian Cute: Caroline, could...

(Peter): Brian?

Brian Cute: You take on...

(Peter): Brian, (Peter) here.

Brian Cute: Yes.

(Peter): Can I just come...

Brian Cute: Yes.

(Peter): Can I come in on this as well because there was a discussion that we had at the end of the last meeting that I think triggered us to be putting a lot of this? We were all a bit surprised when we got a set of questions without any sort of theoretical discussion.

I don't actually mind if we do a polling like this at all. It may well be useful.

But my concern is a much deeper one that there seem to be being put forward as the answer to that paragraph in the framework for review that I think you and Cheryl drafted which talks about -- and I'm just reading from it here -- the IRT should identify and analyze definitions of performance indicated and the term and message for selecting applicable performance indicators. The IRT should identify and analyze a variety of performance indicators for consideration in its recommendations for what - and then you recommend the smart metrics.

That is a very good discussion that will produce hopefully really useful results. And my worry was that this survey was being produced as the output from that discussion, not - and that's what concerned me. So...

Brian Cute: Okay.

(Peter): I don't mind at all if there's a, you know, it would be very helpful if we can afford it and do it to get some questions that might be useful from year to year. I think that could probably be extracted from the public comments that we've already had but it still might be quite useful to have another line.

But my concern is, you know, where is the work, who is doing the work on that very much more important question about what indicators, what performance measurements that we're actually going to use.

Brian Cute: So (Peter), thanks for that clarification. And I didn't interpret the survey tool to be the answer to that question that you just posed. I viewed it as simply a tool that we could use to pose questions to the community in process to collect more data for our broader set of work.

My concern about the survey tool is that as most of us know crafting a question for survey is a science and I guess to some degree an art. And I don't think that we on the team - I don't - if somebody does have that skill I apologize. I'm not sure that we on the team have that skill.

So my question to Berkman and these researchers who are more in the business of collecting data in a neutral and scientifically correct manner, do they think this is a useful tool, could this bring data into the broader effort of the group. Your question about performance metrics is an open question in terms of how we advance that work. But thank you for the clarification.

So Caroline, I guess I'd ask you if you could take a look at the survey tool and if you could come back to the team sometime before Beijing and give us your sense of if it's useful to us as a data collection method. And if so we would very much likely either want you to help craft the questions or assist us in

helping crafting the questions and get them out to the community in a timely fashion. So could you give us that feedback as soon as possible?

Caroline Nolan: Yes. Yes. We'd be happy to. I think we're happy to look at it to think about what kind of feedback you could get during the review process and try to determine if it could deliver value going forward. I'm happy to share that with colleagues who are well-versed in survey questions.

Brian Cute: That'd be...

Cheryl Langdon-Orr: Cheryl...

Brian Cute: Great.

Cheryl Langdon-Orr: Cheryl here.

Caroline Nolan: And I just...

Brian Cute: Cheryl.

Cheryl Langdon-Orr: Just to make that easier for Caroline, we were all given a login to look at this as a draft. Brian, would it be easy enough for you to forward your login data to Caroline so she can go in and view as a clone and play with it properly?

Brian Cute: Absolutely. Yes.

Cheryl Langdon-Orr: Good. Thank you.

Brian Cute: Okay. Other questions on the survey tool? Okay. Why don't we move on then?

Item Number 4 on the agenda is document management and administrative support. We did discuss this, Caroline, as I've told you in the review team.

The way I've articulated it is I would like to have one set of eyes, one person who is responsible for the entirety of the effectively library that's going to be generated by this review. And by library I mean the documentation that we relied upon when we drafted the report and recommendations, the source documents that we're citing throughout.

We had a discussion on a call last week with yourself and (Urs). I put the outstanding request to you as well. Is there a resource on the Berkman side that might be available to assist on this front?

Caroline Nolan: I think that is still something that we're trying to figure out. As I said in the past couple of weeks, we had certainly since last call dove into our work. And we have a suite of tools that we utilize here towards document management.

I agree that's a very important question and not to have the advice for consistency and rigor and other things. To be honest we haven't quite resolved the question on how to bring our document management together with yours. But I think it's something that I'll try to give us a sense of.

We certainly have some folks on this side who would be able to contribute to such a process. But I think it will be quite big. So I think we'll need to think about how to do that best.

Brian Cute: Okay. If you have any suggestions or resources by all means please bring them forward.

(Chris), I know that you and I spoke. And you said that you might be able to search for some resources on that front.

(Chris): Yes. I did. You sent me a note and assorted description of...

Brian Cute: Was that helpful?

(Chris): Yes. Yes. I'll see what I can do.

Brian Cute: Okay. Any questions on document management and administrative support? Okay. Then let's move on to Number 6: other business. Let's dive into Beijing.

I did circulate a proposed agenda for Beijing. I hope everyone's had a chance to take a look at it. It's not terribly complicated.

You'll see as I mentioned in our discussion with Caroline that I had proposed that we spend the morning of Monday interacting with Berkman telephonically. And I've allotted a 3-1/2-hour block here for that interaction.

I want to cover up as we go through this entire agenda - I do want to cover - there's a standing question about the working groups' ability to interact with Berkman. And there was a recognition on the call last time that because of overlapping volunteers across the working groups it's very difficult for the working groups to break out on their own and do individualized work.

So keeping that in mind this first block of time, 3-1/2 hours, Caroline, it sounds to me like the working hypotheses that you're going to deliver to us and the work that you're going to do specifically on the public comment might be dense enough to chew up all those 3-1/2 hours. Is that your sense as well?

Caroline Nolan: Yes, definitely. I would say the case studies themselves coupled with the hypotheses and the public input then I think would certainly take up this amount of time.

And from our perspective as far as working directly with the working groups I think this would be a great opportunity to bring those different (unintelligible) together. So that seems the right time to me.

Brian Cute: Okay. And that's what I was thinking as well. As you see on Day 2 I've had - I've given 9 o'clock to 12 o'clock slot also with follow-up interactions with Berkman as needed.

I think in - we could -- I'm just thinking about the team things -- we could have the 8:30 to 12:00 slot on Monday for Berkman to report in their work and for us to have a discussion and ask them questions about their work. And we could use the 9:00 to 12:00 on Tuesday session to have the individual working groups have an opportunity on a one-off basis to interact with Berkman, ask questions, help develop their work and have that interaction.

Does that make sense to folks on the team? Open table. Must be brilliant or...

Woman: No, no.

Brian Cute: Breathtakingly idiotic. I'm not sure which.

Woman: I...

Brian Cute: Any - does it make sense?

(Peter): Hey Brian, (Peter) here. I might have come back to ask you what - I don't quite understand the hypothesis that you did at the beginning. And let me get that clear so that I can help with...

Brian Cute: Oh Berkman...

(Peter): Had for the working groups to break out and do work alone because of the overlap in the examples. Can you just...

Brian Cute: No, no, no. There's overlapping membership in the working groups because a number of us are on a number of working groups.

(Peter): Oh I see.

Brian Cute: We can't divide ourselves in two or three and go off into separate rooms with our respective working groups. That was the practical problem identified.

The hypotheses refer to Berkman-specific deliverables. They are developing hypotheses that relate back to the case studies. And in addition to those working hypotheses and the case studies they're going to develop an issues paper on the public comment piece that we spent some time discussing.

So the suggestion is from 8:30 to 12:00 on the first day that block of time Berkman reports in to the review team, walks us through their working hypotheses as they relate to the case studies, walks us through the public

comment piece of work that they've done and we have a vigorous Q&A and discussion on that piece at that block - in that block of time.

The other thing I was trying to find was a block of time where each working group could interact with Berkman. We could be together as a full team but go one working group at a time so they could have an interaction with Berkman for 45 minutes or so and ask the questions that they want to ask of Berkman, share the work that they're progressing in their respective areas and have a good exchange as had been requested on the last call.

So I was suggesting we could do that in the 9 o'clock to 12 o'clock block on Tuesday morning and was asking if that makes sense.

(Peter): Well if I can come back I think that makes excellent sense if you give each group 45 minutes but in the presence of the whole group and the agenda item is Working Group 1 and Berkman and then Working Group 2 and Berkman. Although some may take longer than others I think that's certainly a very good starting point.

Brian Cute: That's the suggestion on the table. Discussion?

Caroline Nolan: Brian, this is Caroline. I just want to say I think that sounds great, particularly the idea that the working groups would each have an opportunity to interface directly with us. And I think having that kind of exchange would really enhance our work as far as the understanding the ways as you expressed here.

Brian Cute: Okay. Thanks Caroline.

((Crosstalk))

(Manal): Brian, this is (Manal).

Brian Cute: Yes, (Manal) then Willie.

(Manal): I was wondering if we can just first a little bit late on Monday maybe like Tuesday or something to allow for members who will be flying in on Monday unless I'm the only person. Then I could join in a little bit late.

Brian Cute: No, excellent question, (Manal). Let's get that squared away right now. Is there anybody besides (Manal)? I - who's - who can't make 8:30 on Monday the 30th as a start time in the morning? (Manal), what time do you get in?

(Manal): Eight thirty.

Brian Cute: You land at 8:30?

(Manal): So it - it's okay if I'm the only person which obviously is - I can join in a little bit late. It's okay.

Brian Cute: Well okay. Let's have a conversation offline. I'll find - let's talk about your itinerary and find out what your precise logistics are. And we can certainly look at making adjustments.

Is there anybody else on the review team? Everyone can make an 8:30 start on Monday if that's where we land? Okay.

So it seems we have consensus on the approach for Monday morning and Tuesday morning.

Woman: Yes.

Man: Yes.

Brian Cute: Very good. And just to clarify I envision Berkman joining us for Monday morning's block of time until the lunch hour in Beijing and then Berkman would drop off. So then in the afternoon -- the 1:15 to 3:15 for example where the Working Group 1 and Working Group 2 are reporting their progress -- that would be the review team in open session. But I wouldn't envision Berkman participating. I think that's getting into the early morning hours anyway, East Coast time.

And so the afternoon of Monday the review team meets together in full in public. Each working group walks through its progress report one at a time.

And then moving through Tuesday we have the morning time blocked out. We move to lunch. And then the 1:15 to 3:15, two-hour block, full review team discussion regarding the working groups' progress and final work product. And by final work product I really mean with the inputs from Berkman, with the full discussion with the workgroups at this point in time we should as a full team be in a position to start putting a finer point on the path to building recommendations.

So that's a two-hour block dedicated to that discussion followed by a break. And then 3:30 to 5:00 is targeted for other business if we need the time.

Cheryl Langdon-Orr: Yes.

Brian Cute: That's also - yes please, (Manal). Was that (Manal)?

Cheryl Langdon-Orr: No. Cheryl said yes we'll need the time.

Brian Cate: Very good. Are there any suggested changes to the agenda for Beijing?

(Peter): Brian, just a couple of things. (Peter) here. First the - many of us will be there the night before and if we can get together for dinner that might be productive.

And secondly, if there's anything that I can do in relation to making staff or any other resources available -- if people could let me know. For example would it be helpful to have, you know, (Denise) or someone on telephonic standby at any stage? Or if people could think about what they might need I'm happy to try and make it available.

Brian Cate: Yes. Thank you for the offer, (Peter). I think that's a good suggestion. We may very well be into a depth of work where calling in (Denise) or somebody else from staff in terms of research or documentation might be useful.

(Peter): And just my own follow-up that if I might, Brian, I saw (Chris) asking for the documents and things. Has that been answered? Are you happy with that, (Chris)? Have you got all that you need?

And secondly has everybody else got all that they need from staff in terms of promised and asked for documents?

(Chris): I believe I've been given everything that there is, (Peter), but there are still items outstanding. I've got - I'll be working on this tonight, tomorrow and so I'll come back to the list with any other - with any further questions tomorrow hopefully.

But there are some items outstanding. I believe that we have - unless I missed it I don't think we've actually have the stuff - we asked for some documents I

believe which we - I don't think we have yet. Brian - in fact, Brian will remind me some...

Brian Cute: We - no, we do. I actually did an inventory myself before the call, (Chris), and I'm happy to compare notes with you offline. I went through what (Denise) produced on the 28 of May.

I think there's an item, just a catalog of changes since JPA that I didn't see in that mix of documents. And there may be a few that are either partially available or for example there may be others that may be partially responses.

But I went through it with a fine-tooth comb. I'm happy to compare this with you off-list and make sure that we have a full understanding of what's been delivered and what's outstanding.

(Chris): That - thank you Brian. That's great. (Peter), we'll toss you a question. Other than that, yes I think I've been given everything I asked for.

(Peter): Great. Well Brian, you've got a great line to (Denise) so I imagine I don't need to get involved. But if there's anything I can do let me know.

Brian Cute: Yes. No, (Peter), on this, absolutely not. That's a routine interaction with (Denise) and I'll take it up as such.

But in terms of having staff available with - for the Beijing meetings I'll ping you on that. And that's a good suggestion. Thank you.

Okay. Any other - I understand that (Feng) may be - well he's having a call with Alice and will be addressing issues such as lunch and dinner and other logistics.

But (Peter), your suggestion's a good one. For all those who are in town on Sunday evening to the extent that we're still awake it's - be a good idea for us to get together for a bite to eat and catch up.

Man: Okay.

Man: Brian, this is (unintelligible) Beijing. Yes?

James Bladel: Brian, this is James.

Brian Cute: Yes, James?

James Bladel: Yes. Any updates on dial-in services for Warren and I since we are participating remotely?

Brian Cute: As well as (Louie). Correct, (Louie)? (Louie), you're going to be remote as well, right?

(Louie): Yes I am.

Brian Cute: Alice?

Alice Jansen: Yes. Actually (Corey) and I, we've had a phone call and we actually - we are going to provide tools for remote participants to join and provide a contribution as well.

So it's all being handled. And we will probably forward the details to you shortly before the conference call, two days before the conference call starts.

Brian Cute: Thank you. Any other discussion or questions on Beijing? Okay.

We are moving smartly through the agenda. We're at the last item, update on Cartagena, face-to-face meeting logistics. Note we have 24 minutes left in the call but I'm hoping unlike prior calls maybe we won't use all 24 minutes talking about one of our face-to-face meeting logistics.

Are there open questions on Cartagena?

(Peter): Well (Peter) here. I had an action item on the last one which was to see if the desirable result could be achieved. And if things are in a can it seems to be (unintelligible) in terms of all. We're having a meeting with the board on the Sunday.

Brian Cute: Right.

(Peter): So although that hasn't been finalized yet, you know, there should be no problem. And I think people can proceed on the basis that that is what's going to happen.

Brian Cute: That's great, (Peter). Thanks for that confirmation. So then we - our meetings then will pivot around the Sunday.

If I recall the conversation at our last call there was a suggestion that we would meet as a team before we met with the board and then we would meet with the board and then we would want to have a kind of debrief meeting as a full team. And the other meeting that we felt was necessary but might happen midweek instead of Monday, Sunday afternoon or Monday, was the meeting with the community to effectively read out the near-final recommendations. Is

that an accurate recollection of the structure of our meetings as we discussed it?

Woman: Yes.

Man: Yes.

Woman: It's fine.

Man: Yes.

Brian Cute: Okay, very good, very good. That's great. All right, good news, (Peter). Thanks for that.

Then let's proceed on structuring our meetings around that Sunday with a team meeting prior to the board meeting. (Peter), whenever you can get a time set for that obviously that will help us lock in the rest of the meetings, the pre-meeting, the debrief meeting.

And then who should we speak to about setting up the meeting with the community? Alice, is that something you can help us with?

Alice Jansen: Yes, of course. Yes.

Brian Cute: Okay, if you'd take that on as an action item and get that locked in. I think the understanding among the review team is that whoever can only stay for those first two days and has to leave town that's fine. Whoever can stay on and be present for the meetings with the community will do so.

Okay, other questions about Cartagena?

Olivier Muron: What is the situation about the -- this is Olivier -- what is the situation about the hotel or the accommodation?

Brian Cute: Alice?

Alice Jansen: Actually the meeting staff is currently in Cartagena this week so I'm expecting an email from them soon - sooner or later.

Olivier Muron: Thank you.

Brian Cute: Any other questions on Cartagena?

(Peter): Brian, (Peter) here. If there aren't I wonder if we could spend a couple minutes on post-Cartagena. We've got the December 31 deadline I guess it is for submitting the report. How do we...

Brian Cute: We...

(Peter): How do we see things happening after we finish the last public meeting exercise and then people leave Cartagena? How do you see it actually working to get that final report including working with Berkman, etcetera so you get a report delivered within the deadline?

Brian Cute: Well we've only got a matter of what, 2-1/2 weeks really or so to get a final report in after Cartagena. So as I recall the last time we discussed this whatever we report in to the board and out to the community in Cartagena is going to be very much in near final form.

(Peter): Yes.

Brian Cute: And I would think that, you know, the interaction with the board would be critical and that I imagine there could be depending on interactions some adjustments to the report. So we'd want to have - give some leeway for those adjustments. But I can't imagine that we wouldn't want to have the report nearly finalized, modest adjustments and you'd want to leave no more than a week's time to get those adjustments into the report and reviewed by the team and signed off on.

Does that sound reasonable to everyone? Am I missing something?

(Peter): Well it starts with an assumption and if the assumption's true then all else follows. The assumption is that, you know, the bulk of the work will have been done and things are in a reasonably ready state for disclosure and useful discussion at those meetings.

If that works out that'll work fine and we'll go home and there'll be some tweaking to do. My worry of course is that any part of that isn't true and we suddenly have to stop and rethink or do some work that has been exposed as not being done or not being done properly. So I guess it's having a contingency plan for that eventuality.

I mean I'm very keen -- I think everyone is -- to make sure that we get a - we get the - that we meet this deadline even though it's, as everyone's commented, a very stringent one.

Brian Cute: No question about that. Any discussion from the team on this?

(Peter): Brian, maybe it's just a question of penciling in a two-day or a, you know, an emergency meeting that we can very happily not use but just, you know, put a couple days -- ask people if they can do it now -- to put those days...

Brian Cute: Right.

(Peter): Aside and say hopefully...

Brian Cute: Right.

(Peter): We get them back and can use them in another way. But they're there if we - if something goes wrong.

Brian Cute: That makes sense. We'll take a look at the calendar, look at the end date -- does Cartagena afford for a day or two of travel -- and then pencil in two days as those emergency editing days if you will. Makes sense.

(Peter): And with my tongue planted very firmly in the side of my cheek there are a couple of lawyers on this group. And we all know what lawyers are like when it comes to editing other people's documents.

Brian Cute: Sure do. Okay. Anything else on Cartagena? I - any other business before we close?

(Chris): Yes, Brian. It's (Chris). I have one thing, please, if I may.

Brian Cute: Yes (Chris).

(Chris): Thank you. I don't want to make too much of this. But it - I've had several pieces of very good feedback about the announcement we put out. But I've

had one piece of good feedback from more than one person which is expressing a concern about the way that we have raised the case study on xxx.

Woman: Yes.

(Chris): And I have concerns because I put a comment into the note - into your original draft saying I thought that the case study on xxx was on - specifically on the review process, not on the application process. And the announcement we put out actually says xxx application.

And I - it's such a delicate area or politically. I'm certainly sure that the community is fully aware of what is being reviewed and what isn't.

I'm not sure what the solution is. But I - unless I'm wrong and we - it is actually the application that's being reviewed. I was under the impression it's the review process.

Brian Cate: I - no, I think you're right, (Chris). That was the intention. And the edit was it did read application and decision. And we all agreed decision was not what was being reviewed. And that was eliminated from the text. But you're...

(Peter): Hang on. But hang on. I think we also use it frequently as an example where there'd be consideration of GAC advice. So that must be the application process because that was really - advice was received and used or not.

(Chris): Yes. That's right, (Peter). But my question was what - is not what we reviewed but what is Berkman reviewing as a case study.

If they are actually reviewing the application process that's fine. I don't have a problem with it as long as we're clear that it's - they're reviewing the revision summary. They are reviewing, as I understand it, the review process as well.

Brian Cute: I believe that was the understanding, (Chris). And as a matter of timetable their case studies, they can review anything up until the start date of the Brussels meeting. That's the time bounding that we put around their case studies.

So I agree - I concur that that was the understanding that it was application and review process. And...

Woman: Well...

Brian Cute: If that was unclear in the announcement then that might be something we want to correct.

Man: Can I just say...

Caroline Nolan: Brian, sorry. This is Caroline. I'd love to respond to that having been a part of the initial writing of the case study.

We are in fact looking at both processes. And I'm looking at the announcement now. That was certainly our understanding as well so I just wanted to confirm that.

(Chris): So - thank you Caroline, (Chris) again. Just to be clear here and again...

Caroline Nolan: Yes.

(Chris): I'm not...

Caroline Nolan: Yes.

(Chris): Saying one thing or another. I just want to be clear. Is this process looking at in any way the board's decision-making process on xxx or is it looking at the - possibly the GAC's interaction with the board on xxx and the subsequent review process because I think that any review of the board's decision-making process appears dangerous in the extreme considering that it's been the subject of fairly lengthy arbitration or legal proceedings?

Caroline Nolan: I think I should say from a starting point our focus has been on the IRB process and with the understanding that both the application and IRB process were a part of the review. I should say that I'm probably going to talk with the team members that have been leading that process just to see the shape of the approach. But I would certainly welcome feedback either on this call or over email about your recommendations regarding how we should approach this.

Brian Cute: Okay. (Chris) did you - did that satisfy you?

(Chris): Well yes, it sort - in a way. I mean yes except for - with all due respect to everybody at Berkman it's actually our decision what they decide - what they do, not theirs.

But leaving that aside for a second, (Peter) just put a note up which having - puts it very succinctly which is that I understood this review team agree that it didn't want to re-litigate the previous hearing. So it seems to me that we need to be very careful to ensure - xxx is a really, really important thing for a couple of very good reasons because it involved critique, it involved advice, clear advice from the GAC. Well it might not have been clear but it was clear

that it was advice. And it involved the only example of the decision of the board going through the review process.

For those reasons you take into account and our - it would be extremely dangerous I think for us to be reviewing the board's process of decision because that's already been reviewed and it's not appropriate for us to take the place of the, or add to the review of the arbitrators.

Brian Cate: Yes. I don't think there's any thought amongst the team to concur with (Peter)'s point that there would be a re-litigation of the questions.

Woman: Certainly not.

Brian Cate: Yes. It - but in a - from a conceptual standpoint .xxx represented the first use of the IRB and...

Man: Right.

Brian Cate: To examine the IRB process and what that might tell us about how well that functions or not as a process was within the amber - unless I'm mistaken.

(Chris): No I absolutely agree with you, Brian. That is exactly what is - what I understood was being done.

Woman: Yes.

Brian Cate: Right.

Caroline Nolan: And that is - I would like to confirm that that is our understanding is well.

Man: Okay.

Brian Cute: So the application, the .xxx application process and the IRB process on .xxx as we just described it are the two spheres. The...

Caroline Nolan: Yes.

Brian Cute: (Peter), is that...

Caroline Nolan: And - team, I just want to say, (Peter), I very much appreciate the question itself. And I - our approach certainly reflects that and our understanding as well I think. In looking at the announcement I can see where the confusion is. But certainly that was our understanding and the approach that we're taking.

And again from a process perspective we will be sharing a draft of that in Beijing. And we look forward to having a full conversation and your feedback on it.

Willie Currie: Brian, Willie here.

Brian Cute: Yes Willie?

Willie Currie: Yes. And I would agree with (Chris) that it's the issue of the nature of the GAC advice that is also part of the assessment.

Brian Cute: Yes.

Woman: (Unintelligible).

(Peter): We can of course -- (Peter) here -- we can of course give you a complete summary of the GAC advice that's been scheduled, anything like that that you want. And that's all been schedulized (sic) by staff and considered, you know, and bundled into one place. So if you want anything like that, ask.

I think this is the sort of example where the working groups need to work closely with Berkman to make sure that what's done by Berkman is useful to the actual topics of the reviews. So the people who are looking at the relationship with the GAC have got a real focus on the GAC advice and what was done with it. The people that are looking at the appeal mechanisms are very interested I'm sure in looking at how this appeal mechanism was used. So I think it's a question of the review - of the working groups being clear about where they're going and then saying how the case study would help them with their work.

So I'd drive a - this is not turning things around. I thought the case studies were supposed to support the work of the working groups. So why don't we ask here that the working groups to the 8th with Berkman, either that one so that those two things work in sync.

Brian Cute: And I think Beijing will be an excellent opportunity to make sure that we're all in sync on these issues. But there's - just to touch again, (Peter), the description of the spheres of study you were comfortable with, it's understand that's the consensus of the team. That is the .xxx application process and the IRB as a process for .xxx.

(Peter): I'm not sure whether you're asking me a question.

Brian Cute: Did - yes. Well I mean did that description satisfy your understanding of the approach on the case study?

(Peter): Where - which description?

Brian Cute: That Berkman would be looking at the .xxx application process on the one hand and the IRB process as it pertained to .xxx.

(Peter): Well...

Brian Cute: As a process, as a review mechanism process and how it functioned in that process, how it was used.

(Peter): No, because that will inevitably - if I look at the application process that's inevitably going to traverse the same ground as the hearing which is precisely what was challenged was the way the board went about that process. That's the - I think you need to be a bit more specific about this. It's the...

Man: The much...

(Peter): The elements...

Man: The much...

(Peter): Such as GAC advice in the process or something else that's an actual review topic that I think is important.

(Chris): I - this is (Chris), Brian. I - that's exactly the point I was trying to make. I agree with (Peter). It's - the - that situation and review really should be looked at, not the application process itself or, you know, whether it was a good idea to have, you know, those sorts of - types of detail - TLDs and so on.

Brian Cute: So (Chris), would you articulate for me what you think should be the focus of the study?

(Chris): Yes. I think the study should be about two things. It should be about the review process so the - whatever mechanism - once the decision was made to decline .xxx's application a series of processes were gone through culminating in the final arbitration. The - that is absolutely reviewable by the Accountability and Transparency working group and it's contractor, Berkman because it's very relevant.

The second thing that is relevant specifically in respect to when to - is the interaction between the GAC and the board in respect to the xxx process because that is an example of something where the GAC provided "advice" to the board.

Both those two things I believe sit fairly and squarely in this review team. But I do not think the application process does.

Brian Cute: So the fact that interaction between the GAC and the board from a temporal perspective may have happened during the application process is irrelevant. It's on its own. The GAC interaction is its own area of study irrespective of whether it fell within the time of the application process.

(Chris): I...

Brian Cute: That's what we'll say.

(Chris): Would (unintelligible) a discreet area, isn't it?

Brian Cute: Okay. No, no. Just - I just want to be crystal clear on this one. That's all.

Okay. So I can see where the announcement may have sent the wrong signal to the community. And perhaps this is worth clarifying.

Woman: Yes.

Brian Cute: Okay. Well I will...

(Peter): Can I get clarification to that an even simpler thing? Which announcement are we talking about that was made?

Brian Cute: The announcement of Berkman, (Peter), where we announced the selection of Berkman. We gave a description of the work. And it was in that description selection that we have .xxx. It's not in front of me but I know the word application is in there. And that's what...

(Peter): Okay.

Brian Cute: (Chris) has heard about. And that's what he sees on. So I think we need to clarify that. I'll put something together, a brief draft together of clarification and send it to the team for review.

Okay.

(Peter): Brian, one last point. Can I just pick up on something that you mentioned? And that's the time boundedness (sic) of the work.

Brian Cute: Yes.

(Peter): I've had a question from a board member about that and they're trying to find the - we agreed I think that we would finish up - the work would finish at Berkman - I'm sorry, finish at Brussels.

We - one of our methodology statements from Marina del Rey said that the data collection be divided into three time periods: first, data concerning ICANN accountability from 30 - or Title 1; second, historical data collection which would cover the period of October 1, 2006 to September 30 -- that's the JPA through until the evening of there -- and thirdly in the term - the period prior to October the 3, 2006 to the extent that there's any relevant documents.

So that's an extraordinary - that actually is a item that's before October the 1, 2006 and after the 1 of October, 2006. So that's actually all of history, all of recorded history back to the Mayans and the Aztecs.

I'm not sure quite what we intended. And I'm sure Berkman need to be given some better - some slightly better parameters than that.

I don't think this is contentious. I don't think - actually I'm certainly not content - don't mind as long as we're clear what it is. And it may be...

Brian Cute: No. Yes.

(Peter): It may be different for each example, for each bit of work.

Brian Cute: My sense - my recollection that there was a little bit of - we put a little bit of weight on the respective periods. And I think it's the one prior to October 1, 2006 is reflected in what you just quoted that to the extent there's relevant documents that we recognize...

(Peter): Right.

Brian Cate: For example that the bylaws are relevant documents. And to the extent that the last version occurred prior or, you know, the articles of incorporation. But there was some form of weighting on undertakings on accountability and transparency and a recognition that the undertakings on accountability and transparency whether it was a (PSC) or other undertakings occurred in the last, you know, three- to five-year period.

So there was some weighting as I recall but a recognition that relevant documentation could reach all the way back to the beginning of ICANN and we wouldn't want to foreclose reaching back to the whitepaper articles of incorporation, whatever may provide some relevance to some thread of study here.

Is that consistent with others' recollection?

Woman: Yes.

Man: Yes.

Man: Yes.

Woman: No.

((Crosstalk))

(Peter): I wanted if Berkman understood. But I'm not sure I do. I wanted Berkman to understand that we've got a document that says the IRT anticipates putting the greatest emphasis on the period, etcetera, that that's not included in the

contract. How do we make sure that Berkman have the same understanding that we do?

Brian Cute: Well they - but Berkman has access to all these documents. I think we've provided or pointed them to them. And we've actually required Berkman in our contract to essentially follow our methodology. So if - Caroline, if you don't have those terms of reference documents and methodology documents let me know. But those are...

Caroline: Yes.

Brian Cute: Yes?

Caroline: Yes. Thank you.

Brian Cute: (Peter), does that answer the question for the board member in question?

(Peter): I think so. I guess it's a question that we're going to come up against more and more when the actual review is how well is ICANN performing its commitments under the affirmation of commitments. So we're - before they're - we're - looking at what happened before there was an affirmation of commitments is only really of sort of contextual relevance.

The scope of - the major thrust of everything seems to be - to me to be, you know, you entered in these commitments on the 1 of October, what have you done - how are you living up to those commitments. That's what most of us think the review is about.

So I guess that's the point of it. I said I wanted - there doesn't seem to be any need to be too stringent about limiting people. And if people need to get a

look at things so they can make decisions that's fine as long as the focus is on - as long as our report focuses on how well is ICANN doing against its affirmation of commitments (unintelligible).

Brian Cute: I'm sure it will explicitly focus on that. I think there's also some relevance as you say contextually to attempts to improve accountability and transparency.

And since the AoC was signed just only, you know, last October well that would be the most directly relevant time period that I think there was a sense on the review team that looking both, you know, for the positive and the areas where it may be lacking, looking back at the most recent attempts to improve accountability and transparency would add some very useful context. I think that's the - I believe that's the thinking that was behind the rationale that we took or the framework that we're taking to this.

Woman: That's all right.

Brian Cute: Caroline, let's be sure we follow up on these points. And if there are any documents that you don't have I'd be happy to point them to you - point you to them and go through them with you. And if there's any discussions you or the team want to have in terms of our approach to these, please have that.

Caroline Nolan: Sure, of course. And I was going to say just in quick response -- I know the call is closing -- but I just wanted to thank I think it was (Peter) and (Chris) for the xxx discussion.

I was just going to say to the extent that there are other points of clarification or ways that we can interact with the working groups at this stage of course we'd be happy to. I know that we decided and we would do it collectively on

this list. But I just want to confide that. Obviously that kind of interaction is very helpful to our work.

Brian Cute: Any other business? I encourage everyone on the working groups to please continue doing the very good work that you're doing. And I look forward to seeing you all in Beijing.

Man: Thanks Brian.

Brian Cute: Thank you very much.

Man: Thank you Brian.

Woman: All right.

Man: Thank you all.

Man: Thanks Brian.

Man: Bye.

Woman: Thank you.

Man: Bye.

END