

ICANN

**Moderator: Alice Jansen
September 7, 2010
8:00 am CT**

Coordinator: This call will now be recorded.

Alice Jansen: Thank you.

Brian Cute: Hello everyone this is (unintelligible) transparency review team call. Alice I know that we had a regrets from Erickk. Is there any other team member who wasn't able to make the call today?

Alice Jansen: (Olivier) hasn't joined yet, so I suppose (unintelligible).

Brian Cute: Okay, so we are waiting on (Olivier) and (Manal).

Did anyone not receive a copy of the draft agenda? Any suggested changes to the agenda? Hearing none, the agenda is adopted. I'm going to make a recommendation that we begin with Item Number 2 and Number 3 which Alice has kindly already done in the Adobe connector, thank you Alice.

We start with the working group's progress and review of working group framework (Brass). I've asked Alice to put on the screen, the draft that (Larry)

put together and that (Manal) edited which I think provides very useful road map as to how we can construct each of these framework documents on the respective issues of the working groups. And I would like to ask (Larry) are you on the line?

(Larry): I am.

Brian Cute: Would you mind just walking the group through how you filled in the holes here and constructed the document and in your view what is left to be done on this particular document?

(Larry): Sure. I followed the template from Beijing up to a point starting off with statement of purpose; it was simply just quoting the charge out of the affirmation of commitment that related to our work on the GAC. So that is just a direct quote out of the affirmation of commitments.

The factual statement was basically the first start with a summary of the relevant provisions of the bylaws. And then secondly, or factual description of what is actually happened with GAC the last couple of years and for that I thank (Manal) for her filling in a lot of information on the specific items of GAC advice that have occurred in the last few years.

Then I had a section on what the board's actions have been to assess the GAC role, because as (Peter) pointed out our first task here is to assess how well the board is carrying out its commitments under the affirmation. So in here the focus is on the joint board GAC working group. Although, I may actually go back and pull in some stuff out of the President's review that may relate to this although it's pretty tangential.

And then close this section off with just a summary of the public input that we've received divided across the discussions in Brussels where most of the substantive comments come from as well as the summary of the written comments that were submitted - where on this issue the public comments submitted in writing aren't particularly useful, but there were about 10 of them and I summarized what they said.

Then I laid out the questions for review, again starting with exactly what we are assessing under the affirmation of commitments. So the first two questions for review come right out of the affirmation and then the third deals with some of the more substantive specific suggestions that were proposed in various of our conversations about improving the consideration of the public policy aspects of the ICANN issues.

My reading of the affirmation of commitments suggest that all of these questions a fully within the scope of our review so that we are both assessing ICANN's actions but as part of doing that we often need to be assessing -- because one of the questions we are evaluating is whether ICANN is adequately making recommendations for improvement to insure effective consideration.

And it seems to me the only way one can assess that is to evaluate what recommendations for improvement might be made to determine if ICANN is making an adequate job of that. Then that's where some of the five or six specific considerations come in at the end of the questions for review.

So I think as a framework document this is pretty well done. I think and invite members of the working group and members of the team overall to suggest additional questions that we might look at for review. In fact, I thought of a couple more since I crafted this. I think once we get those out that really give

us the framework for which to start discussing and proposing specific recommendations based those questions for review.

So I think this is the jumping off point then to actually get down to the working group actually making some substance of judgments.

Brian Cute: Thank you (Larry).

(Larry): At 6 am that is the best I can do.

Brian Cute: Thanks very much. As I went through this document this struck me as very, very solid example of where I think we can -- as you say, jump off from focusing just on the structure and where we left off in Beijing. (Chris) you have been spearheading the work to get to a particular structure of these documents. Can you comment (Chris) on this particular draft, is there any element that you think either is missing or might sequenced in a different way, what's your view of this and then I'll open it up to the rest of the group for any comments?

(Chris): Thanks Brian Cute and I think the key here is to not get stuck in the structure too much in the sense that there are certain ways of working that may suite individual working groups.

And as long as we all end up at the same point at the end of the day it doesn't much matter. I mean, I think I made the point before that the structure is only a guide and I've already made some changes in the background stuff that I did which I sent out yesterday or the day before to account for specific Working Group 1 is doing. So no, I think that it's excellent, I don't really have anything to add other than if we stick to trying to end up with the same point, we will be fine.

Brian Cute: Thanks for that. Any other comments?

(Peter): (Peter) here. I thought that this was an excellent job, I just think that the fifth point that this is actually about one think that struck me the current board GAC working group wasn't fit other than the request of the GAC. And it is setup as you say on the 26th of June 2009 there is quite a detail board resolution sitting as a result of the recommendations of the present strategy committee.

Man: (Peter) I'll go back and look at that and also I will say that the June 26 resolution specifically quotes that it is doing this at the request of the GAC, so I didn't make that up that came out of the resolution.

(Peter): Okay. As usual it probably came from a number of places.

Man: Right, so I will go back and look at that strategy report and add that in just to complete the picture.

(Chris): Can I just say I think that this illustrates something that perhaps Brian Cute we should park to one side as a thing we must do at some point, which is to fact check everything to make sure that those are the actual -- that the factual statements are correct. It doesn't present -- when I say factual I mean in the sense of the flow of the information is correct so that we make sure that we don't make simple mistakes, not that it seems that we made one, but incase we had.

Brian Cute: Yeah, I agree with that (Chris) entirely. I think our immediate task is for the working groups you know, using this as a guide and in the framework you would put together as a guide that we pull together the fact statements which

have separate components, they have as you can see references to bylaws, to existing processes. They have references to public input and how that maps into this particular issues report and they have just other genErick facts that need to be plugged in.

So first order of business is for all the working groups to create these drafts, put the content in. I think we will have to have a systematic approach to what you are asking. A systematic review and editing that makes sure that we have no factual error in here. So that is agreed and that will be put on the agenda in some form.

Woman: No, I was just going to say that I fully agree to this and once I did when (Larry) sent the document was that I went through it word by word. And I even added a word that was missing in the bylaws so - and it really -- the resolutions said, it is quoted exactly as it is -- but again, it is worth double checking on everything, but I just wanted to clarify that a double check has already been made.

Man: Yeah, and I think this is where as a first pass every working group needs to put these issue documents together. I had sent a draft of Working Group 4's document last night and I had added some of my own fact finding references using URL references to the accountability transparency frameworks which refer to the review mechanisms that are specific to Working Group 4's work.

Also, reference to the board governance committee which has and it should be implementing reviews of the review mechanisms. Also within the ICANN site there is a listing of all of the requests for reconsideration that have gone back to approximately 1999, all of those pieces need to be identified and plugged in by the working groups into there respected documents, but then at some point and time we have to fact checking.

In the example of Working Group 4 you know, (Warren) and his team put together an (RFI) Request for Information to ICANN staff asking about how many reconsideration requests have been handled and asking specific questions about how those reconsideration requests have been handled.

I think the best approach here is to have each working group fill these in as best and as comprehensively as we can doing our own searching and referencing of the bylaws, (Larry) has been a really great what looks like a comprehensive job here in citing the bylaws and other documents that referred to the GAC advice to the board that we do this.

And then (Chris) as you suggest we can talk about how to systematically fact check ourselves and where ICANN staff can be useful and bounce questions off of them, but after we've done this work as a team. Any other discussion at this point on the Working Group 2 drafts?

Okay let's talk about moving forward then and staying on this agenda item. What we need is I think in the short term to have each issues -- I'm going to refer to it as an issues document. So in a given working group you have a section of 9.1 that you are responsible for and we each recognize that. There are sub-elements to each section of 9.1.

So a sub-element can create its own issues report effectively. We need to have each working group have draft each issues report that will draft the entire universe of issues it's going to cover. One suggestion I had is that given our time table here and shortness of our time table that it might make sense to set a deadline and let that be done this coming week and that we schedule another call for next Monday for the entire team to go over the outstanding issues reports at a high level.

There were some discussion on the list between (Warren) and (Fabio) but it's one, its one that is top of mine for everybody which is how much can we do, how broadly should we case our net on the issues here. I think that is an important issue and we need to define the universe this week and then set off with the answering the analytical questions in the following week and getting to final documents that can then be fact checked and reviewed for accuracy. And some discussion on that point is everyone comfortable with completing all the issues reports this week and having a call next Monday to review that universe and move forward from there.

(Fabio): I think that yes, we have to try and finish these reports by the end of the week. There is just one question that was already mentioned in some exchanges of email, that we might want to discuss already now. Where are we going to discuss the issues on stop of ICANN and to the extent that it is relevant and the question of departure, because at the moment they could either be sort of an extent of element that influences the public policy development process or it could be something that affects the decisions of the board.

At the moment if you look at the (unintelligible) of Working Group 1 and three it is outside the two. What are we going to do with those issues? Stop of ICANN and perhaps budget.

(Peter): I'm not sure what the topic is, (Fabio) can you be more clear about it...

(Fabio): Yeah. We are looking at accountability and transparency. Can it be that the reason is something that affects the outcome in terms of accountability and transparency and that it is linked to the staff of ICANN, pay system, nationalities, geographic representations and maybe this issue that I mentioned myself I find a little bit extreme, but who knows there could be a link of the

budget. These are issues that might be seen as having as intending to some extent on accountability and transparency. But at the moment they do not seem to fall into anyone of the four (unintelligible) or the four working groups.

They could be seen as something having an effect on the way the board decides. They could be seen as having an effect on the way the public policy - the policy development process works, so we have a choice Working Group 1 or Working Group 3.

(Chris): (Fabio) can I ask a question, I a bit with (Peter) I'm not entirely sure about what you are getting at, but if I can just take Working Group 1 as an example. The second leg of our work involves the transparency of the accountability of the board decision making process, part of that is the input from the staff to the board in respect to briefing documents and so on. So I would say that in the context of Working Group 1, staff input in the status of that is already included. Are you thinking about something else or?

(Fabio): No, fine you are telling me that you think these issues should be under Working Group 1 in the document of Working Group 1?

(Chris): No, I'm talking about very specifically talking about the staff of input in respect to the transparency of board making decisions because that fits under one of the areas that Working Group 1 is looking at.

(Fabio): Yeah, but then we would have to extend it because staff input is just at the moment was the question of briefings. The briefing materials that have been published to which extent it is made public or not, here is a lot of question. Is there a problem or not with the composition of the staff with the recruitment of the staff of ICANN?

(Chris): And where do you think that fits in respect to...

(Fabio): I would put into a working group, I would put it in Working Group 1.

(Chris): No, I understand that, but in respect to the overall discussion about our overarching reasons for existing to look at a greater (unintelligible) where does that fit in line 9.1?

(Fabio): That if that maybe the input the question that has been asked this. If there was sort of a wide geographic group representation and say the senior staff of ICANN, there would be a greater awareness in ICANN already or a set number of issues and the input that would be transmitted to the board would reflect this greater diversity to a greater extent and would increase the achievement of the decision that embrace and support it by the committee.

(Peter): So you are imposing that as a hypothesis that you want someone test?

(Fabio): Yes. I think, and this is a question that has been asked more than once and we have to say whether we think this is relevant of whether this has an effect or not.

(Peter): So where the commitments say I can commit to having robust mechanisms for transparency you would say, one of the mechanisms would be the composition of the staff, is there a robust - is the composition of the staff a robust mechanism for improving transparency?

(Fabio): There are a lot of people will say at the moment, ICANN is just emanates out of the (unintelligible) world. And if there were a sort of wider geographic

presence among the senior of staff of ICANN that would probably have an effect.

(Peter): Okay, I'm struggling a little with -- I think you've got a hypothesis of some sort that could be tested and obviously if it could be fit in somewhere it can be done.

Brian Cute: I think at this juncture if I may, (Fabio) I hear your hypothesis let's leave it to the working groups, the working groups are charged now in the coming week to create every issues report using the framework that (Chris) has built and (Larry) has put some meat on. Everyone that they are going to address and submit it to the team so we can talk about it on a call next week.

I don't have a problem in the next week with Working Group 1 and Working Group 3 picking up that hypothesis concluding that it actually fits well within their remit creating an issues report with respect to it and coming back this week with that in hand. This is our opportunity next Monday to look at the entire universe, identify where there maybe some overlap if there is an issue that falls in more than one working group and then I identify it as a team whether or not that overlap crates issues or not.

So I would leave it to the discursion now of the working groups themselves and the working group leaders to see this hypothesis and any other that falls up in the remit should be translated into an issues report. Is that satisfactory?

(Fabio): Yes.

Man: Brian Cute are you visioning on report per working group or multiple reports per working group?

Brian Cate: Well I think there is multiple issues per working group and depending on the nature of the issue they could blend to separate reports of the one that you just drafted for the GAC is a single -- is that a single report from Working Group 2 (Larry) or is Working Group 2 envisioning additional reports?

(Larry): I can't speak for everybody, but I think it is comprehensive, I just don't see a need for anymore report. And I guess I'd encourage the other groups to kind of find a way to encapsulate their issues into a single report. But it is going to be multiple issues there is no question about that, but I guess I'm a little nervous about all of a sudden having lots of paper being produced as opposed to getting everybody to focus right now, right here on what's really important in a working group.

(Chris): I agree with that, the point I would make is and I go by the point as (Larry)'s having spend some time as I did yesterday working through the background on one particular issue, which is the skill set of board competition and skill set, what that lead me to was two things. One, that easiest way to do it is to split it up and do it in chunks, but then endeavor it at some point to meld those chunks together into a report, because I think having a series of reports is tough.

Secondly, in respect to (Fabio)'s point, it is another one of those things that I think we might need to park to one side for a minute and maybe come to next Monday or whenever we can, which is to say do the baseline reports produced by the working groups - leave any issues that are of concern to individual members of the (unintelligible) which haven't been covered. And then if we can then get consensus of those thing should be covered it would and I suspect is the easiest to figure out which working group they go in based on the sort of reports that each one has produced.

So with (Fabio)'s point about staff it may be that it is completely covered by what Working Group 1 produces in respect to transparency, but maybe it won't be. And in that case (Fabio) can argue at the appropriate time that there should be an addition to Working Group 1 mandate or one of the other working groups mandates that needs to be covered at the next step.

Brian Cote: Thanks (Chris) and I would support that. So the goal for this week is to identify all the issues that a working group is going to address. If mechanistically it is easier for the working group to do that in the framework of one draft report fine, if it is easier from a working prospective to break it out into separate chunks as (Chris) suggested fine, the important thing is identifying the entire universe.

I agree (Chris) at that juncture we see if there are any gaps or issues that haven't fallen in an determine as a team if they are important enough and they fall within the remit of the (AOC) where should they fit and which working group should address them. That sounds like a common sense approach.

And one follow on thought to that, just related is I think one of the tasks we are going to have in addition to that is we've received public comment, we've inventoried it. There is likely to be some public comment that I pointed to an issue or issues that didn't fall within the remit or for some other reason aren't going to be addressed within the working group reports.

And, ultimately the review teams report that we will have to identify and address somewhere in our final recommendations to let the committee know that we've heard them, but give the reasons why perhaps why those issues aren't being addressed or aren't being addressed at this time. And that is going to be another aspect of this - identifying and putting a clean line around the universe of issues we are going to make recommendations on.

(Chris): I agree with that and think that is one other point that arrives which is again from the work that I've done, it is pretty clear to me that by next Monday while the Working Group 1 report might and hopefully be in a state where we can discuss it in some detail. There will be things hanging out there, so for example, we might say by next Monday what we see from our work an interview for us to talk about to a number of the chairs of the nominating committee for example.

That is not going to happen between now and next Monday. But what will - from Working Group 1's point of view what I'm hopeful will get to by next Monday, is a very clear path about what extra work needs to be done between then and whenever that will enable us to fill in some of the blanks that may still exist.

Brian Cate: And that's what my thinking is too. That's why I want to force this from the working groups now and then that will leave next Monday is the 13th that leaves one, two, three, four weeks before we go to Boston which should be for the working groups so substantial amount of time to fill in those gaps and do fact checking in a systematic way. Any other discussion?

(Willie): Just one other thing that we must need to facture into during this week is having a look at (Denis Michelle) matrix on account looking transparency and seeing and doing kind of a cross check on that.

And then the other thing might be to check what in each of the working groups which are the relevant reviews that ICANN has undertaken in the last year or so that might be pertinent, it is already in Working Group 1 in terms of the consulting group review and in Working Group 2. And the board gets joint

working groups and I thought it might be worth the other two working groups identifying what reviews are pertinent.

Brian Cute: Agreed (Willie). On the first point and (Mila) and I already spoke to (unintelligible) and asked her to update that document to the extent that there were any updates on her side because it is in fact useful template for each working group in putting the relevant bylaws policy procedures pieces into their documents and existing review mechanisms if any.

It is a useful document and I encourage all the working groups to make reference to and use that as you are going through your drafting process and as soon as that draft is back it should hit the list and be at your disposal. But for the time being certainly use the last iteration of that document as well.

(Chris): Brian Cute can we get clear on the status of that document, currently it is not confidential and I was quite wary about referring to it my document from yesterday. Can we...

Brian Cute: Right you are. No, thanks for raising that and (Chris) and it shouldn't be on the list right now. I wouldn't say that you need to refer to that document necessarily and what I was suggesting is just as (Larry) did you know he went out and went into the bylaws and looked at the existing mechanisms and in spite of his own document we should be doing that.

All I'm suggesting is that we can each working group can then look at that tracking document that Denis has created to kind of spot check to see if they have missed anything. And if so then you know they can each working group can pull it as their document and make their own citation - to the document, not necessarily to Denis's tracking document which is confidential.

- (Minal): You were suggesting next Monday for the conference call? I will be on my way to the (unintelligible) and I understand that other members will be, but again if it is only me then we can handle. But I was just raising this in case some other members won't be available also.
- Brian Cute: You are quite right (Minal) we are running into the (IGF) and I'm flying on Sunday so I didn't have conflict but other might, so can people indicate whether next Monday would be difficult for them?
- (Chris): Can I suggest that we might sensibly do is given that there are a number us who are going to be in (unintelligible) that Monday is not - (IGF) doesn't actually start until Tuesday, we might be able to take advantage of those who are already there to actually do some work while we are there as well as have a talk and if we can.
- Brian Cute: I think that is a great idea. Can people indicate who is going to be at the (IGF)? (Minal), (Chris), myself...
- (Peter): (Peter).
- Brian Cute: (Peter). Anyone else? Okay. That being said in terms of having a call (Minal) when are you flying on Monday?
- (Minal): I think during the day, if I remember right I'll be arriving around 2:00 p.m.
- Brian Cute: Okay. If you can...
- (Minal): So 2:00 p.m. (unintelligible) time.
- (Kevin): Brian Cute can we do this on the list if we could...?

Brian Cute: Yeah. Yes (Kevin). That's what I was going to suggest if you could send the, send your itinerary or let us know when you're going to arrive (Minal) I'll see if we can work around your travel time. Because once we get into Tuesday the IGF has started it may become a little more difficult to schedule something, I'd like to see if we can make it happen on Monday and if not we'll look for plan B.

(Minal): Okay. And...

Brian Cute: Okay.

(Minal): I don't want to (unintelligible) everyone else, I mean if it's fine with everyone else I'll see how things would work for me.

Brian Cute: Thank you (Minal). We'll see what works best. Any other comments?

Okay. Anything else on this agenda item? So working groups have their respective marching orders. I would say can we set Friday as the deadline to have all issues identified and next iterations of your reports drafted and submitted to the list, which would give everybody two full days to review before we get on the phone again assuming it's Monday?

Woman: So you are now meeting on Monday because...?

Brian Cute: We're going to be, try to schedule a call for Monday, I'll wait to see what (Minal)'s travel schedule is.

((Crosstalk))

Man: (Cheryl) I don't show...

(Cheryl): (Unintelligible) I was writing to the work (unintelligible).

Brian Cute: It's not set yet (Cheryl).

Man: Yeah.

Man: (Cheryl) I don't think it's necessary to, it doesn't matter whether we meet on Monday or not I think the key is whether, what's the reasonable deadline to come up with a first copy if you like of each working groups report.

Brian Cute: Is there a problem with Friday I guess is the question? Is that reasonable, can people make that? I'll take silence as a yes.

Man: Speaking from the Working Group 1 point of view I'll do my best to get some stuff, to get everything done by then. I don't know about (unintelligible).

Brian Cute: Well let's shoot for Friday then hearing no objections. Okay. Moving on to agenda Item Number 3, which is discussion of...

Man: (Unintelligible).

Brian Cute: Yes. (Unintelligible).

Man: I may be missing something, was there a Working Group 3 document?

Brian Cute: Oh right.

Man: I don't seem to have one.

Brian Cute: No. I know it was in my notes, I missed that.

(Cheryl): You haven't missed a thing (Larry). With the exception of the reframing that was done post-Beijing work group three has not restructured based on the reframing but you've all had a copy of the reframing and a number of you indicated your support as has the working group.

Brian Cute: Okay this is, Alice has now put it up on the screen. Thanks for that catch (Larry). Okay this is the document...

(Cheryl): This is not the reframing.

Brian Cute: No that was a one-page item wasn't it?

(Cheryl): That's the Beijing discussion paper.

Brian Cute: Yeah.

(Cheryl): Since the Beijing discussion paper there's been a reframing document put out by (Warren) and that's the current state of play in work group three, a reframing and refocusing and a much narrower focus than the document that's up on the Adobe (unintelligible).

(Larry): So that's (Warren), is that a Wednesday September 1 document?

(Cheryl): (Larry) I'm the last person to ask I'm afraid.

(Larry): Okay.

(Cheryl): On acting blank file at the moment.

Brian Cute: (James) you're on, do you know when that was sent?

(James): I'm just looking now, it was sent and it was commented by a couple of folks and I'm just trying to find the most recent (unintelligible).

Man: I've got an e-mail here from (Warren) which for me is the 2nd but for everyone sent to you guys probably the 1st it starts I wanted to share some thoughts below the signature.

Brian Cute: Okay. I got that.

(Fabio): Can the document be sent once again?

(Cheryl): You responded to it.

Man: You got it, you responded to it (Fabio).

(Cheryl): (Fabio) you literally responded to it.

Man: You responded a couple of, a few hours later or an hour or so later.

(Fabio): Oh yes. Yeah. Okay. Yeah. I see.

(Cheryl): (Unintelligible) it's the current refocus and it's based on that refocusing that what group three puts together for Friday will be on.

Brian Cute: Very good. I'm just forwarding it to the list right now for the heck of it but we've got that document and again, all right. So there's Working Group 3 and

thank you (Larry) for catching that. Let me just check my notes to see if there's anything else. I think that's everything.

(Cheryl): And you haven't got my replies in that one so it would've been nice to actually have one of them that's been coming to (Don) but that's, well that's one of the (pre) comments ones more work's been done since then so...

Brian Cute: Very good. Okay.

(Cheryl): ...let's keep going backwards, it's a great direction.

Brian Cute: Okay well let's, are we all set with the agenda item two then?

(Cheryl): (James) has his hand up.

Brian Cute: Thank you. (James)? (James)?

(James): Yeah.

Brian Cute: Mute button is stuck.

(James): Hi. Can you hear me now?

Brian Cute: Yes.

Man: Yes.

(James): Okay. Thank you. Sorry about that. Yes, just one other point Brian Cute you mentioned earlier that we did have a outstanding request to ICANN staff via

an RFI and just wanted to check on the status of that as part of our working group update whether or not that's been received by ICANN.

Brian Cute: Yes it has and I asked Denis for September 10 response to that document and I just pinged her to ask what the status is, I haven't heard yet but I'll certainly touch base with her this week and make sure that the response to Working Group 4 is forthcoming on that.

(James): Okay. Thank you.

Brian Cute: And I guess let me add maybe one more specific task, somebody mentioned it, for each working group not just producing the universe of issues that you're going to treat but to the extent that you can identify the outstanding tasks in that as I think (Chris) referenced.

We need to interview a board member, we need to interview a board governance committee member, we need to interview X, Y or Z to fill in the fact finding, it would be very useful if you've got that mapped out in your draft as well come next week, which would...

(Chris): Brian Cute this is (Chris).

Brian Cute: Yeah (Chris).

(Chris): Can I ask a logistical question on that? What is the basis of, if so (Olivier) and I had an hour and a half discussion with (Dennis) as part of the chair of the board governance committee the other day.

Now what is the status of these discussions that we have? Should we be concerned about making sure that they are recorded or not recorded? What's the, how are we supposed to deal with those?

Brian Cate: Well this is data gathering and there needs to be a basis for it. I would at a minimum think we would want to keep a summary of discussions that we've had, it has to be verifiable that the data gathering took place, the time, the manner at a minimum a summary of the discussion unless there was reason for confidentiality, which we understand may exist in some, with some interviewees absolutely there needs to be a documentation of that data gathering.

(Chris): There may be a recording without necessarily publishing it for our own purposes or?

Brian Cate: Yeah that's certainly, we could do that, I'm not sure that we've as a team established the specific protocols for this aspect of the data gathering.

(Chris): I mean (unintelligible)...

Brian Cate: (Unintelligible) that we have...

(Chris): ...if I was being talked to as chair of the CCNSO I'd have no problem with that. But I would want to be clear as to the, as to the what that conversation was going to you know, how that conversation was going to be dealt with. You know if it I was, if it's an open conversation that's one thing, if it's a chat between two or three people that's another, so I just think it's important that we get clear about the status of these conversations.

(Peter): Brian Cute, (Peter) here. I think it's a very good point (Chris). I think working backwards from the report what you want to be able to state every statement that's in the report that says, you know, this is the current practice or this is the current problem, you need to have a reference to that.

And the reference that would be conversation with the Chairman of the BGC or conversation with the chairman of the CCNSO and then it should be a reference to an MP3 recording I suggest is easiest, saying if anybody wants to they can go back and actually troll through the source material, I wouldn't suggest going any further than that. But if we have the time and the money you would probably transcribe that conversation, have it posted as a transcript.

(Chris): Yeah I agree with that I think that's right, and my sub-question is effectively a step back from that which is, and it's just something that I'm raising, which is do we want, you know, if the recording or the transcript of the conversation is going to be available that's fine. But we obviously need to declare that up front and we need to say, you know this conversation will be available.

(Peter): Yeah. And we need to have the same set of ground rules for every conversation as you see, including the one with you as the CCNSO or with me as the Chairman of the Board or whatever.

(Chris): Exactly. Right.

(Peter): Yeah. Good point.

(Chris): And I just think we need to get really clear and there's an argument that there is one, there is one side of the argument is that we ought to be able to have you know, "off the record conversations" which are, which fill us full of facts but are not quotable on the one hand. But on the other hand everything we do

should be open and accountable so I don't much mind which way it is I just want to get clear.

Brian Cute: Well I think the answer is that is, would be our approach with each interviewee, that the approach should be that it's an on the record discussion, that it would be recorded, that the interviewee would understand that what he or she had to say could factor into the report, could be publicly available, but also provide the opportunity to have off the record conversations.

This is the protocol we established essentially for the working of the review team essentially and that's, it's very consistent with that but we didn't make it specific to interviewees in the fact finding phase of our work.

(Chris): So just, (unintelligible) to take the only, the one example that I know exists, there was an on the record discussion with staff, not off the record discussion with staff, if I'm able, in respect to Working Group 1 for example, to say to, and I'm just picking a name out of the air here, but to say to (George Sidowski) I want to have an on the record discussion with you about the (unintelligible) but I also want to have an off the record discussion with you about the (unintelligible) is that acceptable?

Brian Cute: Yes.

(Chris): From the (ATRT)'s point of view rather than from (George)'s point of view, which is a different thing entirely.

(Peter): I think ideally (Chris) you ought to explain why the off the record stuff is off the record and I think you'd have no difficulty of that in relation to (George) it would be personal observations as the chairman about (unintelligible) that

individual candidate and individual places that you know, would never be part of the public record.

But be clear that you're not talking you know, that you are only talking about if you like acceptable confidentiality topics.

(Chris): Yeah. Okay. Because I don't want, the last thing I want is that (George) to be saying it might be - and again I stress I'm making this up, but it would be useful for (George) to be able to say you know, a general standard of candidates while I was chair of the (unintelligible) was you know, a score of one out of 10X. And he might not want to say that necessarily publicly.

(Peter): Yes. I agree completely.

(Chris): So what we're asking that we get something, it doesn't, it's not complicated it's just an agreement between ourselves that it's possible for us to have off the record conversations (unintelligible) declare that.

Brian Cute: I'll put pen to paper and draft something to that effect so that we can circulate as a team and sign off on it as a team and use that as our MO.

(Peter): Well I think (unintelligible) kind of principle we agreed in Marina Del Rey which was yes everything's on the record. But when you need to go off the record you need to publish a reason for that, so in this case the, it's the topic is interviews and so they're all on the record except for the fact that some portions, which need to be described, go off the record.

And in case you'd just be looking at, and I agree with (Chris) it's just an example that may not arise this, that you would explain that the thing that was off the record was because it dealt with individual candidates or individual

classes of candidates and therefore, you know, Canada would require confidentiality with individuals who were being discussed over sort of a mode like that. But that comports our existing policy.

Brian Cute: Absolutely. I think that maps very cleanly to it. Okay I'll put something together for draft that we can kick around on the job quickly and have in place for everyone to follow.

Okay anything else...

(Cheryl): Brian Cute, (Cheryl) here I was...

Brian Cute: Yes (Cheryl).

(Cheryl): ...actually just kind of pick up on a couple things and believe it pretty well covers the towards the end of what he was saying that in terms of you know, we did in fact have a (unintelligible) what's in (camera) and what's not in (camera) standards. And by applying those to the report writing I think we'd be heading in the most appropriate pathway.

But I also then wanted to add of course it is very important that if there is record in inverted (unintelligible) you know, this could mean a resolution, it could mean a formal record of another committee's meeting and things like that. Then we should be not working on hearsay and second and third hand information but we should be going to the source documentation, our primary source material is important wherever possible.

Brian Cute: Absolutely. I couldn't agree more. Okay. Anything else on agenda item two? All right. Then let's work to number three, which is discussion of ICANN staff and Berkman support for working groups.

I think what we've already touched on in terms of some of the documents that Denis Michel has pulled together and is pulling together that we can continue to work with Denis that the working groups (unintelligible) primary authors of their issues reports. And that we will check and validate our work against source material that's been pulled together by Denis as we go forward.

With regard to Berkman's support for the working groups let's talk about that a bit. There was some discussion about using Berkman specifically for the task of reviewing the complete drafted issues reports and the respective working groups, taking that away. And then on the basis of their expertise coming back to each working group with potential recommendations or, you know, suggested mechanisms that could then be recommended by the review team to ICANN board for consideration for improvements.

Is that still in agreement of the group? I assume that's a task that we intend to give to Berkman once these respective issues reports are complete, not final, complete? Any issues there?

Okay. That's something we'll...

(Chris): Yeah. The only, (Chris). It's (Chris). The only point I would make is that I agree with, I absolutely agree with you but, or and rather, some of us, certainly Working Group 1 has already asked at least as sort of an example format I asked in Beijing I said to Berkman could you on the transparency piece of our work, you know if there are any models of transparency and that you think might be applicable to the ICANN circumstance could you recommend those.

So I think it's important that because of our timing we don't do all this in a rush at the end, if things come up as we go along then if we're going to use Berkman as a resource we should do that as we go along rather than waiting until one particular point.

Man: So...

Brian Cote: I agree. Yeah. (Ursa) please.

(Ursa): So thank you so much for this very helpful discussion. I think you've done a great job. The templates are extremely helpful and informative and are providing an excellent, provide excellent guidance also for our work. So thank you for all the work that has gone into that.

One suggestion along these lines may be that Berkman (unintelligible) will basically comment on the templates as they stand on Friday and that we will provide three types of inputs before you know, we would kind of engage with a completed issues map as you just outlined it.

The three types of inputs we could provide on next Monday's call essentially if it's scheduled for Monday or otherwise Tuesday, is first that we review each of the working group templates with regard to the issues listed and the questions asked.

And there may be instances where we, you know, we recommend or think that some additional issues may be included or you know, in some other areas we may have from our own reviews so far want to flag two or three questions or make them more explicit within a working group and then obviously it's up to the working group to take or leave it as a suggestion.

The second type of input is we could and should I think identify for each working group a template that interfaces with our own work and I see that kind of as a two-pronged exercise, first of all we could provide comments with regarding to the factual interfaces to our own work.

So for instance we could flag areas where we think the case studies that we're working on may be helpful illustrative to the particular working group with regard to specific item or issue that you identify. And or to take another example that we flag where we think the questionnaires and interviews we're conducting may inform the working groups work with regard to then a particular item as identified in the template.

The second type of interface input is more like with regard to the assessment part of your work, we could flag for each of the documents again at this earlier stage so Friday once we have the revised versions, where do we fill in to the evolving working hypothesis that we talked about last week at the Beijing meeting.

We could also certainly flag and identify some of the concepts or frameworks that may be helpful and inform the working groups work, especially in the later part of the template towards the end where you exactly ask this question, well what would be alternative mechanisms if there aren't already mechanisms in place.

So the transparency framework that was just mentioned will be kind of one type of input that we're happy to provide and actually we're working on that right now.

So that will be the second type of input and then perhaps the third type of input may be methodological suggestions to take one example in the template,

in the general template you list under analysis questions which are as I understand not exhaustive, however the framework works in practice that you previously identified. And for instance there we may help or provide, you know, comments on what are evaluation criteria that are, that help us to answer this particular question, right. So that would be more on the methodological side.

So to sum up one of the things we could do is to take the revised templates and provide three types of inputs, review our role of the issues. Do we see additional issues or questions or not, second what are the interfaces to our own ongoing work both regarding facts and more (unintelligible) evaluate this work, and third where you know we have thoughts on methodological issue approaches and to provide that type of comment to, would that be helpful?

Brian Cute: I think it would be helpful (Ursa). And back to (Chris') point you have seen the drafts that have come under the list and including work group three which I just sent again to the list, and I know you've confirmed that you've seen them on your end but please take those and begin this from an analytical standpoint. We'll get you complete versions by Friday, which should give you the totality of the roadmap and I would say to continue to work on that front.

Obviously you're in your fact finding phase yourself and there's still some work to be done there so it's recognized that the interface on that will be important to our work and that it will be coming in over the coming weeks as you go through your interview process. So that'll be an ongoing type of interface for suggestions about alternative mechanisms or methodologies.

To the extent that those, you had some of those to suggest to working groups and they were not themselves dependent on your fact finding, please identify those to the working groups as soon as you can so that they can begin to look

at them and think about them as possible mechanisms or methodologies that could work into final recommendations, that's, that would be common sense to me.

Any other thoughts from the review team on (Ursa)'s suggestion?

(Chris): Brian Cute it's (Chris). All I would say is, just I would encourage you not to hold back. In other words if your team, and again I'll use Working Group 1 as an example, your team knows that Working Group 1 is looking at transparency. If you know that there is a model out there on transparency that might be relevant I would, I'd encourage you to not wait for us to finish necessarily drafting our first cut but actually to send a notice there's, look at this because it might be valuable or worthwhile.

(Ursa): Yes. Point well taken. We, you know we try obviously to balance a little bit as we move forward of the need to provide innocent feedback and comments but also given the dynamics of the process not to be in a position where we have to release the documents and comment multiple versions. So it's a little bit of a balancing act but I totally agree if there are, you know, immediate thought here we're certainly happy to share it and otherwise try to package it the way I described by next Monday if that's helpful.

Brian Cute: Great. Any other comments for (Ursa)? Okay. Why don't we move on to Item Number 4, which is an update from Berkman on your progress and looking forward what your task list looks like and your timing looks like.

(Ursa): Excellent. Thanks so much. I think John Palfrey will start this discussion and then Caroline Nolan will provide an update on where we are in our review process. John, over to you.

John Palfrey: Great. Thank you (Ursa) and thanks all for having us. I wanted really just to say a few quick notes about where we stand then Caroline can give more specifics. I think that the big message back to the (HERT) was how helpful the early look feedback was and the course correction that we had to Beijing.

I think that's been helpful to us in the last week in multiple ways with respect to specific early findings and hypotheses to be sure with respect to our scope, which I think is the biggest thing that we continue to try to be very clear about and to (unintelligible). And of course as to methodology and specifics of interviews and so forth.

So in all of those areas we've taken your feedback to heart and continue to work it in. I think as a sort of level note in terms of our progress going forward I think I wanted just to say that the (unintelligible) seemed to work pretty well, us pushing a fair amount of material to you early. Even though it was certainly half-baked at best, maybe a quarter baked in some cases, but getting a lot of strong feedback certainly helped us.

So we will continue with that as always mentioned of course there's a review coming up about some of your documents. But as Caroline will walk through in more detail the kind of timeline we're working through we're going to continue to try to push things out to you in not quite finished, and as Brian Cote's (unintelligible) I think it was completed but close to finished materials going forward so that we'll continue to get that kind of feedback.

We hope of course to stay on the corrected course, this new course as much as possible through that mode, so just wanted to say thank you for that and we've enjoyed getting the template documents and so forth in the interim. So Caroline maybe if you want to hit the specifics I will turn it over to you?

Caroline Nolan: Sure and thanks so much John. And I just wanted to echo (Ursa) and John's comments, today's discussion has been very helpful and certainly seeing the templates from the working groups coming through and sharing them with our team has been particularly useful in the past week.

As far as touching on some of the highlights of our progress in the last week I did share a document last night in response to our discussion in Beijing regarding our approach to interview process and the rationale and criteria that we're developing for how we're developing a smart sample as we put it, in our document regarding how to develop a diverse set of perspectives.

And to certainly fill in the gaps in our research and approaches to the case studies and to get at some of the questions surrounding aspects of the case studies.

The document that I've sent around outlines key objectives, focuses on the broad categories of people that we are aiming to speak to in terms of each of the case studies. The third section just outlines a bit more clearly what we envision as the process thus far based on certainly your feedback in Beijing.

We do, we are in the process of working on the questionnaires adding more specific and detailed questions and noting where the questions may apply to each of the six categories that we've outlined of particular targets for each of the case studies. It would be great as you're able to give the feedback that you mentioned regarding the initial draft and we're happy to review and certainly incorporate those into our questionnaires going forward.

Just a note on the third section with regard to our approach to ICANN staff and to GAC members that as we touched on in our conversation will be a two-step process starting with a written questionnaire followed up by a phone

conversation. And with the next section of the report we touch a little bit more on niches for each of the case studies.

And in this document we tried to certainly demonstrate in this section some of the different questions and aspects of the case studies that were focused on and from our own fact-finding who may be a possibility for outreach on that particular topic.

Again it would be great to have your feedback and I want to say thank you to (Chris) for your helpful and swift feedback with the first version of the document. I will note that we have been in touch with Heather Dryden and also conversations with Denis Michel and John Jeffrey regarding how we're pursuing both the staff and the GAC questionnaires.

So as far as that process goes I'm happy to have any feedback or discussion now or I can continue on with the rest of our update and come back to it. Are there any questions, concerns?

Okay I'll move on then.

Brian Cute: Yes. Carry on.

Caroline Nolan: Oh great. Thank you. And then in addition to the questionnaires we are continuing our work on the key studies. We've made good progress in the past week; we are continuing in our data gathering and analysis. And we'd love to talk about whether or not there's an opportunity I think in light of John's remarks and certainly the mode of your working groups if there's a way that we can share early drafts with the working groups in advance of the timeline that Brian Cute has put together.

In this sense we hope that it's an opportunity both to solicit your feedback but also to check our facts and approaches and ensure that they align and support your processes.

Brian Cute: Yes, can I - that's a question. I think based on the remarks between (Chris) and (Ursa) and myself just a few moments ago I think if we can proceed down the path where your team is actively providing the working groups with specific feedback recognizing that your interview process is going to take some time and that feedback will come over time, but that there's immediate and, you know, in the coming days and weeks feedback on potential mechanisms, methodologies and other items that are responsive to the working group's papers, that's what's most important.

And I think, you know, there's a recognition that there's two pieces of work here. There's the case studies which you are - have now refrained a bit and are going off to do effectively and there's the parallel work path of direct support to the working group which is going to require as much up front input from Berkman as possible; that's my overarching view.

Caroline Nolan: Great, thank you; that's helpful. And (Ursa) noted we are working in response to (Chris)'s request on the transparency memo in certainly thinking about the different models that may be applicable to ICANN.

As far as the flow of feedback as possible when we come to a place where we have a good strong draft of the case studies it would be great if we could think through an opportunity and perhaps incorporate that into our timeline where can share then with the working groups as a draft to gather your feedback as well and ensure that we're moving forward in the same way.

On the case studies I was hoping that we might have an opportunity - and I'm not sure if this call is the right venue. I know that the review team has an opportunity to speak with John Jeffrey regarding I think both the (Triple X) case and perhaps the time bounded-ness question factored into other conversations in Beijing.

Would it be possible to talk through that a little bit if you came to any conclusions or findings on that front and how they may impact the case studies?

Brian Cute: If you're going to have the conversation I will drop and (Minal) or somebody from the group can you just ping me on the chat when the conversation is done? (Minal) do you want to take the chair and I'll come back?

(Ursa): (Unintelligible) if it's easier we can also have a chat with (Minal) after this call and get an update or briefing from her if that's more convenient in terms of the work flow and so forth.

Brian Cute: (Minal) would you be able to talk to Berkman offline? I'm not sure she's still on the call.

Caroline Nolan: Yes I can follow up with her directly.

Brian Cute: Okay thank you.

Caroline Nolan: Great, thanks. And then finally in addition to the document I shared last night, the revised questionnaires and ongoing progress on the case studies we are continuing to do work on cross sectional issues. Certainly as I mentioned the transparency memo that we discussed coming out of Beijing in addition to corporate governance work in light of Working Group 1's memo and our

conversation in Beijing. And we hope to be able to report on that progress next week or in our next meeting.

Brian Cute: Sounds good.

Caroline Nolan: Great. And then just a final note as far as our progress goes, we have the midterm reported slated for September 8. It would be great to have a quick discussing regarding how best to approach that report and the expectations of the group.

Brian Cute: Certainly. From where I stand, you know, it seems to me as though the midterm report - obviously with the recent reorienting of the work and this next iteration out here, the midterm report wouldn't consist of much more than what you've put in front of us to date. Unless there are aspects of the work - I think you've alluded - or there are some aspects of your work that you haven't shared with the team this would probably be the best opportunity to do that and conclude that in the midterm report.

Unless there's some real solid reason as to why that wouldn't be shared at this point in time that would give us a very full picture of where Berkman is driving its work. Is that something you intended to do in the midterm report?

(Ursa): We're certainly happy to do so it's a little bit the question of timing and you signaled originally some flexibility with regard to the due date. So if we could say for instance we submit midterm report next Monday instead of this Wednesday then we could certainly share more materials and would be well prepared to make it a rich document.

(Ursa): Any objection to that suggestion from the team? Any discussion?

(Chris): It's (Chris). I think the important thing is that the midterm report is useful. If more time is needed then it seems to me to be perfectly reasonable.

Brian Cute: That's my sense as well. So why don't we go with that. Let's go with - you said next Monday (Ursa)?

(Ursa): Right, that would be the 13th.

Brian Cute: Okay let's go with next Monday and make that as comprehensive as you can. And we'll pick it up from there.

(Chris): Brian Cute, (Chris) again, just one point. If we're going to have a call next Monday then it would obviously be useful if we had the report prior to the call because, you know, these calls are hard to organize. So I...

Brian Cute: Right.

(Chris): ...don't know what that actually means but if we could maybe get the call, I mean, I don't know - what time are you - if Berkman's working on sort of generally speaking based on States New York time, then maybe we could get that, you know, before our - whatever time our call is in New York time on Monday if indeed it is going to be on Monday.

Or maybe we just agree that we can't do it on Monday we do it on Tuesday.

Brian Cute: Or we push the call - so we push the call to Tuesday...

(Chris): Yeah.

Brian Cute: ...(Chris), then we just have to juggle - if you can - we can do this (Peter), (Minal), (Chris), if we can between the four of us compare notes on what our hard schedules are (unintelligible) on Tuesday and I can look for a hole. And then we could just go for the call on Tuesday, Berkman can send the midterm report on Monday and, you know...

(Ursa): At the risk of blocking with, you know (unintelligible)...

Brian Cute: Yeah.

(Ursa): ...for the (RDF) is basically some opening workshops and the opening ceremony so it may be that Tuesday is - certainly the critical (unintelligible) resources session which is the first (nine) session is Wednesday morning and Tuesday afternoon there are some feeder sessions into that which I need to go to. But Tuesday might work if we can find a time if that gives Berkman enough time to get the report together and everybody else an extra few hours to get their stuff together.

Brian Cute: Plus it - it avoids (Minal)'s travel day. Let's then go under the approach of getting the Berkman midterm report on Monday the 13th and we'll organize a call for Tuesday the 14th and give everybody - a roughly 24 hours to go through that report.

Man: Excellent.

Brian Cute: Okay thanks (Ursa).

Caroline Nolan: That sounds great.

((Crosstalk))

Brian Cute: Okay anything else on your end?

Caroline Nolan: No I would just say again thank you so much (unintelligible) for your feedback to the extent that the group has any thoughts or comments on the document we shared last night we'd welcome any further recommendations on interviews.

And in addition if you have specific thoughts regarding our previous versions of the questionnaires it would be great to have that so that we can incorporate that into our final product.

Brian Cute: Very good, we'll provide that to you.

((Crosstalk))

Caroline Nolan: Great.

(Chris): Brian Cute, (Chris) again.

Caroline Nolan: Oh yes.

(Chris): Caroline, I know this is a grossly unfair question but I'm going to ask it anyway...

Caroline Nolan: Okay.

(Chris): As you currently sit are you reasonably confident of meeting our current timeline?

Caroline Nolan: Yes, yes we are.

(Chris): Okay thank you.

Caroline Nolan: Yes.

Brian Cute: Okay Caroline?

Caroline Nolan: Yes.

Brian Cute: Anything else?

Caroline Nolan: That was it from my end. Thank you.

Brian Cute: Okay great. Okay thank you all, John, (Ursa), Caroline, thank you very much.

(Ursa): Thank you.

Brian Cute: Let's move to the - actually I guess face to face meeting in Boston is the next item. But why don't we do the timeline which includes Boston? Alice, can you - the timeline document that I sent last evening US Eastern Time, do you have that?

Okay so let's just walk through this again to make sure we're comfortable with our guideposts here. We've just changed the midterm report for Berkman to September 13. And the September 20 date of working groups submitting all framework issues, documents to ATRT, that would be the - I guess the complete but not final as I characterize them - the deadline for this coming Friday is to have all your issues identified, as much work around them as you

can. But then targeting September 20 for having the working groups submit their complete but not final issues documents to the review team.

So let me start there. Is that well-targeted? Is it reasonable?

(Larry): And what will - how will those documents be different than what we talked about today?

Brian Cute: From what we submit on Friday?

(Larry): Yeah, I mean, are you actually looking for all the questions to be answered by the 20th?

Brian Cute: Oh good point. I really was thinking about the fact statements, the background documents, the public comment, having all of those pieces put together. No I don't think, (Larry), now that you've focused in on the questions being answered, I wouldn't think that the questions would be comprehensively answered as of the 20th.

(Chris): Would we have our interviews done, Brian Cute?

Brian Cute: That would be an aspiration for each of the working groups. That's two weeks hence.

((Crosstalk))

(Chris): ...the ability of people I don't think it's a bit a bad thing to have an aspiration.

Brian Cute: I see let's keep it there as an aspiration because the key is we're going to have, you know, a two, two and a half week period before going into Boston that's

going to be critical to the work. And so data gathering, completeness of the issues reports is going to be - by the end of the month an absolute necessity. So let's keep that as an aspirational target.

On the Berkman side we'd talked about Berkman providing their inputs - their proposed recommendations, identification of alternative mechanisms and methodologies to the working groups. And in the Beijing meetings I talked about the 24th of September as a target date, push that out a week given where the - Berkman is in terms of their data gathering and work flow.

That seems to me to be a bit more reasonable and it still provides the working groups with 10 days roughly to ingest that and work it into their draft recommendations and reports as we go into Boston. I'll recommend that we keep that - put that date there for Berkman to give each working group its download if you will.

(Ursa): Well this is (Ursa) again. I think this sounds right. And again, I mean, given the fact that we will provide now on this template already this type of feedback it's more kind of a process rather than a point in time, right. So I think it makes sense to have two dates but also recognize that hopefully much of the feedback we can give of the draft is already incorporated in the final documents on the 24th. So we have two layers of review is actually (unintelligible) input.

Brian Cute: Right. Right. Okay let's keep that date there then. And then we have the working teams will have 10 days - the working groups will have 10 days before we sit down in Boston on the 11th. And for the face to face meetings in Boston we do not yet have an agenda.

What we're anticipating, (Ursa) is that by the 11th Berkman will be in a position to provide a presentation of effectively what the final report is going to be if not in writing but certainly the ability of Berkman to give us a download.

I assume that that's going to take up the better part of one day. And we have three days to work with. And the rough discussion about the other two days is that these would be working sessions, where in a dynamic sense the working groups and the review team work with Berkman to, you know, kick the tires of the draft recommendations before they go out in public. Check the analysis, the answers to questions, the factual foundations and make sure that they're solid pieces of work.

Beyond that we haven't put, you know, a finer point to how we're going to run the three days but I'll put something in agenda form and we can circulate that and make that final in the coming days.

(Ursa): That sounds great. There is also kind of one complexity of course that we, as you know, our teaching starts tomorrow so we have to work around some of our effective schedules as well so that's something to take into account to structure the agenda. But we're having this conversation offline I guess.

Brian Cute: Okay let's have that conversation offline. And we're going to talk about logistics offline as well.

(Ursa): Yes.

Brian Cute: And per Beijing we had October 20 as the likely date for publishing draft recommendations for public comment taking no account the need for translation coming out of the Boston meeting and a 30-day public comment

period which would have the public comment period closing on November 19 and then moving into the Cartagena meeting on December 5. We're going to have an interaction with the board and on December 6 or 7 an interaction with the community.

And then I just picked December 24 as a date to submit the final recommendations but understanding we have under the AOC until the 31st if needed.

I wanted to ask one question of the team and surrounding Cartagena. We have - we've engineered this schedule for us to walk into Cartagena with near final recommendations for presentation to the board and an interaction with the community based on near-final recommendations.

And that has put some pressure on us in terms of taking public comments which again has to be translated once it's done out of any foreign language - any languages into English to be included into the working group's work. And it puts some pressure on us to have a near final report walking into Cartagena.

My question is is that absolutely necessary that we walk into Cartagena with a near final report of recommendations? Could we go into Cartagena having interaction with the board and interaction with the community on a verbal basis and be working on the report past Cartagena toward submission by the 24th?

It occurs that that might take some pressure off the work schedule. And is anything lost if we took that approach?

(Chris): Brian Cute, it's (Chris). It seems to me that - just from my experience - there may be a significant amount to be gained - there may be a significant amount to be gained by having part of the open comment period in the meeting.

Now I've - they may not be but it seems to me that we seem to be determined to have produced a final - almost final report prior to Cartagena.

And I wonder whether your point isn't right that if we were to publish the - a draft final report at the particular date, if it enabled us to close the comment period in Cartagena and then deal with comments including comments from the board post, that to then produce a final report by say -- and I accept the 24th of December is probably the most logical date given that pretty much everything else - everything closes down after that -- that that may actually be us bringing the absolute most and best out of our time.

Because I'm unclear as to what the purpose of having effectively if we produce a final report subject to public comment that comment period is closed and all we're doing is turning up in Cartagena and having a meeting with the board and a presentation session, I'm not sure quite what's to be gained by that if the public comment session is closed.

Brian Cute: Yeah, (Fabio).

(Fabio): I see the - our interaction the board to a large extent as a part of our consultation effort. We will have had the period of public consultation. In my view we should be doing exactly what you have just suggested; we should be agreeing among ourselves on an oral presentation, on an oral line to be presented to the board.

Then we should be testing to the - to a certain extent with the board their immediate reactions.

(Chris): Yeah.

(Fabio): And so I would produce even a draft report or whatever you want to call it, anything in writing, after the interaction of the board.

(Chris): Yeah.

(Fabio): Because otherwise what's the point of discussing with the board - we will be getting into sort of game where people will be just checking the words in the document before and after to see how the board has changed our mind or if we don't change anything what's the point of interacting with the board...

(Chris): Yeah.

(Fabio): ...if we go with a already precise view? No I think that we should be following Brian Cate's suggestion having the preliminary meeting among ourselves where we shall be going through the results of the public consultation. We shall be agreeing on the few final points that seem unclear and then we shall have the meeting with the board on the basis of an oral presentation. And then we will have...

((Crosstalk))

(Fabio): ...days to finalize the document.

(Chris): Yeah.

Brian Cate: And the benefit of a 45-day public comment period as opposed to a 30-day.

(Fabio): Well no. I would still call it a 30-day consultation period to close on the 19th of November otherwise people will send - the comments will come in too late. But...

(Chris): (Fabio)...

(Fabio): ...effectively we'd be taking into account also comments that arrive after the deadline and we will be taking into account whatever the board will tell us.

(Chris): (Fabio), it's (Chris). Can I just - I think we sort of agree but not quite. It seems to me that - well let's deal with the board first. If the public comment period is still open then the interface with the board forms a part of that public comment period. That's the first point.

Secondly it gives the community an opportunity to put comment in physically, verbally, at an ICANN meeting as well. Thirdly I wonder whether if there is - if there is a concern about getting input from the board we couldn't maybe schedule a call with the board during the open comment period to enable the input to be given.

My point I think is that if we were to - and I'm - if we were to include the - at least the first few days of the Cartagena meeting as part of the public comment period the advantage of that for us would be that we don't have a deadline of November the 19th actually - I'm sorry October the 20th rather - to actually open the comment period. But we actually have a little bit more time because it would enable us to run the comment period through into Cartagena and then finalize the report based on the public comment after Cartagena including the board comment.

((Crosstalk))

(Chris): Which I think is what Brian Cute was suggesting. Brian Cute did I get - have I summarized that correctly or...

Brian Cute: There's a practical problem with this though which is that - and I think (Fabio) put his finger on it which is that nobody files in these comment periods until the end which means we would go into Cartagena without really knowing what the reaction has been to the draft recommendations. We're flying blind at that point.

The advantage of having closed the comment period before we go in there is that we'll have that universe of comments but we will have been able to sift through and assess and determine whether that changes our views on things.

I don't view the board discussion as taking public comment; I view it as really a chance to sit down and go over why we've proposed what we have, what the public response to it was...

(Fabio): Yeah.

Brian Cute: ...and get some feedback. But I don't know that it rises to the level of public comment because I don't view that discussion as of the same variety as what we're getting from the public prior to that. And I'm nervous going into Columbia without having received the written comments from people on these recommendations.

It seems to me all you're doing is now creating a tremendous workload potentially in December as - because after you come out of Columbia you've

got to - somebody's going to have to sit down and sift through all those public comments that will have just come in, figure out a way to incorporate them into their report.

And I think the report maybe changes significantly from that depending on the public comment we receive. I'd rather go into Columbia with a near-final sense of what we're going to do. I'm less concerned as to what the work product looks like and whether it's all polished up and released or not. But - so we need to know what we're going to recommend when we go into Columbia I think.

((Crosstalk))

(Fabio): Okay. (Fabio). Let me rephrase the point that ((Larry)) and I were making. I think there is a strong case for having the official consultation period closed so that we can have the inputs, the translations and everything.

That being said if after the formal end of the consultation period anyone from the community, from anywhere else, from the board, comes up with one or two interesting suggestions of course we will take them on board if we think they're relevant.

So I would make a distinction between the official consultation period which would be preferable to be closed before we go to Cartagena and the time when we can de facto still receive inputs.

Brian Cute: (Chris).

(Chris): My only - I accept that. My only point is that - is that that gives us effectively a hard deadline of under Brian Cute's current timeline of October the 20th.

And the question I have is whether we will be ready by October the 20th to produce a document that can be described as an effectively final report subject to public comment.

That's all I just - I was sort of seizing on what Brian Cute said that there may be an opportunity to give us a little bit more time to work on the document before we produce it, that's all.

((Crosstalk))

(Chris): ...but we can make that agenda then so be it.

Brian Cute: Yeah and this is Brian Cute. I see a clear potential gain there as well. And I guess it's you're trading one off for the other. You know, you're releasing a little pressure on the 20th of October and giving some flexibility but perhaps creating some pressure in December.

You know, one operating assumption for some on the team is that the public comments may not produce anything that dramatically impacts the report or probably won't since - that's just one assumption. But it's a trade off. I think what we should do then is let's proceed a pace in the next two to three weeks and see where we are.

And certainly two to three weeks from now we're going to have a much better sense about whether October 20 is achievable. And if we get to a point where we think it isn't achievable we still have the flexibility to tweak this calendar. And this is one way we could tweak this calendar to make an accommodation for that date if need be.

(Chris): Brian Cute it's (Chris). Fine with me.

Brian Cute: Okay. Okay we are - yeah, (Louie).

(Louie): Hey. Whenever we end up closing the public comment period if something interesting comes in after that we don't necessarily have to produce work on it, we can even document it as something that a future review team should look at it or a future group. It doesn't have to be us. But as long as we document it I think we at least do it justice.

Brian Cute: Yeah, you're quite right, I agree, (Louie). And that may be one result of the public comment with little impact to the report. Again there may be something that comes forward that is fundamental and steers the report in a different direction and we have to be willing to make - have the time and ability to make that turn if need be.

Okay any other business? Let's just - we're past the hour. Is there any other item that we need to address? Okay then working groups please have your issues reports, your reports with all of your issues in by Friday.

I would stress please go through the public comment as well as you're doing this using (Fiona)'s reference document and make sure that you've looked at the public comment that's relevant to your respective working groups.

And then we will go about trying to schedule a call for next Tuesday.

Woman: Brian Cute, if I may, this is (Minal).

Brian Cute: Yes.

(Minal): We've just received an email from Alice with the hotels in Boston. And I was just wondering if the objective is that we are all booked at one hotel right or...

Brian Cute: I would like to - is it - let's give people options if possible. Being at the same hotel is...

(Minal): Okay.

Brian Cute: ...being at the same hotel is ideal but depending on people's budgets and other items perhaps we may not all be able to be together. But - what has Alice sent? I haven't seen it.

(Chris): It came in about two or three hours ago - two hours ago, Brian Cute.

Brian Cute: All right let's take a look at this offline. And if there's one hotel that is the best and we can all be in one place we'll make that recommendation. And we can do this on the list.

(Minal): Okay. I just need to put the hotel for the Visa application that's why I was interested to know whether there is flexibility or we're all going to the same hotel. But we leave it online. Thank you.

Brian Cute: Yeah I think ideally it'd be good to be in the same hotel but understood if that doesn't happen at the end of the day. Any other items? Okay thank you all.

(Chris): Thank you very much.

Man: Thanks everyone.

((Crosstalk))

Brian Cute: Excellent.

(Louie): Thanks.

END