ICANN

Moderator: Alice Jansen
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10:53 am CT

Coordinator: The recording is now so we can proceed.

Brian Cute: Thank you. This is the accountability and transparency review team call, September 14. We have two issues to go over today, we have a short call scheduled for 45 minutes at most.

The two points I wanted to hit with everybody have to do with the working group drafts. In particular I had circulated last night and I'm sure you haven't had a chance to look at it, a draft of Working Group 3's document that I put together.

Certainly looking to the Working Group 3 members to give substantive feedback on that, but to my mind the most critical points we all need to focus on right now is number one, is our work in a proper framework and structure?

And up on the screen we had Working Group 2's draft. We don't need to be slaves to consistency here but I think some consistency is important. So Working Group 2 draft and to my eye and from our conversations last week,

provides a very good structure and not just structure but also when we get to the formulation of questions that need to be asked, the review questions.

And those are the questions that are - simply are structured can X be improved by whatever you're looking at, whether it's the public input process, whether it's board interaction with the GAC.

So what I'd like to see from all the working group drafts and I think we're beginning to see it is the consistency and approach to structure and formulation of questions.

The second thing we need to focus on now because of the time pressure is any fact checking that each of the working group needs to do. So that is to say as your drafts have been put together and the questions have been articulated, there is a universe of data that each working group needs to review.

And it could be simply getting documents to look at processes that are underway, whether it's for governance processes, improvements in the public input process.

But that fact checking data may also include interviewing a staff member, interviewing a board member, interviewing somebody who's on a committee designed to create improvements in the area you're reviewing.

So given the time strains that we're all under it's critical that each working group have identified the full universe of the fact checking, the data checking that it needs to do in order to then analyze that data, come to conclusions on the questions that you posed and begin drafting recommendations.

So the immediate concern that I want to get across is that each work group have that universe identified and to the extent that you have to do interviews, to the extent that you have to do outreach that you have an understanding of the specific task.

That we have eye on the timeline and we're looking to data inspection, start turning towards drafting of proposed recommendations.

So those are the items I'd like to go over this morning. Why don't we start with if you don't mind (Chris) since you've been driving Working Group 1's draft in a strong direction, if you can comment on the structure of your working group draft.

And as it relates to Working Group 2's framework how do you feel your work is right now?

Man: I don't think (Chris) is still on line, he's in the Adobe chat room.

(Chris):   No I'm here Fabio, can you hear me?

Fabio Colasanti: Oh sorry.

(Chris):   Hi, I've just got on so thanks Brian for the - passing the ball to me straight away. We've got the two background - the two areas, the background information in place.

Subject only to - we've asked if there is anything else on the transparency side that we can't find on the Website and we're waiting for a response on that.

And the next step then which shouldn't be too hard really is to summarize that in the background into what the current practice is on the areas that we're looking at and then look at the questions which we've already started working on.

So I'm comfortable that we're subject only to finding the necessary time in the next few days, we'll be fine. Is that what you wanted me...

Fabio Colasanti: Fabio here, (Chris) probably the questions on the review will be a reformulation of what you have already on the community feedback plus some other ideas that we might have.

(Chris): I agree and that's why I don't think it's going to be a particularly onerous task to finish that in the next few days.

Man: I think community feedback is very clear on the second subject of transparency. On the subject of both composition it's not so clear, you're right, questions from current thought were (unintelligible).

Brian Cute: Thank you all, yeah there's two components that need to be checked, one is as you've done your draft (unintelligible) off against the public input to make sure that you've looked at all the public input and not missed an issue that was raised by the community.

And then secondly are all of the relevant bylaws, processes, undertakings by ICANN. And once you've done that again when we have the updated affirmation of commitments, tracking documents from Denise Michel, it would be very good to check off against that document to make sure that there isn't an existing process or committee or something underway that's designed to address one of the issues you framed.

And check that box to make sure you've gotten the entire universe of relevant processes underway in ICANN. And once that's done then each working group is in a very good position to turn to its final data checking or fact checking exercise and move toward recommendations.

So thanks for that update (Chris). I'm going to - yeah please.

Man: I have a question, you mentioned a different format between Working Group 1 and 2, but besides the fact that we don't have the question as (Chris) said again we tried to stick to the same format.

Brian Cute: And I think that's appropriate.

(Chris): Yeah, basically they're the same, it doesn't really matter as long as it all comes together in the mix. I haven't meshed it all together yet into the template that I started, but I will.

And then it will end up looking much the same as (Larry)'s document.

Brian Cute: That's right. So I'm going to skip over Working Group 2 unless there's anything Working Group 2 wants to report in because that seems to be the most fully formed at this point.

Is there anything from Working Group 2 on these points?

Willie Currie: Willie here, no, I think we need to get to the next phase of the fact checking and how we plan to ask the questions. But I know that the (unintelligible) mid term report has been quite interesting which we will look at and work through.

Brian Cute: Right, and while I'm here on Working Group 2, Willie if you don't mind I'll
                   just inform the group that you had informed Manal and I that unfortunately
                   because of your regulator's view you are going to have to step down from the
                   group which is regrettable and you will be sorely missed.

                   But I appreciate your question about providing as much support as you can
                   even informally up to the Boston meeting. We'll work with you in terms of
                   any potential replacements.

                   But again thank you for all your work so far and we'll make sure it's a smooth
                   transition for you off the review team.

Willie Currie: Good, thanks Brian.

Brian Cute: Moving to Working Group 3 and again I know I sent it six hours ago so I'll
                   give you all some time to react. But I took the prerogative to draft a Working
                   Group 3 document.

                   And try to as best I could format it to again to the Working Group 2 model
                   framework in terms of structure and to try to begin to put some questions,
                   begin forming some questions around that.

                   I'll leave it to Working Group 3 to give me some feedback on the substance
                   since I wasn't deeply involved in that one.

                   But my question to Working Group 3 is how do we drive this document
                   forward to completion because it has been slow in developing and it's been
                   unclear on my end as to who holds the pen and who's driving that document.

So can I hear from Working Group 3 as to who's going to own this in the next two and a half weeks as we get towards the end of the month?

Warren Adelman: Brian this is Warren, is anybody - are Louie or - I think I heard Cheryl isn't on, is Louie on?

Alice Jansen: No he's not I'm afraid.

Warren Adelman: Well I think - Brian I think frankly we're going to have to - I mean you're going to have to you know ask Louie who I think had said after Beijing that he was going to pick up the pen for Cheryl.

I think you're going to have to pose to them, hey you know Cheryl, Louie are you guys picking up the pen, you know starting tomorrow or are you not going to participate in this?

And then you know between a few of us we'll have to try to push it forward. I don't see any alternative.

Brian Cute: No, neither do I. I spoke to Louie yesterday Warren and he said that he just hadn't had a chance to get to it but he had some time freeing up now.

I'll see Cheryl today, I have no probably continuing assisting in the drafting. I've got Erick here with me and we spoke privately and he said he's happy to jump into the breach.

But there needs to be a clear owner of the draft period.

Warren Adelman: Well then I would say yeah, I mean then I fully - obviously I'm a member and if Cheryl and you know Louie aren't going to lead that then you know if you

and Erick are going to that's great and you know I'll stay on four and focus on that.

But I think it should just sort of be yes or no tomorrow and that's it.

Brian Cute: It will be yes or no today.

Warren Adelman: Today.

(Chris):   Brian, (Chris). Cheryl's not here so you're going to need to call her actually currently I know a conference which is why she's not on this call.

Brian Cute: Oh she's not in Afilias.

(Chris):   No, so you'll need to call her.

Brian Cute: I'll give her a call then. Hold on, Erick?

Erick Ahon: Yes, the idea is finally is Cheryl will have trouble to write the document, we can help her so we are part of the same team.

(Peter):   (Peter) here.

Brian Cute: Yes (Peter). You just joining?

(Peter):   I am yes.

Brian Cute: Good morning. Okay Working Group 2 we'll get sorted out today. Working Group 3 moving on to Working Group 4, Warren and (James) anything in particular to report with regard to the issues I put on the table.

Warren Adelman: Well I think you know Brian we'll do some additional formatting and consistency changes to even be a little bit more consistent with what was an excellent template with you know WG2.

I mean the second thing is we're obviously going to review the Berkman comment on WG4 that we saw today and see where we need to perhaps address some things.

And then three I think if my calendar is right tomorrow we'll start getting some RFI responses from Denise that we'll be able to start incorporating and using in our document together with some additional background work.

So I think in general we're in pretty good shape. (James), anything you'd like to add?

(James):   No, I think that's accurate and you know we're continuing to review anything that's already out there and published but we're looking for that RFI to help fill in the gaps.

Brian Cute: Okay thanks gents. And again Working Group 4, you were very proactive in identifying - putting together an RFI for the staff in terms of data that you needed to fill out your working group documents.

So thanks for being proactive on that front. I'm just going to close off this conversation by saying that on our next call on Monday each working group should have already identified the full universe of fact checking that it needs to do, any documents, any outreach to staff, the board, the community.

Any interviews that they need to do and should come into Monday with that full list and with a status report on how much progress they've made in their fact checking.

So that's a to do with next Monday's call and that's where I want to spend our time because we're working the calendar here and we need to be very conscious of any potential delay in obtaining data that we need to progress the working group papers to a point where we can start drafting recommendations.

Any other discussion on this point?

(Chris):   Yeah Brian it's (Chris), can I just clarify with you what you - if we're talking about the same thing. When you say fact checking you're talking about making sure that all the background information is in place.

Are you talking also in identifying stuff that e don't have, but are you talking also about actually interviewing people?

Brian Cute: Potentially yes, if the working group determines that there is a process in place that's underway, that's targeted at improving a particular area they're reviewing and it would make eminent sense to have a discussion with the chairperson of that group or member of that group to gather data then yes, I mean that as well.

(Chris):   Thanks.

Brian Cute: Anything else on this issue? Okay hearing none I'll just go to other business and on other business I'll start with a conversation that (Urs) and Caroline and I had with John Jeffrey and Denise last week.

And (Urs) and Caroline after - feel free to jump in after my remarks, the call with staff last week Harvard provided staff with an updated draft of their questionnaires and a list of potential interviewees.

We had a broad conversation about how that - how the interviews can be scheduled and structured so that Berkman can get their inputs and then turn around and provide them to the review team.

On my side I just reiterated that the review team needs Berkman's input by September 30 so that we can begin to draft our recommendations and have strong documents going into Boston and that if we miss that deadline that could create serious trouble for the review team's efforts.

John and Denise of course were very helpful and you know telling us that they will try to arrange as best they can to get these interviewees available to Berkman in the time that we have.

But (Urs) and Caroline why don't you provide your overview on that part of the process and where you are?

(Urs):   So this is (Urs), thanks for the summary, I think it's pretty accurate so we've had several calls with John Jeffrey and Denise Michel talking through the questionnaires that we revised.

In the meantime there is some debating inputs, we also went through quite a process to identify the right staff members. Of course we took into close consideration the accommodations we've got from John and Denise.

Some of the feedback is still pending, we've sent several reminders already in order to make sure that we get the nominations and best people identified as soon as possible.

We had already several email exchanges today on this matter and we are continuing to make rapid progress.

Our internal deadline that I also communicated to Denise is that we have all the responses to the questionnaires by September 25 which would then give us internally a Berkman five days to incorporate and analyze first and then incorporate of course the relevant respondents into our case studies and the other documents we are working on.

Brian Cute: Thank you (Urs). Do we have any questions for Harvard?

Warren Adelman: Brian this is Warren, I did have some comments on the - some of the proposed interviewees and their documents and then one fact that I wanted to correct.

Is this appropriate time?

Brian Cute: Absolutely.

Warren Adelman: Yeah the first thing is just on the issue of triple X there's some commentary in there that Michael Gallagher, wanted to speak to Michael Gallagher former head of the NTIA and then in parentheses currently sits on the board of GoDaddy.

That's actually not factually correct, Mike doesn't sit on our board any longer, so for the sake of accuracy we should change that.

On the new gTLDs, I mean you know he's a member of the board now but I think Bruce Tonkin who was the GNSO chair during that gTLD PDP process you know was obviously deeply involved.

He's intimately familiar, and I know that they put Avri Doria down as interviewee but I think they really have to interview Bruce.

So I'm just suggesting that it would be a mistake not to do that.

(Urs): Appreciate the recommendation, happy to add as we noted we still are kind of happy to add names and also you know if the review team feels that one person is more appropriate than the other please let us know via email or on this call.

We're grateful for your advice.

Warren Adelman: Yeah, and then on registries and registrars, you know certainly Jon Nevett, great individual but you know I'm thinking one of the top two are registrar rep that's you know active in that capacity.

And you know there's a gentleman, Mason Cole who's the current chair registrar group and I also think you'd want to have somebody who's active on the registry side like David Maher of CIR or you know Brian, yourself for that matter.

I don't know what guidelines that would cross but you know I think if you want to have John under the rubric of registrars that's okay but I think you probably want to have somebody from a registry as well being a registry representative.

And then the other comment I wanted to make is that maybe Kathy Kleiman on the issue of sort of non-commercial interests on the IRT, she's also with TIR now but is very familiar and involved in the IRT issue.

And I think again you have Avri Doria down for that so I'm just suggesting some additional names that you should perhaps augment that with.

(Urs): Okay, that's helpful, thank you.

Brian Cute: Thanks Warren, I think those are all fine recommendations. (Urs) or Caroline did you get all those names down?

(Urs): Yes, if you don't mind send me a note because actually I'm on my way, I'm on the road right now but I'm trying to take notes, so.

(Chris): Hey Brian I haven't had a chance to look at this in any detail yet but I will today so I'll send any comments that I've got or suggestions of people to talk to.

Brian Cute: That would be great. Anybody else? Okay I'm going to close up this just by saying and consistent with the reason I wanted to have this call was to keep everybody highly conscious of the calendar.

In our conversation with John and Denise you know they said they'd undertake their very best efforts to get folks available to Berkman for interview, people from the staff.

You know they did opine that if there was a staff member that couldn't - wasn't available to respond or provide input that they would find somebody on staff who could provide input.

But we did stress the timeline, the need for inputs by the 30th so you know that's the premium, that's the focus for the group right now. What I'd like to ask everyone working group to do, next call on Monday is produce the next version of your report prior to Monday.

And secondly for Monday's call I'd like to you have completed the entire universe of fact checking that you need to do. And I'd like each working group in turn to walk through on the call the status of their fact checking, their document research, their outreach, their interviews so that we can see where you are and just have a checkpoint to make sure that we're all on target to get these things in good shape to turn to our drafting recommendations by the end of the month.

That's it for me on other business, open floor, any other business? Okay hearing none thank you all very much for your time, we'll talk to you on Monday. Sorry?

Man: No, no, thanks.

(Peter): Brian are you there?

Brian Cute: Yes (Peter)?

(Peter): I'd just like a quick comment, I thought I was having trouble being heard. I'm just at the - about to go to the on the way back to the IGS in Afilias, I think (Chris) is already here.

We're going to be giving a little presentation including discussion of the IIC and I was going to report especially that I think very good progress has been

made by the (AGIMB) on admission with a little bit of detail. Does anybody have a contrary view to that? I want to follow on to describe what tips have been made and what work groups have been formed and so forth.

Brian Cute: That sounds fine to me. I'll be in - I'm in Afilias too (Peter), what session are you going to be speaking at?

(Chris): The 9 o'clock session, isn't it (Peter).

(Peter): Yes.

Brian Cute: Okay.

(Chris): That sounds about right, it's on the workshop list Brian.

(Peter): Well if you're there I'll call on you and if (Chris) is there I'll call on him to help explain any of the details. It's not going to be all about the AGRT but (unintelligible).

Brian Cute: Yeah that's fine, I'll see you over there at 9:00.

(Peter): Okay, thank you.

Brian Cute: Okay thanks (Peter), anything else? Okay thank you all, we'll see you on the next call. Bye bye.

(Chris): Cheers.

END