

**Louis Lee:** Okay I'm breaking up and I'm going to dial into the main conference bridge. But we're not on the call either. Can you hear me?

**Brian Cute:** I'm sorry Louis, Warren, sorry. Louis can you hear me?

**Louis Lee:** Yes I can.

**Brian Cute:** Okay. We are just talking about the agenda for today. We are going to have, I have to make that conflict statement to begin and then we are going to have a conversation with Urs and I noted that working groups 3 and working group 4 did not present their work to Berkman yet.

I think we are going to want to have the overarching discussion with Urs and Berkman first about the orientation and once we clear that away, we will move to working groups 3 and 4 reporting into Berkman and take it from there.

**Louis Lee:** I should still disconnect here and dial into the main conference bridge right?

**Cheryl Langdon-Orr:** Yes.

**Louis Lee:** Okay. Thank you.

**Brian Cute:** Let me know when you are on.

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**Peter Dengate Thrush:** We are having difficulty with the [inaudible 1:14] real quick, so it will be just a moment for the conference bridge.

**Fabio Colasanti:** Brian?

**Brian Cute:** Yes.

**Fabio Colasanti:** Just a question. Yesterday when we were having the discussion about the questionnaire, and the five last pages we didn't comment on the work that they had done from 26 to 50.

**Brian Cute:** Yeah we didn't get to that.

**Fabio Colasanti:** Is this something they have been doing or is this something they only got from ICANN? Do you know exactly how they...?

**Brian Cute:** Let's ask them. Ask them to clarify whether they have been doing.

**Fabio Colasanti:** Because it's [inaudible 1:51] and it's interesting. I don't know what the value is on that.

**Brian Cute:** Let's ask them. I need to put that on the record.

**Cheryl Langdon-Orr:** As Cory has mentioned there is a problem, Cheryl Langdon-Orr here. As Cory has mentioned, there is a problem with the passcode for the telephone bridge. Apparently the Adobe room streaming is

functional, so we will start off now and fix the phone bridge when and if that happens.

**Brian Cute:**

Okay. Warren, Louis, can you hear me? Right, right. Can they indicate on the, I just want to make sure they can at least hear us. We are trying to get there. Did you see a response yet? No? Cannot hear Beijing? Okay. We have to get this sorted.

**Cheryl Langdon-Orr:**

Yes. Louis is saying he's not on the stream either, he is not hearing anything, others are pinging in saying there is streaming and no sound. So, we just need to type out at the moment and say... Let me just test, James can you hear us in the stream, Robin indicated that she has a stream up now.

So this is testing. Hi this is testing, testing, testing, testing the stream. Stew we are doing our best, Robin we are doing our best. Can you hear me? Then again there are those who can hear me even without the stream. It doesn't matter whether you are in Beijing or Australia. This is me filling in time can someone confirm that you can hear the stream?

Okay, well Erick can hear me, but you are sitting next to me Erick. I would like a bit of test than that. Can someone not in the room perhaps confirm the fact that I'm filling dead air here? Okay. Great thanks Robin, good to hear someone out there in the real world not in this room know that we are in some way, shape or form connected.

In which case as soon as the chair gets in the room. Alice or Cory maybe you just need to let Brian in. Okay great. Okay we are good to go. Over to you boss.

**Brian Cute:**

Okay I've got Louis, I am just pinging to make sure Warren and Louis can hear us. So Louis can, Warren cannot, Warren cannot hear anything, is Berkman there? Warren and Berkman, can you confirm on Adobe that you can hear us. I mean we need to have a backup of Berkman too. We need the bridge. Yes, yes.

**Cheryl Langdon-Orr:**

Can we at least ping out to Berkman and get him to join Adobe?

**Brian Cute:**

Yeah, but we still need voice.

**Answering Service:**

Thank you for calling the conference center. The pass code you are attempting to enter is not valid. Thank you for calling the conference center. If you are encountering this message, please enter your passcode followed by the hash or pound sign.

**Brian Cute:**

This is the voice bridge. It's the voice bridge, for Urs, for Warren, for Louis, for observers but, importantly for Berkman, for Warren, and for Louis. So they can't talk to us right now, that's the problem, the review team doing nothing. No I'm sorry, you need to do some fact finding first, fact finding first.

Yeah, I mean if we have another bridge. Anybody let's solve the problem. Do we have another bridge we can use? We have to send out notice to everybody to jump on, okay. Alice. They're not in

yet. I have not sent Urs the detailed questions we had about all the questions but I have them here and can walk through them if we need to or at least use them as examples of questions that were flawed. Okay.

**Cheryl Langdon-Orr:**

I don't know Louis, is this a test? Testing now. Testing the Adobe connect stream. Are you hearing me? Oh dear, we have dropped the stream. Oh now, we are okay. So Louis you can hear me. James, can you hear me? Excellent. Thank you, good to know. The reason we need to, so we can keep you all posted.

The reason we need to try to get the phone bridge up is of course this morning's agenda is going to be looking at a discussion with Berkman and the workgroups, so it is a bit of a mute point if we can't get the other party in the discussion on the line.

You only imagine the frantic technical efforts at trying to get the phone bridge up and operating. Interestingly enough, apparently most of you are in the phone bridge, it's just the room here that is having the problems getting their passcode to work.

**Brian Cute:**

We're in Cheryl.

**Cheryl Langdon-Orr:**

We're in. Woo hoo!

**Brian Cute:**

I believe we are on the bridge now. Warren and Louis can you confirm you hear us? Warren, Louis, Berkman, can you confirm you hear us? Warren, Louis, Berkman, can you hear us? People on

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the Adobe, can you hear us? I don't think so guys. He just said no, that's funny. Okay, I need to, Warren can you hear us? Warren, Louis, can you hear us?

**Unidentified:** It's me.

**Brian Cute:** Here we go. Louis? Louis was that you? Can anyone hear me on the phone bridge? The bridge is just buzzing. That's was two people now are saying. The bridge is just buzzing.

**Unidentified:** We are sending audio to the bridge.

**Cheryl Langdon-Orr:** Okay.

**Unidentified:** I am sending the audio and we are hearing the connections so the only thing I can imagine is that it's off right now.

**Brian Cute:** Do you want to try to reconnect?

**Unidentified:** We can.

**Brian Cute:** Why don't you drop and try to reconnect, see if that does it, [inaudible 18:28] on the bridge. Warren, Louis, can you respond?

**Cheryl Langdon-Orr:** Yahoo!

**Warren Adelman:** I can hear you now.

**Brian Cute:** Oh great! Louis? Louis can you hear us?

**Louis Lee:** I can hear you.

**Brian Cute:** Thank you. Urs, can you hear us?

**Urs Gaser:** Yes, I can hear you.

**Brian Cute:** Okay.

**Urs Gaser:** Good morning.

**Brian Cute:** Good morning. Okay, all apologies, we have started about 20 minutes later than we have intended. We had some technical difficulties and this is the accountability and transparency review team meeting. Welcome everyone who is online. We had a late start today because of technical difficulties.

Prior to that, the review team was on a closed call with ICANN's general council discussing issues. I did not participate myself on that call as I have noted to the team and am noting now that we have affiliates has an agreement with ICM registry with regard to backend registry services, so I put that on the record and did not participate in that call and will not be participating in any of the dot triple X related work in the review.

On that note I wanted to open the floor to any discussion on that point before we move on to the agenda if there is any discussion. Seeing none, we are going to tweak the agenda a bit today. We had on the agenda working groups 2, 3, 4 reporting into the review team and to Berkman, their progress to date.

Work group 2 accomplished that on yesterday's call, but before we get to the reports of working group 3 and working group 4, the team is going to have a broader discussion with Berkman continuing on our discussion of the progress reports that you provided to us yesterday and to give Berkman some inputs and feedback as to our reactions to the progress report and how the review team thinks we can assist you in orienting the data collection tools consistent with the work of the team so far.

So let's start off on that issue. As I noted to you Urs when I called you last night, there were some questions about the questions in your questionnaire and the questionnaires as you put them to us in the progress report were intended to go to ICANN staff. There a number of substantive issues with a list of questions.

The concerns ranged from the construction of the sentence of the question whether or not an ICANN staffer could be expected to answer a specific question. There were concerns about the orientation of a question, looking as though it should be more directed to a community participant as opposed to a staff, but there were a number of fundamental issues that the team had and I can walk you through if you want some specific examples.

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But starting with that I think we wanted to provide to you a bit of a framework that we have in mind that we have developed and Chris I am going to call on you because you had put together a good framework for how to approach hypotheses and we had a long discussion about hypotheses so Chris why don't we turn to you and if you can walk - yeah sure Urs, why don't you give us some feedback and then we will turn the discussion to constructing hypotheses. Thank you.

**Urs Gaser:**

Brian thanks so much for the opportunity to comment on that briefly. First of all of course we are eager to get your feedback and then to certainly appreciate it. To me it is very much the purpose of this call as we discussed yesterday. I see that as an interactive process.

Perhaps one thing to clarify the questionnaire that we submitted is more generic than its header suggests. The reason why we wrote this for ICANN staff members is because we shared these drafts with the general counsel's office and with ICANN because we are aware that in some instances we touch up on pending legal issues and so we wanted to walk through the ICANN general council through some of the sensitive questions and get a sense of how comfortable his office is when we ask ICANN staff members such questions.

Now that being said, the questionnaire as such is broader and more generic than [inaudible 23:3] staff members. So our plan was in a

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way to create multiple versions based on this template and I recognize that it was slightly misleading to keep the title for ICANN staff as we did here.

We should have clarified that essentially because we did not have the time to produce five different versions of the questionnaires, one for active staff members, one for you know community at large for certain other stakeholders that we may give the impression that [inaudible 24:18] that is kind of a qualifying comment. Thank you.

**Brian Cute:**

Well, thank you for that. I think what we want to share with you first is that the review team spent some time yesterday afternoon after you dropped off the call orienting our approach to hypotheses in terms of the structure and sequencing of the data collection.

And what I'll have is Chris Disspain read out one proposed structure that I think we had developed some comfort with and then get your reaction to that and see if we can't then provide you with some specific guidance on how to orient the data collection tools. Chris.

**Chris Disspain:**

So thanks Brian. So just a couple of things, first of all I jotted this down yesterday as a possible proposed template for the way that the working groups would end up reporting but I think it may have use for Berkman. Secondly, the piece of paper that I jotted it down on is actually in another jacket upstairs in my room, but that's okay

because I have an extremely good memory and I will be able to remember it.

So if you take working group 1 as an example it would say that it's looking at areas above governance and specifically looking at the areas of transparency and the decision making process and the Board's skill set. The third paragraph or section of this final report would be, what is the current status?

So you would expect to have in the document a statement that says, the current status on Board skill set is, the Board is appointed by elections by the SOs and AC and by the nominating committee and under these principles. So these are statements of fact that this is the current status.

The next section is then effectively an analysis of the current status ending up using Larry's suggested question formulation which is very simply would whatever it is be improved if? So in the case of working group one, would governance be improved if the way that the Board's skill set was dealt with was handled differently to the way that it is now?

So we ask ourselves a series of those questions based on the analysis. Now the analysis might say it's perfectly fine the way it is, but it is not perceived to be perfectly fine the way that it is, so

we have to try to handle that by saying what do you do with the perception?

Because it is not a real issue, it is a perceived issue. Once you have done that and you have made your suggestions, then I think the working group and in the larger context, the ATRT needs to say is it appropriate if there is an issue and if we ask the question, is it appropriate for the ATRT to make recommendations in respect to this because there might be circumstances where we have identified an issue that is not appropriate for us to make recommendations.

Then it starts to get into a little bit more detail which maybe is not necessary to discuss right now Brian about how we interrelate with existing mechanisms that are already out, this is Peter's point from yesterday.

There are plenty of other mechanisms out there for dealing with things so does the review is the recommendation of the review to do something specific or is the recommendation to use the existing mechanism to figure out what to do and there are two possible outcomes. But roughly speaking is that what you wanted?

**Brian Cute:**

Yes, that is very good, thank you Chris. I think the points to underscore there Urs, this is a framework we worked out yesterday that the working group teams are going to use going forward and there was vigorous discussion on the notion of doing a review. So

that first point of currently ICANN's Board governance is managed by X, Y, and Z is the critical part here.

So I think Chris's framework is what we wanted to impart to you and let's have a discussion about that because the working group has its work to do and you have your work to do both on the specific case studies and on the broader work that you're going to feeding into the working groups, so can we get a reaction to that framework?

**Urs Gaser:**

Absolutely, first of all I think it's a very nice framework, thank you very much for sharing it with us. Let me take two steps back and perhaps clarify a little bit how we have approached the case studies and then we can basically compare our two frameworks. So essentially what we tried to do is exactly the same as far as the first four steps are concerned.

We engaged for each case study and we haven't shared that purposefully with the group yet because it's still in draft form and not completed as far as fact finding is concerned. We have engaged in describing the current state as within the three case studies we are working on.

We have a quite extensive draft already and we in the course of drafting these documents all aimed at defining the current status and understanding the current status within each case both as facts are concerned but also as far as policies that are in both are concerned.

We identified gaps, knowledge gaps and issues that we felt needed to be clarified where we want to engage in further fact finding. Based on that exercise, we drafted the questionnaires that are in front of you.

So if you suggested in gentle ways that we basically [inaudible 30:58] draft the questions without engaging in the current status analysis, I think that would not be the case, just in terms of how we structure the process we haven't shared our current state of analysis with you, but shared the questionnaire that are a result of the current status.

Now I think therefore you know it's kind of well aligned with [inaudible 31:26] template you suggest. I think the question of is it appropriate for Berkman to come up with better recommendation regarding X or Y, we are not there yet but we will go back to the services agreement of course we will also take a closer look at how we refine our conversations with the review team the scope of our work and at rest these issues and we'll also, you know, answer these questions is it appropriate?

That being said of course we also are aware of that, we owe you an independent report so we will certainly take within the framework the contractual framework of the services agreement our liberty to come up with recommendations that we consider to be appropriate. So all of this is to say I think our approach is not different from the framework you outlined, I think it is a sound framework and I am

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happy to discuss some of the steps you discussed outlined in great detail.

**Brian Cote:**

Thank you Urs, Fabio.

**Fabio Colasanti:**

Hi, Fabio Colasanti speaking. Two separate set of questions. First, when it comes to these three case studies, I think there are two separate issues. One is we are looking for an analysis of what happened, what was satisfactory, what was not satisfactory from the point of view of accountability and transparency. That is one thing.

Then, we also need and that is where your independence comes in suggestions, recommendations how to address that. But the first part of what we are looking for are facts and an objective assessment of what was the situation because in the comments, in the context that we've had from the constituents, we the constituency, we have had a lot of conflicting views and the reasons why we are looking for some expert advice is to have some facts that can help us in accessing to which extent there is a problem with these three areas.

So that is one thing about the overall goal of the exercise. The second set of questions that I have is to whom do you want to ask these questions and aren't these questions still a bit too generic because the three case studies that have been identified are studies that are pretty well known. I am sure that in your group you have a

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lot of expertise, a lot of opinions about this; a lot has been said and written about these three case studies.

Wouldn't there be a case for having more precise, more targeted questions rather than generic ones? Do you feel the process was useful and things like this? I think it would help us if you on the basis of your expertise were to come up with a working hypothesis on what might have been unsatisfactory and try to see through the interviews whether this is correct or not.

Now the interviews might be with the staff, but might also be with somebody else outside depending on the subject matter depending on the working hypothesis that you have. Could you give us your comments about these two elements, first whether we are agreed about what we're looking for and I repeat it an objective assessment of what has happened.

And then, of course, your independent advice as to possible recommendations to address any shortcomings that might have been identified and second as to the suggestion to have a more targeted questions for the three cases -- this would suggest probably the questions for the three cases would be different from one another depending on your analysis of what went wrong or not in these three cases. Thanks.

**Brian Cute:**

Fabio, thank you for the intervention and Urs once you have responded to Fabio, I've got a question from Chris, but we will provide you in writing the framework that Chris articulated and I



will walk you through some specific examples where we thought the questions were flawed so please respond to Fabio and then we'll follow up with those points.

**Urs Gaser:**

Thank you Brian, thank you Fabio, very helpful. I think we are hopefully aligned with what the purpose of this exercise is, how we approached the case studies. We have these two phases, you are quite correct. We want to get the facts right obviously. I want to clarify the facts where there are doubts or controversies.

That's very much a part of research work plan that I outlined yesterday into this part of the services agreement. Part 2 and 3 then go into the evaluation parts of our work such as of course the ultimate outcome should be a set of recommendations that is fact based so we are in perfect alignment regarding the goals of this exercise.

Now I am not 100% sure where our, you know, if any disagreement [inaudible 37:05]. What your comments seem to suggest is a disagreement regarding the mode of how we get there. I'm happy to revisit the questions and take into account your concerns that questions are too generic.

I am happy to revisit this issue, but I would still like to reemphasize that the set of questions we have come up with are based on our current preliminary review and drafting of the factual understanding of the cases, so I'm a little bit uncomfortable there

because it is not so clear to me where the difference is between what we are trying to do and how you would like to see us doing it.

So the comments that you mentioned Brian in that you will share with us, we are looking forward to reviewing them and readdress and redraft them as appropriate. I think Caroline may have additions to that. Please.

**Caroline Nolan:**

I just wanted to say thank you to Fabio to those questions again, they are very helpful. Just to reiterate the process that Urs has just outlined as far as our approach to the questionnaires. If you noted, they are a generic version of them.

We do expect shortly as we ramp up our review process to engage with different types of stakeholders with the goal of getting a diverse range of opinions and perspectives as possible in the time frame that we have and to do that we certainly expect developing more targeted questions based not only on the case study, but also on the interviewee, but also on the interviewee and their particular knowledge of the case and the group or perspective from which they are coming at the case.

With that in mind we certainly have a sense of more precise and targeted questions that we'll put to get at some of the gaps that we have identified in the fact finding exercise, so, to the extent that this is reflective in part generic rendering of our initial fact finding and then as we move swiftly into analysis, that will be our focus.

**Brian Cute:** Thank you Caroline, Chris.

**Chris Disspain:** Thanks Brian. A couple of points, if I could deal first with picking up on what Fabio said. I think that we need to be very careful about the language we use and the words that we use. You talked about making recommendations.

Now I wasn't involved in this at the time, but my understanding of what it is that you are going to do is perhaps summarized in this way, you are going to complete the case studies and you are going to provide input to us, if I can take a very specific example because it is the easiest way for me to understand it.

If you take transparency as an example as one of the areas we are looking at, the case studies are going to enable you to state in your status as an independent expert that transparency could be improved for example. Your knowledge base enables you to point us to other models, to other tools that maybe used to make it more transparent.

But it's for us to make the recommendations based on the input that you give us, not for you to make the recommendations about what model might be best to use. At least that is my understanding of it. The second point I wanted to make was about the questions because we need to be really clear about this. It's not just that the questions are too generic; in fact in some cases the questions are too specific.

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The key here is that there are questions that are okay to ask staff and are therefore staff questions and there are questions that are much better suited well in fact shouldn't be asked of staff and should be asked of the community and I want to give you a very, very specific example. If you look at page 13 of your report, that is the staff questionnaire for XXX and number 7 deals with accountability.

The third bullet point in number 7 says using these criteria, how accountable has ICANN been throughout the process of evaluating ICMs application? Now three things arise from that. First of all, my understanding is and I think we have gotten really clear on this, you're not actually supposed to be looking at the evaluation; you are supposed to be looking at the review of what happened.

Secondly even if you are looking at the evaluation, you cannot possibly ask a staff member to answer that question. It is completely inappropriate for that to happen. However it's completely appropriate to ask a community member to assess whether dealing with it is accountable. Thank you.

**Brian Cute:**

Urs.

**Urs Gaser:**

Thank you Chris, very helpful. Let me start with the second issue first, the second item. I agree we are on the same page we are not reviewing and evaluating ICMs application, you are quite right. We need to fix that in the formulation of the language.

Again, the purpose of this document, please keep that in mind was exactly to have this conversation first with ICANN's general council and then with you so we appreciate that you have flagged this particular issue.

I would again also say that the questionnaire is intended to be a collection of questions from which we can choose and as Caroline explained, then composed more specific questionnaires and certainly the conversation we have today and your feedback will help us to do so and we will certainly pay more attention to ensure that we ask the right questions to the right communities.

That being said, I would be interested in your view Chris. One of the purposes of these documents and questionnaires is also to get people's understanding [inaudible 43:47] understanding on certain issues how they work, whether they have worked well or not, and to a certain extent it's all understanding that we do not want to discriminate too much across communities and stakeholders with regard to the questions be allowed then to answer.

So, my question is a little bit how do you see the balance between asking certain questions to certain people and other questions to other people because that in a way shows a certain bias I think because of course you have to select questions and target them to a certain [inaudible 44:28], but not to another based on what do we make this decision, what is appropriate or not.

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Is it basically the review team tells us what is appropriate or is it Chris that tells us or is it another approach that we can use? Thank you.

**Brian Cate:**

Urs, this is Brian. We view this as you are contracted with us and we are directing your work. We have set out the framework; we have principles built into the contract with which we are asking Berkman to do the work consistent with those principles.

And what we are trying to work on yesterday and today is provide you with clearer instruction and a clearer framework for going about your work that feeds into our work and as Chris has said our responsibility is to provide recommendations at the end of this process. That is our responsibility. Does that help?

**Urs Gaser:**

Brian that helps a lot, thank you so much. Then let me come to the first item that Chris had addressed, the question of recommendations. Brian, you please correct me if I am wrong because obviously you are being very involved in drafting being also the services agreement.

If I read the services agreement correctly it is the case that the Berkman Center provides recommendations that are forward looking, are future oriented in response to the challenges and problems identified in various phases of the project and then the review team takes the Berkman report and recommendations and reviews it based on your own work and a backdrop of your own

priorities and then formulates its own set of recommendations, that will go to the Board.

There are some other processes, but that is my reading of the contract. Brian if you could help clarify, I would appreciate it.

**Brian Cute:**

We agree Urs that is a proper reading of the contract, the relationships and the services to be delivered by Berkman. Recommendations we view, it's a term of art. We have a responsibility under the AOC as a review team to provide recommendations to the Board.

As an independent expert you can go about your work and provide us with findings and recommendations, but those recommendations are different in nature from the recommendations we are charged to make to the Board of ICANN but I believe your reading is consistent with our view. Fabio?

**Fabio Colasanti:**

I think the reading is consistent as long as it is clear that we get the findings on the basis of which you make your recommendations and on the same findings we might arrive at different recommendations. What we need are the findings.

**Brian Cute:**

Larry?

**Larry Strickling:**

It seems that we are missing in this discussion so far, a tremendous amount of the time that we spent yesterday talking about better

integrating Berkman's work with our work and I don't know to what extent you talked with Urs about this last night.

But, I think that the case studies are fine but at the end of the day, we need Berkman to help us provide expert judgment on the issues we're looking at and you know we talked about, we spent a lot of time reworking hypotheses yesterday that I hoped we will be able to supply to Berkman to help guide them a little better in what they are doing.

Because I heard Urs say in his remarks many minutes ago something about his independence and I think you clarified it a little bit but at the end of the day we cannot have two work flows here that aren't directly connected to each other. So for example, to the extent that we are going to assess review mechanisms, you know I think we are looking to Berkman to help us evaluate some models for that.

What works in context? What might not work in other contexts and give us some advice on that based on their expert knowledge of this and tied to their experience and their knowledge of corporate governance and other factors. But, it's got to be tied to the inquiry that we're making and I don't really feel that we've really talked about how we link that stuff together a little bit better.

The point of the questionnaire, I have no problem with questionnaires being used to collect facts, but I would submit most of what's in these questionnaires is collecting opinions and at the

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end of the day, I care about Berkman's opinion. I don't really care that they asked 10 people their opinion and 9 of them said one thing and one said he other.

I mean we've got that. I think the record is full of where people think there are problems, but now we wanted an expert to take a look at this and come back and give their view on it based on their particular expertise.

If there are factual gaps, then by all means, there should be follow-up to people, but asking somebody you know, whether ICANN was successful in creating transparency in a particular case? That is an opinion. I mean they should look at what was done and they should evaluate it and tell us that based on their knowledge of these issues, you know, standards or didn't.

But I am not sure how much use it is just to ask people their opinions. Plus as it has been pointed out already, if you are going to ask these questions to employees, and ask them to submit it in writing, I just don't think you are going to get useful input to opinion type questions because no one in the employee of ICANN is going to be frank about that if they are putting something in writing that they are going to send back to folks. It just seems to be a misguided effort from the start.

**Brian Cute:**

Urs I am going to follow up on Larry's point too. In fairness to Berkman, we began the process yesterday of having the workgroups report into you what they have achieved in their own

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initial analysis in a direct effort to inform your work to provide each working group some feedback that assists them in reaching their conclusions.

But what we emphasized in the afternoon is that fact finding is the first step in understanding what the current status is on a given issue that has been raised by the community is the first step. So that applies to our working orientation and once we get through this conversation, we are going to have working group 3 and working group 4 report into you what they have found so far.

So as a first step after this call, I will send you the framework that Chris articulated that we are using to guide our work. You will have the substantive inputs from the working groups that we would hope you would take away and consistent with the framework, do fact finding and come back to the workgroups with some recommendations based on your expertise.

But I am going to read some of the specific framings that we accomplished yesterday afternoon and let's be clear, this is a discussion document because yesterday we had a vigorous conversation about whether the working group's work was really oriented. For example on working group one yesterday we consistent with Chris's articulated framework, noted that working group one starting point should be with regard to skill sets of Board members. Currently Board members are selected on the basis of skill sets. Effectively established what the facts are and

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then the question should be, would Board governance be improved by:

- using the non-comm process to recruit directors to fill specific predefined skill sets.
- Using the non-comm process to recruit directors who are independent from ICANN's SOs and ACs.

So this is the type of framing that we want to pursue and these are the types of specific questions we think need to be raised. Is that helpful in providing some initial guidance?

**Urs Gaser:**

Very helpful, thank you.

**Brian Cate:**

Okay. I can read through the rest we did yesterday. So for example working group two again let's see, they are looking at the public policy aspects of the GAC interaction with the Board. You have to start with the currently statement.

What are the facts? How does the GAC provide policy advice to the Board? How does the Board react to the advice? Establish the facts first. Frame the question. Would consideration of public policy aspects of ICANN issues be improved by:

- More specifically defining what constitutes a GAC opinion under the bylaws.

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- More specifically defining the process by which the Board seeks the opinion of the GAC.
  - Clarifying whether the process by which the GAC supplies its advice is intended to be iterative and if so how to define such an iterative process.
  - More specifically defining how the Board considers and responds to GAC advice.

There is a longer list, but these are the examples of how we've begun to frame the work of the working groups and we would hope that that is a modality that you would adopt as well and then feedback your expert advice into the working groups in the coming weeks.

**Larry Strickling:**

As part of that, perhaps identify other types of hypotheses that we haven't focused on based on your expert knowledge. As you can see, we took a literal approach to looking at the AOC on the one hand and if you look at the document that established the working groups, we took a very literal approach to the charge of those working groups and framed those initial questions. So do you have reactions to that? Discussion?

**Urs Gaser:**

Yes thank you so much, this is all extremely helpful and appreciated. It certainly will help us to better understand what working groups main interests are. What your focus is and obviously it will shape obviously how we frame and scope our work.

I totally agree with what Larry said before in that sense we are all on one team and we want synchronize our efforts in the best possible way so this is very, very helpful. Larry, just in response to the two issues you have raised.

First of all, I think we developed a rough plan yesterday how we can improve you know, our kind of continued communication between the review team at Berkman. I think it has two major elements, first our team will attend the review team calls and second that we will provide more detailed comments on [inaudible 56:19] of the documents.

The working groups prepared of course part of this review and feedback group will be the documents that Brian just mentioned that you are willing to share with us in the days to come. So I think we will certainly, we are on the right track in that respect.

With regards to your second item, Berkman's opinion I would just like to express again the Center's faculty and staff members commitment to do the best possible work as outlined in the services agreement. Trust me we have a track record that you know to express our opinions independently.

We will do so I promise it in this case as well. However, that being said there is also [inaudible 57:13] between faculty members and staff members form their opinions. We tend to listen and learn at the initial stages of our research so over the past 20 days we have been in the mode of listening, learning and doing research,

background research, which also includes listening to people's opinions especially in a field where it is not always easy to separate fact from opinions in the first place which is also a part of the analysis cohort that we are doing right now.

So these are kind of comments again reassurance that we are I think on the same page that we everything planned as we move forward, now to Brian's helpful examples.

**Caroline Nolan:**

In that conversation we aimed to have a clear understanding as to how we could present a diversity of views and also understand the multiple hats that people potentially wear during their time at ICANN.

And it was a very useful conversation and I think our next task is certainly to bring it into the list in developing and to as I said come up with a diverse list of priorities to the extent that we're able to certainly have an interaction with your team and in particular the working groups to make sure we are on the right path and to help us to formulate small samples that are diverse but also possible and realistic in the timetable that we are discussing here.

**Brian Cute:**

Okay thank you.

**Cheryl Langdon-Orr:**

Thanks Brian. Caroline, just following on from that the necessity for it to be a small workable list, but still show the diversity and very firmly wearing my community part of the spectrum hat, can you help me understand how you're sifting and sorting the

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potential from the general at large and community sector to make a possible list.

Are you going through numbers of times people put in public comments to the existing processes? Are you asking for recommendations from the staff associated with the various policy development processes that we have running in the workgroups? Or what?

**Caroline Nolan:**

Thank you Cheryl for that question. As I think it is a very important question and one that we are at this stage collecting names based on recommendations based on a small amount of conversation that we've had also from the knowledge of our colleagues here who are familiar with some of the case examples that we are working on.

Certainly what is available in the research and other inputs that we are going to for facts including ICANN materials and other things? But again, our hope here is to develop this small sampling in the time that we have that reflects a diverse range of viewpoints and to interact directly with you all for your thoughts on that.

**Brian Cute:**

Fabio.

**Fabio Colasanti:**

Inevitably at the end of the day whatever recommendations this group will put forward and whatever input Berkman will be giving us there will be a lot of criticism. People will be not be happy with the recommendations made and they will be questions also the

factual basis on which we worked and one of the criticisms might be about how we have chosen the interviewees.

So the question is not just choosing the right interviewees, but having criteria for choosing the interviewees that one can defend afterwards that are clear enough, understandable that appears as objective, so you should be thinking along those lines as well.

**Caroline Nolan:**

That is a very good point and well taken from this end for sure and I think again as we have initiated and dug this broad based, quite rapid initial pass at materials and other forms of information and certainly in the context of the larger review of public comments and other types of submissions.

We will do our best to come up with a list that we can certainly share with this group and also as you point out, some rationale and understanding of how we came to those conclusions and identify those people with the notion of this timetable and the goal of having a diversity of perspectives presented at the same time.

**Brian Cute:**

Caroline, Urs, we have a review team call this coming Monday, I think that might be a good opportunity for you to join us and, yes we do. Sorry Larry. No rest for the weary. That would be a good opportunity for you to join on that call and walk through the criteria you have developed for selecting interviewees and any even tentative list that you have to have an interaction. Is that something you could do?



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**Urs Gaser:** That sounds reasonable, it sounds reasonable.

**Brian Cute:** Is it Labor Day? Is it really? Oh, it's Labor Day. Okay, sorry about that guys. Okay so let's put that on the agenda for Monday's call. I want to follow up on just loose items here that we want to address before we break for lunch. Going back to, oh we are back to questionnaires.

One of the questions we had yesterday for questionnaires for interviewees was the confidentiality provisions and the necessity of the confidentiality provisions. Can you walk us through your thoughts on that and why that is part of the questionnaire? We wanted to understand that better?

**Urs Gaser:** So, can you repeat the question. Sorry, I was distracted.

**Brian Cute:** No problem, in the draft questionnaires as we reviewed them yesterday we noted, the team noted that there was a confidentiality provision in the questionnaires and we were wondering why, the purpose, you're thinking behind that.

**Urs Gaser:** Well, I'm happy to discuss this in detail. The rationale behind it obviously is that we want to get open and frank feedback. I think confidentiality the way we described it we will include particular statements in the report with particular names attached to it, but rather discuss it in an aggregated form.

We think this is part of [inaudible 6:09] us the Berkman Center as we can get straightforward, honest and direct feedback. So that is kind of our rationale. Does that help?

**Brian Cate:**

It does. I guess some of the questions we had were number one in terms of the fact finding piece of this exercise, attribution is an important thing and I think depending on the audience too, there may be different considerations. For ICANN staff for example, I think it's clear that general counsel may in some instances assert confidentiality for the organization and that could have an impact on intended interview.

But with regard to a community member Urs, I wouldn't be surprised if any community members didn't want their attribution and their thoughts known on the record. I think that would be very helpful to us, so Chris?

**Chris Disspain:**

I was, when you said about staff and general counsel, I was wondering whether there is an issue with staff interviews and whether they would need in certain cases, whether they would actually need to be, invented is the wrong word, but by general counsel.

**Fabio Colasanti:**

I'm sure that I don't know whether there is a legal requirement I think it would be a fact and this is normal for many of the [inaudible 7:40]. So that is why when we were discussing before the question of asking questions about triple X, I said well, let's ask the questions, let's also be realistic about the questions and the

answers that we can get. I would be surprised if there wasn't some kind of intervention. Many organizations have limits on what the staff can say about the policy of the organization so I wouldn't be surprised.

**Brian Cute:**

So those are the thoughts on our end and we would ask you as you reshape the questionnaires and reshape them for their respective target interviewees and audiences, take those into account. We do see value in attribution for fact finding. There was another question. Urs did you suggest that there would be some anonymizing of fact finding as you report out the results of interviews, or did I mishear that by Berkman.

**Urs Gaser:**

Well, the way we will I think use the response that has been collected by way of sending out questionnaires is that we will not take selected sentences from individual respondents, but will try to get a picture synthesized responses working into our case studies as well as the report.

While I share your sense that attribution is valuable, I think what we are trying to do here with the questionnaires in some instances is also to look behind the scenes to a certain extent and therefore you know, it's a balancing act whether your main interest is in attribution or whether your main interest is in getting frank information and inputs to the extent possible.

So this is a balancing act and I agree that we perhaps want to again customize it depending upon the group you are approaching, but

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either way, I you know, I remain open, but I would not expect that we [inaudible 10:04] individual interviewees in our report. Thanks.

**Brian Cute:**

Thank you and the review team itself has provided an avenue for anyone to provide a confidential input ourselves so we recognize the balance. I guess what we're trying to say is that there is probably a heavier weight toward attribution, transparency, in terms of the fact finding that is undertaken, Chris?

Chris was just suggesting that it could be approached as an opt in, opt out type of offering to the interviewee if they want to provide it on a confidential basis, that might be the way. But please give some thought to that and let's discuss it on Monday.

**Urs Gaser:**

Happy to.

**Brian Cute:**

We were just discussing offline structuring your inputs back to each of the working groups and how to do that and the timetable for that. The first thing is the working groups owe you their redrafted initial work, which will come in the coming days. Okay so let's step back and think about timing. Yesterday I suggested... Oh go ahead Urs.

**Urs Gaser:**

Sorry. So it would be extremely helpful if you could review the documents first before we talk about this process of how we provide feedback, then probably add that to the Monday agenda. Obviously we also don't want to over promise at all right now on

this call so it would be helpful if we could have this conversation on Monday. That would be great.

**Brian Cute:**

That's fine. The only thing I am going to note is per my thoughts yesterday, there are working groups needing as much substance as possible by you know the third, fourth week of September at the latest so we can come into Boston with very solid draft recommendations to discuss with you. It would be a target. If we could work around that, let's work around that timeframe.

We also had a question about in the progress report if you start at page 20, page 20, which is draft information request regarding case studies through page 50. If you could just give us a clear description of what that piece of your progress report is intended to do, its function and purpose.

**Urs Gaser:**

Caroline.

**Caroline Nolan:**

Sure, Simon is pulling up the document here.

**Urs Gaser:**

Caroline, it is the participation memo and the case examples.

**Caroline Nolan:**

Well thank you, I apologize, I was just pulling it up. The first one Brian, just to be clear, that your reference was the request for information regarding public participation?

**Brian Cute:**

Draft information request regarding case studies on page 20.

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**Caroline Nolan:**

Yes. So this was a document that we had developed in association with the questionnaires and was a starting point for getting at some of the questions that we discussed in the context section today of our conversation in working group 3 and here was primarily a fact finding exercise regarding different processes associated with public participation.

This request for information ideally would go directly to a couple of members of the staff in order to help flush out some of the gaps that we may come across regarding public comments that may not be available on line or if we have any questions about the staff in particular cases. Again is based on the initial findings, some of the shorter cases that we had put together on the public inputs process.

The second set of documents the public participation memo and a short example is that we touched on in the context of that memo. Essentially the framework that I went through yesterday with the group, this was an opportunity and an exercise in starting to develop a rough outline and taxonomy of issues through which we could analyze the public participation process.

During today's call the hypotheses that we discussed align with some of the key areas that we identified in our research in our first pass at looking through case examples. In order to come to that taxonomy, in order to the preliminary research that we did both on the materials that I described related to the ICANN website, academic research, blogs, etc. combined with a rapid review of the public's comments process provided the basis for this framework

that is described in this I think it's 22 through 25 and are also reflected in the hypotheses that we discussed today from working group 3.

Then the second portion of the document that you outlined were three fact based reviews of small cases within the broader case studies. We refer to them as mini case examples that illustrate in some ways some of the public comments that were associated with those processes around key policy decisions.

The goal here was to get a preliminary sense of mechanisms, the timetable and some of the facts surrounding how those public inputs processes occurred within each of those case examples. The first three were in the context of the detailed D case, the GAC, the expression of interest proposal, and also the implementation recommendation team.

And the fourth one was a brief look at some of the processes this team has engaged with as far as public inputs go. Again as far as this exercise we wanted to demonstrate some of the inputs, data and the trails that we are considering in putting together a fact based narrative.

This was a particular deep dive into the public inputs process and certainly a preliminary one, but an opportunity to demonstrate I think and start to dive into those smaller case examples, which would ultimately funnel back into the broader case studies.

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**Brian Cute:** Thank you, any questions from the team on this part of the report? Not at this time. Okay. I think I've worked through the items, loose ends. Does anyone else on the review team have anything else for Berkman before they sign off?

You are perfectly free to stay on the phone I don't know what ungodly hour it is for some of you, but you are perfectly free to stay and are welcome to stay for the balance of the call, but in terms of our interaction, I think we've wrapped up our direct interaction. So, thank you very much. I think this has been a very helpful session and I hope you do too and I hope again we are very well aligned and can get to the serious work ahead.

**Unidentified:** Brian thank you so much.

**Brian Cute:** Thank you.

**Urs Gaser:** Thank you very much.

**Caroline Nolan:** Thank you very much.

**Brian Cute:** Okay, what's on the agenda? So for the afternoon at the lunch break, Chris and I are going to sit down and draft that framework that we have been discussing and I am going to put it up on the screen for us to walk through so that all of us are very clear about how we frame the work and then the working groups are going to be asked to go back and redraft their work. I hate to be a



taskmaster, but the sooner we do that the better. You know, in the coming day or days. Olivier.

**Olivier Muron:** Yes I have a short question about the framework. I was wondering where the public input we got from the community feeds into each of the working groups? [Inaudible 19:36].

**Brian Cute:** Fabio.

**Fabio Colasanti:** It has informed our own fault. We have come up with those working and part of this, on the basis of what each one of us knew before, what we have learned in interaction with the community and the public input that we have received.

I don't know that one thing that we might be doing is, but I don't know if it is possible to do it regularly is for each one of the working hypotheses to map, to refer, to where the idea came from, where was it put forward in the public comment? I don't know whether that is possible.

**Urs Gaser:** [Inaudible 20:20] of the public comments on the topic discovered by the framework.

**Brian Cute:** I think that this is an appropriate question. Let's nail this down this afternoon and make it part of the outline. One of my reactions is what we're studying and why we're studying it is the AOC. I mean that's the initiation element. So mapping to the AOC first and I

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think public comments fits into the analysis aspect, but let's discuss that. Fabio?

**Fabio Colasanti:**

Perhaps Olivier has put his finger on a good point. If for instance even for the benefit now of Berkman we say would the performance of ICANN in terms of accountability and transparency be improved if a. happened? Should we not have a paragraph about this idea came from the fact that in the public comments, a number of people expressed this position or something like this.

Explain how we arrived at this working hypothesis. The point is it would have to require the [inaudible 21:23] to work. Now I am not sure we can do it roughly, but for any future, for the final document probably we will have to do this.

**Brian Cute:**

It seems appropriate to me, any other discussion? So Chris, you and I have a task at lunch? Okay, what else do we have, any other items? I am not sure that I have any specific work items for the time being. Anyone? Staff requests, thank you very much Chris. Yes, thank you.

I sent a request update on a status to Denise Michel on the documents that the team had requested of staff and also a question about the confidentiality that had been asserted over those documents, they were not posted to the public list.

She responded this morning saying that I think all but two of the documents, I am trying to find the email, and all but two of the documents were cleared to be posted to the public list. I haven't had a chance to sort through the email and identify but I will share the email with the team and we will at least have the update from her.

I had an open question with regard to the last item on the list which was related to the JPA and her response was that one of the working documents that the staff has was responsive so let me circulate this email.

We can look at that, but we have a response from Denise on the status and we can vet it ourselves and come back to her with a follow up request if need be. Any other questions on that?

**Peter Dengage Thrush:** I missed that bit, can you say that again? The response from Denise is?

**Brian Cute:** We have a response from Denise on the status request, I will send it around, we can all look at it and go through it and make our own determinations, if we have document requests that are still outstanding or if we need more information. Chris.

**Chris Disspain:** So can we perhaps deal with, one of the things that's clear from the discussions that you had yesterday and today and Peter's consistent, valid point about looking at the current status and analyzing it, certainly in respect to working group 1 and I suspect

in respect to other working groups too, there is going to need to be a request and I will use working group 1 as an example.

We are going to need to put out a request to someone to say, can you please give us some authoritative paragraph or two paragraphs, or three paragraphs on what the current status in respect to your decision making publication is, what the current status in respect to NomCom appointments is and so on.

Or at least point us to the right documentation. So what I want to make sure of is that we have a clear pathway of getting that done in a timeframe that means that our work can proceed and that we know who's responsible for it. Then if we have that we can at least push forward.

**Brian Cate:**

Denise is the designated ICANN staff person to handle all of these requests and to handle them in an as expeditious a fashion as possible. That is our conduit. You just raised a question in my mind though if the working groups are going to make these obvious requests, are we leaving Berkman in a position where they're making the same inquiries about facts in the current status of things? Are we creating duplication of effort here? Do we want to nip that in the bud?

**Peter Dengate Thrush:**

They should be doing case studies of particular events, particular circumstances but what the review teams are doing is looking at the institutional performance on a particular issue so that they should be related but different.

**Brian Cute:**

But Berkman is supporting the working groups directly as well. So the working groups are going to provide them with their findings using our modalities and format and we left a very strong impression with Berkman today that we need you to help us in the fact finding phase. I just want to make sure we don't create a duplication of effort here, Larry?

**Larry Strickling:**

I was thinking about talking so I guess I will. I would again I know the working groups are feeling stressed but it seems to me that these summary paragraphs really are the province of the working group to draft. It would make sense to run those through Denise just for fact verification, but you know, if we're going to delegate that work to somebody else, it seems to me we run the risk of missing you know, a key part of our analysis.

I guess, I am probably volunteering to draft at least one of those as a result of these comments, which I will step up to do, but it seems to me we ought to be the ones writing what our understanding is of this and then that requires us to do the fact checks that we need to do and then having them run by ICANN just in a review mode seems to me to be adequate, but I don't think we should be putting the burden on them to draft it in the first instance.

**Brian Cute:**

I wasn't suggesting drafting, just simple document requests, simple document requests to fact finding. That was all I was referring to or links, yeah. I think we are in agreement. Okay. Peter.

**Peter Dengate Thrush:** Let me just respond to Olivier's question because it is about the role of the public comment. Because it has worried me that a lot of the talk seems to be that you begin the analysis by looking at the public comment and of course the review requires you to look at the conduct and the behavior and activities of ICANN.

What you will find, I think when you do that is a very much wider ember that has to be reviewed, and then you've got public comment on. Typically there will be 3 or 4 elements of a 10 or 12 point program which is a trick that any public interest in there and 80% either is acceptable or the irritation level below what is required to make public comments.

You certainly have to do the work and see what you've got comment on and feed that back. But starting with a public comment means all you will be doing is looking for a very narrow element that's been the stuff that's attractive enough anger, irritation, or emotion to justify public comment.

So I will just add that. I mean the starting point is to do the review of the activities and the performance and the execution against the commitments. As you do that, there will be some buts where there are public comments.

**Fabio Colasanti:** Yes but we have been doing some extensive requests for comments, meetings and so on. So there are some [inaudible 28:39] of that in the final report that seems to be good. That is all I

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was saying. But yeah I agree with you on the exact situation, that is the priority.

**Brian Cute:** Manal.

**Manal:** Yes. I think [inaudible 28:57] identified our input resources and it was not just the public comments, it was the public comments and resources and material received by ICANN staff. Maybe we have to look again and make sure that we have utilized all of our input for data gathering.

**Brian Cute:** Thank you Manal. Willy?

**Willy Curry:** Just by way of example by working group 2, we clearly have a set of a different range of GAC advice some of which is present under GAC's own website, but I am quite sure it is not a completely comprehensive set of communications and letters and so on.

We would need to look into that certainly from the period of the end of September last year and dig into that a bit and if necessary then elaborate questions perhaps to members of the GAC or the chair to verify that our perception of what appears to be happening there is accurate and you know, that is something that we would need to do and use that as a basis for what Larry is saying about the current status of the situation.

I think it would have helped in the sense by there being the joint working group also digging into this and highlighting factors in a

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sense we have a certain advantage but I think out of that then combined with the case studies from Berkman, we would have sufficient base of information to make recommendations.

**Brian Cute:** Thank you Willy, any other comment?

**Unidentified:** Yes we have mentioned many times perception versus reality and I think going to the community input gives us really what the [inaudible 31:07] and sometimes there is some discrepancy between their perception and reality.

**Brian Cute:** Agreed. Manal?

**Manal:** Yes, I totally agree with what Willy said and I think we have to go through the community case starting a certain date and follow the thread of the case studies and how the advice of GAC was through the community case guided by the case studies we were talking about and where was this from? What has been happening during the PDP itself? I think it would be very useful.

**Brian Cute:** Thank you Manal, anything else? Okay, just before we break to lunch, one more item. The good news is our colleague Willy Curry has been named the Counselor for the Ministry of Communications in his home country and he is taking a new job and is to be congratulated heartily.

The other part of that news is that he is beginning on October 1<sup>st</sup> and has asked us or alerted us to the fact that there could be an



impact yet unknown and to be vetted on his ability to participate in the review team after October 1<sup>st</sup>. So Willy, if you would just let us know what the status is and -

**Willy Curry:**

Thanks Brian. I am appointed to the Communications Regulator, the independent communications authority, not to the Ministry of Communications, it falls under the Ministry of Communications. I obviously would like to continue this work with the ATRT but it's not up to me entirely so I need to consult the chairperson of the authority and it may require the go ahead from the Minister of Communications. So, I will certainly do that in the next week or so and hopefully we will get a go ahead. But I can't predict that at this stage.

**Brian Cute:**

So, we will wait for you to advise us as to your situation. What I shared with Willy in terms of my thoughts is I think most of our heavy lifting is between now and the Boston meeting and to the extent that Willy can help with as much of that heavy lifting as possible, and if he had the latitude to at least help us, you know somehow into the Boston meeting whether he was there physically or not would be more than we could ask under the circumstances. But congratulations and we will wait for your advice on this.

**Willy Curry:**

The other dimension I think is that in a way I am put forward by the non-commercial stakeholders and this kind of change in status might also have an impact so I would need to consult with them as well.

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**Brian Cate:** Absolutely.

**Willy Curry:** I have informally raised it, but I need to formally alert them and discuss it with them.

**Brian Cate:** Thank you. Okay, anything else before lunch pressing? Okay why don't we break until 1:15? Same place, café downstairs. Same place, same food. Okay, we are going to get started. Is this on? You can hear? Two more minutes? Okay, two more minutes. Is this on? You can hear me?

**Louis Lee:** Yes it is, it's on.

**Brian Cate:** Thank you Louis. Okay, I think we're ready to start. Louis, Warren, can you hear us? James?

**Unidentified:** Yes we can.

**Unidentified:** Yes.

**Unidentified:** Yes.

**Brian Cate:** Okay, can you see this document up on your screen in the Adobe? Okay. Okay, we are trying to bring a document up onto the Adobe room. I took typing class in high school. I did actually 40 wpm. So what we're going to do in this session is work through a framework for the working groups to use and for Berkman to use to develop their work and ultimately their recommendations.

Larry we took the elements that you suggested and we've worked them in. If they're not there or you want to bring that up in the conversation, please do. This is also a combination of Chris's outline from the other night.

So, do we have it in the Adobe room yet? It's there? It's up? Okay, Chris do you want to walk the team through this? This is a, to be absolutely crystal clear, this is a draft, this is a hypothetical, this is not a question that the review team is studying, this is a document that is a work in progress. Chris, take it away.

**Chris Disspain:**

Thanks Brian. The idea was to try and come up with a template that the working groups could use for their reports so that we all effectively were operating to the same criteria. So again this is for discussion. The first item in your report would be the statement of purpose of the working group and how that relates to the relevant provisions of the AOC.

The example that Brian has taken is I guess out of working group 2, which is assessing the role in effectiveness of the GAC and its interaction with the Board and making recommendations for improvement to ensure effective consideration, etc. That would need to have on it which takes you back to paragraph whatever it is of the AOC so that it is clear that it is sheeted home to the AOC.

So that is just your introduction. Then you've got your factual statement and your factual statement is, "What are the issues that

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the working group has decided to work on underneath the statement of purpose?”

So if you go perhaps with a slightly different example to working group 1, the statement of purpose is to look at Board governance, the factual statement and that might not be the right term for it, but the factual statement is the actual issues we are looking at are: overarching heading before governance, the skill set of the Board, and the transparency of the Board making decision process and so on.

Then after that, you got a current status and current status is by reference to the bylaws, the policies, the procedures and the current practice what is the current status for each of the issues under #2. Here is an example and it is just an example the GAC provides written communications at the end of ICANN meetings, sometimes intercession letters to the Board, and principles.

None of these are specifically labeled as GAC advice. There doesn't appear to be any mechanism for the Board to distinguish as GAC advice and therefore subject to the GAC advice bylaw provisions and what is not. So that is just an example of a finding you might find as to the current status. I am not suggesting that it's true, just an example.

**Larry Strickling:**

Why wouldn't - at this point you just list the bylaws, hear the bylaws as they relate to the GAC, here's their actual practice. You are already into opinions and what ought to be a factual state.

**Chris Disspain:** I agree and that's - I agree with that and that is why there's brackets at the end there that say opinion. My argument would be that, sorry Larry you are correct. At this point, it would probably be sufficient to say the current process is that the GAC provides written communications at the end of ICANN meetings, sometimes intercession letters and principles, right?

**Larry Strickling:** So that would be a fact statement?

**Chris Disspain:** That would be a fact statement.

**Larry Strickling:** Thank you. But I think that, I don't want to get in too deep, but it seems to me that the first point, the starting point would be what do the bylaws say about the GAC? Then what you have is the factual statement may come at the end of three or four paragraphs of?

**Chris Disspain:** Sorry, sorry you are absolutely right. The point is that the bylaws are there so you refer to them. The policies are there, so you refer to them. We just wanted to give an example of what current practice might look like because it is the only one that isn't actually quoting, that is actually words that you make up. So that was the reason for that. Then you move down to analysis questions, which I stress are not.

**Fabio Colasanti:** Chris?

**Chris Disspain:** Yes Fabio.

**Fabio Colasanti:**

On the current status, should we also make an effort to the extent that we have information to find out what ICANN is doing at the moment to modify the [inaudible 43:00] on the defamation of command.

**Chris Disspain:**

We will get there. We will get there. The answer to that is yes actually if we can just make a little side note. If what I tell you at the end doesn't deal with it for you, we will need to come back to it. So we go to the analysis question. Sorry Ron. Just as an asterisk note under 3, what's it currently doing pursuant to the IOC if anything? I think it is actually answered below but just in case.

Now the analysis questions which I stress are not exhaustive, because you can ask whatever questions you like really. So how has the framework worked in practice? The framework being whatever the current status is, how has that worked in practice? Has the issue previously been subject to review? What was the result of that review?

What are the community perceptions about the issue from the ATRT's community input? So if you look at, I go back to the GAC thing as an example, you might say, how has the GAC providing advice to the Board worked in practice? This is where I do think you get into opinion.

This is where you are going to have to have discussions and come to conclusions. So if I could just again as an example, one opinion

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might be, “Well, in practice the GAC, if there was another way as a clear understanding of what the Board says with public access. What were you pointing out?

**Unidentified:** What exactly in community perception you said is perfected in public input?

**Chris Disspain:** This to us.

**Unidentified:** Only the public input to the ATRT.

**Cheryl Langdon-Orr:** Beijing just dropped 42.

**Brian Cute:** Oh hang on, something happened. Stop. Can folks online hear us? Can you all hear us on the phone?

**Unidentified:** I can hear you Brian.

**Brian Cute:** Thank you.

**Chris Disspain:** Sorry, what are we up to for the analysis and again I stressed these are not exhaustive. Now you asked Erick public input. The public input, well what we intended by this was the public input to the ATRT. So in respect to say Board governance, there is a large amount of public input on the issue of the transparency of the Board decision making process for example. In respect -

**Unidentified:** But why isn't that part of the factual statement?

**Chris Disspain:** Because it is about perceptions as opposed to - no, no I understand what you are saying, it's a perfectly legitimate response.

**Brian Cute:** We actually thought there were a few areas where the public input could fit into this, more than one. Is that what you are suggesting, that should be back up with the fact statement? The public input?

**Unidentified:** Yeah.

**Brian Cute:** Happy with that. No, no, our original reaction was it could fit in a number of different places.

**Chris Disspain:** Sorry I apologize my microphone wasn't on, sorry guys. Community perceptions fit as part of your analysis, the questions that are arising from the analysis. Hang on, hang on Erick. I think you are putting it under - no, it's part of your -

**Unidentified:** [Inaudible 47:40] subparts of current [inaudible 47:42].

**Chris Disspain:** That's correct, that's right. So I think it's part of your current status okay. I think you should listen to Larry, that's the best thing to do. With respect to - I think the current status you've got references to bylaws, policies, procedures, and current practice and it should also say public input, possibly some other ones that Larry wrote down on there, but we can get back to that in a second. I have a quick question. Yes Erick?



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**Erick Iriarte:**

Thanks. In some of the issues that we reviewed like [inaudible 48:33] or the new ETLDs, the community gives some comments in their own requests for public comments so they could be useful because the community perception is specifically for the point of [inaudible 48:49] sent to Burma to take that for the study for their inputs or what they care of that status too. Not only the public infrastructure directly to the issue that we review.

**Larry Strickling:**

Well hold on, if I understood you correctly, two things, first of all this is not about what we send to Berkman, that is a totally different topic for discussion and if Berkman I assume will be going through in respect to their case studies, will be very importantly looking at public comment throughout a process of new GTLDs and in fact they have because it's part of their document.

But talking specifically about the ATRTs review, it's not a review about what the public says about the specific issues. At the time is not necessarily. It might help to get an understanding of in your own mind about stuff as a backgrounding, but cannot be part of the decision making tree.

The decision making tree is surely about when it comes to public perception, what people said to the ATRT because we asked them direct questions didn't we? I wasn't there at the time.

**Erick Iriarte:**

[Inaudible 50:19] in the public inputs are not the [inaudible 50:23]. So when you said about the community perception you said more

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than half of the people or more than half of the inputs said that we have a lack of transparency. That doesn't mean that we have a lack of transparency. So I want to be clear how you would put a [inaudible 50:44] community perceptions.

**Chris Disspain:** Part of the decision making, they are part of the considerations.

**Fabio Colasanti:** Erick's question as I understand it is community perceptions is it just what some people have said or our analysis of whether there is a problem or not.

**Chris Disspain:** Well it's both isn't it?

**Brian Cute:** I think we're taking this as a fact. This is a fact. Community perception is a fact. It can be tested.

**Peter Dengate Thrush:** Can I help again by reference to what the mission is. If you go back to that there will be a lot of community comment which is completely unhelpful to you in this exercise. The task here that ICANN commits to is that ICANN will assist the GAC, ICANN will assist the role of the GAC, and ICANN will take steps to improve the relationship and the performance of the GAC.

It's not the job of the ATRT to assist the GAC and make recommendations on improving the GAC. It's to review how well ICANN is doing those things. So I missed this public comment from people that says we've looked at what ICANN is doing in

relation to improving relationships with the GAC and we think it's wrong for these reasons.

They just come out and say, "We don't like the GAC or we don't like the way ICANN deals with it." All of that takes irrelevant to the issue, which is reviewing how well ICANN is doing at improving its relationship with the GAC. So the simple answer to this question is what has ICANN done about improving its relationship to the GAC?

It's formed a joint working group with the GAC and it has met on these occasions and it has done all these things and this is the apparent output. You then talk to the GAC and you say, "How well is the joint working group going?" You talk to the Board and say, "How well is that going?" That's when you do the analysis.

**Brian Cute:**

Yeah we're getting there.

**Unidentified:**

This is public comment that focuses on that. You can ignore it or put it into a schedule of interesting advice that doesn't make you veer off the point or something.

**Brian Cute:**

Chris.

**Chris Disspain:**

Thanks Brian. If I could pick up on that, I think basically if you go back to the, if you go back and look at the transparency situation in respect to the Board's decisions, I think it is slightly different. If you go back to that, there is a significant amount of public input to

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the ATRT. The people saying we don't think it is transparent. Now with transparency of course you've got to deal with the perception and the reality of the issue.

But, are there existing mechanisms that the Board is using to improve transparency. So exactly taking your template Peter and I think if we work through this document you will see exists. So I mean I agree with that. But I don't want to move on from the public community perception issue until we're satisfied with it. Is that what you meant by when you said to me, "Do ceptions Larry?"

**Larry Strickling:**

Well, I listed it not because it's actionable but it just seemed that for example, we heard from the Board and certainly I think we have hear from Rod that he believes that a lot of the belly aching out there is simply a perception in that it's not based in reality so it seemed to me in order to have a report that is responsive to the community, we ought to acknowledge this is what we've heard the community is saying.

And then if we think it is not true, then we ought to, we could create a hypothesis to test it and then conclude that our analysis is that despite the community perception, ICANN is doing everything appropriately in terms of meeting its obligations in this area. So it just seemed to be something to include for purposes of completeness, not that we're trying to give credibility to every community perception that is out there. But it did seem that having

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a report that responds to what we have heard, we should at least identify what we heard and then deal with it as appropriate.

**Brian Cute:**

Just to clarify Peter, did I hear you say, if there was a public comment, that specifically said the mechanism for interaction between the GAC and the Board is flawed because of X, it was specific to this problem then you would see this as an appropriate public comment, it gets put into this factual statement current status area?

**Peter Dengate Thrush:**

I think we need to draft this report now, I think we are talking about principles. You know Larry is right as well. What I was saying, the public comment is going to be most useful as that which addresses the actual issue that you are reviewing and say you should deal with that. Larry's point is that if there is a whole lot of public comment on other things, I guess you need to respond to that as well.

But the key thing I think you need to focus on in relation to the public comment is what have you got that supports the issue that you have to review and deal with that first? That has to get some kind of special priority. My problem with Larry's additional point is when there are other public comments, you should respond, categorize, and describe them.

**Brian Cute:**

Are you also comfortable treating that directly relevant public input as a fact in this real flow that can be tested, validated, knocked down.

**Peter Dengate Thrush:** I don't know what you mean by its effect. It's effect that someone said it.

**Chris Disspain:** It's effect that there is a perception. Yes, that's all.

**Brian Cute:** We have a question from Olivier.

**Olivier Muron:** The importance of this topic is very different from the working group to the [inaudible 56:09]. Working group 2 would have nothing to say I guess, just a few comments on the working group. One and three could try.

**Chris Disspain:** Then you get to the point where you come to your review, you actually raise your review question and acknowledging Larry's point this morning and the example he gave yesterday was an example and there may be better ways of framing it, we have just stuck with it. Would GAC interaction with the Board be improved if?

So assuming that you have trickled down through all these processes, you have gotten to the point where you ask the question, would GAC interaction with the Board be improved if and the example is mechanisms for the Board to distinguish what is GAC. Mechanisms existed for the Board to distinguish what is GAC advice and what is not?

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Again, just an example, so once you have asked that question, having gone through the current status, having had analyzed everything, that will bring you to either asking a question or not. There are hundreds of questions, who knows?

Don't know how many. This is just one example. Okay, once you have done that, the next thing you have to look at it seems to me is per question, "Is it appropriate for the ATRT to make recommendations with respect to this issue" because there are circumstances where it might not be appropriate for the ATRT to make recommendations.

Let's assume that the answer to that is yes. The next question is, "Are there current mechanisms or processes to deal with this question or this issue?" So to take this very specific example which is mechanisms for the Board to distinguish what is GAC advice and what is not? The question for the ATRT is to ask is, "Are they current mechanisms or processes to deal with this issue?"

The answer to that question could be yes because there is a joint GAC Board working group. If the answer to the question is yes, then that leads the ATRT to make a recommendation that the issue be addressed through that existing mechanism unless the review finds that the existing mechanism is useless, which is a separate issue for now.

It's only if the answer is no, there is no current mechanism or process to deal with a particular issue that actually the ATRT

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would recommend that a mechanism or process be established. So to get really clear here and I am not saying that this is rushed, a question for the ATRT and I stress again we are using this GAC thing as an example.

If we did reach the conclusion that GAC interaction with the Board improved, if mechanisms for the Board to distinguish what is GAC advice and what is not existed, my proposition is that our advice or our recommendations rather would be either use the existing process to suggest that mechanisms be created or our advice would be if there is no process, create a process by which this sort of thing could be achieved.

What our advice would not be is there should be a mechanism for the Board to distinguish what is GAC advice and what is not. I'm putting that forward as a proposition. In other words are we, it goes back to Peter's strong point at the beginning about what we are doing and what we're doing is reviewing the processes. So I don't know whether this is right or not, but I am putting it forward.

**Brian Cute:**

Discussion? It's a question on the table. Peter?

**Peter Dengate Thrush:**

I think it's very good. I think this is the right way of addressing the problem and I think that the next thing is to say and in relation to this is a Berkman case study, which is looking at a particular element and then work out how to keep that going in the right direction and to bring that in together with this is going to be the management exercise.



**Brian Cute:** Fabio.

**Fabio Colasanti:** I think this approach is very good, very systematic that is the right one. I am a bit worried by the time that it might take to rephrase, reformulate everything that we have been discussing with the various working groups are called into to describe the format. It might take, considering travel and everything quite a few days.

**Brian Cute:** Until Saturday.

**Chris Disspain:** Brian can I just say. Fabio you touched on it we have time is of the essence. We have a Monday call with Berkman, which is a good opportunity to make sure that they are properly oriented using the output from the WGs formatted to this track if you will. So you are quite right, you've put your finger on the important issue.

**Fabio Colasanti:** Can you deal with the practicalities of whose is going to do the first draft, probably it should be the chairs of the working groups?

**Brian Cute:** Sure, Chris?

**Chris Disspain:** Can I make a couple of suggestions and I have first of all, I am not going to Summer Palace with you this afternoon. I've already explained to Mr. Xang the thing that I am not going to go. There are a couple of reasons. One is I have already been and therefore that gives me the opportunity to sit here and draft a first draft of

working group 1 which everyone else is welcome to use as a template.

The second thing is that clearly that will still have gaps in it by Monday because the references to bylaws, the references to procedures have to be asked for and got. But that doesn't matter because that is factual information that can be filled in. And also clearly, this document is developing over time so it may well start a very skinny you know few lines here and few lines there that through conversation and discussion so the initial point of it is as a framework and as a boundary provider for us in our discussions.

So that we don't waste time discussing stuff that are actually out of the boundaries, which is what Peter has actually been saying for some quite considerable time. So, that gives you a starting point Fabio. After that, I don't know. Over to Brian.

**Brian Cate:**

I would ask the leads of the working groups to take on the task whether they do it themselves or with the team, I think we really should shoot for getting the rewritten work product that follows this track for each working group into Berkman's hands by Saturday if possible in advance of the Monday calls so we can have a good, clear discussion with them about orienting the work. Now people are getting on planes and it is a long way and it is a good time to work. Long plane rides.

**Willy Curry:**

I will volunteer to do group 2, just move it forward. Can I, I had two reactions, could I mention them?

**Brian Cute:** Yeah, this isn't done.

**Willy Curry:** It seems to me, I would suggest that as the review questions get listed one additional fact or factor that should be dealt with at that point is why does it matter? In other words, we could come up with 20 possible review questions, but it does seem that there ought to be a certain discipline on the working groups to be able to explain why it makes a difference as a way to prioritize which of these questions are really important.

Because there may be any number of things that people could say well this could be improved, but if it's not going to be resolved in some measurable impact on anything, why should we be spending the time on it? Secondly I guess I'm not today prepared to say our task is solely to ask ICANN to conduct a process or to put an issue into another mechanism, I think if in the judgment of this group we really see something that could be done to improve things, we should say so.

But I think I'm quite prepared to keep that issue wide open until we actually have something on paper to react and respond to.

**Chris Disspain:** I think that's a great, yes what we decide to do will flow from the discussion. There was something else that you said that I wanted to respond to that I completely have forgotten what it was. Oh yeah, why does it matter. Nope, it's gone, don't worry.

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**Brian Cate:** Fabio.

**Fabio Colasanti:** Well, I was continuing on this point. Why does it matter? I think more precisely the question is how relevant that is. Because probably everything we have is set an influence. But there will be things that will have a marginal influence on the problem and other things that will be very, very important or crucial.

Now there we will have to have a judgment on what is important and probably in a second or third phase, we will probably want to reduce the questions and try and eliminate a few that yes have a certain [inaudible 5:39] events, but probably it's a marginal one.

**Unidentified:** [Inaudible 5:44] for us or?

**Fabio Colasanti:** No, no, no what I mean is I will give you an example. I was the one who mentioned for instance the question of the budget. Is there a risk that the Board of ICANN maybe driven by revenue enhancing considerations. My personal answer is theoretically yes. But I don't see that as having an enormous effect.

On the other hand, if you have somebody whose bonus depends on a certain decision being taken by the end of the year that will have a big effect. So between the two, I would say the one about bonuses is a very big event, the one about the overall budget of ICANN is less relevant. But both might theoretically have an effect.

**Brian Cute:** Willy.

**Willy Curry:** Thanks Brian. I agree with Larry on both points and it would be great if you could take the pen on the questions that would be really good. I think that we might want to make sure that the writer's format a question in ways to do with motivating and providing reasons for not just saying yes to the question, is it appropriate for ATRT to make recommendations?

And it may be that in each of the elements we should be quite careful to provide reasons for any views that we express there and link them to whatever evidence that we have so that to pick up on Peter's view, the process becomes tidy and with what we know and the sources of evidence that are there.

**Brian Cute:** Thank you Willy, Peter.

**Peter Dengate Thrush:** I'm going to start a new mantra now which is now that this is clear we get to the thing that has always been the other concern which is the actual measurement and the judgment of this and the need for metrics. So just to continue working this example, the analysis is what has ICANN been doing about improving relationships with the GAC and the primary answer that comes is from the study is well there is a committee and it has been formed to do these things.

So then the review team has to look at that committee and somehow has to form a judgment as to whether that's any quite good or not. That's where the concern about metrics is. By what

measure do you judge the goodness or the effort that has gone into meeting this particular commitment? How do you know?

So that's where I thought originally, that's where I thought people like Berkman would be able to assess because they would have experience of saying well you've got these two groups that have to get along with each other. One of the mechanisms for developing you know is getting on with each other.

But presumably what that includes Chris is in this example, is interviewing the chair of the working group or the co-chairs of the working group and if one of them has the view that this is going really well is a fantastic thing and the other one thinks it's a waste of time, how do you as the group, what are the metrics that you use?

So that is going to be the next big challenge for all of these when you look at each of these things, and I think that is when you have to come back to the group and say well, here is the evidence and try and get some kind of feedback into that process.

Unless there are some external measurements that you can readily go and draw off the shelf and the trouble is that in most of these cases, there isn't. So here's the next challenge, is when you do the review, and you look at it, try to put some kind of metrics and measuring against the quality of it. It is the next big challenge.

**Brian Cate:**

Chris.

**Chris Disspain:**

Sorry, thanks Peter. You're right. Two things, in respect to metrics, yes the first question I would ask is how does ICANN measure it? Because if they measure it then presumably they know how they measure it. So you can look at that for a start. The second thing I would say is yes you would obviously talk to in the case of the GAC example, Ray and Heather and see for them.

Thirdly, whilst I agree with you that you know it's important to have metrics, I would argue that in some cases, I mean they just aren't, it has to be a call. It is a call based on the sage, the wisdom of this group based on evidence that is coming.

That is just a fact of life and finally in respect to Berkman, absolutely. I mean what we should be doing, it goes back to yesterday I think yesterday when I said, when we were discussing work group 1 when I said to them, tell me just to use transparency, tell us what muddles there are out there that we can look at to judge transparency.

That is one of the things that they are there for is their knowledge base I mean it is exactly the same in respect to metrics I would argue. If they can come back to us and say, oh hey, you know, when it comes to you know, working with civil society to go on to a better term working with government there is a well established standard by which you judge success that would be great if you could.

**Brian Cute:**

Can I have you first Fabio or not? Okay, really?

**Fabio Colasanti:**

I agree with Chris on that. In a way, yes if there are metrics fine, but a lot of it may well depend on a kind of argumentative rationality so we might have a view that the GAC is saying advice is advice is advice, but in looking at the various factors around it looking at the [inaudible 11:24], looking at the case studies it might appear to us that that view is not useful.

And we may then want to say there needs to be a process in addition to the joint work group or the joint working groups should consider whether it is not better to have a more formal process or how does that relate to the issue of timeliness of GAC advice coming earlier in the process, not to the Board at the end of it. So I think it will be in a sense having to deal with a chain of logic as well as looking at evidence.

**Brian Cute:**

Thank you, other discussion? So I would like to get this to a near final form recognizing it is still a work in progress and will be filled in over time, at least with respect to today. Also send it on to Berkman too to give them a snapshot of where we're headed in advance of the working groups. Olivier.

**Olivier Muron:**

Yes I was thinking about Peter's remark to the link between the tracks Berkman track about case studies. So I guess that in the analysis part when [inaudible 12:38] some of the problems that we may encounter in the case studies. We can also see in some cases when we are coming up with a recommendation to say if that



recommendation has been implemented maybe the problem could have been avoided and there are two places where I think, but it has to be systematic of course.

**Brian Cute:** So you are suggesting that in number 3 under the analysis questions would be one in place where the Berkman's case study input gets factored in? Okay that makes sense, any other additions to the document?

**Olivier Muron:** In the recommendations.

**Brian Cute:** In the recommendations as well? Yes?

**Olivier Muron:** Systematically of course.

**Brian Cute:** Right. Other suggested changes? Is everybody happy with this for now? Okay, okay, all right. Cheryl.

**Cheryl Langdon-Orr:** If we are wrapping on this at this stage, can it now be distributed in this edited form as soon as possible so we can start working on it, particularly those in different time zones, Louis and Warren?

**Brian Cute:** Okay, with that then I'll, oh I'm sorry, Manal?

**Manal:** May I suggest if we have some time that we just brainstorm quickly on the possible questions that, if we get to the first page please Brian. The elements that are going to be tested by each work group, I mean we are going to work this for each of the

elements within the scope of each work group so I think it will be useful since the whole team is available if we can brainstorm on those.

**Brian Cuta:**

So you are suggesting that we develop, we recognize that each working group has a piece of the, this is paragraph 9.1 and we recognize that each piece has subparts and there are going to be a few breakout questions. Are you suggesting that we brainstorm on the breakout questions for each working group? We could do that. Chris.

**Chris Disspain:**

Maybe I don't understand. I thought that pretty much each working group had already effectively done that, I mean they've got their, these other things we are looking at, haven't they? I mean that work is already done. So I'm not sure that we need to do that.

**Brian Cuta:**

Has it been done exhaustively?

**Chris Disspain:**

Yeah, I mean that's what we've been, from my perspective anyway, the presentations that we've had the little bit, they've been somewhat ad hoc, have basically dealt with that. I'm not sure, unless you mean something else.

**Manal:**

I was just suggesting sharing them while we're here together so that we avoid any overlaps or redundancy of questions that might be worked out by more than one workgroup. But again we can do this online if needed.

**Brian Cute:** Peter.

**Peter Dengate Thrush:** I think we should be looking to take advantage of the cost and get the benefit of the cost of being here if there are things we can do and run it through even if we do it quickly and find out we have actually all -

**Brian Cute:** Okay then working group 1, Olivier.

**Larry Strickling:** This is Larry. Could I just suggest I thought that the reports that we had yesterday pretty well set out what each group was working on and I didn't hear any instances of overlap that need to be resolved, but if others did, I'm happy to have a discussion on that, but I thought that was largely what we covered yesterday when each working group did its read out.

**Brian Cute:** Manal.

**Manal:** I don't mean be opening and be discussing. I mean maybe summarizing, briefing, I'm not arguing that the issues are not there, but what I'm saying is maybe when we all share whatever we're going to work on specific questions, we can better work out overlaps or -

**Larry Strickling:** But wasn't that the exercise that we have just been through having each group list their hypotheses?

**Brian Cute:** Fabio and then Willy.

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**Fabio Colasanti:**

I think that there will be a need for discussions once we start this exercise because the moment we rephrase our approach and the most systematic way, we are going to be much more critical of some of the things that we have put on paper and so we might come up with new ideas, or we might consider the [inaudible 18:27] things should not appear there.

So I can easily imagine that some volunteers have made the first draft and some members of the group would be surprised by the way in which you present seven things they will realize that the moment you start answering all these questions maybe the review question is not as obvious as it was before and things like this.

So I think that this approach will force us to reflect more to the documents that we have discussed. The question of overlaps, it doesn't matter, we will settle that later on.

**Brian Cote:**

Thank you. Willy.

**Willy Curry:**

I agree with Fabio and I think that it would be easier to see those overlaps once we have the inputs from all the groups. I can see that between working groups 2 and 3, that we may have some overlap, but I would rather do that at a second level once we've got the tighter analysis and so we can say okay, what is the role of the GAC in the PDP process and how does that work rather than know because I think we might just be repeating what we said in the last two days.

**Brian Cute:** Well, then this can become the focus of the Monday call is to go through the working groups re-engineering of their product and looking for overlaps being more critical. I am not hearing an overwhelming sense to do this now. Yes.

**Fabio Colasanti:** Maybe it would make sense if the draft prepared by the volunteers were circulated to the whole group with the idea that the working group reacts but everybody -

**Brian Cute:** Okay, so I am going to hit the save button and put a name on this and distribute it to everybody on the team. I'm also going to give it to Berkman as an example to give them a snapshot to where we are headed and let them know that the working groups are going to provide updated product using this format by Saturday. Larry.

**Larry Strickling:** Could you scroll to the second page again?

**Brian Cute:** Yes.

**Larry Strickling:** So in light of the presentation that Chris made, the written paper under 4 ought to reflect that there - it's not just one review question, we're looking for each group to do. It's that they should be listing all review questions.

**Brian Cute:** Okay. I think we've come to the end of the agenda or the formal agenda, so let's use this opportunity in terms of other business. Any loose ends, any road mapping?

**Fabio Colasanti:** Do we have any logistic issues to discuss [inaudible 22:13], Cartagena, hotel reservations?

**Brian Cute:** Cartagena, I don't know. Maybe we should start with Boston.

**Fabio Colasanti:** Oh yes.

**Brian Cute:** Cheryl.

**Cheryl Langdon-Orr:** Just to let you know Brian that the audio is out, oh it's back. We had dead air for a while, I'm not sure how much the community didn't hear or Louis and Warren missed because we dropped for a little while.

**Louis Lee:** This is Louis, don't worry about it Cheryl, it was pretty good, James and I were hearing.

**Brian Cute:** Okay, yeah. So let's talk about, we have Boston logistics to take care of. In terms of the meeting space, two opportunities Becky Burr had mentioned that she has an office in Boston, her firm has an office in Boston and we might be able to use that space. I can check in with her again.

**Peter Dengate Thrush:** Why don't we just use Berkman?

**Brian Cute:** The other option is to just go to Harvard and ask them to provide the space and meet with them there. It makes good sense too. So

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then the only other issue is finding a hotel. Any recommendations Chris? We can take that on, I can take that on. Okay, I will come back with a recommendation.

**Chris Disspain:**

Well, if you're talking about Cambridge, the two at the top of the list are the Charles and the Inn at Harvard. Okay those two would both be walking distance to Berkman.

**Brian Cute:**

Okay, identify them, circulate it and see what people want to do. Yes, Fabio?

**Fabio Colasanti:**

Should we be giving any thought about how we organize ourselves in those three days we had initially mentioned that the first day would be devoted to Berkman presenting their report. How would we work afterwards?

**Brian Cute:**

Good question. Well, their final report is not due until the 21<sup>st</sup> of October, actually post dates, but we don't expect them to present to us more or less their final report. So that will be one piece of it that presentation. The only thought I put to it.

To me it would be an opportunity for us collectively to test the recommendations, that is, to test the fact finding, to test the analysis, to kick the tires, to make sure we followed our process, to make sure there is a proper foundation, to make sure all the elements that we would want are in place. Beyond that I hadn't really thought of it. Fabio?

**Fabio Colasanti:**

We had already discussed yesterday that we have to do as much as essential work as possible at the end of September. But I think that we should really be targeting starting some drafting sessions already on the second day. If possible, to start circulating draft recommendations even before that because after all, we have two days to essentially agree on the draft recommendations that will have to be posted to public comment.

So we should be arriving in Boston having already exchanged as much as possible some draft recommendations and we should be using those two days to discuss them and that would be pretty complex because of all these judgment calls that will have to be made about the relevance, importance, the opportunity.

**Brian Cute:**

Thank you in fact my assumption was we would come into Boston with recommendations drafted.

**Peter Dengate Thrush:**

Can I just slightly?

**Brian Cute:**

Yes Peter.

**Peter Dengate Thrush:**

I don't think it is going to be the recommendations because I think once you have done the analysis; those will actually fall out reasonably quickly. The thing that is going to take the time I think is discussing the review discussions. Take for example what's clearly going to be the hallus group, which is working group 3.



Now the ICANN commitment is to continually improve the public comment process, that's the ICANN commitment. Eventually the working group will have an interview I'm sure with the chairman of the public participation committee and we'll find out about the public participation project that that committee is running.

Now it's not going to be finished by the time they do the review. So you're going to have a real disconnect between, well you're going to have to make an assessment as to whether the right project is underway to meet that commitment is going to solve the problem.

That's a much harder issue to discuss because recommendations falling out of that will be either right until that project is finished or make sure these things are included in the project or I don't think it's going to be the recommendations, I think it's going to be the analysis of what's being done and whether that meets the requirements and what are the metrics by which you judge it.

After you have done that then the recommendations will be pretty obvious. I predict, I might be wrong, but it's the analysis first and then the comparison and the enlightenment that the case studies will shown and then out of that I think recommendations should be I think relatively easy.

**Brian Cate:**

Okay so my suggestion was that we would go into Boston having put draft recommendations together based on fact finding, based on analysis and use some of that time to test the analysis, to test the

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underlying facts to make sure that our process was followed, metrics, etc. Does that sound like a reasonable approach?

When I said late September, Fabio what I really was referencing was telling Berkman that the working groups are going to need their substantive input no later than that. We are going to be working on these bits between now and September 24<sup>th</sup> quite vigorously. Is that an unachievable objective?

**Cheryl Langdon-Orr:**

I actually think it's going to depend on work group to workgroup. Some of these are not quite so challenging as others. But what I would like to see is the clear use of our time at the next face-to-face to make sure that as we try [inaudible 28:33] document that we have synchronicity in style and intention and how things have been put together.

If we just look at the size of how each of the work groups approach the hypothesis exercise, it was very diverse. We can't have that sort of diversity and have a unified end product when we leave Boston. So we need to circulate things earlier on and then use that face-to-face to establish what still needs to be done and hopefully very little, make sure that the style of how we've approached analysis.

Is there if there is any additional information that may be needed to come in from Berkman because it may be that there is a little delay there but hopefully not, that that is captured and grabbed and get a more unified documentation being developed at the end of that.

**Brian Cate:**

Okay so if that's our objective to come into Boston with recommendations drafted by all of the working groups to be tested to hear the final report from Berkman on day 1, and then to begin testing each of those proposed draft recommendations, what are the risk factors that are going to prevent us from hitting that mark.

**Peter Dengate Thrush:**

I don't think the analysis is done. Take the simplest one in many ways which is, any simple one which is the analysis of what work is being done in relation to the Board. The obligation on ICANN is to continually improve Board governance including having an evaluation. So there in place is an evaluation.

Someone is going to have to analyze that and go and do a measure, a Board evaluation technique and then come back and say well the one that ICANN has done is either rubbish or useful or useless or whatever. It's that step, get yourself in a position to actually review what ICANN is doing by externally by sustainable and defensible metrics.

Who at the moment feels competent to judge the Director's evaluation program that ICANN is using? That's what this review has to say, so that's where the time is going to be taken is looking at what is being done and then making some kind of assessment as to whether it makes the objectives or not.

If it doesn't, then the recommendation is going to be really easy, it's going to get a better Board evaluation tool. So the

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recommendation will fall out pretty easily once you've done the evaluation.

**Brian Cate:**

Fabio.

**Fabio Colasanti:**

I don't think - from that point of view. But the question would be much more if one discovers in the behavior of ICANN over the last 2 years, some systemic weaknesses that we don't think are being addressed now and one is the relationship with GAC and we will have to see what will be the result of the joint working group.

By the way, when is that document due? That will be another case that will reinforce the doubts of Peter. But it will be questions like this and for instance, my I repeat what is my impression, but I have no evidence to back it up that at the moment, is very much dominated by the concerns, legitimate expressed by the general counsel about not justifying too much their decisions for the risk of creating space for legal challenges.

Wouldn't it not be appropriate for an extended group like ours to say, "ICANN, you are a corporation, but you are fulfilling a public policy role." You have to take risks from that point of view. Operationally, how would that translate but maybe in the recommendations to absolutely explain fully the decisions of more than what they're doing now?

But it's more looking at systemic possible weaknesses like this, I don't think that anyone would want to review or criticize or

express an opinion on the review of the Board performance that ICANN already has underway or one would have the competence to do that.

**Peter Dengate Thrush:**

Except you have again shifted away from where I thought I had got you back from which this is not a review of ICANN. This is a review of ICANN's performance against its commitments. ICANN made a whole lot of commitments; this is a review as to how it is going against them.

I agree with you that the recommendations just as you may well be true and may well come out of this exercise, but it's got to come out of it on the basis of reviewing the commitments, reviewing the performance of the commitments.

**Larry Strickling:**

I think we've got to get this stuff on paper and then let's have a conversation based on actual words and not hypotheticals because I see the myriad of all these viewpoints but until we see it in writing and can talk about it, it's hard to get specific.

But one could say that even if ICANN is conducting the studies and the self evaluations, if it's not actually implementing the results, that is certainly something I think we could point out and if there's been an issue that's been studied five times over and still hasn't been implemented, I would think that we could come in and say, "Kudos, you keep studying this and that part of the process is working, but it's now time to actually implement the thing."

That type of, so this will be a much more productive conversation when we have right actual words to react to.

**Brian Cate:**

But I do agree Peter with your point about the analysis bit being the heavier lift. So I am thinking in terms of resources and how do we get from here to there? We have us and we have Berkman. Maybe we should be thinking about specific tasks for Berkman along the way. Chris.

**Chris Disspain:**

If we agree with Peter if he is right that the major task, and I think you are probably then the reason for bringing that up was originally what we were talking about doing in Boston and quite clearly this is a movable feast and we need to monitor this as we go along.

But it may be that actually where we end up is spending time in Boston doing exactly what Larry just said, is we've got the words in front of us, let's start to talk about what that actually means, which is not quite the same thing as coming to Boston with a series of recommendations.

So we just need to be a little bit flexible about that and that affects deadlines that we might give ourselves and you leapt forth and said let's have the stuff done by Saturday, which is a great, great goal, but then what? What are you going to tell? If I give you a note from working?

If Olivier and I give you a note from working group 1 that says we would like staff, this following input for ICANN staff, what deadline are you going to give Denise for that? If we go to Berkman and say formally, we need transparency is there anything you can refer us to?

We need to be able to say to them, “and we need your answer by this date.” So that’s stuff that we need to get done and get worked through otherwise we are going to lose our way.

**Brian Cate:**

I agree. So I would envision each working group taking this template, identifying the issues and knowing what facts they need to gather, whether it’s the bylaws or some other documents. Those requests going to ICANN staff, they should all be centralized through me and into Denise so we can track them.

Then we have the Berkman inputs as I have requested by the end of the third week of September. I think we are going to have to - first thing first, reformat your work according to this framework, identify the fact finding documents and sources that you need to get and request and see if we can come into Monday’s call with those items identified so I can give them to Denise and start there.

I mean deadlines from there, that’s the 6<sup>th</sup> of September you know, we are going to need things back within a week’s time. Peter.

**Peter Dengate Thrush:**

Can somebody quickly find that document that Denise and Rod gave us in Marina Del Rey, it’s a template showing what the staff,

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what ICANN has been doing in relation to, they have broken out all the obligations. I think it's, just hold that up, that will be the most useful starting point we need to be addressing.

I am looking at the wrong document from Denise but someone can find the right one. May 29<sup>th</sup>? Can I just suggest that for most of the work, that would be the most useful starting point. If you go through that, it actually says what the challenge is, what is currently being done and what needs to be done. So there's your starting point.

When the question is what has ICANN done to meet this commitment, there is the starting point. Hold on, that doesn't actually matter because we've got it here for us. Two things just rip that down at once. Two things Brian, I think it has some stuff in it, if it's not too much of a hassle it might be good to ask for an update given that it is now 3 months after.

**Unidentified:** I did and she said that everything can be [inaudible 40:00].

**Peter Dengate Thrush:** No, not an update on whether we can post the document, an update on the document. If it is not too much of a hassle, it might be that it is a very long process, in which case I wouldn't worry about it, but if it can be done simply, it would be useful. I think. Secondly, can you add that to the list of things to print out for me this afternoon? It would be helpful.



**Brian Cate:**

I think that's very important. Anything else we need to nail down? So, revise work group product using our track that we have developed here, sharing that with Berkman by Saturday.

I think each working group for each question they've broken out identifying the documentation that they need to ask for from ICANN and building that list and submitting it to Denise and trying to have that on hand for the Monday call.

Then I will give Denise a turnaround time. Let's see, that is the 6<sup>th</sup>, if we had the documents back from Denise within a weeks time, that's the 13<sup>th</sup> and that gives us you know, two full weeks before we get Berkman's, well 10, 11 days before we get Berkman's dump by the 24<sup>th</sup>, which I'm going to stick to that date and then that gives us 10 days after the Berkman dump on the 24<sup>th</sup> to continue data gathering, analyzing, developing and possible recommendations before Boston. That is the roadmap. Manal.

**Manal:**

We have a call scheduled with Denise on Thursday, yourself.

**Brian Cate:**

Yes.

**Manal:**

Would you like to have this rescheduled after our call on Monday maybe we need to compile our requests?

**Brian Cate:**

Actually no, let's keep our call with Denise on Thursday because we can give her a heads up, we are going to have a status update request on that specific document and we should probably take the

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opportunity to let her know what is coming her way and what the expectations are going to be.

So let's keep the call with Denise on Thursday. Anything else? Do you want me to develop an actual timeline? You know with the September month and put some targets in there? Okay, I will develop that document. Larry.

**Larry Strickling:** We had started talking about Boston but we have set aside 3 days right in Boston?

**Brian Cute:** Three days.

**Larry Strickling:** We will start Monday and work 3 days.

**Brian Cute:** Yes.

**Larry Strickling:** Three full days. Then when will we be able to set a schedule for Columbia? Is it the feeling that we have to wait for that meeting to work that out or can we start locking in the dates for Columbia?

**Peter Dengate Thrush:** Yeah, I think that's lousy done Larry actually. We've got the confirmation that the meeting with the Board I think which seemed to be one of the important triggers could be done on the Sunday afternoon. I think that means that they have a consultation and there were going to be some public presentations on Sunday and the Tuesday and we're going to go home on Wednesday. I think that was how - clearly in your mind.

**Brian Cute:** I think the public piece was on the Wednesday, but I have to double check that, but we've got the Board set for Sunday. Any other meetings that we have to have in Cartagena? We are making a presentation to the Board of the near final recommendations public and anything else that we have to do there? Fabio.

**Fabio Colasanti:** When we discussed that last time, essentially the agreement was that the central point would be the meeting with the Board, now confirmed Sunday afternoon that we would probably meet as a group Sunday morning, just to prepare ourselves for that meeting. That probably we would need a meeting, a face-to-face meeting for whatever needs to be discussed say on the Monday.

Then there was a public event to be organized either Wednesday or Thursday, but - fine, fine so it is Monday or Tuesday, that's even easier. So, essentially the question is, those of use who do not have to stay in Cartagena for other item business, can already go on the Wednesday?

**Brian Cute:** Mission accomplished.

**Fabio Colasanti:** Thanks.

**Peter Dengate Thrush:** We just want to flee the angry populace. I know that's the -

**Manal:** Sunday will be the meeting with the Board, yes? Okay.

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**Peter Dengate Thrush:** Sorry, I really don't want to add to the time spent going through how we're going to do Cartagena, but I just wanted to canvas a couple of things. I need to be clear about the status. We will have produced a report which will have gone out for public comment. The public comment period includes Cartagena or was closed before Cartagena. So the public comment period is closed.

**Brian Cute:** Terminates just prior to Cartagena.

**Peter Dengate Thrush:** How prior?

**Brian Cute:** October 15<sup>th</sup>, 31 days, 16 days, November's got, what are we doing 45 day?

**Peter Dengate Thrush:** So it will be November 29<sup>th</sup>. It will close. So we will not have published the final?

**Brian Cute:** No.

**Peter Dengate Thrush:** Right. Sorry, the purpose of Cartagena is for us to meet, for us to sit with the Board and discuss what it says and what the public comment has been on it and are there any issues and blah, blah, blah? Why are we meeting with the Board?

**Brian Cute:** We are going to make a presentation of near final recommendations because we, the public comment process will happen, it will close on the 29<sup>th</sup>, we will take the public comment and we will take it on an ongoing basis too. But throughout the

month of November we have an opportunity to continue testing our analysis, testing our fact finding, and developing solid recommendations, which could then be potentially adjusted based on community input.

**Chris Disspain:**

Sorry, I'm confused. If we set up our report for final comment, that surely has recommendations in it.

**Brian Cute:**

I may have misspoken, sorry. Go ahead, Fabio.

**Fabio Colasanti:**

When we discussed this last time, my understanding was that essentially Cartagena was an occasion for us to have two final checks. One was to have a fundamental discussion, a substantial discussion with the Board of ICANN who would have known our draft recommendations from mid-October and that would be an occasion face-to-face to have their reactions because they are the most important at receipt.

They have the address here of the recommendations so we have to take that into account. Second, we would have to examine the result of the public input which may not yield substantial novelties, but one never knows. So there was a need for a face-to-face meeting for those two reasons and if there are no big surprises, we could meet on the Monday in Cartagena essentially sign off on the recommendations.

The only big surprise would have to be if either end of discussion with the Board or in the public consultation somebody made some

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remarks that were really upsetting the whole philosophy of the recommendations and we would have to start from scratch. The risk is low.

**Brian Cute:** Yes?

**Peter Dengate Thrush:** I understand all of that thank you. What have we published for public comment? Does it have recommendations in it?

**Brian Cute:** Yes, we're publishing proposed draft recommendations. Yes.

**Peter Dengate Thrush:** So the document that we will be discussing with the Board in Cartagena is the document that will effectively have gone out for public consultation?

**Brian Cute:** Yes.

**Peter Dengate Thrush:** And we will have had some feedback on?

**Brian Cute:** Yes.

**Peter Dengate Thrush:** Okay, now I understand. That's fine.

**Brian Cute:** Yes.

**Peter Dengate Thrush:** So we're going to do that and that's going to be on Sunday?

**Brian Cute:** Yes.

**Peter Dengate Thrush:** Hang on and then, have we decided we are going to do a public presentation or not?

**Brian Cute:** Yes.

**Peter Dengate Thrush:** We are, on Monday presumably.

**Larry Strickling:** Monday or Tuesday.

**Peter Dengate Thrush:** Monday or Tuesday presumably yeah whichever but probably Monday because anyway it doesn't matter okay. Then we're going to meet again, that's just what I want to get clear about. Are we actually going to have a second? After we've met with the Board and we've done the public presentation, is it intended that we will have a second session?

**Brian Cute:** No.

**Fabio Colasanti:** My understanding was that we would have a meeting among ourselves before meeting with the Board. We might need a brief meeting among ourselves after the meeting with the Board to prepare the public presentation and then we will decide on the spot, whether we need another short meeting there.

But, given what Peter has just told us, all this could be over by Tuesday. The real test in all of this is our ability to have draft

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recommendations offered for public comments by the 15<sup>th</sup> of October. That's the real question mark.

**Brian Cute:**

Yes. Had we discussed whether we would do a 30 day or a 45 day public comment period? I mean I just threw out 45 days, but had we reached a conclusion there and does that make a difference?

**Fabio Colasanti:**

It does make a difference because one thing that we said is that first this time, we should not be forgetting to have the recommendations published in a number of languages, this means that the public languages will come in also in different languages.

If the deadline for public comments is the 29<sup>th</sup> or the 30<sup>th</sup> of November, by the 3<sup>rd</sup> or the 4<sup>th</sup> of December, we will not have had the time to examine that. So if we could go for a 40 day or 35 days, that would really make a big difference.

**Brian Cute:**

What are the dates of the Cartagena meeting?

**Fabio Colasanti:**

No, it's the Sunday I believe it's the 4<sup>th</sup>.

**Brian Cute:**

Okay so that's -

**Unidentified:**

So around the 15<sup>th</sup>, we have 16 days, 14 days, if we give a 30 day, it would close on the 14<sup>th</sup> of November and give us 1, 2, 3 full weeks to take in the public comments and [inaudible 51:25] if we have to. If we do 45 days, it takes us up to the 29<sup>th</sup> of November. That gives us less than a week.



**Fabio Colasanti:** Chair, would it be a crime to do a 35 day?

**Cheryl Langdon-Orr:** Did you see my smirk? I without having my crystal ball in front of me Fabio would consider that there will be reasonable complaint and push back from it not being a 45 day consultation. But, run it for 30 and see.

**Fabio Colasanti:** There is another consideration to be kept in mind. We work in Boston until the 13<sup>th</sup> of October. Probably there will be some editing, some polishing, then we will want to have the translations. When are we going to get the other languages online? So that means that probably in the other languages, the text will not be put up for public comments until the 20<sup>th</sup> of October under the best -

**Cheryl Langdon-Orr:** I mean it's a very important question Brian but - because Fiona doesn't have a microphone I will just repeat and it picks up what I will say. It depends on the size of the document and it depends on the other workload and pre-ICANN meeting it's usually a pretty heavy workload.

**Brian Cute:** Okay but forgetting the recommendations, we are talking October 15<sup>th</sup>. Right, pre-ICANN is December 5<sup>th</sup> so we're?

**Peter Dengate Thrush:** But remember we've got a public policy decision that no documents, there is a blackout period for publishing documents which is 21 days, 20 odd days, 15<sup>th</sup>? 21 days, sorry I should know

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but, there were literally two. There was one for GAC and one for somebody else and I think we've now got -

**Brian Cute:** So that's like November 14<sup>th</sup>, I'm trying to count back 21 days, so the two weeks prior to the 14<sup>th</sup>? The first two weeks of November.

**Peter Dengate Thrush:** Three weeks, 21 days.

**Brian Cute:** Okay so then what you're saying is that the major document production by staff is going to be happening the weeks prior to that 21<sup>st</sup> prior.

**Peter Dengate Thrush:** Yes.

**Brian Cute:** How long of a period is it typically, is it 2 weeks, 1 week, 3 weeks?

**Peter Dengate Thrush:** About a month.

**Brian Cute:** Okay. Chris.

**Erick Iriarte:** Yes we finish around the 13<sup>th</sup> of October suppose we take a week to translate documents with the launch for all the languages on the 20<sup>th</sup> of October more or less. We have a month or half a month we [inaudible 54:55] the final of November to get any kind of comments.

We suppose people don't speak another language [inaudible 55:01] their comments in English that would be very difficult. We need almost one more week to translate the comments or something more, so that means that maybe the final of the ICANN meeting in Cartagena where we will have the final comments including the comments and the dates. This means 12, 13 of December.

**Brian Cate:**

Chris.

**Chris Disspain:**

Several things arise. First of all, the reason I asked the question about the way this works is that my understanding is that the presentation at Cartagena is not about comments. Comments are closed okay? I am ignoring the Board Fabio I know we will be having an interaction with the Board but my understanding is that the public comment, my intention is that the public comments will be closed.

So we are making a presentation to the room, that doesn't mean people can't speak, but the official public comment period is closed right? Now what is blindingly obvious to me it seems Brian is taking into account translations is etc. We probably don't have a choice but to do 30.

We just have to do 30 and what we have to do I think is to be really, 30 will work provided that everyone knows it's coming and we keep telling them it's coming.

**Brian Cate:**

Flashing banners.

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**Chris Disspain:** We keep telling them when it's coming. It does come when it says it will come.

**Brian Cute:** Airplanes with banners.

**Chris Disspain:** That will be fine.

**Brian Cute:** Yes, I think it is obvious; it is going to have to be a 30 day period.

**Erick Iriarte:** But we need to launch the request for comments around the 20<sup>th</sup> of October. All the language versions that week maybe we finish on the 13<sup>th</sup> in English so we need to have the translations to launch [inaudible 57:05]. If not, we launch in English on the 13<sup>th</sup>, and then coming soon.

**Brian Cute:** I really don't want to do that again. Can this be treated as a priority for the translators, among all their other work? No, it's getting the queue. It's just getting the queue.

**Cheryl Langdon-Orr:** If I may Brian just and it was a point I was going to bring up closer to the end of the proceedings when we were reviewing where we were going and what we were doing between now and Saturday let alone Monday, let alone the [inaudible 57:50] starting adventure to the end of September.

That was to point out that our own archive needs to be looked at and each of the work teams, the work groups have their confluence

wiki space up. Now if a lot of your collaboration is if not done in, copied to, we've got some savvy staff over there, that space that it does mean that for example as working progress is done, some of the basic translation can be begun. So I would highly recommend that as a mechanism.

**Brian Cute:**

Yes, good thought. So we're agreed that it has to be 30 days for the translation, I agree [inaudible 58:38] it shouldn't go any later than the 20<sup>th</sup>, I'm not confident that that will happen based on what I'm hearing, just get in the queue, but-

**Erick Iriarte:**

I would agree with the diversity, but launching in English and coming soon in your language try to spend some time.

**Brian Cute:**

But we already did that and I thought it was embarrassing.

**Erick Iriarte:**

We don't have a lot of time for translations.

**Brian Cute:**

Okay if it's a practical matter and we get to the 20<sup>th</sup>, 21<sup>st</sup>, 22<sup>nd</sup> and the translations aren't ready as a practical matter, I agree, we would have to get it out. Yes. Okay. Anything else we have to nail down? I am going to do a timetable for our work in the coming weeks through September and circulate that. Is there anything else we have to nail down? Check the hotels in Boston, hotels in Cartagena.

**Fabio Colasanti:**

Not everybody can stay at the Soft hotel.

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**Peter Dengate Thrush:** I accept that completely Fabio, not everyone can stay at the Soft Hotel, but I have reasons to stay there so.

**Brian Cute:** Does everyone have hotel arrangements? I personally don't think it's necessary that we all stay at the same hotel. If there is any problem with making arrangements, people have options. Erick.

**Erick Iriarte:** Yes I make a recommendation is the Caribbean, hotel Caribbean. We will have words today before that and I will [inaudible 1:00] non-commercial aspect for CTLDs somebody is interested, you are invited. We will meet in the Caribbean with surprise and the place is very, very good, will recommend to the CTLDs of Latin America to stay there.

**Fabio Colasanti:** We had already discussed this once, but somebody said that ICANN had made some block reservations and there was a case for using those block reservations, is this the case? Because that's the reason why some if us at least had not made individual reservations because we could have very well followed the advice of Erick, we go ahead, we make the reservations because we had received a list of five hotels recommended by ICANN. But should we be going ahead and making the reservations, or should we use these block reservations of ICANN?

**Peter Dengate Thrush:** Brian, can I suggest that you ask Alice to request to the meetings team, are there 7, 18 additional slots included in the thing for the ATRT and get back very quickly with an answer? If there's not, then we've got to make individual bookings.

**Brian Cute:** How many review team members are going to want to avail themselves of the ICANN reserved rooms opportunity? Fabio.

**Cheryl Langdon-Orr:** Including those of us who do under normal circumstances? Do you want our hands up as well? Additional ones?

**Brian Cute:** Okay, additional ones.

**Erick Iriarte:** Brian, let me comment on the logistics, more on that office recommended by ICANN are in the bay and are around 15 minutes by bus to the place, the conference. Yes, two things. The Caribbean suggests the middle under both points between the authors of ICANN and the convention center.

In the convention center [inaudible 1:02] is one more that is more fashionable that is the Santa Clara so you have to choose how long you want to move or not move each day.

**Brian Cute:** Are you suggesting that we have our review team meetings at the Caribbean or are you just offering the Caribbean as a place for people to stay? Yeah. We are going to have a meeting room at the convention center. Yeah Warren?

**Warren Adelman:** Hi this is Warren. I'm not trying to be facetious but the rest of this is going to be like travel lodge stuff? You know it's going to be like midnight here soon and you know, some of us will drop off.

So, is there anything else substantive to that or is this all going to be like stuff that gets done on Expedia?

**Brian Cute:**

Good night Warren. No, I think we've addresses all the substantive points, this is just going to be those types of points so feel free to drop off and thanks for staying on for so long. So Alice will get back with availability.

We will have a meeting space arranged by ICANN and you will have the communications logistics taken care of right? Okay. Any other items? Oh the same room, yeah. Yes Alice, if we can have a single fixed room for the entire time that would be good.

**Peter Dengate Thrush:**

We can use Fabio's bedroom in the hotel.

**Brian Cute:**

Well, it's only the pre meeting with the Board meeting and a debriefing with the Board meeting. So it's only two meetings, same day. If we could get the same room, that would be great. That would be great. Any other business, none? Okay. Thank you all for two days of very hard work and more to come.

**Peter Dengate Thrush:**

Thanks Brian.

**Brian Cute:**

Thank you all.

--End of Recorded Material--