
ALISSA COOPER:

Okay, this is Alissa. I think we can go ahead and get started. We have some more folks who have joined. As usual, the secretariat will take attendance from Adobe Connect. Do we have anyone who is on the call, but who is not in the Adobe Connect room? Okay, sounds like everyone is in Adobe Connect.

For the call today, we have two-and-a-half hours planned. We don't necessarily need to use all the time, but we may. Planning for that, I think we will take a break around the 90-minute mark for five minutes to give people a chance to stretch their legs. At 90 minutes, we will also lose the Arabic and Chinese interpretation because we only have one interpreter working at the moment, so apologies for that. We tried to stack the substantive parts of the agenda at the front half for that reason, [inaudible] in the second half.

If you're looking at the agenda on the screen right now. Six items. The bulk of it obviously dedicated to the names proposal assessment, and then the other items to follow.

Does anyone have comments or additions to the agenda? Okay, seeing no hands, then I think we can go ahead and get started with the names proposal assessment.

A really big thank you to all of the folks who did their assessments. I think we have already executed a very thorough assessment process just based on how many [eyes] have been those proposal. So thanks to all of you.

Note: The following is the output resulting from transcribing an audio file into a word/text document. Although the transcription is largely accurate, in some cases may be incomplete or inaccurate due to inaudible passages and grammatical corrections. It is posted as an aid to the original audio file, but should not be treated as an authoritative record.

What I was thinking we would do is maybe just have one author from each of the assessments. Say a few words if you want to. You can assume that people have read the assessments, but if there's anything you'd like to point out in particular about your assessment, then I think it would be good to have an intro from each author and an opportunity for people to comment individually on the assessments and have a discussion kick off that way.

So would someone from the Wolf-Ulrich, Keith Davidson, Mary Uduma, Martin Boyle team like to say anything about your assessment? Go ahead, Martin.

MARTIN BOYLE:

Thanks, Alissa. Firstly, I think I better flag that Keith Davidson has dissociated himself from this initial assessment and I'll leave him to talk about his concerns.

I think certainly in comparison and when drafting this I tried to make it reasonably complete to avoid too many references back to the original document. I note that colleagues have been rather more succinct than me and just stuck with references. I'm quite happy with either approach, depending on what people prefer.

I think the main thing that comes forward is on the dependency of the CWG proposal on the response from the Cross-Community Working Group on ICANN Accountability and the CWG has defined or specified quite clearly what it needs from the accountability strand and that is being played back by the Accountability Working Group. Therefore, I

think both sides know what they're trying to deliver and what is expected.

There are a number of areas that you started doing a list, Alissa, of where further work either between now and Dublin or, in some cases, work that will need to be done as part of the implementation of the CWG proposal that this, therefore, needs to be quite clearly taken as part of the requirements for the proposal. But certainly, in my opinion, doesn't lead us to require further work in the CWG. That work can go ahead in parallel so long as we are quite clear what work does need to be done.

There's a fair amount in there about the development of the proposal showing the quite exhaustive work – not to say exhausting work – that led to a general consensus in that there was nobody putting their hand up saying that they could not live with what was coming out from the proposal.

Then the last thing I refer to is that for the NTIA criteria, I think certainly my assessment is that it very clearly and firmly does pay attention to those criteria and fulfills them. I think that's what I'd like to say at the moment. Thanks.

UNIDENTIFIED MALE:

Hello? Is anybody speaking? We think we may have lost somebody's audio.

RUSS MUNDY:

I just heard those two voices.

UNIDENTIFIED MALE: I think Martin invited Keith to say why he didn't want his name associated with this assessment.

KEITH DAVIDSON: Thank you. I had my hand raised, but was anticipating that he would invite me to speak. Since invited, I'll take the opportunity [inaudible].

I think it is clear from some of the assessments that have been coming through that the accountability is perceived as being a real concern, which to me opens up the door to perhaps addressing some of the lesser concerns along the way that were present and discussed by various parties during Buenos Aires.

The question that I'm not clear on is the [inaudible] from here on, and whether or not if we are waiting for the accountability work to be further completed, which may be done during next week's meeting of the accountability group in Paris and so on, if we are waiting for [inaudible], should we be referring back those issues that could require further work and could [inaudible] such as the IANA trademark issues and so on back to the CWG for them to go through another round of consultation and provide us with an improved proposal, or will our own consultation process not upset the apple cart in terms of consensus and undermine the work of the CWG?

ALISSA COOPER: Thanks, Keith. Can people hear me?

UNIDENTIFIED MALE: Yes.

UNIDENTIFIED MALE: Yes.

ALISSA COOPER: Okay. We're investigating issues with the phone bridge. I will give my thoughts on those questions, and then would really like to hear from everyone. So what we agreed in Buenos Aires was that at the point at which the CCWG sends its proposal to the chartering organizations for approval, which should be – my understanding is they're aiming for a week or two prior to the Dublin meeting. Sometime before the Dublin meeting, just as it was with the CWG, the CCWG intends to have a finalized proposal to send to the chartering organizations, which they do not expect to change in the course of the Dublin meeting, in the same way the CWG proposal did not change during the approval process.

At that point, that is the point at which we would ask the CWG if the CCWG output meets all of their requirements. And if they confirm that to us, then we make our determination based on what they tell us. So if they are satisfied, then we should be satisfied since we're not [inaudible] substance of the proposal.

So that is the process that is envisioned in terms of the dependencies between the two. Of course, any issues that we have with any of the proposals in the meantime we should bring back to the communities, including to the CWG. So if we have substantive concerns about

anything related to the proposal, whether those may relate to accountability mechanisms that are designed in the CWG proposal that need to be fully fleshed out in the CCWG proposal, we should bring those questions to the CWG. If we have questions about other aspects that are unrelated to any of the accountability work, we should also bring those to the CWG. And we have a means to have a back and forth, and potentially have the communities amend their proposals if that's what they determine they need to do to fix any of the issues that we might [spot]. And that process can go on between now and Dublin.

It's not clear to me that anyone has raised a substantive issues about an accountability requirement in the CWG proposal, but obviously we haven't talked about it yet, so someone might. And it's certainly reasonable for us to inquire with the CWG about the process. But in terms of the approval, we have a mechanism for the approval to get done at the end of the process.

In the queue, I see Keith Davidson, then Russ Mundy, and Keith Drazek. So go ahead, Keith Davidson.

All I hear is static, so if everyone could re-mute their line, and then, Keith Davidson, if you want to go back to the queue, you should [inaudible].

KEITH DAVIDSON: Can you hear me now?

UNIDENTIFIED MALE: Yes.

KEITH DAVIDSON: And is it clear?

ALISSA COOPER: Yes.

KEITH DAVIDSON: Excellent. One of the issues [inaudible] is that the names proposal is a [inaudible] proposal at a certain date. Since they've moved on with [inaudible] board having accepted the ccNSO's Framework of Interpretations. So suddenly a piece of work takes on a [inaudible] that supersedes some of the items that are included in the names proposal, something that the CWG couldn't have foreseen happen.

But really it's rather difficult to hit a moving target, but one of the recommendations from the Framework of Interpretation, for example, is that ICANN should archive and disregard ICP 1. Yet, ICP 1 features quite prominently as a description, even though it says that it's not been accepted by the community.

In fact, if we've asked the ICANN board to archive and delete it, then referencing it in the names proposal seems a little bit retrospective in my view.

So there are issues like that. I guess it will be an ongoing problem in the fine details because we have to have a single, stable document at a point in time and [inaudible] changing subsequently along the way. I'm

not really sure how or when we need to deal with that, but it does worry me.

ALISSA COOPER:

Thanks, Keith. Russ Mundy?

RUSS MUNDY:

Thanks, Alissa. One of the concerns that arose as I was reviewing the proposal this time – although I had reviewed it earlier as part of the SSAC work in producing our – I think it's report 72 – is that there is the one very precise and concise list of seven items in the proposal about the dependencies between the CWG proposal and the CCWG accountability work.

However, as one reads through the full proposal in the annexes, there are a number of references, especially the annexes but also elsewhere in the proposal, that refer to the dependencies between the proposal, often in a fair bit of specificity.

Honestly, I didn't have the time and I didn't take enough notes as I was going through, reference back to the list of seven things, to see if all of those lists of seven encompasses the things that are identified elsewhere in the report.

I didn't want to identify this as a specific item in my review, but I did want to ask on the call for the people that have been heavily involved either as our liaisons or just directly as engaged in the CWG proposal if they are confident that these many other references to the

dependencies are all summarized, if you will, or all captured in that list of seven that shows up fairly early in the report.

Whether we want to answer that question now or not, I'm fine either way, but I did want to raise it and put it on the table.

ALISSA COOPER:

Thank you, Russ. And I see one of our liaisons is in the queue next, so maybe he could speak to that in addition to whatever he was going to say. Keith Drazek?

KEITH DRAZEK:

Thank you, Alissa. Keith Drazek, one of the ICG liaisons to the CCWG Accountability. I typed this into Adobe chat, but just for the benefit of those not in Adobe chat, I just want to assure everybody that the CCWG Accountability is fully aware of the key dependencies identified in the CWG transition proposal and now report, and fully aware of the implications of not including any of those key recommendations or addressing the key dependencies.

It's too early to predict what the outcome of the CCWG Accountability because it needs to go through the consensus-building process and there's still a tremendous amount of work to be done. But I think the group is fully aware of the negative impact of not addressing any of those issues. I feel confident that the CCWG Accountability will in fact address those issues, so as not to upset or undermine the work of the CWG to date. That's my expectation and my hope.

As one of the ICG liaisons, I'll be sure to remind at every turn that those issues need to be addressed, otherwise it risks destabilizing the timelines and the process that we're undertaking.

I also responded to the e-mail list earlier today supporting I think what people are describing as the process to move forward, to acknowledge and to enumerate these key dependencies in our report and highlight them for the public comment period, but not to wait.

I'll stop there. If anybody has questions, I'm happy to answer.

ALISSA COOPER:

Thank you, Keith. Milton, go ahead.

MILTON MUELLER:

Okay. Good afternoon and morning, everybody. My observation is that most, with the exception of the joint assessment by Martin and the others, most of the assessments concluded that the proposal was incomplete. Despite the fact that the Wolf, Keith, Mary, and Martin's [inaudible] was the most complete and detailed in most respects, it was the only one that didn't come to the conclusion that the proposal was incomplete.

I think the resolution of this issue is fairly simple. The proposal is, in fact, incomplete. We do have to wait for the results of the CCWG. We also have to wait for the results of the trademark domain discussions among the different groups.

The chairs of the CWG themselves have said this is all bracketed language and it's [inaudible] making a proposal. So in that respect, the proposal is incomplete also.

So I think that's fairly easy. We just say it's not complete yet. When we get the CCWG results and the trademark issue clarified, we do another assessment.

The issue that Keith raises is a little more complicated. I understand that the relationship between ICANN and the CCs is all [inaudible] writing this. So I guess the question is whether the references to ICP 1 should be interpreted as retrospective descriptions of how things used to be with no particular implications for the future or something else.

In other words, I'm not sure that Keith needs to be concerned about references to ICP 1, although I'll totally defer to his judgment on that, if it's just a description of the policy environment prior to the transition. Okay, I'm finished.

ALISSA COOPER: Thank you. Martin is next.

MARTIN BOYLE: Thanks so much, Alissa. I wouldn't disagree with Milton and others in the assessment that the CWG proposal is incomplete. But I think my interpretation is that while it's not complete there are no issues that are not going to be in some position for resolution given the lines and approach that the CWG has adopted.

So, for example, on the trademark and domain name issue, I would refer back to the e-mail that was sent by Jonathan and Lisa to you, Alissa, whenever it was – it was at the end of last week – outlining where the CWG is currently sitting. And I would see that that was very clearly flagged by Alissa, by Lisa, and Jonathan that it was something that could only be addressed by the three communities together, and therefore reasonably that is an issue for next week's call.

I think the issue I see is that if we stick doggedly to the idea that we must have all the building blocks ready in this proposal before we can go out for consultation, then we're almost to the point of turning around and saying we might just as well pack up and go home now. We're not going to be ready because the CCWG will not have done its consultation until the end of August, early September, by which time we would certainly not be able to do a consultation that would allow meaningful discussion or decision in Dublin.

I would have a sort of yes, but we know what is missing and we know what work is being done to fill those gaps and we know what the expectation is for filling those gaps and I don't think that prevents us going out for consultation.

The other point, and why I originally put my hand up, was on the reference to ICP 1. As Keith Davidson identified, yes this is a moving target and the current text refers to ICP 1 which the Framework of Interpretation Working Group has already said was not accepted as policy. It is not an archived document yet. It is still on the ICANN website.

However, we have made quite clearly, we have got quite clearly in the CWG report that this is not accepted as policy and we have also got in the principles that I think is [Annex A] of the CWG report that the IANA functions operator, initially PTI, will not have the right just to take policy whether stuff that is promulgated in the past or stuff that they might dream of in the future and apply it if it hasn't been a properly bottom-up agreed policy process.

So I'm much more relaxed on the reference to ICP 1, which I must admit I thought did rather effectively put ICP 1 into its place as being a document with no formal merit or validity. Thank you.

ALISSA COOPER:

Thank you, Martin. Joe, go ahead.

JOE ALHADEFF:

Thank you. I'm a little bit concerned by the way we use the word "complete" because, having read through the document, it strikes me that it is complete in terms of having suggested what all of the mechanisms are. What it can't do is tell us that those mechanisms are actually final.

So we have all the elements. The question is the elements may shift, so we're having trouble determining that. But it is complete as a proposal in terms that it has gone through the elements it needs to. It just can't guarantee it because of external dependencies.

So then the question is do we make an attempt at the going through the document as if these will survive the dependencies to find out what the

view is related to them, perhaps making the most of our time with an understanding that we may have to go revisit the dependencies that don't survive or do we wait until the dependencies are all resolved?

It would seem that we had all had concerns about that the length of time the process is taking, not because of our issue but because of other external issue, it would seem that the more we can do to finalize towards the resolution, the better off we would be.

I think there is an interim solution, but with massive statements of caveat related to "this proposal is dependent on". I think that would be the way I would think of looking at it.

The other thing, to Russ's point about the dependencies, I did want to highlight, since you guys are all better technologists than I am, but I may be a better lawyer some of you guys, I went through all of the [Sidley] drafts to take a look at what was the legal review that was done and I'm happy to give you guys a brief on what I saw there when that's appropriate. But I did want to highlight there's a [Sidley] draft of May 3rd which is not a formal document, but I think it is the document that actually created the list of dependencies in the first place. It also outlines what [Sidley] believes are the strengths and the weaknesses of the proposal. I'm happy to put that up on Dropbox if it's easier for people to find it that way.

It's a four-page document that's a very useful document outlining dependencies and issues in the proposal from a legal structure point of view and that's where most of the dependencies are originating from. So I would just suggest that as useful reading.

ALISSA COOPER: Thank you, Joe. Jari? Jari, we cannot hear you. If the tech team could try to help with Jari's audio, that would be good because we cannot hear Jari. Can people hear me?

UNIDENTIFIED MALE: We hear you.

ALISSA COOPER: Okay. Jari needs to get his microphone connected. Are you there, Jari? Okay, let's give him one second. While we wait for that, I will attempt to summarize where I think we are.

Clearly, there are aspects of the proposal that cause it for us to not consider it to be complete because it has dependencies on some things that have not been resolved yet, including the outcomes of the CCWG Accountability work and the trademark conversation. Those are the two that I've heard. I've also heard a request from Russ Mundy for us to ensure that the CCWG dependency list is complete and also that there's good information in the [Sidley] document and perhaps in Joe's analysis of the [Sidley] document that we might draw on to make a determination about what all the dependencies are. We understand that there are dependencies. That's one set of issues.

Then there's a second set of issues relating to the Framework of Interpretations and it sounds like there is some difference of opinion as to whether the late-breaking news on the Framework of Interpretation

could cause us to want to ask the CWG questions about whether the way that ICP 1 is reflected in the proposal is accurate or not.

I think we should continue to have that discussion to come to a resolution on whether there's a questionnaire from us back to the CWG about ICP 1.

I think in terms of the process going forward, for the places where there are dependencies on items that are getting worked out, we I think need to determine what the expectation is as far as when they get worked out and how.

My thinking on the CCWG is exactly in line with what Joe and others have said, which is we put the proposal out for public comment with the expectation that, afterward, when the CCWG work is hopefully complete we can make a determination based on what the CWG tells us as to whether all of the dependencies have been met. And we can make that fully clear in our public comment period. And it may be the case that those dependencies are not met, in which case we may have to go to public comment again. We may have to do some further analysis. But that's a decision to be made after we feel that everything else is essentially done.

With the trademark issue, we need to determine whether that's something that we think is going to be worked out as part of the implementation or sooner. I think [Gary] was probably in the queue to speak to that a little bit. That's an issue that we need to decide again. What is the point at which we will come to some resolution on whether we feel that it's satisfied or not? If it's an implementation issue, we

don't have to, but there might be a prior point where we need to make a determination about it.

I see Jari I think back in the queue, hopefully with audio. Jari, go ahead.

UNIDENTIFIED MALE: We're not hearing you.

ALISSA COOPER: Okay. It looks like Janis is trying to dial out to Jari, so we will wait one more minute for that. I see Russ Mundy in the queue. Russ Mundy, are you able to speak?

RUSS MUNDY: Oh, yes, sorry, I didn't know you decided to pass to me.

ALISSA COOPER: Oh, go ahead. We're still waiting for Jari.

RUSS MUNDY: I think the fundamental issue we need to decide as a group is whether or not we believe the proposal we currently have from the CWG names is complete or not, because if we agree that it is not complete, then I don't see how we can assert that we could only have one public comment period.

The second one might be short and it might say nothing changed from the first one, but if we go out with a public comment review, which I

think is perfectly fine if we decide to do it, but declare it an incomplete proposal, it seem to be that really [inaudible] to doing a second public comment period once we declare it a complete proposal.

ALISSA COOPER:

Thanks, Russ. So just to be clear, that is different from what I was suggesting because of the following. The CWG proposal has – and we can enumerate this in our public comment period – a specific list of dependencies on the CCWG work. The CCWG work is obviously in process, is going to be put out for public comment again itself around the same time that we put ours out for public comment.

So at the end of our public comment process, we will be able to say, assuming the CCWG work is complete, whether those dependencies have been met or not.

I guess from my perspective, I wasn't really expecting there to be anything more than a yes or no from the CWG on that front. The dependencies [are] met and everything that we put out for public comment we can say, "Whatever the CWG required has been filled in by the CWG, yes?" Or no it has not, in which case we have all kinds of options for what to do next because we will have missed the time window that we were aiming to hit.

My proposal is different. It's that we put this out for public comment saying, look, we know there are dependencies. We know the proposal is incomplete in that way. But the dependencies are to be resolved through the action of the CCWG finishing its work and the CWG telling us that its requirements are satisfied. And that's it.

So we do not get involved in the substantive discussion of the meat of the CCWG's work because that's what they are doing in their process and with their public comment period.

Let's try one more time, Jari, see if we have audio for you.

JARI ARKKO: Okay, now we have [inaudible]. Does this work?

ALISSA COOPER: Yes, we can hear you.

JARI ARKKO: Excellent. I guess I'm agreeing with you, Alissa, what you just said, but actually I have two points. So the first point was that maybe we should stop discussing complete versus incomplete. It's clear everybody agrees there's a major dependency. Fine. So what do we do with that in the ICG?

Options I think are either we wait in some way either totally or in terms of arranging secondary comment periods and such, or two, we declare that the work that the CWG was doing is complete and transition planned. [inaudible] is complete, but that does have a dependency here. And as long as these and these characteristics exist in the end result of CCWG, then the whole thing should work. Or we could come up with something else, but those seem to me like the two major options.

I personally would be in favor of the second option. That is that we declare that there is a dependency and declare that these features must be present in the accountability work results and then we go forward.

The other comment that I wanted make was that Milton was talking about the important trademark issue and that is also important. But at least so far we've been mostly dealing with that as an implementation level issue.

I was thinking about it today and trying to up-level the [inaudible] a little bit. It seems to me that the CRISP team has produced a transition plan that explicitly says something about that particular aspect.

And the other two communities, IGF included and CWG of course, don't really say anything. At least not anything more than that. The IETF was later asked if we would be okay with what CRISP was proposing and we said yes.

I think in this situation, the only thing I'm hearing on the level of [inaudible] is from CRISP. If the two of us that are not CRISP can live with that, then we're completely fine. If the ICG would actually say that, then I think we'd be good.

In general, there are a lot of implementation details – or implementation efforts – [inaudible] the transition, so we should not paint ourselves in a corner where we can't do anything until everything is done. We should leave room for the implementation. I think trademark can be dealt with with this matter as an implementation detail. Anyway, that's all I have. Thank you.

ALISSA COOPER: Thank you. Milton is next.

MILTON MUELLER: Yes. I'm not hearing a lot of support for the position that I'm articulating here, but I really think it is still the correct position and I need to explain what it is

I think we're operating from [inaudible] conceptions of what this public comment period is intended to be. To my mind, the public comment period is us saying to the NTIA, "We have a complete proposal and we're going to now [inaudible] show that there's broad public support for this proposal."

The accountability arrangements and reforms that are being done by the CCWG are such a critical part to that overall proposal that for us to put before the public a proposal that leaves that blank and says, "Wait, that will come along later," I think we're wasting everybody's time.

And I'm not sure what you think you're accomplishing. I don't think you're accelerating anything because you're going to have to have a public comment period on the total package at some point anyway and we should do it right and we should do it as a total package.

I guess one of the questions I have from people is when do they think the CCWG will be asking for public comment on their proposal before it is actually accepted? Suppose that that is sometime before Dublin, and that is overlapping to some degree with the request for public comments on our semi-complete proposal. Isn't this somewhat

confusing to the public to be asking them to comment in two different proceedings on two different issues and then ask them to comment again a few months later on the two things once they've integrated? Are we really going to going to get as complete and comprehensive a response from the public that we would if we had these things all together and they get the whole package and give us their comment? That's my concern.

Also, the political environment I think would be more easily manipulated or made troublesome by separating these two things. People who might accept the CWG proposal, if it has adequate accountability arrangements, might express reservations or concerns if they can't see the actual accountability arrangements as part of the proposal.

Again, I just don't see what we accomplish or what we gain by accelerating public comments on a half-complete proposal and I can see some possible loses, although of course they're speculative.

That's my position. I really think we just have to wait for the CCWG to finish and then for the CWG to endorse it. Then we say, "We have a complete proposal. Here it is public. Let's build up a record for the NTIA."

ALISSA COOPER:

Thanks, Milton. Just a couple of notes on that. That is, again, quite different from the way that all of the work has I think been set up until now, which was to have the accountability work set out explicitly from the rest of the process and for there to be two proposals, two different

documents, that get sent to NTIA at the end with very specific dependencies listed between them.

That's really my understanding of my reading of the proposal is that the CWG is not blank as regards to the accountability mechanism, but actually specifies in detail exactly what they need from the CCWG. And then all of the chartering organizations for the names proposal approved it on the assumption that those would be delivered.

If they're delivered, I totally agree that we will be in a state where we have to seek further public comment and so forth. But I think to characterize it as blank as regards to the accountability mechanism, it really is a different interpretation from what I understood all the chartering organizations to have just gone through and the whole CWG, which is that they put in very specific requirements that must be delivered. And that can't really be delivered in too many different ways. They said this is what a fundamental – this needs to be a fundamental bylaw. We expect CCWG to create a mechanism to [inaudible] fundamental bylaws, just as an example.

To get to the process point, the idea is actually precisely to put both our proposal and the CCWG proposal out for public comment at roughly the same time. That is the plan. The CCWG is aiming to go to public comment at the end of this month, as are we.

I think that's fully legitimate because they are not meant to be pieces that go in different directions and create confusion in terms of what people are commenting on. Our piece has clear hooks that are required of the other piece. If people want to comment on the other piece and

say, “No, no, no, this is all wrong,” that will have impact on us. But if they comment on it and say, “Let us fulfill the requirement that the CWG asked for,” then we will all be done in the timeframe in Dublin. That was the timeline that we were driving towards.

Russ Mundy is next.

RUSS MUNDY:

Thanks, Alissa. I guess my concern with that description of the approach is though we would – and I’m not suggesting that we get into comment on any of the reviewing of the CCWG aspects that the CWG is going to say yes or no, they work or they don’t work, is that if we put out what we declare or define, describe to be an incomplete proposal and then subsequently the CWG says, yes, the CCWG answers all of the concerns and all the chartering organizations say, yes, this is okay and not a single word changes in the CWG proposal, what if some of the public comments say, “We disagree with that assessment. We haven’t let the public make that statement.” Hopefully nobody would, but there’s no, if you will, declared opportunity for the public to make a comment such as, “We don’t agree that the things actually do address these as you claim they do.”

ALISSA COOPER:

Thanks, Russ. Milton?

MILTON MUELLER:

That’s an old hand.

[DANIEL]: Alissa, this is Daniel. I'm not on Adobe Connect. Can I get in the queue, please?

ALISSA COOPER: Yes, I will put you in the queue after Manal. Joe is next.

JOE ALHADEFF: Thank. To Russ's concern, I think it depends on how we phrase the document that's being sent out. If we phrase it in the sense that there are dependencies but we're asking your comments on this document as if all the dependencies are accepted, then I think that concept covers your concern, because they will have been commenting as if those are accepted and they would say, "Well, we don't think the dependencies are correct."

For instance, they might say, well, on the board we don't think this three and two combination is what you should be doing. We think it should be something else or whatever because we don't think that's a proper accountability mechanism.

So I think we do address that. What I took from your statement, though, is we're always very fuzzy about, if needed, there might be – when we're coming up with something that has dependencies, I think we need to be much more exact in what the process is and what triggers the process actually having going back to individuals so that everyone is very clear what they're being asked to comment on, what is the nature

of the thing they are seeing, what are the implications and when it will come back to them if there is an issue.

I think we have to be clearer than we are in our timeline document because I agree with Milton. There is a significant potential for confusion if there are lots of documents asking you similar questions in different ways, and we should work with the other communities to make sure that they are being very clear in what they are asking and cross-referencing the fact that processes exist that are overlapping because we are trying to use our time as effectively as possible, but the processes will be rationalized at the end and people have the opportunity for comments.

I think we have to factor in Milton's concern of confusion versus our desire for efficiency. And if the concern of confusion overwhelms the desire of efficiency, we should wait. I think with clear delineations of what's what and who's doing what, we can avoid that.

Milton articulated in a way that I think the concern is a real one and on we have to factor in and one we have to make sure that all communities are clearly addressing their work and cross-referencing the fact that things may occur in parallel, but they don't pre-judge outcomes.

ALISSA COOPER: Thank you, Joe. Manal?

MANAL ISMAIL: Thank you, Alissa. Can you hear me?

ALISSA COOPER: Yes, we can hear you.

MANAL ISMAIL: Okay. Just to confirm that I fully share [inaudible] would have adopted his position earlier in the process. But I think by now we have already [inaudible] discussion. We already knew about those interdependencies and [agreed] our timeframe based on this with the caveat that we may need a second comment period. And we have already shared this timeframe with the NTIA.

We also agreed to reach out to the CWG to ensure their requirements have been met, and based on how substantial is it to reflect this in the final proposal, I think this would indicate whether we will need a second public comment period and how long should it be.

The second public comment period could be short, just to share the final proposal before submitting to the NTIA, or of a normal duration depending on how substantial the changes or edits that needs to be made.

I believe the chartering organizations were able already to approve the CWG proposal with the implicit conditions, the slides within the proposal.

I think maybe we can do the same, but I fully adopt what Joe said regarding the process, the steps, the inter-dependencies and how important it is that we are clear about the steps and what will go in

parallel and what will go in sequence and share this with the community so that they are already aware and the process is clear up front.

I also believe many of the comments that were said on the post today could be also used as a disclaimer or whatever [inaudible] text that we may provide announcement for a public comment period. We have to [inaudible] that we already know there are dependencies and that the CCWG is working on it and that the comments on this proposal assumes that all dependencies are met and that this is going to be cleared up front before sign of submission from the CWG. And should any substantial changes need to be made for anything that's not yet, this may require a second public comment period.

I mean, whatever we agree upon in terms of text could be helpful and shared with the community should we decide to go for a public comment period before CWG adopts the proposal. Thank you.

ALISSA COOPER:

Thank you, Manal. Daniel, go ahead.

DANIEL KARREBERG:

Thank you, Alissa. Manal has said most of what I was going to say. Just to be 100% clear, I'm in favor of going original time schedule having public comments on the CCWG proposal and our combined one in parallel.

Let me just add one more point that Manal didn't quite just fully go to. It's really important to understand that CWG made a proposal and was prepared to make a proposal that says we are happy to go ahead if

these conditions for accountability, i.e. the CCWG work specific conditions are met.

And I think we would look pretty bad with regards to the CWG and the chartering organizations if we delay the process now that they have done this. Thank you.

ALISSA COOPER:

Thank you. So I think we're getting around to someplace where people are roughly in agreement, maybe with the exception of Milton. I see Russ agreeing with Manal and I think Manal summarized well.

Just a couple of points. I think we can certainly, as Joe and others suggested, make it very clear in the text that we use to seek public comment as to what we are seeking public comment on, the fact that there are dependencies, the fact that there is a potentially simultaneous process going on to solicit public comments on the CCWG accountability work.

That really is the place where the public can provide its input as to whether what is being proposed meets the CWG criteria or not in addition to whatever other input they want to provide.

I think this concern about does the public get a final say on whether the dependencies are met can be accommodated, first of all, by that public comment that the CCWG is going to run, and also by the fact that the CWG will be the final determination. The CWG is open to any interested party.

This population of people who are not in the CWG but who care deeply enough about this that they are going to comment on the CCWG proposal but not be part of the CWG process to give their final consent that the dependencies are met I think may be not a large population of people or not people that I really understand what their role is because I would imagine that they could be involved in the CWG process to give the whole thing the green light. So I do think they have opportunity to have their voice heard in multiple different places.

I would also just note that we will have a point after the first public comment period when we can decide whether we need another one or not. As short as we may want to make the second one, it will add months to our process because we have to analyze the comments and go back to the communities and so forth, so we should keep that in mind. But we don't need to decide that today. We can decide it in the fall after we've solicited public comment in the first place.

So I guess what I'm wondering is we had heard the objection from Milton, but I think everyone else is coming around to this idea that we go to public comment, we make explicit what we are seeking public comment on, that there are dependencies, that there's a simultaneous process and that a final determination about the dependencies will be made at the end based on feedback from the CWG.

If anyone is uncomfortable with that or if there's more that we need to detail about the process, otherwise I think we should make the assumption that we can go forward with that.

I see Joe, are you still in the queue?

JOE ALHADEFF: No, old hand.

ALISSA COOPER: Okay. Russ Mundy?

RUSS MUNDY: Thanks, Alissa. I guess in the interest of clarity, will we want to include as part of what we say going out with public comment period now as has been laid out that there can be – if there are any changes required to the CWG proposal, then we have to readdress or have a second comment period or something of that nature. In other words, do we have to make it perfectly clear to the public that the CWG proposal as it currently stands will be the final proposal, or if it's not because of whatever reason, or the CCWG work that we'll run a second public comment period?

ALISSA COOPER: My take on that, Russ, is that it is in our discretion and I don't think we should necessarily commit to anything beyond the next step of the process. And that applies to any changes that may arise out of the public comment period because there may be changes to multiple parts of the proposal. There may be things we want to go back to all of the communities about or any individual one. They may be minor things that can be fixed very quickly in the community group. Then they don't even really need consensus because they're grammar edits. They may be much more substantive issues that we say we would like to understand

the consensus of the community or [inaudible] about these proposed changes. We may say these are big enough changes that we want to see public comment again. But I don't think we can really know that in advance how substantive the changes might be and whether that warrants a further public comment period.

I wouldn't want to say if anything changes we will go to public comment again because the changes might be minor. I think we need to wait and see, but interested in other people's thoughts on that.

Milton?

MILTON MUELLER:

Yes. Even though I still don't agree, I can live with the decision to run this public comment period. However, the other incompleteness in the proposal I think definitely has to be cleared up before we do that, and that is the trademark issue.

Jari made some very optimistic comments. He said basically since protocols has already indicated they could live with the CRISP proposal and names has basically not given us a proposal that we can kind of – I think he implied that we can kind of assume that the proposal, the final integrated proposal, would be proposing what the CRISP proposal did.

I would think that that's not really something we can count on until we hear specifically from the names community on that. We would have to have not an absence of a statement, but a positive statement equivalent to what the IETF gave CRISP or gave to us saying that we don't accept that or live with that solution because we know that there

is a particular person within the CWG who does not agree with the CRISP proposal.

So I think – and I would tell you that there are people I know, including myself, who would reject the CWG proposal if they handled this trademark issue correctly. I think that really has to be cleared up before we can put it out for public comment, and not by implication or omission, but in a very distinct and positive way.

ALISSA COOPER: Thank you, Milton. Jari?

JARI ARKKO: Yeah, just a brief response to that. I did not suggest that we just assume it's going to be okay. I was kind of implying that we, the ICG, should actually say, "Hey, this is a way forward, so [inaudible]." And since it's not part of the proposal, it should be fine for the other two communities. That's what I was suggesting. But I agree that we should not just assume that it's fine without any further action.

ALISSA COOPER: Thank you, Jari. Maybe lets come back to the trademark decision in one second and try to wrap on the other pieces of the discussion. I think we have – at least we have no understanding in the way at this point of us going to public comment on the schedule that we had previously agreed, assuming we get there through the combined proposal assessment process, which would be at the end of this month when we go to public comment.

Assuming that we are very clear in our direction to the public about what we are seeking comments about, about the new [inaudible] dependencies between the CWG and the CCWG proposals. We coordinate with the CCWG to make sure that we are pointing people to their process for public comment and that they are pointing to us, so that no one gets confused in terms of where they should be commenting, and that we retain our right at the end of process to decide whether we need further public comment periods, depending on the outcome and whether the CWG makes a determination that the dependencies have been met. So I think that issue is resolved.

On the trademark issue, perhaps we could just first project the response that we got from the CWG co-chairs. I think we're clear now between Jari and Milton in terms of what people are suggesting. I think where we are with this right now is that we are in some ways waiting for a little bit more information to emerge from the discussions amongst the communities.

If we scroll down a little bit, the CWG has a plan to discuss this on their call tomorrow. I know that they had a call with the chairs from the other communities yesterday as well. So I think while we understand that there's not a specific incompatibility between the proposals, which is important for us, we still would like some more information as to whether the proposal from CRISP is acceptable to the CWG or whether the communities will try to work out something else. And that is in process.

So for the trademark issue, I would say let's see what happens with the CWG tomorrow and we should return to this on our call next week on the 15th when we have a little bit more information.

My reading of this of what we got from CWG and from what Jari and others have said is that there's not a incompatibility between the proposals as they're written but that doesn't mean that the issue is resolved and may take some more time to decide when the actual solution is, regardless of whether there's an incompatibility.

My proposal for this is that we discuss it again next week when we have more information. Other thoughts on the trademark issue? Jari, is your hand still up? Maybe not. It appears still up in Adobe Connect. People seem to support picking this up again next week.

The other issue that I just wanted to come back to because I don't think it necessarily had a resolution was the question about ICP 1. Keith or Martin, do you have further thoughts on how we should address the issue with ICP 1? Keith, go ahead.

KEITH DAVIDSON:

I think it's firstly important to recognize that not just ICP 1 is the issue here. I think to expand a little bit further, the Framework of Interpretation [inaudible] that RFC 1591 and the GAC Principles 2005 are the two policies and guidelines that should be used by ICANN and assisting with delegations and re-delegations of ccTLDs.

To that end means that the GAC Principles 2000, which were superseded by the GAC Principles 2005, ICP 1 used memo one and any

other documentation issued by ICANN or any other body that hadn't been approved by ccTLDs is [inaudible] usable policy.

Now, an example of how things can go terribly wrong for ICANN is in the recent court case with [Syria] and other ccTLDs with the [inaudible] to be re-delegated due to their [inaudible] and otherwise.

The ICANN legal team used ICP 1 and the GAC Principles 2000 with no mention of the GAC Principles 2005 as part of the defense.

So once documents are tabled and noted, they can be used wrongly. Perhaps if there was a primary acknowledgement in the names proposal that the only two policies or guidelines that have [inaudible] support from the ccTLD community, 1591 and GAC Principles 2005, then I think we'd have a lot greater clarity around the list of the [inaudible] discussion in the names proposal, which is essentially saying everything else that's listed here is redundant, which would be a good thing.

So, yeah, for me it's to remove the ambiguity and to clarify exactly where the policy derived from, that it's critically important.

I should add, too, that I'm only suggesting that we go down – if we're going to refer back to the CWG or wait the finalization of accountability, I think because the ccNSO has given us unanimous consent to the names proposal, if we have to live with the current wording, then we have to live with it. But I'm only offering this if we're going to refer back.

The overarching question probably is around the issue of if changes arise to the names proposal or the joint proposal as a result of our

consultation, how do we within the ICG [certify] ourselves that through these changes has the consensus of the supporting organizations?

ALISSA COOPER:

Thanks, Keith. I see Martin in the queue. Go ahead, Martin.

MARTIN BOYLE:

Thanks, Alissa. I see a certain problem in us going back to the CWG and asking them to reopen a discussion on this particular element. The references in the existing pre-transition arrangement and the policy [sources under 2A] and I think that it says quite clearly that ICP 1 was there, but the document was a source of significant friction between ICANN and the ccTLD community and the ccNSO formally rejected ICP 1.

It then goes on to make a reference to the Framework of Interpretation Working Group and then goes on to the GAC Principles 2005 which it makes the reference that that replace the principles published in 2000. And it also makes reference to the importance of local laws.

It seemed to me, and given that the ccNSO have accepted and supported the CWG proposal, that the sensible thing would be that when we go out for consultation the ccNSO Council of which Keith is a member could submit a comment into the process that makes specific reference to, and perhaps proposes wording for, the sections that Keith is objecting.

I'm not trying to belittle Keith's objection. Certainly I recognize these as being quite significant issues, but it seems to me that we should be looking very clearly at ways in which we can make sure that the

concerns are addressed without risking throwing open the document one more time, and essentially retracting the ccNSO support for the CWG proposal. Thank you.

ALISSA COOPER: Thank you, Martin. Russ?

RUSS MUNDY: So it seems to me that what we're trying to do is resolve this dependency. The CWG Stewardship Proposal has a pointer to a yet-to-exist document, so when that document that it is produced by the CCWG accountability, the chartering SOs and ACs should be asked two questions.

First, do they approve it? That's the question that we need to get to for whether his achieved consensus, and the second is is it a complete document in terms of resolving all of the requirements in the document they previously approved?

If we get yeses to both of those, then I think we have pretty much resolved the dependency. Thank you.

ALISSA COOPER: Thanks, Russ. So to go back on both of the last two points, I was wondering myself, Martin, if the issue that Keith raises might be able to be dealt with via a public comment in the public comment period. It's sort of sounding to me like perhaps not an ICG-level issue, but something that the CC community may want to raise during the public

comment period, and if so, then I think as the ICG we can take that comment as input and make a determination as to whether it needs to be referred back to the CWG. That sounds like the right way to handle this issue to me.

I think to Keith's question, if that does happen and we refer the question back to the CWG at that point, then I think the CWG will have to make a determination as to whether something needs to be changed in the proposal and the process for achieving signoff on those changes, and that's not really up to us to decide, but for the CWG to make a determination on that.

So that's one way that the CC community and all the chartering organizations could have further involvement in deciding on whether the change is acceptable.

And the other way is the way that Russ suggested and these are not [inaudible], which is that the chartering organization takes the changes into consideration when they are thinking about approving the CCWG component.

Now, obviously, there's things that might change in the CWG proposal that are not explicitly related to the CCWG work, and so the groups might not feel that it's appropriate to take all that into account for their next approval for the CCWG, but we can't really predict whether they will overlap on those issues or not. So at least we know that they have the two opportunities potentially in the future.

I see Keith maybe agreeing to Martin's suggestion. Hopefully that is acceptable to you, Keith?

KEITH DAVIDSON: Yes. I just want to think through the iterations, but as you can tell, I haven't been sure of what I do want. What I'm [inaudible] sure of is the problem. I think Martin's suggestion does provide some way forward. Without committing definitely to it, I'm [inaudible] by the concept anyway.

ALISSA COOPER: Okay, good. Then I think we can conclude that discussion for now. If you want to come back to it again on the mailing list or during the call next week, we can make some determination at that point.

We are quite nearly to the 90-minute mark. I think we do have a few more issues to discuss in terms of the names proposal assessment. We actually only heard from one of the assessment authors and would like – in terms of giving their one-minute intro on their assessment. So we should go through the others as well. But I think it might make sense to take our five-minute break right now and reconvene at, let's say, 31 past the hour. So let's do that. See you all in five minutes.

[break]

Okay, we are here back at 31 past the hour, so why don't we get going again? Just a reminder that Arabic and Chinese translation/interpretation have concluded due to only single interpreter being available, so apologies for that.

Perhaps we can turn to our remaining authors of assessment. Obviously, we've had a lot of discussion of many of the issues raised already, but

want to just give each of you a turn to say if there's anything else that you found in your assessments that you think we should discuss in the group.

First, I would ask Russ Housley anything else to discuss on the assessment front?

RUSS HOUSLEY

The only issue I raised in my assessment is the pointer to a document that does not yet exist. So I think we've discussed that part to death. I think that I'll pass.

ALISSA COOPER:

Okay. Thank you, Russ. Alan, anything else to discuss on your assessment?

[ALAN]:

Thanks, Alissa. No, I don't have anything else discuss. The only issues that I raised were with regard to the dependencies and I think we've already discussed that sufficiently.

ALISSA COOPER:

Okay. Thank you, Alan. And Russ Mundy?

RUSS MUNDY:

Hi, thanks, Alissa. I think that the issue with respect to completeness/incompleteness was the one main issue that I raised. The

issue that no one else raised that I did want to discuss with participants, it was the agreement or set of agreements that are currently in place with respect to the root zone management, and at least as I read the CWG proposal, the proposal suggests that the state could exist in which there was not an agreement between the NTIA and ICANN. In other words, the transition had occurred, the contract had gone away.

And at the cooperative agreement between NTIA and root zone manager, VeriSign currently, could still exist in its current form and that there is, in fact, no agreement in existence today between ICANN for the IFO functions and VeriSign for the root zone management functions, for the root zone maintainer functions.

I wanted to raise this for the ICG to at least think about to see if they believed something needed to be clarified or some such thing, because it certainly appears to me from my perspective that we would have a less stable, less secure, though that state is very unlikely to exist, it was identified as though it could exist and trying to operate the root zone maintenance and management activities without having any agreement in place that defined roles and responsibilities and what the two respective participants would be doing.

That's the primary other issue I wanted to identify to folks and see what others thought of the situation or the potential situation.

ALISSA COOPER:

Thank you, Russ. Can you just clarify for the group, or maybe just if I'm the only person who doesn't know this, the current status in terms of what has been said as far as amending or discontinuing the cooperative

agreement at transition time? Is that NTIA has said it may change in the future, used to there's not a lot of detail about what the process will be to change that agreement or nullify it or transfer it or what-have-you?

RUSS MUNDY:

Yes. I agree that that is, in fact, what the NTIA has said and it was specifically in their back associated with [inaudible] original announcement. The challenge or potential problem that I see is that there is no agreement in place between the ICANN IFO functionality and the VeriSign, the root zone maintainer functionality.

Currently, even though the NTIA has said that something will need to be done with the [inaudible] agreement between NTIA and VeriSign, it's unclear what, if anything, is going on there or if in fact the community views that as an important change necessary for transition.

One thing that is crystal clear is that if NTIA withdraws from the ICANN functions contract, which is exactly what we're talking about, then without having some other agreements put in place in some manner, there is no established agreement between the two remaining players in the root zone management functionality. That's the basic question that I want to ask the ICG to talk about, if that is considered a serious problem or one that shouldn't be mentioned because it's kind of out of bounds? Because we're not dealing with a [inaudible] agreement, but the fact is if the IANA functions contract goes away, then there is no set or singular written agreement between the remaining two participants in the root zone management function. Is that something that we believe should be raised?

ALISSA COOPER: Okay, thank you. Milton, go ahead.

MILTON MUELLER: Yes. I'm really glad that Russ raised this issue. I think it's a serious issue, although I'm not sure that we can do anything about it other than what we have done. I was on the sub-committee of the CWG that dealt with the actual issue of root zone management and the relationship to VeriSign, and the problem is precisely that we just don't know what the NTIA is going to do.

So I think our only safeguard here is that NTIA will evaluate our proposal and has promised to basically modify the VeriSign cooperative agreement in a way that is appropriate when the time comes. You can't get any more information out of NTIA about that. And unless you can, either the sequencing or the substance of the change of the contract.

But fundamentally, you're correct. The linkage between ICANN, the policy [inaudible] and the IANA operator and between the actual root zone is via the NTIA now through this bilateral series of contracts, and while we're removing the contract for NTIA ICANN and NTIA is promising to do that, to VeriSign as well, we really don't know what will bridge that gap or how it will be bridged. Except, that I do think there is something in the proposal that says there should be some kind of contractual obligation upon the root zone administrator, VeriSign that is, to implement the changes proposed by IANA.

ALISSA COOPER: Thanks, Milton. Martin?

MARTIN BOYLE: Thanks, Alissa. Yes, Milton is right, but certainly there was a discussion about this issue that we can't get what the actual outcome for the decision of the relationship between NTIA and the root zone maintainer will be in the future.

But in paragraph 150 2A and B gives the two ways of addressing the possible situations of either there being a transition for the root zone maintainer under A and there isn't one under B, and it then says what that relationship should then be in the two circumstances. That's on page 28 of the proposal. Thanks.

ALISSA COOPER: Thank you. The question is: is there anything for the ICG to do? It sounds, at least to me, vague as to whether there's anything that you really can or should do, but if people have thoughts. It just sounds like the detail is to be determined. I'm not sure what our course of action should be. Go ahead, Russ.

RUSS MUNDY: Yes, if I could. This is one of the items that was in fact discussed in SAC 68, and there's a drawing in there that talks about the current information flow and the current authority flow, and this describes as we were trying to do in SAC 68 the current situation.

The reason that I loosely grouped this comment under the transition aspects of our RFP was that – and I’m not a lawyer. I’m an engineer. I’m a technically centric person. But we currently have today a set of technical activities that occur and those I think are described pretty well in the section particularly that Martin just pointed to in the CWG proposal.

But there is no definitive statement as to whether or not the CWG believes that there’s a need to have written agreements in place between the IFO and the root zone maintainer.

In my mind, that’s the piece that – that’s a detail that is a very important detail. Could be described as an implementation detail. Might not be; I don’t know. But it’s an important detail that would potentially affect how things would function post-transition.

The only thing I believe that the ICG could do is ask the CWG if they intended to say that there was a need for written agreements. I’ll put this out for especially some of the legal folks on the ICG. How essential is it from a real-world perspective to go from a state where you have in-place written agreements between all the parties to a state where you are operating without having agreements in place, without defining exactly what those agreements ought to be.

That is my fundamental concern here. Is this something that is of the importance that it should be asked from a clarification perspective?

ALISSA COOPER: Thanks, Russ. I guess I was [inaudible] back to Milton to see. Was this specifically discussed in the CWG in terms of the question of requiring written agreements? Is that something that [inaudible] discussed and fell out of the proposal or was that not specifically discussed?

MILTON MUELLER: I think it was discussed, but I'm actually having trouble. Apparently we don't have the names proposal anywhere in Dropbox, or if it is, it's in a folder that I can't recognize. It doesn't seem to be in the combined proposal.

ALISSA COOPER: Oh, we can get it projected.

MILTON MUELLER: Okay. Yeah, I remember us discussing that. What we discussed at length was that we wanted the function that VeriSign now performs to be separated from the IANA. That implies that we still want some external entity there. But I don't remember our final wording regarding the contractual relationship between [TTI] and VeriSign or between ICANN and VeriSign.

RUSS MUNDY: So I believe it was Keith that pointed out where this was specifically. I think the reference is [inaudible] and I think it's about paragraph 150. Yes, in paragraph 150 and page 28, if you want to scroll there, Milton.

MILTON MUELLER: I got it. At least I did until somebody did something. What happened here? Now I can't control where I am in this proposal. Can somebody undo what they just did and let me pick the page number? Okay, there's the – yeah.

We talk about the cooperative agreement will have to be amended by the NTIA to allow VeriSign acting as the root zone maintainer to implement changes without requiring approval from [inaudible]. It's kind of a short-term thing.

Then if the root zone maintainer transition is completed prior to or in conjunction with the stewardship transition, the new [inaudible] must provide a clear and effective mechanism to ensure that [inaudible] can have its change request implemented in a timely manner.

So basically, we're very vague on what that mechanism is, but we're calling for a mechanism.

RUSS MUNDY: Okay. So you believe that the statement [inaudible] should be on that page. Term/statement, some type of written agreement, whether it's [testing] what's there or doing something new is clear enough. I mean, I wanted to discuss it. This is what [inaudible]. To me, it looks like a written agreement is required.

ALISSA COOPER: Did we lose Russ Mundy?

RUSS MUNDY: No, I am still here. The question that I had back to Milton was whether or not he believes that this portion of the CWG proposal makes it clear that some form of written agreement is required. From reading the content here, that's my concern is that there is no – it's not clear that a written agreement of whatever form it takes is required to lay out roles, responsibilities between the IFO and the root zone maintainer. But you think it is sufficiently clear and do others think it's sufficiently clear that it's required?

MILTON MUELLER: Russ is correct. It does not specifically call for a written agreement. It says "possibly via an agreement" and I can say from context that we meant a contractual agreement when we wrote that, but we did not say written or contractual, and [inaudible] possibly the reasons that I can't remember or cannot fathom.

ALISSA COOPER: Thank you, Milton. We have a little bit of queue. Martin, go ahead.

MARTIN BOYLE: Thanks, Alissa. Yeah, I think I would concur with Milton. I think part of the problem is that when this was all being done, there was still – and there still is – uncertainty about who any relationship would need to be between. And there is inevitably going to be some requirements under [inaudible] for identifying what the effective mechanism might actually be.

Certainly I would've expected it to be some sort of contractual relationship between the two sides, but we have to remember it takes two to have a contractual relationship, and therefore the root zone maintainer and/or NTIA, depending on whether it's option B or option A, might well have a view on what sort of relationship they are willing to see put in place

So I think whoever it was said that, yes, this is work in progress, that we're flagging that, something will need to be done, but that something will be subject to negotiation and I think that negotiation would be between either ICANN or [PTI], and on the other side, either VeriSign or NTIA. I think that's really at this stage about as far as we can go. I certainly agree that as something that needs to be finalized before we jump off the cliff edge that this needs specific reference. Thanks.

ALISSA COOPER: Thank you. Russ Housley?

RUSS HOUSLEY: I did not flag this as an issue because I saw it as completely parallel to something we've already seen in the IANA plan proposal, and that is the IANA Plan Working Group did not want to do a negotiation, and therefore just said something has to be created to fill a need and explained what the need was and let the [IAOC], which is the organization that does that stuff within the IETF do that negotiation with ICANN.

So I saw this as laying the framework for what had to be discussed and recognizing that the CWG stewardship was not going to be part of that negotiation, but said what had to be sorted out. That's why I didn't think this was an issue.

ALISSA COOPER: Thanks, Russ. Joe?

JOE ALHADEFF: Thanks. One of the reasons why it may be a little fuzzy also may be in paragraph three, because it talks about a study which would determine whether additional, checks, balances, and verifications might be required post-transition. So that may impact whether you have an agreement or what kind of agreement you have.

But it might also be something that we flag as a type of dependency because this is definitely something that happens post-transition but may increase the level of uncertainty even though one presume all parties would still continue to act as they had previously, which shouldn't actually affect operational continuity, but it is a factor to consider. It may be something that we list as an issue that we see. I don't think it prevents anything from going forward, but it is something to highlight that this is something pegged for resolution post-transition and the exact mechanism of resolution isn't necessarily clear.

ALISSA COOPER: Thanks, Joe. That's kind of what I was thinking as well is that we could write this up as part of our assessment of how the proposal fares

against the NTIA criteria, specifically for the security and stability of the root zone. Maybe we could give Russ Mundy that action item to try and write-up this issue as one that we see potentially affecting how the proposal meet that criteria and something that needs to be resolved as part of the transition. Obviously that would be included in the proposal when we put it out for public comments, so folks would be able to evaluate how we see it and provide their own comments on that. Does that seem like a [inaudible] way forward, we just write this up and we include it in our assessment?

RUSS MUNDY:

From my perspective, as the one that first brought it up, yes that's a very reasonable way to handle it. In response to Russ Housley's comment of seeing it as parallel or more or less analogous to some of the negotiations that were specifically identified by the IANA Plan Working Group as belonging in the court of the [IAOC].

I think this CWG proposal is less specific in that way in that it doesn't at least – and I think Martin Boyle read it the same way, if I'm correct, if I understood what Martin said – that it doesn't make it clear that a written agreement needs to exist in some form between that will define roles and responsibilities between the two participants without the third one. Because in a way, when you look at what's written here, I believe what is being described is the current root zone administrator function is being merged into the current IANA functions operator function. That's the way I believe that it is written up, and when you do that, that's where you have an absence or a vacuum with respect to the

current – any existing written agreements. Just noting that might be sufficient.

ALISSA COOPER: Okay, great. So let's say that Russ you have the action to write that up for our combined assessment. Maybe if you can get that done before the call next week, that would be great because then we can look at it on the list and on the call.

RUSS MUNDY: That's fine. I'll take that on. Thank you.

ALISSA COOPER: Great, thank you.

RUSS MUNDY: The only other item I think – I didn't actually put in my written assessment, but I did raise in the first review of the first assessment is whether or not those that are on the ICG deeply familiar with the CWG proposal feel confident that the many references to dependencies spread throughout the CWG proposal are all summarized in that list of seven that shows up early on in the proposal.

I know we were going to address it later. Is this something we want to talk about today or just defer it until later?

ALISSA COOPER: I think that's a good question for now, because honestly, that's another piece that I think we will want to highlight specifically when we call for public comment. I would like to hear people's views on it and also maybe have a volunteer to create that complete enumerated list if it's not just the list of seven items that exist in the document already. Thoughts from people about whether all the dependencies are captured in that top-line list or if we need to have someone go through the document and make sure we capture them all in a more complete list?

RUSS MUNDY: Yes, that's my question. Thank you. And that's it for my assessment. Thank you.

ALISSA COOPER: Thank you. Anyone else who did an assessment or who's deeply familiar what's in the proposal have a response for Russ on that question about the dependencies on the CCWG? Okay, not seeing anyone jump in right away. Maybe that is one that we can put to the list, provisionally assume that the bulleted list is complete.

Actually, maybe, Russ could you just send the short list of the dependencies to our mailing list and we'll see if anyone has commentary on anything that's missing from the mailing list?

RUSS MUNDY: Sure. I can extract those and send them on later today. Sure.

ALISSA COOPER:

Great! So with that, I think we can – is there anything else that anyone wants to raise on names proposal assessment? Okay, then I think we can move on. Thank you, everyone. We have concluded our names proposal assessment. We have a couple of action items coming out of that.

We have 25 minutes left in the call. I'd like to spend a little bit of time talking about the comments we received from Richard Hill next, so if we could get those projected.

We had some discussion of these comments on the list. I don't see Patrik in the room. Patrik, did you manage to join the call? Sounds like, no, we did not get Patrik on the call, which is unfortunate.

So for folks who have been following on on the mailing list on this question, I sort of thought that there were two different ideas on the table, although other people maybe thought that they were the same idea.

I think Patrik's proposed approach was to take the comment from Richard and forward it to the CWG and ask them to give us their opinion on it.

What I was suggesting was that we actually ask a much more focused question because I think we already have a lot of information from the CWG in the proposal and in the charter and in other various materials that we all have access to that already speak to much of the comments that was received and that perhaps the only outstanding question has to do with whether the CWG feels that, in terms of its disposition of objections or minority views, that the public comment analysis tool that

they published is meant to be their mechanism for people to understand what the objections were, as opposed to appending some sort of minority statement to their proposal, which is something that they did not decide to do.

So what I proposed was asking a very focused question just about that. I think what Patrik proposed was forwarded the comment, highlighting the claims made in the comment and asking for a more overarching response from the CWG.

So I would be interested in people's thoughts on which of those approaches we should take.

I'm not seeing hands raised in the Adobe Connect room. Are people raising hands that I'm not seeing, or is nobody raising their hand? Okay, there's a hand from Martin. Go ahead, Martin.

MARTIN BOYLE:

Thanks, Alissa. Yes, I thought I best show you that the hands system is still working. I went and sent an e-mail to the list that might well have been confusing because I responded to the wrong e-mail. But essentially, I think your simpler process of going and seeking whether there's anything that the CWG would wish to say is in fact entirely adequate and very much for the reasons that you put in particular that we are aware that the CWG list was open, so anybody could have applied to be a member.

There was a certain frustration that was expressed because of the differentiation between members and participants, but generally it was open.

And secondly, the idea of continually going back to people every time you make a small amendment to the proposal seems that – your analysis of that I think was entirely spot-on. I would support your proposal. Thank you, Alissa.

ALISSA COOPER:

Okay, thank you. I should also note that Kavouss was not able to join us, but he did send the chairs and the secretariats a note saying “Please kindly carefully note and take into account comments received from Richard Hill. You must reply to that. I suggest that [the] message be sent to the CWG for reply.” And he wanted that mentioned during the meeting. That’s his contribution.

I see some other support for asking a focused question in the chatroom. What I would suggest is that I will try to formulate my thoughts that I had in that e-mail into a question that we could send to the CWG. We can kick around on the mailing list for a few days and make sure people are comfortable with it and then send it next week? I can take an action item and do that.

Milton, go ahead. Milton, you are muted

MILTON MUELLER:

Yes, can you hear me now?

ALISSA COOPER: Yeah.

MILTON MUELLER: There's some kind of strange lag in the Adobe interface here, so I un-
muted myself and didn't see the results for like five or ten seconds.

I think the main point that Richard Hill was making is that his comments
about jurisdiction were not considered. Are we going to ask the CWG to
– I know that the issue of jurisdiction was considered in the CWG, but I
don't know whether the final report actually says something about that.
Are we going to ask the CWG to explain how they came to their decision
about jurisdiction?

ALISSA COOPER: Well, that's maybe a different angle on the question I had because
[inaudible] public comment analysis tool that was published, there is an
explanation in each case where he raised the issue of jurisdiction. There
is an explanation of the CWG perspective on each of his comments and
questions in quite a bit of detail in terms of why the CWG decided the
way that it did.

My inkling was to not specifically ask them about the resolution on the
substance because I think that already has been written down, but just
clarify whether they felt that that was their way of handling objections
and minority views, essentially through the public comment tool since
we didn't receive a minority statement from them. And that could apply
to all of his comments, not all of them. Some of them were

incorporated into the proposal, but the ones that did not end up making it into the proposal, that it could apply to all of them, not just the ones about jurisdiction.

But if people have a different view, then we can formulate the question differently. I thought in reading the response to his comments, I felt like there was a rather thorough explanation of how the group came to the decision it did about jurisdiction.

Milton, do you have thoughts on that?

MILTON MUELLER:

Yes, thank you, Janis, if you just un-muted me. I can't believe it. The last comment I wrote took about 30 seconds to appear in the window there. I don't know what's going on over here.

Anyway, I had not looked at the individual responses to every single comment. I commend you, Alissa, on doing that. I wasn't aware that [inaudible] about jurisdiction had been addressed. I just knew that there wasn't really anything said about that in the actual proposal that I could find. If you think they've been adequately addressed in the responses to the comments, that's fine with me.

ALISSA COOPER:

Okay, thanks. I certainly didn't read the responses to every comment. I read selectively, because it's a very long document. I think this is sort of the position I'm operating from is that the group put a lot of work into that document, so we should take the time and digest what it says as

opposed to just going right back to them and asking them to reproduce the work that they already did. Martin, go ahead.

MARTIN BOYLE:

Thanks, Alissa. Yes, certainly there was quite a long discussion about jurisdiction in the CWG. The eventual conclusion, though, I must admit I've just done a search on the proposal looking for the word jurisdiction where it came up it wasn't actually in the jurisdiction for the [PTI], for example.

My recollection was that the jurisdictional issues would be one of the issues that would be covered in the first of the periodic reviews. But it troubles me somewhat that the proposal as stands, if it refers to jurisdiction, it doesn't refer to it by calling it jurisdiction. It must call it something else. My brain can't work out what else it might have called it. I think it'll need a bit more hunting. Thanks.

ALISSA COOPER:

Thank you. Just to clarify, how exactly would that topic fit into the periodic review? Would the idea be that there would be some review of how do we [inaudible] jurisdiction is working out for the good of the Internet community? Do we think the structure should move to a different jurisdiction? I'm a little puzzled as to how it fits into the periodic review, to be honest. Go ahead, Martin.

MARTIN BOYLE:

Thanks, Alissa. Yeah, it's a very, very good question. There's no point, though, in just picking a jurisdiction at random saying we should stick it

here. The discussion went in a characterized – well, actually, it's okay where it is at the moment, but there are enough voices identifying that that could be an issue associated with jurisdiction and therefore we would need to do a proper assessment at some stage about the various choices of location and the relative merits of those, and the independent review being an independent review can decide whether it would do or would not do such an assessment, but the recommendation, according to my feeble recollection anyway, was that that would be the place where those questions would be debated yet again, but with more of an attempt to try and do a comparative analysis of the benefits of different locations. Thanks.

ALISSA COOPER:

Okay, thank you. That makes sense. I think we have a decision on how to move forward with this. I will take the action to reformulate the question for the CWG that we can discuss on the list.

Moving on, next agenda item is the Communications Working Group update. This will feed into our next agenda topic, too, which is about the upcoming commitments and schedule.

Yesterday I sent around a summary of the communications plan for the public comments launch and all of this is assuming that we, on next week's call, complete our assessment of the combined proposal. That will give us – we then have about two weeks before the end of the month and before our final call, at which point we would want to have our material finalized for the launch of the public comment including

some of the text that we've discussed today that we will need to have to make clear what we're seeking comments about

But assuming that timing, then the Communications Working Group has put together a plan for how we will communicate and do public outreach about the public comment period to make sure that broad audience outside of all of the normal constituencies and groups that follow the operational communities [inaudible] broader audience than that is aware of the public comment period and what we're looking for in terms of comments and how to comment, and at a high level what the substance of the proposal says.

So to do that broader outreach, we've put together a plan that includes some webinars for the first week of the public comment period and we're working with the design firm that ICANN uses to explain, develop a slide deck for use in this webinar, but potentially also for use by anyone on the ICG who might be out speaking about the proposal and the transition. So that process is underway and we had an initial conversation with [inaudible] yesterday and we will have – when we have initial draft materials from them, we will share them back with the full ICG.

We have made it very clear that I think the most important thing in terms of developing any surrounding materials above and beyond the proposal itself was that they accurately reflect the content of the proposal. But we will run checks with all of the ICG and with the communities to make sure that that's the case.

We've also talked about designating some spokespeople to be available in each region in the event that we receive media requests and inquiries about the proposal and the call for public comment. We can do the call for volunteers as the month progresses, but just want people to keep that in mind. We'd like to have people in all the time zones and regions who can respond to those inquiries

In order to respond to those inquiries, we'd like to have our talking points updated. I think at the last meeting, Manal agreed to review the FAQ that we already have and possibly update it, and that I think would serve as a good basis for our talking points in general. Manal, are you on board to do that sometime this month?

MANAL ISMAIL:

Yes, Alissa. Sure, I will. And I would appreciate any views or questions that need to be added to the FAQ. Let me make a first iteration and then get back to all on the [list]. Thank you.

ALISSA COOPER:

Great. Thank you, Manal. That's appreciated. We've also talked to ICANN about putting together a press release [inaudible] with the launch of the public comment period to make it easier for media that might be reporting on the topic to have a reference that uses, again, [inaudible] for some language that can be understood. So that's something we'll be working together with the ICANN Communications folks to produce.

If we have time, we will also talk to the ICANN [Coms] staff about putting together some short videos where various ICG members could just give brief remarks about the proposal and the public comment [inaudible] we're looking for. So we will be looking for volunteers to report some of those and putting you all in touch with the ICANN [Coms] folks to get that done more towards the end of the month or the beginning of August, assuming we stick to our timeline.

That's a brief rundown of the activities that have planned coming up. We'll have more [inaudible] obviously in the fall, assuming we finalize the transition plan. Any comments, questions on the Communications Working Group?

Okay, seeing no hands, I think we can move on to review our upcoming commitments. Let me get that document projected. Okay, so here we have our open action items and decisions taken.

As discussed I think many months ago the secretariat is tracking all of our assessment discussions and will be adding additional information to the matrix that we started when we assessed the first two proposals received. That's an ongoing action item that the secretariat has and they will be adding based on our conversation today and our call next week.

As regards to the second item, the timeline graphic, we included the timeline graphic in our response to NTIA without specific dates on it. Obviously, it has months and which week of the month we intend to get things done.

I am inclined to publish that timeline as-is without putting very specific “we will do this on this day” in there, just because I think everyone understands generally the timing that we’re aiming for and putting down specific dates I don’t think will really help in any way, and we’re liable to miss them by a day or two, and if we put down specific dates – so that’s my [inclination] there. We can have a discussion on the list about it since we’re running out of time on this call, but that’s just food for thought for people as regards to the timeline.

On the third action item, the CCWG accountability, liaisons were to go back and inquire about the bylaws changes. I think we have answer on that given the CCWG’s response to the NTIA letter. Certainly the bylaws changes are expected to be ready for adoption around the timeframe of the Dublin meeting or shortly thereafter. So I think this action item can be considered closed. Any comments or questions on that, people who still feel it’s an outstanding question?

Okay, excellent. So then moving down to the commitments that people have coming up, we have next week by July 14, we have a large list of volunteers who have committed to doing an assessment of the combined proposal. So that’s [Lynn], Milton, Manal, [inaudible], Russ Housley, Joe, Paul, Narelle, and Xiaodong. We look forward to receiving those assessments from you on the mailing list by July 14 and the secretariat will be following up with reminders.

We also have the group that’s working on the other material that we need for the public comment period that’s been on hold a little bit until we’re done with our assessment. That will be picked up again next

week. Then we have people who are looking at the accountability work and flagging any issues.

Those are our commitments. Obviously our next milestone is the call next week. We'll be doing a combined proposal assessment. Questions or comments on that?

Okay. Seeing none, I think we can move on to our very last item with one minute remaining, which is we've had this set of minutes from our last call which was before the ICANN meeting, the June 10 call. [inaudible] been out for review for quite a while. The question is whether anyone objects to adopting these minutes.

Okay, seeing no objections, I think we can consider these minutes approved. We'll give people more time for the face-to-face minutes because they're longer and they only just came out I think in the last couple of days. So people should be reviewing those on their own time

And with that, I think we are done unless anyone has anything else they would like to raise. I'm not seeing any hand, so I think we can call this meeting concluded. Thank you, everyone, for all your hard work and we will talk next week on the 15th.

[END OF TRANSCRIPTION]