

ICG Meeting

Friday, 18 SEP 2015

Los Angeles, California

ALISSA COOPER:

Good morning, everyone. Who. Hot mic.

I think we're going to get started, so please take your seats. Everything is okay with tech and interpretation and everything? Recording, whatever? I just don't want to start if we're not ready. Looks like scribing is ready to go.

We're working a little bit of audio for the remote participants, so just a minute.

Great. So this is Alissa. Welcome, everyone, to the sixth face-to-face meeting of the ICG. Many thanks to everyone for traveling all the way to Los Angeles to meet with us, and to those who are joining remotely at probably not the most ideal hour of the day or night, very much appreciated.

As usual, we have live interpretation, we have live scribing going on in the Adobe Connect room. I would encourage folks who are in the room to still connect to Adobe Connect since we do have a few ICG members who are remote who are joining us.

Also as usual, we will run the queue using people's nametags, so make sure that you have your nametag. If not, the secretariat has the rest of them in the front, and if you want to get in the queue, just raise your

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nametag. If the remote folks want to get in the queue, then raise your hand in the Adobe Connect room and we can get you in the queue.

Your name is backwards, Mary. We can't see it.

There you go.

[Laughter]

UNIDENTIFIED SPEAKER: (Off microphone.)

ALISSA COOPER: Yeah. It's a flag.

So you can see on the screen the first chunk of the agenda. Let's just take a moment to talk about the agenda for Day 1.

We'll do a little bit of an overview here at the top of the comments that we received in the public comment period, and the sort of process that we intend to follow for the next couple of days, at least.

I'd like for us to take a moment to figure out if we think there is support for us moving forward at all with the comment analysis and with the proposal. I didn't want to kind of launch in without double-checking first. So we'll have a brief session about that.

And then we will launch into the comment analysis sessions.

We had a hardy team of six volunteers who spent a very long weekend last weekend reviewing one-sixth of the comments each and entering their analyses into a very large spreadsheet, and so they are each going

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to have a leadership role in leading discussions about different topics that emerged through the comment process.

Of course others have read the comments as well and should feel free to suggest other topics and provide your commentary. That's what we're here for.

So we'll -- we have a couple of those sessions.

Do I have scroll control? Who has scroll control.

(Off microphone.)

ALISSA COOPER:

Okay. Let's just scroll down for the rest so we can see the -- a little further. Yeah. Thanks. Too far, too far.

[Laughter]

ALISSA COOPER:

Good. Thank you.

We will have a working lunch in this room and hopefully just go over some editorial fixes so that people can eat and it won't be too heavy of a discussion.

Then in the afternoon, right after lunch, we have scheduled an hour to talk about the dependency with the CCWG. I think everybody knows

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there's been a lot going on in the CCWG. Their public comment process period has closed. They've been having interaction with the ICANN board and others. So we will at that time receive an update from our liaisons. Keith, I didn't check with you but I'm assuming you're willing to provide us a bit of an update. Kavouss has some remarks to provide. And then I'd like us to have a discussion about how we think that impacts our work.

I know this is very much top of mind for everyone, but I think we can -- we have some substance to discuss in the morning before we get to that, so hopefully we can make some progress in the morning and then have that discussion begin in the afternoon, and then continue on with our comment analysis sessions for the rest of today.

So that is just a brief overview of today.

I see I have a queue that has formed, so Kavouss, please, go ahead.

KAVOUSS ARASTEH:

Yes. Good morning, everybody. Very pleased to see the faithful members of ICG. Hard-working people.

First of all, Alissa, I would like, perhaps, if distinguished colleagues allow me, on behalf of everybody express our sincere appreciation to the ICANN staff and ICG secretariat. They have done a considerable amount of work, in particular during the last week. So many documents coming in. And they did it very, very timely and they were very open and very helpful and as soon as we ask a question, we receive a reply, so we really appreciate that.

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That does not mean that we forget to appreciate the very hard and devoted work of those six volunteers who did the job, simplified our work, to have a better position situation to at least look at the first reaction that we might consider, so we really appreciate.

It is not an easy job. It is very difficult. It is not the end of that. We have to continue to do it in accordance with what we have done elsewhere.

I have some little experience in the CCWG how we proceed as a results of these comments, but I just wanted to thank these people and also thanking all those other people who expressed their views through the exchange of emails. Very helpful. And among them also those who prepared the frequently asked questions, Manal and some other colleagues. This is words of appreciation, if the colleagues agree, on behalf of everybody to these distinguished people. Thank you.

ALISSA COOPER: Thank you.

[Applause]

ALISSA COOPER: Thank you. Fully agreed. Well expressed, Kavouss. Do we have Jean-Jacques on audio, or no? Okay.

JEAN-JACQUES SUBRENAT: Hello.

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ALISSA COOPER: Oh. Hello. We do have Jean-Jacques on audio. We can hear you.
Go ahead, Jean-Jacques.

JEAN-JACQUES SUBRENAT: Hello, Alissa. Hello, all. It's nice to be with you all, though at a distance.
But I wanted to ask you, Alissa, if you could perhaps change the order of the agenda items because it's 1800 here and according to the draft agenda, the item called "Examining the Public Comments" will be only after 1500 your time, which means midnight here.
So I was wondering whether you would accept to put that a bit earlier because I've -- like many others, I've put quite a bit of work into the analysis of the comments.

ALISSA COOPER: So Jean-Jacques, we have several slots throughout the day related to the comment analysis.
Was there a specific one that you wanted to have earlier in the day that is currently scheduled for late in the day?

JEAN-JACQUES SUBRENAT: No, Alissa. This is Jean-Jacques. No. It's just at least to be able to participate as much as possible in the analysis of the public comments.

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ALISSA COOPER: Okay. So we do -- we are starting, I think, straight away with that analysis, including the jurisdiction topic is the first one, as Martin had suggested that it was controversial, and I know, Jean-Jacques, that you read many comments that touched on this as well, so hopefully that -- you can, you know, stay and join us for that part up until our lunch break or thereabouts.

I think actually many of the comments that you had in your section will be covered with these first several topics, so I hope that's acceptable.

JEAN-JACQUES SUBRENAT: Thank you.

ALISSA COOPER: Thank you.

JEAN-JACQUES SUBRENAT: Thank you.

ALISSA COOPER: Any other comments on the agenda, or suggestions?

Okay. Seeing none, can we proceed to the deck, please?

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Thanks. I should say one more administrative note. Since we do have folks joining remotely, please don't forget to state your name before you speak.

So can we go to the Slide 4, I think it is?

Okay. I think people have taken a look at the -- an initial look at the comments. You're familiar with them at a general level. Just to give some broad brush overview, we received approximately 157 comments. It's approximate because in some cases we still have one, I think, that appeared to use our template was submitted to the CCWG. So we don't have an exact final number, but it is in the 157 range. Most of them are in English, but we did receive eight submissions in other languages. And almost all of them have been translated. We're still waiting on a few of those. Unfortunately we thought they would be here before this meeting, but we did not quite get them. But we will have time to incorporate them into our analysis.

The secretariat took a look at the geographic origin of the commenters for those who actually specified their own geographic origin or for the ones for whom it was obvious. So you can see -- I think, from my perspective, we have a fairly decent geographic distribution. It's not the case that we're missing comments from any particular region, although obviously we received more comments from some regions than others. And we have a large chunk that we couldn't attribute to any regions. So you have to take these numbers with a grain of salt. That's the geographic distribution.

Next slide, please.

So last week I did an initial pass to just try to assign the comments to categories, tried to see if they were generally positive on the proposal

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or generally negative on the proposal. This is a very, very inexact science. And in a bunch of cases, it's not that easy to say really. Many of the commenters are supportive of the proposal and then they say, you know, but we think these 400 things should be fixed. So, you know, what do you do with that?

So the numbers that you can see on the slide are, again, very rough and approximate but I think give a sense that the majority of the commenters are supportive of the general direction of the proposal, even if they have caveats or details that they would like to see clarified or changed. And that support was fairly broad across different kinds of stakeholders. So we've heard from the operational communities, from many different parts of the ICANN community and from lots of other different kinds of groups and organizations and individuals.

On the negative side, I think just from a numbers perspective, we received critical comments primarily from individuals but with several exceptions. So there were some organizations that were highly critical of the proposal but most of the critical comments were from individuals.

Next slide, please.

Oh, Jean-Jacques, go ahead, Jean-Jacques.

JEAN-JACQUES SUBRENAT: Thank you, Alissa. This is Jean-Jacques. I haven't connected to the phone bridge yet. I'll do that on my next (indiscernible).

I just want to point out that there was negative responses which were very specialized; and they were from North America, specifically from

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the United States. And those respondents criticized the very idea of transitioning the oversight of the IANA function from the USA to anything or anyone else. So it's as if we could almost make a special category for U.S. citizens dissatisfied with the very idea. Thanks.

ALISSA COOPER:

Thank you, Jean-Jacques. We could hear most of that. I understand that you're trying to switch onto the bridge now.

But I think that's a point well-taken and that we could note in our summary of the comments that we will write up. Hopefully that's reflected in the notes.

Kavouss.

KAVOUSS ARASTEH:

Yes, follow-up actions on what Jean-Jacques mentioned but a different way. I think the comment received when Jean-Jacques said "negative," it might be against the whole process. So we should distinguish that if it is not against any of the three actions, operational communities, naming. If it is against the whole process, we should categorize it differently. We should not mix them up with the others because some people may not be in favor of the naming. So I think there is a necessity in order to have a clear way, if possible, to make further statistics.

I have not carefully studied -- very briefly, but I don't think most of the comments even are relating to the naming, most of them or the majority or overwhelming majority, not the other two areas. So we have

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to try to be clear that the area that we need more concentration and actions and so on and so forth.

If it doesn't bother the secretariat or those who prepare, perhaps it would be good to create a new category of statistics, those who globally oppose to the transition process totally without any area of difficulties. Because some people are opposing to PTI. Some people are opposing to this. That's quite different. So that may help in our further work between now and Dublin, if it is possible. I'm not going to ask you overloading of the colleagues but just a matter of consideration. Definitely help. Thank you.

ALISSA COOPER:

Thank you. Jari.

JARI ARKKO:

Jari Arkko. I agree that there are differences in where these comments come from in this category and other categories. I think we perhaps could do more statistics on that. I think the main thing for us to actually try to consider the overall various types of comments, I think it's important for us to see this particular category for its size and, you know, at least some of the comments are -- don't have a lot of depth.

As an example, one of them said, The U.S. has invented the Internet and it should have full control of it, which I don't think that's entirely appropriate. So I think we can just basically set that aside and work on the other maybe more constructive feedback that we have gotten. And

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you will never get full agreement on big things from the whole world from everybody. Just have to accept that.

ALISSA COOPER:

Thank you.

Go ahead, Daniel.

DANIEL KARREBERG:

Just briefly, Daniel Karrenberg speaking. I think we should be a little bit careful in making statements about which comments are appropriate or not. I think amplifying or trying to extend what Jean-Jacques and Kavouss have been saying is that we might make a category of comments where we see nothing actionable for us. And I think if a comment just says, you know, I'm against the whole process, there's nothing actionable for us then. And we should categorize it like that rather than commenting on the validity or not, or constructiveness or not of those comments. Should just say there's nothing that speaks to the document that we have to produce so we put it to one side. I think that would be a way forward that I would think would be appropriate. Thank you.

ALISSA COOPER:

Thank you. Demi.

DEMI GETSCHKO:

Just to agree with Daniel. I noted that many of the comments express some kind of worries about the ways the two proposals are going on.

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The ICG, it's more simpler or more comprehensive in trying to join the three communities. But the accountability proposal is going more or less in a divergent way. Part of the comments expressed is this kind of preoccupation. I don't know really how we can deal with it but just to mention. Thank you.

ALISSA COOPER:

Thank you. Joe?

JOSEPH ALHADEFF:

Thank you. Jo Alhadeff. I don't disagree with the seeking perhaps a more neutral phrasing, but I think take no action could include something where someone has made a comment that is relevant to our scope and remit but something that may have already been dealt with in the operational community and isn't something that we need to take action on now. That would be a no take action also.

I think perhaps the way to deal with those other issues is to say "outside of our operational remit and scope" or something of that nature because it is commenting on a process that is not part of the process in question. And I think that's differentiating -- because we also take no action on those, but those are take no action for a different reason.

ALISSA COOPER:

Thank you. Michael.

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MICHAEL NIEBEL: Thanks. Agreeing with Daniel and Joe. I mean, basically, the no remit means this is a decision for the U.S. government and it's not for the community so, basically, this has to be -- it's a different ballpark.

ALISSA COOPER: Thank you. Milton, go ahead.

MILTON MUELLER: Milton Mueller. Yeah, I agree that we have to put those kinds of comments in a special box. But I agree with Joe, we can't just call it "take no action." I'm also not quite comfortable with the idea that we have no remit. I think what Michael Niebel said is correct technically in the sense that they're rejecting the position of the U.S. government, not this proposal. So I think we need a better way to characterize those both because we need to be accurate and because we don't want to look like we are just ignoring certain kinds of comments that are negative. So if we said maybe something that are sort of rejecting the legitimacy of the process or rejecting the entire premise of the transition, that might be a more accurate way.

I think if we got, like, 10,000 comments that said that they were rejecting the legitimacy or the need for the transition, it might actually be quite relevant to the NTIA. But if we're getting eight or ten of them, it's not accurate to classify them as negative comments about the proposal. So we don't want to put them in that number. But we do want to accurately characterize what they are.

ALISSA COOPER: Daniel, are you back in the queue? Yeah, go ahead.

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DANIEL KARRENBERG: Just to clarify. This is Daniel Karrenberg again. Just to clarify what I said, I said not actionable by us. My meaning was -- you know, early in the morning -- was more in the direction of Joe's. It's basically outside our remit, and I think we should definitely report them. I'm not saying we shouldn't report them. We should report them for NTIA and others to read. But we should basically say we consider these ones or those parts of comments as not being in our remit and, therefore, didn't do anything with them. So I'm quite happy with the way that Joe expressed it.

But we need a category like that so we don't waste too much time on them. And my main point was not to make any judgment about them. Basically, say, this is outside our remit and not waste any further time and not cause any aggravation or whatever, more entropy by making statements about them.

ALISSA COOPER: Kavouss?

KAVOUSS ARASTEH: Just simply I suggest that we don't use the term "negative comment" and "positive comment." "Supporting" and "opposing" because I don't think we have to judge a comment to be a negative, to be a positive. Thank you.

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ALISSA COOPER: Jean-Jacques?

JEAN-JACQUES SUBRENAT: Hello. Can you hear me now?

ALISSA COOPER: Yes, audio is better. Thank you.

JEAN-JACQUES SUBRENAT: Thank you. Yes. I'd like to try to wrap up the comments by Joe, Milton, and Daniel and also Kavouss. I think that --- comments did not take up the --- ICG. But just say that --- neither good nor bad.

ALISSA COOPER: Thank you. The audio was degrading over time, but I think we heard what you said, Jean-Jacques.

Manal, and then perhaps we can wrap up on this.

MANAL ISMAIL: Manal speaking. I think maybe we just need to have two columns. One saying the action and one stating the reason for this action. So if we are forwarding to the operational communities, for example, and then stating why we did so. And if we have no action stated, then this is

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because it is against the transition in principle, for example, which is a bit late in the process. An action and a reason for this action may be a way forward. Thank you.

ALISSA COOPER:

Thank you, Manal.

Oh, Xiaodong, did you want to follow on to that? Go ahead.

XIAODONG LEE:

This is Xiaodong Lee speaking for the record. My concern is we can have two options. If we take action for the comment, I think it's okay for us to add to our report. If we have no action to be taken, then we need to cite the comment just to submit to the community. We have no action for that because any comment from the community should be acknowledged.

ALISSA COOPER:

Thank you. So both of those comments I think are a very good lead-in to what we were supposed to talk about next, which is what are we going to do in response to having received all of these comments. And I think what Manal and Xiaodong have pointed to is essentially detailing what our response is to each comment individually. And so I want to kind of put this out there. That's one way to approach this task, is literally for all the points made and all of the comments we will determine what the ICG action is and perhaps the rationale for it. And if there's no ICG

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action, then we can explain that's because the comment or question was legitimacy of the process or for whatever reason, we're choosing not to take action.

Honestly, I was sort of hoping we could just develop a narrative explanation of our synthesis of the comments and that we need not actually go through each point that each commenter made individually and determine action and rationale. In part because I think our task in a way is to look across the comments and see and identify trends. We are supposed to look at broad community support, and you have to do that by looking across. You can't just do that by looking at each one individually. So I do think we have a choice here in terms of how we approach this.

And, you know, if we go down the path of looking at and responding to each comment, that's one way. If we go the cross-comment approach and trying to synthesize, that's a different way. They are not mutually exclusive. We could do both, which is a lot of work. They are both a lot of work.

So I would like to get a feeling from people about what they would prefer to do. I had sort of written up a potential list of ICG actions in response to comments. But this was not meant to necessarily be in response to each individual comment. This was supposed to be in response to the comments when taken together.

And so there's many different things we can do. We can add text to our Part 0 of the proposal. We can edit the existing Part 0 text. We can edit some of our other documents if we think clarification would be more fruitful somewhere else in our documentation. And then, of course, we can engage with the operational communities or with others if we have comments that we think should be forwarded to a different body, to

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NTIA, to ICANN, or anybody else. That's also an option we have available to us.

And then as we've been discussing, we can take no action and that could be for many different actions, so I see that I have a queue, quite a queue on this topic, and I didn't quite notice had the order in which these came up, so maybe we'll just -- we'll go around.

Start with Joe.

JOSEPH ALHADEFF:

Thanks. Joseph Alhadeff. I guess, Alissa, my suggestion might be instead of one or the other or both, to do a combination of your first and second option, and that would be to do the range of question types, which, you know, might be just the inventory of the never-ending tabs of the spreadsheet, and then within that give the range of responses. Not the detail of every response, but kind of talk about the breadth of the responses and then talk about the action we take as a result of that.

And then I think from a narrative perspective, it would be useful if we created a small narrative as to the trend of the comments, so that, you know, "X number of comments" or "A majority of the comments were requesting this type of resolution," because then actually that gives people the concept of, "Here's the breadth, here's the direction, here's our action," and I think that allows us to say we've taken into account the comments without answering each one independently.

Because if you were to answer each one independently, there are some that have micro differences between each of them and we would have to it write a treatise to treat the comments independently, whereas there are comments that are in the same vein but they have slight

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differences and I don't think we have to take into account the slight differences, but if someone is all the way over on this side and then another person is on the extreme opposite side, that range is useful for people to understand. I mean, I think the range was most clearly, perhaps, demonstrated on jurisdiction as a comment.

And then to the extent that there -- to the extent that there is a group of comments that don't fit into any tab, I think we have to account for those in some fashion.

ALISSA COOPER:

Thank you. Milton.

MILTON MUELLER:

Milton Mueller.

Yeah, I'm agreeing with Joe that we don't want to do individualized comments.

I'm suggesting as a model what you, let's say, did the topical slides here. Like jurisdiction, you have a particular summary statement of what the thrust of the comment is, and then you have individual comments and numbers listed under those categories. I think that gets to what Xiaodong was saying: We want to acknowledge every comment, we want to show that we've read them all, but we certainly do not want to individually answer them.

And I think we're not doing the community any favors by individually answering them, because nobody's going to read all of that. They

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basically all want to know sort of what box we put their comment in and how we responded to it and how many other people agreed with them.

So I think this more grouped approach is much better.

ALISSA COOPER:

Thank you, Milton.

Lynn?

LYNN ST. AMOUR:

I'd also like to -- it's Lynn St. Amour, for the record. I'd also like to support not responding to each one of the questions individually but more doing a report or a narrative, whether that's along the tabs or the 12 questions. It's probably along both. But I actually think that's much more useful and much more helpful both to those that took the time to submit comments and to those that simply want to understand what was the result of the public comment period. I think something that reads much more like a report out and a narrative is much, much more accessible both -- to both submitters and non-submitters alike and I think that needs to be our primary focus. How do we communicate well, what was the comments we -- what were the comments we heard, and what is our response, and suggestions going forward.

ALISSA COOPER:

Thank you, Lynn.

Manal?

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MANAL ISMAIL: Just to highlight that I did not mean individually, meaning one by one, but rather categories. Categorizing them.

But having heard others as well, I'm just wondering whether we're going to categorize them like "Five comments addressed the jurisdiction," for example, or by theme.

Because some comments may have more than one part, maybe parts that we cannot take action for and other parts that may be forwarded to the operational communities.

So just thinking out loud. Thank you.

ALISSA COOPER: Thank you. Michael?

MICHAEL NIEBEL: Thank you. I would agree with the non-individual. I would agree with clustering. I would like to remind that the questions are -- could be very useful for the framing. Not in a very stringent way, but there was a reason for the questions, and the reason for the questions, as far as I recall, was that we didn't do a meta-analysis of the exercises that had been done at the community levels, so we tried to put in questions on the glue, interoperability, compatibility, workability, all under general principles, like NTIA criteria.

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So I think we should keep that in mind and not only hone into question clusters but keep that structure, because that's also a structure that then the reader can follow because we've done the questions, we report on the outcome as we see it, and we can react to those.

ALISSA COOPER:

Thank you. Kavouss?

KAVOUSS ARASTEH:

Yes, Alissa. We are now at the very critical part of our assessment. According to what I understand, this is, for the time being, the only document that will be available.

We have to see two different paths.

The first path, how to act upon the comments received, if any. There might be a need to make some changes. And the second, how to assess those with respect to the percentage in favor or against particular things.

In two other communities -- not communities -- two other processes, CWG and CCWG, they had two public comments. Although the situation was quite different and the mandate was quite different, however, what they did, they created a small group dealing with each section going to the exact text but not the general comment of the text, because the devil is in the details, what was in the text. And that is very important.

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And they try on that and bring back to the CCWG, "This is the comment," and then they try to say action, either no action or they have to modify something and make the final proposal.

Nevertheless, our job is quite different. We are a coordinating group. Our tasks are more limited to coordination, not to get into detail. However, we have a charter and we have to act in accordance with this charter.

Unfortunately, our charter is not very clear in this area, so we have to find the best way to see what is the actions that we have taken. It is not only to prepare a consolidated document of comments. For me, as a member of ICG, what's important is what action is required to be taken in respect of those comments which are relevant and that need to be followed in one way or another and that would help for the further improvement of the situations.

So we have to also be careful of that. I'm not dealing with the category that they reject totally the transition. That is, as I mentioned -- people mentioned something --

So what I'm suggesting, in fact, generally in favor of the Joe proposals, but a little bit of detail that we need to see which are the areas in which we need to have some improvement in our document once we make a final proposal to the NTIA or to the other meetings before going to that. So that is -- we should not just make it as a preparatory document without any action. Some of the comments require actions. Some of the comments proposing some improvement. I have not discussed them in detail, but when we did it in the CCWG, it was very, very helpful and it guided the CCWG for the second proposal to make these changes or to take account of that.

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At least at this stage, Alissa, let me confess that I don't know whether it is our last document or whether we would have another document. It depends on the nature of the comments. Hopefully maybe we don't need any more comment, any more proposals to the public, but I cannot reject it and say they are excluded. It depends the scope of the comments and improvement.

But something very, very important, we should not finish this idea now until we discuss in the afternoon the CCWG.

There is a lot of difficulties there after the new proposals of ICANN. I'm not suggesting it's not a good proposal, but there is a totally -- or some partly conflicting with the other proposals of the CCWG and it has direct impact on the naming, direct impact and so on and so forth, this structure.

So we have to also be careful of that.

So what I suggest is that taking the Joe proposals, but we need to put a few words together and bring it back to your meeting and agree on the situation in which we first refer to our charter, second refer to our mandate, and the third refer to the categories of the comments and the way we have to take them.

We should be very, very clear in order to satisfy the community of the comments that they have made and to maintain the inclusiveness and the democratic way of the operation of the ICANN.

So that is important. So we cannot finish on this topic, Alissa, this morning. Good to get the views and try to work it out, bring it back either in the afternoon or tomorrow morning. Further maybe even informal consultations during the break. Thank you.

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ALISSA COOPER:

Thank you, Kavouss, and everyone else. I think we have good agreement around the table here that we should not seek to provide an individual response to each comment or each sub point made by each commenter but, rather, should, you know, proceed along the line of the themes emerging from the comments and, you know, produce something that acknowledges how each of the commenters fit in and what they said in relation to what other people said, and provide some broad characterizations of the comments, but that's a process that we're going to be going through for the next two days.

And I think, Kavouss, one other note to pick up on in what you said in terms of how the CCWG has done its process is that they had, you know, teams that went off and worked on these things.

We will certainly, I think, need volunteers to take on different parts of this analysis in terms of writing up what the results of this meeting is, so people should keep that in mind. That, you know, if we're going to have a section that talks about what did the comments say about jurisdiction, we will need someone to write that section.

And so we don't -- we don't have to assign those tasks as we go, but we will want, coming out of this meeting, I think, to know, you know, who will be holding the pen in terms of trying to write these summaries and analyses of the comments, to the extent that that's the action that we decide to take.

Obviously, I think we also have agreement that we have many different actions that we can take in response, including not taking any action, so we should -- we should keep that in mind as we do the comment analysis.

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So I think we should keep -- press on and we can go to the next slide.

So this is just -- I think everyone remembers that we have our own section of the proposal, which is text that we wrote, and again as Michael pointed out, it has a structure to it and we mapped that structure to the questions that we put out for public comment, so I just wanted -- I just wanted to remind people that we should be thinking about how do we fit the input from the public back into this text that we already wrote. That's one of the options that we have.

We can, of course, add new text and add new sections and so forth, but just wanted a reminder of that.

And then I see flags going up. Let's just maybe try to close this out because we are already running a little bit behind. We have a lot to cover. So next slide, please, and then I'll come back to the queue.

Oh, I thought there was -- right.

So we're going to end up, I think, going through this -- the comments thematically and I just wanted to have a few caveats at the beginning in terms of the material in this slide deck, because as Milton was talking about acknowledging each commenter, the sort of summaries in this deck do not necessarily acknowledge each commenter. They were put together in some haste. And so it may be the task for people who end up volunteering for different parts of this analysis to go back through and make sure that we're being comprehensive, but I just wanted to make sure that caveat is out there so people know if they don't see their own comment being reflected here, it's not because we -- we don't know that it's there but just didn't have time to reflect it in here.

So I have a couple of flags up.

Kavouss and then Joe.

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KAVOUSS ARASTEH:

Alissa, sorry. It may not be connected to this, but I may have forgot an important point.

During the discussions made in the list of the GAC, it was mentioned that whether or not anything from ICG needs the support of the chartering organizations.

My answer was not given formally, but I don't see any need for that, that we go to chartering organizations. But I wanted to be sure from the ICG members. If they have the same view, then I could communicate to the GAC saying that some discussions indicate that it is neither in our charter nor is there any intention or any procedure to seek support of the chartering organization because the process is entirely different from CCWG and CWG.

They are chartering but here we don't have that. We go directly to the NTIA, through the ICANN, and -- but I wanted to be sure -- sorry to raise this question but I wanted to answer that, because in fact, the chairman of GAC raised that question and I have to reply to the colleagues as a member of the ICG saying that, "No, don't worry, it's no chartering organization in this specific case."

If everybody agree with that, I will communicate that to them. Thank you.

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ALISSA COOPER: Thanks. Yeah, that is correct. I don't think anybody else will disagree with that. So you can -- you can relay back that your understanding is correct.

Joe?

JOSEPH ALHADEFF: Thank you. Joseph Alhadeff.

Alissa, I agree with the fact that we don't have to capture every positive statement, but I found it particularly reassuring and rewarding that even comments that were highly critical of the proposal were not critical of the process we used to arrive at it. They were sometimes critical of our outcome. And I think that may be something that we capture that might be relevant to NTIA's review is the -- the affirmation of the process we used and, you know, questions arriving at the conclusion, but I didn't hear people feeling that they were closed out of our process in any way, and in fact, even critical responses often thanked us for the work we did.

So I think that -- that may be the one place where we go around and, you know, tally the positive.

ALISSA COOPER: Thanks, Joe. I think that's true for some of them. We definitely did get process criticism. So we would have to be measured in our characterization of that, but that's a good point.

Do you want -- and then we're going to move on to our next topic, so...

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Do you have more, Kavouss? Go ahead.

KAVOUSS ARASTEH:

Yes. You mentioned that in the CCWG there was a volunteer to that. I have not talked with Keith Drazek, but I think that he could also agree that I and he will be very pleased to put any comment relating to accountability in the comments made by the people. So we could have that one, if you want, if the people want to use that. We will review the comments. Whenever there is a relation to the accountability, we try to provide to something so far as we have it. Obviously, we still don't have, but we might have -- after the face-to-face in Santa Monica, we might have a better view on that. And put them together and send it to the mailing list and you want to take that.

At least this is the first volunteer. Thank you.

ALISSA COOPER:

Thanks. We will -- let's keep that in mind when we assess what all the action items are that we have for ICG members later in the day or after tomorrow.

So let us -- back one slide, I think. One more, sorry. These are out of order. Yeah.

Okay. So I did want to just check, before we launch right in, that people think we have -- that the fundamentals of the proposal have broad community support and that we should go forward with this.

I didn't want to assume it.

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I think my bias is maybe clear already, but just wanted to confirm.

Are there any objections, people who think we do not -- we did not get broad community support for the proposal, based on your reading of the comments?

Joe and then Milton. I fear -- I fear these hands going up. Go ahead, Joe.

JOSEPH ALHADEFF:

No, no, we -- no, no, I just wanted to remind everybody that what we asked people to do was comment when they had an issue. We didn't ask -- you know, it was less emphatic that they comment when they had no issue. So I think, you know, there can also be some level of concept that perhaps those who weren't commenting may have had less issues, so I think, yes, even within the ones we received, I would say the preponderance was support, you know, or guilty with an explanation, Your Honor, kind of stuff, because there were qualifications to the support, but I think we shouldn't ignore the fact that I would have thought we would have actually gotten more comments of people who had problems and the fact that we didn't may be an indication of a number of people were comfortable and didn't comment.

So I don't think we can make that presumption, but I think we shouldn't delude ourselves that 150 some-odd comments is not the level -- the number of people and organizations that are concerned about this and maybe their decision not to comment was an indication that they were actually generally okay with the concept.

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ALISSA COOPER:

Thanks, Joe. That's a good point. I will say that some people seem to get the message that they should comment anyway, even if they were -- we got a lot of just blanket support comments, so that was good. And also, I think from a -- just from a numbers perspective, we had the secretariat go back and look at how many people commented. I think which is the very last time that NTIA put out a notice of inquiry about the IANA functions contract, and I think it was 47? 47. And we got 157 comments.

So it's all relative, right?

We got more comments than the CCWG did this time. Again, don't put too much weight in the numbers, but if you -- compared to some proceedings that some governments have, 157 is not a lot. Compared to other proceedings about the IANA functions, apparently it is a lot, so that's just FYI.

Daniel?

DANIEL KARREBERG:

Thank you. I think it's kind of premature to ask the question of the ICG about views. That's first. Go through the agenda dealing with this, and then ask that question.

ALISSA COOPER:

Fair enough. I thought you had read every single comment already, Daniel. What do we have to talk about it?

Jari, go ahead.

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JARI ARKKO: Basically, agreeing with Joe. I mean, I do agree that we have to go through the details and figure out how do we respond to some of the issues that have been raised. But I do observe fairly broad backing for this overall approach. And since we were talking about the numbers, I want to remind everybody that this is not the only public comment or only time that the communities have participated in this process. There's been the three communities, of course, doing their work previously. So we have to take all of that into account. So I'm -- I'm guessing that some people went through the community process and did not feel need to participate at this level anymore.

ALISSA COOPER: Russ Mundy.

RUSS MUNDY: Thanks, Alissa. Russ Mundy for the record. I think Daniel's point about waiting till we've done more detailed work before we actually make that conclusion of what's on the slide from the fundamentals of the proposal, I guess, I would be more comfortable with using terms such as the concepts or the idea. I'm not quite sure what "fundamentals" mean with respect to this proposal, but I think that the general view of folks who have been through some or all of the comments would support that. But I don't think we should be deciding it now.

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ALISSA COOPER:

Thank you, Russ.

Kavouss?

KAVOUSS ARASTEH:

Yes. Legally speaking in respect of the no comments received, in some democratic process, they will categorize them non-decided community because they have not decided. In some other process, they call them tacit agreement. No reply means agreement. Somebody read that, does not have any oppositions, says this is why I comment, maybe implicit agreement or they call tacit agreement. So we should be very careful not to get some result of that which is misleading and does not reflect. It is very, very difficult that a non-reply means non-decided or non-decided group or means tacit agreement.

But I fully agree with Daniel and others that we have to wait until we go through the whole situation to see what happened. And I don't know to what extent that would help what is for me is very important to indicate the statistics. For me, it is a little bit shocking. 7% Africa, 3% Latin America, and 29% North America which is two or three countries. And then you go to Asia-Pacific, in one way 52 countries. In another way, according to the other statistics, 65 countries. 13 replies is very little. And Latin America, 3% is very little. I don't want we comment saying little -- at least it is good to mention that, to see how far we outreach the people. It is very, very important. In other areas, I have seen a lot of comments in Latin American countries. And I see here 3%. And Africa 7%, is not a representative of those 52 countries and areas and so on and so forth. I'm not talking governments. I'm talking of the countries

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and territories. So for me it is a little bit shocking having to receive so little comments on the process, which is important. Thank you.

ALISSA COOPER:

Thank you, Kavouss.

And I think we have good agreement that we will return to some version of the question at the end of tomorrow. I think that's a great idea.

Just one note again on the geography, fully 1/3 of the comments we cannot attribute to a geography. So we will not be able to come up with actual meaningful numbers perhaps. But we just outlined what we could come up with.

Okay. So I think we should dive in to jurisdiction. Mr. Martin Boyle is going to lead us. And we are supposed to have a break at 10:30. So we'll come back to this. 35 minutes may not be enough.

Do you want me to run the queue, or do you want to run the queue?

MARTIN BOYLE:

I can only see half of the table conveniently. So anybody on this side of the table who wants the floor could usefully use the Adobe room, and then I will try to run the queue.

ALISSA COOPER:

Thank you.

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MARTIN BOYLE: Martin Boyle here. Yes, this obviously was one of the big and difficult issues. But I thought I'd probably usefully do a very quick overview of what came in and then throw the floor open for discussion, although I see Kavouss' hand is up.

Kavouss, do you want to take the floor before I start?

[Laughter]

The answer is no.

UNIDENTIFIED SPEAKER: (off microphone).

MARTIN BOYLE: I can't hear you, Kavouss. You're off mic. Okay.

There were comments that I identified or self-identified in the spreadsheet from hell.

[Laughter]

There were 17 proposals that made direct reference for jurisdiction issues. That means 140 didn't. So I do think we need to bear that in mind as we think our way forward on this. Inevitably, there were three types of proposals: The ones where it must be done and, therefore, the proposal is not complete. There are those that come in polarizing the discussion saying that it must not be done under any circumstances.

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And then, lastly, there were among those 17 a significant number that identified that jurisdiction should be done but it doesn't need to be done at this stage. It is something that should be done, though in due time.

And at that point, I would refer back to firstly in our document for consultation, we made, as far as I can see, no specific reference on jurisdiction.

And, secondly, in the CWG -- sorry, CCWG, the ICANN enhanced accountability work, there was a specific reference to dealing with jurisdiction. And, again, that was to look forward and say, yes, this is something that is going to need a proper analysis in due course. And, therefore, it is done post-transition and done against quite clearly identified criteria.

Turning now to the comments that came in, there was -- and here I'm going to have a problem of not being able to read my own writing because I am left-handed and holding a pen is difficult. You always damage your hand your dominance in.

But a lot of the critical comments were associated with inevitably for jurisdiction the laws of the country. And then something I found a little bit more difficult to understand the logic of, the fact that you are under the laws of a specific country, that gave the government of that country, shall we say, a hidden control over the process which in my mind suggests that perhaps that country needs to re-examine the separation of its judiciary from its state.

There were questions about being subject to international law and the need to be -- for the IANA function to be more globalized. And there were also a couple of comments about the impact on ccTLDs and the

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possibility of an intervention on the ccTLD question, which I'm sure will come up here. And I'm sure it will come up later when we talk about ccTLDs.

And then the opposite side of the discussion was very heavily on either it must commit to staying in the U.S. or it is a U.S.-owned asset. And then a little bit of confusion between those who are saying that it should stay in the U.S. and those who are saying that actually they want it to stay with the U.S. government.

So that's my sort of quick skim over the 17 proposals -- the 17 comments that we received on jurisdiction. And so with that, I'd like to sort of throw the floor open to whether people have got other bits that I didn't summarize that they think are perhaps important for us to consider going forward and where perhaps we need to do a little bit more than just perhaps adding text in Part 0.

Turning to the floor, I see I have Milton and Joe. But before you all, Kavouss has got his hand up in the Adobe room. So can I go to Kavouss first? Thank you.

KAVOUSS ARASTEH:

Thank you very much, Martin. The issue of jurisdiction took a considerable amount of the CCWG, considerable amount, together listening to the views of the two law firms, very competent people and at some time we had up to eight lawyers on the line listening to our discussion and giving advice.

If you look to the CCWG's second proposal, this is in work stream 2, under paragraph 11, jurisdictions. And we put it there because it was not possible to go in rush to talk about this matter.

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However, we will discuss this afternoon. In the new proposal of ICANN, the stream 2 has been totally deleted. There is no need for stream 2 in their view. So something to be discussed among many other things now in the view of ICANN proposal for MEM is no longer able to be implemented. That is one point.

Second point, as far as I'm concerned and as far as I know, no single government is ready to subordinate its national law under any international law. However, the relation of the national jurisdiction, meaning the national law, is properly treated under the Law of Treaty Convention, 1969 Vienna. So there is a need to be carefully looked at by lawyers and by you, those experts, to look at the matter. But it merits and deserves a careful consideration.

I'm not talking whether we are saying that federal law of U.S. apply or not. There are subsidiaries of that. The important issue is jurisdiction, relation between the governments, how the government treat the ccTLD in their own areas, and so on and so forth. These are the matters to be discussed very, very carefully. And we need to dwell on that and put perhaps some teams, some working parties within the transitions or ICG or any others.

But I think in the CCWG, there are the legal team dealing with this issue. I'm not going to transfer our job to them, but this should be discussed somewhere.

What I am sure, Alissa, it is not very appropriate that ICG discuss this issue without the involvement of the lawyers. This is a very critical point. And the knowledge or background of some of us, like me, not others, may be limited to mostly technical and (indiscernible) and regulatory and not to very deep legal aspects of jurisdiction, in

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particular jurisdiction going to the law applicable in United States. Thank you.

MARTIN BOYLE:

Thank you, Kavouss. If I'm hearing you right, you seem to be suggesting that we in the ICG should be doing some work on jurisdiction. Whereas, I think, my understanding was that we should always be turning to the operational communities to do that work and, therefore, in this particular case, the CCWG is the right home for that work to be done irrespective of whether ICANN wants to see work done in work stream 2 or not. Can you just please clarify that for me, Kavouss.

KAVOUSS ARASTEH:

Yes, I fully agree with you. That would be an area where the expertise exists. I'm not saying we are not expert, but I said that there is more expertise and room and preparations and background within CCWG to do that. And, in fact, in some other areas like human rights which is also very important, they created a special working party to deal with that issue. I fully agree with what you interpreted from my intervention. Thank you.

MARTIN BOYLE:

Thanks very much, Kavouss.

The order, Milton, Joe, Daniel, and Alissa.

Milton, the floor is yours.

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MILTON MUELLER:

Milton Mueller, Georgia Tech. So one of the things that's surprising about the jurisdiction discussion as it's reflected in this set of public comments is who is not making comments about jurisdiction. We know that the government of Brazil is very concerned about this, but there are no comments from Brazil, and that I find very strange. Maybe Jandy can clarify that.

We know that GAC has been having a huge discussion of the jurisdictional issue, but we have no comments from the GAC. We do have comments from China. And we have comments from civil society in India, several civil society organizations raising the jurisdiction issue but nothing from -- I'm not sure if we have one from the Indian government.

ALISSA COOPER:

Sorry, Milton, can you just clarify for me. When we say we have no comments, you mean the comments they submitted did not address this topic?

MILTON MUELLER:

Right.

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ALISSA COOPER: Okay. I just wanted everyone to be clear because we did receive comments from some of those.

MILTON MUELLER: Assuming my sheet is correct, which can't always be assumed.

[Laughter]

I see -- I see a lot of Indian civil society. I see Nominet saying jurisdiction is fine.

ALISSA COOPER: All I'm saying is, for example, we did receive a comment from the Brazilian government.

MILTON MUELLER: It didn't seem to appear the jurisdiction.

ALISSA COOPER: That's fine. I wanted everybody to be on the same page. Thank you.

MILTON MUELLER: If our sheet is correct.

And then we have Justnet.

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So that's something that I think has to be taken into account in assessing these comments. Maybe the record is incomplete. Maybe it means there is not a sufficient critical mass against the jurisdiction issue for us to have to do anything about this in terms of sending a comment back to the OCs.

But the other thing to mention is that I was participating pretty heavily in the CWG names when the jurisdiction issue was raised, and there was just no support within the CWG process for changing the jurisdiction.

In other words, it -- while it's clear that a significant group of commenters is against keeping PTI or ICANN within U.S. jurisdiction, it wasn't clear that the people developing the proposal had any viable alternative that would have commanded any kind of consensus.

So I think that needs to be taken into account also.

MILTON BOYLE:

Thanks, Milton. I see Jandyr's hand has gone up, so with permission from the others who I've already got, can we go to Jandyr's first, please?

JANDYR SANTOS:

Thank you. That is Jandyr's Santos speaking, for the record.

Thank you, Milton, for touching upon this issue. Indeed, in our contribution to the ICG, as you can see in Paragraph 4, while we do refer to the comments made by the Brazilian government directly to the CWG stewardship, this is a document that I circulated in the ICG list at the request of another colleague in the group, and if you refer to these

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specific comments that were presented to the CWG, our concerns about jurisdiction are duly reflected.

So I just wanted to take this into account that we are not explicit in the ICG comments that we have a concern with jurisdiction because our concern is already contained in the CWG contribution. Thank you.

MILTON MUELLER:

Just a two-finger response? Could I?

That we adjust our record accordingly and work the appropriate Brazilian comments into the sheet in the section on jurisdiction before we proceed any further on this.

ALISSA COOPER:

Wolf-Ulrich, this was -- you were the reviewer for this comment, is that correct? Just -- I just wanted --

WOLF-ULRICH KNOBEN:

Yes, it is correct. There was a reason why I was asking for the document. Thanks.

ALISSA COOPER:

Yeah. Okay. Got it. Thank you.

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MARTIN BOYLE:

Okay. Thank you. We have -- I hate to say that having asked you to put your hands up in Adobe room, my Adobe seems to have just frozen, so if anybody on this side of the table is putting their hand up, please let me know. And I would also like to put myself into the queue, but I've now got Joe, Daniel, and Alissa.

So Joe, please.

JOSEPH ALHADEFF:

Thank you. Joseph Alhadeff, and so far, looking at Adobe Connect, you have Jean-Jacques, yourself, and Kavouss in the queue.

I just wanted to go back to a point you raised about the comments raising the concept of the jurisdiction of incorporation affecting the role of the government, and that comment was made in a couple of them, but in one of them they actually went on to try to explain how that would occur and that was the theory that the government in which the location of incorporation existed could pass laws that might interfere with the operation of the corporation. It did not limit itself to the actual rule of incorporation, which would have nothing to do with that.

Unfortunately, that's also an issue that would impact any other government it was incorporated in, because every government may then pass a law that could impact.

So -- but I did want to say at least one did go beyond saying it was just a question of the state of incorporation.

The other linkage, which I think it might be useful, for instance, if the legal teams in the other group are actually going to review this, is at

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least two comments made a linkage to statements in the Tunis Agenda, and that probably is useful for the lawyers to incorporate into the legal treatment.

The last thing I would say is the breadth of misunderstanding of jurisdiction in the comments was almost uniform, and if it is possible in the work that the lawyers participate in, which is not something -- and I'll say this as a lawyer -- which is not something that lawyers are any good at whatsoever, it would be to draft a two-page kind of non-legalese description of what jurisdiction means.

Because I think, you know, I've read all the documents Sidley's put out on this as part of the consultation process and they are excellent. I take my hat off to Sidley in their drafting. They've done a phenomenal job in reviewing these questions in the drafting. But the documents they have written were not meant for the everyday man, they were meant to be a legal analysis of the topic.

And based on the fact that this concept has a lot of legs and a lot of people thinking about it, if there's a way to have a small version of that document written in a way that is meant to address someone who doesn't have legal training, I think that may help dispel some of the questions related to jurisdiction. Obviously not something we can require, but it might be a suggestion of a useful work product that could come out.

MARTIN BOYLE:

Thank you, Joe. Daniel?

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DANIEL KARREBERG:

Daniel Karrenberg. Thank you.

I'd like to bring the discussion towards actions from our -- on our part on this particular issue that Martin has summarized so well: What should we do?

What I see is that there's a question before us of is our proposal complete in this respect, so we need to form an opinion on that.

If that's affirmative, then there's really no action necessary.

If the answer to that is negative, if we think, you know, based on the comments, that the proposal we wrote is not complete, then we'll have to do something about it.

I think I agree with what you, Martin, have said, and others, is that that's not for us to invent. It's something we would have to go back to the operational communities for.

But that's all hypothetical if we -- if we answer the first question affirmative and say our proposal is complete in this respect and then we can deal with that.

So that's my main point.

There's a small sub point of process I have.

If I understood it correctly, there was a proposal to incorporate in our matrix of comments some comments the Brazilian government made to the CWG -- CCWG, I think, was it? CWG. Yeah. Names. Yeah. Exactly. So it was only names.

I would caution against that just for reasons of process and possible confusion. I think we should deal with the comments that we received.

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For instance, I would interpret the action of -- the way the Brazilian government went on the record as saying we have a problem with this in the names area but not necessarily in the other two areas.

That's one way of seeing it.

But that we shouldn't sort of gratuitously go and incorporate comments that weren't made in our process into our process.

We can -- we can individually take it -- take notice of them, but as a group, I think it would be bad process to do that.

But that's a minor point. My major point is what should we do? What are the actions -- the actionable things that come out of this particular can of worms? Thank you.

MARTIN BOYLE:

Thank you, Daniel.

Elise?

ELISE GERICH:

I feel kind of like I'm going back in time, I've waited long enough for -- to make my comment.

But I wanted to speak to the intervention by Kavouss and then by you, where you said that that would be -- the topic of Track 2 of the CCWG would be for the CCWG, which I totally agree.

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But I'd like to go on record from -- as ICANN liaison that the ICANN board has not shut down Track 2, and I think that's the way I interpreted what you said, Kavouss. Perhaps I misunderstood it.

My understanding is that that Track 2 is not deleted, as the terminology, and I thought it was important to go on record that that's maybe a misunderstanding.

And we have --

Oh, Kuo-Wei Wu just ran out of the room when I'm talking, a board member, but Theresa is also here who could speak to that, but I don't know that that's an issue for this group, per se, but I'd like to make sure we could clarify that at some time.

MARTIN BOYLE:

Thanks very much. And I've got two hands up in the room, Kavouss and Jean-Jacques, and then Alan as well.

So Kavouss, if that's not a new -- if that's not an old hand.

KAVOUSS ARASTEH:

Yes. First, for misunderstanding, no, there is no misunderstanding. It is mentioned implicitly in the ICANN proposals that it end up with Stream 1. Implicitly. Maybe they want to test the situation and come back, but this is not the area we discuss. Let's just do it outside. But I have the evidence.

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ELISE GERICH: I would just like to say we should take this off line because I think it's misunderstood.

KAVOUSS ARASTEH: It doesn't matter. It's outside this meeting.

Now, coming to Joe, yes, I have been working with these two lawyers. They have provided 345 or 350 pages of legal documents. They are very good, very explanatory, but I agree with you. Perhaps at the beginning of their comment, they should have some discussions part and they explain the situation for the -- let's just say non-intelligent people like me who doesn't understand anything at all to be familiar with what the issue is about, and then go to the legal aspect of it. I agree with that.

But that is very important.

With respect to the proposal of Brazil, I think we could mention that C - - ICG has received something which is further elaborated in CWG, give a cross-reference to that for the reader, but I want to emphasize that jurisdiction is one of the most complicated issues. It was raised several times at CCWG and I personally raised it with two people I don't name. They said, "Don't worry, it does not necessarily mean that the jurisdiction would be under the California court. It might be some other court depending on the case and the situation and the circumstances."

That is why CCWG put it for the Work Stream 2. To carefully read whether that interpretation is correct. But I think that is something we have to do it and we have to do it with a lawyer and we have to find how we do it and how we could task or request CCWG in the appropriate manner. Thank you.

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MARTIN BOYLE: Thanks, Kavouss.
Jean-Jacques, please.
We can't hear you, Jean-Jacques.

JEAN-JACQUES SUBRENAT: Hello. Can you hear me?

MARTIN BOYLE: Yes. Now we can.

JEAN-JACQUES SUBRENAT: Right. Beyond the complexity of the subject, I'd just like to remind us of a principle, which is that the ICG is an assembler. It is not an initiator of proposals or of ideas. This is something which we have worked on very consistently since the beginning.

So whereas I would find it interesting individually as an ICG member to have lawyers come in and talk to us, which was, I think, Kavouss' proposal, and perhaps someone else's as well, I think that would be going a bit beyond our job.

So actually, we would have to go back to the operational communities and the CWG and CCWG in order to ask for clarifications or for further

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work to be done on the basis of the questions or remarks we have received in public comment. And my final point is that in the meantime, we should make known to the -- to the various partners, CWG, CCWG, and of course the operational communities, that we have had these comments and forward them to those partners, while asking for clarification and further work. Thanks.

MARTIN BOYLE:

Thanks, Jean-Jacques.

I'm a little bit unsure about exactly why you think we would need to go back to the CWG and the CCWG on this, in that others around the table have pointed out the link in the CCWG which argues for further work to be done through Track 2.

And the reason I said I wanted to go in the queue myself earlier was to correct -- I think it was Milton's characterization of the Nominet input.

Nominet did not say it was happy with the jurisdiction staying in the U.S. but, rather, we saw it as a particularly complex issue and we would want to see a very, very clear and careful analysis of that, and if I remember correctly, our board did put in a reference in its submission to the CCWG for that work to go ahead.

So now if I return to the queue, I've now got Alan, who has been waiting very patiently, Milton who is back in the queue, and Alissa, in that order.

Alan, please.

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ALAN BARRETT: Thank you. Alan Barrett.

On the question of whether or not the Brazil government in Submission 115 talked about jurisdiction, in Paragraph 4, they specifically say, "The government of Brazil takes this opportunity to reiterate the comments made in this other document."

So I think it --

UNIDENTIFIED SPEAKER: (Off microphone.)

ALAN BARRETT: Huh? Yeah. So I think it raises a broader point of what should we do when comments refer to other documents. And I'm inclined to think that we should follow those references and look at those other documents and incorporate their comments into the spreadsheet.

And that's basically all.

MARTIN BOYLE: Thanks, Alan. Milton then, please.

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MILTON MUELLER:

Yes. So Alan has made one of the points I was going to make, which is that Brazil's comments were made in our process. They were incorporated by reference. And it would be bad not to include them. We simply have to take account of what everybody said about jurisdiction in this process.

I also wanted to point out that an assertion made here that INTA supports the proposal's existing treatment of jurisdiction is incorrect. INTA is actually more hard-core on U.S. jurisdiction than the proposal. They want PTI to be -- and all future IANA function operators to be required to be incorporated in a U.S. state, so they are like on the other extreme.

And, you know, I don't know why Martin came after me on characterizing Nominet but basically Nominet said there was no consensus for a change of jurisdiction. I took that as support for the existing proposal.

MARTIN BOYLE:

Rubbish wording, I guess.

[Laughter]

MARTIN BOYLE:

Alissa, please.

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ALISSA COOPER: So just on this issue of the spreadsheet, I think the -- what's missing is that 115 does not appear on the jurisdiction tab, right, Milton? Can we just clarify that? Is --

UNIDENTIFIED SPEAKER: (Off microphone.)

ALISSA COOPER: Okay. Okay. We can fix that fairly easily, so no problem there.

I wanted to join the chorus of voices pointing to the fact that the substance of this is quite outside of our scope, because the proposal reflects -- whatever the proposal reflects about jurisdiction is -- came to us from the operational communities. We did not make it up. And so getting into the weeds on it, I think, is not appropriate for us to do.

I think we can certainly note the complexity and contentiousness of the issue.

If we want to reference the fact that -- I think we should reference the depth of discussion and analysis that has occurred throughout the transition proposal development process. I think that's another useful thing that we can do. But I'm not sure that there is much else -- I don't think there's anything else on the substance that the ICG itself should do.

My question, though, obviously we've had the discussion about where this sits in the CCWG and Work Stream 1, Work Stream 2.

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This topic is not on the list of dependencies between the CWG and the CCWG, right?

The CWG is not waiting for the CCWG to make some pronouncement about the jurisdiction issue.

So I actually don't think -- in terms of from where we sit with our dependency, which is on the CWG, we have no direct dependency on some future resolution of this issue. You know, whether it gets taken up in Work Stream 2 or Work Stream 2 exists or doesn't exist or, you know, any of the unresolved questions around this, I actually don't think are even within the purview of the transition proposal itself because it's not something we're waiting on from the CWG. The CWG proposal is clear.

So I guess my -- my question is, like, in terms of this referring back or if there's anybody that we want to point these comments to, I mean, I'm happy for us to send the comments to both of the other groups, but I don't think we're actually -- we ourselves would be waiting for any response from the CCWG because we don't have a direct linkage with them.

MARTIN BOYLE:

Thanks, Alissa. Yes, that's certainly understood.

I have now got quite a long list.

Michael, Kavouss --

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ALISSA COOPER: Can I -- sorry. Just in terms of the meeting management, we were supposed to take a break right now. We can continue on for some short amount of time that's like 30 minutes or less, if you think we're going to wrap, or we could take the break and come back and keep talking.

MARTIN BOYLE: I have a queue of five, and then obviously we need to wrap up at some stage. So I wonder, actually, whether it makes sense to break and then come back after the break to finish those five, if everybody else is in agreement on that.

ALISSA COOPER: That's fine.

MARTIN BOYLE: Okay. So we're adjourned until 11:00.

ALISSA COOPER: 11:00. Yep.

[Break]

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PATRIK FALTSTROM: Hello, everyone. Patrik Faltstrom here. Alissa will be about ten minutes late. Can we please reconvene? Can we get seated, please? So, Martin, over to you.

MARTIN BOYLE: Thanks, Patrik. Welcome back, everybody. We've got a queue that we deferred which has got Michael, Kavouss, Jean-Jacques, Jandyr's, and Joe in that order. We'll run through those interventions, and then I will try to sum up briefly and perhaps suggest a way we might be able to move forward. So everybody is happy with that, can I turn to Michael, please.

MICHAEL NIEBEL: Thank you, Martin. First I want to join those who have said that Brazil's comments should be included. If I follow him, Milton, this should be included in such a way that's more visible and not -- but as usual practice to make reference, not to repeat everything.

I also would like to point out that I would not like to have the impression created by Milton's remark that he was missing that more GAC members were taking up the point of jurisdiction, that those GAC members, because they have made that point and are now happy with these issues. I would like to point that out. That is certainly not the case.

To Joe's remarks on the jurisdiction and one needs to learn a little bit to explain, it starts with the issue that we are conflating very often applicable law and jurisdiction. We're talking about many different things there, and the applicable law in many cases is already not the law of the country that IANA is incorporated in. So it's important; but it remains an important issue in many areas, both not only of the corporation but of the activity of the corporation.

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The final remark I would like to say is at this point in time I am informed that the issue will be dealt with under Track 2 of the CCWG. As we see with all these interventions, it is a very important topic. I have taken note of the discussion between Elise and Kavouss. But until now, I still work on the premise that this is going to be dealt with on the CCWG Track 2 until further notice. And I think we should also discuss under this premise for this time. Thank you.

MARTIN BOYLE:

Thank you, Michael. I've just had a correction that Jean-Jacques' hand has been lowered. So we've now got Kavouss, Jandyr, and Joseph.

Kavouss, please.

KAVOUSS ARASTEH:

Thank you, Martin. As I discussed with you informally, Jean-Jacques perhaps misunderstood me or more certainly I may not be very -- might not be very clear.

I did not propose that ICG start to discuss the issue of jurisdiction. I said that jurisdiction is an important point in the CCWG and was not properly -- not properly, clearly or specifically addressed. There are other jurisdiction issues which was discussed in detail in CCWG. And due to the lack of time, it was put for work stream 2. But now understand everybody wants to discuss that. Not only this, there are many other issues on jurisdiction.

And I agree with most of the things that Martin has said, including the comment of Brazil, how it should appear. Thank you.

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MARTIN BOYLE: Thanks very much, Kavouss. Now it's Jandyr, please.

JANDYR SANTOS: Thank you, Martin. This is Jandyr Santos. Coming back to the issue of jurisdiction, I would like to thank all the colleagues who refer to our contribution. I just would like to reiterate that our intention was not to repeat all the points we made on jurisdiction to the ICG but rather to refer to a previous document that was presented to the CWG. It was as simple as that. That's why I really appreciate it if we could acknowledge the fact that the government of Brazil has expressed concern with this particular issue by referring to a previous document. That's as simple as that. Thank you.

MARTIN BOYLE: Thanks very much, Jandyr.

Joseph and then Manal, and Manal will be the end of the queue. Thank you.

JOSEPH ALHADEFF: Thank you, Joseph Alhadeff for the record. I did want to pick up perhaps on the comments that Michael made because I think it's absolutely right. The importance of the issue in the breadth of the comments that reflected it is clear. I think it's also clear that this was not something that was within our mandate to resolve. But I think as we are capturing the community comment and the utility of our process is also to capture the

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community comment, I think we highlight the range of comment related to jurisdiction, the action we take that it is not within our mandate to resolve the jurisdiction issue. We perhaps refer where the jurisdiction issue is currently being addressed and then perhaps we take the two or three specific items related to jurisdiction like the linkage to the Tunis Agenda and other things and just refer them as the thematic questions that were raised to us on this issue.

I don't think we resolve it, but I think we have to do more than just say it is not within our mandate for us to credibly deal with the comments that have come in. So I think that's one of the things.

I think our role in this community process is to help identify what the consensus was and where there were issues related to the consensus. And while this is not an issue perhaps related to the actual consensus of our proposal, it is an issue that's relevant to the consensus. It is an issue that's being worked in other places. And I think we can reflect that in the narrative related to our comments.

MARTIN BOYLE:

Thanks very much, Joe.

Last word to you, Manal.

MANAL ISMAIL:

Thanks, Martin. Just very quickly, I agree with the previous comments and, of course, we need to take the Brazilian reference document into account. And just to remind ourselves that we have already encouraged people to comment on the overall accountability and workability and

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compatibility thing. And we encouraged them to refrain from getting into substance of the individual proposals. Though, this may also -- we should not take this as lack of interest in the topic, but maybe people saw that this is a point that should be discussed at the relevant operational communities. But I agree with previous comments, too. Thank you.

MARTIN BOYLE:

Thank you, Manal. I'll try and summarize that and in particular what I think was a growing consensus on our way forward. And I will start off by making a reference that I hadn't seen before the break that came from Keith Drazek where he said, It is appropriate to note the CCWG accountability group has identified ICANN's jurisdiction as a topic for further work in work stream 2 post-transition. I believe CCWG accountability recognized the change of ICANN's jurisdiction before or during the IANA transition would introduce unpredictability and complexity at a time when NTIA is seeking predictability and stability.

So very much in line with that. And I think also in the very useful comments that have come from colleagues around the table, I would suggest that, firstly, we do make an amendment to the slide that is up on the screen at the moment that makes a specific reference to the Brazilian input.

That we then in the Section 0 of the report, we will need to add some text but that text is as Joe just suggested highlighting the range of comments and the importance of those comments. Make a reference to the CCWG draft and the expectation that CCWG will be doing rather more detailed work on jurisdiction in its work stream 2 post-transition.

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Note that we've no direct linkage or particular communications with CCWG but that we have an expectation that that recommendation will stay in place. And then I think that is probably all we need to do within our document in that we have now recognized where further work is going to be done and that that work is appropriate to be done there.

I don't think it is necessary for us to try and do detailed analyses of jurisdictional issues in our report. And I certainly didn't get any feeling that anybody felt greatly inclined to do that level of work. It is work that is best done by people who are resourced with legal advice and who are looking at it -- at the issue of jurisdiction in a very, very much wider framework.

So that's what I would suggest as being the way forward. I'm looking around to see whether anybody's waving the flag. I see none. But I do Michael Niebel's got his hand up in Adobe. Was that a new hand, Michael? Okay. In that case, seeing no objections, I turn it back to the chairs, thank you.

ALISSA COOPER:

Thank you, Martin. One follow-up question is would you be willing to hold the pen on the text that needs to be drafted?

MARTIN BOYLE:

Was that me being given an option?

ALISSA COOPER:

Voluntold.

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[Laughter]

Just the initial drafting. Obviously everyone will be involved in reviewing and editing and so forth.

MARTIN BOYLE:

I'm assuming it will be a cooperative drafting, so I'm quite prepared to put the straw man forward.

ALISSA COOPER:

Thank you, Martin.

Kavouss, go ahead.

KAVOUSS ARASTEH:

Yes, we agreed we give this task to Martin and the start of something to do and then -- for a short time, short period of time. And once this is completed, we will give it to you. And it is not necessary within the time that we have we come back again and start to play with the words. It is not necessary. I think the model, the idea has been captured. And then you put that, exchange emails if any comments, put it in that, and then you include it in the input but not really discussed. Thank you.

ALISSA COOPER:

Yes. Thank you. Can we also just add as an addendum to that task, there has been a little bit of commentary, I think, in the chat about just making sure that the list of comments that address this topic is complete. And so you might just want to run back through the matrix that you love and make sure that's the case. Thanks.

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MARTIN BOYLE: I will look forward to that.

ALISSA COOPER: I think we are ready to turn it over to Lynn and begin the discussion with PTI and related issues.

LYNN ST. AMOUR: Thank you, Alissa. Jennifer, could you go to the first slide of issues. There are six slides in this pack, and should thank Alissa for pulling them together out of the large spreadsheet.

I would actually just like to go through them at a high level first and then ask everybody whether or not they saw any other issues that haven't been captured in this set here and, obviously, if you think any of these are not stated adequately enough. And then we can come back and start to process the actions required.

So there were a couple of fundamental issues which basically address the PTI as whether or not it offered -- basically, said it did not offer meaningful separation or oversight from ICANN. And there were some sort of specific comments that said we're taking away the NTIA oversight role at the contract issuing level and now putting that with ICANN.

There was an internal solution preferred. I'm sure some of these are not a surprise given the conversations that went on in CCWG. And

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another comment, the multi stakeholder organization should perform the IANA functions. And that last comment actually came from -- it was Data Security Council of India. And that was in reference, as I said, to the contracting oversight role that the U.S. government used to have.

So let me just keep going through the slides.

There were many, many comments -- and they're not all captured up there, as Alissa said earlier -- looking for either details or more clarity about the relationship, specifically numbers and protocol parameters, both as they were going to interface with PTI and/or what the state of the contracting relationship was. Some of them didn't understand that those two communities were actually proposing that it be with ICANN and that ICANN would then subcontract to the PTI. There were quite a number of requests looking for specificity, wanting more specificity and more details in the individual OC proposals. And also quite a number of comments looking for something that showed that was harmonized across both PTI and the relationships with ICANN as well.

A couple of comments looking for more physical separation in terms of offices and infrastructure.

Reading through. You can see a lot of them really were for clarification. And I think we have a lot more clarity now from those two communities in particular since the proposal was put in. So I think a lot of these are pretty straightforward answers. But we need to determine which is within the ICG remit to respond to and what, if any, might need to go back again to the OCs. So, again, we'll just come back to that in a moment.

Next slide.

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A number of questions on the mission for PTI or the remit of PTI as well as how the PTI board would be established. Most of them -- and I can't say of all the proposals I reviewed and read that I saw anybody suggesting there should be a broad mission for PTI. Most of them were actually saying that it should be very much limited and very restricted to the IANA functions. Many of the comments around the PTI board composition had to do with not setting up a secondary oversight body. So most of them actually called for much tighter linkage to the ICANN board, that the PTI board composition would be tied much more tightly to the ICANN board so that it was clear where the accountability lies and did not confuse governance structures or governance roles.

And I think -- I'm just scanning them all quickly up there again. I think that covers that well enough at a high level.

The next slide.

There's a couple of slides here on the separation process. And this was probably the one that had the most variation in terms of comments. Certainly a lot of questions about what the processes were with respect to escalation, what standards there should be before separation might be triggered. There was a number of questions -- I think they're on the next slide, in fact, though. If you can go to the next slide -- about whether or not the potential to have three separate IANA functions operators destabilize the Internet, whether or not there was a security and stability risk. So there were some comments looking for some additional work to be done to assess that. And there were also a couple of comments that actually suggested that that possibility that there might be two or three separate IANA functions operators should be put out for community consensus.

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And I think that's probably one of the more important ones to address there.

Again, just scanning the slide to see if there's anything else to call out.

One view that the IANA functions should not be allowed to separate from each other and another one that said, in fact, there should be three separate entities to ease any ultimate movement.

And then a comment that the bodies -- and this comment goes onto the next page -- bodies established in the names proposal -- oh, you just combined slides, okay, good -- represent the GNSO community at the stakeholder level.

I'm trying to actually recall what the background was to that. It's not coming to my mind immediately.

ALISSA COOPER:

That's the issue where the additional sub- -- what are they called, Milton? The constituencies of the GNSO don't get represented because there's basically one slot and there's multiple constituencies.

LYNN ST. AMOUR:

And one comment that I just actually recalled on the relationship to PTI. There were a number of questions on the number and protocols, what did they intend to do vis-a-vis the CSC and the IFR. And I didn't mention that earlier but that was clearly in some of the comments.

The next page, Jennifer?

Oh, no. Okay. That's Milton's, luckily. So that was the last page, then.

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So appreciate that it's hard, because there's a lot of issues and they're spread over multiple slides, but let me just ask now -- and I'll do the same thing Martin did, which is try and manage the queue in Adobe, since I also can't see a large portion of the room here -- whether or not they think there are any areas that are not captured well enough there, or, again, if there are any errors that are not adequately captured.

So we have Kavouss and then Joseph and Michael.

KAVOUSS ARASTEH:

Yes. Thank you very much for the work. It's very helpful to enable us to understand in the short time, particularly for those that did not have sufficient time to go through the proposal.

The first thing we have to do is which of these comments we have to reply, which of these comments we have to send to the operational communities, and what are the explanations that might be necessary in general.

I think in that regard, we had a document, we had an output from the ICG. We have agreed what to do with the comments and we have to take that. We should not re discuss that.

Something that came into some of the Webinars and I raise it to the chair of the ICG is that there's still the people that have doubt that why this solution of the PTI come up, and people perhaps need to be reminded that under the CWG, at the first proposal there were seven solutions, that was reduced to two, and finally reduced to one, and we have to give some small explanation, if any, if we want to do something, that this is something that we have studied and after the consultation with the lawyers, CWG opt for this one.

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Then the second issue which I think that people are talking about, three separate, these three separate should be consistent with the views expressed by the operational community. Two operational communities mentioned that they're happy with the existing situation, they don't want any changes, they want to continue the contract with ICANN and then ICANN make a separate arrangement with PTI. So we should be consistent with what -- so I don't think that it is necessary to say that we further studied three separate issues, because the operational communities have already replied to that.

So I come to the first question: Which one we have to comment and how to comment, but explanation about the PTI, why this option is opted, having the legal and operational separation which is currently PTI is maintained.

And then with respect to the board of the -- of the PTI, I think it was clearly mentioned. We don't want to override what was discussed at CWG. It was discussed at length how that board should be. We don't want to put it under the full supervision of the ICANN. We want to maintain what was currently discussed as a result of consensus which went two times to the public comments and the last public comments was no difficulty in that area.

But now putting that, we receive no comment on that, as an ICG to receive new comment that means we have started a new round of discussion which is not helpful. I think we have to stick to what was discussed in the CWG and the second proposal was agreed. It was agreed by the chartering organizations and that combination of the board of the PTI was already agreed as it is in the CWG proposals and -- which is included in ours and we don't need to change it. Thank you.

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LYNN ST. AMOUR: Thank you, Kavouss.

Joe?

JOSEPH ALHADEFF: Thank you. Joseph Alhadeff, for the record.

I just wanted to point out a couple of topics that were raised in the comments I read, but perhaps not reflected, mostly because -- well, one of the comments was reflected in the previous conversation but there were I think at least two commentators who suggested that the location of PTI incorporation was as critical as the location of the ICANN incorporation.

So I think we've answered that in the previous question, but just to highlight the fact that the incorporation of PTI was also called into question.

There were a couple of comments that -- and Kavouss has addressed this -- that favored one of the seven options that wasn't decided, which -- but I think in our answers, we should refer this to the fact that this was a decision already taken in the OC processes before it came to us and was reflected in the consensus of the OC processes. So I think we -- but I do think we kind of need to answer that in that category, that it's kind of a question that was already dealt with at the process level.

And then the third thing which was not a specific request but which came at a couple of different occasions, was the -- the concern that the process as it resulted, with the instruments that resulted, was insufficiently inclusive and there was not necessarily a suggestion of

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how to resolve that but it was an issue that was raised including related to the inclusiveness of multi stakeholderism in the process.

As I said, I think it's something to be noted because I don't know what the resolution to that would have been, except for a pure membership process, but that was an issue that was raised in a couple of the comments.

The last thing I wanted to say, which you -- which has been captured in this, but which is something that talked across a different -- a number of fields, so, you know, unfortunately our matrix cannot be easily posited into verticals because it's both vertical and horizontal, and probably three-dimensional. I mean, I think we developed the Heisenberg uncertainty principle somewhere in this matrix.

But the -- the issue of separation and fears and concerns about the complexity related to separation based on the different relationships and the way the different relationships are managed played large across a number of comments, and I think one of the things that contributed to that was folks saw three proposals and they saw these issues dealt with individually by each community in their proposal but didn't see anything in which the communities joined together to deal with this issue horizontally. And I think some of the concerns was that we see individual treatment of the problem and not a collective treatment that says, "Yes, all the communities understand there's going to be a potential for transition, all of the communities respect the idea that there is the need for separation to be there, but all of the communities will work together to make sure that they are preserving the stability, security, et cetera."

You know, I'm not suggesting that that was something that was ever requested of the communities, but I'm getting a feeling that some of the

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comments we received are highlighting the concern that the silos are working as silos, as opposed to some kind of a coordinated approach, and so perhaps some level of common statement at some point might be useful to address those concerns, that there is -- that all of us know that the communities work well informally together, but perhaps it's not as clear to other people who just see three individual proposals coming in and don't see that horizontal aspect across the proposals.

LYNN ST. AMOUR:

Thank you, Joe. And I think that was well said. There were a lot of words like "harmonized" and just a lot of -- a lot of indications that people understood the proposals fairly well but were actually looking for clarification, which would suggest some uncertainty or a desire for some added level of comfort.

We have Michael in the queue and then Daniel.

MICHAEL NIEBEL:

Thank you, Lynn. I just want to build on what has been said before. Keeping in mind that we don't want to do a meta consultation and roll back through the back door of community agreements -- and Kavouss mentioned one example -- we should focus on the stuff that deals with the interaction of the three communities, the questions regarding their contractual relationships, the -- what happens if there's separation of one. These are -- these are things that have to do with the unified proposal.

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But at the same time, life is never that easy and binary. There are questions and concerns that were -- had to do with the separation also in the CWG process, where there were concerns for the stability and the non-clarity.

That, again, formerly has been discussed. At the same time, there have been strong concerns, as Joe has expressed, so things are not always that clear-cut. Thank you.

LYNN ST. AMOUR:

Thank you. Daniel?

DANIEL KARRENBORG:

Thank you. This is Daniel Karrenberg again.

When I read all this, I thought that for us as the ICG, as the integrator of the three proposals that came in at very much different points in time, the most important issue is the one that Joe has explained so well.

I think we should, as the ICG, take this as the first and foremost, work item.

And I think de facto, the coordination and cooperation, even the formal relationships that are envisaged at this point by the operational communities, at least to my knowledge, are pretty well coordinated and the risks are manageable, and I think it's our task as the ICG to either explain that on our own account, because of the knowledge that we have, and our role in the process, or if we -- if we think that's

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insufficient, make concrete questions to the operational communities to express some of this more clearly.

When I -- in the whole scheme of things, I think these concerns were the ones that spoke, at least to me personally, most as actionable to the ICG, because they really deal with the essence of combining three independent proposals, and that's our task, so it's clearly in our bailiwick. Thank you.

LYNN ST. AMOUR:

Thank you, Daniel.

In the queue, I have Milton, Alissa, and Russ Mundy.

MILTON MUELLER:

Yes. This is Milton Mueller, for the record.

I want to say that these concerns, I view them as kind of a -- people having trouble wrapping their minds around the fact that IANA has been embedded in ICANN as a single department for so long that they're simply having trouble understanding the nature of the contractual accountability model that is being proposed.

So just to provide you with a scenario, suppose the numbers decides they don't like ICANN providing the numbers IANA functions and they decide to find another one.

Then there is, indeed, probably people within the existing IANA who are straddling those two functions, but it is really the obligation and incentive of the numbers community to find a substitute provider that

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handles all of their concerns, and I don't think they would switch unless they were satisfied that that would happen.

The names and protocols communities might have some supply-side repercussions if such a separation were to take place.

And so there may be a role for some clarification of the process of separation, but I think what we want to avoid -- and some of the comments suggest this, some of them don't, but what we really want to avoid is any implication that one community has a right to veto another community's decision to separate out of the existing IANA functions operator.

I just think that's -- we have a very loud and clear signal from at least two of the three communities that they don't want that to happen. And I think that that creates all kinds of potential for gaming and political issues when we link those together where one community has to get the approval of another.

I think we just don't want that to happen.

So I think if we're going to do anything here, we might, at most, say, "Let's make it clearer, you know, how these communities notify the others that they're seceding from their particular IANA functions operator," but we don't want to make it sound as if this is, indeed, a collective decision rather than an individual operational community decision.

I have some other comments about PTI, but that was a long intervention and maybe we should stay focused on this issue for now.

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LYNN ST. AMOUR: Thank you, Milton. And do just jump back in the queue when you feel that this issue is -- has moved on.

And it's Alissa next, Russ Mundy, I saw Jari put his card up as well, then Michael and Joseph.

ALISSA COOPER: Thanks. This is Alissa.

So I will join the chorus of people who kind of supported the framing that Joe provided in terms of the --

I think the general takeaway from a lot of these comments is that the proposal is missing an explanation of how, in some respects, the three communities and the three proposals operate as a collective.

And so I wonder if one way forward for much of -- much, but not all, of the content of these comments is for us as the ICG to try to write down -- you know, look through this list of everything, all the questions that came up from people, and try to write down the explanation that we think is correct, in light of the three proposals, but that hasn't yet been articulated.

And I do think a lot of what we see in this section falls into that category.

You know, just to give an example, there were questions about whether the IETF and the RIRs are going to contract with ICANN or with PTI.

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We have an answer to that. We have even comments from those communities that came in specifically speaking to that. We can now make that very clear.

But there are some of these items where I do think we either need to send a question to a specific operational community and ask for clarification or we need to send them the comments say, "We received these comments. They were asking for actually modifications, I think, to that operational community's proposal, and so we need to bring those to the attention of the operational community."

I'm not talking about the things that people were referencing before where we all know that the CWG has debated the -- you know, the inherent benefits of PTI. We don't need to send those comments back. But there were some more specific ones that I think fall into this category of "it's worth bringing to the attention of the operational community."

So I think -- I think those are three separate tasks.

One is what -- the ICG trying to write down what we think the answers to all of these questions are, and seeing if there are gaps there; asking questions for clarification or asking for things from the operational communities where we expect a response; and then sending other comments to the operational communities as, "FYI, these are comments that we received."

And I would really like us to come away from this meeting knowing what we're going to do, in particular in that second category.

So if we have things that we think we need to ask to the operational communities, I think we should hone in on those.

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And just to give one example, we heard actually from the -- one or two of the communities themselves that they wanted to see it specified that the IFR applies only to names, and this is something where I think if we went back and looked at the CWG proposal and we think as the ICG it's not clear, we agree with these commenters, then I think it behooves us to go back to the CWG and say, "Hey, we got these comments from the IAB. They want to make sure the IFR only applies to names. Can you confirm that?"

So if people can think about the those sorts of things, what do we need to ask the operational communities, I think that would help, because those are the kinds of things that we as a group, you know, can benefit from the real-time interaction to hone in on. Thanks.

LYNN ST. AMOUR:

So if I can just insert a couple of process comments here before we rejoin the queue, this piece was actually supposed to address whether or not we thought all the issues were captured or adequately captured, and then I was going to go back and specifically ask which are the ones that are just an ICG action, we know enough and it's more a clarification or some edits or inclusion of text, and which ones had to go back to the OCs.

I think we're sort of halfway there already anyway.

So maybe as people make their remaining comments, it might be really -- and I think I agree with Alissa -- most important to highlight those things that you think we need to go back to an OC with.

So if we can just -- we'll get back in the queue now. We might even come back -- and again, I'm, I guess, looking for a little bit of direction in

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terms of how much you want to process in this meeting versus set -- send away to a sub-team, whether or not it makes sense to come back to these five or six slides and try and identify whether or not we think there's something there that should go back to an OC or leave that to the sub-team.

So maybe I'll just let you think about that for a moment, Alissa, unless you've thought about it already and have some direction.

Again, the question is just: How much do we want to go into detail here about sort of the dispensation of the individual points that have come out? Do we want to decide in this room which ones we think need to go back to the OC and maybe we still task that sub-team to go away and craft that request or push it earlier into the sub-team?

ALISSA COOPER:

So I'm willing to hear that people think this is a terrible idea. But if we have a couple of people who are specifically interested in this set of topics, we could ask them to try to come up with an initial proposal for tomorrow in terms of just which ones need to be dispensed with in which manner. And we have lots of time on the agenda tomorrow reserved for picking things back up from today. So I don't want that to kind of cut off the substantive conversation here. But that's just one way we can try to start down this path.

LYNN ST. AMOUR:

Maybe I will just look around the room for nods of heads yay or nay. Would people be supportive of continuing the discussion on the slides

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and the key points that have come up where we can? If it is pretty clear we need to go to an OC, we identify that but then establish a sub-team to go away and flesh all of this out a little bit more for tomorrow. I think that's the proposal that's on the table. People generally okay with that?

MILTON MUELLER: I don't think I understand the question.

LYNN ST. AMOUR: I'm trying to identify -- there's an awful lot of issues here -- whether or not we wanted to get into some level of depth on the issues that are here and try to decide what the dispensation ought to be. Or do we want to maybe just identify what questions need to be referred to an OC that are not the responsibility of the ICG to address and we ask the sub-team to go away and work that up for a more detailed discussion tomorrow.

PATRIK FALTSTROM: Lynn?

LYNN ST. AMOUR: Do you want to phrase it differently?

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PATRIK FALTSTROM: For nodding for support, you must ask a yes or no question. It is hard to nod for the first or second alternative.

LYNN ST. AMOUR: Okay.

PATRIK FALTSTROM: Let me phrase it differently. I think the discussion is going on pretty well here. But at some time I also support a sub-team and I'm happy to participate in that one to be able to move forward.

But I think we should continue. We have a speaker list. We have people that want to say things, to still give input to whatever is then done, for example, in the sub-team tonight. I'm happy to participate in that to start the things moving forward.

LYNN ST. AMOUR: Okay. Then I think we'll go back to the list which was Russ Mundy and then Jari, and then I have Michael, Joseph, Kavouss and Martin.

RUSS MUNDY: Thanks, Lynn. I will keep the intervention short. I think there's another general area in terms of the impact or the handling of the comments relating to this. And that is implementation itself. I think a number of these things could well be put into the category of implementation. But

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I don't know if we, the ICG, are really in the position to make that determination or not. And it's a space that, I think, is difficult for both ourselves and the OCs to handle because it is so unclear. But it really looked to me -- implementation detail showed up, and I haven't heard it mentioned very much earlier in this discussion.

LYNN ST. AMOUR:

Thank you, Russ.

Jari?

JARI ARKKO:

I do agree with the implementation issue. I think it might actually be our job to try and decide what's implementation and what's not. And, indeed, there's many comments overall, not just in this list here that are related to implementation. And we should clearly label them as such, and then appropriate parties will need to handle that later.

The comment that I actually put my flag up for was really about coordination aspects. I wanted to express my agreement with Joe and Milton and Daniel on that. I would argue that that's a task that's probably an ICG task of description rather than inventing something substantially new.

There's quite a lot of mechanisms already -- well, not necessarily formal mechanisms but there's a lot of practice and the organizations actually do talk to each other at basically all levels quite a lot on many topics, not just ones related to managing IANA but also the actual allocations.

Sometimes there's a request to allocate address space either from IETF

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or the RIR space. The IETF has run out, but the RIRs might have. We have been able to do that kind of thing in the past. Describing that I think would be helpful for the community.

LYNN ST. AMOUR:

Thank you, Jari.

Next? I thought Michael was in the queue. You took your hand down. Okay.

Joe?

JOSEPH ALHADEFF:

Thank you. Joseph Alhadeff for the record. I think when we look at the coordination question, there are a couple of aspects of the coordination question. There was a group of commentaries that didn't like the different relationships between the OCs and ICANN. And, you know, in many ways, I think that's a reality and perhaps an explanation of why those relationships don't need to be interdependent would be useful.

The separation -- I'm going to call it separation anxiety -- (laughter) -- which is listed I think is actually an operational question that they are coming to terms with and a point where they are looking for some kind of process specification in the transition proposal to say that there is a consultation process that's formalized. So this is one of the areas where I think the request that's coming in sometimes stated explicitly, sometimes not, is they want to point to something. Because I think one of the things that's happening with communities is they're now doing a matchup and they're taking a look and they're saying, Okay, what

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happens under NTIA? I have to go and ask permission of something to the adult in the room. What's the -- what's my counterpart in the new process that's being suggested?

And when they don't see a counterpart, they see a gap and a vacuum and they consider that to be an impairment of accountability.

And so I don't know that we need to create something new, but we certainly need to explain it better than it has been explained. And personally I think it would benefit from the communities jointly explaining it just because I think that would show the coordination that already exists across the communities.

And I don't think you need to commit to the specifics of a process because the dynamics of the separation may indicate that a different process is needed. But I think the concept is that that coordination occurs in advance of the separation where at least there was consultation among the parties to make sure there was minimum dislocation related to the change is what people are really looking for in the comments.

I think we at the same time should significantly highlight the importance of separation as an accountability mechanism because I think it is one of the most credible, if not the most credible, accountability mechanism that is in this process. So I don't think we should take anything away from that.

But I don't think the request to consult and coordinate in advance of your decision as long as you get to keep making your decision should be problematic to that decision. And I think that's where we have to look at those issues.

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The other thing I will say which was raised when Russ talked about implementation is one of the themes across the comments -- and I'm sorry I'm kind of throwing it into here because there's another section that deals with this. But one of the themes that was in a number of the comments I read was "implementation when." Just saying "implementation" doesn't actually answer the question because a number of the commentators wanted to know what needs to be implemented before transition, what merely needs to be agreed by the time of transition. And that, again, becomes one of our horizontal questions that goes across the matrix of issues.

LYNN ST. AMOUR:

Thank you, Joe. I saw a lot of heads nodding as well to your earlier point. So hopefully we can close on that portion of the discussion fairly soon and move on to some of the other topics.

In the queue at the moment I have Kavouss, Daniel, and Alissa.

KAVOUSS ARASTEH:

Thank you. I think with respect to how to proceed, I'm in favor of the proposals or suggestion, if I understood correctly from Alissa. First we need to send it to sub-team to prepare a list, questions or comments raised to be answered by ICG and those to be sent to the operational communities. We should be very careful those issues which we send to operational communities should be areas that we should not intervene because that is coming from them as specificity of the operations.

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However, at least it could be useful. And perhaps we should open that up to this evening at 6:00 or so on, people sending the comments to you. And the sub-meeting or subcommittee, whatever, sub-team, would have a short meeting maybe to go through that and then define the two categories. Those that should be replied by ICG and others that should be sent to operational communities.

What Joe mentioned goes to the substance and maybe the second steps. But first we have to get this, what we have to reply and what is to be sent to the operational communities according to our previous decisions. And we have to stick on that. Thank you.

LYNN ST. AMOUR:

Thank you.

Daniel?

DANIEL KARREBERG:

Thank you. Daniel Karrenberg. I'd like to -- having heard all this and coming back to your original question, Lynn, should we proceed like making categories of what can we draft and explain ourselves and what do we need to send to the operational communities, I'd like to sense the mood of the group here. I see, basically, two attitudes in the room. And maybe I'm mistaken, but it is my personal impression.

One is let's be very formal and say, Okay, here's some stuff we want to say ourselves and here's some separate stuff that we just want to put off to the operational communities because it's not in our remit.

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And the other is let's try -- let's take a more active role, see our mandate a little bit more active in actually describing the combined proposal and adding more explanations to the combined proposal and making some suggestions -- concrete suggestions to the operational communities in a proactive way, basically, saying this is how we see it and ask for confirmation of that.

Both have their pro and cons. But I'm coming down a bit more to the proactive side because I think it's our responsibility to be proactive because we're not just a group of 24 people who just cut and paste some stuff to be charging.

So I think we have probably the best overview of the whole space of any formal group. And I think we should take that responsibility and with all your caution language but still come down on the side of making suggestions and asking for confirmation rather than asking open questions. And I'm trying to gauge sort of the sense of the room on this. And maybe that's also too early. But maybe that could be something of our conversation and some more formal conversation tomorrow. But I think that's a fundamental question. Thank you.

LYNN ST. AMOUR:

I actually do agree it's a fundamental question. I actually think it would be helpful to have a reading on that before we close this session, maybe not just now.

There's one or two more people in the queue on this. I think it's Alissa and Manal. And then if we've covered the separation processes and the detailed relationship, I think pretty much in our last few comments here, we haven't touched upon the remit of PTI and the PTI board. So if

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we can just get people to think about that a little bit more and look for any general comments and then unless anything else comes up, I would actually suggest we move to Daniel's formulation.

So, Alissa?

ALISSA COOPER:

I was actually going to respond a little bit to Daniel because I was sort of thinking along the same lines. I think -- I think we need to do a little bit of both is my answer.

[Laughter]

I think we mostly need to do the latter. I don't think there are that many open questions that arise from the comments. But I do think there are a couple. So all I'm saying is I don't think we should completely put off one option or the other. So there's another choice for you. But I think most of this will come out.

And, again, I think Joe described it very well. Most of the clarity is -- just needs to be stated and was left unstated but not all. So that's my opinion about that.

LYNN ST. AMOUR:

Agree. Thank you, Alissa.

Manal?

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MANAL ISMAIL:

Thank you, Lynn. Just generally I feel we need to identify the themes because we agreed we are going to handle the comments by themes and then identify the action based on the nature of each theme, so if there is no action we said, if the proposal, for example, is against the transition in principle or the NTIA criteria. And it's forwarding to the operational communities probably without an ICG comment if the proposal -- the comment is discussing something that has to do with a specific operational community and internal decision.

But with an ICG comment and to all the three operational communities if it is a cross-cutting issue that is within the mandate of the ICG as a coordinating body and, again, it's cross-cutting to the three operational communities so it has to be sent to the three operational communities.

And, finally, reflected in this 0 part of our summary, again, if it is something we can handle individually, that has to do with overall accountability and workability and interoperability, it doesn't have to go back to the operational communities. Thank you.

LYNN ST. AMOUR:

Can you ask you to elaborate a little bit on theme to get some idea of what sort of detail or depth? I mean, is separation a theme? Or are there themes within separation? So just to better understand your definition of themes and how far you think we'd break it out.

MANAL ISMAIL:

I think to the extent they could be handled collectively, we can send them. But, again, I mean, jurisdiction is a theme. PTI could have been a

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theme, but it seems to have many other subthemes. So if they are going to be handled differently, then it would be wise to have them separated. But, again, I think this may be easier when we go through the list and then identify the actions. We can then group them or categorize them by action. Thank you.

LYNN ST. AMOUR: Thank you, Manal.

Michael?

MICHAEL NIEBEL: Just on the last point, all of this would probably then have to be framed within the answers to the questions. That would be the overarching and then the focus within these fields.

LYNN ST. AMOUR: That's a good point. I went, "Oh, the questions! That's right. There are 12 questions."

Can we move just for a moment to the remit of PTI, the mission of PTI, and the composition of the PTI board? There were quite a number of comments on that.

And any kind of reflections in the room here?

The slide's back up in front.

As I said, particularly with the remit, I don't -- of all the comments that I reviewed and read, I don't think there was one asking for a broader

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mission for PTI. They were all pretty specific about restricting and limiting, so I think that's pretty straightforward.

There was a much greater variety of suggestions with relationship to the PTI board and how the PTI board should be selected and possible role of NomCom and that sort of thing, but again, just because we haven't touched on it here, I just wanted to make sure that we hadn't just kind of slipped by it.

Kavouss?

KAVOUSS ARASTEH:

Yes. Perhaps Martin would be also a good commenter on that.

This issue was discussed deliberately and extensively at the CWG. I think we should refrain to make any comments unless just we send it to them if they have further comments to make. Because that was a very, very delicate issue and it is within the legal aspects of establishment of the PTI legally and functionally separated from ICANN but be associated with them as an affiliate.

So we should refrain as the ICG to get into the detail of that. It's very, I would say, critical. So the only thing you can send it to them if they have any comment, confirming or otherwise. Thank you.

LYNN ST. AMOUR:

Thank you, Kavouss. And we also have Joseph and Milton in the queue.

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JOSEPH ALHADEFF:

Thank you. Joseph Alhadeff.

Yeah, I would agree with Kavouss. I would say the only one that might be different is Question Number 3, because for Question Number 3 it's a question of could it be better described, and that is within our remit to determine whether there's enough detail in the description.

So I think we can take 3 on, but everything else is a substantive question that is up to the community to come to a -- to come to a decision on and to refer back to us.

We can take a look, maybe we didn't do as good a job as possible or maybe we could suggest to the community that a better description of the process is viable, but I think that's the one that's within our remit, of all of them.

LYNN ST. AMOUR:

Thank you, Joe.

Milton.

MILTON MUELLER:

Yes. The -- just wanted to make the point even in more detail that Kavouss made, which is that in particular, the composition of the PTI board was discussed at great length, and for example, the suggestion in Comment Number 2.1 that it be comprised entirely of ICANN board members or a subset of ICANN board members, that was, indeed, considered and rejected.

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The idea of having two independent board members on there was hard-fought by particular groups and was arrived at as a compromise.

As you know, there's already enough comments that PTI is not independent of ICANN enough, and so we -- we reached this compromise, which may make no sense but it is what we arrived at as a consensus position, as this middle ground, so I would strongly urge us not to tamper with that.

And the same thing with geographic balance. You know, we said, "Oh, we're going to have a board." Now, there are people saying, "It must be geographically balanced, it must be multi stakeholder." And it's like, "No. This is a board focused on the performance of these very specialized and narrow technical functions. It's not meant to reproduce the policy community around ICANN itself. Please don't turn this, you know, staff of 9 or 10 people into a board that has 15 people."

So I think we have very clear answers to those suggestions.

And there was one other point.

Oh, yes. The remit of PTI. I'm not -- I don't remember discussing that at length because I think everybody assumed that of course PTI does nothing but the IANA functions and that's what its contract tells it to do.

So I'm not sure where these concerns about its remit are coming from. It's going to have a budget that's controlled by ICANN via contract. How is it going to start, I don't know, developing a franchise restaurant business or what? I mean...

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LYNN ST. AMOUR: Thank you, Milton. So I have no other -- oh, sorry. I have Michael and Milton -- and Martian.

Are you taking your hand down, Michael?

MILTON MUELLER: Is "Martian" a mix of Milton and Martin?

LYNN ST. AMOUR: Probably.

[Laughter]

LYNN ST. AMOUR: But I guess Michael's hand is down, so Martin?

MARTIN BOYLE: Thanks very much. Martin Boyle here.

Yeah. If I can just pick up on a point, quite appropriately, that Milton made about discussion of PTI in the CWG.

There was actually, I think, a reasonable amount of discussion about how -- how extensive its role should be, and very clearly the message came out: Quite limited.

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But in fact, there was one very specific point that was made and it was made over and over again, and that was that the IANA does not have a policymaking role and that is clearly separated from the IANA role.

It implements the policy. It follows the policy when it makes its decisions. But if there is a gap in the policy framework, it doesn't -- it isn't allowed just to invent it, or if some of the policy looks inconvenient, it cannot then just say, "Well, it's inconvenient" or "It doesn't work here and we're going to make the change," but has to refer back. And I think that is a very important limitation on the role of the PTI. Thanks.

LYNN ST. AMOUR:

Jari is in the queue.

Thank you, Martin.

JARI ARKKO:

Jari Arkko. I just want to make a general observation because it kind of cuts across many of the comments that we'll be handling, is that we have to be very careful about like the existing discussions or previous discussions and existing consensus and then new comments coming in on that topic.

So if a hundred people have discussed something and then one comment comes later that disagrees with what those hundred people discussed, obviously that doesn't mean that it overrides the previous thing.

We have to sort of understand the situation.

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If, you know, all of our feedback points to that we've made a mistake somewhere, then, you know, maybe our consensus was wrong and we have to reconsider it.

That's one possibility.

Another possibility is that this is a, you know, somewhat contentious topic that has been adequately addressed by the community and, you know, the fact that we have a comment doesn't mean that we have to change the proposal. Or it could be a case of someone commenting on something that we have completely missed and then we, of course, have to deal with that, even though there might have been consensus about something.

So let's just be careful there.

LYNN ST. AMOUR:

Thank you, Jari.

Alan?

ALAN BARRETT:

Thanks. This is Alan Barrett.

I think it's pretty clear that the intent is that PTI should have this narrow scope, but I interpreted some of the comments as saying that that restriction should be spelled out in the bylaws or something, the documents that are used to create the PTI. But I don't think it was that people thought that the proposal gave PTI too broad a scope. I think it

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was, rather, that people thought that the narrow scope should be enforceable.

LYNN ST. AMOUR:

I have to say, I think I saw the former as well as the latter in the comments I read.

Kavouss and Joseph.

KAVOUSS ARASTEH:

Yes. I fully agree with Jari, that the issue was discussed very extensively at the CWG and this is something coming out of the consensus.

While I respect all comments, whether from one or two, but we should look at the hundreds of people, tens of the meetings and calls and so on and so forth that discuss this issue. There are review committees that review the matter. There are two years review. There are five years review. There are separation. There are many, many mechanisms mentioned and so on and so forth. I think ICG should not comment on this. If there is any doubt, send it to the operational community to comment on that. It is a very, very delicate issue and we should not override all those discussions and all those consensus by one comment, how much respectively it is -- no matter how much respectively it is. We should not override comments of hundreds of people.

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LYNN ST. AMOUR: So thank you, Kavouss. I have Joseph and Elise in the queue, and then I think I'd like to see if we can close this down and agree next steps, which I think would be putting the combination of Daniel and Alissa's proposal on the table and seeing if there's support for that.

But Joe?

JOSEPH ALHADEFF: Thank you. Joseph Alhadeff.

Yeah, I just wanted to -- I think Alan is right, and I think a lot of the comments I saw that related to this also related to they don't see the document and they don't think the document is sufficiently spelled out in what its limits can be.

And that goes back to the question of what needs to be done before or after implementation. And I think some of that is something we take note of and we pass along, but I do think that's going to become an issue that is part of our remit but that we don't have a lot of guidance related to, and some of it is something that is not within our discretion to decide. But I think it is a horizontal topic, I think it is an important horizontal topic across any number of comments, whether it's, you know, "I didn't see all the terms of an SLA," "I didn't see this," "I didn't see that." It comes up frequently across the comments and, you know, the theory is they're looking for everything to be spelled out before they make a decision, some of which is not reasonable, some of which is understandable, and I'm not sure how we deal with it, but this is a substantial horizontal topic that cuts across a number of the questions.

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LYNN ST. AMOUR: I agree. Good point.

Elise?

ELISE GERICH: I'd like to ask a question about the scope, and it's primarily to say I don't think it's a question that goes back to the CWG operational communities but I think it goes back to the protocol parameters and the numbers communities, because the CWG's the one that proposed PTI and so they've very clearly defined the scope from the perspective of the naming community.

And what I've also heard in the room is that the numbers and the protocol parameters -- at least some people have said -- the assumption is that the PTI will also be performing their functions.

And so the scope of engagement by the IANA staff with the protocol parameters and with the numbers community is different than the scope that's been defined by the CWG.

The CWG, as Martin just said, is -- there's a very, very clear line between policy and operations. I think everyone else -- all three communities say that, but there are different degrees as to how that conversation between the operations and the policy people takes place.

So I think within the IETF, particularly, the protocol parameters today -- that doesn't mean that has to be post-transition -- there's much more engagement in the IANA considerations part of the RFCs that are coming through and how we can implement them before they get finalized.

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That seems to be more engagement than the scope that the CWG has envisioned for the PTI.

So as the IANA function operator today, it seems to me that is an area where I think the two other communities should say whether or not the scope that's being defined for the naming community with the PTI meets their expectations, if their expectation is that the PTI is going to be doing their functions also.

I don't know if that was a convoluted comment. I hope not. I'll try and clarify if you didn't get my gist. Thank you.

LYNN ST. AMOUR:

I see Kavouss is in the queue and I'll just ask the other two communities if they want to come back to Elise on that point as well.

But Kavouss?

KAVOUSS ARASTEH:

I don't understand the question Elise raised. Are we sending the CWG proposal to the operational community, whether they are happy or not happy with that? What is the --

ELISE GERICH:

No. May I try to clarify, Kavouss?

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KAVOUSS ARASTEH: Okay. Please let me finish.

ELISE GERICH: Okay. I'm sorry. I thought you did.

KAVOUSS ARASTEH: Okay. You want to speak? After you.

ELISE GERICH: My question was: The CWG has very clearly defined the scope of the PTI. I think that's not in question. My question was: If there's the assumption, which I've heard in this room this morning, that the other two operating communities will also be using the PTI to deliver their functions, at least at this point in time, do they agree with the scope that the naming community has defined for PTI?

Because they may have different impressions about the engagement with the operator than the naming community does.

Does that help clarify my question?

Can -- does anyone understand my question and can they help me? No.

LYNN ST. AMOUR: I think Jari is looking like he --

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ELISE GERICH: Okay. Jari, you want to give it a try?

JARI ARKKO: Yeah. No, I was actually also going to say that I don't fully understand the issue.

So from my perspective, the situation is that we have -- like from the IETF, as an example, we have, you know, an agreement, as you know, and processes that specify how does -- the interaction between the policy body and the IANA operator happens, and we expect that to go on in the future as well, and we've said fairly clearly that sort of we'd like to see from our perspective, at least for now, that we continue to contract with ICANN, and then the PTI is kind of an implementation detail from, you know, the ICANN side that we don't necessarily need to see.

And that kind of leaves me in a place where I wonder what is it that we would need, in your mind, further than that?

Or -- well...

ELISE GERICH: Demi is going to make an intervention.

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DEMI GETSCHKO: Well, just to add, I suppose the issue is in some way commenting in the John Clancy's contribution to ICG, if you want to refer to that, because in the historical times, there is a very strong relation between the IETF and the RFC community with IANA to decide how to put really on the database the conclusions of parameters and ports and so on, just to try to explain that.

LYNN ST. AMOUR: I think Alissa is in, and then if this doesn't clarify itself very quickly, I think we'll just take that off line.

Alissa?

ALISSA COOPER: Yeah. All I was going to say is that it's not just the case that in this room you hear that people say, "Oh, all of the functions are going to be provided by the PTL." That's what the proposal says. That's -- I think is clear in the proposal, finally.

Part 0 says it. Right? Part 0 says it. I will -- I believe it does. No?

That's an oversight on our part. I really thought that was in there.

Okay. Well, does anyone think it shouldn't be in there? I thought -- I thought we had really crossed this bridge a long time ago. In terms of like the staff, who is providing the functions? Or maybe this is in the slide deck. That's where it is. Yeah. Okay. That's fine.

Oh, okay. So it's in the diagram.

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LYNN ST. AMOUR: Okay. So we'll leave that as --

ALISSA COOPER: It's visually represented. Yeah, can we take an action item that that needs to be fixed? Thanks.

LYNN ST. AMOUR: Yeah. That's a point that we'll come back and clarify and move forward. And I have --

ALISSA COOPER: Thank you, Elise.

LYNN ST. AMOUR: Some hands have their hands up and some people have flags up and so I saw Keith's flag go up, and Milton and Kavouss have been in the queue, and then Alan.

And Keith is withdrawing.

So we have Milton, Kavouss, and Alan.

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MILTON MUELLER:

Okay. Well, yeah. I was -- picking up on what Alissa said, I had thought it was clear, but apparently it was not clear that PTI was supposed to provide all of these functions.

And in that regard, if you could go back to the (b) part of this slide, there is all these questions about the relationships, and in particular some -- many commenters, a surprisingly large number, found that they were confused about the fact that numbers and protocols were contracting with ICANN and names was contracting directly with PTI.

Now, I must say I understand why the I -- the protocols community wants to contract with ICANN. That's very clear. They already have a contract. They don't want to reopen it. They're satisfied with things like they are. They're a little bit paranoid about changing anything.

So fine.

But what is the excuse of numbers? I really want to know what is going on.

[Laughter]

MILTON MUELLER:

Because numbers does not have an existing contract and they could just very well say, "We're going to assign this contract to PTI," and I think it would be clearer and better for the community if they did that.

Now, the only explanation I've heard from numbers people is that they consider PTI to be a -- sort of an unknown quantity, but I think that's a pretty weak excuse in the sense that it is going to be the existing IANA department, it will be accountable via ICANN, so I'm just wondering if numbers could be prevailed upon to take the PTI model seriously

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enough to actually contract with PTI for the performance of their functions.

LYNN ST. AMOUR:

So I had Kavouss in the queue and I can either go to Alan and the numbers for a direct response or give him a bit more time to reflect and go to Kavouss.

So we'll maintain the queue. Kavouss, then Alan.

KAVOUSS ARASTEH:

Thank you. I think we are mixing up the situation and redoing the thing.

Paragraph 105 of the CWG is quite clear by mentioning that if other operational communities' contract directly with PTI, then those communities will need to determine the terms and so on and so forth. If not -- it's clear mentioned.

I don't think that we need to talk with the two other communities once again whether they are happy with the arrangement of PTI, CWG, or not.

We had this proposal. If they wanted to comment, they had the opportunity to comment. And nothing can prevent them to say at this meeting they have representative. But we don't want to send anything to them. The only thing we can send to the CWG whether the comments raised under the combination or composition of the board, whether they confirm that or not, if we decide to do that.

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Otherwise, two other communities, I don't think we should ask questions. Thank you.

LYNN ST. AMOUR: Thank you. Alan?

ALAN BARRETT: Alan Barrett.

Okay. Several things. The numbers proposal talks about a contract with ICANN, and we expected that ICANN would subcontract this to PTI. I mean, at the time the proposal was written, the idea of PTI didn't exist yet. But subsequent to that, we have come to the expectation that ICANN will subcontract it to PTI.

We've not gone into details of how PTI should be created. I think the numbers community felt that was out of scope. So somebody's going to be creating PTI, and I guess they should write down the scope of PTI in a way that covers what's in the CWG proposal plus whatever is necessary to allow PTI to act as a subcontractor for the numbers and the protocol parameters part.

Then as to why the numbers proposal was written like that, I think it's mostly that we already had a relationship with ICANN as the IANA functions operator for numbers. We wanted to keep that minimal change. Also, the idea of PTI didn't yet exist back in December when we were writing the proposal.

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Subsequent to that, of course, it's come out that PTI will exist and the numbers community is fine with PTI doing that job as a subcontractor. If people want the numbers community to contract directly with PTI, I think it's something that we could consider. It's not something that I could commit to here. We'd have to take that back to the CRISP team and to our community.

But I think it's quite likely that if the question were to come up, there would be no strong objections. So we're open to the idea of contracting directly with PTI if people want that, provided our community's in agreement. Thanks.

LYNN ST. AMOUR:

So I have Alissa in the queue and then Joe.

ALISSA COOPER:

Okay. So first point is that I don't think this is really the appropriate venue to debate what is the clear consensus proposal from the numbers community about how this will be done. We also additionally got a comment from the CRISP team reaffirming that the numbers community intends to contract with ICANN. So I don't think we should spend more time on that.

But I do -- I am cognizant of the time itself and looking at the clock and I want us to get onto the root zone management and administration. So I think we should attempt to do that and in particular find out how the sub-team is and define exactly what their task is before tomorrow. Thanks.

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LYNN ST. AMOUR: We're just a few more people in the queue. We will go through them quickly, and then I think we will call whether or not we're supportive -- I guess it is Alissa's amendment to Daniel's proposal and then the sub-team. I think it is good to get a sense of the room to see which way they want to go. In the meantime, I have Joe, Kavouss, and Michael. And then I would like to close the queue.

JOSEPH ALHADEFF: If Kavouss and Michael are going to comment on the last exchange, I will go to the end of the queue because I'm taking it to a different topic.

LYNN ST. AMOUR: Kavouss, Michael, are you on this last point?

KAVOUSS ARASTEH: Yes, I want to highly and strongly recommend that ICG would not ask numbering community to have direct contract with NTIA. It is also our mandate. If they want, they can do it without any instruction from ICG. This is not -- I'm sorry. I apologize. This is not our business. Thank you.

LYNN ST. AMOUR: Thank you.

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MICHAEL NIEBEL: The discussion at this point needs clarification to the whole world, not only just to this room.

Secondly, I note with interest that many people are focusing on PTI in the detail and that Jari says, "Oh, this is an implementation detail for us." So there are different perspectives. Thank you.

LYNN ST. AMOUR: Thank you. Joseph?

JOSEPH ALHADEFF: Thank you. The one thing I wanted to note is a couple of places in the slide deck and in a number of places reading the comments, there are either requests for more detail related to something or clarification. And I think we should be capturing those because we probably deal with those differently than the substantive questions. Because in that case, we need to read our own work to see -- we have a little bit of a problem that we are reviewing our own work and we are using our level of understanding of that work to see if it's understandable to others. We might have had a focus group of four people who have never heard of ICANN or IANA read the document to see if they can understand anything we're talking about.

[Laughter]

I shudder to think.

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I think we should capture those comments in kind of a separate file that allows us to look at them from a "Did we really say something that other people could understand" context or, "Is more detail needed to flesh this out." And if we do this as a running process through here, maybe that will short circuit some of the time it would take to do this after the fact.

LYNN ST. AMOUR:

Thank you, Joseph. So to close this down, I assume, Alan, your flag is not still up, right?

Daniel had made a proposal and said it was sort of an either/or with respect to how we approach this. Alissa made a friendly amendment.

Alissa, could I call upon you to just recast or restate what you were suggesting? And then I think the next item of business is to establish the sub-team.

ALISSA COOPER:

Sure. So I think the task at hand here for this sub-team is to go through the set of topics that we've just been discussing and most of them, I think, are on this chunk of slides but there may be others that have been brought in through the discussion and determine if the team thinks they can be addressed by the ICG drafting some clarifying language, you know, some new text for the proposal.

And it sounds -- I think what Daniel's point was that most, if not all, of these probably fall into that bucket. So maybe that should be the

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default preference of the team, but they should make that determination.

And then for the others, determine whether there's a question that needs to go to an operational community for clarification or whether it's something that needs to go to an operational community as an FYI.

I think what we would like to have for tomorrow is a disposition of each of these -- the team's recommendation of how each of these should be dealt with. Should they be in some summary that the ICG writes? Do they need a question? Do they need a FYI? Does that make sense?

LYNN ST. AMOUR:

That makes sense to me.

I think Daniel was also making a point about how proactive should we be with respect -- and I would like him to perhaps rephrase it. I know there was a lot of discussion in the chatroom on it, but I couldn't track that and the rest of the discussion. I want to make sure we didn't miss anything.

DANIEL KARREBERG:

This is Daniel, again. My point was that we have two options, if you put it really black and white. One is to, basically, say be very formalistic about it and say, "This is already answered in our proposal" or, "It's already answered in statements quite clearly," in statements of the operational communities or whomever. And if that's so, we put it in our narrative.

If there's the slightest doubt that it's already addressed, then we'll put it to the operational communities in question. Or we can go with our knowledge as a group -- as a group, as the ICG, about the discussions

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that are happening between the different operational communities and ourselves in general and be a bit more proactive in describing our view of how things are and what people have said in order to foster some cohesion.

If we see, like, that stuff is compatible, we can describe it that way and thereby avoid another round of misunderstandings to be very candid. And I think it's a fundamental question on all things but on this one in particular. And I think we need a sense of the room on which -- where we put our emphasis. It's not black and white. I understand that. But it's very important that when we're in the room here and there are some people who absolutely say we have to be very formalistic about this, then we have to know this.

We also have to know some people say, "No, we see our remit as the ICG, not just as cutting and pasting" as I put it earlier, but as actually actively working towards a consistent proposal.

And I try to get the sense of the room in which way -- are we going to be to the formalistic or to the sort of more proactive side. And obviously both have pros and cons, and we are all grownups and we know what these are so I won't go into them. So that was my more sort of meta question. It's particularly pertinent to this one.

LYNN ST. AMOUR:

I also heard you say earlier that you were preferring the proactive and we are looking for a sense of the room.

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DANIEL KARREBERG: Personally, I'm preferring the proactive because I think -- that should be clear from the way I put it. I don't think we are a 24-person committee who just would cut and paste.

LYNN ST. AMOUR: Can I just go for a sense of the room then on the proactive approach? For those that are in the room, there are lots of hands going up in the room to support that. So I think we've agreed then on the process which Alissa laid out, the fact that we're going to be a little more proactive in terms of trying to address some of these open issues.

And the next item of business is the sub-team.

ALISSA COOPER: Who wants to be the sub-team?

[Laughter]

LYNN ST. AMOUR: I will volunteer to be on the sub-team. Joe also said he could help but he's booked up. He's out of the room. He said he would be willing to work a little bit between meetings.

ALISSA COOPER: Lynn, Elise, Patrik, Joe, Michael, Manal. That seems like a good size. You all understand your task? We will have time on the agenda for this

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tomorrow. Maybe a good chunk of time perhaps. And, Lynn, can you shepherd -- can you be the shepherd of the team? Thank you. Great.

Let us move onto the root zone maintenance and administration which will be led by Milton. We have 30 minutes, Milton. Then we're going to break for lunch. And depending how we're doing, we could just continue as people eat or we could pick it up after lunch.

MILTON MUELLER:

This is Milton Mueller. I guess I'll begin by very quickly running through the comments. I assume that you can look at the slides and read them.

The main thing I want to emphasize is a very broad range of commenters commented on the fairly obvious fact that the actual process for root zone maintenance is not specified. And quite a number of them were equally concerned about the fact that the NTIA had initiated somewhat a non-open process for resolving these issues; that they had solicited a proposal from ICANN and VeriSign and they had not specifically asked for any kind of a public comment on that.

So I think, again, it's a very broad range, ranging from sort of Google, this public interest group in India, the Korean Internet Governance Association, a couple business entities all asking -- or some kind of intervention by the ICG either to clarify or to do specific actions. These specific actions range from asking the Root Server Advisory Committee to assess the plan that has been provided, ask the operational communities to verify that they approve of this. I presume they meant only the names one because that would be the only relevant one.

But, anyway, you have quite a bit of proposals for some kind of action taken by us. Let me just check one more slide there. There was another

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comment asking about ownership of the root zone file. That was not quite as clear in its implications for us as the ones about the process for approving the root zone management modification process. So why don't we just open it up for discussion now if everybody who was involved with these comments is satisfied with my overview. Did anybody want to add anything? I know that...

Who else? Lynn, you were dealing with some of these comments. Was Joe?

LYNN ST. AMOUR:

I think it was fine. Paul just put his flag up, but you probably can't see that.

MILTON MUELLER:

Okay.

PAUL WILSON:

Paul Wilson here. Just to clarify, Milton, when you summarized this, you mentioned that it was proposed that the Root Server Advisory Committee review this part of the proposal. But the slide says SSAC, not RSSAC.

MILTON MUELLER:

I'm sorry. I meant SSAC. Did I said root servers? That was a mistake.

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PAUL WILSON: Okay, thanks.

MILTON MUELLER: Too many Rs in my brain from RZM and et cetera. Yep, SSAC, which means Patrik.

Alissa?

[Laughter]

ALISSA COOPER: I'll let Patrik comment on what he thinks the SSAC should do.

I guess in looking through these comments I was really struck by the fact that, you know, this has been sort of explicitly left out of our process by definition by NTIA essentially. So I can see why people are wondering about it, but I don't know what we can do. We can certainly refer this body of commentary to NTIA. That's one thing we could do.

But, you know, having not -- the fact that the proposal didn't previously really take a decision on the specifics that a lot of people are looking for means that it's not our usual, "Well, who can we refer this back to in the OCs" because the OCs didn't deal with this either other than the one bit from the CWG which we also then note in Part 0. So I'm a little bit at a loss as to what we can do in the ICG with all of this.

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MILTON MUELLER:

Well, we -- first of all, I think people -- and not just your sort of typical, critical voices but almost everybody is noting the tension between the multi stakeholder process that we're involved in and the absence of that with respect to this particular modification. And I do think it's within our remit -- or it could be within our remit to do some of the things that people are asking us to do which is, for example, hold a public comment period on the actual proposal of ICANN and VeriSign or to ask whether - - whether it's within our remit to ask SSAC for advice. I don't know. That's debatable. I don't think those are outlandish suggestions.

And if we're going to say no to those things, are we simply going to say, "Nope, NTIA said they were in charge of that process"? We could say that. I'm admitting that. But we should have a very clear rationale as to why we're saying that and how we justify it.

We have Patrik and then Joe and then Russ.

Keith? Okay.

Use the -- for the sake of my sanity, use the Adobe Connect, if you can.

PATRIK FALTSTROM:

Patrik Faltstrom.

Let me speak as SSAC here and give some input.

Let me see if I remember everything I was thinking of saying. And I see Russ has his hand up, also SSAC, of course, so he can add if I forget something.

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First of all, anyone can request SSAC to look at things, so ICG could do that, and the only one that we, according to our charter, must respond to are questions from ICANN board, but we can get questions from anyone.

Secondly, it is in our charter to look at the stability and security of the identifiers in general, which means that we can also choose ourselves to look at something without getting any questions.

Third, we have already -- we have been looking at the various proposals in CWG and CCWG regarding to changes of the mechanics of the root zone management and we have pointed out, first of all, that we have in our charter we are required to -- we can send these kind of comments and we have also pointed out that in the suggested bylaws -- in the ATRT2, there was some suggested changes on the bylaws for ICANN to take recommendations from the advisory committees into account.

And that is also one of the things that has been discussed, whether that is something that must be implemented before or after transition, and we have pointed out from SSAC that that is pretty important from our perspective, which means that we as an AC, if we've given a recommendation to the ICANN board, the ICANN board must take that into account.

So that is the path of suggestions and recommendations from SSAC that we see as pretty important how that is implemented.

Because that path is very important for SSAC, we have also asked what the relationship is between that path and the suggested architectural body or whatever that is to be created that is to give recommendations to ICANN board on changes on the root zone management, which is

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supposed to be composed by, among other things, a representative from SSAC.

We see -- and to be -- we -- if I extrapolate a little bit, what happens if advice from an advisory committee -- for example, SSAC -- is sent to ICANN board? ICANN board must take that into account, according to the proposed changed bylaws.

If those recommendations are in conflict with this newly created architectural body that is supposed to look at the RZM things, what is the resolution process?

Then separately, which we should not mix with all of this, is the actual agreement between NTIA and VeriSign regarding the -- regarding the RZM management, or let me phrase it, a different portion of the RZM management that -- in the Adobe chatroom that Keith pointed out, sort of that there is a proposal on the table, which is sort of the same thing but from a different angle. Thank you.

MILTON MUELLER:
Patrik.

Good. Very crisp summary of the implications for SSAC. Thank you,

How about Joe?

JOSEPH ALHADEFF:

Do you want to let Russ go first? This way you have the SSAC bookends working together?

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MILTON MUELLER: If Russ wants to consider himself a bookend, I will let him go next.

[Laughter]

RUSS MUNDY: I'm fine either way.

Russ Mundy here, for the record.

And in fact, as Patrik pointed out, a number of -- well, some of these items have been already spoken to by SSAC in some of the publications that SSAC has done. In particular, 72 talks about a number of the issues and ties it specifically back to a number of the earlier recommendations that came out of 69.

Now, they don't, in most cases, get to the degree of detail of what some of these comments were asking for, but one of the comments from SSAC that I'd like to call out that really does get to, I think, the essence of this is the fact that the original announcement for this whole transition indicated that there would be further information coming forth from NTIA about what happens with the VeriSign cooperative agreement, and I think for those of us that have been sort of watching and looking for that, there's pretty wide agreement that such guidance and information has never really emerged. And so it has put a difficult situation out for the community because we have direction from NTIA to go forth and do a bunch of this stuff. They said they're going to do some things and they've only sort of informally talked about various things. And yet this is where you could describe these kinds of questions as being outside of our remit because it really is dealing with that -- the

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things related to the cooperative agreement, which they said was not really a part of this.

So it's a very hard question to say whether or not this is inside or outside of our remit.

I will say that the -- I think the SSAC has made a statement in general that said there needs to be an agreement in place with the appropriate parties at the time when it goes into effect. And I'm not sure how much more we can say at this point.

So I'll go back to Patrik.

PATRIK FALTSTROM:

Yeah. Let me -- just before I take off my SSAC hat, let me just be -- also make everyone absolutely clear on the fact that we as one of the chartering organizations for the CWG, we approved their proposal. Which means that if myself or Russ said anything that were comments on the CWG content of proposal, we approved it, so I just want everyone to remember that.

MILTON MUELLER:

Okay. Joe?

JOSEPH ALHADEFF:

Thank you. Joseph Alhadeff.

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You know, I think both Patrik and Russ, in different ways, highlighted the fact that this issue is relevant to the security and the stability question which we have been asked to deal with, yet it is specifically outside of the topics that we were asked to touch, and I think we need to highlight that level of inconsistency in what we've been asked to do versus what may impact what we're talking about.

That doesn't mean I think we have the right to take it on immediately as our own, but I do think we need to highlight that.

I think every comment I read that touched on any element of root zone management was unanimous in only one thing, which is their concern related to the transparency and the consultation of the process.

I think that was a uniform statement across anyone who touched on this issue at all, and I think it goes also -- this was in, I think, the Swedish comment. It goes to the concern that there was related to the trustworthiness of the process because they saw some elements that exist today not appearing in the processes as it would go forward into the future.

So I think our role might be to highlight that this is actually germane to our inquest.

Whether or not we are the ones who have to resolve it I think is up to perhaps a little bit of process development as it goes forward. I don't think we should unilaterally start working on a topic that was specifically left out of the wheelhouse, but we should talk about the relevance of it to our concept that the transition does not address the full concepts of security and stability or accountability without this issue being dealt with, and then raise the scope of the parameters of the questions on a what needs to be dealt with in this issue.

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I think that's what we can probably do at the moment. I don't know if our working on it independently isn't working at cross-purposes with work that may be being undertaken going forward, so I'm not sure that we should just jump into the process of doing work, but I do think we have every right to suggest that this is completely relevant to our work, and in all honesty, at some point I think our resolution of this question has to point to where the work was resolved somewhere else, because otherwise, I think people will legitimately point to us as having an open issue.

MILTON MUELLER:

Thank you, Joe.

Keith?

KEITH DRAZEK:

Okay. Thank you, Milton. Keith Drazek, for the record.

So I think from the beginning of this process and the beginning of the work of the ICG, it's been -- we have all recognized that RZM was out of scope of the -- or out of scope for this group, in that it is not an IANA function and that it is -- it was something that NTIA itself, back in March of 2014, identified as something that would require a separate and parallel process, the language that NTIA used in its FAQs acknowledging "Aspects of the IANA functions contract are inextricably intertwined with the VeriSign cooperative agreement -- i.e., authoritative zone file management -- which would require that NTIA coordinate a related and parallel transition in these responsibilities."

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And so the "related and parallel transition in the responsibilities" is what's being discussed, I think, when it relates to RZM and VeriSign's role in the RZM function.

So I think NTIA's acknowledgment that it is inextricably intertwined is something that we need to consider, but that the process that NTIA has initiated by requesting a proposal from ICANN and VeriSign is separate from the focus of this group.

So if there are dependencies between the work that we have conducted and that the operational communities have conducted that is highlighted by the ongoing parallel process, then let's focus on that.

But I don't think that we should necessarily be adding to our workload on something that is out of scope. Thanks.

MILTON MUELLER:

And then we have Kavouss.

KAVOUSS ARASTEH:

Yes. To follow up what Keith Drazek said, in the report of the CWG, in Number 150, in the paragraph, it mentioned that currently there is a cooperation agreement between the NTIA and the root zone maintainer. The NTIA has said that there will be a parallel but separate transition.

I attended another meeting about a month ago for the Internet governance in the Netherlands, and it was a group of people including a

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representative of NTIA, and she said that next week -- next week of that one month ago -- there will be a document released to that aspect.

I have not seen any document. Maybe I have not been looking everywhere. But she said that, yes, that is a separate issue, has nothing to do with the transition of IANA functions as such, it does not belong to the ICG. Nevertheless, CWG raised that point.

In the end, it mentioned that it is not clear what would be the situation.

So what we could do as ICG is just raise the flag. That's all.

Cross-reference to the CWG, cross-reference to the important issue and to the statement of NTIA that a separate contract or separate arrangement of transition is being made or will be made and that's all, and we should not, as Keith mentioned, add any more complexity to our work. Thank you.

MILTON MUELLER: Keith Davidson.

KEITH DAVIDSON: Thank you. Keith Davidson.

Just thinking about what Keith Drazek had just mentioned, I think, you know, in Submission 123, there's a suggestion that -- there's a position of principle that predicates the submission that supports the transition by saying that ICANN must not become the root zone maintainer.

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So as a matter of principle, there's a suggestion there that this now becomes intertwined to the extent that we have to address it in how we approach the transition.

I think we can no longer -- the ICG can no longer ignore the fact that the root zone maintenance -- any change to the current arrangement could result in people or organizations withdrawing their support for the transition.

So was that clear? I'm sorry, I didn't choose my words particularly carefully there.

MILTON MUELLER:

Can you tell us again what you think exactly would cause people to withdraw their support for the transition?

KEITH DAVIDSON:

Okay. Well, a clear statement saying that ICANN must not become the root zone maintainer.

So if the process of the discussions between VeriSign and ICANN results in ICANN asserting that it wants to take over the root zone maintenance function, then there are some submitters who would withdraw their support for the transition overall.

So there's no suggestion that VeriSign need to be maintained as the root zone maintainer, but that ICANN must not become that, on the basis of too many eggs going into one basket.

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MILTON MUELLER:

Right. The "inextricably intertwined" part, as Keith emphasized -- both Keith's -- is really the problem. I mean, if you ask me does this proposal protect the security and stability of the DNS, it's sort of like, you know, you're rebuilding a house and you're fixing all the plumbing in the bathrooms and then there's this gigantic hole in the roof and you're saying, "Somebody else is supposed to fix that" and somebody says, "Well, does the house leak?" You're kind of -- how can you answer that question, honestly?

So it is good that we have this principle which is coming out of the CWG stewardship that ICANN must not become the root zone management, and I guess the -- the ambiguity for us here, even if -- as many people around the world will not, even if you do trust the U.S. government to implement this properly, according to multi stakeholder principles, as presumably they would respect this principle, but if you don't know really what the institutional configuration is going to be, it's very hard to answer lots of the questions, lots of the 12 questions that we're asking people about completeness, about multi stakeholder model, about openness. It's very difficult.

KEITH DAVIDSON:

To -- Keith Davidson again.

To add complexity to your hole-in-the-roof analogy, it's not leaking when it's not raining.

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MILTON MUELLER: Alissa, you're in the queue, and then we have Russ again and Martin.

ALISSA COOPER: So I got in the queue because I wanted to support the sort of direction it sounded like some folks were going, which is to is that we can capture these concerns in Part 0 of the proposal, although we are unlikely to deal with them ourselves.

I mean, we can flag this. I liked -- I can't remember who had the formulation of, you know, this will be an issue for the security and stability and resiliency of the DNS if it is left in its present state.

And when I say "this," I mean the lack of agreement or clarity around roles and responsibilities with regard to the root zone maintenance.

I think as part of that, though, there seems to be a little bit of confusion about the document that was produced by VeriSign and ICANN. So Russ Mundy, I heard you say that you haven't seen, you know -- well, let me back up.

The proposal says, in the text that somebody quoted, you know, which is from the CWG and which the ICG specifically endorsed, that there needs to be some form of written agreement between the IANA functions operator and the root zone maintainer that clearly defines the roles and responsibilities of both parties.

I think if either we or the CWG does not believe that the document that has been produced by VeriSign and ICANN is that document -- which is the sense that I get -- we should probably be clear about that.

Because this, I think, is an area of confusion.

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We said there needs to be an agreement between them that does all these things. That's also what the CWG said. The existing root zone maintainer and the existing IFO have now produced a document together. What does that mean?

MILTON MUELLER: Yeah, it's not an agreement. It's not a contract.

ALISSA COOPER: And I say that because -- because I feel like this was raised, and Kavouss relayed an anecdote as well where he was in a room with someone from NTIA and they said, "Well, what's going on with that process"? And they said, "Oh, well, there's a document coming." And so I sort of expected that document to meet this principle, and I think it's pretty clear that it's -- that a lot of folks don't think that that's what that is.

But I think we need to be clear on that point in whatever we -- whatever we write.

The only other thing I wanted to say is that I think we have been talking a lot about, I guess, issues (a) and -- (a) and (b) and (d) under this heading, and that's fine, but I think (c) and (e) and (f) are a little bit separate and so we shouldn't lose that in this conversation. We have some other -- we've received comments about other issues related to the root zone maintenance and administration that are not about the agreement between the IFO and the RZM.

And we are supposed to have lunch, but we can -- we can keep talking, we can break for lunch and keep talking about this, or we can break for

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lunch and have our light topic about editorial things and the proposal and come back to this.

So Milton, I defer to you as to what you think we should do.

MILTON MUELLER: Who's hungry?

[Laughter]

ALISSA COOPER: Yeah.

MILTON MUELLER: Everyone's hungry, so I think we can come back to it. I think it might be good to let this stuff that we've been talking about kind of simmer for a while, and then when we come back, we can go to the unaddressed issues about RZ and then take up the other issues later if we want to. Okay.

ALISSA COOPER: And we should come to some -- we should figure out what the stopping point is on --

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MILTON MUELLER: On this?

ALISSA COOPER: -- on this one, but we can do that after people get their food.

MILTON MUELLER: I thought the stopping point was people's stomach --
[Laughter]

MILTON MUELLER: -- and the clock, and the clock tells us it's when we were supposed to break and people say they want to break, so I'm perfectly happy to break.

ALISSA COOPER: Let's do it. Let's have lunch. No? The food is not ready? No?

Right. So I think we'll take, what, like probably 10 minutes for people to get their food and come back, but then we're going to keep talking. We just need the interpreters to know what to do here, so I think -- I think, yeah -- yeah. So we'll just take 10, 15 minutes for people to get their food and take a bio break and then pick it up back up again. Is that okay? Okay.

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JEAN-JACQUES SUBRENAT: Okay. Goodbye everyone. See you tomorrow.

ALISSA COOPER: Sure. Yes. Interpreters -- well, they have food elsewhere. Yep.

JEAN-JACQUES SUBRENAT: Bye.

ALISSA COOPER: 1:15. We will resume at 1:15. Go eat. Go get your food.

[Break]

ALISSA COOPER: All right. You want to kick it off, Milton?

MILTON MUELLER: Okay. So we were discussing root zone management issues. We had noted in the NTIA documents that there was a recognition that the proposal that was intimately intertwined with the root zone system but that certain aspects of it have to wait for NTIA to develop its own parallel process. The question is how does the role of the ICG fit into those constraints.

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Do we want to begin offering advice on how to approach this? I know there are people who believe that the actual process is out of scope and has to be resolved by NTIA and ICANN and VeriSign. But there are also constraints mentioned by Keith regarding should ICANN not be the root zone maintainer. Should that role be separated? It's been said that we could -- anybody can ask SSAC to do a report.

Daniel, go ahead.

DANIEL KARREBERG: I think -- this is Daniel Karrenberg. I think this is out of scope for us. I think at the moment we have a pile full of work that's inside our scope, and we should deal with that rather than doing forages into things that are not in our scope. Thank you.

MILTON MUELLER: We have Russ, you were in the queue from last time. Then, I'll go to Kavouss and Martin.

KAVOUSS ARASTEH: Yes, Daniel +1. I don't think we need to talk about this. However, first of all, you raise a question whether or not we say that this task should not be given to ICANN. No, I'm not in favor of that. It is not up to us to decide whether or not the task is to be given to ICANN or not. This is out of our remit. It is someone else's proposal. They follow that.

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The only thing we have to raise, we have to raise the flag that this issue has been clearly mentioned in the report of the CCWG and needs to be addressed appropriately and has some direct, if you want to say direct, or indirect link with the transitions. We should not say totally separated. They should be addressed duly. Whether duly is before transition or after transition, I don't know. But we should just limit ourselves to the work we have to do. Thank you.

MILTON MUELLER: Okay, Russ, your turn now.

RUSS MUNDY: Thank you, Milton. Russ Mundy for the record. As a number of folks here know, this is an area of very long, deep, and personal interest to me and have many different involvements with it over time. And I think it is a very important area. However, I'm in complete agreement from a process and charter perspective with what Keith Drazek described I think very articulately before.

I think what as the ICG, what we need to do and what we are chartered to do is largely what Kavouss just described. Note that it is something that's in the CWG proposal, note that we've received comments in this area but that it is outside of the current structure and charter that we're dealing with. So noting the information but not trying to do any solution or saying who should do the solution even.

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MILTON MUELLER: Martin.

MARTIN BOYLE: This is Martin Boyle. Yeah, I have a certain sympathy with the most recent comments on this. But I would actually note that in the CWG proposal in paragraph 1150 there is put forward the approach that would need to be followed in the case of the root zone maintainer role having been moved, changed, transitioned, whatever through the NTIA or when it hasn't. So I think -- I think the point is covered. Whether we need to flag that it is covered more clearly in our Section 0, I don't know. But at the end of the day, the link between the two is in the proposal. And that is, as far as I'm concerned, as far as we need to go. So I'm not sure -- I certainly would be very uncomfortable about going into and taking ownership of an activity that does not belong to us and where the mandate was not given to us.

Thank you.

MILTON MUELLER: Joe.

JOSEPH ALHADEFF: Thank you. Joseph Alhadeff. I think it's fine to suggest that the work isn't part of our mandate. And I think that's an actual correct statement. But I do think that beyond what Kavouss suggested it's also, I think, important -- and I don't mind using the language that Keith Drazek

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suggested, but to suggest that this is actually a dependency to part of our work because it does affect the security and stability of the Internet. So I think we talk about the linkage to our work. We talk about the breadth of the comments received. We suggested it's something that needs to be resolved appropriately according to the multi stakeholder principles. And we can point to the ongoing work going in other places to resolve it.

But I do think the credibility of our response to this proposal has to include the fact that there is a dependency on one of the elements because I haven't heard anyone suggest that root zone management doesn't in some way impact the security, stability of the Internet.

The question of whether the dependency is uniform across all communities or more are linked to one community than others is something we would have to figure out how to address correctly. But I think we do have to say that there is a dependency.

MILTON MUELLER: Who do I have next here? I have Alissa.

ALISSA COOPER: I agree with the last several people.

And just wanted to note, Martin, that we do actually reflect back the section that you quoted in Part 0 and elaborate a little bit. And I think that's the right place for this actually. If we're going to build that out a little bit and discuss the comments received, then we might do that in a

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section about the security and stability and resiliency of the DNS in Part 0.

MILTON MUELLER: I was asking the secretariat if they could bring that part up so we could see what it is. You say it is in Part 0. Is it way down in it, or is it easy to find? Is there a subheading?

ALISSA COOPER: It's in paragraph 55.

MILTON MUELLER: Paragraph 55.

Lynn?

LYNN ST. AMOUR: Lynn St. Amour. I was actually the reviewer for proposal 123 which Keith Davidson commented on earlier. And since there was a specific request for the ICG to consider something, I think we actually should consider it. And some of it's already been covered by the conversation to date. I did feel it was appropriate to call it out specifically. The submission actually said that they have argued that one of the principles guiding the post-transition environment should be a continued distribution of responsibilities among more than one entity to avoid creating a single

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point of failure in respect of the Internet's unique identifiers. Separation of the RZM role for the IANA functions is an important operational example of this principle at work.

And they invited the ICG to consider whether the final transition proposal should do more to specify and clarify that this separation, which has been in place since before ICANN was formed, should continue for the foreseeable future and perhaps should be encapsulated as a fundamental bylaw in ICANN's rules.

Went on to say, This would provide community assurance that the role would not change without a very high degree of community consensus and would help protect the security and stability of the Internet, one of NTIA's criteria. I think there's been some discussion around that already, but I don't think anybody recognized that there was a specific request and what the background and some of the context for it was.

MILTON MUELLER:

And that point that you made is not, in fact, part of paragraph 55 of our Section 0, is it?

Okay, I see I'm in the queue. I'm not sure I even remember why I put myself in the queue. So we will go back on to Alissa.

ALISSA COOPER:

This might not necessarily be satisfactory. But doesn't the requirement that there be an agreement between the IFO and the RZM imply that the IFO and the RZM not the same entity?

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MILTON MUELLER: Well, that's one of the debates we've been having about PTI, right? There are people saying how can a subsidiary write a contract with its parent? So that in principle, it would be possible, I guess, for ICANN to indirectly take over the RZM functions and write a contract with itself the same way as it's doing with PTI.

I have Joe in the queue, and then we'll go to Kavouss.

JOSEPH ALHADEFF: Joseph Alhadeff. Just wanted to highlight that I think there may have been -- there was at least one and possibly two comments that disagreed with the concept that the RZA role need not be continued. And I don't know if we captured that in the summary statement. I think at least the Swedish comment, if not another one, may have made the point that they thought those roles needed an analog and that might have been what was considered part of the symbolic effort. But just wanted to make sure we captured that there were comments on that.

MILTON MUELLER: Okay.
Kavouss?

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KAVOUSS ARASTEH: Yes, Milton. The question you raised, how the affiliate could have a contract with its parent, it is included in the legal assessment dated 4th of April, very lengthy discussions and all of the legal argument and support has been given for that. Thank you.

MILTON MUELLER: Right. But the point is in the case of PTI, we want ICANN to have a contract with an affiliate. In the case of the root zone management, the sense of the community is that we do not want ICANN to take over the function currently provided. So unless the -- so, basically, Alissa's suggestion that we had foreclosed that option by referencing this agreement between the two doesn't really foreclose that option. So the question is whether we need to do anything else.

Michael?

MICHAEL NIEBEL: Well, I think in a way the spirit of that forecloses the option because this rather artificial in-house solution is not something that comes to one's mind from the beginning.

So what I'm saying technically exposed, yes. But as (indiscernible) would have said, Alissa's argument would be valid. And I think the spirit is still valid.

MILTON MUELLER: Russ.

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RUSS MUNDY:

Russ Mundy, again, for the record. Speaking primarily back to Joe's raising the issue that the root zone administrator not be -- function not be deleted, one of the problems with that -- and this is, you know, purely Russ Mundy's personal view on this -- is that a good reason for it to go away is no one actually in a definitive sort of way knows what happens, what the functions currently are. It's real hard to replace something when you don't know what the functions are besides just having a separate organization hit an authorization key that it's okay. So that's one of the reasons that it's hard to replace it. You don't really know what it is.

MILTON MUELLER:

Keith, would you say that's true if I can jump the queue a bit here? We don't know what the authorization function is?

KEITH DRAZEK:

Thanks, Milton. Keith Drazek. I think NTIA, if you look at their own language, has said it is very much a clerical function; that there is an authorization function that they currently perform and that they intend to cycle out of that role. And that raises the question of, well, what replaces it.

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And I think that's the topic of discussion in the parallel process that NTIA has initiated. It's the subject of a proposal that ICANN and VeriSign have submitted to NTIA in response to their request.

But I think, you know, if you take NTIA at their word -- and I think we should -- it is a very clerical function that is literally hitting an approval button.

MILTON MUELLER:

And it's also quite clear from the -- one of the design team task force reports from the CWG stewardship that they wanted to discontinue this function essentially, right?

KEITH DRAZEK:

Yeah. This is Keith again. Yes, they intend and I think NTIA has telegraphed this since back in March of 2014. And they've reiterated it multiple times, including very recently in the August 17th blog posting on this topic, that they intend to cycle out of that authorization function or administrator function. And the question at hand now is what is the relationship between, I think, the root zone maintainer, in this case VeriSign, and the IANA functions operator, ICANN. Where does that relationship go? And how is it memorialized?

MILTON MUELLER:

Okay. We have Russ, Alissa, Martin, and Kavouss.

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RUSS MUNDY: Old hand. Sorry.

MILTON MUELLER: We have Alissa and Kavouss.

ALISSA COOPER: I see Martin and Liman in the queue as well, FYI.

MILTON MUELLER: Martin and Lars-Johan, yes, they just popped up.

ALISSA COOPER: I just wanted to clarify my attempt to have the issue of whether ICANN could serve both functions, be elegantly dealt with by the existing principle I don't think is going to work. And with that said, I think if that needed to be reflected in the proposal, it would have to come from the CWG. Like, we can't make that up as a rule. So, again, this is one where I think where we can send the comment or the essence of it off to the CWG. That could be our disposition of the comments received, Comment 1, 2, 3. But I don't think the ICG can establish that as a requirement in the proposal itself.

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MILTON MUELLER: It's my impression that CWG has already done that. That's what people are asserting, that this design team F which I was on definitely came to the conclusion that -- Well, come to think of it, it wasn't so definite.

[Laughter]

It was not so definite. We would have to ask them to clarify that because there was definitely a preponderance of opinion in favor of that. But I don't recall whether that definite statement got in there about it not being the same. Grace is nodding her head and giving me the thumbs up.

So I think it's in there. I think it's a question of whether we highlight it. I think we can do that without writing the CWG proposal for them.

ALISSA COOPER: Okay. I think we should list that as an action item. Someone needs to look at what is in there about this. And if we think it's unclear, we should shoot a note to the CWG.

MILTON MUELLER: Okay, Martin.

MARTIN BOYLE: Thanks, Milton. Martin Boyle here. I want to get back to that authorization role because certainly within the CWG, there was a lot of

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discussion about the authorization role, and it was a very clear and positive decision that the authorization role not be maintained in the CWG proposal. And it was -- one of the reasons for that was that it would be very easy for an authorization role subsequently to become a gatekeeper role. And that was seen as being a risk.

And I think that then followed through a little bit into the discussion that was had about the root zone maintainer role and the relationship with the IANA functions operator that that was best maintained as a split delivery because that then did allow a second pair of eyes to look to make sure that what was being proposed was, in fact, sensible.

So, you know, I think those ideas are all in the CWG proposal. And certainly I think I would be nervous about anything that was put in that sounded like we were questioning what were actually fairly consensual decisions, discussions that we had that led to those two specific decisions.

I'm aware that as part of the process, there is a hook that allows at some stage in the future to -- when the root zone maintainer role has been transitioned away from being a direct contract with the NTIA that could then look at who did that role and how it was done and what the relationships were. I'm a bit foggy on the details, but it's certainly -- that in its own right was also in the documents. And I think it came in in the IANA functions review, their regular review process.

Thanks.

MILTON MUELLER:

Arasteh?

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KAVOUSS ARASTEH:

Yes. I think the situation is not clear, at least.

From the very beginning, 14th of March 2014, it was clear that this issue to be addressed. The CWG in June, final proposal which was submitted to the chartering organizations was clear. NTIA declared that -- or they indicated that they will soon address the matter. We have not yet seen anything. So it might be possible that in one way or the other this question will be raised with the NTIA whether they want to keep silent on that until July 2016 or they want to address it before.

This is something that we have to mention, as Joe referred to, that has some impact for the security and stability, and they have to know who is doing. Whether they have maintain what they have today, whether they want to make it different, how the transition would be, what is the relation of this transition with the overall transition of IANA function.

So I think we have mention this, at least, or seek some clarification informally, formally, by the chair of ICG, by individuals, those who are close to the NTIA, those who are not close to the NTIA, far from NTIA.

So this is something that we have to remind them. One month ago they said that within a week, but we have not seen anything. Thank you.

MILTON MUELLER:

Okay. So let me just try to wrap this part of it up, then.

It seems to me that we agree that we should not be straying out into developing ideas or proposals regarding how the RZM should evolve.

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That's a parallel process. The NTIA is in charge of it. We have to deal with comments complaining about that by simply saying "We are lackeys of the NTIA, we can't do anything about it, sorry, bite the bullet" --

(Off microphone.)

MILTON MUELLER:

-- "deal with it."

But we can and will note that the CWG has already said that there would be no root zone authorization. That was an item of consensus. And that there was agreement that the -- they didn't want ICANN to be the root zone maintainer.

So I think there are two questions that we have to consider asking, in addition to the one suggested by Patrik. Is it appropriate for us to direct a question to NTIA asking them how they plan to handle the contractual agreement relationship between ICANN and the root zone maintainer and note the way that depends upon or affects our conclusion that the root zone maintainer should not be ICANN? Or do we not do that and just leave it to NTIA to execute without our guidance?

And then the other question is, should we make any comments or questions about the sequencing of the full implementation of the transition part that we're involved with and the -- the NTIA's management of this parallel process?

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Do we have to say "X has to happen before Y," those kind -- that's another question I think we could consider asking NTIA.

And then we might want to ask the CWG, which Patrik suggested, what is their idea about what would happen if this architectural body gives advice that conflicts with SSAC advice? How would this be reconciled?

I see we have a bunch of hands again.

Don't know -- I see looks like Kavouss you're first in line. No, you've gone down. That was an old hand.

Joseph, Russ, Alissa, and Kavouss.

JOSEPH ALHADEFF:

Okay. Joseph Alhadeff.

I think perhaps my suggestion I didn't hear captured and I guess my suggestion is we're a lackey with attitude.

And by that, I mean we are pointing out where the dependencies are and the need to resolve them. And I think that is an important element of our work, to actually point that out and to say that they are -- they are impacting or potentially impactful to the transition and we need -- we believe they need to be resolved and give some of the parameters we need to be addressed, but I don't think we need to take on that work because I don't think it's our role to take on that work.

So that -- I guess that would be my modification: lackey with attitude.

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MILTON MUELLER: And I would point out that Elise has just pointed -- made an observation in the community chat that there's already language saying that the proposal should be subject to wide community consultation.

Let's see. Who's next? Russ Mundy.

RUSS MUNDY: Thanks, Milton. Russ Mundy, for the record. Just would like to contribute here that I think the sequencing question that you asked, I think we've already largely dealt with that effectively with the paragraph that's up there that talks about there needs to be an agreement, it needs to be in place before NTIA has withdrawn and so forth.

So I think that question is pretty well dealt with already.

MILTON MUELLER: Okay. Thank you, Russ. I think I agree.

Joe, you're back in the queue or is that --

(Off microphone.)

MILTON MUELLER: Alissa.

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ALISSA COOPER:

I agree with Joe and Russ. I'm not sure that the language quoted that Elise posted in the chat actually answers the question because it talks about separation of roles, where -- which is not really the same thing as having multiple roles be performed by different entities. So --

But I still think the action item there is for someone to review the whole section of the proposal and see if we think it needs to be clarified, unless that's -- unless you did that already, Elise, and that's the only text.

ELISE GERICH:

I posted the text primarily because I thought I kept hearing that the CWG had already said that there should be a separation between organizations performing the roles, and I don't believe that language exists, and so if -- if people on -- in this ICG group thinks that's what the CWG as a whole meant, then we should ask that question. If we are content to go with the language that we got from the CWG, I think we should just go with the language from the CWG.

ALISSA COOPER:

Thanks.

MILTON MUELLER:

We have Kavouss in line, and then Patrik.

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KAVOUSS ARASTEH:

Yes. I think you raised two questions, or asked us to comment on two questions that we have to raise. One is to NTIA, if you will agree. The other is sequence.

The question of sequence was referred to by Joseph. That, yes, is answered.

I would like to know whether that sequence has some relation with the first question.

When we talk about the sequence, it should be done at this stage. That means indirectly we have raised the issue with everybody, including NTIA, that this is an action to be done. But I don't see any problem if you want to raise it, provided that we have the support for raising that question.

We don't raise it from the viewpoint of ICG unless we have the comments made and asking that question, and in our communication with NTIA we mention that we receive comment under the proposals first or what -- or public comment about this issue and would be -- would appreciate some clarification on that.

And with respect to the sequence, we mention that the sequence of action has been included in the ICG activities, the -- the proposals, and if you want to, can ask any confirmation.

But I think it might be good to raise the questions because it should not be left as such.

Although if you have any comment raised by the community and we could defer to that comment that this is not in our term of reference to

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reply to that, however, we take it to the NTIA to be aware of that and, if appropriate, reply to that in a proper manner. Thank you.

PATRIK FALTSTROM:

Patrik Faltstrom.

I want to raise a little bit of a process issue here.

I -- when I previously spoke here, I spoke as SSAC and explained to people in the room what kind of input SSAC has given to the CWG and also CCWG.

I think we in ICG should be very careful of picking up input to any of those consensus-based processes because it might very well be the case that whatever has been discussed there has resolved those issues and the question is then whether we really should -- so -- whether we should pick it up in ICG.

So I think it's important that whatever we are saying, whatever we are asking, just like Kavouss said, should really be based on the comments that we have got here to ICG. Because I don't want to see the ability for people to sort of -- that we are creating an end run or an ability for an individual participant in any of those operational community processes to be able to inject issues here just because, for example, like myself personally, they have multiple roles.

MILTON MUELLER:

Right. But I think I was more concerned about the opposite problem, that we are being peppered with all these questions about the root

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zone management process and we might end up looking like we're not answering any of them. But anyway...

PATRIK FALTSTROM: I absolutely agree with you and that's why I'm saying -- and that's also one of the reasons why I gave the SSAC input as examples.

I'm just saying that we should base -- ICG should base whatever we -- our actions on the input that we have got in our comments.

MILTON MUELLER: Daniel?

DANIEL KARRENBORG: Daniel Karrenberg again.

First of all, I absolutely agree with what Patrik just said.

Secondly, I'd like to reiterate what I -- what I said before. We should not only look at whether stuff that we -- actions that we do are based on input that we get, specifically the input in the public comments process, but the second is reiterating what I said earlier: Is it really our -- our role to address those things, specifically the RZM questions that we're getting, beyond what's already been said?

And I would like to focus -- for us to focus the discussion by actually hearing suggestions about what we should say, and I have -- I've heard

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little of -- I have heard only very general -- this only in very general terms.

It would probably help if we could get some of this in more concrete language and address that at a later stage in this meeting. Thank you.

MILTON MUELLER: Yes. Is -- does anybody want to take up Daniel's challenge now or should we defer that until we can think about it and huddle?

ALISSA COOPER: Well, so I thought the proposal on the table that you sort of articulated, Milton, was that the one thing we know that we need to do is summarize the concerns that have been raised to us. So that's one thing.

I don't know that we need to talk about that too much more, right? That's a task that we a volunteer for.

We have a little bit of text already in the proposal about this, and then we have the item about trying to see if the CWG portion about separation of roles is clear enough or not.

So I think we just need owners for those two items. I don't know --

MILTON MUELLER: Well, I'll volunteer to do both of those --

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ALISSA COOPER: -- maybe I'm not understanding.

MILTON MUELLER: -- but I think --

You're saying that that would be a sequence process in which we -- after we do that, then we could decide whether we need to ask questions, and if we do, then we -- how we phrase them?

ALISSA COOPER: Yes.

MILTON MUELLER: Yeah. I agree with that. I don't think we're ready to talk about specific language.

ALISSA COOPER: Right. If you want to do that tonight, we can put you on the agenda for tomorrow and you can provide us with an update.

MILTON MUELLER: It's possible. Depends on what kind of unpleasant surprises are waiting in my mailbox.

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[Laughter]

ALISSA COOPER:

Okay. Well, let's provisionally plan on that and we'll put time on the agenda tomorrow to revisit this if -- if you have something for us to look at.

Is that okay?

MILTON MUELLER:

All right. So there are a couple of items about RZM that we didn't discuss. Do you want to quickly go over those or slough them off and pretend that we forgot about them?

[Laughter]

ALISSA COOPER:

Can you -- to the session that I now hope that we're having again tomorrow about this, can you -- can you come with recommendations for how we should -- what our actions should be on the remaining ones?

MILTON MUELLER:

Definitely.

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ALISSA COOPER:

Great. So let's do that, because I would like for us to talk about the next topic, which is dependencies with the CCWG and time line.

So I will turn it over to our CCWG liaisons for a brief update.

We had an update from Keith Drazek on September 10, so everyone should be fairly up to speed to about a week ago, but it's been a week since then and so -- week and a half, so if you could briefly provide us your update and obviously also your personal thoughts, we would appreciate that. Thank you. Both of you. Whoever wants to go first.

KEITH DRAZEK:

So thank you, Alissa. And Kavouss, maybe I can tee it up and then hand it over to you.

So I can say for those who participated in the last call, you heard my update. I also sent basically the same update with maybe a little bit less color to the list, so everybody should have had the opportunity to review the written update from the accountability group, and I can tell you that there has not been much development over the last week.

There has been one CCWG call since that time, I believe.

There is a commitment in the CCWG accountability to take a careful analysis and assessment of all of the public comments submitted, including those from the ICANN board, and that it intends to approach this public comment period and the analysis of public comments just as it did the last round, which resulted in, I think, a significantly improved recommendation.

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I think the one message that I would take away from the public comments that were submitted and the -- the analysis to date of the CCWG is that there's quite a bit more work required and that -- you know, I think I mentioned on our last call that it appears that delivery of a recommendation to the chartering organizations by Dublin is now at risk; that it's very much likely to take longer than that to address the concerns and the comments and the input received during the public comment period.

I wouldn't say that it's entirely off the table and I don't want to speak for the co-chairs of the CCWG, but I think any rational observation of the public comments and the dialogue and discussions that will be required make it likely that Dublin is probably no longer a viable target. Thanks.

Kavouss, over to you.

KAVOUSS ARASTEH:

Thank you very much, Keith.

With permission of Alissa and others, I'll go a little bit more in detail.

Up to about 10 days ago or 15 days ago, CCWG was of the view that the proposal that they have made for the accountability dealing with various issues. The first issue was empowering the community, and then decision-making, and then the independent review panel or review situation, and a series of 36 stress tests.

Everything was like that, and the public comment started and then we had the meeting of 3rd of September from -- in my country from

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midnight to 2:00 in the morning, and then -- a very, very hard meeting, and they said that --

There was more or less some contradiction. They said that they agreed with the model with that but there is lack of details and so on and so forth.

What was the original or what is the original proposal of the CCWG?

There are six or seven areas that the community will be empowered.

Empowered to comment, reject or accept, bylaw changes, fundamental bylaw changes, budget, strategic plan, removal of the individual board member by designator of that director, and removal or recall of the entire board, and implicitly IANA budget, and implicitly the separation process.

These were the power that was seen for the community.

There were a process of three steps.

Step 1, petitions. People start to discuss a course of action to be taken.

Step 2, consultation. Which finally they come with the term of "ICANN community forum." Before, it was "ICANN assembly," but the people said "assembly" might be seen as a decision-making. They change it to the "ICANN community forum." It's purely discussions. All of the SOs and ACs getting together, plus any other individuals who are interested could discuss -- could attend these discussions and exchange their views in order to prepare the people for the third step.

And the third step is decision-making through the voting process, according to the voting process at the CCWG, and I don't go through that detail, giving various rating for the voting, so on and so forth. That

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is a situation with different thresholds. In one area, 66%; the other area, 75 percent and so on, so I don't want to get to that point.

That was up to 3rd of September.

3rd of September, we had a meeting with the board, entire board, and then they mentioned that they have alternative proposals, but they did not explain any detail of the alternative proposals, questioned by (saying name) and even myself, Alissa being very tough, saying we don't know anything about that, and about the 10th of September, the alternative proposal came out.

The alternative proposal saying that the CCWG does have some sort of conflict with the current multi stakeholder bottom-up process and makes some imbalance in the current balance between the private sector, governments, and so on and so forth, and there are specific way of doing the things like sole membership process. That is difficult to implement. Therefore, they have a different proposal and coming the proposal as follows.

They have a proposal which is called MEM, multi stakeholder enforcement mechanism. They claimed, I said "claim" at this stage, it is possible to do that within the current procedures of the ICANN proposal without major changes.

In order to enable you, they have in the proposal a table. In that table, they have three categories. Category 1, those areas that are full agreement with the CCWG. Category 2, there are areas that they have some comments. And Category 3, that they cannot agree with those comments.

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One of the Category 3 that they can't agree with, it is the sole membership. They said that it is very difficult to implement and recall a lot of legal aspects and so on. Therefore, they don't agree with that.

The second issue that they don't agree is a power of the community to reject the budget and reject the plan, the strategic plan. They don't agree with that.

With respect to the removal of the board member individual, they have some comment that they discuss at the very beginning that it is not good because it provides or gives some sort of de-stability within the ICANN board. So they want to do it different than what is proposed by the CCWG.

Something that it is mentioned in the proposal is that according to the proposals -- today I heard something else -- the process between the two petitions and the voting, which is forum, in view of the majority of the CCWG and, in fact, in the last meeting of working party of CCWG, totally they said that this has been deleted by ICANN. ICANN does not want this forum approach. Whereas, the CCWG take it very important and necessary because that is an opportunity before voting to discuss the matter among all members of SO/AC, individuals, private and non-private, to discuss that, prepare everything, and even provide some sort of a better consultation. It has not been properly mentioned; and it seems that they don't agree with that, it seems.

The other area that seems apparent disagreement is the work stream 2. Many issues of the CCWG, because of lack of time or complexity, lack jurisdiction that you discussed this morning, was moved to the work stream 2. In the ICANN proposal, new proposal, this is tabled under the ongoing activities. They don't want to put it in a particular caveat and particular task and particular process that after the first stream of

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transition the CCWG continues its work, go to the detail of many of these work stream 2 as has been mentioned. They want to do it under the normal ongoing activities, perhaps without CCWG, perhaps without any mandate and so on and so forth. It is not clear. We raise this question on 25th and 26th of September with them to have more clearance and so on and so forth. So the process currently is it's in the 2.

Now we are thinking about what to do with the proposal of the CCWG. Some people have they said that ICANN came very late and they alterate or change totally the process of the CCWG. Some people, like me, think that no time is late. They could come at any time. They could make -- if the proposal accepted, we could agree. If it is not accepted, we try to reconcile or reconcile within the two proposals to see whether we can have agreement. Because for me -- for people like me, it is important that we listen carefully to the board's concerns. So this is under discussion. We don't know what to do.

What we decided, that Dublin would not be a position for the CCWG. It will be very early because of this. We have to discuss it to see what we can do with respect to that. Perhaps some agreement would be reached.

Some point for me as the liaison of ICG is since the budget, which was one of the community power, has now been taken out, the IANA budget is unclear whether the community has any standing. So that is something important for the ICG. This is one point. And the point --

ALISSA COOPER:

points?

Kavouss, can I ask one really quick clarification on that and on the other

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KAVOUSS ARASTEH: Under the CWG, there are several points raised as a liaison or independent process, five issues. One of the issues is budget.

ALISSA COOPER: Okay. I just want to clarify. But all of these are strictly just from the ICANN board comments, right?

KAVOUSS ARASTEH: Yeah. If ICANN does not accept the budget under the community power, therefore, IANA budget cannot be under the community power. There is no guarantee the IANA budget will be as foreseen by the CCWG. So that is some sort of weak point I raise with you by sending a message to you.

ALISSA COOPER: Yes, yes. I just wanted to make it clear that there were -- there are many comments that have been received from the CCWG, right? You are just reflecting on the ones from the ICANN board solely and not from all the other comments that were received by the CCWG? I just wanted to make sure I understood.

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KAVOUSS ARASTEH:

The CCWG has not addressed totally. The CCWG, the first thing they discussed was the forum, and there unanimous agreement that forum is required. There is another issue that discussed briefly the CCWG. And that is the power of community and the IRP has been mixed up together. There were two different processes now putting in one single process. So it is not quite clear this distinction between the community power and between the independent review panel. This has not been properly separated from others in the proposal of ICANN. It is mixed up together under the group issue that they put it quite clearly in their proposal how the matter will be discussed. In the process, they mentioned a sequence of actions. And the sequence of actions is as follows, that any single SO and AC by some measures, consensus, can initiate a petition. The SO and AC would provide the notice of petitions to all other SO and ACs and begin a discussion phase with other SO and ACs. This is not clear whether this discussion process is the forum or discussion process different from forum.

And then they continue saying that the SO and AC will then have 21 days to consider whether to support the petitions. Then to initiate formal MEM, multi stakeholder enforcement mechanism, proceeding, the agreed number of SO and AC, does not mention what does it mean "agreed number of SO and AC."

ALISSA COOPER:

Kavouss, could we wrap up a little bit because I think we have a queue that's starting to form. And we would like to have some discussion, please.

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KAVOUSS ARASTEH:

The key issue is that somewhere it's mentioned all of these depend on the discussion of the board. So the issue of the CCWG, that everything is under the community decisions, they put it under the board decision. This says all of these is a result of everything, is under the board discussions, that they are the group that give the final version. That means the situation is the model what they have it today. So they took part of the proposal of CCWG, put it in the way but they put discussions and final decisions to the ICANN. So that is the point that should be -- we should seek in clarification from them. The situation is not clear. We don't know who is doing what. But the budget is out. The removal of the individual board member is out. And a few other things that they don't agree like forum. So there is a mixture of the two situations. And for the time being, we don't know whether the ICG procedures relating to the IANA function with this new model is manageable or is not manageable.

We don't know yet until we have the full discussion with ICANN and we come to understanding. And I don't know after that if we will have the third comment -- proposal for the CCWG for public comment. If the model has changed, we should put it again for public comment. It is not possible to go with the mixture without going to public comment. So it depends on the result of discussions on 25th and 26th of September. So situation for the time being not very clear. Thank you.

ALISSA COOPER:

Thank you. Thanks to both of you. And thanks, Kavouss, for that last bit. I think that's kind of what folks were looking for, is what is the implication for us. That's really the discussion that we need to have

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now. What is the implication for us in terms of time line and process both. And I will just say from the outside one thing that maybe I said on the call before, in terms of the original time line, everyone knows we were aiming to wrap up in Dublin. And even under that original time line, that was fairly aggressive. We all agreed in this group that even for us that was aggressive. We've talked a little bit today about the possibility of asking operational communities for clarifications. And we might have some interaction with the operational communities. So when we do that, we need to, as we have in the past, set deadlines from when we need to hear back from them. That's one of the key reasons why us as a group deciding whether we are continuing sticking with our present time line and process or not is so important because when we send a question to an operational community, if we are going to ask them for an answer in a week so we can finish all our work in Dublin, that's something different than asking for it with a more relaxed amount of time for the operational community to consider. That's just one aspect I wanted to highlight, which sometimes gets lost in this. If we are going to ask other communities to do things for us, then we need to be clear about the timing and why we're asking for things on short notice, if that's what we're doing.

But I know lots of people have opinions in general about time line and process here. So I will open the floor. And I have Daniel first.

DANIEL KARREBERG: Thank you, Alissa. This is Daniel Karrenberg.

Thank you, again, Keith and Kavouss, for your reports. I think for our process, this is interesting to know; but it doesn't affect it at all. I think

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we should progress our work as diligently and expeditiously as we can. I agree with Alissa that if we have complicated interactions with the operational communities, we can be a little bit more relaxed. But I caution us against becoming too relaxed.

What I'm personally worried about is that we've collected -- established a collective feeling that it's all slipping again and that we would maybe introduce more complications than we would maybe otherwise want to introduce. So I caution us.

First of all, I adamantly think we should not be affected at all by these developments. They are orthogonal to what we do. We should just proceed on course.

And, secondly, I caution us against becoming just relaxed on the additional complexity and interactions that we may want to have beyond what we would think necessary if the time lines were not slipping. So, basically, just let's continue as if -- as much as possible as we plan to do. And let's just finish our work and not introduce more, as I said, complexity and complications just because there's time. Parkinson's principle. Avoid Parkinson's principle. Thank you.

ALISSA COOPER:

Thank you.

Joe?

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JOSEPH ALHADEFF:

Thank you. Joseph Alhadeff. I guess we heard from both Kavouss and Keith that we're going to have more clarification, I guess, in a short amount of time when the next meeting happens at the end of September, which is probably when we'll have enough information to decide what our path forward is because it strikes me, we have two major issues. One major issue is a decision which we may come to at the end of this meeting or intersessionally after this meeting but not too long after it, I would hope, which is whether anything in the question and comment we received was sufficient to have us have a second comment period related to our proposal.

But the other one, which is outside of our scope, is whether the work of the CWG will impact the dependencies listed by one of our communities because that could change one of the proposals perhaps substantially. I don't know. And we don't even know what the non-ICANN comments complexion on this issue might be.

So, you know, both of those things could cause us to have the proposal as a whole reviewed in some fashion and perhaps open to a secondary consultation.

I think to Daniel's point, I think we should continue doing everything we can do in the process to move it forward.

But I also think there were a number of different comments raised where they showed some concern about the fluidity of the time line or understanding what happened when in the time line. And I think we have to be very careful about revisiting the time line in a credible fashion. I don't think we want to make changes to the time line until we have some idea of what those changes might be. I don't think, you know, Dublin dictates anything to us necessarily. But I think we have to regard the time line and our credibility related to the time line as an

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issue we have to take on board as well as what dependencies exist because we've had suggestions from some comments of things that have to happen before transition. And whether that needs to be reflected in our proposal or not is something that we will have to deal with as well.

So I think we have a number of those variables we have to factor. We may not have enough information to answer some of those variables until the end of the month. But I think we need to proceed carefully on this issue because I think the time line slippage cannot replace the fact that there is an urgency for us to do this on a timely basis.

The business community has been long on saying that they, you know -- fast is good but quality is better. And I think that's a legitimate concern. Focusing on quality and getting it right doesn't mean we don't also have to think about finishing it because otherwise the process will take whatever time we allot to it. And I think a little bit of time pressure on the process is useful as long as it doesn't lead us to a result that is capricious in any way.

ALISSA COOPER:

Thank you. Jari?

JARI ARKKO:

Jari Arkko. So, first, +1 to what Daniel said. Very much agree with that.

I had two other comments. The first one is that the situation kind of, in my mind, underlines that we have to stick to the process and our plans.

And part of the process -- and this kind of applies both to us and CCWG -

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- is that it's not the value of any individual commenters, even if it's ICANN board or whoever, but understanding the broad opinion in the community and sticking to that rather than getting too excited about any particular set of comments or discussions. So that's the fundamental thing. We're doing this for the community, not for the sake of anything in particular, any particular organization.

The other thing I wanted to say, this also underlines the need for us to be very clear about where we are in the process and what parts depend on other parts. This goes in the same bucket as we had discussed earlier that maybe our description isn't as full as perhaps it could be. There may be some opportunities to make some things clearer.

And I'm not suggesting that we do a partial transition. But this is where everybody needs to be clear on what parts are depending on what other things and what's the readiness status of different aspects here.

And maybe one more thing, now that I'm speaking. I don't want to lose the momentum, so we could take more time but that would potentially mean losing momentum and I think that would be a bad idea. So I do want us to be finished as soon as possible.

ALISSA COOPER:

Thank you. Keith?

KEITH DRAZEK:

Okay. Thank you, Alissa. Keith Drazek.

So just a couple of comments.

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One, as Kavouss mentioned earlier, and others have acknowledged, there is going to be a face-to-face meeting of the CCWG accountability here in Los Angeles Friday and Saturday of the coming week, so a week from now.

I expect that will be a very intense discussion and a lot of, you know, difficult work going on around the public comment assessment, trying to understand where consensus appears to be building and where differences are being exposed.

So one of the reasons I said earlier, I think, that a delivery prior to Dublin is in doubt is that it appears that in the public comments that have been submitted in the second public comment period, there is enough work to be done and potentially enough change that will be required for the next version that another public comment period is going to be required.

So I think it's unlikely, I think, for the CCWG accountability to be able to move from where it was in the last round, taking on the public comments that have been submitted, and being able to move forward without putting out an updated version for another public comment period.

And I think that's really where we -- where we are in terms of the time line.

Now, as far as the ICG is concerned, Kavouss and I will be sure to highlight any discussions or concerns around the issues that we're aware of from the CWG proposal, the key dependencies that we've been talking about, and I think that communication among the co-chairs of ICG, CCWG, and CWG on those key dependencies will be critical over

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the next several weeks, to make sure that everybody is aware of the discussions and what the ramifications might be.

So I'll stop there and we'll certainly continue to keep everybody informed.

ALISSA COOPER: Thank you, Keith. Daniel?

DANIEL KARRENBORG: Thank you. Daniel Karrenberg again.

Just to be absolutely clear, when I was -- in my earlier intervention, I said diligently and expeditiously, so, you know, I'm not advocating one above the other, but they need to be both there.

As to the process, while I agree that the communication between the different groups that are working on this is essential, it's also essential not to muddle the processes.

What I mean by that is that in my view, we finish our document that we need to produce, that we are chartered to produce, and we should then only start work on it again when we formally hear from a party -- and I think the most relevant ones are the operational communities -- that they no longer support what we have produced, and we shouldn't get into discussions, you know, sort of informal discussions of linkages and so on, once we have finished our product.

We should basically tell the other parties involved, "Here, we finished our work, and if that needs to be changed, you need to formally tell us,"

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and then a whole other process starts, which may involve, again, you know, in the same sense the CCWG, another round of public comments and so on and so forth.

But we shouldn't sort of informally stretch the thing and start sort of accepting new input and things like that. It should -- it should be really formal. We should be really -- there I think we should be pretty anal about the formal process. Thank you.

ALISSA COOPER: Thank you. Kavouss.

KAVOUSS ARASTEH: Yes. Distinguished colleagues, the situation is not catastrophic for ICG activities. There is some different point of view between CCWG and ICANN, but the impact of that on the ICG activities, which is naming, is not too much.

There are five areas that we are concerned through the naming community.

One is ICANN budget. Currently, ICANN does not want that this budget be under the veto of the community, but we could find a solution.

If ICANN does not want that, at least they could agree that IANA function budget should be under the bylaw that the community could veto.

And there was some discussions in the previous CCWG and even one of the board members proposed that: Let us separate the IANA budget

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from the overall budget of ICANN, not to have any direct impact on the ICG activity.

So that could be -- could be -- resolved.

The second issue is ICANN board.

Board agrees with this new proposal for the removal, total removal or recall of the entire board, but with respect to the individual, they want to put it under the entire community but not under the designating character.

That could be also resolved in one way or the other.

The third one is ICANN bylaw. There is more or less agreement, actually with some little bit of improvement, so there is no anxiety there. Fundamental bylaw is almost full agreement.

The only thing remains, independent review panel. There is a difference of style, but I think that could be manageable. What we could say that -- or you allow us, I and Keith, to say that we have discussed that and we are of the strong view that any arrangement or rearrangement or any reconciliation among two should not have an impact on these elements.

The remaining is the discussions between the CCWG and ICANN board. It takes two months or five months or 10 months. That's another issue. So here we should be concerned about ICG and I don't see a major problem. I don't see a major problem, provided that we clearly mention this, that this requirement of CWG must be met under any of these two proposals or a combination of proposals or whatever you have. Otherwise, we would have some difficulty for that. For budget and for the IRP.

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For the IRP, for the timing, it's not very clear. They are very close together, but it's not very clear. In the standing of that community, which is the MEM, with respect to what they call the arbitration panel -- we call them IRP in the CCWG -- is very close but it could be reconciled.

So my suggestion to you would be if you allow, we clearly mention this requirement that should be met have less or maybe no impact on what we are doing. Thank you.

ALISSA COOPER:

So Kavouss, hasn't the CCWG already committed that they would -- that in their proposal, they would meet the requirements of the CWG and we're all just waiting to find out how?

KAVOUSS ARASTEH:

Yes. They did it --

ALISSA COOPER:

Okay.

KAVOUSS ARASTEH:

-- in their document and even in the Webinar, they have mentioned that as the case. Any of these five, they have a comment.

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ALISSA COOPER: Okay.

KAVOUSS ARASTEH: And I have witnessed that and I assure you that I am convinced a hundred percent that if the proposal of CWG -- CCWG is implemented, at this stage all these requirements are met.

ALISSA COOPER: Not -- okay. But I guess my point being that we don't really need any further assurance from the CCWG. They've said that that's what they were going to do. It might be that the proposal changes entirely and there's another public comment process, but the expectation is that the result of that still would meet the CWG's requirements. Okay. Okay. So no follow-up necessarily needed there.

So I have Joe and then Daniel, are you back in the queue? No?

Okay. Joe and then maybe we will try to wrap up.

Oh, and Russ. Joe and then Russ.

JOSEPH ALHADEFF: And also Mary is in the queue.

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ALISSA COOPER: Okay. How am I supposed to know you're in the queue, Mary? Oh, okay, your hand is up.

JOSEPH ALHADEFF: She did everything she was supposed to let you know she was in the queue.

[Laughter]

JOSEPH ALHADEFF: Joseph Alhadeff for the record.

I just want to highlight that a number of the comments focused highly on the existence of dependencies, and so absent the names community feeling comfortable to say they don't believe the dependencies exist, I think a number of commentators would think the proposal is not yet set if the dependencies are still outstanding.

So I think part of the question is -- goes back to the names community and whether they feel they can stand behind the proposal as is because of their confidence that the issues will be resolved or not, but this was an issue that came through very clearly across a number of comments that as long as the dependencies exist, they don't feel that the proposal is final.

ALISSA COOPER: Mary?

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And then Russ. Sorry.

MARY UDUMA:

Thank you. Mary, for the record.

And first is that majority -- just like Joe has just said, if we filter and analyze the comments, about 80% of it -- 80% of commenters have said that our proposal is not complete, we doubt these issues that Kavouss raised are resolved, and if what the board is proposing would affect all this, then it becomes very difficult for one to say that we could go ahead -- you know, we could -- or ignore this.

But I think, I believe, that we can continue with our processes, doing all the analysis, hoping that the CCWG will resolve the issues with the board and come up to see, as the assurances we have gotten from the CCWG before, that the assurances are still strong and valid and they are implementing it.

Then we don't have problem. It's just for us to just cross the Ts and dot the Is on what we have done already.

So I believe that will continue our program, our process, our time line until it is otherwise proved that we cannot complete that. Thank you.

ALISSA COOPER:

Thank you. Russ?

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RUSS HOUSLEY:

Mary said almost what I was going to say, and that is, I think we need to proceed with the assumption that CCWG accountability will eventually produce something that meets the requirements outlined in the CWG stewardship proposal.

We just need to be getting our work done and in order, so that when that link is finally snapped, we have something to deliver.

And so let's -- let's stay on course and get it done, and then eventually the names community will tell us that they've achieved consensus on the CCWG accountability result.

ALISSA COOPER:

Thank you, Russ.

Kavouss and then we will wrap up.

KAVOUSS ARASTEH:

Yes, Russ, we will do that, in CCWG. We've mentioned that this requirement needs to be met. Otherwise, there will be no way that we come to conclusion. So our system currently is what we have. If ICANN wants to change that, we have to convince each other that these five requirements are met, and I think that it is manageable. It would be met. That there is a need to further discuss it.

The only difficulty that I have currently is this budget. If you put it in the bylaw, that means it's covered already, and the other is IRP. If you have a clear understanding the difference between the IRP of the ICANN

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under the arbitration panel and IRP of the CCWG, if it is reconciled and resolved, the issue also will be resolved.

So I think the issue of the ICG is more or less intact. More or less. The problem is the remaining part that there is a difficulty, and I hope that we could have some argument. So our duty will be to explain that and we'll do our best. If there is anything, we come back to you. Thank you.

ALISSA COOPER:

Thanks. Daniel?

DANIEL KARRENBURG:

Yeah. Now -- Daniel Karrenberg again here.

Now, here's something where we have a principle problem.

My understanding of the process so far is that we produce a proposal and that the CWG has said there are -- you know, for us -- for this to be acceptable, the CCWG has to produce a proposal that meets certain criteria.

My naive view of this was that there are two independent processes and we deliver our product at some point and the CCWG delivers its product at some point, and we could, for instance, you know, write a -- in a cover letter that we sent to the ICANN board that, you know, points out this dependency and be done.

I had -- didn't have the impression that we would have to wait for the CCWG to actually produce its proposal.

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So what I hear in the room is certainly a change in the process that at least was in my head and I would like this clarified, because I think it's an important point.

ALISSA COOPER:

Thank you, Daniel.

So what I'm hearing in the room is that people want to continue forth with the process that we have laid out --

Oh, I'm sorry. You were in the queue. Do you -- can I try to summarize a little bit? Okay.

-- and that process was aiming to have the -- everything completed in Dublin, have all of our work completed in Dublin and have the CCWG's work completed in Dublin and we obtain the confirmation from the CWG that their requirements have been met, and once we get that, then we send the proposal off to ICANN board and we have a party.

And --

[Laughter]

ALISSA COOPER:

What I --

[Laughter]

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ALISSA COOPER: Nobody's interested in the party planning except for me, apparently, but I am interested in the party.

Anyway, people are delaying my party.

[Laughter]

ALISSA COOPER: So what I'm hearing is that assuming that we get through these two days and feel confident that we in the ICG do not need another round of public comment or have, for some other reason, extra delay, that we will still aim to essentially finalize the content of our proposal by Dublin, and the one remaining outstanding item may be that we have not received confirmation from the CWG that their requirements have been met because the CCWG will not be done.

And so I think in Dublin, we might end up having a conversation about what do we do now. We have a finished proposal. And Dublin, I think, is the appropriate venue for us to have that conversation.

So that would be my suggestion as far as what we -- what we do.

And we decide in Dublin what are we going to do if -- if we feel that we're done.

I don't see anybody disagreeing and I see some thumbs. I see lots of thumbs. Okay. Great.

So Manal and then Kavouss and hopefully we can wrap.

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MANAL ISMAIL:

Thank you, Alissa.

Actually, you partially answered my -- I was going to ask -- because I think we've already agreed process-wise that we are going to ask CWG about whether their requirements have been met, so I was asking when exactly will we ask this question, and I see the answer to this question will highly affect our time line afterwards. So it's not up to us entirely here to decide how the time line is going to -- to be affected.

I mean, it's again dependent on the response that we're going to receive.

Thank you.

ALISSA COOPER:

Thank you. Joe?

JOSEPH ALHADEFF:

Joseph Alhadeff. Thank you.

I just wanted to -- at Dublin to ask the question is perfectly fine. I think that's a good choice. And by then, we'll certainly have every bit of information we need to make the decision.

But I did want to just clarify that it's been my understanding throughout the process that until CWG tells us their proposal is final, our proposal isn't finished. And that has been my understanding since the get-go. It's not a question of we send it forward saying, "CWG thinks it's okay but isn't sure." That's not a proposal yet.

So it's always been my understanding --

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Now, if CWG at some point comes up to the conclusion that they don't need to have every I dotted and every T crossed and they're willing to say their proposal is complete, while the CCWG process negotiates the final language because, as Kavouss pointed out, not all of these issues are very large and they may be very close, that -- that is sufficient for us.

I don't think we need the absolute resolution of all dependencies as long as CCWG says "The proposal for us is accomplished."

ALISSA COOPER:

Yes. Thank you, Joe.

Kavouss.

KAVOUSS ARASTEH:

Yes. I think as far as CCWG issue is concerned today, the foreseen date that by Dublin they would have some sort of conclusion, now they say that there will be no such conclusion in Dublin. That's quite clear.

However, it depends on the discussion on the 26 -- 25th, 26th. They may do something. Not exactly Dublin. Two weeks after Dublin. But we don't have Dublin conclusion as was foreseen.

But it is for CCWG overall accountability may be less impact on the ICG or naming accountability is overall accountability on many, many issues. So that is quite clear.

In Dublin we don't have the same date as we have before. The CCWG. So it's delayed.

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Whether this delay should be recovered in one year from now, eight months or six months, I don't know. But maybe it be recovered. It depends on the situation, how quickly we work. But CCWG is doing their best. They have a lot of meetings, and sometimes they have two or three calls a day. Thank you.

ALISSA COOPER:

Thank you. Daniel, are you back in the queue? Go ahead.

DANIEL KARRENBURG:

Daniel Karrenberg again. So I'm quite -- I'm happy with deferring this discussion to Dublin, but one -- the question I still have in my mind is whether we really have agreement, certainly I don't agree that we'll have to wait for CCWG -- for CWG to say anything to us and maybe until Dublin we can first look at the way CWG communicated their answers, their response to us, whether there is actually such a request from them to hold off until they have given the sign-off and also to maybe have a discussion with the chairs of CWG about this.

I caution us actually against taking the route of accepting this dependency because I think the dependency is already covered in the fact that there needs to be two documents forwarded to NTIA. That was said very clearly, both the CCWG work stream 1 and ours. And it's (indiscernible) to me, at least as a potential, for interesting complications if we proceed in that sort of dependency because I could foresee that maybe some of the other operational communities then come to us and say, Hey, we want some changes or we want to have a

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final sign-off as well. It's just a process question. CWG -- if CWG no longer supports this thing, they can tell it to NTIA just as well.

ALISSA COOPER:

So we explicitly committed to confirm with them that the CWG proposal meets their requirements. We definitely did that. We are on the record.

But the reason that I think Dublin is a good time to revisit this conversation is because, although the CWG is unlikely to be in the position that it had hoped to be, there will be a lot more information about what position it is in. And the CWG will have that information as well. And so as Joe, I think, alluded to, the CWG is an independent body and can come and tell us that they feel satisfied based on their own analysis of what's going on. It's not up to us. It's up to them. So that's why I think four more weeks from now, we'll have -- everyone will have more information and be able to make an informed decision.

Michael?

MICHAEL NIEBEL:

Thanks. Just to say that I was also under the same impression as Joe and as Alissa now, I think. But at the moment, I think we don't have to discuss that indefinitely because there will be next week the CCWG meeting. For the moment, I think we have agreement to progress with our work. So we can basically go on with that, and there's no disagreement on that.

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ALISSA COOPER: Thank you. Kavouss.

KAVOUSS ARASTEH: Yes. Now, as a member of ICG, I suggest that at least we communicate this in one way or another to the CCWG, that in our meeting today and tomorrow when we discuss irrespective of any mechanism and method, whether should be MEM or MSCM and so on and so forth, we expect that the requirements of CWG mentioned in their letter of 24th April, 2015 to the CCWG be included in the second proposal of CCWG, must be met. Thank you.

ALISSA COOPER: Thank you. Mary.

MARY UDUMA: Thank you. Mary for the record. I just want to get the clarification in my head. I'm trying -- I'm struggling because whenever Daniel speaks, I get impression he says that we can actually submit our work product even if the CCWG has not -- or the CWG did not write to say that we -- that the work is complete, their proposal is complete.

And I say it again, if you look at the comments we got, 80% had this question of dependency. And I don't know whether our work will be complete -- we can say that the work is complete without getting the

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assurances from CWG that they're happy or their requirements have been met.

So, please, I need to reconcile what Daniel is saying and what I have in my head that the work is not yet complete. Maybe -- Alissa tried to put it right. But, please, if you can do that again. Thank you.

ALISSA COOPER:

So I think Daniel maybe was not aware of the text that we had written about this, and that's where the confusion is.

DANIEL KARREBERG:

This is Daniel. This is my mistake. The text you just quoted in the chatroom totally slipped by me. It is all my mistake. It is all my confusion. And I will keep quiet.

[Laughter]

PATRIK FALTSTROM:

Daniel, you don't have to send apologies here because to be really, really fair if we look in the details, I think we're discussing two different things. One is when do we in ICG believe that we are ready. And that is the text that we just saw. That is when we got the confirmation from the CCWG.

There has been another discussion in general which has to do with at what point in time the whole proposal, whatever that is, is complete.

I'm a little bit nervous that these might be two different things and that

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we are splitting hairs here. But the important thing for us at this point in time I claim is when we in ICG do believe that we are ready, and that is when the CWG has confirmed exactly as the text.

ALISSA COOPER:

Thank you. Russ Mundy, you will be the last speaker.

RUSS MUNDY:

Oh, thank you, Alissa. Russ Mundy here. I wanted to at least note that the SSAC had in our approval of the CCWG proposal a note that said that we also understand that certain things have to happen on these dependencies and that's detailed in there.

That's not explicitly directly related to what ICG does or doesn't do. But I think it reflects one of the SOs and ACs views that might be held by others that says there are a number of actions that have to occur by -- the board has to approve the -- the CWG has to say these have been met before this particular chartering organization says that the CWG proposal is finalized.

So I think that Joe's description early on in the discussion was excellent, that we don't have to necessarily keep working and doing things. But we aren't really -- we can't really declare ourselves done and forward the thing off until it actually is declared finished and all of the right boxes have been checked.

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ALISSA COOPER:

Thank you. So we are at our time, and we should move on, back to our comment analysis. I think we're -- folks are pretty clear on what we're doing here. So to be continued at a later date. And we're going to push forward on our process as specified.

What do we have next? Back to the comment analysis. We have concluded for the day, I think, on root zone, and that means we are on IANA IPR. We come back to you, Martin Boyle.

Don't look too thrilled.

MARTIN BOYLE:

Sorry. I'm ecstatic. Yeah, right. Martin Boyle here. This particular part of the proposal is an example of where the goalpost got moved well through the comment period. So we've got a slight complication where we're not necessarily sure where people were commenting on and, therefore, supporting that which came through from the CWG later in the process.

It's my general feeling on going through the comments that the concern was about the lack of definition, the lack of coherence between the different proposals. And that probably has been resolved. But I'd like to hear colleagues' views on that as we go forward in this discussion.

We received, I think -- rather than the fairly small number that's on the screen, I think we've received something on the order of 20 comments which actually makes it slightly more popular than jurisdiction as a subject.

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And one of those was a little bit disturbing in that it seemed to be suggesting -- this was the one from INTA -- seemed to be suggesting that that particular point that came through from CWG would need to go back out for consultation.

I'm not -- I'm not necessarily sure that it does, bearing in mind that we had in the document the proposal already on the table from the CRISP team. And the change has really been acceptance of the CRISP proposal as being the basis for a solution. But, again, I think, I'd welcome hearing colleagues' comments.

The other comments that came in were -- well, there was one comment about legal implications of an independent holder of intellectual property under trademark law. And this one goes straight over my head. But it is about whether an independent organization can put in the effort required to maintain the trademarks and in particular the quality of the trademarks.

The statement about ensuring accountability of the holder of the trademark of providing a service -- providing equitable access to all of the parties that need access to the Web site, to the trademarks, and so on.

And there was also one comment that said an impact assessment was needed for the proposal that was on the table.

And then there was one single comment that I thought was -- could be quite significant, and that was the IPR of the registries themselves and who owns that IPR. So, again, not being a lawyer, I think I would sort of like to hear from around the table whether people think that is something that has accidentally escaped people's attention and needs to be.

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And then there was not in the list on the spreadsheet from hell under the tab for IPR -- I remember reading one about the issue of shared resources and the right for the different communities to be able to edit or change registry, Web site, and the risk of multiple people having the same right and, therefore, crossing one another. And I think that probably is covered by the fact that it would be the PTI that will be doing the editing and that there will be distinctions about the roles and responsibilities of the different people who would be involved in those tasks. But, again, as I say, that was something that I -- and I couldn't even tell you at this stage which proposal that one -- which comment that one was in. But I remember seeing it. So I thought, again, I needed to flag to you.

So with that sort of introduction over some of the -- well, the questions that I think I had clearly in my mind from reading the comments on the IANA IPR, I'd like to throw the floor open to see whether anybody can help me out with some of the comments I have no answers to. Come on, guys. Somebody.

Elise.

ELISE GERICH:

I think you mentioned IPRs about the content of the registries. At least I know with the annual agreement amendment that we've had -- the ICANN IANA department has had with the protocol parameters, it always said that the data itself is public and that, you know, it's not owned by anyone. So if we were to stop being the IANA functions operator, the data doesn't reside with anyone. It goes to whomever -- the registry data is public. So I'm assuming my IETF colleagues will agree

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that's part of our ongoing agreement. And I know that the CRISP proposal has a similar thing, that the data is in the public domain. It's not owned by anybody. So I don't know if that answers your question. At least for those two communities, I know that's a specific part of their proposals.

MARTIN BOYLE:

That's really helpful for me, Elise. I suppose the question would be -- and I think you've actually answered that, that if at some stage PTI relinquished the role of IANA functions operator, then they are -- the data in all the registries would just be transferred to a new operator and it does not need any further formal approval or action to so do.

ELISE GERICH:

I believe that's a true statement based on the kinds of agreements we've crafted with our peers. They don't consider ourselves peers but I do.

MARTIN BOYLE:

Right. Thanks very much. I found that very helpful. Alissa, you have got yours --

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ALISSA COOPER:

I was trying to dig it out. I think at least the ICANN board chair, if not the ICANN board, is on the record with that position as well, that the data in the registries is not encumbered in any way by ICANN.

I think for -- I mean, reading the comments that came in about this topic, I think they pretty much -- other than the ones that -- other than INTA and CENTR, all of the issues raised I believe are broadly considered in the communities to be implementation issues.

So that might be a way that we characterize these when we reflect them in our -- in our report. But that's -- you know, the thing about accountability and who's actually going to be this holder and what happens if you have multiple entities that are -- need operational access to the domain name, I think there is fairly broad agreement that those are all operation -- or implementation issues. Thanks.

MARTIN BOYLE:

Thanks very much, Alissa.

I see Joseph and Kavouss, but I think there's Jari in between them.

[Laughter]

MARTIN BOYLE:

I am told that Jari is in between, so it's Joseph, Jari, and then Kavouss.

JOSEPH ALHADEFF:

Thank you. Joseph Alhadeff for the record.

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I just wanted to say that there was one comment that I don't think we captured on there which is a comment that is not an implementation comment but a phrasing comment. I think it came from the IPC and that comment was, "The description of the holder of the IP as neutral" -- and I forget what the other word was because I couldn't pull it up in front of me, but they pointed out that the holder of a trademark actually must engage in actions necessary to maintain the trademark.

And the way that that -- the way that organization is being described is as if it's a vessel that takes no action.

So they suggested to clearly include the remit of main- -- of taking action necessary to maintain the trademark as something that would be in the description.

Whether or not we think that's needed or appropriate, that should be captured somewhere.

MARTIN BOYLE:

Yes. Thanks, Joe. That was one of the -- one of the points I highlighted in my introduction. The IPC comment was, "It is not possible for trademark owners to be a neutral container for the trademarks. The trademark owner has active obligations and responsibilities. These include exercising quality control over the goods and services."

Now, what the next stage of addressing that is, I don't know. I think it really is a matter of CWG trying to work out, using their extensive legal input, what they -- what they will need to do to ensure that the trademark -- trademarks are maintained.

But, yeah, I think it's an important point.

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Was it Jari next, I think?

JARI ARKKO:

Jari Arkko.

So I can confirm that the data in the public domain has been sort of clearly labeled as one thing that is true and has to be true also in the future.

I don't know if there's an issue with the naming part of the current proposal, if that should also be listed explicitly. Can't remember if that's stated anywhere at the moment.

But it certainly is true of the other parts.

I do want to underline the -- you know, much of this is implementation approach, as Alissa mentioned. That's important.

There's also been -- like during the public call period, we had lots of discussions in this space and ended up with an agreement, I guess, between all the three parties saying that the -- you know, an independent party should be the holder of the IPR and --

Now, that's not in the formal proposal from CWG, but it might be something that we could consider -- I don't know, can we add a footnote or can we add that as an appropriate part of the proposal in our component, saying that that has been the agreement since the creation of the proposals? But it certainly should be listed as an implementation issue.

And then finally, the question of the independent party and the ability to defend trademarks and such --

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And remember, this is not just trademarks. It's also domains and such.

So I'm not a lawyer either. My understanding is that you have to be able to do some level of quality control and you have to take action if, you know, for instance, someone is using your trademark inappropriately.

You know, some other party.

And the tricky part is balancing correctly the sort of, I would say, clerical role of making sure that the trademark is properly used by us in the three communities and the IANA operator, and not used by others to -- that the rights of the three communities to decide their own fate.

Because there might be a situation where, you know, a badly functioning IANA operator -- I can't think of the current operator ever making a mistake here, but, you know, who knows -- and then the owner of that IPR having to say that, "This is inappropriate, we have to, you know, do better."

And, you know, at -- at the same time the community in question who wants to use this operator, wants to continue to use the operator, or if there would be some kind of dispute, then you could get into trouble, but presumably that can be arranged through some kind of negotiation and, you know, informing the other parties that this is going on.

But the legal issues are fairly complicated.

But in any case, this, I think, is implementation and should be, from the ICG perspective, listed as such.

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MARTIN BOYLE: Yeah. Okay. Thanks, Jari. I think that was actually quite useful, and in particular, that last point of the need to consider the implications of separation. At the time of separation, what that's going to mean for the rights of access to and editing of the various documents.

I've got Kavouss, Milton, and Alissa, in that order.

So Kavouss, please.

KAVOUSS ARASTEH: Yes. If the position of ICG on this issue is or would be quite clear, I think the matter is further outlined in Paragraph 142 of the CWG separation process, which the legal part of that will be included in the fundamental bylaw and I'm sure that when the ICANN legal staff plus the legal authority or legal firm, they draft the fundamental bylaw, they also mention of the actions that you have outlined. So it should be good that we have a clear position.

I'm sure that will be taken under a special review committee in the separation process.

Thank you.

MARTIN BOYLE: Thanks, Kavouss.

Milton?

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MILTON MUELLER:

Yes. This is Milton Mueller.

So the context in which the argument that Jari was referring to that has to be taken into account.

So essentially when we were having the debate about who should be holding these trademarks, there were people who did not want the IETF Trust to be holding them, and their argument was that if the IETF Trust did hold them, it would be -- in effect, it had to be the IANA and in control of whoever else the other operational communities chose as their IANA.

That argument was not really accepted by the CWG. However, ably, it was advocated by the expert trademark lawyers in the group -- I think it was an extreme exaggeration of the role of the IETF trust -- "in effect, there's nothing stopping us as an implementation" -- and I agree it's an implementation point at this level -- "there's nothing stopping us from just saying your role as the trademark holder is to determine -- is to essentially allow each community to pick their IANA functions operator and assign the right to use these things, and that -- there's nothing more to your quality control than that." Because I think the trademark lawyers were thinking about, you know, where you manufacture Mickey Mouse products and whether it really looks like Mickey Mouse and you have to, you know, investigate the manufacturing plant and be in control of the actual quality of the product. But, you know, what does it mean, the quality of the IANA product here?

What it means, you know, in effect is that the relevant operational community is satisfied with what they're getting and has the right to choose it.

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So I really think that that red herring can be discarded now. There's only two comments that make this point and we should, you know, view this as something that is an implementation detail, basically.

MARTIN BOYLE:

Thanks very much, Milton.

Alissa?

ALISSA COOPER:

Just to pile on, although the IPC comment uses the words "neutral" and "container" in quotes, the -- those words don't appear in relation to the IPR holder in the proposal, which may be why it's confusing.

The proposal doesn't talk about the holder of the IPR being neutral. It talks about the holder of the IPR not being the IANA numbering operator.

So in that sense, it -- you know, the holder of the IPR is not going to be the IANA functions operator, but we don't actually -- the proposal doesn't actually use the words "neutral" or really speak to this at all.

So -- all of which is to say, I don't think there's anything that needs to change, and I agree that the requirements on the behavior of the holder are to be dealt with at implementation time and the communities are all already working on defining what those requirements are.

And that is, I think, something that can be reflected in Part 0 as well, so we can both, as Jari said, reflect the updated status from the CWG in terms of their acceptance of what's written in the proposal already, and

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then also explain what the implementation issues are that have been raised by the commenters and others, and that -- discussions about implementation are already underway.

MARTIN BOYLE:

Thank you very much. And not seeing any more hands, I think Alissa just did my job for me and did an excellent summing up, so I will just sort of throw that open to anybody who's got anything else to add to Alissa's summing up.

ALISSA COOPER:

So we need a volunteer to write the words about that.

What do you think, Jari? I believe you -- I believe you wrote the existing words that are in Part 0 about this, so can you be voluntold to do IPR?

(Off microphone.)

ALISSA COOPER:

Okay. Okay. Great. Thank you, we will record that as an action item.

All right. So I think we are on break, correct? Yeah.

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(Off microphone.)

ALISSA COOPER: A few minutes early. We will come back at 4:00 to talk about the completeness of the proposal.

[Break]

PATRIK FALTSROM: Can we please get seated? Moving into the next analysis which has to do with ICG criteria. Milton.

MILTON MUELLER: Okay. So completeness is a bit of a hard slog here. We have got quite a few comments of people who support the proposal but have many, many suggestions about how it needs to be completed or details need to be filled in. Some of the obvious candidates in that regard are the root zone management aspect, which is perceived as a gap.

Others are addressing a number of other details. Say, for example, the Google comments are typical, Key aspects of the proposal would benefit from further clarification or refinement, and these points are covered in separate tabs. Anything from how do the numbers community and protocol parameters community interact with PTI. Some people are still unsure about the way the intellectual property related to IANA is going to be handled. Some people want checkpoints during which the community can confirm the details for coherence of the community's

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shared understanding. So, basically, we are getting into a debate about what appropriate level of implementation is required before people can support this proposal.

On the other hand, there were people who said, explicitly about a third of these commenters, that, you know, it's not completely perfectly specified but it's complete enough to be evaluated against the NTIA criteria. There was also two or three comments from developing countries that said the whole proposal is so complicated that nobody who's not totally involved in this can actually understand what's being proposed. Of course, the biggest comment about completeness had to do with the CCWG accountability arrangements which everyone recognizes is, you know, a final part of the proposal that we are not in charge of. So I think we don't have to worry about that too much except that we do need to get the CCWG to -- or the CWG to sign off on the CCWG proposal. And it looks like the deadline for the CCWG to finish its work is receding a little bit as we speak.

So with that as an introduction, I will open it up for discussion. We have Joe already. Go ahead.

JOSEPH ALHADEFF:

Thanks, Milton. Joseph Alhadeff. Yeah, I just wanted to qualify one of the comments which was related to the dependency and lack of completeness. I think a number, if not a majority of the commentators who raised that, then failed to give us a comment on what we actually asked them to comment on, which was assuming the dependencies are met, is this sufficient? So unfortunately while they commented on the dependencies created in incomplete proposal, most of them didn't go to

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the second step, "But if these were all completed in the way laid out, that would be sufficient." So I just think we need to take that into account, that they haven't necessarily argued that if the proposal were completed the way it's laid out, it might be sufficient. That didn't get into some of the analysis. It did in some, but a number of them just left off with if it's not completed, then we have a dependency but didn't opine on whether the resolution of dependency was sufficient.

ALISSA COOPER:

One of my take-aways from reviewing the comments in this section was I think somewhere in the proposal, we need to be more comprehensive in terms of listing what is expected to be completed in the implementation phase. There is a short -- the very last subsection of Part 0 already has some narrative about this. But I think having sort of, you know, a bulleted list of the items from across the three community proposals that have been called out in terms of expected to be completed during implementation, I think, would help clarify some of these points.

Some of the commenters, of course, believe that the things need to be completed before the proposal goes to NTIA, and that's a substantive concern that we should discuss for some of them. Regardless of that, I do think having a handy list would help clarify things.

KAVOUSS ARASTEH:

Like Joe, I expected the people they mentioned irrespective of the interdependency, whether these five or six areas of dependency or interdependency were sufficient or not, they missed that. The main

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purpose of the question was this -- whether there was other areas, they didn't answer to that. Moreover, I expected that they could say like ICANN board that several details of the implementation or how the issue of function is missing. They have not given it to us as all. There are areas that there is no detail. And ICANN board has clearly mentioned that, a lot of details are missing.

In fact, I'm not criticizing CCWG because I'm participant and so on and so forth. But if you go to the community membership, there is an overall description. The detail is not there. There are many details that are not there. And ICANN board pick up that clearly. So I expect the community to also pick up that. It has not. This is the two areas.

But saying how they will be implemented, I think even some of us may not know how it will be implemented because this is just theory. I told several times to the CCWG that you are designing a theory. And you don't know whether the theory in practice it work or doesn't work. We don't know that. So we have to do that.

Some people they said doing that don't wait for July 2016 and to start to do to see whether there is any problem or not. These two areas that were missing from the comments. Thank you.

MILTON MUELLER:

Again, just wanted to call your attention, if it's not already evident from the slide, that there are -- is a very effective division between people who want these completeness criteria to be met before the proposal goes to the NTIA and those who are satisfied to have it done afterwards. And with the exception of the CCWG work stream which, of course, we all knew had to be completed before the proposal goes to the NTIA,

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most of the comments are dealing -- are proposing that these be handled as details of implementation. So that's good.

The only thing that -- a number of commenters are calling for fixing before the proposal goes to the NTIA is the conclusion of a root zone management agreement between the IANA functions office -- conclusion of an agreement between the IANA functions operator and the root zone management operator. We've already discussed that and we're working on how to handle it. So is there anything here that you think needs to be addressed in any -- requiring significant action from the ICG? I have Joe on the queue.

JOSEPH ALHADEFF:

Yeah, this was further to Alissa's comment and I guess the last thing you just said. And that was that I think people were questioning what needs to be agreed before transition and some were saying what needs to be implemented before transition. And some were talking specifically to documentation and suggesting what documentation needs to be in principle agreed, what documentation needs to be implemented, and then some of them were going to do you have to commit to the parameters of the documentation if it's not implemented beforehand. So I think those are the various factors that came up through the proposals. And I think we just need to capture them all in some way because some of them were documentary and some of them were kind of proposal concepts.

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MILTON MUELLER: Is that you back in the queue? Is that an old hand or new hand? New hand, okay.

KAVOUSS ARASTEH: If we are dealing with accountability in the CCWG work stream 1, it is clearly defined that actions to be implemented or committed to implemented, it is not 100% to be implemented, so committed to be ready for that. This is a situation. Not all of the things could be ready before the transition. But the commitment that it is implementable, that should be done by the CCWG. And the work stream 1, they try to do that up to 3rd of September. But now situation has totally changed. Thank you.

MILTON MUELLER: Alissa.

ALISSA COOPER: I was just going to ask Joe, can you give examples in that category about documentation. The only one I was thinking was the bylaws. Is that the kind of thing that you're thinking about? I am having trouble conceptualizing what's the difference between something that needs to be documented and something that needs to get agreed? Doesn't it get agreed by it getting written down?

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JOSEPH ALHADEFF:

Yeah, I think the agreement was -- this is Joe Alhadeff. I think the agreement question was agreements in principle as to some of the concepts of the proposal, this will be done, this won't be done. Documents included people wanting to see the SLA, people wanting to see service level expectations, people wanting to see the actual contract between two parties. Those were the kind of things that some people were saying that absent seeing the document, they weren't convinced that the proposal was complete.

Each of the documents would be a narrow subset of the group, but it was a running theme that some people had some document they wanted to see as part of either accountability or transparency or some level of assurance.

As I said, again, small pieces of various comments, but a theme that was running through them that I just think we need to capture.

MILTON MUELLER:

I wonder how much this pre-submission implementation versus post-submission implementation relates to the issue of how long the ICG should stay around and how much should we oversee the process of implementation to make sure that it actually conforms to what was agreed and doesn't go off track.

I think that issue was raised in connection with another -- an earlier discussion and I think it -- it's relevant to this completeness issue also.

ALISSA COOPER:

It's on the agenda for tomorrow.

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KAVOUSS ARASTEH:

Yes. I am not in a position to address the SLA or the contract between concerned parties, but I could comment on the preparations of the bylaw modification and fundamental bylaw.

It is foreseen that it will be done between the time that the first action is finished, which was about to be finished in Dublin but now it's postponed until July 2016, that the ICANN legal people plus the legal firms doing for -- work for CCWG try to prepare the draft of the fundamental bylaw, bylaw inclusion of the commitment, and ICANN articles of incorporation. Everything should be ready by that time, 16th of July, 2016. So that is what's foreseen before the 3rd of September. Whether we maintain that date or not, I don't know.

But about the SLA and contract, I don't think that we should get in that sort of thing. SLA is something between the operational communities and ICANN, but I don't know whether the readiness of that has any issue for the commenter to these particular items.

Thank you.

MILTON MUELLER:

Daniel?

DANIEL KARREBERG:

This is Daniel Karrenberg.

Thank you, Milton, for this summary.

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I think as with everything, what we're missing here, looking -- looking at all the comments, is that the overwhelming majority of them who answered the question were actually supportive of the completeness, so that's something to note.

The other thing I'd like to reiterate is what -- you know, what is actionable here, what do we need to do? Do we need to -- and that's a general question.

You know, we can discuss a very long time about CCWG and so on, but I think we can answer those questions very easily by basically saying -- pointing to our document. Which are the completeness questions that we really need to deal with by possibly making changes to Section 0 and which are the completeness questions that we need to deal with by doing more in a FAQ and other informal -- more informal things.

And let me just offer something. I think the ones that we should address again formally is the one of the dependencies. Just make that very, very clear on what we expect the process to be. Like, you know, once our document is finished, what do we do -- communicate to CWG about this. And the other -- the other stuff is mainly sort of in the explanatory area, like relationship between protocol parameters and numbers and PTI and so on, which we already have the information. We just need to put that into our FAQ.

So let's please concentrate on, you know, what's actionable, what do -- what action do we need to take.

MILTON MUELLER: Good suggestion.

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Martin.

MARTIN BOYLE:

Thanks, Milton. Yeah, I certainly would subscribe to what Daniel's just said, but I put my hand up about essentially the example of service level expectations, and I think this applies to almost all of them.

It doesn't really matter to most people what is in the service level expectations, but it does matter to the communities that are affected, and there needs to be some pressure on the system that ensures that the document -- documentation at implementation is correct and ready to go through into the implementation.

So I think the way this chart is shown is actually particularly useful, because it does allow us to segment, and perhaps we need to think a little bit more about how we do that segmentation. I think, by and large, it looks around about right to me, where it becomes very clear that the work still needs to be done.

But that work isn't for us to do. That work is for the CWG, the CRISP team, the IANA plan team, to make sure that the elements they need are in place.

So all we're doing is sort of holding up a flag that says, "These things need to be in place at the time of transition." Thanks.

MILTON MUELLER:

Keith Davidson.

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KEITH DAVIDSON: Thanks. Keith Davidson, for the record. And sorry. I had my hand up in Adobe Connect but my battery went flat, so...

Milton, I think this is a very good approach, a nice template to give us guidance, but I do note that under the service level expectations there were a couple of submissions. Submission 83 from CENTR, the European ccTLD collaboration, or regional organization, and Submission 123, both suggesting that the SLEs must be in place, you know, as part of the ICG - or prior to the ICG submitting the transition plan.

So you've got a gap to fill in the center column there. Thank you.

MILTON MUELLER: That's Number 3? "Establish service level expectations for names"?

KEITH DAVIDSON: Correct. And Submission 83 and 123.

MILTON MUELLER: Yeah. There's -- there's a few gaps here and there in the classification of the comments and because it was somewhat fragmented, the people processing the comments, this happened, so it's good that you noticed that.

Can the secretariat make a note of that? The -- it was Number 83 and --

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KEITH DAVIDSON: 83 and 123.

And, you know, I think it wasn't immediately obvious in the way the submissions were listed that they were necessarily from a ccTLD or a ccTLD regional organization.

So I understand how those gaps could have easily come about, but I guess that's part of what we're doing now is fixing those gaps.

MILTON MUELLER: Yeah. Good. Thanks for bringing it up.

So they --

And isn't a service level expectation for names floating around the CWG?

KEITH DAVIDSON: Keith Davidson again.

Yes, the CWG has just signed off on the work of the subgroup that was issued the task of developing the SLEs, so there have been two calls and consensus agreement that the SLEs will come forward.

The suggestion was that the chairs of the CWG would be making the SLEs a submission to this group, but I don't see them amongst the submissions, so it may be because the last call was three days after submissions closed, they didn't quite make it, but the intention is to

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formalize the SLEs for us, for the ICG group, by submitting them somehow so that they are in front of us.

MILTON MUELLER: But it sounds like we're pretty close to meeting the goal of having them before the proposal goes to the NTIA, right?

KEITH DAVIDSON: Keith Davidson again.

Yes, correct, and I think the question is, given that the names proposal refers -- or includes the principles for the SLEs and refers to the required development of them, is it now appropriate for us to consider, as the ICG, that we -- once we formally receive those, that we can append those SLEs directly to the names proposal.

MILTON MUELLER: Okay. Mr. Arasteh?

KAVOUSS ARASTEH: Yes. Kavouss speaking. Thank you very much.

I said something this morning but I felt that it was not sufficiently taken care by our distinguished ICG colleague.

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25th or 26th, we have the face-to-face meeting with the board of ICANN and CCWG. After that, perhaps we would have some call again between the board and CCWG before ICANN 54, in order to reconcile the situation.

What I suggest -- and if I could repeat my previous suggestion with better wording -- would be the following:

ICG is of the view or is of the strong view that irrespective of community empowerment mechanism model, whether it should be CMSM -- that means community mechanism sole member -- or MEM, multi stakeholder empowerment mechanism, irrespective of these two and irrespective of the scope and binding nature of the IRP, the requirements of CWG as mentioned in the output document as included in the ICG need to be met.

This puts a little bit of pressure to both parties, ICANN board and CCWG, to try to find a common ground in order to have an agreement.

And there is -- in my view, there is room for agreement.

The only thing that they should look at that one.

I'm sorry to say that some people in both groups, they are pushing for their own position. That doesn't work. They need to look at the possibilities and there is no way saying that one is right and the other is wrong. The important thing is that the people should try to understand each other and find some ground of agreement and consensus.

So I think, once again, I request that this should be included in our output that we want that this requirement be met, irrespective of any model and irrespective of the nature and the scope of the IRP that really is a part of the ICG activity. The remaining we leave it to them to discuss

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but these are the essential part that we are much concerned. Thank you.

MILTON MUELLER:

Kavouss, I would have to say that at least two stakeholder groups I know of would not accept that. That it really does matter how the IRP is handled. It really does matter what the accountability mechanism is before they're going to accept a proposal, and the ICG I think is in no position to say it doesn't matter. We have to get a final proposal from the CCWG before we can pass this on, and that proposal has to have a sufficient level of consensus to -- to qualify as a proposal.

But anyway, Elise is next.

ELISE GERICH:

Thank you, Milton. This is Elise Gerich, and I wanted to talk to the point that people are saying what things need to be done pretransition or before the transition begins, and draw your attention to ICANN's response to the ICG proposal where we in ICANN mention that the collective proposals identify a whole lot of things that would be like -- that should be done before the transition, and those collective proposals aren't just the SLEs. They're a lot of different things.

And so I think it would be useful if the ICG -- and we talked about looking at the collective proposals and not just as silos -- would look at this and help provide guidance as to how those things might be prioritized if the transition were to have a time line of when you want to get to the transition.

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I know with independent working groups, the CWG and the CRISP team and the IANA plan, we've had conversations and said, "Well, you know, this is going to take changes to these tools" or "This is going to take changes to this system," and that's just the operational pieces, not the all legal stuff and the documents and those relationships.

So it would be nice if the ICG, instead of just pulling out one -- one and two and three things that each proposal or comment has noted, if they could look at the collective proposals and provide some guidance as to what they think is prioritized to be done, so that when we sign up for going forward, we all know that maybe everything can't be done at the same time. Thank you.

MILTON MUELLER: Interesting. You are actually suggesting we should prioritize the implementation aspects?

ELISE GERICH: I would think we might look at it as a whole and say, well, you know, every system has to change for this group, that group, and the other group. It might be that we want to prioritize what things -- and ask those communities which things are the absolute must-haves so we can have a phased implementation plan versus everything all at the same time. I don't know if that was clear enough.

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MILTON MUELLER: Clear. Patrik, you dropped out.

Alissa?

ALISSA COOPER: So on that point, maybe you could clarify a little bit, Elise, because I think we have been trying to separate into at least two buckets, which is before the proposal goes to NTIA versus before the contract expires, right? So that division I find useful.

In terms of prioritizing further within the second bucket, I had trouble understanding the comment from the ICANN board actually because I feel like it's sort of up to ICANN. There's a bunch of things that you guys need to do. I found it a little strange to say, Well, we should tell you the order you should do them in and, also, in light of the fact that some of them have attempted to get done and ICANN has said, We can't do that yet, which must have come for some reason, right?

So I would just personally with a IETF hat on, I was kind of like, How are we supposed to respond to that? I don't really know because in terms of -- I fully appreciate that while each community has its own things it wants to get done, IANA and PTI in the future have to deal with all of those things. I think we're all going to come and tell you, You should do ours first, right? So maybe you could elaborate that on a little bit.

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ELISE GERICH:

So actually by each community saying coming and saying, "You should do ours first," I think we go back to this morning's conversation where we are all acting as silos and not as looking at the oversight of the IANA functions. And I agree that part of our earlier conversations were at some point in time those functions may be separated. But the concept right now I thought was to keep the IANA functions operationally together. And maybe that's not a correct assumption on my part.

But by us looking at each silo and making lists like this, the SLEs have to be done before we can have a transition. Those of you who aren't in the CWG maybe haven't looked at the number of metrics that we need to instrument. We're not arguing that they are not good things to do. That's not the point. It's I thought we all had the same goal to try to get to a transition. And if all these things are mandatory before a transition can happen, then the SLEs just happens to be a convenient example that's on the board right now.

Then the transition is going to be much further out than maybe people want. That's up to the communities to decide. I am just raising the flag that the number of things we have been asked to implement are going to take time. They draw upon the same number of resources. It's not like there's more people -- three times as many people to do something for each community independently.

Maybe it's the ICG that should look at this and compile all the things in one bucket that must be done and then we can have a conversation about implementation if it's feasible to get them done by September next year or whatever the time line people want the transition to happen. Because that's what I have heard. Everyone would like the transition now to be by next September, and there's a lot of things on the plate. I don't know if that clarifies it, Alissa.

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ALISSA COOPER: Just one follow-up just because you used the SLEs as an example. I think the conversation we had earlier about the SLEs is that they need to be written down and -- need to be written down by the CWG and my guess maybe agreed to with IANA. Or I'm not sure about that part.

ELISE GERICH: That's been done.

ALISSA COOPER: That's done, okay. So that's the part that needed to happen before the proposal goes off to NTIA, I thought.

MILTON MUELLER: Keith was actually in the queue. Do you want to let him address that?

ALISSA COOPER: Please.

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KEITH DAVIDSON:

Yeah, I think firstly we do need to be cautious in terms of overburdening IANA with a mountain of tasks and things that could then be done badly and would rather graduate a response.

I think to be fair in terms of the discussion around the service level expectations, the agreement was -- or what was being sought by Submission 83 and Submission 123 was that the service level expectations be defined and agreed so that there was no chance of ICANN subsequently saying we're not going to implement or we don't like these things or we're not going to do them. They wanted to see a hard and fast template.

Now, if that means to some members of the community that requires implementation ahead of time, I guess if you're saying, Elise, that implementation may take months rather than weeks, then that's a conversation that I think needs to go back to those parties so they understand the ramifications. But I think the fact that there's been agreement over the SLEs and that they could be appended to the names proposal should give heart that is dealt with and it becomes an implementation process. And then where that sits in the implementation process might be one of those assist priorities that we can give you guidance on in due course.

Thank you.

ALISSA COOPER:

I'm still confused. But if you want to take this, we can try to take it offline or something. I don't know if anybody else cares. Okay.

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MILTON MUELLER: You are still in the queue, and we still have eight minutes. Joe is in the queue.

ELISE GERICH: If I could just clarify. The working group A, I think it is, for the CWG finished their document for the SLEs. They finalized it. They sent it to CWG. It was accepted.

In the last conversation before it was finalized which included members of ICANN, the CWG working group decided that everything had to be implemented as documented before a transition could take place. And so it's more than what's in the two comments, Keith, just to clarify. Thank you.

ALISSA COOPER: Before the transition can take place is a year from now. It's not in the theoretical time line we had a month from now when we were going to send the proposal. That's what I was asking. I thought you were saying you had to be able to hit the performance targets a month from now. But what you're saying, I think, both is that everyone wants you to be able to hit the performance targets a year from now.

ELISE GERICH: That the implementation has to be done in order to have transition for all the different -- not just the SLEs. I'm talking you have to look at the

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aggregate of the things that have to be done because they were removing the root zone administrator from the system. We're instrumenting the system. We're doing lots of different things, or we will be doing lots of different things based on these proposals.

And in order to main the stability that's required, that takes development times -- scoping time, development time, and testing time.

ALISSA COOPER:

Yes, understood. And no one is expecting you to do that within the next month. That's all I was trying to establish because that's what I heard, is that it had to be done before we sent the proposal to NTIA, which is a much different timing. Thanks.

MILTON MUELLER:

Maybe one could consider a prioritization to be within the scope of our compatibility and coordination remit.

Anyway, Joe, you've been waiting a long time.

JOSEPH ALHADEFF:

Thank you. Joseph Alhadeff. Yeah, I guess -- I think this is one of the things where we should be talking to the communities if we have questions because I'm a little concerned about our prioritizing the actions of implementation. I think even -- I'm maybe concerned about

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even our cataloging them because I don't actually think we are going to know what the complete catalog is.

I think NTIA had made a request for more information about implementation. We had an initial conversation with the communities about that. I think the comments indicate that there's a concern that there is a greater interdependency across the communities on implementation than there actually may be. So I think this is an area where a reversion back to the communities to perhaps say there's a -- there seems to be some need for further clarification on this and perhaps an assertion as to whether there are dependencies among some of the implementation steps might be useful because I think there is at least within the comments a lack of clarity related to what this means. And when NTIA made the question, I'm not sure NTIA is clear on what they think the implementation process is going to be. I think this is something that requires clarification.

I'm a little concerned that I don't think we are the best position group to clarify it. I think the communities are best positioned to clarify what needs to be done and in what sequence and whether there are dependencies between the sequences.

I think I take it as -- I take as a given that there is a finite number of resources to implement those things so there has to be some kind of a triage concept of what you implement in what order. But, perhaps, there can be cross-community guidance related to that as opposed to our making assumptions related to that.

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MILTON MUELLER:

Jari, you are in the queue? Did your battery die, too? Or are you just glazed over from looking at too much Adobe Connect? Because it is really hard for me to notice you are in the queue unless you use Adobe Connect. Other than Yannis who is apparently on top of it all. She's pointing out to me who to call on. But that's an indirect process.

If you want to get in the queue and your battery is not dead, use Adobe Connect. You're in now.

[Laughter]

JARI ARKKO:

So I sympathize with this idea that several hundred people are specifying things that 13 people in the IANA department are trying to implement. And they were efficient.

Thank you for that, Elise. But we do have to watch that a little bit. Maybe the right way to think about this is, you know, first of all, we, the ICG, may have some high-level understanding about what the dependencies between parts are and the order of things. But ultimately it's a community thing. I agree with Joe, that's the only place that can reasonably come from.

But I would actually like to talk more about -- not so much priority but dependencies and order between actions. I think that's more fundamental. And so we can in an engineering fashion do that rather than assigning value so much to the priority or the importance.

We do know some very basic things. We have to get the SLE done before the NTIA contract goes away as an example. So I think that's a useful thing. So pushing this to an implementation task that the

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communities need to complete this chart on their own part, I think that would be a useful approach.

MILTON MUELLER: Daniel?

DANIEL KARRENBURG: Thank you. Daniel Karrenberg. Joe very well expressed what I was going to say first in order to make my point. So I absolutely agree that we shouldn't be doing, A, detailed implementation planning or writing detailed implementation plans here. I don't think we are the right place to do the prioritization and all that. So I fully agree we shouldn't be doing that.

And I think the way forward clearly is not to do that, not to enter it into our document, but to communicate to the operational communities that these concerns have been raised and that in order to gain confidence by the organizations and individuals that commented, the operational communities should communicate actively about their -- the development of their implementation plans. And I think if we do that, we've done as the ICG exactly what we have to do, nothing less and nothing more. That's my proposal.

ALISSA COOPER: You want them to communicate with each other or with whom?

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DANIEL KARREBERG: That, too. But the important thing is that they -- what we see is uncertainty about the -- the implementation details, and we say, "We don't want to interfere with the implementation details but you should take note of that uncertainty and those questions and communicate actively to reduce those concerns or eliminate those concerns.

And yes, by the way, you should also" -- and that's a different point -- "talk to each other," yeah.

But the important thing is like that we say, "This is not in our remit. We think we have sufficient detail in the proposal to go ahead. And -- but it's very important for the operational communities to be transparent and actively communicating about the progress of the implementation plan."

MILTON MUELLER: We're done on time. Yay, us.

ALISSA COOPER: Would you like to summarize what you think we need to do --

MILTON MUELLER: No. We're done.

[Laughter]

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MILTON MUELLER: Yes.

ALISSA COOPER: -- on the whole topic of completeness?

MILTON MUELLER: I think -- I think we have a pretty good list of things that need to be addressed. We -- in our response to these comments, we can make this distinction between things that need to be in place before the proposal goes to NTIA and we had some inconclusive discussions of the degree to which we should either aggregate and analyze these implementations that have to happen before or consult with the operational communities about what they think needs to happen.

So I got the sense that most people did not agree with Elise that we should take a more active role in kind of sorting through these things in the aggregate, but I'm not sure what we should do, so maybe people can help me come to some conclusion here.

Go ahead, Daniel.

DANIEL KARRENBERG: This is Daniel again.

Just to be very concrete, I think if you -- if you look at your matrix, we should say that, you know, one before is dealt with, and the rest is

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basically, just like I said before, something that the operational communities concerned should address. Community -- planning well and communicating to the public well.

So basically just one of them is done and the others, we have no actionable items.

MILTON MUELLER:

Keith?

KEITH DAVIDSON:

Just following up, I think if IANA is running short of resources, would adding resources help with the time line for implementation?

So is this an issue of ICANN not addressing the request for resources or are you at the point where you couldn't manage if you had more resources with implementation?

And, yeah, that might give us some guidance as to the way through this.

ELISE GERICH:

I don't think it's just resources. You know, it's not like -- I don't know. It's probably a bad analogy. It doesn't go over well multiculturally, but I'll try it anyway.

You know, if you want to have a baby, it takes nine months, and if you have nine women, you're not going to get a baby in one month.

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So --

UNIDENTIFIED SPEAKER: Really?

[Laughter]

ELISE GERICH: Sorry. So I don't think it's just a resource question.

There's three different --

Like I'm sorry if it offended anybody. I didn't mean it to.

But there's three communities coming up with three different sets of things that they'd like done.

We have the same time line for all of those communities to have things delivered.

So the -- there's a balancing within ICANN of how to prioritize the development resources for all three things, how my department prioritizes working on the SLA agreement with one of you, and then the SLA agreement.

I mean, we try to do all these things in parallel.

But it -- some things have to happen almost sequentially, or not exactly sequentially but interleaved and have phases.

So I'd like to go back to this morning's conversation, and I think it was Joe or -- or, I don't know, maybe it was Keith Drazek that brought it up,

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that the communities are making assumptions that the cooperation and the way they've worked together before will continue. But it's not in any of the proposals, per se, and I don't know how much, you know, the IETF's talked to the RIRs about, you know, what they're asking for and what the RIRs are asking for. I don't know how much the CWG's talked to the IETF. So that those three communities are talking to each other, and I think the ICG is the place that's supposed to say, "Are you guys talking to each other" and looking at the bulk of what is being required, so that if ICANN, as the operations implementation part of it, comes back to you and says, "Well, you know, we can get all of -- we can get A, B, and C done by the date of transition, but X, Y, and Z we'd like to phase later" --

We don't have any venue or any channel for that conversation. We've had it individually, and sometimes not with success because everybody says, "Well, I want what I want," and I -- you know, I'm like that too. I want what I want. But I think if we want, as a community, to get this done, then maybe the ICG's role is to go back and say, "Well, you guys talk to each other and then figure out how -- whether we can get all of this done at the same time or whether you're willing to do a phased thing or not."

I don't know, Keith. I did -- kind of went on a tangent there. Sorry.

MILTON MUELLER:

But are you talking about -- I mean, I think you're making a very good point. Just my opinion, of course.

But are you talking about these communities talking to each other through us or are we convening some kind of a documented process by

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which they do this or are we just sort of giving them a general recommendation, "Go off and cooperate"?

ELISE GERICH:

I kind of thought the ICG charter said that we were supposed to look at all three proposals, to see if they make a compatible whole, and we've said that we didn't see any glaring incompatibilities. I believe that's what we've said.

However, what I'm trying to raise is even though on paper there are not glaring incompatibilities, the mutual goal to hit a time line for transition may not be able to accommodate all the requirements that each individual proposal is requesting.

And I think it's the ICG's role to go back to the three communities, or potentially -- you know, you guys have to decide if that's our role, but I would say our role is to go to the three communities and say, "Have you guys talked to each other, and, you know, then figured out whether or not you want to then approach the operator and talk about what could be implemented from this whole buffet of things we want or whether it can be -- all be done at the same time or if it should be phased?"

Does that answer your question, Milton?

MILTON MUELLER:

Yes, it does. And Keith provided a very practical suggestion in that regard.

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Would you like to --

KEITH DRAZEK:

Yeah. Thank you, Milton. Keith Drazek, for the transcript.

It seems to me that if we're going to embark on this effort, looking at this -- at Elise's suggestion in the context of, you know, we have a finite amount of time and a finite amount of resources to be able to implement and accomplish what the three operational communities have said they need, and that assumes that we're all committed to meeting the earliest possible time line.

So if we're going to embark on that, it seems that the logical first step would be -- would be to come up with the menu or the list of all of the implementation issues that have been identified, and then to try to understand better, like, how much time each one of these is going to take and then to actually have a conversation with the operational communities and to say, you know, the ICG, I think, could act as a coordinator or a facilitator of that conversation.

But I think the first step would probably be for ICANN IANA staff to come up with a list so we can actually take a look at that and some -- and have something to share with the operational communities.

I would support us being a facilitator of that conversation because I think what we're hearing from Elise is that under the current time line and the current targets and the current resources and all of the things that need to get done, is that it's likely they're not all going to get done before, you know, the various stages here.

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So if there's a prioritization that's needed, let's initiate that conversation sooner rather than later so we can accomplish as many as possible.

But it does need -- to go back to Joe's point and other points that have been made, this needs to go back to the operational communities and I think that we need to make sure that to the extent possible that there's cross-community communication on that, to identify what the -- the minimum thresholds are.

Thanks.

MILTON MUELLER: Lynn?

LYNN ST. AMOUR: Thank you. Lynn St. Amour.

I support some of what Keith just said but I'm not at this point agreeing with the ICG being a facilitator.

I mean, at the end of the day I think the part that's key is that we've said we'll go back to the operational communities and we'll look for input on their implementation concerns. A piece of that will actually be with respect to things that really impact IANA operations.

But IANA operations is going to have to determine, long term, how you negotiate requirements across multiple communities when you can't support them all, and prioritization is never a one-way set of, "Here's the order," because there are some things you can do that might be

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tenth on the list but you can do them quickly and now. You know, it's always a negotiation and it really requires direct working relationship between, I think, the operator and the operating communities.

So I'm not actually sure there's a facilitation role for us here other than maybe making, what I hear from the comments and from Elise's comments, the clear request.

And it was Joe, I think, who said it this morning, that we ask each one of the OCs to say in their comments that they will work together on critical issues and communicate, you know, appropriately.

And I -- to Avri's point, I think Avri Doria made a comment in her submission, I think she's looking for a different sort of facilitation activity and that's another subject, I think.

But, you know, I don't -- I'm really, I guess, a little lost as to why you think this goes outside of anything other than normal operating procedures between an operator and multiple requests from multiple communities that you're going to need to sort out long term anyway.

MILTON MUELLER: Okay. Go ahead. Answer.

ELISE GERICH: I think there's a real difference right now between the normal negotiations between the operator and the people that they support because that happens daily today.

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What -- we're not giving -- being given an opportunity to negotiate. We're being told what we have to do.

Each community is saying what has to be done. It's being put together in an aggregate proposal. And the expectation is that it will all be done.

There's no negotiation here, Lynn.

Normal day-to-day operations, there is a negotiation.

And what I was proposing, I thought, was that the ICG could say, much like you said, "Look, there's a whole lot of stuff here. You all want it done at the same time. Have you negotiated or talked about it and seen if it's feasible to get it done?" That's the negotiation part.

But we're not given that opportunity at this point in time.

MILTON MUELLER:

Daniel?

DANIEL KARRENBURG:

Daniel Karrenberg.

Basically, what Lynn said was my -- my comment. I think -- let me add one more rationale to it, and that is that I think that we're overthinking and overcomplicating this by being the man in the middle here. I think our role is sufficient in pointing out -- pointing this out, ask for the operational communities to talk to each other, but I absolutely agree with Lynn that that's a conversation that the operator needs to have with all the -- the customers, so to speak.

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And I'm -- I must say I'm a little bit surprised at your comment, Elise, that you don't have the -- the possibility to negotiate because the -- the whole SLA/SLE thing, in my reality, is a negotiation process.

The only problem is, of course, that you have three customers who all want to be served first.

I don't quite -- well, in my naivete, I thought that wasn't such a problem because two of the customers are already satisfied and the agreements you have with them are relatively stable, certainly with the protocol parameters. That's been a normal process. So I would expect that you have another conversation with them. And you have an initial conversation with the numbers, and there won't be much contention there.

I think your main time would be to discuss with the names, and then coordination isn't really that necessary. But maybe I'm naive.

MILTON MUELLER:

Kavouss.

KAVOUSS ARASTEH:

Yes. I'm in line with what Elaine said and what Daniel said. I'm not comfortable that ICG plays any role of facilitator.

[Laughter]

I don't think we have been given a task of facilitator.

Number two, I don't think that, like, Elaine mentioned have you already gone in search of negotiation. It is not our duty whether they are done

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or not. The only thing is we can say we assume this negotiation has been carried out or are being carried out. That's all. But this is not our duty to ask them whether or not they have it.

And this is too much detail. I thought we are overregulating the situation. Maybe we are on (indiscernible). We are creating some more work for us. Let's do some other important things that need to be done.

So apart from raising the issue that we assume that, first of all, the proposal -- combined proposal are compatible as far as we have announced, assuming that any negotiation or any discussions has already been carried out or are being carried out. That's all. But no facilitator and no asking them have you done any negotiation or not. This is not our job. Thank you.

MILTON MUELLER:

Who's next here? Let's see.

It's Alissa and then Joe.

ALISSA COOPER:

So, first, just an administrative note. We have hit what was supposed to be the end of our session. Secretariat checked, and the staff is okay to stay 15 minutes over. But I do think we should try to wrap on this within the next -- by 5:10, if we can. Well, that's a long queue that you have.

If you can wrap by 5:15, then we'll take a five-minute break and we'll get together around the action items and just have a very brief summary of the action items.

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MILTON MUELLER: Then I'm closing the queue. Let me just make that clear.

ALISSA COOPER: There is a couple of things that have been said that raise significant red flags from my perspective. One is the notion that we can put things into the proposal under the assumption from the communities that they will be done before the contract expires. And then later because of operational delays they actually don't get done. And that I think -- there is an implication of that. And I don't see that as an option. I think if we -- whatever this proposal says has to get done before the contract expires actually has to get done before the contract expires. Otherwise, the contract is not going to expire. I don't think there is really any wiggle room on that. So once the text is set, I don't think there's any going back on that.

I also think the notion that ICANN has not had an opportunity to contribute to the process and express its opinion about all the requirements coming its way is news to me, frankly, because I feel like we've --

(off microphone).

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ALISSA COOPER:

So what you wanted was the opportunity to negotiate all the tenets of the proposal. I agree. That has not been possible. But I don't think at least in the way the whole transition process was set up, I think it was clear from the beginning that wasn't going to be possible.

So I wouldn't associate myself with the last few commenters. I think there may be some need for the ICG to help the communities talk to each other in the implementation phase, but I don't see it as anything really significant and might not really be needed at all. And I do think it's incumbent on us. Again, we have a list of implementation items in the proposal now. If we need to flesh that out based on public comments or based on further interaction with the operational communities, I think we should do that. But that should be the source of truth about what the implementation issues are. And I do think ICANN should have reviewed what that list is. And obviously everyone will review that before we finalize it in the text. But that's -- that's what the lists should be. And it shouldn't be subject to negotiation after the proposal goes in.

MILTON MUELLER:

Joe then Jari.

JOSEPH ALHADEFF:

Thank you. Joe Alhadef. I think it's fine for the ICG to start the process to say, Hey, it would be useful if the communities had a discussion. But if we're necessary in order to micromanage a discussion among the communities because they can't have it themselves, then when we get to the separation issue, apparently we shouldn't be able to trust them to have it themselves. And we need to be around if there's any

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separation. This makes no sense. Either the communities act collectively in the interest of the security and stability of the Internet and we trust them to do so and they commit to do so or they don't. If they don't, then we need to put nursemaid functions all across this proposal that don't exist because we predicated much of this proposal on the incentives of the community and the trust in them.

So I think we can call for it. But if the communities do not have the wherewithal within themselves to have a conversation about dependencies and prioritizations on the implementation of limited resources, then there's a lot we need to revisit in this proposal.

JARI ARKKO:

Jari Arkko. I think I agree with the most recent speakers. I do appreciate that we don't want to overwhelm the IANA department or anyone else for that matter when they do things for the transition. I just wanted to highlight four things. First, this is not just IANA actions. This is also other parties having to do things. So not all of it falls on the IANA department. IPR, for instance, is primarily elsewhere -- it's a task that the rest of us have to deal with somehow and IANA is involved but maybe not as the primary party.

And, secondly, many of the tasks could actually be close to completion. Like the SLA example, just a little handwriting and it could be done.

And I think that the right way to think about this is that we do have this cross-community coordination already going on. We already agreed we will write more text about that topic based on the comments. That's good. We have that. And then like Elise said it is a customer/operator

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matter and normal implementation planning. And given the list and all that, I think we can actually do this.

MILTON MUELLER:

That means it's me. And I'm disagreeing with most of these people who say we don't need the ICG at all. I find this rather strange. Look, this is a single integrated proposal and it's a one-off. So all this talk about how we're micromanaging the operational communities is bullshit because we are -- we have a constraint. It's a time constraint, and we are presenting a single proposal that has to work together. So there has to be some kind of a central clearinghouse just to say, yeah, this has been ticked off. If, indeed, the SLA gets fixed or this problem gets handled independently by the operational communities, so much the better. But doesn't somebody have to be there saying, Yeah, that's checked off? That's going along? How does the public know that this process is, in fact, being coordinated? What kind of public transparency is there if we're not in this role just saying, Okay, we know this part is taken care of.

It doesn't mean we are dictating how it happens. It just means we are facilitating. I really don't understand the resistance to this. I'm not sure what you are afraid of. That's my view.

And we have Paul.

PAUL WILSON:

Thanks. Paul Wilson here. It was in response to Alissa's message about the role of the ICG -- or the lifetime of the ICG. We had a discussion

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amongst the RIR CEOs. I can say that I think there wasn't the impression that the ICG would be involved with this level of implementation, oversight, or coordination. Maybe there's a case for that to be done. But I think our impression was that the ICG -- the ICG's remit was to produce the proposal. And we only went as far as to say it should be a proposal that is accepted so the ICG needs to be around long enough to have an accepted proposal. But we weren't getting involved with any kind of implementation, coordination, or oversight.

And in my mind, I think Elise made some really good points about what might come up in implementation. But I do tend to think that in spite of what Milton said, that it would be easier for the communities to deal with those things directly with the IANA in what will be a negotiation, a planning exercise of sorts. But it doesn't in my mind just thinking about it now, doesn't need to be -- that doesn't need to be coordinated by the ICG. Thanks.

MILTON MUELLER:

All right. I think we're done now.

We all agree not to agree about this.

ALISSA COOPER:

So we have more time to talk about this ICG role topic tomorrow. No, no, not now. Now we're over. Yeah.

But I would like us to have a conclusion on the completeness of the proposal, which is what we actually started talking about.

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I think the section of the text in Part 0 needs to be updated to reflect something that we discussed today. I'm not exactly sure what, unless you have a summary you would like to provide. And we also need a person who is going to carry that forward, right? So we did have a discussion prior to the last 20 minutes about is the proposal complete, do we think it's complete. We have to write this down in our text. I don't see anyone really chomping at the bit to do that necessarily. We have a whole list of action items that are unassigned. So I will add it to that list of unassigned action items that we will go through shortly.

What we are going to do is take a break for a couple of minutes so that the chairs and secretariat can go through the action item list, and then we'll come back with it afterward.

So what we're going to do is take a break for a couple of minutes so that the chairs and secretariat can go through the action item list and then we'll come back with it afterward. The one question that I have is that at several points today when we were going through looking either at the matrix or the slides, folks pointed out that there was a comment that was missing. You know, "This comment should have been in Row 3," "in this box," or "in the matrix someplace."

And my question is whether we want to treat the matrix and/or the slides as -- we were -- I was sort of treating them as tools that we just use to facilitate the discussion, and in that respect we will -- would not necessarily need to go through and make sure that they're absolutely complete and clear.

So I'm curious of people's feelings about this, if you want to go through and have -- assign these actions to make detailed edits to either the deck or the matrix or if you think that's not necessary, since we noted -- we will have noted in the minutes where things were missing.

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Any opinions about whether we need to make the matrix or the deck a sort of stable reference point?

LYNN ST. AMOUR:

I would suggest we don't because I'm not sure that even just on the fly, the few we picked up here means that they're now complete.

So I think we're kidding ourselves if we think as a result of this discussion, that matrix is going to be complete and calls out every point and reference, and I think using it more as a template or framework for the discussions here and noting that clearly is the more responsible thing, frankly.

ALISSA COOPER:

Okay. So we'll note all of those things in the minutes but won't assign actions to actually update them.

Okay. So let's return at 5:20 and we'll have -- we'll have the action items list for people.

[Break]

ALISSA COOPER:

All right. We're going to get back together so we can wrap up the day here.

So we have -- how many action items do we have?

We have eight action items from today, an action-filled day.

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So one question before -- I don't know that we need to go through them in too much detail but a lot of these are action items for people to go write some text that's going to go in Part 0, and the question is about the deadline for that.

Again, we have four weeks before the ICANN meeting, so -- and we -- you know, some of this we will probably debate back and forth a little bit in the editing process, but I know people traveled very far and it's going to be the weekend tomorrow. I don't want to make the deadline for people to send this stuff in too soon.

So I was thinking maybe like Thursday? If you have your name attached to something here, you have to send your text to the rest of the ICG by -

Or we could do late Wednesday UTC? No, it's too soon, or no, it's not enough time?

(Off microphone.)

DANIEL KARREBERG: This is Daniel. I don't have one yet but I expect to have one at some point, and basically I think you should give at -- for people to draft stuff, you should give at least a week.

ALISSA COOPER: Okay.

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DANIEL KARREBERG: It's -- you know, we all have full schedules and I'm basically booked until Thursday, so, you know --

ALISSA COOPER: Okay. So let's say Friday of next week.
[Laughter]

ALISSA COOPER: It's a week. Today's Friday. Next week is Friday. You said a week. We only have four weeks before the ICANN meeting and I think the proposal needs to be in -- kind of done when we get there, right? So if it's to be done at all.

Okay. So you guys can take note of that. Let's say Friday. We can do late UTC. 2359 UTC.

Why would you do that on a Friday? Why don't we just make it Sunday? We might as well make it Sunday if we're going to make it Friday.

DANIEL KARREBERG: Yeah, that was my point.

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ALISSA COOPER: Better? Yeah? So you can burn another weekend on the IANA transition? Yeah.

(Off microphone.)

ALISSA COOPER: Yeah, yeah, yeah.

We have -- we have a call the week after that, right? Or no, it's --

(Off microphone.)

ALISSA COOPER: Well, we'll talk about that tomorrow. Okay. Yes. The secretariat will record the exact date and time but it's roughly a week.

Okay. So we had a -- we had a couple that came out of the morning that weren't assigned, so I assigned them to myself.

I think we need to write up some general overview of the comments and we talked a little bit about the statistics general support, so I took the action to do that.

And also there was one item that came out of this morning about clarifying the expectation of the numbers and protocol communities as to the limited scope of the PTI. Or the scope overall of the PTI.

The others, Martin is on the hook for jurisdiction.

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The sub-team is on the hook for coming back to us with proposed courses of action on all those PTI-related points.

Milton has three items coming out of the RZM discussion. I realize that Joe may have done one of those for you, but it's at your discretion if you think it's done or not. You can tell us tomorrow.

And then Jari is on the hook for IPR text. And those are all the action items from today.

Did we miss something?

DANIEL KARREBERG: Do we -- it's Daniel. Do we want to assign someone to draft some text speaking to the thing that Elise raised? Basically the implementation thing?

ALISSA COOPER: So we have time on the agenda tomorrow to talk further about the role of the ICG during implementation, and I think we should reserve until then and decide what to do. Yeah.

Are there comments on the action items?

Okay. Can we look at the agenda things?

So tomorrow, we -- the chairs and the secretariat will find time to put these things back on the agenda that we said we would.

The -- well, at the end of the day we will come back to the question of whether the proposal has broad community support.

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We'll come back to -- from the sub-team on PTI.

We'll come back to RZM.

One question I had. So folks had some comments on the mailing list about the GAO report that came out today.

Personally, my inclination is for us to not spend our face-to-face time on that and -- because it's not time-sensitive in the way that the rest of this stuff is, necessarily, so I would say we can -- if people think it's worthy of any real-time discussion at all, we could put it on a future call, but not have face-to-face time.

Any objections?

Okay. I got the thumbs-up from Russ Mundy.

All right. And then we'll talk about the proposal completeness and the role of the ICG again tomorrow.

So we'll rework the agenda a little bit.

So that's it for today. Do you want to remind people about the -- yeah.

(Off microphone.)

ALISSA COOPER:

Probably. Good idea, yeah. Are you -- do you have a microphone?

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UNIDENTIFIED SPEAKER: Hi. Hello. Okay. So in the email I sent out to the ICG members last night, I mentioned that the meeting time to walk over to Perch is 6:00. Since we've overrun a little bit, the meeting now should be 6:30 to meet at the hotel lobby in front of registration, the front desk registration area. If everyone would like to just meet there and then we'll make our way over to Perch.

ALISSA COOPER: And it's -- you know, it's totally optional. It's just an informal go-have-a-drink-and-chat.

So if the sub-team a quieter space to do it its work, then you guys can do that, if you would so choose. So --

Thanks, everyone. We'll see you tomorrow at 9:00.

You want to look at the agenda for tomorrow? Sure.

We can look at the agenda for tomorrow. Sorry.

So, yeah, there you go. So we have a couple slots for items left over from day 1 and we'll just allocate the ones from today to those. And a bunch of new topics that we haven't touched on at all yet. I'm guessing we will not get to the "time permitting" items, just FYI.

Okay. Good? All right. Thanks everyone. Thank you, staff. We'll see you tomorrow.

UNIDENTIFIED SPEAKER: Could I just suggest that sub-team 2 perhaps take five minutes after this to coordinate? The PTI sub-team?

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[Meeting adjourned]

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