ICANN Transcription

CCWG New gTLD Auction Proceeds Meeting

Thursday, 12 July 2018 at 1400 UTC

Note: The following is the output of transcribing from an audio recording of the CCWG New gTLD Auction Proceeds call on the Thursday 12 July 2018 at 14:00 UTC. Although the transcription is largely accurate, in some cases it is incomplete or inaccurate due to inaudible passages or transcription errors. It is posted as an aid to understanding the proceedings at the meeting, but should not be treated as an authoritative record. The audio is also available at:https://audio.icann.org/gnso/gnso-new-gtld-auction-proceeds-12jul18-en.mp3

Adobe Connect Recording:

https://participate.icann.org/p6ksbyd813k/?launcher=false&fcsContent=true&pbMode=normal

Attendance is on the wiki page: https://community.icann.org/x/OYRHBQ

The recordings and transcriptions of the calls are posted on the GNSO Master Calendar page:
https://gnso.icann.org/en/group-activities/calendar

Andrea Glandon: Thank you. Good morning, good afternoon, and good evening and welcome to the CCWG New gTLD Auction Proceeds call held on Thursday the 12th of July, 2018.

In the interest of time there will be no roll call. Attendance will be taken by the Adobe Connect room. If you are only on the audio bridge, could you please let yourself be known now? It looks like we do have Kavouss who is only on the audio bridge.

I would like to remind all participants to please state your name before speaking for transcription purposes and to please keep your phones and microphones on mute when not speaking to avoid any background noise. With this I will turn it over to Erika Mann. Please begin.

Erika Mann: Thank you so much Andrea Glandon. So good morning first to everyone and I hope you had a good return from the session which we had, the ICANN session in Panama.

So what I like to do today is the typical agenda but then I believe we need to discuss a little bit the attendance from participants and members because we're getting so close to the end of our work load that I believe we may have to change a little bit working methods and we need your advice to achieve this.

First of all, let me come back to Point 2. I'm jumping ahead a little bit. So let me come back to Point 2, which is the question whether we have some updates concerning conflict of interest declarations. No? That's not the case? I'm checking chat room. No, neither.

Okay, then let's move to Point 3. And this is just about a quick update about what happened concerning the topic in Panama. And there are three items I like to touch on briefly. So the first is the meeting which we had our meeting in Panama which I believe was a quite good one, very intensive and very good meeting with Sarah Berg where we heard again her opinion concerning some of the key questions.

We will discuss this later in our next topic, so I'm not going into any kind of details here. The second what I like to tell you, we had a meeting with the CCWG and we had a meeting as well with the GAC. When I say we, I mean Ching and myself and members which are from our group.

So the main topics we presented our work load. We presented and talked about the expectation we do have that we like to present the draft recommendations ahead of Barcelona so that we are then able to publish the draft recommendation as early as possible after Barcelona once our team had the time to review final input which we hopefully will receive in Barcelona.

And we discussed as well some of the key questions which we still are struggling with. For example, the topic whether and how a structure can be built which would allow – and if we would like it – which would allow ICANN to participate with regard to particular projects.

And I believe we had a quite good discussion this time in particular in the GAC room, but the ccNSO as well. It was quite - in both cases quite interesting and much more lively than what I had experienced in the previous GAC meeting which we had at our last ICANN public meeting.

So that's just a short overview. I'm wondering if Ching is actually with us because he might want to talk a little bit about his particular working group. Ching are you with us?

Andrea Glandon: Hi Erika. This is Andrea Glandon. We have not been able to reach him yet. I sent him an e-mail and a Skype and they will keep trying.

Erika Mann: Okay, thank you so much. He might be still traveling. I remember that he mentioned that he had many - a lot of upcoming meetings so he might be traveling. But I thought it would have been nice if he would talk a bit about the meeting in particular with the ccNSO. But if he is not with us, then let's wait. Maybe he will join our call a little bit later.

Okay, if there are no questions, I'm just waiting a second. Okay, then let's move on to Topic Item 3 – 4 actually, which is the proposed review of proposed response to charter questions.

The latest updated version which we have received from Marika and from staff, Marika would you be able to give a short introduction and colleagues be - I will disconnect for a second from this call because I had to schedule a doctor's appointment, a call appointment.

The doctor was only able to give me a short slot this morning. I'm still in Arizona and it's an important call which I need to make. Otherwise I would have to wait for three months. So apologies that I'm disconnecting from this call. It will be not very long.

And Marika can you just take over and present where we are with regard to the charter questions? I will listen to the discussion. I can handle this. But the doctor is not hearing what is debated here, so don't be concerned about this. And I will be back with you in a second. Thank you so much. Marika, can you handle this please? Thank you.

Marika Konings: Yes, thank you Erika. I can step in while you take the other call. Just let us know maybe in Adobe chat when you're back and we can move through with this conversation.

So the item we're talking about now is the proposed responses to the remaining charter questions. As I think you may recall, we had a conversation around this as well during the face-to-face meeting in Panama. Staff had provided a number of initial responses based on external input that had been provided as well as previous CCWG deliberations and on the basis of that, you know, pulled together a first draft document.

We did identify as well a number of questions or open items that need further consideration or further input from the CCWG. And as a result we reopened the Google Doc that we had used for that after the meeting in Panama and encouraged everyone to, you know, provide further input and feedback on those questions.

And thank you to a number of you who provided that either in the document or on the mailing list. So actually (Emily) took the heavy load here and worked through that and has produced the document that was shared yesterday.

And I'll hand it over to (Emily) in a second to walk you through this and then to discuss, you know, how we can move from this to a version that everyone feels comfortable including in the initial report.

So maybe (Emily) if I can first hand over to you so you can walk the group through what they see on the screen here and also talk about what is still missing and needing to be done.

(Emily): Sure Marika. Thanks. This is Emily from staff. So this document you see here is a clean version of a document that was circulated yesterday in both the marked-up version and the clean version.

And essentially what we did working in Word just to try to simplify things down now that we've made some progress on this document is starting on Page – let's see here – starting on Page 4 you'll see the chart that you probably recognize from earlier through the Google document where we tried to look at answers to each of the charter questions from the perspective of each of the mechanisms.

And what we tried to do was incorporate some of the comments that were inserted by working group members, by the co-chairs, and by staff as we kind

of got some feedback about the document, tried to sort of create a more cohesive set of responses.

And then we pulled out the outstanding questions that were either raised by staff as we were doing the first cut of trying to draft this or were raised by working group members as they were reviewing the responses. And that's what you'll see beginning on Page 2.

So essentially, you know, I think there's a couple of different ways that we can approach these questions. Some of them are clearly for Xavier or Sam or Sarah Berg. Other ones are potential questions for the group to consider and to think about, you know, are these outstanding question items that we need to resolve before we can really answer the charter questions.

Are they things that maybe can be resolved down the road after the recommendations have been made? So thinking big picture about, you know, what are the outstanding questions. And these are some potential outstanding questions. But it's a bit up to the group how far we wanted to dig into some of these questions.

So one possibility at addressing them is that we could get volunteers to read these questions and think about which ones are important to discuss further as a group. That might be a way to have a little bit more concentrated attention on this.

We could also go through them on a working group call but there are quite a few, so it would take some time. So I think we're looking for feedback about next steps in addressing some of these things.

And then finally at the very top of the document there's just included the summaries of the mechanisms that Sarah Berg provided just as context for those who need a refresher about what each of the mechanisms entail. So

hopefully that's some helpful background and I'll pass it back over to Marika. Thanks.

Marika Konings: Thanks (Emily). That's really helpful. So I think the question for the group is what do you believe is the best way in getting to draft responses to these questions and then we'll help the group come to terms with the proposed response to each of these charter questions from the perspective of each of the different mechanisms.

Again in the bigger picture of things and ideas once the group has been able to provide a first response to these charter questions, you know, it will be possible to see kind of overall how the group anticipates an auction proceeds allocation and disbursement working from the perspective of these different mechanisms.

And again maybe at that stage the working group will be able to make a determination which of those mechanisms is preferred in light of the responses to the different charter questions.

So we're looking here for suggestions for what may be the best way of getting to that stage. And we've already had this open for a couple of weeks in the form of a Google doc asking people for input and feedback. We did get some input but I think in certain cases it may have raised more questions than actually provided answers.

You know, and we noted maybe there are some here that we can pass on to Xavier and/or Sam or maybe Sarah Berg can assist in providing some guidance on, you know, possible approaches.

Maybe there are also some questions here where the group just doesn't have an answer and it's maybe something that needs to be called out in the initial report when it goes out for public comment. That's of course an option as well.

You know, is there a possibility that some volunteers take for example some of the charter questions and start looking at these and provide a proposed approach to the CCWG in time for the next meeting? Because again, you know, this is something that is required by the charter to be provided - a response to be provided to. So we need the CCWG's input here.

Now who wants to, you know, volunteer or who has suggestions on how to move work forward in that regard? Alan, I see your hand is up. Go ahead.

Alan Greenberg: Thank you. I'm not sure I'm going to do either of those, but I have perhaps a question. In some of the e-mails I've seen over the last week or two - and I'll say I haven't looked at this document recently, so I certainly haven't looked at the clean version that was just put out.

In some of the e-mails I've seen recently, there were references to if this is an internal model, that the ICANN board would be approving individual projects. And therefore there is accountability because the board said yes.

My understanding was the board had explicitly said they do not want to get involved in the day-to-day approval of projects, that they want to assign responsibility for it but they themselves are not going to, you know, be one of the - be the entity or an entity that, you know, signs off on a particular project.

And so maybe I misread the e-mails but if indeed that's been said, and I believe it's quite incorrect, that I think that needs to be clarified before we start, you know, trying to answer questions of the suitability of a model or not in the form of answering the charter questions. Thank you.

Marika Konings: Thank you very much Alan. And I think on that note - because I actually looked back at the input that the board liaisons provided and I know that both of them have sent apologies for this meeting.

My understanding aligns with what you just shared. I think that, you know, the board will have kind of a final oversight in probably releasing funds. But they do not expect or want to have any kind of involvement or second guessing of where funds are being allocated.

I think they see their role as making sure that, you know, appropriate process has been followed, you know, according to whatever guidelines and framework has been set up. But my understanding aligns with I think what you expressed.

But maybe this is a specific question that we can take back or repeat at the next meeting when hopefully Martin and Becky are available again or maybe share with them in writing. And I see that Erika is back as well. Oh, sorry, Alan.

Alan Greenberg: Marika, if I could have a follow-up though. You just said the board will have a sign-off on releasing funds. You mean releasing funds to the group making the decisions, not releasing funds to a project. Is that correct?

Marika Konings: Right, and again that's probably a Xavier question because I don't know if the board will need to put a signature somewhere before it's released. But my understanding again based on what I've heard is that that will be an administrative process, not, you know, I'm only going to sign this off if I like what you've put forward.

But it's more if it has gone through the process and it has been approved through the mechanisms that were set up, we'll release the funds. And again I don't know how that in practice - at what level that would work. But that is at least I think - from the initial feedback that Martin and Becky provided I think that was at least their stance.

Alan Greenberg: Thank you.

Marika Konings: But Erika I see you have your hand up and some further input on this.

Erika Mann: Yes, I'm back. Apologies again. Thanks…

Kavouss Arasteh: (Unintelligible) and it is more - it's more critical. I'm not saying that this is not important but this is more critical.

Erika Mann: I think we have an open line. Kavouss, Kavouss, are you trying to speak or…

Kavouss Arasteh: (Unintelligible).

Erika Mann: Kavouss, Kavouss, Kavouss. Oops. Okay. Okay, let me try. So the board had the discussion about this topic but we should indeed wait until Martin and Becky are with us.

But there is still some discussion inside the board in how much they would want to get involved in individual projects, in overseeing individual projects. There is – as far as I understood from discussions with various board members, there is still no coherent view.

So I believe the board will probably still need some time. And I'm pretty certain that depending on the mechanism we are going to recommend, the board will then still have to fine tune the opinion about how much they want to get involved.

But indeed let's put this topic on the next agenda. There's one recommendation I would like to make though. And Sam it's good because I see you next in line. I believe there is something we have to do when I reviewed all the answers from Sarah Berg.

I reviewed the latest comments we received concerning the charter question and the latest draft overview from staff which I believe was excellent done. I

believe we need to move a step forward now because we received quite detailed and legal advice from Sarah.

And I believe - Sam and I'm talking to you in particular now but we need - I need to get the confirmation from this group that this group feels confident in actually doing what I'm recommending.

I believe we have to pull out all the questions which have a legal or tax responsibility, anything that relates to - which needs further legal clarification with regard to the different mechanisms. I'll leave - Sam, we may have to - or you may have to get this to an outside counsel because I believe these answers are so key and so important that my feeling is that we may have to get absolutely convincing, legally convincing - and I'm not saying you are not convincing but you are part of the ICANN structure and Sarah as an advisor is part of the ICANN structure as well.

So we may have to get some advice in this case from another counsel. But this is just my feeling I have. And I would love to hear your opinion about it. And I would love to hear the opinion from this group about it. So Sam to you now.

Sam Eisner: Thanks Erika. This is Sam Eisner from ICANN Legal. First I wanted to - I raised my hand during the exchange between Alan and Marika to confirm that the board has indicated that it will not – it has no interest in taking – and it does not want to wind up taking action on individual grants and that the thought was - and of course there's a lot of structural things that would have to be worked out and implementation and that and depending on kind of the other structure issues that come out of the CCWG.

But one of the ways that could work is the board was describing kind of the difference between the administrative and then the evaluation process would be that there would be, you know, board approval of tranches every year to the administrative function.

And part of that, as it happens, you know, in that example of administrative versus evaluation, every subsequent annual tranche would also be also based on the board's evaluation that what happened the year before through the evaluation process was okay in order to allocate another tranche in that following year.

So there would be consistent board action but it wouldn't be board action on each individual grant.

In terms of the question that Erika raised regarding getting external legal input, I think, you know, we need to clearly see what the questions are, see which parts are implementation, see which parts actually make sense when there's sufficient detail around what people are looking at.

And then we can see what resources either the CCWG would need and what ICANN (unintelligible) bring to the CCWG or what things are more sort of implementation guidance to you because clearly I think that there are places where we need - we would need legal details to make sure we were doing things legally.

But then there's also the more kind of financial structural assistance too, which isn't necessarily - it's not necessarily a legal issue. Those are more things to make sure that we're doing things correctly and not a grant-making (spear). And there are other grant-making experts that might be able to help us with that.

So I think, you know, any time we're going out for expert resources, we need to make sure we understand the phase and scope and the intent. Is it just general advice or is it really targeted implementation advice? And then we look at the needs appropriately. Thanks Erika.

Erika Mann: Yes. I think this makes a - this is Erika. I think this makes a lot of sense Sarah. I just would love to identify this process because I've seen some recent question coming in from Marilyn. And Marilyn you are - I see you are on the call. May want to talk about it, which further explore some of the answers we have received in Panama concerning some of the key topics from Sarah Berg.

And I find that some of them have to be probably answered by a different expert. Give you one example to make it a little bit more concrete. The question whether ICANN can participate in a project applying for a fund I believe this will be - and will be probably a key question for us in determining what kind of mechanism we recommend to select.

And this is just one where it looked like the - for example to build an ICANN foundation looks really not recommendable. I want to be careful here because it might be still recommendable because of other reasons. But it looks like it's a model that is not appropriate what we want to achieve.

But I just like, you know, I believe that some of these chartering questions need to be tested, you know, with a different group of experts. This is just my feeling, which I do have from in working with many different (funds). So it's just a feeling I do have.

But I agree with you Sam. We may have to - and we should really identify these questions which we then will have to put forward to these experts if we come to an agreement we want to do this. We will have to evaluate them carefully.

Marilyn, would you want to comment on the questions which you have put forward? Is Marilyn with us or do I - Marilyn are you on mute? Have I lost you all?

Andrea Glandon: Hey Erika, this is Andrea Glandon. You are still connected and I do show that Marilyn is connected as well.

Marilyn Cade: So I think possibly you can hear me now?

Erika Mann: Yes I do.

Marilyn Cade: Yes. Thank you. It's Marilyn Cade speaking. I put (forwards just) that come to my mind. I saw that Elliot had responded that probably I'm basing only my experience of being at AT&T. But in fact that's not really true.

I have been involved in establishing three NGOs and two were grant seeking and one was grant making. Neither one of them was anywhere the size of AT&T.

But I would say my experience directly is nearly as important as our taking the approach of ICANN should always be safe rather than sorry. We must err on the side of extreme diligence on all aspects of our engagement here.

While the amount of money that is being discussed may sound like a lot of money to be giving away in worthwhile grants, it is not nearly as important as is the core function of the organization.

And we must always remember that ICANN will be under scrutiny from various legal processes determining - doing the (IFAC) review. I also raised a question that was brought to my attention and Xavier's, and I had not heard it even raised from Sarah. And I don't know to what extent it's a real question for us.

But it needs to be answered one way or the other, and that is do the grants that we make need to be reviewed for human rights implications? And if so, what aspect of human rights needs to be reviewed?

But I do think we should seek outside legal advice because should there be inquiries and questions that come to us from governments or legal authorities from any region which given our history I think we should expect might happen, it is better for us to have the documented review that we've undertaken, exploring issues including the implication – and I don't think they're fully explored yet – of the two models that seem to me to be reasonable, and that is Model 2 and Model 3.

Others have other views but different other models may still be open for consideration but, you know, I think undertaking further examination externally can only help us.

I spent some time looking at the consultation that the IRS will provide to entities that are establishing grant-making organizations. I'm not advising that we do that but I think there's a lot more to be explored than we perhaps have thought about.

Erika Mann: Marilyn are you cut off or have you finished? This is Erika.

Marilyn Cade: I finished Erika, thank you.

Erika Mann: Thank you so much. Okay so what we need to do, we need to come to an agreement how we (unintelligible) this forward. We have to decide perhaps – because that's what we agreed and I believe we have to do it – if we want to publish the draft recommendation three weeks ahead of Barcelona.

We will have internally need to be clear about what we want, the recommendations we want to make and in particular the model, the most appropriate model we want to recommend. We have to be - find agreement between us. I would - I believe the latest would be in probably mid-September.

So we don't have so much time left any more. And we need your advice and your input now. How do we eliminate (mechanism)? How do we define or how do we extract those key - super key legal questions which may need - and I want to be carefully. I'm on the side of Marilyn here where I believe we need some legal input from outside counsel.

And we need to be clear about the - that we really are certain that all the SO and ACs are behind our recommendations because I don't believe we want to face a situation where we draft a draft recommendation and then suddenly we have a major clash with the SO and ACs we are coming from.

So we want to be absolutely certain as much as we can be, which gives us little time. So I'm hopeful that - hope that we can get some agreement today about at least these three points how we want to manage them. And I'm looking if somebody wants to make a comment or raise another question which you believe it's relevant and which we have to discuss today.

(Vanda) is supporting that we should vote. Yeah, I don't think that we can vote today (Vanda) but there will be a time where we will have to vote, not on this - at least on the mechanism that it will have probably have to vote, yes.

Nobody wants to make a comment? So how are we taking this then forward? Do you want the leadership team to make a recommendation about these three topics and then we send it to you and you can come back to us with recommendations and editions? Marilyn please.

Marilyn Cade: Thanks. Erika I just know that I just supported the fact we need additional external legal advice. I don't understand really how the team would give us advice on what our decision should be until we hear that external legal advice.

Erika Mann: Sorry - this is Erika. Sorry if I wasn't clear. No I totally agree but what we need to do, we need to review all the questions. And we have to be certain

that we pick out these key questions which we then can forward and with the support of (unintelligible) and her team they can then - we haven't decided this and how we work with legal outside experts. We haven't discussed this yet. We don't know if we have access to these resources.

So that's another question, but leave this aside for a second. But we need to review all of the questions we want to put forward because otherwise we don't want to just send forward all the chartering questions with the answers we have received so far from Sam or from Sarah Berg or from Xavier. I think it needs careful review and then a selection of the key questions we want to put forward. And somebody needs to do the work.

Marilyn, is this answering your question?

Marilyn Cade: Marilyn speaking. So, Erika, when you were asking if the - if you want the leadership team to put something together, you were - and then there was earlier a suggestion that perhaps we could we work as both volunteers as we did on the mission statement to do a draft of what we think the most relevant questions are. Are those the two options right now?

Erika Mann: Yes. The first one is still on the table. Marika, go ahead, Marika.

Marika Konings: Yes, if I can maybe make a suggestion and, Erika, you were on the call when we discussed it, because the document that is up on the screen, staff has pulled out, you know, a set of questions that at least, you know, we identified and as well through comments, edits from CCWG members of items that need to be addressed. Maybe it would be helpful for a group of volunteers to, you know, go through those questions and do a bit of triage to kind of say, "Okay, these are questions that, you know, the group can actually answer. We just may need some time to actually just discuss it and get peoples' opinions out on the table."

This is a set of questions, you know, maybe we can refer them back to Sarah Berg because she may be able to provide some further guidance. So here are some questions that, you know, Sam and Xavier can probably help us with, and here are some questions that, you know, we actually don't know, we don't think we can give the answer. We don't think that maybe some of the external experts can give the answer. Maybe these are questions where external counsel can, you know, provide some kind of opinion or viewpoint that may help the group come to agreement.

That may be a way because, you know, regardless if there are indeed any big questions that need answering, there're also all the little questions that also will need to be dealt with. So I don't know if that may be an approach of, you know, going through all the questions that we have now and, again, as part of that process, you know, new questions may come up or, you know, some of those overarching questions may come up.

But that may give you a mechanism of, you know, at least getting some clarity around, you know, the buckets of questions that are currently still lingering in dealing with the different charter questions and with that maybe there's some other stuff that will come up. So I said, you know, staff has already pulled out all the questions and those are currently in the - I think it's in Page 1 to - or 2 to 4 of the documents.

If there are some volunteers that maybe are willing to work on a kind of triage effort and maybe that is a path forward and then we can come back at the next meeting in going through, you know, what that group has come up with and kind of start delegating then those questions to those groups that have been identified. And again, we can then hopefully work with Sam and Xavier if there are any questions that the group believes cannot be answered by, you know, any of the resources we have already available to make a determination, you know, if how that can then be done.

Erika Mann: This is Erika. I would like that. I think that's an excellent proposal, Marika, and it would help us to find a solution to identify these questions which are probably not answerable by our own internal team. So I would agree to this. Do we have support that we build a volunteer team who is going to make this kind of triage Marika is recommending, just somebody who can just talk maybe and support this model?

I see support from (Maureen) in the chat room. (Vanda) is supporting it. Marilyn is supporting it, (Judy) as well. So it looks like we have support for it, but can we get some - can we hear who would love to join this - such a group? Sam is saying she would support this as well. (Vanda)'s saying she can join. I'm pretty sure - can I assume that those which say they can support this model be able to join such a volunteer group or is this taking your support too far?

Okay I'm watching the chat room. How much time do we have, Marika? What do you believe for this exercise?

Marika Konings: In defense to Erika -- this is Marika -- I mean the set of questions at this stage is pretty limited. You know, presumably setting up a call maybe in the course, maybe sometime early next week may be helpful for those that have volunteered to - because I think at this stage we're just looking at, you know, staff can maybe take a first step at identifying the buckets and then I think it's just a question of talking through and saying okay where does this question belong.

And, you know, if that is something a small group is able to accomplish next week, it can then be shared with the group, you know, prior to the meeting that's scheduled for two weeks so everyone can provide input and weigh in on it. And once that has happened, it can then be pushed out to, you know, whatever bucket has been decided as for who. And hopefully that will then help us get the answers that are needed and also identify if there are specific

issues that the CCWG needs to discuss and dive into. Those can then be carved out as well and, you know, a meeting can be scheduled for that.

So if I can just confirm because I think I saw and I see, you know, support as well as people speaking up, but can I just confirm I think I have (Marilyn), (Vanda), Sam. Were there any others that were willing to work on this? Erika, I presume you and (Ching) are - will at least follow the conversation? Is there anyone else? I see (Maureen). Is there anyone else that would like to be part of that small group? And as I said, staff can send out a doodle poll after this meeting to see if we can schedule a call sometime early next week.

And as I said, the exercise should hopefully be pretty straightforward. Of course it will be helpful if the group prior to that meeting reviews the questions and starts to think through indeed, you know, what may be the appropriate for dealing with those, and then hopefully we'll be able to turn things back to the group, you know, soon after that.

Erika Mann: Yes I can -- this is Erika -- I can join the team. It depends a little bit what time the group is selecting. They are next week in Washington and I do have some full days on meetings, so it might be a little bit difficult. But I will definitely try my best. Is somebody helping (Daniel)? I saw in the chat room that (Daniel) is having difficulties in joining through Adobe. So he might need somebody to - an operator to call him. Thank you for that.

Andrea Glandon: This is Andrea Glandon. He's on the audio.

Erika Mann: Oh wonderful. Thank you so much, Andrea Glandon. Okay so we do have an agreement and I'm very happy about it, so we can move forward. Let's try to get this done in - when we have our next call in two weeks' time so that we can, in an ideal scenario, already discuss what comes back from this group. I hope we will be able and this team is going to be able to present something in two weeks' time. If not, if this too tight because of the summertime and you

can - it's impossible to get this engagement, then we can consider to postpone it to our next call.

Okay. Let's move on. I don't believe we need to discuss this further. Let's move to our next item on the agenda, which is the review of the summary of description, which we received from Sarah Berg and she came back to us and - with new additions to her document. Will you be able, Marika, just to update us quickly what she sent to us and where we are?

Marika Konings: Yes. Thank you, Erika. So this is Marika. So actually Sarah didn't make any changes to the document that you see on the screen. This is the one that we shared prior to ICANN 62. But she did provide feedback on a number of questions that were raised during the meeting. Some of those responses have already been captured or been integrated into the previous documents we shared in relation to the responses to the charter questions, as there were a couple of items where she provided very specific input that related to some of those questions.

If I can then just maybe suggest, I know Marilyn sent a list of questions that she had identified. Instead of maybe sending those to Sarah now after this meeting, it may actually make sense to take those questions, especially as some also suggested that not all those questions might be for Sarah, that we also take them as part of the triage effort next week and then after the group has gone through that, hopefully we'll have a set list of questions for which Sarah has been identified as a potential resource, and then use that opportunity to provide those to her.

So I think that as well is an opportunity if anyone has any further questions on this document. As I said, you know, the objective is to eventually use some of the descriptions here in the initial report. Again, you know, some of that may change based on follow-up questions or further conversations but this is basically where, you know, the original request came from. And I know that Marilyn notes in the chat that she's fine with that approach.

So if that is the case, I don't know if there are any further questions that people have in relation to this document. You know, as I said, you know, if the group is looking at a triage in questions, there's still an opportunity to send them following this call. But then hopefully we'll have a set of specific questions for Sarah that she is hopefully able to respond in a relatively short timeframe. So I think that's where I think it stands with regards to this document.

Erika Mann: Thank you, Marika. We do have Marilyn. Marilyn, please.

Marilyn Cade: Thanks. Marilyn speaking. I did just have one question, and I'm glad Sam is on and I don't know to whom the question should be directed, but one of the IPC is a member of the Commercial Stakeholder Group who's quite expert raised the question with Xavier and myself about the need to review grants for human rights implications.

I've not been able to satisfactorily research this myself. I'm not trying to say we have to, we don't have to, but her question did raise concerns in my mind if - because we clearly have to do an (IFAC) review of every grant. And that, you know, I don't know who can answer that particular question but it's a pretty big one to get a quick answer to since it will significantly affect the review process and the tracking process.

Erika Mann: This is Erika. Sam, do you have a quick answer to this, not an answer on the legal question but how you would recommend to approach this question?

Sam Eisner: Sure. So thanks for raising that, Marilyn. I think that the consistent raising of human rights issues in our space has really started turning our attention towards this. We also know that, you know, we would expect that the CCW - that the auction proceeds, the disbursement process would happen at a point after the CCWG on Accountability's Work Stream 2 report has been completed and approved through the board. And then there you have a

framework of interpretation for how to interpret the human rights bylaw that was incorporated into ICANN's core values.

And so with that, I think we do have an obligation to identify and to incorporate some sort of human rights assessment into this process. I think there are still questions as to how detailed that is and then, you know, then it comes to - back to points of are there are standards that we could, you know, bring in to follow or have the evaluators follow in doing that.

So I think we do have an obligation to make some human rights considerations during the (unintelligible) process. So then it's just a question of -- it's a big question -- but where does it fall in the process, who's doing that review, and to what is it being reviewed against? But I think that the framework of interpretation will help us with narrowing some of those questions. Erika (unintelligible)?

Erika Mann: Yes, I'm here. Thank you, Sam. Thanks so much. It's a strange Adobe connection today. I don't know what it is. It's like there's a blind spot. I've never had an Adobe connection like today. It's very strange. Pardon, I'm sometimes gone. I'm still here and I can hear you but somehow the connection is not working super well. Apologies for this.

So I agree with you, Sam. I think we have to do it. I just wonder how we approach this. So the next step then would be it becomes part of the triage, what we now call the triage XSI. So it's put on the paper and then we will have to define the team to make a recommendation, shall this - can this be handled internally, or would this be a typical question which would have to go to an outside legal expert, which I believe it is maybe such a case but I might be totally wrong.

So this is part of the work which we will have to do so we agreed in the chat room and if there's nobody opposing it, there's a kind of agreement in the chat room, and Marika raised the point that we will identify these questions

which are - we put these questions which the main from Sarah's presentation which are relevant for the triage document.

We will put them in the triage document as well. The further question which Marilyn raised and somebody else may want to raise until next week concerning the document presented by Sarah Berg will be evaluated by this triage volunteer team as well, and including the human rights question, which Marilyn just raised again and which was answered by Sam.

So I believe we have agreement here and I'm just looking if somebody else wants to make a comment concerning this item and want to make another recommendation or wants to add something. No that's not the case. I don't see any movement in the chat room, neither is someone raising a hand. So let's move on to the next item of the agenda then.

Just one sec. Do we want to make a recommendation for a call now, Marika, or do we want to wait and do this by email for the volunteer group?

Marika Konings: This is Marika. I think we have a volunteer group together, so the suggestion was that we just get a doodle poll out to that small group and see if it's possible to get a meeting next Monday, Tuesday, Wednesday in that timeframe. You know, if we're not able to find a time that works for all, you know, we may need to find another way of doing it. But as I said, I think the quickest, easiest way may just be to get on the call, go through the questions and kind of assign them to different buckets and then hopefully they will present that for the call that's in two weeks' time with the CCWG.

Erika Mann: Yes, absolutely. Yes we do have an agreement about the group. I understood it but there might be others who want to join and then we need to set up the call, so we are doing this in a doodle poll, which makes absolute sense. Okay. Then let's have a look at the next item on our agenda. Back to you, Marika.

Marika Konings: Yes thank you, Erika. This is Marika. So this was a slide that was shared with you during the Panama meeting. It basically tries to map out the upcoming meetings, as well as the things that still are remaining to done, again, in view of getting to a publication of an initial report prior to ICANN 63. So this currently sees us continuing on a meeting schedule of a meeting every two weeks.

I think we do have a clear path of, you know, what will happen between now and the next meeting, but probably at some point we'll need to review, you know, where things are at or whether there's a need to increase the rate of meetings to be able to, you know, deliver an initial report in that timeframe or whether any other adjustments need to be made in some of the other parts of the schedule. But this is basically roughly I think where we're at in the identification of some of the things that will need to happen.

Of course, you know, there is some fluidity in there because if there are you know, a large set of questions identified that will need detailed conversations of the CCWG, we will of course need to carve time out for that, you know, similarly if third parties, for example Sarah Berg is requested to provide input on certain issues, you know, we're of course as well dependent on turnaround time in that regard.

So I think we'll need to keep a bit of a flexible approach to the timeline. But again I think the main thing to take away here is that, you know, if everyone is committed to trying to get to an initial report by ICANN 63, you know, it will require the commitment, participation, and engagement of everyone in this group.

So, you know, if you're willing to commit to this, you know, please make sure that you're able as well to raise your hand when needed and review documents as they go out. If you think this is not feasible, I know there's a lot of other things going on and a lot of other work that's being undertaken, I think at the same we'll then need to be realistic as well, because of course

this work will depend on the time that volunteers can make available to do this. So if this is not a realistic timeline, you know, please raise your hand and say so as well so we can plan accordingly.

Erika Mann: This is Erika. Thank you, Marika. We have a very silent group of participants today. I wonder what you are all doing. So probably you're all on holidays and it's just tough to have these kind of calls. So, yes let's hope so. We will distribute this again and if there is some concern concerning the remaining step and the proposed timeline and the work items on our agenda, please raise this in an email so that we can factor this in as quickly as possible and we have an understanding, a common understanding about what we want to achieve until then.

You see here that the review of the initial report is on the 20th of September, which is pretty tight. It leaves us the August and it leaves us September, and many are gone in August so it's not really much time which we have left. Marilyn, please.

Marilyn Cade: Thanks, Erika -- Marilyn speaking -- and Marika and staff, for this chart. I'm looking at the chart with different eyes now than I did when we were together in ICANN 62 and I'm really - the timeline shows a really big gap in August with the idea we launch a poll on the 9th and then we review the results of the poll and discuss how to present these.

I unfortunately for myself and everyone else am of the view that we need to slate a couple of more meetings into our schedule if we expect to this get this report three weeks out, published three weeks before Barcelona or I'm afraid the report's going to have on one hand and on the other hand, which just will not be helpful to the broader community. This is a very complex topic.

And if we present ideas that people think their opinion is what should determine the outcome, then we're shortchanging the community about the legal and tax issues implications for ICANN's reputational risk, et cetera. So

looking at this, I'm kind of thinking if we possibly could consider inserting another couple of work sessions during August, even though people may be on holiday. We could do other work even if we have not yet received the poll results.

My second point about this is I assume this is launching the poll within the CCWG. Can I just verify that?

Erika Mann: Correct, Marilyn.

Marilyn Cade: So I think people know by now that I've been appointed - Tony Harris, who was the CSG formal member, has asked to step into a participant role due to his own workload and I am now the formal CSG representative. And I will have to take consultation across the Commercial Stakeholder Group in order to vote. Are we limiting the vote to the members or are we - because if we open the vote up to participants, participants do not have a formal accountability to a spending group. And I just need to understand who will be voting.

Erika Mann: I believe that - somebody else wants to say something?

Marika Konings: Yes this is Marika. I think…

Erika Mann: I have somebody else talking on my line. Marika, go ahead.

Marika Konings: Yes thanks, Erika. So basically what I want to say, at this stage, unless the group of course wants to do so, this is not yet a formal consensus call. Of course the group may do that or may take that approach, but that's usually something that's already at the end of the process and then as well needs to be a determination. Is there divergence between what members are saying and participants.

What we've done for example in the last poll, and we could do something similar here, is indeed run the poll for all members and participants but then basically separate out results we are able to see is there a real divergence between what, you know, members want and what participants want. Because if I remember correctly I think the charter does talk about that only, you know, if really necessary formal consensus call is needed, which then would only involve the members, but if there's a way of indeed actually engaging everyone and, you know, coming to a consensus that is supported by all, that of course is the preferred approach.

But again, you know, a way that I think we did it for the previous poll is have all members and participants participate and then basically have staff separate out the results so you're also able to see is there a real difference between those two groups or is there actually alignment between the two groups when it comes to, you know, selecting one mechanism over another.

Erika Mann: This is Erika. This is what we discussed at the beginning indeed, Marika, that this would be not a consensus call. So. But Marilyn is right. We need to - there are two things I believe we have to do and I'm not sure if - it's going to help what I'm recommending but if we add more calls in August, I'm not against this, I'm just worried that we will have a similar situation like today that colleagues are joining but it might be difficult for them to participate full in the call because it's summertime, so which makes it harder for many people to be very active.

So I'm just a little bit concerned about but we definitely let's review what we have done in the second half of August. So we have a call on the 23rd and then we have a call on the 6th in September, the 13th and the 20th. So we have tight scheduling in September but not in August. I'm hesitant to add another call here but I want to have your opinion and just to get an understanding if there is sufficient support to add another call in August.

Marika Konings: This is Marika. Maybe I know it would be good for people to get things on their agenda but I think at this stage it will really depend on the progress that is made in the new few meetings. Because basically at the moment it's perceived launching a poll on the 9th of August and then there's a two-week timeframe for people to complete the poll and it's the time that will be needed because probably we'll need to give people at least a week to kind of think through the questions.

You know, Marilyn noted there may be a need as well for consultations with different groups. And then of course staff needs some time as well to, you know, pull all the information together for you to review. So putting a meeting in there in between would make it very difficult unless of course we're not yet at the stage of being able to launch a poll, which I guess we'll only be able to see more clearly, you know, after basically, you know, what happens with the triage effort as well as the follow up that is needed.

Because, you know, looking at things as they are, we'll have the triage effort, you know, going in next week. Then on the 26th of July meeting, the group is basically coming back with recommendations on how to allocate the different questions. That will take time.

So if that is the approach, unless the group comes back and says, you know, we looked into questions and we think that, you know, one person can answer these, you know, within the next week, we will not be able to actually launch a poll on the 9th of August because before we can launch the poll, we'll need to have, you know, responses to the charter questions and information that is required for doing so.

So maybe what is the best way forward here is basically have a stand-up item as, you know, the end of each meeting where we pull up this timeframe and basically confirm, you know, when is the next meeting, can we already have a meeting in a one-week timeframe, is that a realistic turnaround time for whatever action items that have come out of the meeting or do we need

that two-week timeframe to actually work through those things and see how that goes.

You know, I also share Erika's concern that we're already having now fairly limited participation. We have, you know, not counting staff probably 12 members and participants on the call out of the group that I think consists of, you know, over 40 people. So that probably doesn't get better as we move into, you know, further into July and August as, you know, it is holidays in the northern hemisphere.

So, again, maybe it's just a question of trying to be flexible here, you know, doing as much work as we can, but we are dependent of course on the work that's being done in order to move forward in these different steps and are dependent on, as I said, launching the poll when we actually have all the information together. And we cannot do that before that has been done and it's difficult to predict at this stage what that exact moment will be.

Erika Mann: This is Erika. Yes I agree. I would recommend we leave it like it is but we are aware that we might face a situation where we will have to agree on some more calls. We don't discuss this right now, how we are going to - we will face the situation and then we will find a response to it but we don't discuss it ahead of time. So then let's have a look at the next item on our agenda.

I have so much difficulty in seeing what is written here. So Marika, I need your help here concerning the item on our agenda. I can't read it. I had to leave, so just that you understand this, I had to leave my contact lenses because they had to give me some drops this morning so I had to leave my contact lenses out and I'm nearly blind on the screen. So, Marika, please.

Marika Konings: Yes thanks, Erika. I'm happy to report that we're at the last item on the agenda, which is basically the confirmation of our next meeting. I think we already discussed the next steps. So the next meeting will be 26th of July at 14:00 UTC.

Erika Mann: Thank you so much, Marika. And everybody have a happy day. Thanks for being so patient today with my blindness on the screen and looking forward to our next call, and have a lovely summertime. Bye-bye. Back to the technical team.

Marika Konings: Thanks, Erika.

Woman: Thank you. This concludes today's conference. Please remember to disconnect all lines and have a wonderful rest of your day.

Erika Mann: Thank you so much.

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