

**ICANN Transcription
New gTLD Auction Proceeds CCWG Charter Drafting Team
Thursday, 31 March 2016 at 21:00 UTC**

Note: The following is the output of transcribing from an audio recording of New gTLD Auction Proceeds CCWG Charter Drafting Team call. 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: <http://audio.icann.org/gnso/gnso-new-gtld-auction-proceeds-31mar16-en.mp3>

Attendees:

ALAC

Alan Greenberg

ASO

None

ccNSO

Will not be participating in the drafting team

GAC

none

GNSO

Tony Harris

RSSAC

Brad Verd

SSAC

Russ Mundy
Lyman Chapin

Board

Board Liaisons

Erika Mann

Board appointed staff advisors

Nora Abusitta

Apologies:

Olga Cavalli – GAC

Jonathan Robinson – GNSO

Samantha Eisner – Board appointed staff advisor

Asha Hemrajani – Board Liaison

ICANN staff:

Marika Konings

Lauren Allison

Melissa King

Julie Hedlund

Glen de Saint Gery

Terri Agnew

Coordinator: The recordings are started.

Terri Agnew: Thank you. Good morning, good afternoon and good evening. Welcome to the New gTLD Auction Proceeds CCWG Charter Drafting Team call held on Thursday the 31st of March, 2016.

On the call today we have Alan Greenberg, Tony Harris, Erika Mann, Melissa King, Russ Mundy, Brad Verd, and Lyman Chapin. We have listed apologies from Olga Cavalli, Jonathan Robinson and Samantha Eisner.

From staff we have Lauren Allison, Marika Konings, Glen de Saint G ery, Julie Hedlund, and myself, Terri Agnew.

I would like to remind all participants to please state your name before speaking for transcription purposes. Thank you very much and I'll turn it back over to you, Alan.

Alan Greenberg: Thank you very much. And as you heard, Jonathan is on vacation and I'll be taking over as chair today. The agenda is going to be swapped or changed

somewhat because as you also heard, Sam Eisner is not on the call and as a result Item Number 4 will be deferred.

Are there any other comments on the agenda before we proceed?

Erika Mann: I do have one. It's Erika.

Alan Greenberg: Yes, go ahead, Erika.

Erika Mann: So I do have one. And this impacts the call Russ and I should have had before to analyze the public comments. We didn't find a time to analyze it so we will have to do this a bit later as well which is maybe not bad because we are waiting for some review as well. And since she needs a bit more time as well so maybe overall it's not all too bad that we haven't had a chance to talk yet.

Alan Greenberg: Thank you. So it sounds like we're going to have a short meeting today.

Erika Mann: Yes, apologies.

Ag: First item is the review of the draft work plan which we do have from Marika. And I'll turn the call over to Marika.

Marika Konings: Thank you very much, Alan. Hi everyone. This is Marika. So one of the action items that we had as staff together with the leadership of the drafting team is to come up with an overview of the milestones or work plan to outline, you know, the different steps between now and the next ICANN meeting and hopefully also beyond.

We did discuss briefly during the meeting in Marrakesh that a potential soft target could or should be to have a draft available for comments by the different ICANN SOs and ACs by Helsinki. And then as a kind of, you know, ultimate and deadline maybe the October meeting for approval if additional

time would be needed to review and factor in the comments that are – that would have been submitted by the different groups.

So what you see on the screen is basically trying to map out the different action items or requirements that I at least saw from a staff perspective in getting us to that timeline. I think I've already noted there are some items that we already need to move out a little bit. But if you look at the schedule I think there's quite a bit of flexibility and hopefully it won't affect the ultimate goals that we have set up in here too much.

So basically you can see here there are a number of items that are identified as a target date for today's meeting, you know, looking at the milestones, which we're doing now, the review of the public comments, which we've just noted will be moved to the next meeting. Similarly, the briefing note on legal and fiduciary constraints will also be pushed out to the next meeting, although I understood from Samantha that she may actually have an update in the course of next week so maybe some input will be – already be provided on that.

Then as staff we also had an action item to identify some of the key questions for the different sections of the charter and circulate these to the mailing list to stimulate discussion and input. It is something that I did start on but I didn't really want to send it right before the meeting but I'm hoping that it's something I'll be able to circulate relatively shortly after this call, which is really an attempt to get conversation going on some of the more probably administrative sections of the charter while the group works on the more scope and background to this issue as a separate conversation.

But hopefully at least getting closure on some of the other items in the charter will help as well moving this effort forward. And then you'll see as well the items, you know, basically the draft agenda as we're talking now through these items.

Then to propose the item for the next meeting in two weeks' time would be to, you know, discuss and review some of the input received on those key questions. Again, the hope is by, you know, putting forward these questions we'll get a sense of where the drafting team stands on some of these items and that will hopefully help then as well to facilitate the drafting of these sections and as well reviewing some of – of the language that is available in other CWG sections charters that may serve as an example or guiding – a guiding light to come to closure.

So basically the assumption is that the discussion will take a number of meetings, again, it all will depend of course as well how much time and how much discussion we're able to achieve throughout, you know, in between the meetings on the mailing list because that of course will help to come to closure on some of these items at an earlier stage.

And then with a target of 26 of May to kind of finalize the discussion, finalize the draft language for the different sections so that by the 9th of June we will be in a position to send this over to the different SOs and ACs so they have sufficient time to look at the charter and potentially as well specific questions that the drafting team may have been identified ahead of the Helsinki meeting.

Then hopefully the different groups will have some time in Helsinki to discuss the charter, review it and then come back to the drafting team with any input or feedback they may have.

Again, at this stage it's probably difficult to anticipate what that feedback will look like or how much time is then needed for the drafting team to process that feedback and as such I've put in here that, you know, the group would reconvene probably the 14th of July to review all the information and then basically decide on the basis of that how many meetings, if any, are needed to finalize the charter noting that the ultimate (unintelligible) deadline would

be the ICANN 57 to be able to put forward the charter to the different SOs and ACs for their consideration and approval.

So basically there's a rough timeline that we've put together and happy to take any questions or comments.

Alan Greenberg: Thank you, Marika. I have a question. You said we'll present the charter by the Helsinki meeting and get feedback in July and then have a final charter for the meeting in October. Aren't there a few months in between them? Am I missing something?

Marika Konings: Yes, so this is indeed – this is a flexible timeline. I mean, as I said the ultimate deadline would be the October meeting but it's really in mind, you know, this – I think that would only be the scenario if there's so much feedback provided from the Helsinki meeting that we indeed need that time from July to October to work through that.

Also looking at, you know, some of the groups may not be able to approve a charter without the face to face meeting. So again I think as we've seen as well with other cross community working groups usually there is a certain timeframe that – a certain timeframe within which the different SOs and ACs consider and approve the charter which is dependent on their own processes and procedures. So I agree with you, this is I think a very conservative timeline.

Hopefully, you know, in an ideal world maybe if we make a lot of progress maybe we're already in a position to share a draft charter well ahead of the Helsinki meeting and the Helsinki meeting could even be a point where some are able or willing to approve.

But as I said, this is basically a build around the sentiment that I think that was shared during the meeting in Marrakesh that there's no rush in doing this; it's more important to do this well. So I think there's a significant buffer of

time built into this – this work plan but is not set in stone so of course we can adjust and adapt those as needed based on progress made or lack of progress.

Alan Greenberg: Okay. Thank you. I suspect approval in Helsinki is a little bit optimistic but hopefully it won't be a long – a lot after that unless we really mess up in what we present to the chartering organizations. And I see in the chat Lyman says he's okay with that the latest by. And I certainly can't complain about that but I'll be optimistic that it won't be that late.

I would like to actually have something – like to see a kick-off meeting no later than the October meeting wherever it may be held. So hopefully we'll have the charter well before that.

I open the floor.

Erika Mann: If nobody else is on the queue, Alan, Erika.

Alan Greenberg: You're on, Erika.

Erika Mann: Thank you, Alan. Alan, I think Marika, she made some valid points. And I just think it would be relevant to understand that the work in these cross community groups, they take sometimes more time and because we – many of us are engaged at the same time in bylaw drafting and other kind of work. I'm a little bit worried about the timeline.

So what I would love us to do not to – and I think we all agree already listening to comments from Marika and listening to comments from you, Alan, what I would love us to do not to have expectations that we – that we have a fixed deadline in the document – in our document which we communicate so that we maybe instead of talking about no later than or whatever kind of time bound elements we have in our document that we say ideally by.

Because I think the work would be that we can fulfill our promise if we communicate to our different community members. I mean, I wish we – and I hope we can, you know, we can fulfill a tight timeline but I'm just worried that, you know, we should be a bit concerned about the language we use in communicating this.

Alan Greenberg: Yes, I – to be honest I don't think people are going to be paying all that much attention to the timeline...

((Crosstalk))

Alan Greenberg: ...to the timeline associated with the charter. I mean, when we get to the actual working group that's a completely different issue.

Erika Mann: Yes.

Alan Greenberg: But for the chartering I don't think it's going to be all that onerous. And I'll give a personal perspective. Much of the charter is going to be not quite boilerplate but simply us making some decisions based on what we know about previous working groups and how similar to different we want to be on them. The other...

((Crosstalk))

Erika Mann: I agree with you. I totally agree. I didn't – no I agree, I'm totally on your side. I'm just worried because we – always the same people in the same groups and I'm just worried about timing.

Alan Greenberg: The really difficult part that we have is to – is if we are going to put specific constraints on the CCWG other than the ones that are there based on law or something like and that, I think, is going to be the most – the most difficult part that we have to look at. Again, I'm giving a personal perspective.

Erika Mann: Yes.

Alan Greenberg: Because the rest of it is – I won't say is boilerplate but, you know, we already have a fair amount of experience in doing these kinds of things. And I don't think that, you know, the actual work of the CCWG is going to be onerous because there will be more controversy there than in the charter but the chartering work I don't think is going to be all that much...

((Crosstalk))

Erika Mann: I agree. I'm not worried about controversy, I'm only worried about timing. Totally agree.

Alan Greenberg: Yes. Anyone else? I think Marika has done a good job in identifying the things. Given that the two items we had for today are both deferred, the two specific items, I'm a little bit worried that, you know, because of things like the transition and bylaw drafting and other work, that we're going to keep on pushing some of these discussions off. But I...

Erika Mann: Yes.

Alan Greenberg: I think we're going to have to make sure that we're using the mailing list well ahead of time to identify what it is we'll be talking about in a given meeting so people can be – can come prepared. I'm also a little bit concerned about the sparse turnout we have at this meeting and hope that will not be a pattern. Marika, go ahead.

Marika Konings: Yes, this is Marika. So on that point on, you know, being able to identify the topics – and as I said, I already started going through the different sections of the charter and identifying, you know, some questions that the group will need to answer. Some of those are already, you know, called out in the template charter. Others come up through the fact that in the template that

the CCWG principles developed there are some options for certain things, are the different options available.

So again, the group either has to decide whether to pick one of those options or, you know, come up with a new option altogether. But once we have that list together and, again, you know, Alan, I'm happy to work with you and Jonathan on that, maybe a proposed approach would be that we indeed identify set, you know, sections for the upcoming meeting so that the discussion, you know, prior to that meeting really focuses on that specific section.

We can look – and I said, I'm trying to do that as well, pull some example language from other CWG charters that may serve as a – either an example or a starting point or maybe even a model filling out that language. And maybe that is a way as well then to really prepare in more detail the work plan so people know which section is going to be discussed at which meeting and we can, you know, prepare accordingly for that.

As said, (unintelligible) work with the leadership, that's easier to organize and prepare accordingly but I think as well, like as said, you know, my focus is on the administrative aspects of the charter, I think where probably some volunteers may need to start with something is really on the first part of the charter which is on the scope and, you know, objectives.

But again, maybe some of that can only really start once we have the – both I think the input from Sam on the legal and fiduciary constraints as presumably that will, you know, need to factor into the scoping as well as the work that Erika and Russ are doing on the reviewing the comments as there may be input in there that is relevant to that specific aspect of the charter.

Alan Greenberg: Yes, no, Marika, I think you're quite correct. And I suspect you're going to be able to put together a fair amount of the, you know, of a draft charter with

some sections completely left blank that will have to be the actual substance of the work we're doing once we have the input from the various groups.

So I, you know, I will share with you when I first saw this the timeline that when Marika sent it to me my initial reaction was why should it take that long? But...

Erika Mann: Yes.

Alan Greenberg: Hopefully it won't. We'll see. Russ, go ahead. Can't hear you. You may be on mute. And your hand is down. Anyone else on this item?

Erika Mann: Just one thing, Alan. Erika again. Marika, I saw in the – because I have you on the phone and I have a bad connection, I saw the call with Russ on the 31st. Was this a try that you tried to reach him to arrange the call with me? Marika?

Alan Greenberg: Is Marika will with us?

Erika Mann: I don't know.

Marika Konings: Yes, yes, sorry getting off mute. I'm not exactly sure if I'm understanding the question. You would like me to set up a call for you...

((Crosstalk))

Erika Mann: I saw on the – yes on one of the schedule I saw you had a 31st included as a call with him.

((Crosstalk))

Erika Mann: ...was somebody trying to connect the two of us?

Marika Konings: Basically I sent you indeed an email as a reminder that this item was on the agenda for today's meeting, the 31st, and trying to see if there was anything else we could do to facilitate your work in reviewing the comments.

Erika Mann: Okay.

Marika Konings: That was basically the purpose of my email.

((Crosstalk))

Erika Mann: I reviewed the comments but I was waiting that somebody tried to reach out to us to get this set up so maybe just somebody sent me his email address then I can do it myself again. Because somehow – somewhere something is missing that we can't get connected.

Marika Konings: This is Marika. On that same email Russ was copied as well. And I see Russ is typing. But, you know, if it's helpful we can work with you to try and set up a call...

((Crosstalk))

Erika Mann: Perfect. Please. Alan. Apologies for this but we are constantly trying to reach each other. Thank you so much, Alan.

Alan Greenberg: That's okay.

Erika Mann: Thanks.

Alan Greenberg: Okay. Russ said he's been through the comments but also did not see the email on the 21st. Russ, if you want to speak and have a phone if you give us the – give staff the number we can do a call out to you. But maybe that was all you were trying to say. And we have a question saying, "When do we

expect to have a draft charter available?" Well, the hope according to this timeline is we'll have it available well before Helsinki.

For the purposes of the more procedural part, Marika, I think will have something ready for us, I'm guessing, in the next week or so. Is that reasonable? Or are you looking a couple of weeks out, Marika?

Marika Konings: Yes, this is Marika. So basically, just as a reminder, there is already a template. And the template already has, you know, some information filled out and we actually have that available as well as a Google doc to allow for people that already want to work on it or flag comments or questions to do so. So we can circulate that link again.

So as Alan noted, yes, I'm hoping to circulate that document shortly, hopefully even later this week, and if not early next week, which indeed would pull out the different sections and, you know, flag questions that the drafting team will need to answer and also try to find some example language from some of the existing CWG charters so you have something to look at either, you know, as an example or maybe as a starting point and then based I think on the input on the questions either, you know, some volunteers from the drafting team, otherwise staff, you know, will be happy to take a first stab at taking the feedback on those questions and trying to integrate that into a – into language for those different sections.

And again, we can either circulate that, you know, on the mailing list or make it available as a Google doc so people can then as well, you know, comment and edit or provide feedback as they see fit.

Alan Greenberg: Yes, I think once we have something with the blanks highlighted and the questions highlighted it's a lot easier to get people to volunteer to take a stab at it. Okay, okay we will have Russ on the phone hopefully, is that correct, Terri?

Terri Agnew: Yes, the operator is working on that now.

Alan Greenberg: Okay, we're trying to get to him. As a heads up for where we're heading, as I said, the Items 3 and 4 we're not formally doing unless Russ has some comments on Item 3. The next one is discuss next steps including assignment of different sections of the charter for identification of further questions and/or drafting language. And I think we just sort of implied that we're not going to try to do that today until we have a document in front of us.

And now we have the document in front of us but. So let's wait for Russ to get on and hopefully we'll be on in a moment.

Marika Konings: Yes, and this is Marika. Just to note that the document that's in front of you is the template so there's nothing else filled in here yet or any further work has been done, it's just for those that may not have seen it this a template that has been prepared by the Cross Community Working Group on Cross Community Working Group Principles. They're basically trying to come to some kind of common understanding of the way CWGs, you know, are expected to operate and function.

And the charter template is intended to serve as a tool to help, you know, CCWGs to establish themselves so it flags some of the items that will need to be defined. It provides as well some template language that, you know, groups may want to consider. So basically we've used that as a starting point but of course this is all fair game, this is just example language so, you know, whatever the group wants to fill in or if there are additional sections that are needed that's of course all possible.

Alan Greenberg: And of course for those who aren't following all of the CCWGs the CCWG on CCWG Frameworks is currently out for public comment. And therefore anything that they have in their template may in fact be changed before the – before it gets locked in. So we shouldn't feel too constrained to follow or not follow their advice if we feel otherwise.

How are we doing on Russ?

Terri Agnew: I see the operator has attempted a couple different times to reach him.

((Crosstalk))

Terri Agnew: ...waiting for final word.

Alan Greenberg: For Internet professionals we seem to have a problem with communication.

Erika Mann: Yes, I agree. Sometimes it is really painful.

Alan Greenberg: But you think we would have gotten the telephone down right by now.

Erika Mann: Oh my God. But even the telephone sometimes, Alan.

Alan Greenberg: Russ has his hand up, if you can speak then we'd be glad to hear you.

Terri Agnew: Alan, I believe his line is connected.

Russ Mundy: And I think I am online. Am I being heard now?

Alan Greenberg: You certainly are. Welcome.

Russ Mundy: Oh that's great. Thank you very much. The – I guess the one item that I wanted to mention, just to back up a little bit on the agenda, was that in the – looking, again, at the public comments that came in, I think, though I'm not certain because we haven't – I haven't gone through writing everything down that I see from the public comments.

But I think there may be some things in there that at least we need to discuss as a drafting team to see if they are something that needs to go into the

charter itself as constraints or at least advice of some sort to the – to the group in the charter of the group. So I think this was covered earlier but I do think there is some material that is contained in those public comments that we'll want to talk to and that's one of the things that I think Erika and I need to look at flagging...

Erika Mann: Yes.

Russ Mundy: ...clearly.

Alan Greenberg: Would you care to give us a sample of the kind of things you're talking about? Or is that...

Russ Mundy: The list was long and deep. I think about nine pages. And at this moment honestly I don't have a specific example but I think there are at least somewhere between, you know, three and five or six, maybe as many as eight in those nine pages of stuff, there are individual comments that really apply more to the execution in the actual CCWG itself.

((Crosstalk))

Russ Mundy: That may want to be addressed in the charter.

Alan Greenberg: Yes, that was my impression also that many of the comments were focused on essentially how we should use the money, which is not really what we're looking at. And in fact, you know, if one looks ahead, the CCWG may end up predicting that some board or foundation make the actual decision. So those real decisions may be quite a far away out. And certainly aren't ours unless there are real constraints we need to be – that we think we want to impose. I know other people have...

((Crosstalk))

Erika Mann: ...Alan, and Russ, which came up again and again the comments was whether we should have a kind of, you know, framing done so that it needs to go into our ecosystem for the DNS broad ecosystem. This could be one. But I'm not – even there I'm not totally sure.

Alan Greenberg: Yes, I guess my opinion, and I've heard it from other people, is we want to put as few constraints on the CCWG and any future activity as we can limited of course to what is, you know, maybe there as fiduciary duty or other constraints on how ICANN can use its money.

Erika Mann: Yes. But that's the point we need...

((Crosstalk))

Alan Greenberg: For us to rule out something that is available use and some people in the community want I think would be quite inappropriate, we're just not representative enough of the overall community to do that. Again, my opinion. All right, we certainly are going to have some work ahead of us but I don't think there's a lot we can do more at this point. Marika, have I missed something? Or anyone else for that matter?

Marika Konings: Nope, not from my perspective. Just maybe to reconfirm the next meeting.

Alan Greenberg: Then the next meeting is scheduled for the 14th, I believe.

Marika Konings: Correct.

Alan Greenberg: At 1300 UTC. And that is a fine time for me. I hope it is for other people as well. And last call for any comments or questions before we adjourn the meeting early?

Erika Mann: Just what – Alan, sorry that I misused your time again. Russ, can we find a time next week to have our call and to discuss it?

Marika Konings: Erika, this is Marika. I've asked Julie, who also supports the SSAC, to coordinate between the two...

((Crosstalk))

Erika Mann: Wonderful. Thank you so much. I'm just worried that it's – okay, wonderful. Thank you. Thank you, Alan.

Alan Greenberg: I know the feeling. If it's not done now it may never happen.

Erika Mann: I know, I know.

Alan Greenberg: All right. I thank everyone for attending. And I give you back a half hour of your day or your night.

Erika Mann: Thank you so much.

Alan Greenberg: Bye-bye all.

((Crosstalk))

Terri Agnew: Thank you. Once again, the meeting has been adjourned. (Vince), if you can please disconnect all recording lines. And for everyone else if you could just please remember to disconnect all remaining lines. Thank you for joining and have a wonderful rest of your day.

END