## ICANN Transcription The CCWG New gTLD Auction Proceeds Meeting Wednesday 13, February 2019 at 1400 UTC

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Coordinator: The recordings have started.

Julie Bisland: Okay great. Well thank you. Good morning, good afternoon and good

evening everyone. Welcome to the CCWG New gTLD Auction Proceeds call held on Wednesday, the 13th of February, 2019. In the interest of time, there will be no roll call. Attendance will be taken via the Adobe Connect room. If you're only on the audio bridge at this time, would you please let yourself be

known now? And I have Kavouss noted already. Anyone else? Okay,

hearing...

((Crosstalk))

Kavouss Arasteh: ...for the time being.

Julie Bisland: Okay thank you. I just want to remind all to please state your name before

speaking for transcription purposes and please keep your phones and microphones on mute when not speaking to avoid background noise. With

this I will turn it back over to Erika Mann. You can begin, Erika.

Erika Mann:

Thank you so much, Julie. So hello and welcome to everybody. Let's do the first part first, will be the question whether we have some updates concerning the conflict of interest declaration. Anybody who has? No? That's not the case. Okay.

Now let's move to Point 2 – to Point 3, apologies. I realize that I believe Joke is with us but Marika is not, she's probably still on the other call and she will join a bit later. But for this part I believe we are fine and can handle the topic. So let me just give you a brief explanation what we have done in making these kind of recommendations. So this is Point 3, feedback received and recommendations made by the leadership team in relation to the public comment review tool.

So what we have done, we have reviewed and then we thought it's much easier if we do a first set of recommendations and then build on these kind of first evaluation, it's much easier for you to make a judgment and say we like this idea or we don't like this idea, we want to go in a completely different direction or we want to add certain topics which we believe the leadership team missed. So this is the basic of what we have done.

And then what the staff is doing, they're reviewing these recommendation and they're showing, you know, and have invented a kind of new template how to deal with it. And I believe it's actually an excellent template so when I reviewed it I thought it's excellently done and it can really help us to move forward as quickly as possible because we don't like actually a process where we evaluate these comments for another half a year or for even longer and then the money is just getting stuck where it is right now and it can't be used, which is probably not a good use of the money available.

So we would like to move forward as quickly as possible and we hope that this – the way which we came up is helping you. But let me give you a few minute maybe to tell me if this is a good idea what we have done, if you like

the design of the template you have seen and if this is helping you indeed as we hope so to move forward.

Joke Braeken: Can you hear me okay?

Erika Mann: Yes, I can hear you.

((Crosstalk))

Erika Mann: Yes, I can hear you. I don't know who it is so maybe please say who you are.

Joke Braeken: Yes, Erika, this is Joke. So I just wanted to...

((Crosstalk))

Joke Braeken: ...let you know. Thank you very much. I wanted to quickly let you know that

Marika cannot join the call today so she has another obligation and will not make it today but I'm happy to assist during today's call. So what you see currently on the screen is actually the public comment review tool from last week which we already discussed. And based on the presentation of the review tool to the team, we have received some comments. Would you like

me to go through the comments that we have received today?

Erika Mann: Yes, give me a second. I see that there's Jonathan, I believe, and Vanda.

Jonathan and Vanda, would you like to comment on the way we are presenting this to you or do you want to already go into the details?

Jonathan...

((Crosstalk))

Erika Mann: Oh Jonathan, please.

Jonathan Frost:

I'd just like to ask a very preliminary question on the way it's presented to us. So we're going through the – my understanding is we're going through the leadership recommendation and whether we want to adopt them or not. How do we determine leadership recommendations that say something like, "Check up on whether the group wants to go one route or another?" Like if the leadership doesn't really make a recommendation, they just say "Check this, this or this," and they kind of create a contingent recommendation, like how are we dealing with that? Thank you.

Erika Mann:

Jonathan, that's a good point. So in these cases where we made a recommendation to check, I believe, if I remember this well, these were cases where there are more technical topics involved. So I did the first review on my own and I put, I believe, there is no real, you know, in the sense a new task or something, but it's more a check, you know, have we overlooked something in our first recommendation, is there a topic coming up which complements what we have recommended but certain bits and pieces might be missing and so we might be able just to add this to our recommendation but we have to check it.

So it was more, if I remember it well, but I would have to review it again, it's more a technical kind of checklist. Sorry that I wasn't clear about it, I should have added this. But then we come to the point – when we come to the first check I've – my memory will kick in again and I will be more precise. Thank you for raising this point. Julie – Joke, we have to – indeed we have to – when we come to the first check we have to review this topic if I'm correct in my memory.

Vanda, please.

Vanda Scartezini: Hi, Vanda Scartezini. So I did a very detailed comment on each point. So I did not believe that (unintelligible) talk about all those points if (unintelligible) thank you.

Erika Mann:

Vanda, can I disrupt you? You're very hard to read. It looks like you are on the audio bridge. Can you maybe type your – is it possible for you to type or...

Vanda Scartezini: Okay. Okay. Okay.

Erika Mann:

Thank you so much, Vanda. Thank you so much, Vanda. Okay, Joke, to you now. I don't see anybody else. Joke, please take it from here and go through the first round of evaluation.

Joke Braeken:

Thank you very much, Erika. I will pull up the document now with the comments that we have received to date to the leadership proposal. Apologies for the background noise. So what you see currently in the AC room is an overview of some of the comments that have been submitted to date. And basically there is agreement to move forward with the leadership proposals but some comments have been made regarding, for instance, the fact that when we talk about new ideas that they should only be taken in when there are improvements of already-existing findings or there is a suggestion to elaborate the separation of the funding appeal process from the general ICANN appeal process.

The leadership team also recommended that the CCWG should consider asking input from the ICANN Board on concrete examples of projects that could be supported with auction proceeds. But two commenters mentioned that this actually should be reserved for the implementation phase and it's not the right moment to do so now.

Also the level of consistency with ICANN's mission should be determined. And the group should also deal with the issue of community approval for projects. Two of the commenters suggested that the final recommendations should respect the requirements outlined in ICANN's – in the ICANN Board letter (unintelligible) the 5th of October and also additional clarifications that were provided during ICANN 63 in Barcelona.

Specific application appeal process should be built in into the eventual application review mechanism. And there was also disagreement with the leadership recommendation that future work should be undertaken on cost benefit analysis of the different options. Also there was no need to further clarify the cost efficiency and somebody mentioned that if there was supposed to be a review panel it should have a representation from all SOs and ACs. Moreover, the continued risk evaluation should be reserved to the implementation phase as well.

So this is just a high level overview of the comments received. I don't know if everything has been captured or if there's anything that the commenters would like to further clarify at this point. Thank you.

Erika Mann:

Thank you, Joke. Let's wait a second if somebody wants to clarify. I see Vanda and Marilyn – Marilyn and Elliot. Vanda is difficult to understand so I take Marilyn and Elliot, some difficulty. Let me know, Vanda, when you are – when your phone situation or your mic situation is better. Marilyn, please.

Marilyn Cade:

Thank you. Marilyn Cade speaking. I just have a clarifying question. I apologize, I wasn't able to submit detailed comments. But my clarifying question is on the bullet point which is COI, same as ICANN, I'm assuming that is shorthand for conflict of interest, same as ICANN? And actually from the – and I'm just speaking as the CSG representative here – it's not clear that actually the conflict of interest statement to us, that the conflict of interest statement for ICANN will actually be sufficient for managing, allocating, reviewing funds distribution.

So I just want to flag that as something that will need further consideration. And I actually thought that that had been apparent in previous comments before this last round of comments that there was an awareness that to manage a – any kind of funds distribution to protect ICANN that there would have to be a very strict awareness of conflicts of interest.

Erika Mann:

This is Erika. I do agree. I will ask Joke, go ahead and review maybe the points Marilyn was referring to. But I do remember the same debate we – like you did, Marilyn. I believe we had a quite good understanding between this group and we may have to express more clearly.

But there as one comment in particular which was raised concerning this topic by I believe it was by ALAC making the point that in case there is a collaboration with a different entity then this entity will have to make separate declarations of conflict of interest as well, which I would understand based on our discussion we had in the past we had touched on this one but we probably haven't clearly expressed it, so yes, I agree with you. But Joke, is there any topic which you want to add to this point?

Joke Braeken:

Hi, Erika. This is Joke. Nothing to add from my end, just to reiterate that this is a high level overview of the comments on the leadership proposal, so we're not going back to the comments from – that were received via the public comment period. These were simply the summary of the comments received on the proposals made by the leadership team. Thank you.

Erika Mann:

Yes, thank you Joke. But they were of course based on the comments we received from the different groups, you're right. Elliot, please.

Elliot Noss:

Can you hear me okay?

Erika Mann:

Yes, absolutely.

Elliot Noss:

Okay, I just wanted to make sure that I'm reiterating the comment about community review. I don't want it to just be one of a number of comments that we received. You know, I want to stress that for me, community review of proposals was always what we had discussed for the better part of the two years that we've been doing this. I was, again, surprised, I would say shocked, to see a different treatment in what actually went forward as our

position. And I would – so, you know, I'd like that clearly to be addressed, expressly to be addressed, not just one of a number of comments.

And I would ask ICANN staff if they might be able to identify where that came from in our discussion. I know that I, like everybody, was not on every call. I do believe though that I was on a significant majority of the calls. And the calls are noted quite well, I mean, you know, I'm very impressed with staff's ability to, you know, and leadership of course, to, you know, to conduct the discussion in detail.

But I still – I'd like ICANN staff to tell us, you know, to say where did this come from and to make sure that this is addressed in our next round of iteration.

Erika Mann:

Elliot, would you be so kind to be a bit more precise and explain what you're referring to? I must say I'm a little bit lost what...

((Crosstalk))

Elliot Noss:

Sure. I'm referring to the proposals that went forward for comment including, you know, I would say two of the three and one very explicitly where it was ICANN staff, a new organization or a new structure within the ICANN organization that was reviewing the proposals and that none of the three proposals explicitly talked about the community doing that. That's – is that clear?

Erika Mann:

It's absolutely clear, Elliot. And we will have to talk about this. My understanding and my memory, but it's good to have this reviewed by staff, I believe we haven't looked into the role of community as a recommendation at all which might have been – might be a problem but it's not in the sense that we haven't done this because we don't want to recommend it but I believe it was more because we believed at the time when we did this, or we may have

overlooked it so I don't want to even say what we believe, we may have overlooked this topic.

I don't believe there's a purpose behind – it might be just a failure on our behalf when we did the final round of drafting the recommendations. But, Joke, do you remember this? Were you already – you were already then with us I believe? Can you remember this?

Joke Braeken:

Hi, Erika. This is Joke. Yes, indeed I was present at all the calls that this group conducted. When the recommendations were being formulated, yes, I need to verify this how this went. I remember that there were some discussions but there was no clear instruction, I believe, on how to include this in one of the recommendations. But this is something that needs to be verified. Thank you.

Elliot Noss: May I...

Erika Mann: Yes. Thank you, Joke.

Elliot Noss: ...make a comment?

Erika Mann: Let us verify this. Elliot, please go, yes.

Elliot Noss:

Yes, yes I want to, you know, point out where this was explicit in our conversations. You know, we talked extensively about how CIRA did things, how Nominet did things, how dotML did things, you know, I was explicitly a participant in the CIRA process, you know, we talked about how I believe it was Nominet moved from outsourcing to experts to in-sourcing to community review. For me, this was always explicit, not something we didn't discuss.

And if we didn't discuss it, the one thing we for sure never discussed was ICANN Org staffing up a separate group to do this. I would have been jumping up and down on the table about that. So if it's an oversight that's

great. You know, my failure for not picking up or not being express enough in the conversations, I thought this was always very clear and I think it's central to everything we're doing here. So, you know, if there's any, what, misunderstandings around this, I think this is where we should be spending all our time.

Erika Mann:

Elliot, I recommend not to spend time today on it because I really want us to do the review of what we have to discuss today. But I agree with you. I believe personally it was maybe a – probably a leadership over – missing and oversight on this topic because a core and important topic. But since it came up in so many comments we will spend the time on it and I promise you this, to come to a conclusion how we want to include these recommendation which we have received in the comments and how we want to subtract them into one single recommendation.

So there was no purpose behind missing it, it was just I believe an oversight. And you're right, we discussed it many times. We never put it to final recommendation though insofar there was, you know, it was just I believe personally it was an oversight missing oversight in bringing this topic to the table.

Jonathan, you want to comment on this one too or is this a deletion? I can't see it clearly.

Jonathan Frost: I would like to comment on this one.

Erika Mann: Please, go.

Jonathan Frost:

Thank you. But this isn't on the exact issue that Elliot's having even though I always support empowering the community over staff implementation. I was hoping for a clarification on the leadership proposal, the second bullet point, where it says, "Take in new ideas only when they're improvements on already

existing findings." I was hoping for a clarification about what was meant by that particularly the "only where there are improvements on existing findings."

Is what is meant – I mean, two things, either it's ignore all the comments where new ideas are being proposed, which I mean, I would be very, very much against that because, you know, I'm very much in support of empowering the community. Or it could also mean craft the existing findings in a way that accounts for the new ideas even if we recognize right now we're not in the stage where we're actually proposing ideas. So I was just hoping for a little bit of a clarification on that second point. Thank you very much.

Erika Mann:

Thank you, Jonathan. So since I did the first draft of the recommendation, so my intention was the second – the way you phrased it so the second point. So what I did, and you will see it and the leadership – so what we then have done is to say like in the case we just debated, it was discussed but it was then not translated into a clear recommendation so yes, we will pick it up.

And there are many examples like this, not as clearly as the one now, but it's just kind of in addition to the recommendation we made or to a recommendation like we debated the topic but then we haven't translated into a clear recommendation like the case we just discussed. There are a few examples where we have totally new proposals and new ideas like the one on – giving a certain amount for educational purpose for supporting the Domain Name System.

In this case I made recommendations as well how we could deal with it but I presented more alternatives, but maybe that's the case where the new proposal is so new and we haven't discussed it in the past that maybe this we want to say this is something maybe we don't want to recommend something totally new like sketching out different baskets – money baskets for different project ideas. So maybe we don't want to do it but we leave it up for the follow up team to touch on this one.

This could be something done for example by the implementation team that we, you know, I don't know how we then want to present it to the implementation team but we could have a set of ideas which came in by the comment period which we believe are something the evaluation team should see and then should make up their minds, for example to discuss this. But that's something we should discuss when we come to these topics. But in principle, yes, it's more the way you presented it is more the second outline and not the first one, so not neglecting new ideas totally. (Unintelligible).

Ching Chiao:

Erika, this is Ching. Just want to let you and everyone know that I just joined the call. Thank you.

Erika Mann:

Ching, wonderful that you're with us. Yes, Daniel is making the comment we should discuss this topic when we come to them instead of talking about in theoretical terms. Yes, Daniel, we will do this now. Okay I don't see any further comments so maybe we can move forward, can we? Joke, are you ready?

Joke Braeken:

Thank you, Erika. I will pull up the review template now.

Erika Mann:

Okay.

Joke Braeken:

Would you like me to quickly run through it?

Erika Mann:

Yes please.

((Crosstalk))

Erika Mann:

Please, please, yes, please be so kind.

Joke Braeken:

So the review template was actually a way forward that the leadership team would like to propose to this group. So what we have done here is to group all the recommendations regarding charter question Number 1, preliminary

recommendation Number 1 and the guidance for the implementation phase in relation to charter question Number 1 into one single document. And the idea is here to see whether as a result of the input provided during the public comment period the group shall reconsider its recommendation and if the group should reconsider its recommendation why is that the case and if the recommendation does not need to be reconsidered, why is that – what is the reason behind it.

If it is not possible to make this determination at this stage, what input or information does the group need in order to make this determination? So that is basically the idea behind this. Would you like me to re-read the recommendation out loud, Erika? It is the one that is being displayed on the screen and...

((Crosstalk))

Erika Mann:

Yes, I would recommend you read it because Kavouss is on the audio bridge and he may not see the – and others may not be able to see it neither so better read it.

Joke Braeken:

Okay thank you. So the recommendation is as follows, "The CCWG recommends that either mechanism A, a new ICANN Proceeds Allocation Department is created as part of ICANN Org dedicated to grant solicitation, implementation and evaluation or mechanism B, a new ICANN Proceeds Allocation Department is created as part of ICANN Org which would work in collaboration with an existing charitable organization or organizations is designed and implemented to allow for the disbursement of new gTLD Auction Proceeds."

"In addition to options A and B above, the CCWG welcomes community input on mechanism C, under which an ICANN Foundation is established.

Mechanism C involves creation of a new charitable structure separate from ICANN which would be responsible for..." I'm afraid I cannot read that word,

"...and evaluation of proposals, and the disbursement of the funds but which will be required to adhere to the principles/ICANN core mission in its purpose and allocation of auction proceeds as grants and to maintain a close oversight relationship by ICANN."

"Based on the input received in response to the public comment period on this report and further deliberations by the CCWG taking into account these public comments, the CCWG may make changes to this recommendation in the Final Report. For example, the CCWG may be in a position to further narrow down its recommendation and identify a single preferred mechanism. Alternately, if after reviewing and deliberating on input received through public comment, the CCWG does not reach agreement on a single preferred mechanism it could recommend multiple options to the ICNN Board for further consideration. The ICANN Board will make a final decision on the path forward leveraging the CCWG's recommendations and work."

Are there any comments or questions regarding this? If not I will scroll down to the next page. And here you will actually see in the table with an overview of the different suggestions from the different commenters. Again, underneath that suggestion you can see the recommendation of the leadership team. And the idea is actually that we go through all of these comments now and move forward like this, if you agree with this proposal. So if the group thinks that this is a good way forward we could do exactly the same with all the other recommendations and questions that are out there. Thank you.

Erika Mann:

Thank you, Joke. We should do this in a second. Maybe – this is Erika. Maybe to go back a step, so our original recommendation was A and B but we received comments in particular from the business community but comments as well which raises some topic in relation to keeping Option C and really is even going so far in saying neglect A totally.

So we have a – although in our original recommendation we kept C as a potential mechanism included as well, but we focused more on A and B, the

comments we received are much more diverse and even to some degree favoring C. So what we now have to do as a group I believe, we do have to define a way forward how we become clearer in narrowing down mechanism because it might be not a good scenario that we come out and just send everything to the Board and say decide between A, B and C. These are the options. I think it would be much better if the community has a clear understanding what it wants. It's just more better for policy reasons I believe.

So what I believe we should do, we should review the following topics and Joke will present them in a second, and the recommendation from leadership and because they may lead us to a path in being clearer about what is the ideal mechanism which we recommend. And in doing this, I personally believe we may have to send new question to ICANN Org and to the Board in being clearer about certain topics.

There's one topic which comes up in the comments quite frequently and this is about independence, an independence for the evaluator or independence for those who are reviewing the proposals. So there's a variety of the way independence is defined in the comment period. So I believe we may have to send another round of questions to ICANN Org and to the Board to narrow down the bandwidth, you know, how we want to define and how we want to recommend the final recommendation for the mechanism.

So this is the way we reviewed these – the topics which Joke will present to you in a second and where we need your input both on this particular topic and then the input are you okay that we will review the other sections of our recommendations in a similar way. So I don't see anybody wants to comment on this.

And there is somebody – if we can come to consensus Robert, "We definitely should include feedback on positive – I can't read this – positive/negative of each option. Personally I am in minded against options that institutionalize and grow ICANN staff. Lightweight funding process." Okay, yes, Robert, this

is pretty much and we had many comments in this – in regard to this so totally agree. That's why I believe we may have to send out a – and leadership believes we may have to send out new questions to ICANN Org and to the Board, for example, saying let's assume ICANN A is the recommended – make final mechanism how do you want to structure the – an ICANN department, how do you want to ensure it stays within the limit of a certain percentage of staff, etcetera, etcetera, and the same we would have to do for B and for C.

So let me go back to...

((Crosstalk))

Erika Mann: I don't see – who is it?

Elliot Noss: That's Elliot.

Erika Mann: I can't see anybody in the queue.

Elliot Noss: Yes, I'm on the audio.

Erika Mann: Okay please go ahead, just please state your name. I can't – Elliot, is it you?

Elliot Noss: Yes, that's me. Thank you. It's Elliot. I, you know, Erika, I'm even troubled by

you using the example you used. You know, I think we're hearing comments over and over and over again about a preference for community review. I have not heard one CCWG member express a preference or desire for ICANN Org to explicitly staff a function to review. I think unless there is some

member of this group that wants to advocate for that position and that position gets some reasonable level of support, we should just remove it from

everything we're doing. Thank you.

Erika Mann:

Thank you, Elliot. This wasn't the – wasn't my goal at all, but even if you have a community evaluation you still need to house the operational function somewhere. You can't have it just like we debate it right now in a loose CCWG group; you need to house it somewhere. It needs to have a house and the guestion is the house ICANN...

((Crosstalk))

Erika Mann: Yes, I mean, that's all.

((Crosstalk))

Erika Mann: I'm not talking about...

Elliot Noss: Yes, I understand the degree. I agree with that. And I just really want to urge

you, you know, you gave an example – you gave an example of what sounded like Proposal A or 1 to me, and again, I think that proposal just has

no support or basis in our work. And so even using it as an example for our discussion purposes I'm, you know, I would just really urge you not to do that.

You know, again...

Erika Mann: Understood, Elliot.

((Crosstalk))

Elliot Noss: I don't want to stifle anybody in the – you know, if somebody here wants to

advocate for that, that's fine. But to me it's just a mysterious position A.

Erika Mann: Totally understood, Elliot. And I will not do it. I'm not favoring any model and

mechanism and I mentioned this many times, I have nothing at stake there. So hopefully nobody understands me. But we have particular community members who favored A, so let's be clear about this. It's not me, I have

nothing in there so but I will – I totally understand your point and I know how

words can be – lead to a direction which people don't want to go so I will be careful in the future. Thank you for saying this.

((Crosstalk))

Elliot Noss:

Erika, but there's something that I want to ask about. You said there are some community members who favor A. I haven't heard that position in any call or any meeting. So is there somebody on this call who takes that position? You know, I'd be interested in that and I think that's important for us to dialogue on it moving forward.

Erika Mann:

Yes, I want to look at it. I know that – I don't want to name the person right now because I just checking if he is on the call. But I believe ALAC is divided on this topic but I can't see anybody from ALAC in the moment who would be able to comment on this. Just checking the names. No, I can't see...

((Crosstalk))

Elliot Noss: Noted and thank you.

Erika Mann: Yes, yes. I will go back to them and will talk it through with them, Elliot. So

please, nobody else? Or yes, Sebastien, please.

Sebastien Bachollet: Yes, I am really sorry, I just joined the call. Sebastien Bachollet speaking. I'm just joining the call. I just finished another one and I didn't participate and I just listened what you say about A B. We have discussion within At Large and within ALAC of course, that – I will try to give just a small idea of why and I – other people will not support A. And it's not their position or At Large as ALAC. But just take what is happening in UK, in Nominet, they have just decided to arrange (unintelligible) within the organization all the work (linked) the position of (unintelligible).

And that's one example but that's not the only one. It's a discussion that we are different level, a discussion in other parts. And I think the less we do outside of the organization will be better. It's not to say that this organization, ICANN, is the best one in the world. Far from that. But it's at least a place where (unintelligible) all together to discuss. I'm not sure that we are all together to decide but at least we are all together to discuss.

But just to give you one (sense), I don't know if I am totally outside of the conversation you had before I joined, if yes, sorry about that; if not, I am available for update on that. Thank you very much.

Elliot Noss: In the queue please.

Erika Mann: Thank you. Thank you, Sebastien.

Elliot Noss: In the queue please.

Erika Mann: Yes, I will put you in the queue. But Elliot, let's not discuss this topic endlessly

because I think we have an understanding that there are some community members who favor or even if it's split in the group who favor A and there's a second topic line which you rightly pointed out that the evaluation is

independent from the question there where these – the future mechanism will

be out. So there are two topic lines we have to discuss.

I'm just urging us to – not to – to keep the time in mind because I really want us to review the further items because otherwise it will be a little bit harder for us and for staff harder to define the next phase. And we need your input to understand if you are fine with us in moving forward in this particular template

and the way we are providing the input. Elliot, please.

Elliot Noss: Yes, that's noted. I do want to note, you know, Sebastien, you were just able

to join the queue. I put Nominet out and what Nominet – has happened with

Nominet as a proof point for what I'm saying because what that is about is

about outsourcing to a third party versus internalizing. But maybe we need to get a clearer understanding of what Nominet is doing, as I understand it, that is community review, not Nominet staff review. And again, we can figure that point out. But I think the important point for me here is that that's a separate point, that's about outsourcing versus in-sourcing. So I agree with what Sebastien said. Thank you.

Erika Mann:

Yes, Elliot. I think this is understood. Joke, this is – we need to put on our to-do list is to really be clear about these two different topic lines. So one topic line is – it's about deciding where to house the mechanism, so either A, B or C. And the second line is about the review process. And these are totally two different – not totally, they're interconnected, but they are separate items which we have to decide upon.

And the review process can be done and this is the topic Sebastien and Elliot just mentioned can be done in an in-house model as well so that the review would be done by community and not by ICANN staff. I believe we never, in our discussion in the past, we believed ICANN staff should do it but the direction of the debate, if I remember as well, was more it shall be done by independent evaluators. So this is – but we have to touch on this not now, not right now, but when we come to this point. And I want staff first to prepare a solid proposal how we shall review and discuss this topic.

There's one other item which came up in the two discussions Joke, which I recommend we do, that we go back in the questions which we'll have to send back to ICANN Org and to Board, we should send some back to the experts we had, in this case to Nominet as well, to get more clarification how they are doing this in-house model. So who is really reviewing the proposals, we can review what they have sent to us already but in case these topics are missing it would be good to go back to them and raise these questions. Joke, is this something we can do?

Joke Braeken:

Hi, Erika. This is Joke. I took note of your request and will discuss with Marika after the call. Thank you.

Erika Mann:

Yes. Thank you so much. I believe we discussed it but it's good to go back to her and to clarify it. I do agree. Any other comment on this topic or are we fine with this in going forward? Okay, move forward. Okay, Joke, back to you.

Joke Braeken:

Thank you very much, Erika. So I suggest we now go through the table which starts with Page 2 where we have the first item and a suggestion from one of the commenters. And there we have actually the comment that the CCWG should consider conducting a cost benefit analysis to determine which mechanism would be most efficient and effective in addition to meeting the CCWG criteria.

The leadership then made a recommendation based on this comment suggesting to consider whether further work should be undertaken on the cost benefit analysis for the different options. I give the floor back to you, Erika. Thank you.

Erika Mann:

Yes, they are different topics we put in and I hope you all can read it. Marilyn, please.

Marilyn Cade:

Thanks, Erika. Marilyn Cade. I just had a elaboration. I understand that the commenter said just – and effective, but other commenters also raised the issue of independence and accountability. And I wonder if the leadership might consider that a cost benefit analysis must also take into account – because you can go low-cost, as we all know, or you can go high cost. And I just want to be clear on what effective and efficient means.

If you pay a very low amount for the work that is done and it doesn't include the appropriate oversight, ability to develop the needed reporting management, etcetera, then the cost will come in at a later stage in trying to do remedial work. So I prefer that cost benefit analysis also include –

incorporate the other references to including the independence of the mechanism and the accountability of the mechanism. It's just a suggestion that would consolidate perhaps recommendations that came up in other places.

Erika Mann:

Good, Marilyn. And Robert, I believe he's adding – let me see if I find it again, cost benefit and time analysis impact too. And Elliot, I much like a cost benefit analysis if cost – I can't get this, Elliot. I would like a cost benefit analysis of cost benefit analysis. You want (unintelligible) analysis. You funny.

So how do we want to take this forward? Shall we in the next – shall we send you a redefined recommendation, how this can be done from the leadership team and you comment on it in – we send this to you in email and you comment on it so we then can move forward with this topic? Or if there's somebody totally against it. I take your ironic comment, Elliot, as more that you believe that cost benefit analysis is not really helpful. No delay, I agree, Marilyn, yes. Yes. Elliot, correct, yes.

Let's do a try and do in this way, I understand Elliot's concern, I totally understand it because often cost benefit analysis don't lead to much – don't have a concrete outcome. Let's try a version, we will send you a text, you comment on it and then hopefully we can move forward with this topic. Okay. Okay, Joke, take the next item. I will watch the chat room and if something totally different comes up I will mention it but otherwise just go forward, Joke.

Joke Braeken:

Thank you very much, Erika. So the next comment is the following. "CCWG to consider examining option C in further detail, but with option B remaining the priority." And the leadership had the following recommendation, "Define the process on how to re-evaluate mechanism A, B and C; main concern, ensure sufficient operational independence while supporting the mission and the bylaws; request further input from ICANN Org and maybe the Board to be able to distinguish clearer between B and C; and then lastly, request written input from SO ACs to get their input concerning this topic." Over to you, Erika.

Erika Mann:

Thank you, Joke. And now we will – may have to, based on this discussion today, another topic line take note of the recommendations to have community doing the (unintelligible) and how this would reflect – would be reflected in the different mechanism. So something like this we may have to add as an item point. And I want to hear from you so I'm waiting for comments or somebody who wants to add something to this topic line. Marilyn, please.

Marilyn Cade:

Thanks. Marilyn speaking. Can I just clarify so we might add to this just to clarify that we would also add the question of for the three mechanisms what are the recommendations for community input or advisory role to the mechanism, is that the addition?

Erika Mann:

This would be my recommendation based on the discussion and based on comments we received; we might want to integrate this here. It's a question to you if you believe we should do it or not or if we want to do it in a different environment. Please.

Marilyn Cade:

So it's Marilyn. I'll just comment. I think we have — I would — I like the idea of incorporating it and asking for responses for, you know, personally as you know the BC has recommended eliminating A. But the ISPCP did not and I represent the full CSG. So my comment would be specifying that as a request written input on what — how the community could develop advisory processes for each of those three. I think that would be very good and I like incorporating it here because that will limit the number of questions we're going out to the community with even if there are sub points.

Erika Mann:

Thank you, Marilyn. And would you agree as well on our recommendation that we would send a question – this question to the SO and AC leadership as well so that they will have a discussion in their group? In some cases sometimes we – some of our community members are not always present so just to avoid that it's not debated in one particular group.

Marilyn Cade:

Actually, Erika, it's Marilyn speaking. I do not support relying on the – I think much too often the idea that people go out to the chairs and think that that means that they get the full input. I think that the SOs and in particular have sub units, think about who's on the membership here, where seven groups are represented from the GNSO. If you only go to the leadership they're you're actually bypassing the community.

I would propose that we develop the questionnaire and use the distribution mechanism that reaches as far into the SOs and ACs as possible, otherwise you're going to get input from, I'm just going to use the CSG as an example, the CSG chairs are not the people who are doing the work, it's members from the three constituencies. And I think that's true for the Registries and Registrars as well; it's not the chairs who are on the call doing the work, it's members of the community.

Erika Mann:

Understood, Marilyn. Good point. So we will – Joke, we will take up this point and we will – I think we have an understanding how we want to move forward here. So again we will have to – we will do a first draft and we will send like we did on the other topic and you review and you comment on it and you add or you take out whatever you believe is not the right recommendation.

I'm just checking the chat room. I don't see anything in the chat room coming up with – is making a different recommendation or is opposing what Marilyn just said so I believe we have an understanding here.

Okay then let's take the – and, Joke, have you kept up the key points?

Joke Braeken: I did, Erika. Thank you very much.

Erika Mann: Then please move forward, take the next item.

Joke Braeken:

Let's move to Item Number 3. "The CCWG should consider enhancing option A with review of applications for funding to be reviewed by a panel of experts from the ICANN community and a professional project manager to be assigned by ICANN."

This is followed by the leadership recommendation, "Discuss the option on how to set-up community oversight: Potential options are, review evaluation of application done by a panel ICANN community, review panel receives financial support and is supported by ICANN Org. Secondly, Implementation is overseen by a professional project manager, assignment approved by review panel. Check, the leadership team believes that this option might only work in coordination with Mechanism A." Over to you, Erika. Thank you.

Erika Mann:

So here we want to take out "leadership believes it works" or you keep it in but we want to redefine it and we want to open it to all options again, so A, B and C based on the discussion we had before, so no preference of A, reference to a single (unintelligible) but we – and I believe we can combine this with the item 2 because it would be – would go into a similar direction how to ensure community oversight and – let me just check here. I believe – I can't read unfortunately the text.

Okay, question to everybody concerning this topic. Marilyn, is it you?

Marilyn Cade:

It is. It's Marilyn speaking. I'm a little confused between Item 2 and 3. Two says, "Examine Option C in further detail. Option B remains the priority." Then 3 says, "Enhance Option A," and then it goes into great detail – I guess I'm confused about the message we're sending. We say 2 says, examine C and B; B is the priority. Then we elaborate on enhancing A. I think that's confusing to the community...

((Crosstalk))

Erika Mann:

I agree. It's confusing to me too. I believe they may have had a – when we redrafted this we may have just simply, between the communication between staff and Ching and I, personally we probably made a mistake. We probably wanted to say in each case A, B and C and then somehow – I don't know what happened.

Or maybe I made when I made the original recommendation a mistake because I only reviewed a comment maybe from one of the commenters to our recommendation which only we're talking about A and at the same time I was reviewing comments coming in which requested more input for community input so I might have made a mistake in combining the two and then when the leadership team reviewed my original recommendation based on community input we may have overlooked of course we will talk about each case about A, B and C. So I believe it's just a mistake.

But Joke, we have to – when we have Marika on the – on our next leadership call and you may have a time to talk about this to her we can figure out what happened here. But I agree with you, Marilyn, it's confusing. And Ching and me are talking about the same topic so I believe we can combine the two but keep Option A, B and C in each time. Yes, I see your comment, Robert, and the comment from others. Yes, absolutely. I believe we all agree here. Joke, back to you. Can you summarize what we need to do here?

Joke Braeken:

So regarding Item Number 3, there is some confusion by the group on what we are trying to recommend here, so we'll try to combine Item 2 and 3 but refer to Mechanisms A, B and C in each of the recommendations.

Erika Mann:

Thank you so much, Joke.

((Crosstalk))

Joke Braeken:

Thank you.

Erika Mann:

Yes, it's correct. Thank you so much. I'm just raising and looking at the chat room if somebody objects to it or wants to make a comment concerning this item. No, that's not the case. Marilyn is typing but I recommend we move forward and I look at the chat room and if not something totally new comes up we do have an understanding between us how we want to take 2 and 3 forward. Joke, back to you.

Joke Braeken:

Thank you, Erika. When you scroll a little bit further down to Page Number 3 there is a continuation of the leadership recommendation of Item Number 3 where it's actually specified that we should focus on Mechanism A, B and C, but staff made a note of this.

So Item Number 4, "CCWG to consider concerns expressed in relation to mechanism A, conflict of interest, ability for ICANN Org to request additional funds; CCWG to consider a hybrid model of Mechanism B that retains the cost-efficiencies offered by the ICANN Board for governance and payments by ICANN's Finance Section, alongside the establishment of a separate independent structure, either within or outside of ICANN, to cover the tasks related to applications and contractual relationships with ICANN."

Leadership recommendation consists of three parts. First one, "Define more clearly independence and cost efficiency constraints to understand whether A, B or C mechanism cannot support these key principles." Secondly, "Evaluate whether a hybrid model of Mechanism B is worth exploring and whether such a model support independency and cost efficiency better." The third and last one, "Check whether a strong, as currently defined, Board control intervention model is needed." Thank you.

Erika Mann:

Thank you, Joke. So these are, again, the – here it's clear the check. So we have to go back to our original recommendation concerning these mechanism and in particular B, and we have to check whether we missed something and whether we want to re-evaluate Option B because of the comment which we received, which argue much more what I call the hybrid

model in ensuring independence and at the same time the functioning of such a mechanism and it would be a joint mechanism between ICANN Org and a third party operator.

So are you okay with the – what we have summarized here? Is it clear to you or is it too abstract the way we have formulated the checklist? No? Seems to be okay? Okay, if there's no comment, nothing in the chat room I assume that you are okay with us formulating the next step and either phrasing question to ICANN Org or to the Board to clarify these points. Okay. Joke, back to you. Maureen is typing something so just move forward and I will watch what Maureen is writing. She's happy to have the points clarified. Okay. Joke, back to you.

Joke Braeken:

Thank you, Erika. Let's move to Item Number 5. "If Mechanism 5 - If Mechanism B," apologies, "is chosen, the ALAC recommends that any external organization working with ICANN will publish a conflict of interest policy that clearly addresses all the elements of the funding process, follow proper procedures on accountability and transparency, and be in accordance to its obligations with ICANN. ALAC remains divided about the best mechanism to choose."

Leadership recommendation is as follows, "Check whether conflict of interest for potential third party operators need to be strengthened beyond the current recommendations." Thank you. Over to you, Erika.

Erika Mann:

Thank you, Joke. Watching the chat room, Vanda is saying, "Yes, we all agree." Marilyn's comment I believe was to the previous point. Nobody is raising their hand. No further comment in the chat room. I believe we have an agreement here, Joke. Please move forward.

Joke Braeken: Move to Item Number 6...

Erika Mann: Joke, do you hear? Yes.

((Crosstalk))

Joke Braeken: Can you hear me okay, Erika?

Julie Bisland: Yes, Joke, we can hear you.

Erika Mann: Totally fine. Thank you.

Joke Braeken: Thank you. So Item Number 6, "CCWG to consider ICANN community

involvement and responsibility in relation to reviewing and approving grants as well as follow-up review of the program. CCWG to consider limiting role of ICANN Org to oversight of the grant-making process. Registrar Stakeholder

Group does not support mechanisms A or B, would prefer mechanism C."

So the leadership recommendation consists of several points. The first one being, "Define a process to allow community engagement in reviewing and approving grants and in evaluating the process. Secondly, "Check whether point Number 3 is capturing potential options." Third one, "Check as well if ICANN Org mode of interventions is limited in all mechanism to the 'grant making process in order to ensure compliance with laws and with ICANN's

mission."

"Check whether a separate governance be ensured for all mechanism or only for few? The very separate mission of this grant management work requires separate governance. Check also whether ICANN is an independent funding structure and does it make sense – does it make things easier to shut-down the operation in the future? Additionally, given the temporary nature of the auction proceeds, having a separate structure will make closing down the structure a simpler process." Thank you. Over to you, Erika.

Erika Mann: Thank you, Joke. So here again we have different in the checklist – different

topics from different comments we received integrated. And the question is if

you believe that the checklist captures everything in particular in relation to the first topic we discussed today, community involvement. Personally I believe we may have to be even a bit more detailed in our questions because we may have to look at the community involvement in different ways.

Personally, but this is my very personal opinion, not discussed in the leadership, so personally I believe it will be very hard for the community to evaluate a proposal and the grants and then to make judgments because I personally believe there will be too many community members always to some degree involved in requesting funding for a certain project. So the conflict of interest topic might be too high.

So maybe we want to recommend a first evaluation of the, you know, of the project request by an independent evaluator, neither ICANN staff, neither Board, neither community but independent, but based on the criteria and then an evaluation process by the community. I'm just saying this because there are different models how one can imagine this can be done in the future.

So my question, do you believe that we captured all the right – in the checklist all the right questions or do you believe something needs to be added here or something is phrased in a wrong way or shall be taken out? Jonathan and Marilyn. Jonathan please.

Jonathan Frost:

I have a question and I have to apologize, I'm very new to this group. So the proposal that this new organization, you know, would be responsible for, the evaluation of the proposed (unintelligible), how does that interface or interact with the initial proposals listing of examples that would or wouldn't be viable uses of the proceeds or – evaluations that, I mean, I think this group has already made that some projects are viable uses and some aren't? Would this new group be using those examples as guidance or is that the criteria we're talking about or is it something else?

Erika Mann:

So the examples we came up – it's Erika – the example we came up to guide the discussion of this group and understanding what would fall within the mission and what would be outside of the mission. So it was not a template to look at and to say oh that's a perfect example and we will apply for this and this is the project idea. Not a project idea, a list of examples for us and for future evaluators to guide us and to guide them in the future to say this is more likely within the mission, this is more likely without – outside of the mission.

So that's a little bit the different – and we can, you know, evaluate this topic again. I believe we have later on some comments which relate to the example list as well. Is this clear, Jonathan?

Jonathan Frost:

That's very clear. Thank you very much.

Erika Mann:

Thank you. Marilyn, please.

Marilyn Cade:

Thanks, Erika. And thanks, Jonathan, for your clarifying comment. It's along the lines of what I was going to comment on. I think the first bullet says, "Define a process to allow community engagement in reviewing and approving grants and evaluating the process." I believe there were comments, certainly the BC comments and I think a few others, suggested a difference between advising an independent process versus engaging in the process, which would no longer then be independent.

And reviewing and approving grants would – by the community – would actually remove the independent aspect regardless of what the mechanism is. Evaluating the process, advising on the kinds of grants, to me that's more in line with acting as an advisor but not overseeing or intervening in the actual review and approval and follow up evaluation which all need to be done, in the view of the BC, and two of the CSG entities that submitted comments, needs to be independent from the ICANN community.

I just want to say that I agree, Erika, with the comment that I think you were referring to and that is there may be many members of the community who individually through their own organization, apply for grants but as they are influential parties within the ICANN community, stakeholder groups or constituencies, or ACs, there could still be a high conflict of interest if the representatives from the SO ACs were actually involved in reviewing and approving grants. There'd be a lot of need to have (recusions) and constantly updating conflict of interest and SOIs, etcetera.

Erika Mann:

Yes, understood. Understood. We will have to rephrase this topic point and I will try to do it in a second to get your approval. But let me go first to Carolina, please. Or Vanda, sorry, is it Vanda? No Daniel first, sorry. It's small on my screen, I hardly can see and can't enlarge it. Apologies for this. Daniel first.

Daniel Dardailler: Okay, can you hear me well?

Erika Mann: Yes.

Daniel Dardailler: Can you hear me?

Erika Mann: Totally clear. Yes.

Daniel Dardailler: Yes, it's okay? Yes, so I wanted to sort of talk about this evaluation panel. I have some experience with the European Commission process for evaluating projects, which are in the strength of, you know, millions of euros. And so they have come up with a very precise, I would say, set of guidelines that project reviewer, which are always independent, have to come up with noting, you know, every project and each scale. It's really what I meant by a metric, it's not just the value. At the end they come up with a – with a note and it has to be above some threshold.

> But in any case, the point is that the requirements – those criteria that the evaluator has to analyze for each project, they come from experts in

Commission regarding the topic that they want to fund. So to me those criteria will have to come from an ICANN community group or some kind, you know, with the Board and that's where the consistency with the ICANN mission is going to be raised and try to be evaluated along different kind of criteria.

And then the evaluation process will have to done by independent people that will take those requirements and the semantics of those requirements and apply them. So there is not the need to be room in the evaluation, in the panel evaluation for people from the community, they have to be outside the community but they will obey the community definition of requirement and they will come back to the community whenever it's unclear what they meant.

Erika Mann:

Thank you, Daniel. Carolina, are you still on or not? I had seen you raised the hand but now you dropped it, that's correct. Okay. Seems to be the case. So let me – thank you, Daniel. Let me make a recommendation here. I believe we have to distinguish between two phases, first to be clear about what we need to do in our working group. So one is we have to get clear and understanding between us how we want to define the process for the community of engaging, advising, these are the words Marilyn just used, in opposite to what then later will be evaluation of the grant.

Now there might be still then a process engagement needed from the community again to get an understanding are these selected projects the community are reviewing and saying yes or no to. So there are different phases.

But the second topic, what Daniel was talking about, Daniel, I believe this is more something we can make – put into our guidance for the implementation phase. That's something they maybe have to worry about once we are clear about the process how shall the community get involved, how shall independence be ensured, how shall the evaluation of the process happen,

then the concrete proposal for the evaluation, how it shall be done; that's probably something the implementation phase can do or shall do.

This will be too much work I believe for our group to go into the nitty-gritty of the process. So just want to get an understanding here if you agree what I just recommended. Daniel is saying, "Agreed." I'm just waiting a little bit, Joke, to get an understanding if somebody else wants to talk about or writing something in the chat room. No.

So I believe we have an understanding here about what we need to do. Joke, can you summarize it so that we are clear and can check again if everybody agrees to it?

Joke Braeken:

Hi, Erika. This is Joke...

((Crosstalk))

Erika Mann:

Joke, are you still with us? There you are.

Joke Braeken:

I am. Thank you. I took notes of some of the comments that have been received regarding Item Number 6 where you mentioned that it's – will be hard for the community to evaluate grants and make judgments and that there's an issue with the conflict of interest. And then there was a comment regarding the examples that the group came up with to guide the discussions and to see how those examples would fit into ICANN's mission together with Marilyn's comments regarding the difference between having an advising role or being actually engaged in the process.

Daniel further commented on the process for the (information) projects within the European Commission where there are some criteria that the evaluators need to use and those criteria are established by experts, so within the ICANN environment those criteria would need to come from the ICANN

community and this is then where the consistency with ICANN's mission should be evaluated.

I'm not sure how you would like to phrase this into a way forward, Erika.

((Crosstalk))

Erika Mann: Yes, it's Erika. Joke, we have to reword the first bullet point, "Define a

process to allow community engagement in reviewing." So this is the part which we have to be more general at the beginning and bring – and in

advising and engagement and then the reviewing part we have to phrase in a

separate bullet point because we – I believe in this group we have an

understanding that not automatically the community will have to do – will do

the reviewing but reviewing process still needs to be defined.

Joke Braeken: Thank you, Erika.

Erika Mann: Joke, this is clear?

((Crosstalk))

Erika Mann: And I took note as well so from the comments we can do this bullet point

together and then resend it to this group.

Joke Braeken: Absolutely. Thank you very much.

Erika Mann: And there's one comment coming from Rudi. I'm just looking at it. Yes. Okay.

Yes, okay. Take the next one. I think we still can maybe one more and then

we have to shut down. Joke, next one.

Joke Braeken: Item Number 7, "CCWG to consider extensive exploration of mechanisms B

and C. Both should be equally explored in sufficient detail to understand and

clarify risks and opportunities to ICANN. The BC does not support Mechanism A."

Leadership recommendation here is that the topics raised by the BC are overlapping with ISPCP, Point Number 3, and Registrar Stakeholder Group, Point Number 6." Thank you.

Erika Mann:

Yes, I think this is a very clear – I don't think so but I'm watching the chat room. Anybody – Marilyn, do you want to comment on this one? Or is it capturing what was recommended? Okay, I think Joke, we have an understanding here. Yes, it's 20 – what else do we need to discuss today, Joke? Do we have to talk about – we need to talk about the process – what is a reasonable time table for the leadership team to review what we discussed today and to send out a – based on what was discussed the revised version of this document? What is reasonable for you from a staff side, Joke?

Joke Braeken:

I can't make any commitment on behalf of Marika, so I would prefer to double check with her and to see what her time constraints are. Typically we have these kind of calls every two weeks so I suggest that we stick to that timeline, that we schedule the next call in two weeks' time. That would be, if I'm not mistaken, the 27th of February. Yes indeed, Wednesday the 27th of February at 14 UTC. Should there be a need to – for staff and leadership team to have some extra time and to defer the call we will let the group know in a timely manner. I hope that sounds acceptable to you?

Erika Mann:

Yes, Joke, and we will have to schedule a leadership call so I believe you – once you had a chance to Marika you will then either you want to have a call immediately in case to clarify a few topics. I have taken note too. Or you do the first draft and you send it to leadership, we review it together and then we send it out to the group. Ideally we want to send it out as early as possible so that everybody has enough time to review it.

Joke Braeken:

Absolutely. Thank you.

Erika Mann:

Is this okay? Okay. Then my final question to the group now, are you okay with this process so can we then take – we have to finalize this section but then we can take the next recommendation. Are you comfortable that you – be continue working like this? Do you believe that's a good way in reviewing the comments? Okay, seems to be.

And if you have other topics you want to – yes, please. Somebody wanted to talk? No. Okay, seems to be okay. Okay, Jonathan, please.

Jonathan Frost:

Earlier in the call you mentioned that an upcoming topic is going to be the examples. Is that just being pushed off to a later meeting? Is that how that works?

Erika Mann:

I believe if I remember this well, Joke, please be so kind to take note about this topic. I believe it came up in a different comment from community members, and I believe leadership make a recommendation to this. But it's much later in one of the different recommendations which we have made. Just Jonathan, for the process, so this original group made recommendation which went for the public comment, and then based on the comments we received back from the community, the leadership team made these recommendations so they follow exactly the original recommendation template.

So we have different recommendations and today we were only talking about the first recommendation. And we have different sections and in different sections related to different recommendations I believe if my memory is correct, the example came up and we made the recommendation there. If it — my memory is not correct, we took note of your point and we will ensure that it will be discussed later. This okay for you?

Jonathan Frost:

That sounds great. Thank you so much.

Erika Mann: Perfect. Okay, I believe we are coming to an end. And I just can run – my

group is already standing outside and waiting. So I believe we can conclude the call today. Just waiting if somebody has – wants to raise different topic?

No, that's not the case. Joke, anything else we have to mention?

Joke Braeken: That was it just the agreement of the group on the way forward and the

confirmation that we will indeed send out the next iteration of this document

by the next call then we are good to go.

Erika Mann: Okay. Thank you all so much. Have a great day or evening or morning

wherever you are. And thanks a million.

((Crosstalk))

Erika Mann: Bye.

END